

UK Covid-19 Inquiry

Justice roundtable - breakout discussion

21 March 2022

London and online

The Inquiry held a justice roundtable. This transcript is for one of two breakout discussions.

Participants

Samantha Edwards, UK Covid-19 Public Inquiry

Lakhvir Sanghera, UK Covid-19 Public Inquiry

Rachel Cairnes, Association of Consumer Support Organisations

Michelle Rennie, Victim Support Scotland

Robert Thompson, Civil Court Users Association

Martin Hogg, Citizen Coaching and Counselling

Samantha Edwards: So, I think we've got Rachel, Michelle and Rob with us. Anyone I've missed, do shout. Right. So, thank you very much for joining us. As Caroline said, this is one of many sessions that we're having to talk to representative groups such as yourselves about the Inquiry's Terms of Reference.

We're also meeting with bereaved families around the country. So, this morning, we had a group of 10 or so bereaved families who came to talk to our Chair, which was very enlightening and a very important meeting. So, she has now gone off to Belfast and is having a similar meeting with bereaved families there.

The focus for today is very much on justice. So, we've been talking about different parts of what we think will be in the Terms of Reference with people across the country. So, we've been talking about different parts, so equalities, we'd get into education, and we're talking about justice today. There's only a small group of us. So, we'll keep this fairly fluid.

If you can put yourselves on camera, that would be brilliant, just so that I can see people but I appreciate if you haven't got bandwidth, etc., then it often happens that we'll disappear. And if you just pop your hand up if you want to say anything either pop your hand up or if you pop it up on screen using the hand function, that should be fine. I hopefully can see clearly who's got their hand up.

Next to me, I've got Lakhvir. So, she's going to be taking notes of the session. We are recording them so that we've got a really accurate record and can do transcripts. But most importantly for now, of course, is to take short, sharp notes so we can use those to start shaping the thinking for

where the Terms of Reference might go over the coming days when we go back to the Prime Minister with any recommended changes.

Okay. So, we've got four broad questions for you. If there are other things that you'd like to add in, I think we probably will have a bit of time. We've got about an hour together just in this session and then we'll go back into the main room. Of course, it will be just very different for you guys but we'll go back into the main room and just do a quick summary on kind of themes that have come out. So, we've got plenty of time, I hope, to be able to get through the areas of discussion.

My first one for you is, so we've sent you all the Terms of Reference. They were published just over a week ago. These are draft and they will not be final until we have conducted this consultation and made recommendations to the Prime Minister on any changes that we feel are needed. And then once he has decided that, that's when the Terms of Reference become final.

In terms of what we've got to date, are there any areas that you think are missing from the Terms of Reference or anything that you're kind of concerned about that hasn't been covered as explicitly as you thought it might be? I'm just happy just to open up to the first person who pops themselves off mute and kind of raises their hand. Michelle.

Michelle Rennie: [00:09:52] Hi, I'm Michelle Rennie. I'm here today for Victim Support Scotland. So, obviously, kind of part of our remit is we support people through the criminal justice system. As I think that I wasn't quick enough off mute to see that you messaged me at the start, so sorry and happy to be here.

I think, going through the Terms of Reference from a victim support perspective, I don't think there's anything that has been missed. What kind of jumped out to me was that the Terms of Reference does include covering the justice system but kind of from our perspective, we feel that it needs to be broken down potentially and taking up different [inaudible] components such as maybe courts, policing, individual impact, that type of thing.

From Victim Support Scotland's perspective, a few important points, I suppose, from us would be to consider the impact on people affected by crime as a result, you know, delays and adjournments caused by Covid-19 and what measures were put in place during the lockdown periods but which effectively caused the backlogs if you like.

The other thing we would like to kind of state is the importance of the virtual trials. As an organisation, we've been calling that, calling for that even prior to Covid. But during Covid, that has been hugely helpful not just for the courts but also for the mental health of victims and witnesses. And the feedback we received from service users has been overwhelmingly positive in relation to virtual trials.

Samantha Edwards: [00:11:28] Yeah.

Michelle Rennie: [00:11:29] Sorry, I've just got a couple other points and then I'll let somebody else jump in.

Samantha Edwards: [00:11:32] Okay.

Michelle Rennie: [00:11:33] The other kind of key point for us is about early release of prisoners through Covid emergency legislation. Early release of prisoners became possible. However, it

was not done through a kind of victim-centred or trauma-informed lens. And moving forward, we feel it's imperative to take this into consideration, victim safety and security being considered in early release of prisoners. So, for example, the prisoner is going back to the victim's home. If the prisoner arrested [inaudible] back to the public. What harm will it cause to the victim mentally and physically if that prisoner is actually released? And, I suppose, for the future, recommendations should be made to ensure that the justice system continues to operate during a further outbreak of Covid-19 or any other kind of future pandemic. And that's kind of our thoughts on the first one. So, sorry, I've kind of –

Samantha Edwards: [00:12:22] No, no.

Michelle Rennie: [00:12:23] – launching information at you there but I'll be quiet now.

Samantha Edwards: [00:12:25] No, you're absolutely fine, Michelle. And hence you'll see both Lakhvir and myself scribbling notes furiously so, yeah. In each of these sessions, there's been a wealth of information from different perspectives. So, you know, thank you very much. And don't feel curtailed to three points if you've got more to make in the latter parts. Martin is just walking behind me. So, Martin has just gone from one meeting to the other. So, he'll be doing that throughout the session in case anybody does want just to kind of flag and have a chat with him at all.

All right. Does anybody else want to come in on this first area? Is it Rachel that you've popped your hand up?

Rachel Cairnes: [00:13:01] Yeah, Rachel. So, I think, again, I know, obviously, it's not missing from the Terms of Reference but I just want to kind of draw upon this point a little bit more is that a lot of tension does or focus rather does get paid on the, say, the backlogs in particular within the criminal courts. And I think civil justice can be pushed to one side a little bit more for whatever reason whereas actually, for a majority of people, that will be how they interact with the legal system is through the civil justice system.

So, I think that's really important not to kind of neglect civil justice, not saying it has been within here. But I think also, again, touching something Michelle said as well, also, not using Covid as a justification for the backlog throughout the entirety of the justice system because the problem was already there well before Covid, which links again to that preparedness point.

Pandemic has been at the top of the Government's risk list since 2008. So, you know, these problems should have been dealt with beforehand, although no one saw Covid coming as it were but, yeah, it shouldn't have been neglected.

Samantha Edwards: [00:14:11] Thank you very much, Rachel. Rob, anything from you on the current scope?

Robert Thompson: [00:14:20] Yeah. So, I think, I mean, if I'm interpreting it correctly, the Terms of Reference, I think the fact that it just refers to the justice system seems to me to be a very wide sort of remit. And I think at this stage, that's probably where it needs to be, isn't it, because we're just sort of setting that scope. So, yeah, some of the previous speakers have drilled down to some

certain areas that certainly need looking at. But I think the way it's drafted at this stage seems to be very wide, yeah.

Samantha Edwards: [00:14:49] Yeah. I think it's one of those very fine balances to be struck of - either it could feel very high level and therefore, has it got enough specificity for people or if you do drill down, there is obviously that fear that what happens if there's something that we just inadvertently left off, which means at a later point, you cannot do anything about it and you wouldn't be able to kind of bring that in scope so, it's that really difficult balance. And of course, what we don't want to do is kind of have Terms of Reference that are 27 pages long because I think that way will be quite difficult. We'll all get a bit lost in it. So, yeah, and so it's a good challenge. Do you have a top kind of catch-all, kind of framing of justice or do you drill down a little bit more to make sure things are captured and finding a balance between those. Is there anything that you think should be removed?

Robert Thompson: [00:15:44] Sorry, can I just come back?

Samantha Edwards: [00:15:46] Yes.

Robert Thompson: [00:15:48] Sorry, can I just come back on that? Yeah, so in that case, am I understanding this correctly, I mean, is there a risk that it's going to be too narrow that if we don't define it more that we'll lose that opportunity for those questions to be raised or is it right to be thinking at that sort of higher level space?

Samantha Edwards: [00:16:04] So, the Chair is more in the space of keeping it high level so that it enables us to be able to look at all the different lenses. The worry of trying to drill down is what happens is you could exclude areas. So, I think, she's got a reasonable amount of experience with inquiries and things like that. So, she's using that experience from that and what we've seen on other public inquiries as well.

Rachel Cairnes: [00:16:32] Do you have any expectations as to when you're going to publish the results of the Inquiry?

Samantha Edwards: [00:16:36] Well, so we are committed to a really firm four-week consultation. This is week two. And then it really does depend, in all honesty, on a couple things. One is the number of responses that we get. So, we have also got an online consultation open that I know that every day is kind of increasing in the hundreds. And, obviously, we want to have a really good response rate in order to get a cross section of society giving us their views on it. But then obviously, the more people that do respond, the longer it might take us just to sift through all of that and to work out through other themes that we've been missing. So, we will work as quickly as possible. Then, of course, what happens is we assess whether or not there are recommendations that we wish to make and that would go back to the Prime Minister from the Chair, from Lady Hallett to say, this is what she thinks should be included or excluded, etc., from the Terms of Reference.

So, at that point, you're then really in the hands of the Prime Minister and the timetable that they work to. But, we know that they are very keen for this to start - the Chair is, sorry, keen for this to start. So, I would like to think that we'd be able to move through this process fairly quickly. But there isn't a set time.

Is there anything that – just outside of the justice sphere, is there anything that surprised you that isn't in the Terms of Reference or that you're worried maybe is there but you're not sure it should be and sort of giving you the opportunity to kind of broaden the look at those Terms of Reference outside of just justice?

Rachel Cairnes: [00:18:17] I don't know if it would make it far too broad but I think it would be possibly interesting to maybe – again, this would probably make it too broad but just as food for thought – looking at how, say, the industry responded and maybe if there was more that Government could have done in certain areas. So, for example, we created a statement of intent with claimant and defendants, you know, parties, just to make sure that claims will continue to be progressed during Covid, during the lockdown period.

And maybe that's an initiative that could, say, come from Government and obviously, it didn't. But if there were areas that were sort of missed at the time.

Samantha Edwards: [00:18:56] Yeah.

Rachel Cairnes: [00:18:57] A comparison point, I mean, like I said, it would probably make it too broad but maybe worth noting.

Samantha Edwards: [00:19:02] Okay. Thank you. Anything further on the first item around the sort of scope and areas from – no, Rob is shaking his head. Okey dokey. All right. So, I'm going to move on then to the second area that we're focusing on and that is whether or not you think that there are certain areas that should take priority in terms of the Inquiry's focus and they should be looked at and public hearings held about those first. So, again, totally happy for somebody to pop your hand up and jump in if you've got thoughts on that.

Rachel Cairnes: [00:19:47] I'll go first. I think the data and transparency point is key.

Samantha Edwards: [00:19:52] Yes.

Rachel Cairnes: [00:19:53] I think that should be a leading focus.

Samantha Edwards: [00:19:57] Can you give me a little bit more in terms of data that underpins decision making?

Rachel Cairnes: [00:20:06] In terms of how, say for example, how bad things are now. So, if, well, stats are collected on civil justice, there's no actual in-depth granular information on just how long consumers have to wait before they get to trial. So, that data, we've asked every [inaudible] and apparently, that data isn't collected or isn't able to be made public.. So, things like that, having greater transparency is important.

Samantha Edwards: [00:20:30] Yeah.

Rachel Cairnes: [00:20:30] And also how we should respond with industry and decision – it gives further light to decisions that were taken by Government. So, that's got to be a leading focus.

Samantha Edwards: [00:20:42] Yeah. Great. Thank you. Rob.

Robert Thompson: [00:20:49] Sorry, yes. So, just so I'm understanding this correctly. Is the idea that this sort of section two would be a subset of all of the things above in section one? So, they'd

look at the justice sector and then they'd look at every aspect of it under question two. The reason I ask that is, obviously, the first one there is about listening to the experiences of bereaved families and others. It's quite a narrow focus, just wondering where again this might be where we end up with a situation where things might be missed.

Samantha Edwards: [00:21:23] Yeah. So, what we mean by kind of what we should look at first, actually, that's a much more open question, I suppose, than just within the kind of the justice sphere, if you're to look at it from that perspective. So, there are so many different angles to this pandemic. So, some people will say to us, you know, please look at kind of hospitals and, you know, the flow of information between GPs and hospitals and DNRs for example. Other people say, we want you to focus on Government decision-making, for example. So, it's more what do you feel should really come first in terms of priorities for this Inquiry because it's got so many different areas to look at. Something has obviously got to come first.

Robert Thompson: [00:22:06] Yeah. I think that the point I'm sort of making is then, under section two, if you apply these points to justice, I'm just wondering what is this going to pick up because, obviously, you've got the listen to experiences of bereaved families, the impact on health and care sector workers and just looking down the list. There's nothing that actually sort of seems to leap out and say, the impact on the provision of, you know, specifically, especially civil justice but any sort of justice, you know? So, that was my concern –

Samantha Edwards: [00:22:35] Right, okay.

Robert Thompson: [00:22:36] – is what does need to be in there or am I misunderstanding because they will look around justice or do we need to have something in there that actually says they're going to look at that.

Samantha Edwards: [00:22:46] I understand, yeah. Okay. No, I've made a note of that. So, yeah. If it isn't explicitly mentioned, is there a worry that actually, that doesn't become one of the things that get looked at.

Robert Thompson: [00:22:59] Yeah. Thank you.

Samantha Edwards: [00:23:00] Yeah, okay. More broadly, anything that you think should be first and foremost?

Michelle Rennie: [00:23:09] I think as an organisation, we kind of looked at the Terms of Reference and looked at that as a whole. We don't necessarily have a view on what should be that priority. I think like has been expressed before, there are so many competing priorities and I think we need to be [inaudible] on what should be that priority.

Samantha Edwards: [00:23:36] Yeah. It is. It's a real challenge because it's something that touched every part of society. So, how do you prioritise one over another, for example. Any more on things people should think about first? No? Okay. I'm going to move us on to one that I think poses more problems, I suspect, to people to try to come up with the answer. So, I will absolutely accept it if your answer to me is we don't know. So, this is about whether or not you think it is appropriate or would be wise to set a sort of proposed end date for public hearings? And so, there's a few reasons. One is, of course, I think, you know, we're all very aware that public

inquiries can take a really, really long time. I think there are long-running examples that have, you know, run on for, you know, seven, eight years.

There is also kind of the need to make sure that we do learn lessons quickly, not because everybody is stood there kind of saying, well, there's another pandemic right around the corner. But the purpose of this is to be able to find out where things could be done differently and to be able to implement those changes quickly. So, although the Chair is very keen on the idea of producing what she's calling interim reports, so rather than waiting until the very end of a public inquiry, the idea of being able to kind of conclude some public hearings and come up with some recommendations and kind of publish those, consult on them and then be able to move on to kind of new areas to that you almost have a number of different strands running concurrently.

There is, of course, that bigger question of, should it have an end date? And if so, does anybody have any kind of thoughts on when it should be? The Chair is very keen that we strike the right balance between doing this fast but also doing this thoroughly. As you can imagine, often those two don't go together. So, we expect we won't be starting the public hearings until 2023.

As a society, people may feel impatient that they're not starting sooner but they also may worry about when is that end point. So, does anybody have any thoughts on kind of how you balance that and any kind of thoughts on whether or not an end point is helpful to sort of aim for? Rob.

Robert Thompson: [00:26:11] Yeah, it seems absolutely sensible to me that you should try and have a sort of a prospective end date and the sort of timetable that you've mentioned does seem evidently sensible as well, really. I think there's got to be an understanding that these things may not meet those expectations. But I think without that sort of framework, you know, it just seems to me that there is – inevitably, it's just going to go on and on otherwise because it's such a huge area.

As to how long it should be, you know, I'm really unable to sort of hazard a guess at that because, obviously, the people that are seeing what's being raised would have a much better understanding of the amount of work that's going to be entailed in that. Well, obviously, it's going to be a mountain to climb, I should imagine. But in terms of scale and resourcing that's available and all the rest of it, you know, I really wouldn't know.

Samantha Edwards: [00:27:02] Yeah. Yeah. Rachel.

Rachel Cairnes: [00:27:07] Yeah. I do agree and I think it does help, you know, sort of working towards a deadline. But also, I think arbitrary deadlines can be quite frustrating for those waiting for reports or things to be enacted or published. So, I think maybe if you, say for example, on your website, continue to update where – or not continue but sort of broad stroke updates as to where the Inquiry is heading and how long realistically you need, maybe something like that would be, you know, useful as opposed to an actual set deadline.

Samantha Edwards: [00:27:38] Yes. Michelle?

Michelle Rennie: [00:27:50] From a VSS kind of point of view, we feel that there should be a set timeline for the Inquiry. What that timeline may look like, kind of still to be seen. But the reason [inaudible] important as a priority is, as we know, the problems faced, the court backlogs in legal

specifically continue to grow so we feel that it needs to be thorough in order to kind of future proof the system for any [inaudible] public health concerns but that the – it's important, there is a kind of set timeline on the Inquiry.

Samantha Edwards: [00:28:27] Thank you. Super. Anything else on timelines? I'm conscious we're kind of whittling through our questions super quick because there's only a few of us. No? Okay. All right. Well, let's move on to kind of the fourth part of the consultation. So, our Chair has been absolutely clear that she wants bereaved families to be at the heart of this Inquiry and those who have been most impacted by it. But of course, impact is going to be, you know, it's a challenging thing and I think everybody in the UK will feel that they have been impacted in some way but some certainly more than others.

So, something that we are investigating within the setup team is how can we make the Inquiry more accessible, I suppose, to groups such as yourselves but also to the public so that people can share their experiences. And the idea being is – and we've looked at kind of some of the recent inquiries, so the Infected Blood Inquiry, for example, and they've done sort of programmes whereby they encouraged people to come forward and share their experiences, so either digitally or through different forums, etc.

So, we're looking at what things that we might be able to put in place. And I think looking at perhaps doing different things for different sectors. So, perhaps being able to provide some form of face-to-face engagement with frontline workers, as an example. So, perhaps teachers, healthcare professionals, etc.

So, probably a question for me is people who are involved in the courts and justice system. Would that be something that perhaps people would want to actually have the opportunity to share kind of what it was like for them, things that they had to compromise on, decisions they had to take, etc.

But I just wanted to talk a little bit more broadly around whether or not you think there'd be appetite for something that involves people throughout and what ideas you might have on how we could do that.

Michelle Rennie: [00:30:48] So can I –

Samantha Edwards: [00:30:50] Yeah, great. Thank you.

Michelle Rennie: [00:30:51] – yeah. No problem. In relation to that question from our point of view, as an organisation, we feel that the Terms of Reference cover the importance of listening to the experience of bereaved families and others who have suffered hardship and loss as a result of the pandemic. We feel that victims during Covid who have actually had cases delayed or further complicated because of the criminal justice system barriers during the pandemic. We feel it would be beneficial for justice sector partners to explain joint decision making, which [inaudible] what considerations were given to people affected by crime because obviously, the lens we come through as that we feel it's really important for the Inquiry to head up that victim-centred lived experience approach just to ensure that there is ample opportunity for inputs and people directly affected by crime during Covid and how those delays impacted them.

Samantha Edwards: [00:31:52] Yeah. Thank you. And it's very much that lived experience approach that we're trying to find ways of capturing. Rob or Rachel, anything from you?

Rachel Cairnes: [00:32:05] I mean, I was going to say, it'd be interesting to kind of canvass these, I mean, members of [inaudible] from those who engage with consumers directly at the [inaudible] as it were and how they've had to manage consumer expectations in the face of delays and the face of sort of, you know, barriers to accessing justice because of, you know, response to Covid pandemic. So, I think, maybe engaging with organisations like that or if there's anything we can do to kind of canvass our members specifically and help with the Inquiry, we'd be happy to do so.

Samantha Edwards: [00:32:36] Thank you. Anything from you, Rob?

Robert Thompson: [00:32:44] I don't think. I think you've pretty much covered it all really. I think, you know, it sounds like you've got the online consultation, we're going through this process. It seems like there's quite a lot of avenues available, yeah.

Samantha Edwards: [00:32:56] Yeah. And, I mean, once this consultation ends, then that's when we need to look at what else we can make available. The idea being that we would make something available during the lifetime of the Inquiry so people can continue to contribute. But also that ideally, what we want is that it isn't just about people saying, you know, I want to share my experience, that actually we could find a way of converting that lived experience into kind of evidence that will be used in the public hearings because it's all very well to ask people to contribute but people do want to know that it is going to contribute to more than just a little bit of learning from a few people that actually, it can contribute to a body of evidence and research.

Robert Thompson: [00:33:38] Yeah.

Samantha Edwards: [00:33:40] So, that's the avenue that we're going down. But as you can imagine, it's quite a big piece of work because potentially, you could have, you know, millions of people wanting to share experiences. So, we need to find different ways for doing that. So, because obviously, people want to do that two different ways, some digital, some not.

Well, that's been a really fast trip through our questions. Is there anything that you'd like to add to or ask any questions about if we've got the ability to answer them, of course, or things that you'd like us to cover while we've got the time? Seems not.

Well, I think I'll give you two options then, everyone. So, the original plan is that we would have this conversation until about 20 past three and then we'd go back altogether and we'd just do a quick sum up of things. So, you're very welcome – we could – either you could sort of dial off and then rejoin that Zoom link at sort of 20 past three and hear from the others or kind of dial off and not rejoin if you wish to. I'm very happy to kind of keep talking in here if you've got other areas you'd like to talk about, though.

Robert Thompson: [00:35:09] No, I think I'm happy to – you've obviously taken notes of what we've said and quite happy with that, to be honest. So, what's the next step after today as far as we're concerned?

Samantha Edwards: [00:35:19] So, we've got another 10 days of events around the country. So, we're in Belfast and Edinburgh this week. I think I'm in Leeds and Cambridge next week and a couple of others. So, we will bring all that together and then the consultation will close on 7 April. And then we will be able to start going through all the different responses. And we've obviously got the responses that we've taken in person from bereaved families and also groups such as yourselves. And then we've got the online responses plus any people who sent things through via post - we've got a free post address that people may have been using as well. So, we'll be logging all of that.

Then we pull it together and work out whether or not there are things that we need to include in the Terms of Reference or, in fact, there's a chance, of course, that you might say actually, you exclude them from the Terms of Reference and we make those recommendations to the Prime Minister. And then we're kind of in his hands in terms of timelines after that.

So, do you want me to let you go and say that you won't be rejoining us at 3.20 or are you happy to kind of rejoin at 3.20 just to kind of rejoin the main group? Totally up to you.

Robert Thompson: [00:36:46] I'm happy to rejoin at 3.20 and sort of catch up. Yeah, that'd be good. Thank you.

Samantha Edwards: [00:36:51] Okay. All right. Well, I'll give you a bit of time back then so you can get a meeting in or something that you need to and then we'll see you back together with everyone at about 3.20.

Rachel Cairnes: [00:37:04] Thank you very much, bye.

Robert Thompson: [00:37:05] Thank you. Thanks very much.

Samantha Edwards: [00:37:05] All right. Thank you very much, everyone. Cheers.

Rachel Cairnes: [00:37:07] Thank you, bye.

[END OF TRANSCRIPT]