

**IN THE UK COVID-19 PUBLIC INQUIRY  
BEFORE BARONESS HEATHER HALLETT  
IN THE MATTER OF:**

**THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK**

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**SUBMISSIONS ON BEHALF OF  
SOUTHALL BLACK SISTERS  
PRELIMINARY HEARING  
1 MARCH 2023**

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**Introduction**

1. Southall Black Sisters (“SBS”) is represented by Public Interest Law Centre and leading and junior counsel. Their interest in the Inquiry, and specifically in Module 2, is in the disproportionate effects that the pandemic, and the government’s response to it, had on those with protected characteristics under the Equality Act 2010, particularly women and girls<sup>1</sup>, black and ethnic minority women, migrant women and women subject to No Recourse to Public Funds (NRPF). They wish to make short oral submissions at the preliminary hearing on Wednesday 1 March.
2. They do not intend to repeat earlier submissions as to their interest as CPs. They responded to the Rule 9 request on 20 February 2023.

**Funding**

3. SBS is pleased that the Chair has awarded them funding for legal representation. However, they are devastated that their sister organisation, Solace Women’s Aid

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<sup>1</sup> Whilst SBS recognise that domestic abuse affects men and women, the majority of domestic abuse is perpetrated against women and girls. Accordingly, women and girls will predominately be the focus of our submissions.

("SWA") who was a joint client of Public Interest Law Centre and SBS's counsel team, has not been granted funding. The letter containing the Chair's decision on funding, dated 23 January 2023, was written to the two organisations jointly and so SBS are aware that the Chair decided that SWA is a substantial organisation that might be expected to fund their own legal representation.

4. SBS understands that SWA will be making their own written and oral submissions, with the pro bono assistance of lawyers, at this preliminary hearing. It is not for SBS to comment on SWA's resources. However, SBS observes that SWA, like SBS, is a charity and dependent upon raising funds by way of grants and public voluntary donations. Those funds are raised for SWA's work in providing front-line services, and some policy-related advocacy services, not for legal representation. As SBS understand it, SWA face a stark choice between not participating in the Inquiry, despite their designation as a CP, or cutting back on the front-line services that they provide in order to fund legal representation. Since SWA's donations are raised specifically for funding front-line services (and, in the case of grants, are ringfenced accordingly), and since SWA are committed to the provision of front-line services, the former scenario is more likely: that SWA, despite their CP status, will not be able to participate effectively in the Inquiry. We ask the Chair to reconsider her decision on funding.

**Update from Inquiry November, December and January and CTI note dated 17 February 2023**

**Rule 9 Requests**

5. We note that R9 requests have been submitted to the Cabinet Office (incorporating the Equalities Hub), Ministry of Justice and HMCTS. Since the R9 requests have not been disclosed, we do not know whether our suggestions were incorporated into them.

6. We note that para 13 of the November Update stated that the Cabinet Office and other government departments except for Foreign and Commonwealth Development Office were asked to provide details of how, and to what extent, the public sector equality duty was considered in the decision making process.
7. We ask why the FCDO was not included in the request to provide details of the public sector equality duty consideration. We draw attention to our R9 response in which we point out that, between April 2020 – March 2021, SBS received only four referrals from FCDO to assist with resettling survivors of forced marriages overseas (in contrast to having 13 referrals in the previous year). FCDO decision-making concerning women who are subject to forced marriages overseas and need help to repatriate and resettle during the pandemic is therefore relevant, and consideration of the PSED is relevant to those decisions.
8. Our previous submissions suggested that the R9 request submitted to the Ministry of Justice should include questions ascertaining whether there was any involvement of Victim Support Services in decision-making. We would be grateful for confirmation that the Request included questions regarding consideration of potential victims of domestic abuse. We made the same point about the R9 request to HMCTS.
9. We note that a R9 request was sent to the Home Office. Again, we suggested that certain units should be asked questions in the R9 request. We do not know whether those suggestions were incorporated. Those units were:
  - a. Forced Marriage Unit (which is a joint Foreign, Commonwealth and Development Office and Home Office unit, it leads the government's forced marriage policy, outreach and casework);
  - b. Interpersonal Abuse Unit, including the Violence against Women and Girls team; and
  - c. UK Visa and Immigration, including Immigration Enforcement.

10. The R9 request to the Home Office was issued prior to the preliminary hearing on 31 October and therefore before our submissions on decision-making and equalities impacts were considered. We do not know if they were subsequently amended.

11. We also suggested that R9 requests be sent to the following:

- a. Government Equalities Office (leading on policy relating to women, sexual orientation and transgender equality);
- b. Domestic Abuse Commissioner (designate, whose role is an independent voice speaking on behalf of victims and survivors);<sup>2</sup>
- c. Victims' Commissioner (an independent voice for victims and witnesses).

12. Those organisations seem not to have had R9 requests sent to them and we do not know why. We suggest that government decision-making, when considering the impact of the pandemic and of lockdown should have consulted those organisations.

13. In the absence of a direct response to those suggestions, or a response in the monthly updates, it is impossible for SBS to know whether those suggestions are agreed, or not agreed, and if not agreed, why.

#### Expert material and the instruction of expert witnesses

14. SBS notes from the update dated 16 December 2022 that the proposal is to instruct four experts only (Professor Ailsa Henderson, Professor Thomas Hale, Alex Thomas and another on access to data).

15. We note that the Terms of the Reference for the Inquiry have, as the first point as to

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<sup>2</sup> The Domestic Abuse Commissioner (designate) was appointed in 2019. Powers were given to her in 2021 following the coming into force of Domestic Abuse Act 2021. Nevertheless, she was designated as being in post throughout the period of the pandemic.

how the Inquiry will meet its aims, that the Inquiry will “*consider any disparities evident in the impact of the pandemic on different categories of people, including, but not limited to, those relating to protected characteristics under the Equality Act 2010 and equality categories under the Northern Ireland Act 1998*”.

16. We submitted on 31 October 2022 that expert evidence will be needed on the assessment of proposed policies, decisions etc. on those with protected characteristics, particularly women and girls, so as to address what would have been an appropriate Equalities Impact Assessment in the circumstance of each decision to be made. We do not know whether the instructions to experts include asking any of them to consider how decisions should have been made with an awareness of equalities issues. From a perusal of their websites, none of them appear to have any background or expertise in equalities as a whole or, crucially, specialist expertise in equalities issues faced by women and girls from black and ethnic minority communities.
17. If not, then we ask that the relevant expert be asked to consider what equalities issues should have been considered by government, and whether those equalities issues were considered.
18. It is important to note that equalities issues should not be treated with a broad-brush and, also, that intersectionality must be understood. Firstly, the impact of the pandemic and lockdown on women and girls is not the same as the impact relating to race, disability or other protected characteristics. It is our position that different experts should be appointed to advise on the impacts on the different protected characteristics, with expertise on those specific characteristics and our concern is the impact on women and girls.
19. Secondly, the intersectionality of equalities issues cannot be overlooked. SBS’s client group is black and ethnic minority women, migrant women and women subject to NRPF. By definition, those groups share the protected characteristics of gender, race

and (in many cases) nationality. Some individuals will have other relevant and overlapping protected characteristics.

20. We therefore suggest the instruction of an expert specialising in issues concerning women and girls arising in relation to public decision-making, with an understanding of the other protected characteristics and an intersectional approach. That expert should advise on the government's understanding of equalities issues relating to women and girls, and black and ethnic minority women, migrant women and women subject to NRPF when making decisions concerning the pandemic and/or lockdown. We submit that without this expertise that the Inquiry will be unable to achieve its objective of obtaining expert evidence on the impact of government decision-making on at-risk and vulnerable groups in light of existing inequalities.

#### Parliamentary privilege

21. We note the reference to Parliamentary privilege. We do not intend to respond in this written submission but we may make further submissions to CTI and to the Chair.

#### Listening Exercise

22. The listening exercise should incorporate the voices of women and girls who experienced domestic abuse, forced marriage, and/or honour based abuse during the pandemic and lockdown. We agree with Solicitor to the Inquiry at para 1.6 of Annex B that there must be a "*trauma informed approach to gathering people's experiences.*" We remain concerned at the role of Saatchi which, on its website, describes itself as operating across five core divisions: "*Connected Creativity; Passion Marketing; Global & Social Issues; Brand, Experience & Innovation; and Performance Media*" and is essentially a marketing company. We wonder how Saatchi can deliver a trauma-informed approach. Similarly Ipsos are market researchers, who can deliver quantities of data. We wonder at their ability to undertake trauma-informed listening to survivors and what comprises their trauma-informed approach.

23. We note at para 1.5 of the CTI note that the commitment is that the Listening Exercise will hear “*from seldom heard groups*”. We applaud that. We suggest that a qualitative sample should be obtained, using specialists trained in violence against women and girls.

24. We can suggest any of the following (who could be instructed individually or in partnership) who have expertise in research and listening to accounts of violence against women and girls:

- a. Imkaan (umbrella voluntary organisation dedicated to addressing violence against black and minoritised women and girls);
- b. Child & Woman Abuse Studies Unit, London Metropolitan University
- c. Centre for Abuse Research, University of Suffolk
- d. Centre for Gender and Violence Research, University of Bristol The Connect  
Centre for International Research on Interpersonal Violence and Harm,  
University of Central Lancashire; or
- e. Centre for Research into Violence and Abuse at the University of Durham.

**Liz Davies KC**

**Marina Sergides**

**Public Interest Law Centre**

**24 February 2023**