

## **UK COVID-19 INQUIRY**

### **SUBMISSIONS FOR PRELIMINARY HEARING IN MODULE 3**

**ON 28 FEBRUARY 2023**

#### **ON BEHALF OF THE SCOTTISH HEALTH BOARDS**

1. The Scottish Health Boards welcome Module 3's examination of the impact of Covid, and of the governmental and societal responses to it, on healthcare systems across the UK. It perhaps goes without saying, but the intention of the Scottish Health Boards is to assist the Inquiry in carrying out its functions.
2. We note the terms of the helpful Note prepared by Counsel to the Inquiry dated 14 February 2023, which sets out the developments so far. At this early stage, we have only two brief observations on the matters raised in the Note. They concern:
  - (1) Differing healthcare structures across the UK.
  - (2) Avoidance of duplication with the Scottish Covid-19 Inquiry.

#### **(1) The differing healthcare structures across the UK**

3. It is rightly acknowledged by Counsel to the Inquiry at paragraph 19 of their Note that there are differing healthcare structures across the four nations. We make the preliminary observation that these differences are likely to be material and will require careful consideration throughout Module 3.
4. Our understanding is that these structural differences, at times, go to the heart of healthcare provision as it relates to Covid-19. For instance, our learning to date suggests that public health functions sit in a different place in Scotland than they do in England. Such differences will therefore likely bear on the Inquiry's findings in relation to each of its Terms of Reference. The Scottish Health Boards will be well placed to assist the Inquiry in understanding the structural position in Scotland.

**(2) The avoidance of duplication with the Scottish Covid-19 Inquiry**

5. At paragraph 19 of their Note for the Module 3 Preliminary Hearing, Counsel to the Inquiry have reiterated their intention to minimise duplication between the UK and Scottish Inquiries. As the Inquiry is already aware from others, the avoidance of duplication is a major concern for participants in Scotland.
6. At present it remains unclear as to how duplication with the Scottish Covid-19 Inquiry will be avoided. The sooner a protocol setting out the detail of how the intention will be achieved is available, the better the Scottish Health Boards will be positioned to assist both inquiries with minimal disruption of time and resources.

Richard Pugh KC

Cat MacQueen, Advocate

**Counsel for the Scottish Health Boards**