



Counsel to the Inquiry's Note for the Second Preliminary Hearing in Module 2 of the UK Covid-19 Inquiry on 1 March 2023

Introduction

1. The purposes of this note are to provide the agenda for, and introduce the matters to be addressed at the second Module 2 preliminary hearing on 1 March 2023. The first preliminary hearing took place on 31 October 2022 and those who have been granted Core Participant status have been provided with updates of progress made by the Module 2 Inquiry legal team on 14 November 2022, 16 December 2022 and 30 January 2023 (collectively, the "Update Notes"). However, the preliminary hearing is an opportunity to draw this information together and ensure that it is up to date, as well as allowing a public update on the Inquiry's work so far.
2. This note, and the second preliminary hearing in Module 2 will address the following issues:
 - a. Start date for the oral hearings
 - b. Update on Rule 9 requests
 - c. Disclosure to Core Participants
 - d. Instruction of expert witnesses
 - e. Witnesses and hearing timetable
 - f. Parliamentary privilege
 - g. Evidence proposal procedure and Rule 10
 - h. Opening and Closing Statements
 - i. The Listening Exercise - Every Story Matters
 - j. Commemoration
 - k. Public hearings
3. Should any Core Participant wish to file brief written submissions on any of the issues set out above, they must be received by the Inquiry by **4pm on Friday 24 February 2023**.

Start date for the oral hearings

4. In a Ruling, dated 17 February 2023, issued by the Chair to the Inquiry, Baroness Hallett, the start date for the Module 1 public hearing has been postponed from 2 May 2023 to 13 June 2023. A copy of this Ruling has been published on the Inquiry's website and is available [here](#).
5. As a result of the above Ruling, the anticipated start date for the Module 2 hearings of 19 June 2023 is no longer achievable, and it will be necessary to fix an alternative start date.
6. The Inquiry legal team considers it would not be desirable to begin the hearings, currently scheduled for eight weeks, before the Summer break and proposes therefore that consideration be given to beginning the Module 2 hearings on **Monday 2 October 2023**. The hearings would end on Thursday 7 December 2023 with breaks being held between Monday 23 October 2023 and Friday 27 October 2023, and between Monday 13 November 2023 and Friday 17 November 2023.
7. We will also be inviting the Chair to consider fixing a third Preliminary Hearing in early September.

Update on Rule 9 requests

8. The Inquiry's Module 2 legal team has now issued more than 350 formal requests for evidence, pursuant to Rule 9 of the Inquiry Rules 2006. Requests have been made to government departments, senior civil servants and Ministers, organisations and bodies representing at-risk or vulnerable groups, participants of SAGE and related sub-groups, members of Independent SAGE, medical and other relevant professional organisations.
9. Information has been provided to Core Participants about the recipients of Rule 9 requests within the Update Notes provided to date. A summary of the requests, and an update on when each is expected, is set out within **Annex A** to this Note.
10. Module 2 anticipates sending a limited number of further Rule 9 requests to scientific and medical advisors over the course of the next few weeks. This will include second and more detailed Rule 9 requests to key participants of SAGE and its sub-groups and Independent SAGE. It will also include Rule 9 requests to scientists not involved in providing advice to the UK government, including one of the co-authors of the Great Barrington Declaration, Professor Sunetra Gupta. Rule 9 requests will also be sent to Chief Medical Officer Professor Sir Chris Whitty, Former Deputy Chief Medical Officer Professor Dame Jenny Harries, Deputy Chief Medical Officer Professor Jonathan Van-Tam and Chief Scientific Advisor Sir

Patrick Vallance. Having discussed with the Health and Safety Executive (“the HSE”) the role it played in informing Government decision-making in response to the pandemic, we intend also to issue a Rule 9 request to Professor Andrew Curran, Chief Scientific Adviser and Director of Research at the HSE.

11. The Inquiry is also likely to issue discrete follow up Rule 9 requests to organisations where it considers that matters have not been explained or addressed sufficiently in the first statement or where the Inquiry’s review of material received gives rise to further questions or areas of investigation.
12. To date, it has not been suggested by Core Participants that there are significant gaps in the range or identity of organisations and entities to which the inquiry has directed Rule 9 requests. The number of Rule 9 requests, and the wide range of organisations, entities and individuals who have received such requests, although highlighting the scale of the Inquiry’s task, provides reassurance that the Inquiry has cast its investigative net sufficiently widely. However, should any Core Participant consider that 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 2 then please indicate this as soon as possible. Any suggestions will be considered and, where appropriate, acted upon.

Disclosure to Core Participants

13. To date, the Inquiry has received material from the following Central Government Departments, arm’s length bodies and individuals:
 - a. Association of Directors of Adult Social Services (ADASS)
 - b. British Medical Association (BMA)
 - c. Cabinet Office (including the Equalities Hub)
 - d. Crown Prosecution Service (CPS)
 - e. Department for Business, Energy and Industrial Strategy (BEIS)
 - f. Department for Education
 - g. Department for Levelling Up, Housing and Communities
 - h. Department for Transport
 - i. Department for Work and Pensions (DWP)
 - j. Department of Health and Social Care
 - k. Dominic Cummings
 - l. Equality and Human Rights Commission (EHRC)
 - m. Foreign, Commonwealth and Development Office
 - n. Government Office for Science
 - o. HM Treasury

- p. Home Office
- q. Intensive Care National Audit and Research Centre (ICNARC)
- r. Local Government Association (LGA)
- s. National Police Chiefs' Council (NPCC)
- t. NHS Digital (NHS Digital merged with NHS England on 1 February 2023)
- u. NHS England
- v. Office of the Chief Medical Officer (OCMO)
- w. UK Health Security Agency
- x. UK Statistics Authority (UKSA)

14. As set out in some detail within the Update Note of 30 January 2023, the Inquiry legal team has undertaken to redact from materials the names of junior officials where it can be demonstrated that (a) the disclosure of that individual's name is not considered necessary and (b) by virtue of their junior position, they have a reasonable expectation of privacy. In order to ensure this process does not disproportionately delay the process of disclosure, the Inquiry considers it necessary to take a broad approach to redactions of names and contact details and, in particular, where they appear in lengthy lists of email recipients or those "cc'd" into email chains. Where such an approach has been taken, a redaction type of 'Name(s) Redacted' is being applied. This is not intended to avoid transparency, nor to avoid any proper scrutiny of the materials, but is considered the most proportionate and pragmatic approach to achieve swift disclosure to Core Participants.
15. Each redaction applied is provisional and is subject to change as a result of the Inquiry's own scrutiny of the evidence, or in response to matters raised by Core Participants. Should the Inquiry be informed that there are good grounds for believing that any document has had relevant content redacted, or for example that it is necessary to have greater clarity about the recipient of any given document or email, it will be reconsidered without delay.
16. The Inquiry is also now exploring means of automating the process of redaction of names which, as a result of the legal team's scrutiny of the materials, have provisionally identified to be irrelevant.
17. The Inquiry has disclosed 2112 documents to Module 2 Core Participants, comprising material received from the following providers:
- a. Department for Education
 - b. Department of Health and Social Care
 - c. Foreign, Commonwealth and Development Office
 - d. Home Office

- e. Independent participants in SAGE
 - f. NHS Digital
 - g. Office of the Chief Medical Officer
18. As set out in Annex A, a considerable number of the deadlines set in the Inquiry's Rule 9 requests fall within the next month. Therefore, it is not possible at this stage to give a precise indication of the volume of documents that Core Participants may expect by way of disclosure.
19. However, the Inquiry hopes to make disclosure to Core Participants on a regular basis. It has approximately 7500 documents from the Cabinet Office, DHSC, OCMO, Department for Education and FCDO which are in the latter stages of the Inquiry's disclosure process. It is anticipated that a significant volume of these will be disclosed to Core Participants in advance of the preliminary hearing.

Instruction of expert witnesses

20. As set out in the previous Update Notes, Module 2 has issued instructions to the following experts:
- a. Professor Ailsa Henderson from the University of Edinburgh has been instructed to report on the political structures for devolution within the UK and mechanisms for inter-governmental decision-making between the UK Government and the devolved administrations during the Covid-19 pandemic.
 - b. Professor Thomas Hale from the Blavatnik School of Government, University of Oxford, has been instructed to report on international data relating to the Covid-19 pandemic, in particular in analysing the effectiveness of the decision-making of the UK and each devolved administration to the Covid-19 pandemic in comparison to other countries.
 - c. Alex Thomas from the Institute for Government has been instructed to report on the decision-making structures of the UK Government in an emergency, in particular the Cabinet Office, Cabinet Committees and the Office of the Prime Minister.
 - d. Gavin Freeguard, former Programme Director and Head of Data and Transparency at the Institute for Government, has been instructed to report on the access to and use of data by the UK Government and devolved administrations during the Covid-19 pandemic.
21. Draft reports have now been received from Professor Henderson, Professor Hale and Alex Thomas. These are being reviewed by the legal team, and it is hoped that draft reports will be shared with Core Participants before the end of March.

The draft expert report from Gavin Freeguard is expected to be received by the end of March 2023 and we anticipate that, following review, it should be disclosed to Core Participants during the course of April.

22. Following disclosure of the draft expert reports, Core Participants will be invited to raise points of clarification or new matters (that are agreed by the Inquiry to be relevant) with each expert. Given the number of Core Participants, it may be necessary for there to be some limitations imposed as to the scope and/or number of matters able to be raised by each. Further information about the intended process for this engagement by Core Participants will be provided in due course.

Witnesses and hearing timetable

23. It is important that the Inquiry legal team properly reflects, in light of the statements and documents that are now starting to be received, on the scope of Module 2 and identifies to Core Participants, and the wider public, the key issues which fall to be explored at the oral hearings. That clarity will undoubtedly help all parties focus their review of the materials, and on preparation for the hearings.
24. However, given the need to conduct a meaningful review of the relevant materials, including many of the key statements listed in Annex A, and the need to ensure a broad consistency of approach with Modules 2A, 2B and 2C (the Preliminary Hearings in which are being held on 21 and 29 March), such a list of issues will not be circulated to Core Participants until April 2023.
25. Shortly thereafter, the Inquiry legal team envisages the supply to Core Participants of a provisional list of witnesses, on which Core Participants's views will be sought. Once those observations have been considered, a provisional timetable will be circulated to Core Participants.
26. In advance of circulating the provisional list of witnesses, the Inquiry will be writing to all those who have received Rule 9 requests to ask that the individual providing the witness statement submits to the Inquiry any dates to avoid.

Parliamentary privilege

27. It is necessary to raise, shortly, the issue of parliamentary privilege arising in connection with the UK Parliament¹, given the amount of parliamentary debate, reports and other material discussing many of the issues which themselves fall to be examined within the Inquiry's Terms of Reference. It is important to understand the ways in which the potential application of parliamentary privilege, which, if it is applicable, cannot be waived, may nevertheless be side-stepped by the Inquiry by

¹ The principles set out in this note apply only to the Parliament of the United Kingdom; they do not apply to the Scottish Parliament (Pàrlamaid na h-Alba), the Welsh Parliament (the Senedd Cymru) or the Northern Ireland Assembly.

way of the various means by which it acquires information.

28. The doctrine of parliamentary privilege originates from Article IX of the Bill of Rights 1689, which provides, “That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament”.
29. An important point of principle potentially arises, namely whether, in a statutory inquiry, the impeaching or questioning of statements made in or to Parliament, or the introduction into these proceedings of parliamentary statements or reports for the truth, worth or validity of what is said infringes Art IX.
30. If the privilege attaches, the inquiry cannot question proceedings in Parliament, including statements made in or to the houses of Parliament, including to select committees, or introduce such material, or allow witnesses to introduce it, so as to gainsay or support evidence given in the Inquiry.
31. The broad principles as to when debates or proceedings in Parliament might be “impeached or questioned” are as follows:
 - a. It is permissible to refer to things that were said and done in Parliament as a matter of historical fact or to provide context. A mere reference to, or production in legal proceedings of, what was said in Parliament, or production of a report, does not of itself infringe Article IX.
 - b. It is not permissible:
 - i. to draw inferences from parliamentary material or to use it as evidence for or against disputed factual matters;
 - ii. to rely upon parliamentary material as evidence of the truth of a proposition; or
 - iii. to deny, dispute or question the worth, truth, genuineness or accuracy of the content of parliamentary material.
32. A wide range of different categories of parliamentary material is protected by parliamentary privilege as “debates or proceedings in Parliament”, including:
 - a. Opinions of an individual member of either the House of Commons or the House of Lords, expressed in either House.
 - b. Evidence or memoranda given to a select committee of either House.
 - c. Any document published by order of either House. This includes all National Audit Office (“NAO”) reports.
 - d. Reports put before Parliament.

33. There will be other categories of material which, whilst not themselves covered by parliamentary privilege, may raise issues of parliamentary privilege by quoting, referring to or relying upon material which would itself be covered by parliamentary privilege if adduced within the context of the Inquiry. Given the wide variety of forms in which this material might exist, the Inquiry proposes to approach such material on a case by case basis.
34. These principles are easier to understand in context. By way of non-exhaustive examples only, we have set out below a few common scenarios where parliamentary privilege is likely to arise as an issue in a witness' oral or written evidence, as well as the Inquiry's understanding of the position that the principles of parliamentary privilege require:
- a. Witness A refers to evidence previously given in parliament: It is unlikely to be permissible for Witness A simply to refer back to his or her previous evidence to a parliamentary committee and rely on it before the Inquiry. This is due to the fact that, if anyone wishes to cross-examine Witness A, it is likely that they will be unable to do so without "impeaching or questioning" proceedings in Parliament, contrary to Article IX. The position would be the same if the reference was to a previous statement made in proceedings in the Chamber of either House. However, a witness may provide fresh evidence to the Inquiry. It does not matter if it is the same in substance as the evidence provided to the select committee or the statement made in proceedings in the Chamber of either House. Once the fresh evidence is provided, that is a statement made outside proceedings in Parliament and may be examined by the Inquiry in any way that it thinks appropriate.
 - b. Witness A refers to evidence previously given by Witness B in Parliament: It is likely to be permissible for Witness A to cite evidence given by Witness B to either House as part of the background to his or her own evidence (for example, citing the fact that a particular matter was raised in parliamentary evidence on a particular date, for the purpose of showing that the issue had been mentioned in public by that date). A summary is also permissible provided it complies with the principles set out above. However, any commentary on Witness B's evidence is likely to be impermissible, given the risks of impeaching or questioning the content of that evidence.
 - c. Witness A refers to the content of a report published by a select committee: Whether or not it is permissible for a witness to refer to, or summarise, the evidence, findings and conclusions included in a report published by a select committee will depend on the purpose for which the evidence is included and the nature of the evidence. It is likely to be permissible to receive into evidence, or summarise, the content of a report

as long as it is done for the purposes of setting the historical scene and providing context, so that the focus of the witness' evidence is not on the content of the report but on what was done or said in response to it. However, the receipt into the Inquiry's process of parliamentary materials as evidence of the truth of proposition contained in them is as objectionable as an attempt to deny or dispute the content of that material, as it puts the Inquiry into the position of having to risk questioning the proceedings in Parliament or of leaving the point undisputed. If a statement made in a report is, or may be, contentious then any questioning upon the basis of the evidence contained in the statement is likely to infringe Article IX. Similarly, one cannot refer to the opinion or finding of a select committee on an issue which the Inquiry has to determine for itself. The Inquiry considers that this is likely to apply equally to formal responses to a select committee report which is submitted to the select committee, at least to some degree where those formal responses evaluate, engage critically with or respond directly to the report.

35. It is at least arguable that, as a statutory public inquiry with the power to examine witnesses under oath, parliamentary privilege applies:

- a. On the face of it, the Inquiry would appear to be 'a court or place out of Parliament'.
- b. The Joint Committee on parliamentary privilege of March 1999 opined that 'place' included a tribunal, and that, were the matter to arise in the context of the Tribunals of Inquiry (Evidence) Act 1921 - the predecessor Act to the Inquiries Act 2005 - the privilege would apply.
- c. That Committee recommended that 'place' should be defined in statute to include any tribunal having power to examine witnesses on oath, so that any statutory inquiry would be such a 'place'. This would bring the position into line with the statutory position in Australia under the Parliamentary Privileges Act 1987 (Australia) which replaced 'court or place' with 'any court or tribunal'.
- d. In principle, the application of parliamentary privilege extends beyond courts and tribunals capable of determining civil or criminal liability (which determination, it is acknowledged, this Inquiry cannot carry out, by virtue of s 2(1) of the Inquiries Act 2005) to public law proceedings, in which there is no determination of civil or criminal liability.
- e. In DK (India) and RH (India) v SSHD [2021] UKUT 61 (IAC) the Upper Tribunal held that parliamentary privilege applied to it. The UT is a statutory tribunal conferred with statutory powers to do court-like things and make findings under the Tribunals, Courts and Enforcement Act 2007.

36. However, the issue of whether or not the privilege applies presents no practical problem, since the Inquiry can continue to search for the truth by replicating such statements or materials to which parliamentary privilege may attach by formulating its requests under Rule 9 of the Inquiry Rules 2006 in full knowledge of what it knows the witnesses to have already said or provided to Parliament.
37. The Inquiry will, for example, question Ministers and officials on their role and decision-making before, during and after the Covid-19 pandemic, notwithstanding that they have contributed to parliamentary debates or given evidence to select committees. It will do so by seeking stand-alone statements from those witnesses, which may be requested to cover the same issues on which they have previously given evidence, pursuant to Rule 9 of the Inquiry Rules 2006. It will then conduct any questioning of such witnesses based on the content of their evidence to the Inquiry, not on any statements that they may have made previously to Parliament.
38. It may also be necessary for the Inquiry to navigate the findings and conclusions of select committee reports, particularly where they have contributed to the process whereby the government has drawn lessons from the Covid-19 pandemic. The Inquiry proposes to disclose them to Core Participants so as to provide necessary explanatory context. However, in order to avoid the risk of impeaching or questioning the content of those reports, the Inquiry will, again, seek stand-alone statements which do not refer to proceedings in Parliament, other by way of historical context. Where a witness seeks to rely upon information that was presented to a select committee, or activity that was undertaken in response to its reports, that witness can of course replicate that information in his or her statement.
39. The Inquiry will also, within the context of certain modules, examine the structures available to provide oversight of the public health and coronavirus legislation and regulations that were proposed and enacted during the Covid-19 pandemic. It will, however, do so without seeking to question or impeach proceedings in Parliament.
40. Accordingly, and as the Chair has determined in the context of Module 1, no ruling is required on whether, in principle, parliamentary privilege applies to this Inquiry. The issue will, however, be kept under review as the process of collating and assembling the evidence continues.

Evidence proposal procedure and Rule 10

41. Rule 10 of the Inquiry Rules 2006 states:

10.— (1) Subject to paragraphs (2) to (5), where a witness is giving oral evidence at an inquiry hearing, only counsel to the inquiry (or, if counsel has not been appointed, the solicitor to the inquiry) and the inquiry panel may ask questions of that witness.

(2) Where a witness, whether a Core Participant or otherwise, has been questioned orally in the course of an inquiry hearing pursuant to paragraph (1), the chairman may direct that the recognised legal representative of that witness may ask the witness questions.

(3) Where—

(a) a witness other than a Core Participant has been questioned orally in the course of an inquiry hearing by counsel to the inquiry, or by the inquiry panel; and

(b) that witness's evidence directly relates to the evidence of another witness, the recognised legal representative of the witness to whom the evidence relates may apply to the chairman for permission to question the witness who has given oral evidence.

(4) The recognised legal representative of a Core Participant may apply to the chairman for permission to ask questions of a witness giving oral evidence.

(5) When making an application under paragraphs (3) or (4), the recognised legal representative must state—

(a) the issues in respect of which a witness is to be questioned; and

(b) whether the questioning will raise new issues or, if not, why the questioning should be permitted.

42. Module 2 has a significant amount of ground to cover during its hearing, and a relatively limited amount of time within which to do so. As with all aspects of the Inquiry's work, it is important that the hearing is conducted as efficiently and swiftly as possible.

43. In accordance with Rule 10(1), only Counsel to the Inquiry may ask questions of the witness, and requires no permission from the Chair to do so. However, the Inquiry recognises the important part that Core Participants have to play and, of course, they have the right to seek permission from the Chair under Rule 10(4) to ask questions themselves of the witness. The process of evidence proposals (set out below), together with the ability to make applications to ask their own questions of witnesses, will ensure that Core Participants have a meaningful opportunity to engage in the process.

44. Each witness called to give oral evidence at the hearing before the Inquiry will have a paper bundle of documents prepared for them for use at the hearing. This will include the witness' Inquiry witness statement(s) and any documents to which the witness may be referred.

45. An evidence proposal will be prepared for every such witness, which will be circulated to Core Participants in advance of the witness giving evidence. This will include a list of the topics that the witness will be examined about, references to relevant parts of the witness statements and exhibits, and a draft index of those documents that will form the witness bundle, including those documents about which the witness may be asked questions.
46. Core Participants will be asked to review the evidence proposals and to provide any comments, as well as submissions as to any additional issues which they wish to be raised with a particular witness or any new documents they consider should be included. The Inquiry will consider these carefully and a finalised proposal will be circulated before the witness gives evidence.
47. In addition, the Inquiry proposes to institute a further process (also outwith the provisions of Rule 10) under which the Core Participants may be permitted to meet Counsel to the Inquiry, following the submission of their observations, so as to be able better to explain the rationale underpinning those observations. This is, in effect, an informal route by which they can seek to persuade the Inquiry team that there are areas or issues that are of such centrality that they must be raised in the course of the witnesses' evidence.
48. The Chair has made a determination in Module 1 to the effect that such a process be instituted. We invite the Chair to make a similar determination in Module 2.
49. On the basis of the current proposal, which is that the public hearing commences on **Monday 2 October 2023**, the provisional timetable in relation to witnesses giving evidence in Week 1 of the public hearing would be as follows (subject to submissions):
- a. **w/c 4 September** - Circulation of evidence proposals for witnesses in Week 1 to Core Participants. Core Participants will have 7 days to consider the evidence proposal in respect of each witness and suggest any additional lines of questioning for those witnesses;
 - b. **w/c 11 September** - The Inquiry legal team to review Core Participants' observations on the Week 1 evidence proposals;
 - c. **w/c 18 September** - The Inquiry legal team to provide finalised evidence proposals for Week 1 witnesses. Thereafter, Core Participants will have the opportunity to approach CTI on matters of significance.
50. The same would apply for Week 2 witnesses but a week later, and so on.

Opening and Closing Statements

51. Rule 11 of the Inquiry Rules 2006 states

11.—(1) *The recognised legal representative of a Core Participant may—*

(a) make an opening statement to the inquiry panel at the commencement of the first of any oral hearings, and

(b) make a closing statement to the inquiry panel.

(2) A Core Participant who does not have a recognised legal representative may make the opening and closing statements referred to in paragraph (1).

52. It is the current intention of CTI to make an opening statement at the commencement of the public hearing. It is unlikely that there will be a closing statement.

53. Those Core Participants who wish to make opening and closing statements will of course be permitted to do so. However, CTI will be inviting the Chair to impose strict time limits in which to do so. This is likely to be determined in part by the number of participants. Written statements must be submitted to the Inquiry within a time frame which will be set out in due course.

The Listening Exercise (“Every Story Matters”) and Commemoration

54. A note from the Solicitor to the Inquiry regarding the listening exercise and proposals for commemoration was circulated with the January Update Note, but is also attached as **Annex B**.

55. In the course of her Ruling on Module 1 of 17 February 2023, the Chair noted that some of the bereaved family members felt that they had not received sufficient information on the details of the listening exercise (“Every Story Matters”). She stated that it had always been her intention to provide as much information as possible at every stage of the development of the exercise and she directed the Inquiry team to consider if there are any ways in which the Inquiry could improve its communication with them.

Counsel to the Inquiry

17 February 2023

Hugo Keith KC

Andrew O’Connor KC

Dermot Keating

Joanne Cecil

Lara McCaffrey

Caragh Nimmo

Meg Cochrane

Hannah Gardiner

Amrit Dhanoa

Annex A - Update on Module 2 Rule 9 Requests for Evidence

Government Departments, arm's length bodies and other non-governmental organisations

Rule 9 recipient	Status of Rule 9 response
British Medical Association	Due 28.02.2023.
Cabinet Office	Received in final form and due to be disclosed to CPs week commencing 20.02.2023.
Chief Medical Officer	Draft corporate statements and chronology received. Disclosure to CPs has started but is due to be completed in April.
Crown Prosecution Service (CPS)	Draft corporate statement and exhibits received. Due to be received in final form and disclosed to CPs in April.
Department for Business, Energy & Industrial Strategy (BEIS)	Draft corporate statement, chronology and exhibits received. Due to be received in final form and disclosed to CPs in March.
Department for Education (DFE)	Draft corporate statement, chronology and exhibits received. Disclosure to CPs has started but is due to be completed in March.
Department for Levelling Up, Housing and Communities (DLUHC)	Draft corporate statements and chronologies for the periods January - March 2020 and April - October 2020 received. Extension to 22.02.2023 granted for corporate statement and chronology for the period October 2020 - February 2022.
Department for Transport (DFT)	Draft corporate statement, chronology and exhibits received. Due to be received in final form and disclosed to CPs in March.
Department for Work and Pensions (DWP)	Draft corporate statement, chronology and exhibits received.
Department of Digital, Culture, Media and Sport (DCMS)	Draft corporate statement and exhibits due on 07.04.2023.
Department of Health and Social Care (DHSC)	<p>Draft corporate statement part 1 for the period January 2020 - July 2020 and chronologies for the periods January 2020 - July 2020, August 2020 - July 2021 and August 2021 - February 2022 received. Due to be disclosed to CPs in March.</p> <p>Exhibits to draft corporate statement part 1 due 17 February 2023. Draft corporate statement part 2 for the period August 2020 - July 2021 due 17 February 2023. Draft corporate statement part 1 additional text due 13 March 2023. Exhibits to draft corporate statement part 2 due 22 March 2023. Draft</p>

	corporate statement and exhibits part 3 for the period August 2021 - February 2022 due 05 April 2023.
Foreign, Commonwealth & Development Office (FCDO)	Draft corporate statement, chronology and exhibits received.
Government Office for Science (GO-S)	Draft corporate statements, chronology and exhibits received.
HM Courts and Tribunals Service (HMCTS)	Draft corporate statement and exhibits received.
HM Treasury (HMT)	Draft first corporate statement and supporting documents received. Draft second corporate statement and outstanding exhibits due on 24.02.2023.
Home Office (HO)	Draft corporate statement, chronology and exhibits received. Disclosure to CPs has started but is due to be completed in April.
Intensive Care and National Audit and Research Centre (ICNARC)	Draft statement and supporting documents received. Due to be received in final form and disclosed to CPs in March.
Local Government Association (LGA)	Draft statement and supporting documents received.
Ministry of Justice (MOJ)	Draft statement, chronology and exhibits due on 03.03.2023.
NHS Digital	Draft first corporate statement and exhibits received. Draft second corporate statement part 1 and exhibits due on 01.03.2023. Draft second corporate statement part 2 and exhibits due on 31.03.2023.
NHS England	Draft corporate statement and chronologies parts 1 and 2 received. Due to be received in final form and disclosed to CPs in March.
National Police Chiefs' Council (NPCC)	Draft corporate statement, chronology and exhibits received. Supplement to chronology due on 28.02.2023.
Trade Unions Congress (TUC)	Draft corporate statement due on 21.02.2023.
UK Health Security Agency (UKHSA)	Draft chronologies and lessons learned material received. Draft corporate statement due on 24.02.2023.
UK Statistics Authority (UKSA)	Draft corporate statement received.

Regional Mayors

We have issued Rule 9 requests to the regional Mayors listed below. Requests from each are currently expected to be received by the Inquiry by the end of February 2023.

- a. The Mayor of London, Sadiq Khan
- b. The Mayor of Greater Manchester, Andy Burnham
- c. The Mayor of Liverpool City Region Combined Authority, Steve Rotheram
- d. The Mayor of West Midlands Combined Authority, Andy Street
- e. The Mayor of Cambridgeshire and Peterborough Combined Authority, Nik Johnson
- f. The Mayor of West Yorkshire Combined Authority, Tracy Brabin
- g. The Mayor of South Yorkshire Combined Authority, Oliver Coppard
- h. The Mayor of North Tyne Combined Authority, Jamie Driscoll
- i. The Mayor of Tees Valley Combined Authority, Ben Houchen

Ministers

We have requested witness statements from the Ministers listed below. The majority of these statements are expected to be received by the end of March 2023, save for the statement from The Rt Hon Boris Johnson, which is due in mid-April 2023 and The Rt Hon Matt Hancock which is due by the end of April 2023.

1. The Rt Hon Boris Johnson MP
2. The Rt Hon Dominic Raab MP
3. The Rt Hon Matt Hancock MP
4. The Rt Hon Elizabeth Truss MP
5. The Rt Hon Michael Gove MP
6. The Rt Hon Kemi Badenoch MP
7. The Rt Hon Steve Barclay MP
8. The Rt Hon Michael Ellis KC MP
9. The Rt Hon Penny Mordaunt MP
10. Justin Tomlinson MP

A request for a witness statement from the Rt Hon Rishi Sunak, Prime Minister is due to be issued within the next few weeks.

We have also issued requests for witness statements from First Minister of Scotland, Nicola Sturgeon; former First Minister of Northern Ireland, Paul Givan; former First Minister of Northern Ireland, Baroness Foster of Aghadrumsee DBE; and former deputy First Minister of Northern Ireland, Michelle O'Neill. We intend to issue a request for a witness statement from First Minister of Wales, Mark Drakeford in due course.

Witnesses in Cabinet Office / No. 10

We have requested witness statements from the following, who held positions in the Cabinet Office and No. 10 during the period January 2020 to February 2022. The majority of these statements are due to be received during March 2023. The statement from Mr Cummings is not expected before mid-April 2023.

1. Lord Gus O'Donnell, former Cabinet Secretary
2. Simon Case, Permanent Secretary
3. Katherine Hammond, CCS Director in the Cabinet Office
4. Helen MacNamara, Deputy Cabinet Secretary
5. Simon Ridley, Head of Covid 19 Taskforce
6. Lord Mark Sedwill, Cabinet Secretary
7. Imran Shafi, PS to the Prime Minister on public services
8. Henry Cook, Lead Adviser to the Prime Minister on Covid-19
9. James Bowler, Second Cabinet Office Permanent Secretary
10. Tom Shinner, Director at No.10 focussed on Covid-19
11. David Halpern, Head of the Behavioural Insights Team in the Cabinet Office
12. Ben Warner, No 10. data scientist
13. Dan Rosenfield, No. 10 Chief of Staff
14. Martin Reynolds, Prime Minister's Principal Private Secretary
15. Lee Cain, No. 10 Communications
16. Jack Doyle, No. 10 Communications
17. James Slack, No. 10 Communications
18. Dominic Cummings, Adviser to the Prime Minister

Each of these witnesses has been asked to disclose to the Inquiry the following categories of material: key emails and other correspondence in relation to the issues addressed in their witness statements; any informal or private communications about the UK Government's response to Covid-19 of which they were part, including but not limited to informal groups (such as text messages and WhatsApp groups) or private messages or email communications and any contemporaneous diary or notes made relating to their involvement in the UK Government's response to Covid-19.

Additionally, we have issued requests to a number of individuals (including Ministers, Senior Civil Servants and Special Advisers) whom it is understood hold relevant informal communications (such as text messages and WhatsApp messages) seeking disclosure of these communications. We have received some of this material and have begun disclosing the Rt Hon Matt Hancock's WhatsApp messages. Further updates about this work will be provided in due course.

Independent participants of SAGE, Independent SAGE and other scientists

In September 2022 Module 2 issued 200 Rule 9 questionnaires to participants of SAGE and its sub-groups and 18 Rule 9 questionnaires to members of Independent SAGE. To date, we

have received 159 responses from participants of SAGE and its related sub-groups and 14 responses from members of Independent SAGE. Some of the responses have simply indicated that the respondent is not able to assist with answers because they had a junior role in SAGE or one of its sub-committees. To date, we have disclosed 165 responses and a further 41 supporting documents. All remaining substantive responses and supporting documents will be disclosed in March.

We have issued a second, more detailed Rule 9 letter to the participants of SAGE and its sub-groups below requesting a detailed witness statement and disclosure:

1. Professor Susan Michie
2. Professor John Edmunds
3. Professor Graham Medley
4. Professor Neil Ferguson
5. Professor Peter Horby
6. Professor Mark Woolhouse

We have also issued Rule 9 requests for a witness statement and disclosure from:

1. Professor Carl Heneghan
2. Professor Sunetra Gupta
3. Professor Anders Tegnell

We are due to receive the resulting statements and materials by mid-April 2023.

Organisations and bodies relevant to at-risk or vulnerable groups

Module 2, in conjunction with Modules 2A-C, has issued over 75 Rule 9 requests to organisations and bodies representing the following at-risk and vulnerable groups:

- Women
- Race
- Children and young people
- Health inequalities
- Mental health
- Older people
- Disability
- Workers
- Health professionals
- The bereaved
- LGBTQIA+
- The Traveller, Gypsy and Roma community

A large number of responses have been received and are being reviewed in anticipation of disclosure to Core Participants.



Annex B

Solicitor to the Inquiry Update Note - Listening Exercise and Commemoration

Further to my previous notes about the Inquiry's plans in respect of a listening exercise and for commemoration, I write with the following update.

1. Every Story Matters

- 1.1. The listening exercise will be known as 'Every Story Matters.' The Chair chose this name following feedback the Inquiry obtained from organisations and from testing with both a nationally representative sample of 1000 adults and via focus groups with those impacted by the pandemic.
- 1.2. The Inquiry has worked with its suppliers Ipsos and M&C Saatchi to progress the design of Every Story Matters. It has also consulted 80 external organisations, around the UK, representing groups most impacted by the pandemic.
- 1.3. The Inquiry is looking to procure several new contracts to support the delivery of the next phase of the listening exercise. It is likely to include research and analytics, communications and community engagement suppliers.
- 1.4. Every Story Matters aims to offer an open and inclusive way for people to share their experience. The Inquiry is looking at different ways for people to share their story such as the webform, and an offer for those with access needs of phone line assistance and a paper option. It wishes to hold community listening events across the UK during the lifetime of the listening exercise. This will include sessions attended by the Chair and other members of Inquiry staff.
- 1.5. The Inquiry will also take a more targeted approach to listening to ensure that it is hearing from seldom heard groups in line with its Terms of Reference. This will include working with local organisations and groups to reach these audiences.
- 1.6. Every Story Matters will take a trauma informed approach to gathering people's experiences. This will include bespoke training for all staff who

conduct the interviews, so they are clear what trauma is, how it may present and how to apply this knowledge for these specific conversations.

- 1.7. Emotional support will be available via an emotional support phone line, for those sharing their experiences directly with trained researchers and will be promoted directly to participants.
- 1.8. For those submitting their experiences through the refreshed webform later in the Spring, names and email addresses will not be collected. However, the webform will collect some personally identifiable information, to allow the Inquiry to gather statistics on webform usage, enable people to 'save and continue' their submission, and give people the 'right to withdraw' their submission from the research. This will be set out clearly online in the privacy notice.
- 1.9. Experiences will be gathered and analysed by research and analysis companies to ensure that the conclusions are methodologically robust. Reports will be produced for each relevant module investigation, and will be submitted as evidence which will be disclosed and published as part of the Inquiry's module hearings. This will help the Inquiry obtain as broad an evidence base about the impact of the pandemic as possible, to assist it in reaching robust findings and recommendations.

2. Communications

- 2.1. Public communications are needed to engage people across all four nations of the UK and equip them with the knowledge and motivation to take part in Every Story Matters. The Inquiry requires specialist communication expertise to help it determine the best way to engage people to share their experiences, especially from those who are under-represented or not always heard.
- 2.2. The appointed communication supplier will not be carrying out any of the listening or see any of the experiences shared by individuals. This will be handled by the Inquiry and its appointed research and analysis supplier and will be completely separate from the communications necessary to promote Every Story Matters.

3. Next steps

- 3.1. The Inquiry will procure the services it needs to deliver Every Story Matters through Crown Commercial Service, which provides commercial expertise to a wide number of public and third sector organisations. It provides the Inquiry with a quick and cost-effective route to market through a pre-approved

framework of suppliers enabling the Inquiry to secure the services it needs to deliver this aspect of its work.

- 3.2. It would not be lawful or part of a proper procurement process to exclude any particular company from being on the framework or bidding for work if they wish to do so. The Inquiry will however seek assurances from any potential supplier that they declare conflicts of interest and show processes they could put in place to avoid any conflicts in the event they were successful in the procurement.
- 3.3. These new contracts will replace the Inquiry's initial contracts with M&C Saatchi and Ipsos.

4. Commemoration

- 4.1. The Inquiry has been exploring options for commemorative content online, in the hearings themselves, and in the form of a physical installation at the Hearing Centre.
- 4.2. The Inquiry spoke to several external organisations - including a number of Core Participants - towards the end of 2022, to understand different perspectives and views on what this activity needs to achieve and discuss some early ideas. It is very grateful for all of the input received.
- 4.3. The Chair has reviewed the options and decided a tapestry should be created as a physical installation at the Hearing Centre comprising an initial 15 panels. Each panel will be created by a different artist, working with a particular community or communities to develop it. The intention is for the first panels to be unveiled at the Inquiry's Hearing Centre in due course in time for the first public hearings in May.
- 4.4. As well as being transportable across the UK, the tapestry has the potential to grow and be added to over the lifetime of the Inquiry. The Inquiry is also exploring options to allow people to access the tapestry digitally, via the Inquiry website, to take the tapestry to wider audiences than those who attend the Inquiry's proceedings in person.
- 4.5. It is also developing video content to be played at the start of the first Module 1 public hearing in May to help set it in the context of the hardship and loss the pandemic caused. Different videos are being planned to be played at the start of the public hearings for each of the subsequent modules, the idea being that their content will be relevant to the module concerned.
- 4.6. These short videos will feature people talking about the impact that the pandemic has had upon them. The Inquiry hopes to reflect a diverse range of experience from those who suffered hardship and loss in a way that is both respectful and appropriate.

- 4.7. Over the next few months, the Inquiry will be working to progress both the tapestry and the video content. It welcomes the involvement of Core Participants in this work and has already requested assistance from the Bereaved Families for Justice groups.

Martin Smith
Solicitor to the Inquiry

27 January 2023