

NOTE BY SENIOR COUNSEL FOR SCOTTISH COVID BEREAVED

MODULE 2A - SCOTLAND

The day before the first preliminary hearing we were advised that four members of the Scottish Covid Public Inquiry legal team had stepped down, including one of its senior counsel and that the Chair, Lady Poole was going to step down for ‘personal reasons’ in three months time. At the time of writing this note a new Chair has not yet been appointed. We have met with the Scottish Government who hope that a new Chair will be in post in the coming weeks.

The Scottish Covid Bereaved are especially anxious, in light of these difficulties, to ensure that module 2A is carried out in co-operation with the Scottish Inquiry. They wish to ensure that voices of the Scottish bereaved are heard at both Inquiries. In particular the following issues are raised

ONE - CO-OOPERATION BETWEEN INQUIRIES

Can the Scottish Covid Bereaved understand that the Inquiries will work together to ensure that in so far as possible there is no overlap of issues, a minimising of duplication of investigation, evidence gathering and reporting whilst at the same time ensuring that there are no matters which “fall between” the two Inquiries? The Scottish Covid Bereaved understand that both inquiries recognise the importance of being clear to people which Inquiry is responsible for looking at particular issues,

Will the protocol of understanding between the two Inquires be a public document to ensure transparency and to foster confidence in the process?

TWO – THE LISTENING EXERCISE SCOTLAND

We note the Scottish Inquiry states they intend to pilot listening project activities later this year with a view to informing the Scottish Inquiry’s investigations and reports to the Scottish Government on the lessons that need to be learned to ensure that they are better prepared for any future pandemic.

We are unaware whether this intends to duplicate the work that the UK Inquiry will be doing in relation to the Listening Exercise and the Scottish Covid Bereaved hope this can be clarified going forward.

Given the importance of the Listening Exercise no doubt families would, if necessary give their statements twice, but it would be helpful, and minimise upset to families, if that could be avoided.

THREE – TIMINGS

As mentioned in the first preliminary hearing, can we have confirmation that the Inquiries work together to ensure that in so far as is possible the Scottish Module does not sit at the same time as the Scottish Inquiry. Clearly those we represent have a particular interest in both hearings and it would be appropriate not to have hearings at the same time.

FOUR – DISCLOSURE

The UK inquiry is ingathering documents in respect of the Scottish module. It is expected that there will be an overlap with the documents also sought by the Scottish Inquiry. Is there any consideration being given to sharing of documents – in so far as the powers of each Inquiry will allow, to ensure no loss of relevant documentation to either Inquiry.

FIVE - LISTENING ROOMS

We are grateful for the feedback from the Inquiry that it is considering the “listening rooms” idea. We understand that hearing 2A for Scotland will be held in Scotland. As the Inquiry will be aware the geography of Scotland is such that it may not be possible for people to travel to the Inquiry even when it sits there. Will consideration be given to also hearing rooms when the Inquiry is in Scotland.

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