



Counsel to the Inquiry's Note for the Second Preliminary Hearing in Module 2B of the UK Covid-19 Inquiry on 29 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 2B preliminary hearing on 29 March 2023. The first preliminary hearing took place on 1 November 2022 and those who have been granted Core Participant status have been provided with updates of progress made by the Module 2B Inquiry legal team on 2 December 2022, 11 January 2023 and 13 February 2023 (collectively, the "Update Notes"). However, the preliminary hearing is a further opportunity to draw this information together and ensure that it is up to date, as well as providing a public update on the Inquiry's work so far in relation to this Module.
2. This note, and the second preliminary hearing for Module 2B will address the following issues:
 - a. Start date for the public 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") and Commemoration
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 Wednesday 22 March 2023**. By this date, Core Participants should also notify the Inquiry as to whether they wish to make oral submissions, and, if so, (a) whether the speaker intends to make any submissions in Welsh and (b) an indication on the length of time required for submissions.

Start date for the oral hearings

4. In her Ruling dated 17 February 2023, the Chair has postponed the start date for the Module 1 public hearing 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 2B public hearings of Autumn 2023 is no longer achievable, and it will be necessary to fix an alternative start date.
6. As a result of the necessary changes to the preceding modules' timetables, the Inquiry legal team proposes that the Module 2B public hearings should start on **Monday 26 February 2024**. The current proposal is that the hearings would end on **Thursday 14 March 2024**. These proposed dates are subject to the Chair's decision once she has heard submissions from the Core Participants.
7. We will also be inviting the Chair to consider fixing a third Preliminary Hearing for Module 2B in late 2023 or early 2024. Further details will follow in due course.
8. As indicated at the last preliminary hearing in Module 2B, the substantive hearing in Module 2B will take place in Wales.

Update on Rule 9 requests

9. The Inquiry's Module 2B legal team has now issued 150 formal requests for evidence pursuant to Rule 9 of the Inquiry Rules 2006 including those joint with other Inquiry modules, 83 of which have been made solely from Module 2B. Requests have been made to Welsh Government departments, organisations and bodies representing at-risk and vulnerable groups, civil servants and SPADs, scientists involved in the Welsh Government's response to Covid-19, and other relevant organisations including Public Health Wales and the Office of the Secretary of State for Wales.
10. 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.
11. Module 2B anticipates sending a number of further Rule 9 requests to a number of organisations including the Welsh Rugby Football Union and Motorpoint Arena Cardiff to explore the strategic response to potential "super-spreader" events. We will also be writing to a number of Senior Civil Servants and Ministers over the course of the next few months. There is outstanding disclosure from the Welsh Government which has been delayed in being provided to the Inquiry. We have been liaising with the Welsh Government on this disclosure and it is now being

provided in tranches. However, we understand that there is still a significant number of documents to be provided. Depending on when the final tranche of disclosure is received, it may have an impact on the timing and recipients of future Rule 9 requests. We will be able to provide further details on this in future update notes.

12. The Inquiry is also likely to send follow up queries on 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.
13. 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 2B then please indicate this as soon as possible. Any suggestions will be considered and, where appropriate, acted upon.

Disclosure to Core Participants

14. To date, the Inquiry has received material from the following material providers:
 - a. The Welsh Government
 - b. The Office of the Secretary of State for Wales
 - c. Public Health Wales
 - d. Welsh Local Government Association
 - e. Wales Trades Union Congress
 - f. The Children's Commissioner for Wales
 - g. National Police Chiefs' Council
 - h. Office of the Domestic Abuse Commissioner for England and Wales
 - i. Intensive Care and National Audit and Research Centre
 - j. Crown Prosecution Service
 - k. UK Statistics Authority / Office for National Statistics
 - l. HM Courts and Tribunal Services
 - m. Office of the Victim's Commissioner for England and Wales
15. As set out in some detail within the Update Note of 13 February 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.

16. 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.
17. 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 been identified as irrelevant.
18. Module 2B disclosed a first tranche of 473 documents received from the Welsh Government, Public Health Wales and the Office of the Secretary of State for Wales to its Core Participants on 1 March 2023.
19. 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.
20. However, the Inquiry hopes to make disclosure to Core Participants on a regular basis. Module 2B has received approximately 4,000 documents from its material providers. It is anticipated that a significant volume of these will be disclosed to Core Participants.

Instruction of expert witnesses

21. As set out in the previous Update Notes, Module 2B has issued instructions in conjunction with Modules 2, 2A and 2C 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.
22. Draft reports have now been received from Professor Henderson, Professor Hale and Alex Thomas. These are being reviewed by the Inquiry legal team. The draft expert report from Gavin Freeguard is expected to be received by the end of March 2023. In due course, Module 2B will disclose such expert reports which contain evidence relevant to Module 2B.
23. 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 across Modules 2, 2A, 2B and 2C, 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 Core Participant. Further information about the intended process for this involvement by Core Participants will be provided in due course.
24. In her ruling of 9 March 2023 in relation to Module 2, the Chair determined that the Inquiry should also obtain expert evidence from a suitably qualified expert, or experts, on the nature and degree of pre-pandemic structural racism. In relation to pre-existing structural discrimination on other grounds and on intersectional issues, the Chair agreed that these too needed to be addressed in expert evidence. She considered that the Inquiry Legal Team should, in addition to the expert evidence to be obtained in relation to structural racism, explore the possibility of obtaining a single report covering these other issues (if necessary drafted by a small team of experts covering different specialisms). The Module 2B team invites the Chair to keep under review whether similar expert evidence is required for this Module.

Witnesses and hearing timetable

25. 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 2B and identifies to Core Participants, and the wider public, the key issues which fall to be explored at the public hearing. That clarity will undoubtedly help all parties focus their review of the materials, and on preparation for the hearing.

26. 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 2, 2A and 2C (the Preliminary Hearings in which have been or are to be held on 1 March 2023, 22 March and 29 March 2023 respectively), Module 2B will circulate a list of issues to Core Participants in due course. Further details will follow in future monthly updates.
27. After the circulation of the list of issues, the Inquiry legal team envisages the supply to Core Participants of a provisional list of witnesses for Module 2B, on which Core Participants' views will be sought. Once those observations have been considered, a provisional timetable for the oral hearing in Module 2B will be circulated to Core Participants.
28. 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

29. The issue of parliamentary privilege within the UK Parliament has been raised in connection with Module 2. It was raised there 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 as a whole. It is important to understand the ways in which the potential application of parliamentary privilege relating to the UK Parliament, which, if it is applicable, cannot be waived, may nevertheless be side-stepped by the Inquiry by way of the various means by which it acquires information.
30. It should be emphasised that the principles set out in this note apply only to the UK Parliament. They do not apply to the Parliaments of the Devolved Administrations. As regards parliamentary privilege in the Welsh Parliament (the Senedd Cymru), this derives entirely from sections 41 to 44 of the Government of Wales Act 2006. Parliamentary privilege in the Welsh Parliament is much narrower than parliamentary privilege in the UK Parliament and relates only to defamation and contempt of court.
31. As stated above, the issues concerning parliamentary privilege which have arisen have been addressed within Module 2 and the position adopted by CTI there is repeated here for the sake of completeness.
32. The issue of parliamentary privilege does still have the potential to be raised in Module 2B, given that Module 2B will deal with Welsh political decision-making, which may touch upon decision-making within the UK Government, such as within the Office of the Secretary of State for Wales.
33. 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”.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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.

40. 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.

41. 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.

42. 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.
43. 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.
44. 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.
45. 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

46. 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.

47. Module 2B has a significant amount of ground to cover during its public 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.

48. In accordance with Rule 10(1), only CTI 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.

49. 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.

50. 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.

51. 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.
52. 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.
53. As stated above, a provisional timetable for Module 2B will be provided to Core Participants in due course.

Opening and Closing Statements

54. 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).

55. It is the current intention of CTI to make an opening statement at the commencement of the Module 2B public hearing. It is unlikely that there will be a closing statement.
56. 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

57. A note from the Solicitor to the Inquiry regarding the listening exercise (“Every Story Matters”) and proposals for commemoration was circulated with the February Update Note, but is also attached as **Annex B**.
58. 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”). The Chair 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.
59. Further details about Every Story Matters were published in the March 2023 Newsletter.
60. The Module 2B team contacted Core Participants to notify them of webinars being held on Every Story Matters to give an opportunity for further questions to be asked. The webinars are open to organisations and individuals rather than legal representatives.

Counsel to the Inquiry

14 March 2023

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

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

Rule 9 recipient	Status of Rule 9 response
The Welsh Government	<p>The Inquiry has received 7 draft witness statements and associated disclosure in relation to this request which are currently under review. The Inquiry has disclosed material from the Welsh Government in its first tranche of disclosure to Core Participants.</p> <p>There is outstanding disclosure from the Welsh Government which has been delayed in being provided to the Inquiry. This is now being provided in tranches. Depending on when the final tranche of disclosure is received, it may have an impact on the timing and recipients of future Rule 9 requests.</p>
Chief Medical Officer for Wales	The Inquiry has received a draft witness statement and disclosure which is currently under review.
The Office of the Secretary of State for Wales (the "OSSW")	The Inquiry has reviewed the draft witness statement and disclosure and has raised further queries and disclosure requests with the OSSW. OSSW has responded and this is currently under review. In addition, the Inquiry has disclosed material from the OSSW in its first tranche of disclosure to Core Participants.
Technical Advisory Group ("TAG")	The Inquiry has received a draft witness statement and disclosure on behalf of TAG and TAC which is currently under review.
Technical Advisory Cell ("TAC")	See above regarding TAG.
Welsh Local Government Association ("WLGA")	The Inquiry has received a draft witness statement and disclosure which is currently under review. It awaits final materials from the WLGA due on 10 March 2023.
Wales Trades Union Congress ("WTUC")	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Public Health Wales	The Inquiry has received a draft witness statement and disclosure which is currently under review. In addition, the Inquiry has disclosed material from Public Health Wales in its first tranche of disclosure to Core Participants.
Children's Commissioner for Wales ("CCW")	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Welsh Treasury	The Inquiry has received a draft witness statement and disclosure which is currently under review.

Health and Social Services Group (“HSSG”)	The Inquiry has received a draft witness statement and disclosure which is currently under review.
National Police Chiefs’ Council (“NPCC”)	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Office of the Domestic Abuse Commissioner for England and Wales	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Office of the Victims’ Commissioner for England and Wales	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Intensive Care and National Audit and Research Centre (“ICNARC”)	The Inquiry has received a draft witness statement and disclosure which is currently under review.
Ministry of Justice (“MoJ”)	A response is due in April 2023.
Crown Prosecution Service (“CPS”)	The Inquiry has received a draft witness statement and disclosure which is currently under review.
HM Courts and Tribunal Services (“HMCTS”)	The Inquiry has received a draft witness statement and disclosure which is currently under review.
UK Statistics Authority / Office for National Statistics (“collectively UKSA”)	The Inquiry has received draft witness statements and disclosure which is currently under review.
Equality and Human Rights Commission in Wales	A response is due in March 2023.
Office of the Older People’s Commissioner Wales	A response is due in April 2023.
British Medical Association	A response has been received. Further documents are being sought from the BMA under section 21 of the Inquiries Act 2005.
Liberty	A response is due in March 2023. However, Liberty has already flagged to the Inquiry that due to the interactions it had during the pandemic, the focus of its response will be on the UK Government response.
Justice	A response is due in March 2023.
Education and Public Services Group (“EPSG”) (Welsh Government)	A response is due in March 2023.
Welsh Government Transport Group (“WTG”)	A response is due in March 2023.

Chief Executive of NHS Wales	A response is due in March 2023.
Civil Servants and Special Advisors (Welsh Government)	<p>We have sent Rule 9 requests to the following individuals.</p> <ol style="list-style-type: none"> 1. Clare Jenkins 2. Jane Runeckles 3. Jo-Anne Daniels 4. Liz Lalley 5. Thomas Smithson <p>Responses are due in March and April 2023.</p>
Individuals from Public Health Wales	<p>We have sent Rule 9 requests to the following individuals.</p> <ol style="list-style-type: none"> 1. Dr Roland Salmon - former PHW 2. Dr Gill Richardson - current PHW 3. Dr Tracey Cooper - current PHW 4. Dr Quentin Sandifer - current PHW 5. Mr Huw George - current PHW <p>Responses are due in March 2023.</p>
Welsh Government Directorates	<p>We have now sent 12 Rule 9 requests to the following Directorates within the Welsh Government.</p> <ol style="list-style-type: none"> 1. Culture Sport and Tourism 2. Commercial and Procurement 3. Propriety and Ethics 4. Communications Division 5. Healthcare inspectorate 6. Care inspectorate 7. Business and Regions Directorate 8. International Relations and Trade 9. Constitution and Justice 10. Communities and Tackling Poverty 11. Local Government Directorate 12. Knowledge and Analytical Services <p>Responses are due in March 2023.</p>
Association of Directors of Adult Social Services (ADASS)	A response is due in April 2023.
Wales Council for Voluntary Action (WCVA)	A response is due in April 2023.
Dr Heather Payne - Child Health	A response is due in April 2023.

Senior Medical Officer - Welsh Government	
Armakuni	A response is due in April 2023.
Craiger Solomons	A request has been made in relation to Mr Solomons role as Head of Modelling and Statistics for TAC. A response is due in April 2023.
Members of the First Minister's Black, Asian and Minority Ethnic Advisory Group	<p>We have sent Rule 9 requests to the following individuals:</p> <ol style="list-style-type: none"> 1. Judge Ray Singh 2. Professor Keshav Singhal 3. Professor Emmanuel Ogbonna <p>Responses are due in April 2023.</p>

Independent participants of the Technical Advisory Group

In January and February 2023, Module 2B issued 39 Rule 9 questionnaires to participants of TAG and its related sub-groups. To date, we have received responses from 26 participants in TAG.

Organisations and bodies relevant to at-risk or vulnerable groups

Module 2B, in conjunction with Modules 2, 2A and 2C, has issued 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