

Tuesday, 1 November 2022

(10.00 am)

LADY HALLETT: Good morning.

This is the first preliminary hearing into Module 2A of the Covid-19 UK Inquiry.

This is going to focus on the Scottish Government's core political and administrative decision-making in its response to the Covid-19 pandemic between early January 2020 and April 2022.

I'll leave it to Mr Jamie Dawson King's Counsel, lead counsel to the Inquiry for this module, to explain the background to the UK Inquiry, the module system we have adopted and how this module, 2A, and the Inquiry generally will work with the Scottish Inquiry.

We have to work together so that the Scottish people know to whom they need to turn for issues they wish to have dealt with, so that we minimise duplication of effort and resources, and of course so that we minimise the burden on those to whom we sent requests for documents and information.

We have already taken steps to arrange a meeting between me and the new Chair of the Scottish Inquiry, Lord Brailsford, and I look forward to working closely with him and his team as they refresh the work of the Scottish Inquiry.

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This presentation attempts to avoid unnecessary repetition, but also to provide what is hoped will be useful information about the function and aims of the UK Inquiry for those who have had limited information about it to this point.

There are a number of purposes to this preliminary hearing. First, I will set out the background to the UK Covid-19 Inquiry, how it has come about, its aims and objectives and the scope of this module.

Secondly, I will outline the nature of the Inquiry's work so far.

Thirdly, I will address the nature of this Inquiry's relationship and interaction with the Scottish Covid-19 Inquiry.

Fourthly, there will be an opportunity for those bodies which have been designated as core participants for this module, if they wish, to make submissions.

In order to cover the areas which fall within my remit, I intend to address the following ten matters in my presentation.

With regard to the background to the Inquiry, I attend to address the commencement of the Inquiry, followed by the impact of the Covid-19 pandemic in Scotland, and thirdly an outline of the scope for Module 2A and our current plans beyond.

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So I'll now turn to Mr Dawson, please, to outline what we'll be doing today and the background as I explained. Mr Dawson.

Statement by LEAD COUNSEL TO THE INQUIRY FOR MODULE 2A

MR DAWSON: Thank you very much, my Lady.

I am Jamie Dawson KC, and I am the Scottish senior counsel with responsibility for the preparation and delivery of matters falling within the ambit of Module 2A.

I appear at this preliminary hearing along with my learned friends, Usman Tariq, also of the Scottish Bar, and Stephanie Painter and Bethany Condron, of the English Bar, who are, with me, all part of the Module 2A team, the focus of which is and will be on Scotland.

It is anticipated that as Module 2A will look at political decision-making relating to Scotland, predominantly of the Scottish Government, and as this is the first of the module's public hearings, there will be a number of people who have an interest in these proceedings who know little about the Inquiry or who may have had little contact or interaction with it.

Similarly, there will be others whose interests have been greater and who may have, for example, been involved with or even attended the preliminary hearings in Modules 1 and/or 2.

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With regard to the work of the Inquiry so far, I intend to make a submission about the Listening Exercise, the designation of core participants, evidence requests, disclosure to core participants, and the instruction of expert witnesses.

I will then address your Ladyship on the subject of co-operation with the Scottish Covid-19 Inquiry before concluding and giving some information about future hearing dates.

Before turning to the main body of my presentation, may I commence by setting out the practical arrangements for today's hearing. These proceedings are being recorded and live streamed to other locations. This has certain benefits; it allows as many members of the public and representatives of organisations, including core participants, as possible to follow the proceedings and to gain an understanding of the module and our proposed approach.

Given the possibility that in hearings like this matters may be mentioned of a potentially sensitive nature, the broadcasting of the hearing will be conducted with a short delay. The feed can therefore be paused if anything unexpected is aired which should not be. We do not expect any such matters to arise over the course of today, but I mention this feature so that

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1 those who are following proceedings understand the  
2 reasons for any short delay if for any reason that did  
3 need to happen.

4 Let me then turn to the complicated question of  
5 representation. Present today, whether in person or  
6 remotely, excluding myself and the Inquiry legal counsel  
7 and solicitor team here, are counsel and solicitor teams  
8 representing the seven core participants in Module 2A.  
9 All are therefore legally represented. I will turn to  
10 the identity of the core participants and the meaning of  
11 that status in due course, but for now I am going to  
12 introduce the representatives who are in attendance  
13 either here or remotely, and to ask each in turn to say  
14 good morning to you, my Lady, so that they appear in  
15 the feed and so that you know who they are.

16 First of all, in the room is Claire Mitchell  
17 King's Counsel, who is instructed on behalf of Scottish  
18 Covid Bereaved.

19 **MS MITCHELL:** Good morning.

20 **LADY HALLETT:** Secondly, Samuel Jacobs for the TUC, also in  
21 the room.

22 **MR JACOBS:** Good morning.

23 **LADY HALLETT:** Thirdly, Sarah Winfield, representing  
24 the National Police Chiefs' Council.

25 And the remaining representatives are attending

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1 he announced that there would be a public inquiry under  
2 the Inquiries Act 2005. He stated that it would examine  
3 the UK's preparedness for and response to the Covid-19  
4 pandemic and learn lessons for the future. This is that  
5 Inquiry.

6 On 15 December 2021 the Prime Minister, as  
7 the sponsoring minister, appointed you, my Lady, as  
8 the Chair of the Covid-19 Inquiry.

9 In the written appointment letter,  
10 the Prime Minister confirmed that he would be consulting  
11 with ministers from the devolved administrations.  
12 Insofar as relevant to Module 2A, such consultation is  
13 required by section 27 of the Inquiries Act 2005 to  
14 enable the inclusion in the terms of reference of  
15 an Inquiry, for which a United Kingdom minister  
16 including the Prime Minister is responsible, of anything  
17 that would require the Inquiry to determine facts wholly  
18 or primarily concerned with a Scottish matter.

19 A Scottish matter is a matter which relates to  
20 Scotland and which is not a matter reserved to  
21 the competence of the UK Government. Thus, as  
22 the Prime Minister wished devolved matters to be  
23 included in the remit of this Inquiry, it was necessary  
24 for those steps to be taken.

25 Draft terms of reference were drawn up making clear

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1 remotely. First of all, on behalf of the NHS National  
2 Services Scotland, James McConnell, advocate.

3 **MR McCONNELL:** Good morning.

4 **MR DAWSON:** Secondly, Geoffrey Mitchell KC for the  
5 Scottish Ministers.

6 **MR MITCHELL:** Good morning, my Lady.

7 **MR DAWSON:** Kirstyn Burke for Scottish Care.

8 **(Pause)**

9 The first technological hitch.

10 **LADY HALLETT:** Not muted, are you?

11 **(Pause)**

12 Perhaps we will come back to --

13 **MR DAWSON:** Indeed.

14 Finally, on behalf of Public Health Scotland,  
15 Gordon Balfour, advocate.

16 **MR BALFOUR:** Good morning, my Lady.

17 **LADY HALLETT:** Good morning.

18 **MR DAWSON:** That one worked.

19 So, if I may then turn to the main body of my  
20 submission, with those introductions out of the way.

21 As regards the background to the Inquiry, I would  
22 like to set out some information for those who are  
23 listening about the commencement of this Inquiry.

24 On 12 May 2021, the then Prime Minister made  
25 a statement in the House of Commons in which

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1 that the Inquiry would consider and report on the  
2 UK state's preparations for and response to the  
3 pandemic. That draft made clear that the Inquiry in  
4 contemplation would consider reserved and devolved  
5 matters relating to all four nations, including  
6 Scotland.

7 On 10 January 2022 your Ladyship wrote to  
8 the Prime Minister recommending certain amendments to  
9 ensure greater clarity in the Inquiry's remit and to  
10 enable it to be conducted at an appropriate pace. You  
11 also sought an express mandate to publish interim  
12 reports, so as to ensure that any urgent recommendations  
13 could be published and considered in a timely manner.  
14 The need to draw conclusions about the handling of  
15 the pandemic at a point in time when they are still  
16 relevant and not too far removed from the events in  
17 question was and continues to be an important theme, to  
18 which I will return.

19 In addition, your Ladyship expressed the view that  
20 the Inquiry would gain greater public confidence if it  
21 was open to the accounts that many people, including  
22 those who have been bereaved, would wish to give.

23 Therefore, you suggested allowing explicit  
24 acknowledgement of the need to hear about people's  
25 experiences and that our remit should consider any

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1 disparities in the impact of the pandemic.  
 2 On 4 February 2022 the Prime Minister responded  
 3 accepting, with three caveats and a small number of  
 4 clarificatory textual refinements, the detailed changes  
 5 that had been proposed.  
 6 On 10 March 2022, having consulted with ministers  
 7 from the devolved administrations, the Prime Minister  
 8 wrote to you to inform you of certain further changes to  
 9 the draft terms of reference which had been made in  
 10 response to comments from the devolved administrations.  
 11 The same day the Inquiry's draft terms of reference were  
 12 published.  
 13 On 11 March 2022 your Ladyship launched a public  
 14 consultation process on the Inquiry's draft terms of  
 15 reference. The consultation on the draft terms of  
 16 reference and the possibility of having an end date was  
 17 open to everyone by various means.  
 18 Your Ladyship consulted widely across all four  
 19 nations, visiting Edinburgh on 24 March and speaking in  
 20 particular to a number of bereaved families. In  
 21 parallel the Inquiry team met with representatives of  
 22 more than 150 organisations, covering themes such as  
 23 equality and diversity, healthcare, business and  
 24 education and young people, among others. These  
 25 included events which were held with organisations with

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1 Organisation declared Covid to be the first coronavirus  
 2 pandemic. It was also the same date on which the first  
 3 case of community transmission in Scotland unrelated to  
 4 contact or travel was identified. On 13 March the first  
 5 death of a Covid-19 patient was confirmed in Scotland.  
 6 The First Minister of Scotland, Nicola Sturgeon,  
 7 said in her address to the nation on 20 March 2020 that  
 8 Scots were facing "the biggest challenge of our  
 9 lifetimes" in the fight against Covid-19. On 23 March  
 10 she stated:  
 11 "Let me be blunt, the stringent restrictions on our  
 12 normal day to day lives that I am about to set out are  
 13 difficult and they are unprecedented. They amount  
 14 effectively to what has been described as a lockdown."  
 15 Almost every area of public life in Scotland,  
 16 including schools, the transport system, the justice  
 17 system, prisons, the majority of public services, were  
 18 all adversely affected. Hospitality, retail, travel and  
 19 tourism, arts and culture and the sport and leisure  
 20 sectors effectively ceased to operate. Even places of  
 21 worship closed.  
 22 The NHS in Scotland was put on an emergency footing  
 23 with non-urgent planned care being postponed.  
 24 The pandemic resulted in the deepest and fastest  
 25 economic contraction on record in Scotland. Almost

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1 an interest in these areas in Scotland.  
 2 In total, the Inquiry received over 20,000 responses  
 3 to the consultation. An independent research  
 4 consultancy was commissioned to analyse the responses  
 5 and produce a comprehensive independent report on  
 6 respondents' views.  
 7 In light of the views expressed, your Ladyship  
 8 recommended a number of significant changes to the draft  
 9 terms of reference on 12 May of this year. In his  
 10 response, on 28 June, the Prime Minister accepted your  
 11 proposed changes in full. The set-up date of  
 12 the Inquiry was confirmed to be 28 June.  
 13 On 21 July the Inquiry was formally opened.  
 14 Your Ladyship announced the decision to conduct  
 15 the Inquiry in modules, which would be announced and  
 16 opened in sequence. Those wishing to take a formal role  
 17 in the Inquiry were invited to become core participants  
 18 within the meaning of Rule 5 to The Inquiry Rules 2006  
 19 for each module, rather than throughout the Inquiry as  
 20 a whole.  
 21 Turning then, my Lady, having set out that  
 22 background, to the impact of the Covid-19 pandemic in  
 23 Scotland.  
 24 On 1 March 2020 the first positive case of Covid-19  
 25 was confirmed in Scotland. On 11 March the World Health

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1 everyone was forced to work or to be educated from home.  
 2 Many were furloughed or lost their jobs.  
 3 Difficult decisions were made in the Scottish  
 4 Government's response to the pandemic, often requiring  
 5 to balance a number of competing considerations. The  
 6 need to ensure that there were sufficient hospital beds  
 7 available for Covid-19 patients led to the rapid  
 8 discharge of untested patients from hospitals into  
 9 care homes in the early stages of the pandemic. By  
 10 mid-2020 it was reported that care home residents  
 11 accounted for 50% of all Covid-19-related deaths in  
 12 Scotland, which was the highest in the UK at the time.  
 13 A report by the University of Stirling published in  
 14 August 2020 stated that there was a higher proportion of  
 15 deaths in Scottish care homes linked to Covid-19 and  
 16 also a higher number of infections as compared with  
 17 other parts of the UK.  
 18 As the pandemic progressed, Covid-19 policies in  
 19 Scotland began to diverge with those elsewhere in  
 20 the United Kingdom. On 10 May 2020 then Prime Minister  
 21 Boris Johnson unveiled an exit strategy and an easing of  
 22 the lockdown rules in England. The First Minister,  
 23 Nicola Sturgeon, asked the UK Government not to promote  
 24 their "Stay Alert" advertising campaign in Scotland. On  
 25 11 May she asked Scotland to "stick with lockdown ...

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1 a bit longer -- so that we can consolidate our progress,  
2 not jeopardise it."

3 Scotland continued with the "Stay at Home" slogan  
4 and restrictions remained in place. The divergence in  
5 Covid-19 policies between the Scottish Government and  
6 the UK Government continued throughout the pandemic.

7 The months and years that followed saw death and  
8 illness on an unprecedented scale in modern times. At  
9 the peak of the outbreak, in spring 2020, there were  
10 more than 1,500 Covid patients in Scotland, with more  
11 than 200 being treated in intensive care. Numbers  
12 reduced over the summer of 2020 but started to rise  
13 steadily again in the autumn.

14 In January 2021 the number of patients with Covid-19  
15 in hospital in Scotland went above 2,000. During  
16 the Omicron surge in cases in early 2022, the total  
17 number of patients with Covid-19 surpassed the 2021  
18 peak. However, the numbers being treated in intensive  
19 care were lower than they were earlier in the pandemic.

20 As of 16 October of this year, there have been  
21 a total of 15,869 deaths registered in Scotland where  
22 Covid-19 was mentioned on the death certificate,  
23 according to the National Records of Scotland.

24 The impact on Scotland has been profound. Beyond  
25 the individual tragedy of each and every death,

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1 was heard loudly and clearly during the Inquiry's  
2 consultation process. It forms the backdrop to  
3 the Inquiry's proposals for the examination of  
4 the handling of the pandemic in Scotland.

5 Against that backdrop, it is part of the duty of  
6 this Inquiry to get to the truth of what happened in  
7 Scotland and why, to examine and analyse the evidence  
8 about what decision-making took place, what its  
9 justification was, and what its effects were, to expose  
10 those responsible to scrutiny to and uncover wrong  
11 decisions and any significant errors of judgement, and  
12 to do what we can to ensure that lessons may be properly  
13 learnt in the interests of the Scottish public.

14 Those in Scotland who have been bereaved and others  
15 who have suffered or whose lives have been otherwise  
16 adversely affected are of course entitled to expect that  
17 that duty will be fulfilled. It will be.

18 Moving then, my Lady, on to the detail of the scope  
19 of Module 2A, if I might first of all say something  
20 about where Module 2A sits within the overall structure  
21 of the Inquiry, about which you have already heard  
22 a number of submissions at previous preliminary  
23 hearings.

24 I intend to outline in broad terms where Module 2A  
25 sits within the overall structure of the Inquiry's

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1 the pandemic has placed extraordinary levels of strain  
2 on Scotland's health, care, financial and educational  
3 systems, as well as on jobs and businesses. Every life  
4 has been affected. No individual, community or business  
5 has been untouched, and for many that has meant real and  
6 possibly long-lasting hardship. The pandemic has  
7 affected the health and well-being of vast numbers of  
8 people, particularly vulnerable groups, including people  
9 with disabilities, the clinically vulnerable,  
10 the mentally ill, ethnic minority groups, older people,  
11 children and those living in deprived areas.

12 It has been claimed that existing inequalities have  
13 been widened and exacerbated. The pandemic has led to  
14 financial and economic turmoil. It has disrupted  
15 economies and education systems and put unprecedented  
16 pressure on the NHS in Scotland. The impact on the NHS,  
17 its operations, its waiting lists and elective care has  
18 been immense. Jobs and businesses have been destroyed  
19 and livelihoods taken away. Children have missed out on  
20 schooling. The disease has caused widespread and  
21 long-term physical and mental illness, grief and untold  
22 misery. Its impact will be felt in Scotland for decades  
23 to come.

24 The breadth and depth of the impact of the Covid-19  
25 pandemic in Scotland is clear. This message certainly

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1 modular system. This is intended to allow the detail of  
2 what is covered within Module 2A to be understood in  
3 the context of what will come before and after it.  
4 Greater detail on other modules and the modular  
5 structure of the Inquiry as a whole can be found in  
6 the presentations made in Modules 1 and 2,  
7 the transcripts of which are available on the Inquiry's  
8 website.

9 Module 1 was opened on 21 July 2022 and a document  
10 outlining its provisional scope was published the same  
11 day. It will consider the UK's preparedness for  
12 the pandemic. The Inquiry also published a core  
13 participant protocol, a protocol for the transfer and  
14 handling of documents, and a costs protocol, at around  
15 that time.

16 The Module 2 provisional outline of scope was  
17 published on 31 August 2022. It will consider and make  
18 recommendations about the UK's core political and  
19 administrative decision-making in relation to  
20 the Covid-19 pandemic between early January 2020 until  
21 Covid-19 restrictions were lifted in February 2022.

22 It will pay particular scrutiny to the decisions  
23 taken by the Prime Minister and the Cabinet, as advised  
24 by the civil service, senior political scientific and  
25 medical advisers and relevant Cabinet subcommittees

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1 between early January and late March 2020, when the  
2 first national lockdown was imposed.  
3 As decisions were made at UK Government level which  
4 had a direct or indirect impact on the management of  
5 the pandemic in Scotland, elements of the material  
6 covered in that module will be of relevance to  
7 the evidence led in Module 2A.

8 As I have covered already, this Inquiry is obliged  
9 by its terms of reference to cover both reserved and  
10 devolved matters in respect of Scotland. Therefore,  
11 having considered the picture from a UK-wide and also  
12 English perspective in Module 2, Module 2A will address  
13 the analogous core political decisions made  
14 predominantly by the Scottish Government acting within  
15 its devolved competence. The same will be true of  
16 the devolved administrations in Wales and Northern  
17 Ireland in Modules 2B and 2C respectively.

18 The provisional outlines of scope for each of  
19 Modules 2A, 2B and 2C were published on 31 August of  
20 this year, when each module was formally opened. On  
21 account of the fact that an inquiry has been established  
22 in Scotland to look at certain matters within the  
23 devolved competence of the Scottish Parliament and  
24 Government, this inquiry's intention, and indeed its  
25 obligation under its terms of reference in relation to

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1 appropriate. The precise scope of these modules and the  
2 extent to which they will touch upon Scottish experience  
3 of the pandemic will be published in due course as the  
4 modules are launched. It is intended that consideration  
5 will be given to work done by the Scottish Inquiry in  
6 reaching detailed decisions in that regard.

7 Module 2A itself is primarily concerned with  
8 the Scottish Government's core political and  
9 administrative decision-making in relation to  
10 the Covid-19 pandemic between early January 2020 and  
11 April 2022. Its scope is necessarily provisional.  
12 Although it introduces a wide range of topics, it is  
13 neither practical nor advisable to identify at this  
14 stage all the issues that will be addressed at  
15 the Module 2A oral hearings, let alone the questions.

16 Much will depend on the evidence and materials  
17 obtained under the documentary discovery process which  
18 has and is being designed, of course, to obtain  
19 documentation from which the issues can be further  
20 distilled.

21 The Inquiry team believes that the provisional scope  
22 provides a proper framework for this initial  
23 governmental module and provides a sufficient indication  
24 for persons and organisations who have relevant  
25 information and evidence to contribute, as well as core

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1 Scottish matters, is to seek to minimise duplication of  
2 investigation, evidence gathering and reporting with the  
3 Scottish Inquiry. I will return to this later.

4 To facilitate access for and engagement by  
5 the Scottish public and the Module 2A core participants,  
6 the public hearings in Module 2A will take place in  
7 Scotland.

8 Module 3 will come next and will examine the impact  
9 of Covid and of the governmental and public responses to  
10 it on healthcare systems generally across the UK. Later  
11 modules, details of which will be published in  
12 the coming months, will address very broadly what we are  
13 calling "system and impact issues" across the UK. The  
14 system modules will address vaccines, the care sector,  
15 Government procurement and PPE, testing, tracing,  
16 Government financial initiatives and the effect on  
17 business. The impact modules will look at the role of  
18 health inequalities in the effect of the pandemic and  
19 the impact of Covid-19 on the education and business  
20 sectors, on children and young persons, and on public  
21 services and other public sectors.

22 Neither the provisional scope nor the order of the  
23 modules has been finally determined. In later modules  
24 the Inquiry will address remaining Scottish matters. It  
25 will also return to Welsh and Northern Irish matters as

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1 participants to be able to commence their preparations.

2 In order to provide a basis for the Inquiry's  
3 initial examination of government, which is fair and  
4 consistent amongst the four nations, this framework  
5 approach has been adopted. It is important to point out  
6 that the intention of the Inquiry is to analyse and  
7 report on the differing ways that core political  
8 decision-making took place in the four nations of  
9 the UK. In order to ensure that the report deals with  
10 matters consistently throughout the four nations of  
11 the UK, it is necessary that there is a consistent  
12 framework amongst the four nations and the four parts of  
13 this module.

14 There will be room, however, for issues of  
15 particular concern or interest within that framework to  
16 be examined in greater detail within any sub-module  
17 where it is considered appropriate in the public  
18 interest of any one of the four nations.

19 The issues will be further developed once  
20 the majority of the responses to requests for  
21 documentary evidence have been received. If there are  
22 broad matters or areas which the core participants would  
23 additionally wish the Inquiry to consider as part of  
24 this core political and administrative framework, these  
25 will be considered for inclusion.

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1 The provisional scope of Module 2A is as follows:  
 2 the module will look at and make recommendations about  
 3 the Scottish Government's core political and  
 4 administrative decision-making in response to  
 5 the Covid-19 pandemic between early January 2020 and  
 6 April 2022, when the then remaining Covid-19  
 7 restrictions were lifted in Scotland. It will examine  
 8 the decision-making of key groups and individuals within  
 9 the Scottish Government, including the First Minister  
 10 and other Scottish Ministers, in particular between  
 11 early January and late March 2020, when the first  
 12 national lockdown was imposed. More detailed  
 13 consideration of a number of key areas and the impact of  
 14 the pandemic on those areas in Scotland will be  
 15 undertaken later in the Inquiry.

16 Module 2A will examine the structure of the  
 17 Scottish Government and the key bodies within it in  
 18 Scotland's response to the pandemic and their  
 19 relationships and communications with the UK Government,  
 20 other devolved administrations and local authorities  
 21 within Scotland. So the module will examine the  
 22 structures within which devolved decision-making about  
 23 issues relating to the pandemic took place. This will  
 24 include the relative responsibilities of the  
 25 Scottish Government and the responsibilities of the

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1 The response to the initial outbreaks of the disease  
 2 such as the Nike conference in Edinburgh in  
 3 February 2020 will be considered. The Inquiry will  
 4 examine how these outbreaks were handled and how lessons  
 5 from them were learned for the further management of  
 6 the pandemic within Government.

7 The outline scope continues.

8 Decision-making by the Scottish Government relating  
 9 to the imposition or non-imposition of  
 10 non-pharmaceutical interventions (NPIs), including  
 11 lockdowns, local restrictions, working from home,  
 12 reduction of person-to-person contact, social  
 13 distancing, of the use of face coverings, border  
 14 controls, the initial development of "Test and Protect",  
 15 as well as the certification and app systems rolled out  
 16 by the Scottish Government.

17 The degree of and rationale behind differences in  
 18 approach between the Scottish Government and other  
 19 governments in the UK, the timeliness and reasonableness  
 20 of such NPIs, including the likely effects had decisions  
 21 to intervene been taken earlier or differently.

22 The development of the approach to NPIs in light of  
 23 the Scottish Government's understanding of their impact  
 24 on transmission, infection and death, the identification  
 25 of at risk and other vulnerable groups in Scotland, and

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1 UK Government. Similarly, the relative responsibilities  
 2 of Scottish Government and local authorities will be  
 3 considered, of particular relevance when the five-tier  
 4 Covid measures system was introduced.

5 The outline scope continues.

6 The Scottish Government's initial understanding of  
 7 and response to the nature and spread of Covid-19 in  
 8 Scotland in the period between January and March 2020 in  
 9 light of information and advice received from  
 10 the UK Government and other relevant national and  
 11 international bodies, advice from scientific, medical  
 12 and other advisers, and the response of other countries,  
 13 including its initial strategic response to key  
 14 superspreader events in Scotland over that period.

15 The initial Scottish Government response will thus  
 16 be examined in which systems were set up to deal with  
 17 the emerging threat. An analysis of the initial  
 18 three-month period of the pandemic in 2020 again  
 19 requires there to be consideration of the interaction  
 20 between the Scottish Government and the UK Government as  
 21 well as advisory bodies. Information which was  
 22 available and shared, the decision-making structures  
 23 over this period, and the effectiveness of them will be  
 24 explored, building on the evidence elicited in this area  
 25 in Module 2.

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1 the assessment of the likely impact of the contemplated  
 2 NPIs on such groups in light of existing inequalities.

3 And the impact, if any, of the funding of the  
 4 Scottish pandemic response on such decision-making,  
 5 including funding received from the UK Government.

6 This section of the outline scope provides  
 7 a non-exhaustive list of the main measures implemented  
 8 by the Scottish Government. The Inquiry team have felt  
 9 it important that the decisions to implement these key  
 10 protective measures are scrutinised near the start of  
 11 the Inquiry's work. These measures were designed as  
 12 component parts of the system to protect the health of  
 13 the public at large and not in particular parts or areas  
 14 of society, and were used to varying degrees and at  
 15 different times in all four nations.

16 This examination will allow a comparison and  
 17 an analysis of the effectiveness of the measures taken  
 18 at this overarching strategic level.

19 It was thought important that these key measures  
 20 were identified, analysed and reported on as a context  
 21 in which the impact of the pandemic on specific sectors  
 22 of Scottish life and society can be examined in  
 23 particular detail in subsequent modules.

24 The actions taken by the Scottish Government to  
 25 identify and protect at risk and vulnerable groups will

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1 also feature. This was an area which was highlighted as  
2 being of particular importance in the public  
3 consultation exercise. It will in part form the basis  
4 of what we anticipate will be one of the most important  
5 elements of the Inquiry's work insofar as it relates to  
6 Scotland, namely the examination in due course of  
7 the effect of the pandemic on the care sector in  
8 Scotland.

9 The funding available for these measures to be  
10 formulated and implemented will also be looked at, and  
11 to understand the extent to which that impacted upon  
12 the Scottish Government response.

13 The outline of the scope continues.

14 Access to and use in decision-making of medical and  
15 scientific expertise, data collection and modelling,  
16 relating to the spread of the virus in Scotland.

17 The measuring and understanding of transmission,  
18 infection, mutation, reinfection and death rates in  
19 Scotland.

20 And the relationship between the operation of  
21 relevant systems for the collection, modelling and  
22 dissemination of data.

23 So this module will also examine the data and advice  
24 available to the Scottish Government in the formulation  
25 and implementation of its response to the pandemic.

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1 and effects of the virus and the way in which these  
2 rules were enforced in the interest of the protection of  
3 the public.

4 So, my Lady, that bring me to an end of the section  
5 of my presentation relating to the intentions with  
6 regard to Module 2A, what we intend to do before and  
7 after it.

8 I intend now to move on to providing some  
9 information for those who are listening about the work  
10 of the Inquiry so far.

11 The fourth item on my list of ten was  
12 the Listening Exercise. As I have pointed out,  
13 the consultation exercise provided useful insight into  
14 the breadth and depth of the ways that the pandemic had  
15 an effect on Scottish society. It also elicited strong  
16 opinions from those who responded about what had gone  
17 wrong, what should have happened and who was  
18 responsible. The Inquiry will conduct its work, make  
19 its conclusions and recommendations in the public  
20 interest.

21 In order to assist with its important work,  
22 the Inquiry needs to put the views and experiences of  
23 the public at its heart, whilst also recognising that  
24 an investigation about a pandemic which has touched  
25 the lives of the entirety of the public, not every case

27

1 The outline scope continues.

2 Public health communications by the Scottish  
3 Government and other key public health agencies, in  
4 particular in relation to the steps being taken to  
5 control the spread of the virus, transparency of  
6 messaging, use of behavioural management and  
7 the maintenance of public confidence in the  
8 Scottish Government, including the impact of any alleged  
9 breaches of rules and standards by ministers, officials  
10 and advisers.

11 The module will also look at the way in which  
12 the Scottish Government communicated its message about  
13 the measures which it had decided to take as the key  
14 part of its defence against the virus, as well as the  
15 extent to which it and the general conduct of  
16 the Scottish Government decision-makers and advisers  
17 maintained the necessary public confidence to protect  
18 public health.

19 The outline scope concludes.

20 The public health and coronavirus legislation and  
21 regulations that were proposed and enacted, their  
22 proportionality and enforcement across Scotland.

23 The final area which will be considered is the way  
24 in which the Scottish Government chose to regulate  
25 the systems which it implemented to mitigate the spread

26

1 can be examined individually. Indeed, the terms of  
2 reference make it clear that the Inquiry should not  
3 consider in detail individual cases of harm or death.

4 The Inquiry is in the process of designing and  
5 setting up a process by which the experience of those  
6 affected by the pandemic and the UK's response to it  
7 will be gathered, analysed and summarised. This will be  
8 called the Listening Exercise, which of course will  
9 involve listening to members of the public in Scotland.  
10 Details of the proposal can be found on the Inquiry's  
11 website.

12 The Listening Exercise will be open to the bereaved  
13 and anyone else impacted by the pandemic. Your Ladyship  
14 announced yesterday that organisations have now been  
15 appointed to carry out the Listening Exercise and that  
16 there will be a consultation with the bereaved and  
17 others affected to make sure that the process is set up  
18 in a way which is not intimidating.

19 We note the submission made to this hearing by  
20 Scottish Covid Bereaved about regard being desirable to  
21 the fact that the Scottish Inquiry will be conducting  
22 a similar exercise. That has been noted and will be  
23 taken into consideration in our ongoing co-operation  
24 with the Scottish Inquiry.

25 The experience of those who feel that they would

28

1 like to contribute to the Listening Exercise will be  
2 anonymised and reviewed by research specialists, and  
3 will be collated into summary reports. The resulting  
4 reports, rather than individual accounts, will be  
5 aligned with and fed into the Inquiry's work,  
6 particularly those dealing with the direct and indirect  
7 consequences of the pandemic on the health and care  
8 systems, the vulnerable, the elderly, children and  
9 the disabled, the public sector, businesses and other  
10 sectors of the economy.

11 The reports will be disclosed to core participants  
12 and will form part of the evidence of the Inquiry and  
13 thus of the evidential basis upon which it will reach  
14 its conclusions and recommendations.

15 The Inquiry will listen to accounts of harm suffered  
16 or death. This process will hopefully create important  
17 cathartic benefits for those who participate in the  
18 Listening Exercise. Those who give accounts will  
19 rightly expect that they will be both listened to and  
20 heard, and that their accounts are part of the Inquiry's  
21 assessment of the whole of the pandemic as it affected  
22 Scotland. They will be.

23 In the course of the preliminary hearing in  
24 Module 1, the Inquiry received submissions to the effect  
25 that the Inquiry shall allow evidence of

29

1 to the Inquiry announced yesterday that the Inquiry will  
2 be holding a series of workshops to explore different  
3 ways of commemorating those who were lost during the  
4 pandemic.

5 To turn then to the important matter of  
6 the designation of core participants.

7 The Inquiry is governed by the provisions of  
8 the Inquiries Act 2005 and The Inquiry Rules 2006.  
9 Designation as a core participant in Module 2A gives any  
10 entity, organisation or person with that status certain  
11 rights which they enjoy to allow them to participate in  
12 the modules and to assist the Inquiry with  
13 the fulfilment of its terms of reference.

14 These include rights to receive disclosure of  
15 certain documents and statements, make certain legal  
16 submissions, suggest certain questions be asked, and to  
17 receive advance notice of the Inquiry's report.

18 Those who are responsible for the delivery of this  
19 module are committed to fostering a collaborative  
20 approach with the core participants, and working in that  
21 spirit to ensure that the aims of the Inquiry are met.

22 Applications for core participant status in Module 2  
23 have been considered by you, my Lady, in accordance with  
24 Rule 5 of The Inquiry Rules 2006, which provide that  
25 the chair of an inquiry such as this must consider

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1 the circumstances of individual deaths and pen portrait  
2 material to be heard at the public hearings. By way of  
3 a ruling of 17 October of this year, your Ladyship  
4 decided that evidence of the circumstances of individual  
5 deaths and pen portrait material will not, as a general  
6 rule, be led at the oral sessions either in Module 1 or  
7 in later modules.

8 Evidence of individual deaths may well be relevant,  
9 however, where they relate to possible systemic  
10 failings. Your Ladyship has, however, indicated that  
11 the issue will be kept under review.

12 Given the scale of the tragedy brought about by  
13 the pandemic and the grief and loss suffered by  
14 the bereaved, the Inquiry wishes to provide  
15 opportunities for those who are lost to be commemorated  
16 as part of the Inquiry's process. Your Ladyship has  
17 made it clear to the Inquiry team that you believe it to  
18 be important and appropriate to recognise the human  
19 suffering arising from the pandemic, including the loss  
20 of loved ones, by ensuring that it is reflected  
21 throughout the Inquiry's work. The Inquiry is exploring  
22 ways in which this can be done, including by way of  
23 a commemorative memorial in the future hearing venues,  
24 including in Scotland, through the Inquiry's public  
25 hearings and through the Inquiry website. The Solicitor

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1 whether:

2 "(a) the [applicant] played, or may have played,  
3 a direct and significant role in relation to the matters  
4 to which the inquiry relates;

5 "(b) the [applicant] has a significant interest in  
6 an important aspect of the matters to which the inquiry  
7 relates; or

8 "(c) the person may be subject to explicit or  
9 significant criticism during the inquiry proceedings or  
10 in the report, or in any interim report."

11 In order that core participant status can  
12 competently be granted.

13 In making these determinations, your Ladyship  
14 considered whether in each case the application  
15 fulfilled the criteria set out in Rule 5(2) in relation  
16 to the issues set out in the provisional outline of  
17 scope for Module 2A. In doing so, your Ladyship  
18 exercised her wide discretion, bearing in mind a number  
19 of features. First, regard was had to the obligation to  
20 run the Inquiry as thoroughly and as efficiently as  
21 possible, bearing in mind the Inquiry's wide-ranging  
22 terms of reference and the need for the Inquiry process  
23 to be rigorous and fair.

24 Given the vast numbers of people who were involved  
25 with or adversely affected by the Covid-19 pandemic in

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1 Scotland, as elsewhere in the UK and indeed the world,  
2 very many people could claim to have an interest in  
3 the Inquiry. That, however, is not the test, and  
4 your Ladyship was obliged to assess very carefully  
5 whether in reality applicants could assist the Inquiry  
6 in Module 2A.

7 Secondly, applications were determined in  
8 the knowledge that it is not necessary for an individual  
9 or organisation to be a core participant in order to  
10 provide evidence to the Inquiry.

11 Thirdly, regard was had to the fact that the Inquiry  
12 will also be listening to and considering carefully the  
13 experiences of those who have suffered hardship or loss  
14 as a result of the pandemic through  
15 the Listening Exercise.

16 As I have already said, this process will be  
17 designed to result in the input which is generated  
18 having a real impact on the way that the Inquiry's  
19 business is conducted, in particular as we reach  
20 the detailed areas for analysis in the later modules.

21 By way of overview, the Inquiry received  
22 17 applications for core participant status in  
23 Module 2A. Of these 17 applications, seven applicants  
24 have been designated as core participants in Module 2A.  
25 They are: the Scottish Ministers; Scottish Covid

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1 As I have already said, it is of course not  
2 necessary for a individual or organisation to be a core  
3 participant in order to provide information or evidence  
4 to the Inquiry. In due course a range of individuals,  
5 organisations and bodies will be approached for  
6 information and will be asked for witness statements and  
7 documents in connection with this module.

8 Turning then to the next in my list, the sixth of my  
9 list of matters to be addressed today, namely evidence  
10 requests and corporate statements.

11 As far as documentary evidence requests are  
12 concerned, the Inquiry team working on Module 2A intends  
13 to issue documentary requests to document providers who  
14 are likely to hold large numbers of relevant documents  
15 following a system which, it is hoped, will result in  
16 documents being produced in as efficient a manner as  
17 possible.

18 These are made in accordance with the Inquiry's  
19 rules under Rule 9 and so are generally called "Rule 9  
20 requests". What is currently planned is that  
21 the requests will initially be sent in draft and then  
22 there will be an opportunity for consultation between  
23 the Module 2A team and the provider to discuss practical  
24 arrangements and expectations. All documents will,  
25 where relevant, make clear how the request seeks to

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1 Bereaved; the Trades Union Congress, in particular the  
2 Scottish Trades Union Congress branch; Public Health  
3 Scotland; NHS National Services Scotland; Scottish Care;  
4 and the National Police Chiefs' Council.

5 Applications for re-consideration for core  
6 participant status were received and have been  
7 determined in writing to the unsuccessful applicants.  
8 Of these successful applicants, as I've already said,  
9 representatives of all of the seven core participants  
10 are present either remotely or in the hearing room  
11 today.

12 For the avoidance of doubt, determinations which  
13 have been made by the Chair in relation to Module 2A in  
14 no way prejudice the ability of any applicant to apply  
15 in another later module which may in any event be more  
16 suited to the interests of any particular applicant.

17 It is the intention of the Inquiry to open up clear  
18 lines of communication with those who have been accorded  
19 core participant status in this module. Lines of  
20 communication are being formed at various levels in  
21 connection with this module already. Efforts in that  
22 regard will continue. It will be the intention of  
23 the Inquiry to introduce mechanisms in due course which  
24 will facilitate real and meaningful participation of  
25 those who have been accorded this important status.

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1 minimise duplication of effort as between the two  
2 Inquiries, to which I will later return.

3 It is expected that within the next few weeks calls  
4 for documents for Module 2A will be sent to Scottish  
5 document providers. One has been prepared and will  
6 imminently be sent in draft to the Scottish Government.  
7 Others who will be contacted in early course with  
8 similar requests will be the Director General for Health  
9 and Social Care, NHS National Services Scotland, Public  
10 Health Scotland, the Scottish Government Covid-19  
11 Advisory Group, as well as ministers and former  
12 ministers. The initial requests which have been or are  
13 in the process of being prepared will be lengthy and  
14 wide-ranging.

15 As part of the exercise of co-operation with  
16 the Scottish Inquiry, to which I will return in  
17 a moment, we are aware that certain document bundles  
18 have already been or are in the process of being put  
19 together by the Scottish Government, with whom Module 2A  
20 will be primarily concerned, as a result of requests  
21 issued to them by the Scottish Inquiry.

22 Part of the work which has been undertaken by  
23 the Inquiry team has been designed to ensure that  
24 the work put into the gathering of these documents is  
25 not duplicated unnecessarily. Our intention, therefore,

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1 is to ask the Scottish Government in the first instance  
2 for production of certain of the documents already  
3 provided or which are in the process of being provided  
4 to the Scottish Inquiry and which are relevant to this  
5 module.

6 The result of that is that it is anticipated that  
7 a tranche of relevant documents should be capable of  
8 production to this Inquiry during the course of this  
9 year. This approach will be followed insofar as  
10 possible with other requests issued to other document  
11 providers under Rule 9 within this module.

12 We will be working with the other sub-modules, with  
13 Module 2, with Module 1 and the other modules in  
14 the Inquiry in due course, to ensure that information is  
15 shared and that evidential requests are not duplicated.  
16 We will not be working in silos, in order to maximise  
17 efficiency.

18 Further documentary requests for Module 2A beyond  
19 these initial ones will be issued in due course, with  
20 greater focus on particular issues or topics. In due  
21 course, requests for witness statements from appropriate  
22 individuals will also be issued.

23 As a number of core participants have raised  
24 the matter in the notes they have provided for this  
25 hearing, I am keen to stress that we are working with

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1 respond to targeted questions about the factual matters  
2 of interest to this Inquiry. They aim to maximise  
3 efficiency, as the Inquiry is obliged to do, by seeking  
4 to get to the core of the factual issues. Organisations  
5 will also be asked to ensure staff have the opportunity  
6 to flag what they at least consider to be particularly  
7 important materials, so that these are identified and  
8 reviewed by the Inquiry as soon as possible.

9 In line with the determination made in Module 1,  
10 core participants will not be provided with copies of  
11 the Rule 9 requests made by the Inquiry. This is  
12 a matter which was also addressed during the questions  
13 asked, I think, at the end of Module 2 preliminary  
14 hearing yesterday.

15 This accords with the approach adopted in other  
16 inquiries. Disclosure to the core participants of the  
17 Rule 9 requests themselves as opposed to the relevant  
18 documents and material generated by them, is neither  
19 required by the rules nor generally established in past  
20 practice.

21 Furthermore, it would serve little practical purpose  
22 given the wide scope and detailed nature of the Rule 9  
23 requests that are being made.

24 However, to ensure that core participants are kept  
25 properly and rightly informed, the Inquiry will ensure

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1 the material providers who are likely to be in  
2 possession of the main materials relevant to this  
3 module, and will be holding preliminary consultative  
4 meetings before final documentary requests are issued,  
5 so that we can keep them informed of the process we  
6 intend to undertake, and to enable us to understand any  
7 practical limitations of which we should be aware. We  
8 have made contact with the Scottish Government's  
9 representatives regarding requests for evidence to make  
10 arrangements to engage in this way and we will be  
11 contacting other material providers shortly.

12 To move on, then, to the question of corporate  
13 statements.

14 Requests are likely to be made for a chronology and  
15 a corporate statement of large organisations, like  
16 the Scottish Government, for whom a request for  
17 a corporate statement will be issued imminently.  
18 Amongst other things, the corporate statement will  
19 include a request for what is likely to be  
20 uncontroversial structural information, as well as  
21 general factual evidence from the organisation about  
22 their involvement in matters relevant to this module.  
23 These statements will be of a factual nature and will  
24 not seek to elicit a position from the organisation  
25 about their interpretation of what happened. They will

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1 that the Module 2A lead solicitor provides monthly  
2 updates to core participants on the progress of Rule 9  
3 work. Such updates would, in general terms, include  
4 details of what requests have been made, whether  
5 documents have been received, when further documents are  
6 expected, and when further Rule 9 requests have been  
7 made.

8 Your Ladyship declined for the purposes of Module 1  
9 to order that position statements be made by state and  
10 organisational core participants and document providers.  
11 In Module 2A the Inquiry will similarly examine a wide  
12 range of policies and decisions over a number of years  
13 by a significant number of directorates, bodies and  
14 entities.

15 This subject matter does not lend itself readily to  
16 the preparation of position statements until a core  
17 participant or document provider is sufficiently  
18 confident of their knowledge of all the relevant issues  
19 and documents. That will take time, given the large  
20 number of matters to be addressed and the voluminous  
21 documentation. The making of an order for position  
22 statements would therefore be likely to lead to delay.

23 In any event, the Inquiry is requesting key Rule 9  
24 recipients to provide the corporate statement, as I have  
25 said, setting out amongst other things a narrative of

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1 relevant events, including lessons learned.  
2 Counsel to the Inquiry does not therefore propose  
3 that position statements be ordered for the purposes of  
4 Module 2A.

5 Moving then to my next heading, which is disclosure  
6 to core participants.

7 Disclosure of materials to the core participants is  
8 an important part of enabling them to participate  
9 effectively in the process. This Inquiry will be as  
10 open as possible with the core participants and with  
11 the public in relation to the disclosure of documents.  
12 The Inquiry's approach is to request document providers,  
13 through the Rule 9 process, to provide information and  
14 documents that are likely to be relevant to the issues  
15 and matters identified in a particular module.  
16 Recipients of Rule 9 requests are being made aware of  
17 this obligation and of the strict duties the law places  
18 upon them in relation to the preservation and retention  
19 of documentation.

20 The information and documents received will be  
21 assessed for relevance and then redacted in line with  
22 the redactions protocol that has been prepared and  
23 published on the Inquiry's website, so as to remove  
24 sensitive material such as personal data.

25 It is neither necessary nor proportionate for  
41

1 she does not consider it appropriate for the Inquiry to  
2 publish either a disclosure protocol or a schedule  
3 setting out an itemised list of documents or other  
4 material that is not intended to be disclosed to  
5 the core participants.

6 The electronic disclosure system which will be used  
7 to provide documents to core participants will be the  
8 Relativity system. Details of how to access the system  
9 and use it will be provided to core participants shortly  
10 before disclosure commences. Only those who have  
11 provided a signed undertaking to the Chair will be  
12 permitted to access the material that the Inquiry  
13 discloses to core participants. The Inquiry is working  
14 to begin the process of disclosing materials to core  
15 participants as soon as possible. The process of  
16 disclosure to core participants for Module 2A is likely  
17 to begin in early 2023.

18 Turning then to the important question of expert  
19 material and the instruction of expert witnesses.

20 A number of individuals with expertise are likely to  
21 be giving evidence at public hearings of the Inquiry as  
22 witnesses of fact. However, the Inquiry will also  
23 appoint qualified independent experts in particular  
24 areas. They will assist the Inquiry either individually  
25 or as part of a group of such persons by way of  
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1 the Inquiry to disclose every document that it receives  
2 or every request that it makes or every piece of  
3 correspondence. That is not required, and would hinder  
4 the Inquiry in the performance of its functions. It  
5 would also be a derogation of the Inquiry's functions  
6 were it to pass to the core participants all of  
7 the material that it receives.

8 Each document provider is being asked to provide  
9 an account setting out details of the nature of the  
10 review carried out, how the documents were originally  
11 stored, and the search terms used or other processes  
12 used to locate documents. Where the Inquiry has any  
13 queries or concerns about a document provider's process  
14 for locating relevant documents, it will raise and  
15 pursue them. And of course, as documents are reviewed  
16 and gaps identified, further documents will be sought.  
17 The extent to which this will be necessary in Module 2A  
18 will depend on the likely volume and relevance of  
19 material which each document provider has.

20 The disclosure of the relevant and redacted  
21 documentation will be in tranches. All core  
22 participants in the same module will receive all  
23 disclosable documents for that module. In light of  
24 the above approach, your Ladyship has determined, and  
25 made a determination to this effect in Module 1, that  
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1 the provision of written reports and opinions, including  
2 the answering of specific questions asked of them by or  
3 through the Inquiry and, where appropriate, the giving  
4 of oral evidence at public hearings of the Inquiry.

5 Such reports and evidence will inform and support  
6 the Inquiry's work during the public hearings as well as  
7 your Ladyship's recommendations by ensuring that its  
8 factual conclusions and recommendations are soundly  
9 based and informed by the weight of best expert opinion.

10 Such experts will have the appropriate expertise and  
11 experience for their particular instruction. They will  
12 be independent and objective and subject to  
13 an overriding duty to assist the Inquiry on matters  
14 within their expertise.

15 The identity of the expert witnesses and  
16 the questions and issues they will be asked to address  
17 will be disclosed to the core participants before  
18 the expert reports are finalised. Questions asked of  
19 experts will include seeking their input on Scottish  
20 issues. Core participants will, therefore, be provided  
21 with an opportunity to provide observations.

22 Where there are significant differences of view or  
23 emphasis among the members of a group, these will be  
24 made clear on the face of the reports and of course  
25 these can be tested during the oral hearings.  
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1 The appointment of experts to the Inquiry, whether  
2 they are assigned to a particular group of experts  
3 considering particular issues or not, are matters  
4 exclusively for the Inquiry, although it will consider  
5 suggestions from core participants as to whom should be  
6 appointed.

7 The Inquiry has provisionally identified a number of  
8 specialist areas in relation to which both lay and  
9 expert witnesses are likely to be giving evidence in  
10 Module 2, and potentially also Modules 2A, 2B and 2C if  
11 necessary and appropriate. A significant number of  
12 experts have already been conditionally approached;  
13 additional suggestions from core participants are  
14 welcome.

15 These areas are likely to include:

16 One, public policy and governance. This group is  
17 likely to be asked to look at matters including  
18 structures for decision-making and co-ordination of  
19 strategy and crisis management within government  
20 departments and directorates and their effectiveness;  
21 governance and accountability of government departments  
22 and directorates; reliance upon scientific and other  
23 evidence in policy and decision-making; and  
24 co-ordination between central and devolved  
25 administrations.

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1 As many if not all of the audience will know,  
2 the Scottish Government has established a separate  
3 Inquiry into the Covid-19 pandemic in Scotland. Its  
4 establishment was announced to the Scottish Parliament  
5 by the Deputy First Minister of Scotland on  
6 14 December 2021. Its official set-up date was  
7 8 February 2022. That is an investigation of matters  
8 which fall within the competence of the Scottish  
9 Parliament and which relate to the handling of  
10 the pandemic in Scotland. It has its own terms of  
11 reference and is an independent process from the work of  
12 this Inquiry.

13 Devolved matters will be examined by this Inquiry  
14 also.

15 In addition, this Inquiry will address and will  
16 require to report upon matters which relate to Scotland  
17 but which are within the reserve competence of  
18 the UK Parliament and Government, which the  
19 Scottish Inquiry will not address. This Inquiry is  
20 obliged by its terms of reference to minimise  
21 duplication of investigation, evidence gathering and  
22 reporting with the Scottish Inquiry.

23 In addition, this Inquiry is required to publicise  
24 its approach as to how it intends to fulfil that  
25 obligation and to liaise with the Scottish Inquiry.

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1 Secondly, it is likely that a report will be  
2 commissioned on systems for measuring and estimating  
3 numbers of infections and deaths, and registration of  
4 deaths, which will provide overall figures for infection  
5 and death, including within Scotland.

6 It is likely that a report will also be commissioned  
7 on: statistical methods in infectious disease  
8 epidemiology, mathematical modelling of the spread of  
9 virus transmission, infection, mutation, reinfection and  
10 death, international comparison of modelling systems;  
11 data sharing in government and with regional and  
12 devolved administrations, and counterfactual modelling  
13 to estimate whether and how different decisions would  
14 have resulted in different outcomes.

15 Finally, at this stage, it is likely the report will  
16 be commissioned on: intragovernment and public  
17 communications and behavioural science, the impact of  
18 messaging and the maintenance of standards of public  
19 behaviour, the impact of behavioural, social and  
20 environmental factors on infectious disease  
21 transmission, and, finally, compliance.

22 Turning then, my Lady, to the next section of my  
23 presentation, which deals with efforts which have been  
24 made to ensure co-operation with the Scottish Covid-19  
25 Inquiry.

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1 As many of the areas which were touched upon by  
2 the pandemic fell within the devolved competence of the  
3 Scottish Parliament, in particular the important areas  
4 of health and social care, there is a considerable  
5 overlap between the remits of the two Inquiries. Our  
6 interpretation at present is that all matters falling  
7 within the scope of the Scottish Inquiry also require to  
8 be examined, analysed and reported on independently by  
9 this Inquiry.

10 This will, of course, require to be re-analysed as  
11 the Deputy First Minister of Scotland announced last  
12 Thursday, 28 October, the appointment of a new Chair,  
13 who took up his position on Friday, 29 October, namely  
14 Lord Brailsford.

15 It was also announced on Thursday that the Scottish  
16 Inquiry's terms of reference would be supplemented from  
17 Friday to change the reporting requirements of that  
18 Inquiry so that it would focus on a person-centred and  
19 human rights based approach.

20 I am pleased to be able to report that  
21 a considerable effort has been made at various levels  
22 within this Inquiry's team to explore means by which  
23 these requirements might best be met in the work of  
24 the two Inquiries. This has involved discussions as to  
25 how best the two Inquiries might co-operate whilst

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1 retaining their separate and independent obligations to  
2 investigate and report on matters falling within their  
3 respective terms of reference.

4 Those discussions have made progress in relation to  
5 the agreement of certain key principles as well as in  
6 connection with operative and practical measures which  
7 might be put in place to minimise duplication.

8 A draft memorandum of understanding has been worked  
9 up between the two Inquiries. Duplication requires to  
10 be minimised not only in the work of the two Inquiries  
11 themselves but also in the efforts which will be  
12 required by the two Inquiries from document providers,  
13 witnesses, core participants and other interested  
14 parties, in order for both Inquiries to fulfil their  
15 independent terms of reference.

16 This approach is consistent in any event with  
17 your Ladyship's obligation under section 17(3) of the  
18 2005 Act to take all decisions as to the procedure and  
19 conduct of the Inquiry with fairness and with regard  
20 also to the need to avoid any unnecessary cost, whether  
21 to public funds or to witnesses or others. The result  
22 of these productive discussions will be published in due  
23 course.

24 Discussions between the two Inquiries continued  
25 during the period before the appointment of

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1 favour. Those with an interest in the subject matter of  
2 the Inquiry can be confident that this will be  
3 the Inquiry's approach throughout.

4 Secondly, this is a UK Inquiry, not a series of  
5 individual national Inquiries. This means that it has  
6 the power to seek evidence and probe areas across  
7 the UK; it is not limited to any particular area or  
8 nation. This brings with it considerable advantages,  
9 for example the ability to seek answers in a wide  
10 variety of places, the ability to draw upon a wide  
11 variety of experiences of how the Inquiry overall might  
12 be run most efficiently, and the ability to compare and  
13 contrast approaches to the management of the pandemic in  
14 all four nations of the UK and the effects of  
15 decision-making which resulted from them.

16 This in turn will lead to fully informed conclusions  
17 and recommendations. It also brings with it  
18 the challenge that fairness and consistency demand  
19 that decisions about the structure and process of  
20 the Inquiry need to be carefully thought through and  
21 co-ordinated so as to maximise these advantages of  
22 the Inquiry's national remit. This consideration is  
23 rendered all the more complex in the case of  
24 the Scottish matters due to the requirement that we also  
25 minimise duplication with the Scottish Inquiry.

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1 Lord Brailsford last Friday. Those discussions will  
2 continue now that a new Chair has been appointed. It is  
3 anticipated that new staff and counsel will be appointed  
4 within that inquiry. We will require to see whether the  
5 appointment of the new chair and these new staff and  
6 counsel will in any way alter that Inquiry's approach to  
7 the fulfilment of its terms of reference. The details  
8 of the mutually agreed arrangement to minimise  
9 duplication which have been under discussion will  
10 therefore require to be finalised with the  
11 Scottish Inquiry team in due course.

12 I have now just a few concluding remarks to make  
13 before moving on to some detail about future hearings.

14 It is important to emphasise a number of important  
15 factors about the Inquiry's approach for those who are  
16 interested in the proceedings and in the business of  
17 this Inquiry, in particular as it relates to Scotland.

18 Firstly, this Inquiry is independent. It will  
19 undertake investigations, ask questions, demand answers,  
20 draw conclusions and make recommendations independently  
21 of those who held positions of responsibility, made  
22 decisions or gave advice in the pandemic. Particularly,  
23 it will operate independently of the UK Government and  
24 the Scottish Government. It will do so with tenacity in  
25 the interests of the Scottish public without fear or

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1 We will seek to structure the Inquiry as we go  
2 forward in a way that appears to us to facilitate the  
3 most thorough investigation of the matters relating to  
4 Scotland falling within our terms of reference, but we  
5 will do so with those needs and challenges in mind.

6 Thirdly, those who are asked to provide assistance  
7 to the Inquiry, be it in the form of documentary  
8 discovery, by way of written statement, or in the form  
9 of oral evidence at the forthcoming hearings, can be  
10 assured that they will be treated with courtesy and  
11 respect. Regard will be had to practicality.

12 However, it should be borne in mind by such bodies  
13 or individuals that you, my Lady, have set a clear  
14 timetable for the hearings of the Inquiry to take place  
15 and, ultimately, for the Inquiry to discharge its terms  
16 of reference. For Module 2A, public hearings of oral  
17 evidence will take place in Scotland in autumn 2023.  
18 You have done this for the good reason that the sooner  
19 the Inquiry can reach its conclusions and discharge its  
20 terms of reference, the sooner the public can benefit  
21 from the lessons which have been learned.

22 There requires to be a balance between speed and  
23 reasonable thoroughness of investigation. As such,  
24 those asked to provide evidence should bear in mind that  
25 that timetable has been set. They will be expected to

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1 comply with requests for evidence in a way which devotes  
2 sufficient attention and resources to them to enable our  
3 important deadlines to be met.

4 My Lady, as far as future hearings within this  
5 module are concerned, a further preliminary hearing for  
6 Module 2A is likely to be held in early 2023. As with  
7 this preliminary hearing, it is likely it will take  
8 place in London, with remote access being made available  
9 for core participant representatives and livestreaming  
10 for the public. The date and venue will be confirmed in  
11 due course.

12 At that hearing an update will be provided as to  
13 progress which has been made in investigation of matters  
14 within Module 2A, as well as any update or refinement of  
15 the scope of the module in light of the investigative  
16 procedures which have been undertaken.

17 At some point it is anticipated that core  
18 participants will be allowed to make an opening  
19 statement. Core participants and the public will be  
20 kept apprised of any developments in that regard by  
21 appropriate means in due course.

22 As I have already said, the public hearings of oral  
23 evidence in Module 2A will take place in Scotland in  
24 autumn 2023. Further details will be announced in due  
25 course. As we understand it, the Scottish Inquiry will

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1 **Submissions on behalf of Scottish Covid Bereaved by**  
2 **MS MITCHELL**

3 **LADY HALLETT:** All right. Ms Mitchell.

4 **MS MITCHELL:** Good morning, my Lady.

5 I appear on behalf of the Scottish Covid Bereaved,  
6 as instructed by Amer Anwar & Co solicitors.

7 As noted by Senior Counsel to the Inquiry,  
8 the impact of Covid on Scotland has been profound, no  
9 more so the impact on those who lost loved ones.

10 The day after the preliminary hearing for the first  
11 module, we were advised that four members of  
12 the Scottish Covid public inquiry legal team had stepped  
13 down, including one of its senior counsel, and  
14 the Chair, Lady Poole, was going to step down for  
15 personal reasons in three months' time.

16 Since that time, a new Chair, Lord Brailsford, has  
17 been appointed, which has been welcomed by the families.  
18 He plans to meet the families in Scotland soon, and we  
19 understand he's working at a pace to get up to speed.

20 The Scottish Covid Bereaved are especially anxious,  
21 in light of these unfortunate difficulties, to ensure  
22 that Module 2A, indeed all modules, are carried out  
23 rigorously and in co-operation with  
24 the Scottish Inquiry. They wish to ensure that the  
25 voices of the Scottish bereaved are heard at both

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1 not be hearing oral evidence until 2024. Subject to  
2 the possibility that recent developments may change  
3 their plans, the proposed hearing date for the Module 2A  
4 hearings in this Inquiry will not clash with the  
5 oral hearings in that Inquiry. This was a matter raised  
6 by one of the core participants in advance of this  
7 hearing.

8 Finally, may I say, my Lady, that the Inquiry and  
9 the Module 2A team were appreciative of the written  
10 submissions made in advance of this hearing by the core  
11 participants. I hope that the points raised in them  
12 have been addressed as far as we can at this stage by  
13 what I have already said. Otherwise, the points which  
14 have been made have been noted and will be given  
15 consideration going forward.

16 I understand that the oral presentations are to be  
17 made on behalf of four of the core participants.

18 That concludes my presentation. I might suggest at  
19 this stage we take a short break.

20 **LADY HALLETT:** Thank you very much indeed for your help,  
21 Mr Dawson.

22 I shall return at 11.20.

23 **(11.06 am)**

**(A short break)**

24 **(11.20 am)**

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1 Inquiries.

2 In particular, for this module, the following seven  
3 issues are raised:

4 One, co-operation between Inquiries. My Lady has  
5 already touched upon these matters in her opening  
6 remarks, and we are grateful for her statement of  
7 intent, and glad to hear that she will soon meet with  
8 Lord Brailsford. We are encouraged too to hear that  
9 discussions are going on between the Inquiry teams and  
10 discussions on operative and practical issues as  
11 outlined by Senior Counsel to the Inquiry are ongoing.

12 The Scottish Covid Bereaved understand that  
13 the Inquiries will work together to ensure that, insofar  
14 as possible, there is a minimising of duplication of  
15 investigation, evidence gathering, and reporting, whilst  
16 at the same time ensuring no matters fall between the  
17 two Inquiries.

18 We note that senior counsel this morning has set out  
19 in some detail how he hopes this will work.

20 The Scottish Covid Bereaved understand that both  
21 Inquiries recognise the importance of being clear which  
22 Inquiry is responsible for looking at which issues. It  
23 hopes that if and when any grey areas arise,  
24 the Inquiries will work together to ensure which Inquiry  
25 is best suited to properly examining the particular

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1 issue.

2 Echoing what has been said by my Lady and also  
3 Senior Counsel to the Inquiry, the Scottish Covid  
4 Bereaved hope there will be a high degree of  
5 co-operation between the UK and the Scottish Inquiry.  
6 We understand from my Lady's comments at an earlier  
7 stage that a "protocol of understanding" will be drawn  
8 up, or some such terminology. We would ask that that  
9 document be made available to those in the public domain  
10 to ensure transparency and to foster confidence in that  
11 process.

12 Two, the Listening Exercise Scotland. We have noted  
13 that the Scottish Inquiry states it intends to pilot  
14 listening project activities later this year with a view  
15 to informing the Scottish Inquiry's investigations and  
16 report to the Scottish Government on the lessons that  
17 need to be learned to ensure that they are better  
18 prepared for any future pandemic.

19 We are unaware whether this intends to duplicate  
20 the work that the UK Inquiry will be doing in relation  
21 to the Listening Exercise, and the Scottish Covid  
22 Bereaved hope that this can be clarified going forward  
23 as soon as possible.

24 My Lady has already stressed the importance of  
25 the listening project to assist and inform her

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1 possible on the same information.

2 We reiterate the request for the Rule 9 applications  
3 be made available. We do not know whether or not  
4 the Chair will take or could take different views on  
5 different sub-modules. If it is the case that the Chair  
6 may do so, then the following submissions are made in  
7 the hope to assist my Lady in that regard.

8 The argument for the Rule 9 applications being  
9 disclosed was made repeatedly and in different forms  
10 yesterday, and I do not intend to rehearse that.  
11 My Lady heard from a number of skilled orators in that  
12 regard.

13 I would like to briefly address the response to  
14 those arguments that Senior Counsel to the Inquiry gave  
15 yesterday. He stated that the reasons for not giving  
16 those documents to core participants were twofold: one,  
17 that it would cause too much work for the Inquiry team  
18 to be able to cope with; and, following on from that,  
19 two, after receiving the Rule 9 applications those  
20 representing the interested groups would doubtless have  
21 views on whether other or different documentation should  
22 also have been asked for, and in turn this might lead to  
23 an overall delay in the process.

24 As stated yesterday, the ingathering of relevant  
25 evidence is key to an understanding how central

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1 consideration of the evidence led at the Inquiry.

2 The same importance will no doubt be placed on  
3 the Scottish Inquiry.

4 Given the importance of the Listening Exercise to  
5 both Inquiries, no doubt families would, if necessary,  
6 give their statements twice, but it would be helpful and  
7 minimise upset to families if in any way that could be  
8 avoided.

9 Three, timings. We are very grateful to hear from  
10 Senior Counsel to the Inquiry this morning that  
11 Module 2A hearings will not clash with the oral hearings  
12 in the Scottish Inquiry, and this will be of comfort to  
13 those listening in Scotland today. We would ask that,  
14 going forward, the Inquiries work together to ensure  
15 that there is no clash of hearing dates for both  
16 Inquiries. As I'm sure this and the other Inquiry  
17 appreciate, evidence being led in both Inquiries want to  
18 be heard by the Scottish Covid Bereaved.

19 Four, disclosure. The UK Inquiry is ingathering  
20 documents in respect of the Scottish module. There will  
21 of course be a significant, if not whole overlap with  
22 the documents also sought by the Scottish Inquiry. We  
23 note senior counsel's comments in this regard. We would  
24 suggest that a schedule of disclosed documents are  
25 shared to ensure that both Inquiries proceed insofar as

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1 government responded to the pandemic. If this task is  
2 not carried out correctly, the foundation on which  
3 the Inquiry rests, the cornerstone, is very much  
4 weakened. A transparent system of disclosure of course  
5 enhances the robustness and legitimacy of the process.

6 Those who have been given CP status wish to assist  
7 the Inquiry with its work. Mr Keith King's Counsel  
8 accepted that the responses to the Rule 9 requests may  
9 well beget more Rule 9 applications. That being so, it  
10 would seem not just reasonable but sensible to allow  
11 the groups who have core participant status to bring  
12 a wealth of knowledge to this task and to bring such  
13 expertise and interest to a critical part of the Inquiry  
14 process. Such involvement at this stage could only  
15 enhance the robustness of the disclosure process.

16 If that takes longer than would otherwise be  
17 the case, what would be lost? Time. The Scottish Covid  
18 Bereaved absolutely want the Inquiry to proceed with all  
19 due haste, but not at the expense of getting  
20 the critical process of disclosure correct.

21 We are grateful for the monthly liaison offered by  
22 the Inquiry legal team in relation to disclosure, and  
23 will of course be taking up this offer. However, such  
24 liaison being uninformed as to the details of Rule 9  
25 application will inevitably be of limited assistance in

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1 allowing the expertise of core participants to assist  
2 the Inquiry in this regard.  
3 Accordingly, I would ask that my Lady give very  
4 careful consideration to allowing core participants  
5 sight of the Rule 9 applications, for the very same  
6 reason that my learned friend Mr Keith KC sought to  
7 suggest would not necessarily be a positive, which is in  
8 order that we can have that very input.

9 Moving on, five, listening rooms. We are grateful  
10 to the feedback from the Chair to the Inquiry that it is  
11 considering the listening rooms idea for Scotland. We  
12 understand that hearing 2A for Scotland will be held in  
13 Scotland. As the Inquiry is aware, the geography of  
14 Scotland is such that it may not be people to travel to  
15 the Inquiry even when it sits there. Accordingly, we  
16 would ask that consideration be given to listening rooms  
17 even when the Inquiry is sitting in Scotland.

18 Six, evidence of individual deaths. The Scottish  
19 Covid Bereaved wish to assist the Inquiry to understand  
20 any possible systematic failings, in respect of  
21 providing evidence of individual deaths where  
22 appropriate. We would ask that the Inquiry liaise with  
23 us about this possibility where and when it arises in  
24 order that we can assist the Inquiry by providing  
25 information and allow consideration of evidence from

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1 So thank you very much indeed.

2 **MS MITCHELL:** I am obliged.

3 **LADY HALLETT:** Now I think we're going to a remote  
4 presentation. Mr McConnell for NHS NSS.

5 **Submissions on behalf of NHS National Services Scotland by**  
6 **MR McCONNELL**

7 **MR McCONNELL:** Good morning, my Lady.

8 Yes, I appear for NHS National Services Scotland,  
9 my Lady. NHS NSS lodged written submissions which  
10 identified three matters. Those can be found at page 5  
11 of the 23-page pdf bundle of the core participants'  
12 written statements for today.

13 **LADY HALLETT:** Thank you.

14 **MR McCONNELL:** My Lady, I propose addressing very briefly  
15 each of the three matters that feature therein.

16 The first of those is duplication. Matters have in  
17 fact moved on since this written submission was lodged,  
18 in respect that yesterday I corresponded with and had  
19 a helpful discussion with Mr Dawson KC. He explained to  
20 me the position as per his submissions this morning and,  
21 in light of that, there is at present no need for any  
22 further discussion of the terms of the terms of  
23 reference or the potential need for a public statement.

24 **LADY HALLETT:** Thank you, Mr McConnell.

25 **MR McCONNELL:** The second matter raised was the position and

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1 those in the Scottish Covid Bereaved group.

2 Finally, seven, the Inquiry has already heard from  
3 the Scottish Covid Bereaved in relation to its views on  
4 memorialisation and we gave submissions on that in the  
5 opening of the Inquiry in some detail. I would only  
6 reiterate that the importance to those in Scotland is  
7 that any memorial is capable of being brought to  
8 Scotland when the Inquiry sits there to ensure that  
9 those who wish can go and see it.

10 Those are my submissions on behalf of the Scottish  
11 Covid Bereaved.

12 **LADY HALLETT:** Thank you very much indeed, Ms Mitchell, as  
13 constructive as ever and as helpful.

14 As you have obviously noted, I am very conscious of  
15 the need to work closely with the Scottish Inquiry. It  
16 hasn't been easy, with the difficulties that  
17 the Scottish Inquiry has had, and that is why the  
18 parties have not yet seem any memorandum of  
19 understanding. We were close to agreeing it and then  
20 counsel and the Chair had to step down.

21 So I hope that when I meet Lord Brailsford -- the  
22 teams have carried on working, as you have heard, and  
23 I hope that we will be able to finalise it very soon,  
24 and obviously then you will get a copy.

25 And the other points I will very much bear in mind.

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1 corporate statements. I note what was said this  
2 morning, which was helpful clarification. Obviously  
3 there has been further information provided about what  
4 is contemplated by the corporate statements, and at this  
5 end we simply need to consider that quite carefully and  
6 reflect on it. But the clarification is helpful.

7 The third matter is the practicalities, and most  
8 pressing of those is the question of dates and precise  
9 dates for the Scottish public hearing. I'm sure this is  
10 a matter which the Inquiry has relatively high up on its  
11 long list of priorities, but the point for the core  
12 participants, I'm sure all of the core participants, is  
13 that autumn 2023 is a relatively broad descriptor, it  
14 could be any time, I think, from September to November,  
15 and the sooner -- at least from NHS NSS's perspective --  
16 an identifiable period of time is identified,  
17 the better.

18 **LADY HALLETT:** Thank you very much indeed, Mr McConnell.

19 I do understand, I mean, words like "autumn" can be  
20 used by some to include, as you say, very long periods  
21 of time, and as soon as we have any greater certainty we  
22 will give you the details as necessary, because we do  
23 understand the burdens that Inquiries of this kind,  
24 the Scottish Inquiry, the UK Inquiry, place upon  
25 organisations that you represent. So thank you very

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1 much for your submissions.

2 **MR McCONNELL:** Obligated.

3 **LADY HALLETT:** Right. Mr Jacobs.

4 **Submissions on behalf of the Trades Union Congress by**  
5 **MR JACOBS**

6 **MR JACOBS:** Good morning, my Lady.

7 With Ms Gallagher King's Counsel unable to attend  
8 today, I appear on behalf of the Trades Union Congress,  
9 the TUC.

10 The TUC has been designated as a core participant in  
11 Modules 1, 2 and also 2A, 2B and 2C.

12 My Lady, you will have heard this before, but for  
13 the benefit of others, the TUC brings together  
14 5.5 million working people who make up its 48 member  
15 unions from all parts of the UK.

16 The Scottish Trades Union Congress, which forms part  
17 of the TUC, represents affiliated membership in  
18 Scotland. The Scottish Trades Union Congress represents  
19 over 540,000 workers across 39 affiliated trade unions  
20 and 20 trade union councils.

21 As Roz Foyer, the Scottish TUC General Secretary,  
22 has put it:

23 "[The Scottish TUC] speak[s] for trade union members  
24 in and out of work, in the community and in  
25 the workplace, in all occupational sectors and across

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1 a number of core participants on this theme yesterday in  
2 Module 2. You were urged by a number of core  
3 participants to enable them to play an early and  
4 constructive role in the identification of the key  
5 issues and the evidence gathering process.

6 I do want to avoid simply repeating submissions you  
7 heard yesterday, but I do offer these short submissions  
8 by way of reflection in part on what was heard.

9 My Lady, it is important, in my submission, to  
10 understand why this issue is of such concern to a number  
11 of core participants. The scope of each module has been  
12 set out in very broad terms only.

13 Mr Keith King's Counsel yesterday described  
14 the terms of the identified scope as necessarily opaque.  
15 Perhaps Mr Keith was being a little unfair to  
16 the identified scope, but it is certainly right that  
17 with the breadth of the scope comes uncertainty as to  
18 what the Inquiry is actually investigating.

19 The Inquiry has been perfectly frank that it simply  
20 cannot investigate every issue and every event that  
21 might conceivably fall within the identified scope.

22 That is for very good reason, and we don't seek to  
23 persuade you to do otherwise, but that does underline  
24 the point that all the core participants really know is  
25 that they cannot assume that any particular issue which

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1 Scotland. [Its] representative structures ensure that  
2 [the Scottish TUC] can speak with authority for  
3 the interests of women workers, black workers, young  
4 workers, lesbian, gay, bisexual, and transgender workers  
5 and other groups of trade unionists that otherwise  
6 suffer discrimination in the workplace and in society."

7 My Lady, we did file some written submissions last  
8 Thursday, but with the oral submissions of yesterday and  
9 also this morning, the ground has shifted somewhat and  
10 I propose to address you this morning on four issues.

11 The first is the provision of early information to  
12 core participants on the focus of the Inquiry's  
13 investigations, whether that be by way of disclosure of  
14 the Rule 9s, an early list of issues, or instruction to  
15 experts.

16 Second, issues of scope, and in particular the role  
17 of evidence of impact on Module 2A.

18 Third, to whom Rule 9 requests should be made.

19 Fourthly, and very briefly, the idea of strand-tying  
20 closing submissions after Modules 2, 2A, 2B and 2C have  
21 been concluded.

22 So, turning to my first issue, the provision of  
23 early information to core participants on the focus of  
24 the Inquiry's investigations.

25 My Lady, the Inquiry did, of course, hear from

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1 might on its face fall within the identified scope is  
2 necessarily being investigated.

3 My Lady, the approach gives rise to two concerns.  
4 The first concern is that a core participant may only  
5 learn that a particular issue has not been investigated  
6 when it is too late, when the substantive hearing is so  
7 close that the gap in the evidence gathering cannot be  
8 filled without jeopardising the hearing date.

9 That concern is particularly acute for Modules 1  
10 and 2, where the hearings are really no more than six or  
11 seven months away, but the concern also arises in this  
12 module, with hearings no more than a year away.

13 If we only see a list of issues when the evidence  
14 gathering process is close to its completion, given  
15 the complexity of that exercise, it will inevitably be  
16 some significant time away.

17 The second concern is simply that there will be  
18 an opportunity lost for the Inquiry to benefit from  
19 the experience and expertise of those bodies such as  
20 the TUC designated as core participants. Ms Mitchell,  
21 on behalf of the Scottish bereaved families, made the  
22 point yesterday that the Rule 9 process is necessarily  
23 informed by the knowledge base of those drafting them,  
24 and the Inquiry can benefit from the knowledge of the  
25 core participants, and that's a submission with which we

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1 agree.  
2 Mr Keith King's Counsel did address this issue in  
3 his submissions in reply yesterday, and respectfully,  
4 my Lady -- and I hesitate somewhat because I'm conscious  
5 that Mr Keith is not here to respond --

6 **LADY HALLETT:** Don't worry, he can take it, Mr Jacobs.

7 **MR JACOBS:** I'm sure he can.

8 His reply was striking. His perceived difficulty  
9 with the disclosure of Rule 9 requests was that, on  
10 receipt of those Rule 9 requests, the core participants  
11 may feel compelled to say something about them. It  
12 would, he said, set a hare running.

13 My Lady, what Mr Keith describes quite simply is  
14 core participants being able to engage in a meaningful  
15 way with the direction of the Inquiry. To decline to  
16 disclose Rule 9 requests with the objective that core  
17 participants cannot then make any observations about  
18 them is misguided. It is misguided because core  
19 participants being able to engage with the Inquiry  
20 should be the objective, it's not the nemesis.

21 My Lady, there can also be some faith in the core  
22 participants, we say, and we sense, my Lady, that you do  
23 have that faith, and indeed Mr Dawson King's Counsel  
24 spoke this morning about fostering a collaborative  
25 approach, and we are with the Inquiry with that.

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1 We do note, of course, that periodic updates are  
2 going to be provided, and that's welcomed, but as to  
3 that, if sufficient detail is provided in the updates to  
4 enable meaningful and constructive engagement, then we  
5 ask rhetorically: why not provide the Rule 9 requests  
6 themselves?

7 If, alternatively, the information does not really  
8 enable meaningful engagement and the opportunity for  
9 constructive comment, then it does not meet the concern.

10 The short point, my Lady, is this: the Inquiry is  
11 urged to engage with core participants early and as  
12 openly as possible, and core participants need to know  
13 at an early stage what issues the Inquiry is  
14 investigating, and we can then engage constructively.

15 My Lady, turning to my second issue, the issue of  
16 scope and in particular the role of evidence of impact  
17 in Module 2 generally and 2A in particular.

18 In our written submissions on scope, the TUC pointed  
19 to the importance of education as a sector being  
20 relevant to decision-making on the use and effectiveness  
21 of non-pharmaceutical interventions or NPIs, in part  
22 because schools could be vectors for the spread of  
23 infection.

24 We also emphasise that the use and effectiveness of  
25 NPIs played out in significant part in workplaces.

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1 For our part, we doubt that any core participant  
2 wants to attempt drafting Rule 9 requests by committee  
3 of the Inquiry team and a number of core participants.  
4 But we say the core participants can be more  
5 constructive than that. We can focus on areas of  
6 inquiry rather than the minutiae of a request.

7 The Inquiry legal team is also, we would suggest,  
8 perfectly able and sufficiently assertive to rebuff any  
9 attempts, misguided attempts, by a core participant to  
10 draft by committee rather than focusing on real and  
11 significant areas where the Rule 9s can be strengthened.

12 It has been observed, my Lady, and it was observed  
13 again by Mr Dawson this morning, that disclosure of  
14 Rule 9 requests is not something that has necessarily  
15 happened in other inquiries, but this Inquiry is  
16 slightly different. In many inquiries what issues  
17 the inquiry is investigating is actually relatively  
18 straightforward. In this Inquiry, given its breadth,  
19 it's far from straightforward. There is a very  
20 significant issue which this Inquiry and its team has to  
21 grapple with, which is: what issues does it investigate?

22 It's of fundamental importance to, ultimately, the  
23 outcome of the Inquiry, and that's why in part core  
24 participants or many core participants are so anxious to  
25 have some input.

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1 Whilst many were working from home, the frontline -- and  
2 the real test of the effectiveness of social distancing,  
3 of masks and similar -- was in workplaces which did not  
4 close or did so only for limited periods. That was  
5 workplaces in sectors such as the transport sector, the  
6 communications sector, the manufacturing sector, in  
7 particular food processing and textiles,  
8 the construction sector and the retail sector.

9 We said in the written submissions that it would be  
10 important to understand how NPIs were applied and were  
11 effective or otherwise in practice.

12 We made similar points about public health messaging  
13 and guidance for workplaces and the implementation of  
14 workplace safety standards in bodies such as the Health  
15 and Safety Executive.

16 We observe that there may be significant overlap  
17 between what has been described as the early modules,  
18 the system modules and the later impact modules.

19 In fact, from what we understand particularly of  
20 what was said yesterday, that may not be the case, as it  
21 may be thought that the political decision-making, which  
22 is the focus of Module 2, can be investigated and  
23 examined without at the same time considering and  
24 hearing evidence as to how those decisions were playing  
25 out in practice.

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1 Mr Keith King's Counsel explained that the task is  
2 to examine what consideration decision-makers had in  
3 mind and, where there is a gap, something that wasn't  
4 considered that ought to have been, that will be  
5 manifest.

6 We do struggle with that logic. First, it  
7 presupposes that we all know what the relevant  
8 considerations and disparate impacts were, and the task  
9 is simply to see whether decision-makers had them in  
10 mind. But, my Lady, we don't have that knowledge and  
11 that evidence. Some of the considerations and disparate  
12 impacts are now well known and obvious, but others less  
13 so.

14 No doubt the very reason the Inquiry is envisaging  
15 several later modules examining impact is to understand  
16 them.

17 Second, these weren't decisions made by the devolved  
18 governments in the abstract, they were decisions with  
19 real world perceptible and obvious impacts, and those  
20 impacts should of course have fed back into  
21 decision-making.

22 To take some concrete examples within the TUC's  
23 focus, the high mortality rate of bus drivers, the  
24 outbreaks of the virus in food processing plants, the  
25 emerging relationship between school attendance and

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1 The Inquiry at least has to start exploring  
2 the impact issues and have some evidence before it for  
3 the purposes of Modules 2, 2A, 2B and 2C to give some  
4 all-important context to the decision-making which is  
5 the focus of these modules.

6 My Lady, my third point, to whom Rule 9 requests  
7 should be made.

8 The Inquiry is invited to direct a Rule 9 request to  
9 the Scottish TUC, who will be able to give relevant and  
10 important evidence on the use and effectiveness of NPIs  
11 in workplaces in Scotland.

12 It may be of interest to you, my Lady, that  
13 the Scottish TUC met with the Scottish Government  
14 regularly throughout the pandemic. That included  
15 planning meetings twice per week between the  
16 Scottish Government and the Scottish TUC, as well as the  
17 Scottish TUC's lobbying efforts. That meant that the  
18 Scottish TUC had some influence in shaping Scottish  
19 policy, for example in the designation of key workers  
20 and steps taken to ensure guidance was followed.

21 You may find, in due course, that that represents  
22 an area of divergence from the approach taken by  
23 the UK Government, and may be of interest to the Inquiry  
24 when considering the processes of decision-making.

25 We do recognise that the Inquiry's starting point to

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1 community transmission, and many similar issues, should  
2 have fed into decision-making around NPIs and also  
3 reflection on and adjustments to public health messaging  
4 and guidance.

5 To take an example given by Mr Dawson King's Counsel  
6 this morning, in August 2020 it was known that there was  
7 a higher proportion of deaths in care homes in Scotland.  
8 The question then is how that fed into political  
9 decision-making, which is the concern of this Inquiry,  
10 and this module in particular.

11 My Lady, we want to be in the business of  
12 constructive and practical solutions rather than simply  
13 pointing to problems and challenges. We absolutely  
14 recognise the value in a modular approach, and a modular  
15 approach was possibly the only realistic one open to  
16 the Inquiry. And inevitably issues between modules will  
17 overlap and the divisions between modules may not always  
18 be easy. We recognise that.

19 We recognise that you cannot hear all evidence as to  
20 the impact of decision-making in Module 2. What we do  
21 say is that you must have enough evidence as to impacts  
22 so that the issues falling within Module 2 have some  
23 all-important context. It may not be an easy task, but  
24 it can be achieved, we say, with carefully targeted  
25 Rule 9 requests.

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1 address Rule 9 requests to the most central  
2 decision-makers is of course sensible, but in due course  
3 we invite a request to the Scottish TUC.

4 My Lady, it does appear to us that Rule 9 requests  
5 can also usefully be made of a number of professional  
6 bodies that played a significant role in cascading and  
7 adapting national public health communications into  
8 workplaces, but that, my Lady, is an issue which the TUC  
9 is giving some urgent consideration to, and we envisage  
10 writing to you in due course with, we hope, some  
11 constructive suggestions.

12 Fourth, and finally, yesterday we invited  
13 the Inquiry to hold what might be called some  
14 strand-tying closing submissions after the conclusion  
15 of Modules 2, 2A, 2B and 2C. Whilst it is important to  
16 have distinct modules for the UK, Wales, Scotland and  
17 Ireland, it will also be useful to have some opportunity  
18 to take a broader view of the evidence gathered in and  
19 heard in each of the modules, and to take a coherent  
20 view of the findings and lessons learned across  
21 the modules.

22 It was said yesterday that perhaps it's too early to  
23 consider this sort of issue. As to that, my Lady, we  
24 say this: there are many advantages to the modular  
25 approach, we endorse it, but there are of course some

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1 disadvantages, and one challenge is how the Inquiry  
2 ultimately ends at a coherent role, and we say that  
3 actually, rather than being too early to consider how  
4 that is achieved, it is important that it is given some  
5 early consideration.

6 My Lady, unless I can assist further.

7 **LADY HALLETT:** No, that was extremely helpful, Mr Jacobs.

8 Thank you for both your submissions and for  
9 the suggestions, and we will pursue them where  
10 appropriate. I'm very grateful.

11 **MR JACOBS:** Thank you.

12 **LADY HALLETT:** Thank you.

13 Right, I think we now have Mr Mitchell KC attending  
14 by Zoom.

15 **Submissions on behalf of Scottish Ministers by MR MITCHELL**

16 **MR MITCHELL:** Good morning, my Lady.

17 **LADY HALLETT:** Mr Mitchell.

18 **MR MITCHELL:** My name is Geoffrey Mitchell. I appear today  
19 on behalf of the Scottish Ministers. That is, the body  
20 responsible for the direction and actions of the  
21 Scottish Government. We are grateful to have this  
22 opportunity to address the Inquiry this morning.

23 Our submission is a brief one, but we nevertheless  
24 thought it important that the Inquiry did hear from  
25 the Scottish Government, important for two reasons:

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1 dual commitment is a significant one, but it is one that  
2 the government has freely taken on. It has sponsored  
3 the setting up of the Scottish Inquiry, and it has  
4 sought core participant status in Module 1, Module 2  
5 thus far, and Module 2A. It would not have done this if  
6 it did not feel it could fulfil its obligations.

7 Mindful of the timetable that my Lady has set for  
8 the Inquiry, we anticipate and feel confident that  
9 a spirit of co-operation and collaboration between  
10 the Inquiry and those representing the ministers will  
11 allow the government to fulfil its obligations to  
12 the Inquiry and to allow the Inquiry to report on time.

13 I and my team of counsel enjoy good working  
14 relationships with Mr Dawson and Mr Tariq from our time  
15 at the Bar, and lines of communication have already been  
16 opened up between the wider Inquiry team and those  
17 representing the ministers.

18 In addition, the memorandum of understanding which  
19 we have heard much about today is welcomed by ministers,  
20 designed as it is to avoid, so far as that is possible,  
21 duplication of effort.

22 In conclusion, as my Lady observed at  
23 the preliminary hearing for Module 1, we have  
24 an enormous task in front of us, but she may rest  
25 assured that the Inquiry will receive the full support

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1 important because the government played the central role  
2 in the handling of the pandemic in Scotland. And  
3 important, secondly, because the government is likely to  
4 be the main provider of documents in relation to  
5 Module 2A of the UK Inquiry.

6 My theme is one of commitment and co-operation.  
7 Commitment to the Inquiry process, and thereby to the  
8 people of Scotland; and co-operation and collaboration  
9 with the Inquiry team to assist it in the fulfilment of  
10 its goals.

11 On behalf of the Scottish Ministers, we would like  
12 to take this opportunity to confirm their commitment to  
13 co-operate fully with the Inquiry as it investigates  
14 the unprecedented impact and challenges posed by  
15 the pandemic on the Scottish people and on the wider  
16 UK population over the past 31 months.

17 Scottish Ministers are acutely aware -- acutely  
18 aware -- of the many types of loss suffered by  
19 the population over this period. They completely  
20 understand that the people of Scotland would like  
21 answers to the many questions that bear upon the  
22 government's handling of the pandemic. The ministers  
23 are committed to that process.

24 They are equally committed to the Scottish Covid-19  
25 Inquiry which will run parallel to the UK Inquiry. This

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1 of the Scottish Ministers in achieving that task, and  
2 completing it.

3 My Lady, I will doubtless have more to say at  
4 a later date in this module, but unless there is  
5 anything that I can assist my Lady with now, then that  
6 is all I propose to say, and I'm grateful for the  
7 opportunity to have made this submission.

8 **LADY HALLETT:** Thank you very much indeed, Mr Mitchell.

9 I wholeheartedly welcome the expressions of  
10 commitment and co-operation. As you obviously  
11 appreciate and, by the sounds of it, your clients  
12 appreciate we're only going to make a difference, both  
13 this Inquiry and the Scottish Inquiry, with the full  
14 co-operation and commitment that you have expressed on  
15 the part of co-participants and providers of documents.

16 So I'm very grateful, and so far I've been very  
17 impressed by the level of commitment and co-operation  
18 that's been offered to the Inquiry, so I hope we can  
19 together make a difference.

20 Thank you very much indeed.

21 **MR MITCHELL:** Thank you.

22 **LADY HALLETT:** I think that completes the number of people  
23 who wish to make any comments.

24 Do you have any closing remarks, Mr Dawson?

25 **Response statement by LEAD COUNSEL TO THE INQUIRY FOR**

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## MODULE 2A

1 **MR DAWSON:** I do have a few, my Lady.

2 I'm pleased to note that a number of the areas which  
3 were raised those who helpfully contributed acknowledged  
4 had been covered, to a certain extent at least, in my  
5 opening presentation.

6 There are a few matters on which I think I might  
7 helpfully add, and particularly mindful of the fact that  
8 there may be people watching who have not participated  
9 in previous hearings and so may not be entirely aware  
10 that some of these arguments have been ventilated before  
11 your Ladyship at the Module 1 and/or 2 preliminary  
12 hearings and a response given on behalf of the Inquiry.

13 If I might take the presentations in turn. My  
14 learned friend Ms Mitchell made a number of submissions.  
15 There are three areas on which I think I can come back  
16 with what I hope are useful comments.

17 The first relates to the submissions which she made  
18 on behalf of Scottish Covid Bereaved urging  
19 your Ladyship to consider greater involvement of core  
20 participants in the Rule 9 process. For the sake of  
21 those listening who may not have been involved in  
22 the hearings as much as Ms Mitchell has, similar  
23 submissions were made on behalf of the group which she  
24 represents, and indeed, as I understand it, a number of  
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1 as much as on other matters within the Inquiry's remit.  
2 But I hope that those whom she represents are content  
3 with the commitment that we have given to take  
4 the obligation that we have to minimise duplication  
5 seriously. And as you know, my Lady, there are a number  
6 of discussions which are imminently about to be had with  
7 the newly constituted Scottish Inquiry about how best we  
8 might achieve that.

9 There is one further matter which I would wish to  
10 put on record. Ms Mitchell mentioned both  
11 the submission which she has made previously in  
12 connection with listening rooms, which of course has  
13 been noted and taken on board, but also on the subject  
14 of hearing venues.

15 As I have pointed out, the oral hearings in  
16 Module 2A will take place in Scotland in the autumn at  
17 some point of next year. Ms Mitchell and those  
18 instructing her have already been of considerable  
19 assistance in helping the Inquiry identify potential  
20 venues for hearings which might be suitable to their  
21 clients and more widely to the Scottish public, and  
22 I would wish to place on record that that spirit of  
23 collaboration is very welcome.

24 As far as the submissions made by Mr McConnell are  
25 concerned, I'm obliged for his clarification that

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1 other groups, in particular at the hearing which  
2 your Ladyship presided over yesterday in Module 2.

3 I simply would adopt and repeat the submissions  
4 which have been made by Mr Keith in support of the  
5 Inquiry's position, and I would also add that it is  
6 important, of course, in the interests of fairness, that  
7 there be consistency in the way in which that matter is  
8 approached across all of the modules.

9 So therefore it would be appropriate for me to adopt  
10 the same arguments which he has already advanced in  
11 front of your Ladyship in Module 2.

12 The other matters which are raised, which I think  
13 I can address: the important matter was raised by my  
14 learned friend about the need to be vigilant about  
15 potential areas of overlap, both in a conceptual sense  
16 but also in a practical sense, with  
17 the Scottish Inquiry.

18 On the subject of the overlap between the subject  
19 matter being looked at in each Inquiry, I would simply  
20 add that the terms of reference are what they are. As  
21 I set out in my main presentation, the statutory  
22 consultation exercise was gone through when our terms of  
23 reference were fixed. They include a requirement now  
24 for us to look into and report on devolved matters which  
25 were within the competence of the Scottish Government,

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1 matters which have been raised in the written material  
2 have, I think, all now been resolved to his  
3 satisfaction, and therefore I intend to add nothing  
4 further in connection with what he had to say on behalf  
5 of his clients.

6 As far as Mr Jacobs' submissions were concerned,  
7 once again a number of the submissions which were made  
8 have already been subject of some detailed discussion in  
9 previous hearings. He made a point which differed  
10 slightly substantively, although aligned itself with  
11 Ms Mitchell's point, about the need to consider further  
12 involvement of core participants in the Rule 9 process,  
13 and again I would simply align myself with  
14 the submissions made in that regard by my learned friend  
15 Mr Keith yesterday.

16 It is important also to note that the system which  
17 has been put in place, whereby updates will be provided  
18 to core participants, is designed, I think, precisely to  
19 try to achieve what it was that Mr Jacobs wanted, ie the  
20 ability of his clients and other core participants to  
21 participate meaningfully in the module, which of course  
22 is our absolute intention.

23 Another point which he made, again which I think was  
24 made and discussed in some detail at at least one  
25 previous hearing, related to the extent to which we need

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1 to look at the impact of Covid in various sectors in  
 2 order to assess the reasonableness and timeliness of  
 3 government interventions.  
 4 As I say, this is a point which was certainly raised  
 5 and debated at the Module 2 PH yesterday, and I would  
 6 align myself again with what Mr Keith had to say.  
 7 I think it's fair to say that we will need to  
 8 examine to an extent the impact of Covid and of  
 9 the decisions made by the Scottish Government in order  
 10 to be able to analyse and assess their effectiveness and  
 11 appropriateness. It is, I think, a feature of  
 12 the modular structure -- which Mr Jacobs and  
 13 the organisation which he represents otherwise  
 14 considered to be the best way of structuring  
 15 the Inquiry, and which has advantages, as I've set out  
 16 in my main presentation -- that a detailed analysis of  
 17 the impact in various sectors will need to wait until  
 18 later in the Inquiry.  
 19 We will focus now on the decisions which were taken  
 20 on the basis of the information which was available to  
 21 decision-makers at the time. We, within the Inquiry  
 22 team, are of the view that the current arrangements  
 23 strike an appropriate balance.  
 24 He made a further suggestion, and indeed has  
 25 provided some written submissions, in connection with

1 As I say, the same also goes for the points  
 2 helpfully raised by the core participants in writing and  
 3 at this hearing for Module 2A.  
 4 As far as Mr Mitchell KC's submissions are  
 5 concerned, I don't think I have anything that I can  
 6 usefully add at this stage, save to acknowledge our  
 7 gratitude for the spirit in which the Scottish Ministers  
 8 have intimated that they intend to participate in this  
 9 Inquiry.  
 10 Thank you.  
 11 **LADY HALLETT:** Thank you very much indeed, Mr Dawson.  
 12 Right, well, that now completes the first  
 13 preliminary hearing into Module 2A. I will give all the  
 14 submissions very careful consideration. Even if they  
 15 were similar submissions to ones made yesterday, they're  
 16 important and they all deserve proper consideration in  
 17 each module, and that's what they will get.  
 18 Unless anybody wishes to stay for this afternoon's  
 19 hearing into Module 2B, Cymru, Wales, thank you very  
 20 much for attending and that completes this hearing.  
 21 Thank you all.

22 (12.10 pm)

23 (The short adjournment)

1 the role which the Scottish TUC played in advising  
 2 government. He has asked for a Rule 9 to be issued to  
 3 the STUC in that regard. That is a matter which will  
 4 receive imminent consideration within the Module 2A  
 5 team. We are certainly obliged to the information which  
 6 the STUC has provided through the written note and  
 7 Mr Jacobs' submissions about their precise role, which  
 8 is of considerable interest to us.  
 9 The final matter which he addressed, again which  
 10 I'll return to, for the purposes of clarification with  
 11 those who were not at earlier hearings, is the subject  
 12 of there being a possible further hearing to which core  
 13 participants may make further submissions in early 2024.  
 14 This, again, was a matter which was raised by the TUC at  
 15 the Module 2 preliminary hearing yesterday.  
 16 Of course, again, my answer to that is simply to  
 17 refer to the comments made by Mr Keith to the effect  
 18 that the Inquiry team could not make submissions at this  
 19 stage on the desirability or benefit of a further  
 20 hearing at that time.  
 21 The matter was, however, also covered by Mr Keith's  
 22 general comment to the effect that there will be further  
 23 reflection within the Inquiry team on points made by  
 24 core participants at the Module 2 preliminary hearing  
 25 and indeed today.

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57/19 59/3 59/21 66/13 73/9</p> <p><b>which [144]</b></p> <p><b>whilst [5]</b> 27/23 48/25 56/15 72/1 76/15</p> <p><b>who [47]</b> 2/13 2/19 2/20 2/20 2/23 3/4 5/1 5/12 5/15 5/17 6/22 8/22 15/14 15/15 19/24 27/9 27/16 27/17 28/25 29/17 29/18 30/15 31/3 31/18 32/24 33/13 34/18 34/25 35/13 36/7 38/1 43/10 48/13 50/15 50/21 52/6 55/9 60/6 60/11 62/9 65/14 75/9 80/23 81/4 81/9 81/22 86/11</p> <p><b>whole [4]</b> 10/20 16/5 29/21 58/21</p> <p><b>wholeheartedly [1]</b> 80/9</p> <p><b>wholly [1]</b> 7/17</p> <p><b>whom [8]</b> 1/16 1/19 36/19 38/16 45/5 66/18 75/6 83/2</p> <p><b>whose [2]</b> 2/22 15/15</p> <p><b>why [5]</b> 15/7 62/17 67/10 70/23 71/5</p> <p><b>wide [9]</b> 17/11 19/12 32/18 32/21 36/14 39/22 40/11 51/9 51/10</p> <p><b>wide-ranging [2]</b> 32/21 36/14</p> <p><b>widely [2]</b> 9/18 83/21</p>	<p><b>widened [1]</b> 14/13</p> <p><b>wider [2]</b> 78/15 79/16</p> <p><b>widespread [1]</b> 14/20</p> <p><b>will [221]</b></p> <p><b>Winfield [1]</b> 5/23</p> <p><b>wish [11]</b> 1/16 3/17 8/22 20/23 55/24 60/6 61/19 62/9 80/23 83/9 83/22</p> <p><b>wished [1]</b> 7/22</p> <p><b>wishes [2]</b> 30/14 87/18</p> <p><b>wishing [1]</b> 10/16</p> <p><b>within [39]</b> 2/8 3/18 10/18 15/20 15/25 16/2 17/14 17/22 20/15 20/16 21/8 21/17 21/21 21/22 23/6 36/3 37/11 44/14 45/19 46/5 47/8 47/17 48/2 48/7 48/22 49/2 50/4 52/4 53/4 53/14 67/21 68/1 73/22 74/22 82/25 83/1 85/21 86/4 86/23</p> <p><b>without [3]</b> 50/25 68/8 72/23</p> <p><b>witness [2]</b> 35/6 37/21</p> <p><b>witnesses [7]</b> 4/5 43/19 43/22 44/15 45/9 49/13 49/21</p> <p><b>women [1]</b> 66/3</p> <p><b>words [1]</b> 64/19</p> <p><b>work [30]</b> 1/14 1/15 1/24 3/11 4/1 12/1 19/5 24/11 25/5 27/9 27/18 27/21 29/5 30/21 36/22 36/24 40/3 44/6 47/11 48/23 49/10 56/13 56/19 56/24 57/20 58/14 59/17 60/7 62/15 65/24</p> <p><b>worked [2]</b> 6/18 49/8</p> <p><b>workers [6]</b> 65/19 66/3 66/3 66/4 66/4 75/19</p> <p><b>working [13]</b> 1/23 23/11 31/20 35/12 37/12 37/16 37/25 43/13 55/19 62/22 65/14 72/1 79/13</p> <p><b>workplace [3]</b> 65/25 66/6 72/14</p> <p><b>workplaces [6]</b> 71/25 72/3 72/5 72/13 75/11 76/8</p> <p><b>workshops [1]</b> 31/2</p> <p><b>world [3]</b> 10/25 33/1 73/19</p> <p><b>worry [1]</b> 69/6</p> <p><b>worship [1]</b> 11/21</p> <p><b>would [50]</b> 6/21 7/1</p>	<p>7/2 7/10 7/17 8/1 8/4 8/20 8/22 10/15 20/22 28/25 39/21 40/3 40/22 42/3 42/5 46/13 48/16 48/18 57/8 58/5 58/6 58/13 58/23 59/13 59/17 59/20 60/10 60/16 60/17 61/3 61/7 61/16 61/22 62/5 69/12 70/7 72/9 78/11 78/20 79/5 82/3 82/5 82/9 82/19 83/9 83/22 84/13 85/5</p> <p><b>writing [3]</b> 34/7 76/10 87/2</p> <p><b>written [13]</b> 7/9 44/1 52/8 54/9 63/9 63/12 63/17 66/7 71/18 72/9 84/1 85/25 86/6</p> <p><b>wrong [2]</b> 15/10 27/17</p> <p><b>wrote [2]</b> 8/7 9/8</p> <hr/> <p><b>Y</b></p> <p><b>year [8]</b> 10/9 13/20 17/20 30/3 37/9 57/14 68/12 83/17</p> <p><b>years [2]</b> 13/7 40/12</p> <p><b>Yes [1]</b> 63/8</p> <p><b>yesterday [21]</b> 28/14 31/1 39/14 59/10 59/15 59/24 63/18 66/8 67/1 67/7 67/13 68/22 69/3 72/20 76/12 76/22 82/2 84/15 85/5 86/15 87/15</p> <p><b>yet [1]</b> 62/18</p> <p><b>you [52]</b> 2/5 5/14 5/15 6/10 7/7 8/10 8/23 9/8 9/8 15/21 30/17 31/23 52/13 52/18 54/20 62/12 62/14 62/22 62/24 63/1 63/13 63/24 64/18 64/20 64/22 64/25 64/25 65/12 66/10 67/2 67/6 67/23 69/22 74/19 74/21 75/12 75/21 76/10 77/8 77/11 77/12 80/8 80/10 80/14 80/20 80/21 80/24 83/5 87/10 87/11 87/19 87/21</p> <p><b>young [3]</b> 9/24 18/20 66/3</p> <p><b>your [27]</b> 4/6 8/7 8/19 9/13 9/18 10/7 10/10 10/14 28/13 30/3 30/10 30/16 32/13 32/17 33/4 40/8 42/24 44/7 49/17 54/20 65/1 77/8 80/11 81/12</p>	<p>81/20 82/2 82/11</p> <p><b>your Ladyship [20]</b> 4/6 8/7 8/19 9/13 9/18 10/7 10/14 28/13 30/3 30/10 30/16 32/13 32/17 33/4 40/8 42/24 81/12 81/20 82/2 82/11</p> <hr/> <p><b>your Ladyship's [2]</b> 44/7 49/17</p> <hr/> <p><b>Z</b></p> <p><b>Zoom [1]</b> 77/14</p>
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