

## **SCOTTISH COVID BEREAVED**

### **SECOND PRELIMINARY HEARING – MODULE 1**

**14<sup>TH</sup> FEBRUARY 2023**

We are grateful to Counsel to the Inquiry for providing a detailed note which relates to a number of procedural issues that we were keen to have clarified. As such the remaining issues will be short.

#### **RULE 9**

On 3<sup>rd</sup> January 2023 the Scottish Covid Bereaved received a rule 9 request from the Inquiry. This raises a number of important questions in relation to pandemic preparedness which we hope the Inquiry will find helpful. There will of course be further and more detailed questions to be raised as the disclosure process continues. We confirm that if there are organisations or individuals who do not appear in Annex A but, in relation to whom, there is reason to believe that the issuing of a Rule 9 request would benefit Module 1 then we will advise the Inquiry immediately

#### **DISCLOSURE**

We do not underestimate the amount of work it is taking to obtain and process and disclose the relevant documents for this Inquiry. We note at para 21 that the Inquiry's ideal scenario is that material is to be disclosed in an organised and collated way, but in reality, a balance is being struck to ensure documents are being disclosed as soon as possible. For our part, there is considerable additional work being done to try to collate relevant documents from disclosure, but this is a time-consuming process. We imagine that other core participants are having the same issues. For our part, we consider that the balance is best struck by the Inquiry where possible delivering disclosure in organised and collated tranches, even if this means it taking longer. Having individual documents at an earlier stage, without proper context, means it is likely that those documents need to be re-visited to provide context in due course. Having this work done "at source" means it is likely that CP's will have less work to do and be more

likely to be prepared in time for the forthcoming hearings. The fact that the documents are not labelled other than with multiple numbers and no particular order increases the length of time to consider. We would ask that consideration is given to this suggestion.

### **PARLIAMENTARY PRIVILEGE**

It is important to the Scottish Covid Bereaved that parliamentary privilege does not impinge on the work of the Inquiry, and the Inquiry is not inhibited in fully exploring the circumstances in which decisions were taken and actions were carried out by politicians and others in relation to pandemic preparedness.

We note the process by which Counsel to the Inquiry will address the issue of parliamentary privilege and consider it to be a sensible course, which will allow the issues covered by parliamentary privilege to be addressed in statements which do not have the restrictions imposed by the doctrine of privilege. As recorded in Counsel's note, parliamentary privilege does not apply to the Scottish Parliament.

### **EXAMINING WITNESSES**

We are grateful to Counsel to the Inquiry for the evidence proposal and consider that this will be a helpful method for ensuring that the issues and accompanying submissions of the Scottish Covid Bereaved can be flagged up and it will minimise duplication of work.

As appears to be anticipated in para [41], we would ask that after submissions have been made by CPs, Counsel to the Inquiry responds confirming whether they consider that such an issue will be raised and if not, we have an opportunity to make written submissions to the Chair on why the issue is relevant to allow a ruling on that, in the same way that the rule 10 procedure is used.

### **HEARING DATES / CP STATUS**

When the Inquiry provides proposed dates for hearings and CP status we are requested not to disclose these until they are made public by the Inquiry. In relation to the dates for hearings,

this is proving difficult on a practical basis for those who want to make arrangements to travel or to be free to watch online or even tell family members what is happening. In relation to the grant of CP status the inability to confirm this leads to similar problems. We do not understand the need for such restriction. If dates are provisional till announced this can be made clear, and the CP status of any person or group, once granted or refused does not seem to be a matter which requires such secrecy. Can the Inquiry give consideration to removing this restriction. From experience the failure in other inquiries to provide information such as dates can lead to a reduced confidence in the process by the families

### **CO-OPERATION WITH THE SCOTTISH INQUIRY**

The Scottish Covid Bereaved group is keen to understand what update there is on the working relationship between the two Inquiries, including such issues as : whether agreement has been reached that the Inquiries will not sit at the same time ; whether disclosure will be entirely separate processes or whether there will be any collaboration in relation to document ingathering ; whether the Listening Exercise/ Every story counts will be two entirely separate enterprises – in practical terms meaning that the Scottish Covid Bereaved would tell their story twice. The group understands that Lord Brailsford and Lady Hallet have met to discuss their working relationship and the group would be grateful for any updates available.

### **MEMORIALISATION**

We note the form of the memorial is a 15 panel tapestry with each panel being made in collaboration with artist and particular community. The Scottish Covid Bereaved would be happy to input into such a project. We note that as requested the memorial will be movable so that it can be shown in Scotland, and that consideration is being given to it also being available to view online. Further, we note that video content to reflect the hardship and loss the pandemic caused is being made for the opening of Module 1. The Scottish Covid Bereaved welcome the opportunity to be involved in this process.