



**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**

MODULE 2A

SUBMISSIONS FOR THE SCOTTISH COVID BEREAVED

We are grateful to Counsel to the Inquiry for the detailed note setting out the matters which are to be addressed at the Second Preliminary Hearing. Module 2A, which will look at and make recommendation on the Scottish Government's core political and administrative decision-making in response to the Covid-19 pandemic between early January 2020 and April 2022, is of the utmost importance to the Scottish Covid Bereaved. The Scottish Covid Bereaved are pleased that the substantive oral hearings will take place in Scotland and look forward to the outcome of the discussions with the Scottish Inquiry about the use of hearing venues in Scotland.

ORAL HEARING START DATE

1. We note that the new date for the hearing of Module 2A is Monday 15th January 2024– Thursday 1st February 2024, and that this Inquiry is trying to “avoid clashes” with the Scottish Inquiry. We understand from discussions with the Scottish Inquiry that the UK Inquiry will look at events and decisions from an overview perspective and that the Scottish Inquiry plans to look at a more granular level at events and decisions taken in Scotland. If, broadly, that is the way forward it is imperative that the two Inquiries do not sit at the same time in order that the Scottish Covid Bereaved can properly prepare for and appear at both these hearings.

CO-OPERATION WITH THE SCOTTISH COVID INQUIRY

2. We note the terms of the Memorandum of Understanding between both Inquiries. As was to be expected in such a document, this is a “high level” paper which does not explain the detail of day to day working arrangements. We look forward to finding out more about the operational arrangements when progress is made on arrangements. Of particular importance to the Scottish Covid Bereaved legal team is to ensure that, insofar as possible there will be as little duplication as possible in the disclosure of documents, to avoid unnecessary duplication of work.

3. Further, we would ask that more information is provided in relation to what is meant by “coordinating on the arrangements for their respective listening exercises.” We would be grateful if the Inquiries could confirm whether there are to be 2 separate recordings of information or will the Scottish Covid Bereaved be able to provide the story of their experience, and the experience of their loved ones, to one source, and for that information to be shared between Inquiries. We are grateful to the Inquiry for the acknowledgement of the input of the Scottish Covid Bereaved to date.

RULE 9 REQUESTS

4. We note the rule 9 requests which have been made. In Counsel to the Inquiry’s Note it is stated that the Module 2A legal team has now issued 100 formal requests for evidence. A summary of the requests and an update on the responses to date is set out in Annex A to the Note. The Scottish Covid Bereaved have identified a number of organisations which it considers may have relevant evidence and where the issuing of a Rule 9 request to those organisations would benefit Module 2A.

These organisations may have already been identified by the legal team and Rule 9 requests sent. We would be grateful if the Inquiry could provide a full note of the individuals and organisations to whom a formal request has been sent in order for the Scottish Covid Bereaved to consider that list and to identify any omissions.

We had already began the process of submitting names of organisations as below, but have curtailed that for now in order to avoid suggesting organisations to whom a request has already been sent.

The Scottish Covid Bereaved would be obliged if consideration could be given to rule 9 requests being sent to : **Refugees for Justice**- whom we understand were refused core-participant status in Scotland because the issues of immigration/asylum are reserved to Westminster, but these individuals are key members of the community who were heavily impacted by Covid-19, both in terms of illness, isolation and lack of access to medical support or resources. The membership of Refugees for Justice was significantly involved at grass roots level with asylum seekers who were moved from their safe accommodation to hotels. Their leadership includes survivors of the stabbing at Park-Inn incident and they are looking for answers to their unanswered questions on the treatment of asylum seekers during the pandemic. They along with others are voices we would submit are far too often silenced or not heard, and during the days of COVID-19 appeared to be stuck in a 'parallel existence' thus impacting their health and mental health. Clearly if the Scottish Inquiry believe they cannot deal with it then these are matters that it is hoped can be considered relevant to the UK Inquiry and most importantly in this module.

Positive Action in Housing

Maryhill Integration Network

Scottish Refugee Council

Savan Refugees 4 Justice

JustRight Scotland

BEMIS

Saheliya is a black minority ethnic women mental health organisation

CRER – Coalition for Racial Equality and Rights based in Glasgow

Shelter Scotland

Professor Stephen Reicher (University of St. Andrews) Stephen Reicher

Many publications including: From the 'fragile rationalist' to 'collective resilience': what human psychology has taught us about the COVID-19

pandemic and what the COVID-19 pandemic has taught us about human psychology

Reicher, S. & Bauld, L., 1 Dec 2021, In: Journal of the Royal College of Physicians of Edinburgh. 51, Supplement 1, p. S12-S19 8 p.

Member of Independent Sage and Covid-19 Pledge Safety Coalition

Professor Andrew Watterson (University of Stirling)

Many publications including: Watterson, A. (2020) Occupational health and safety in Scotland after the Covid-19 pandemic: the case for new principles, policies and practices involving lessons we have forgotten, lessons we have learnt and lessons we should apply in the future

Professor Philip Taylor (University of Strathclyde) This individual carried out major investigations on the impact of covid in workplaces

Many research reports including:

Taylor, P. (2020) Covid-19 – Contact/Call Centre Workers in Scotland – Making Workers Safe (June 2020). Glasgow GIRFUY Press. ISBN 978-1-83853-350-2

Taylor, P, Scholarios, D. and Howcroft, D. (2021) Covid-19 and Working from Home Survey. Glasgow: GIRFUY Press. ISBN: 978-1-8382309-1-3

Academic publication:

Taylor, P. (2021) ‘The petri dish and Russian roulette’: working in UK contact centres during the COVID-19 pandemic. *Work in a Global Economy*. 1.1/2: 185-208 Bristol University Press

Member of Scottish Government Contact Centre Working Group (2020-1); Member of Covid-19 Pledge Safety Coalition.

Briefing:

Taylor, P. (2022) The case for the remit for a Covid-19 Public Inquiry in Scotland to include a focus on workplaces, occupations and workers.

Scottish Hazards -Including Kathy Jenkins, Scott Donaghue, Ian Tasker

Craig Anderson - Communication Workers Union (Scotland)

Ian Mullen - Unison City of Edinburgh Branch Health and Safety Officer

Contact details for the above can be provided under separate cover.

FORMER HEALTH SECRETARY MATT HANCOCK- DISCLOSURE OF WHATSAPP MESSAGES

5. At the last preliminary hearing Baroness Hallett's responded to our submission on the leaking of the Former Health Secretary Matt Hancock- Disclosure of Whatsapp Messages. The families we represent welcomed the Chair's recognition of the impact on the bereaved seeing the WhatsApp messages being disclosed without any kind of notice. The Chair assured the bereaved that this Inquiry will make every possible effort to ensure that they have investigated all the messages and their content before completing any kind of examination of the role of the previous Secretary of State for Health, but that the Inquiry would consider whether all Mr Hancock's records have been disclosed.

Whilst we appreciate inquiries are ongoing the Scottish Covid Bereaved are anxious that answers are received to these questions as soon possible. Bereaved families across the United Kingdom have over the last few weeks watched the corrosive unseemly drip feed of Mr. Hancock and others Whatsapp messages played out for comment in the public arena. Some of the allegations contained in the Daily Telegraph are deeply horrifying and upsetting for the families we represent.

Shockingly over 100,000 WhatsApp messages of the former Health Secretary Matt Hancock containing over 2.3 million words were leaked and if what is contained within those texts is correct it shows that Ministers of the State at the highest level were making decisions on lives via WhatsApp.

Whilst we await a response from the Inquiry, the Scottish Covid Bereaved are aware of several critical press articles and unhelpful interventions by politicians in the last few weeks in relation to the UK Covid-19 Public Inquiry. Scottish Covid Bereaved wish for us to reiterate that that there is only one forum in which the deaths of their loves can be robustly and transparently investigated and that is the UK Inquiry in partnership with the Scottish Public Inquiry.

The bereaved families believe no individuals no matter how powerful can be allowed to interfere with the pursuit of truth by this Inquiry. The families believe any attempts to curtail the scale and depth of the investigation carried out by the Public Inquiry and

cast doubt on the format which the Scottish Covid Bereaved have campaigned so hard for would be a betrayal of their loved ones who lost their lives to Covid.

The Scottish Covid Bereaved expect this Inquiry to robustly evaluate the millions of pages of evidence and to come to its conclusions, there can be no convenient short cut to this process now being called for by some in the public domain.

Whilst the families we represent accept that the media have played an important role in campaigning to uncover the failures by the UK Government and must continue to do so in relation to its handling of the pandemic, it is only this Inquiry that can deliver a legacy and uncover the full scale of what happened in every part of the United Kingdom.

The families we represent welcome that Lady Hallett has made it clear she will not bow to the pressures of external interference and await the outcomes of the inquiries into Mr. Hancock, however we would ask that similar scrutiny is applied to all Government Ministers Devolved or not.

INSTRUCTION OF EXPERT WITNESSES

6. We note the names of the expert witnesses who have been asked to provide draft reports, and we look forward to providing input to these reports before they are finalised. We would like to know whether these will be witnesses also used by the Scottish Inquiry or whether there have been efforts made to find different and separate witnesses for each Inquiry.

PARLIAMENTARY PRIVILEGE

7. We have already expressed the view that the way the Inquiry intends to proceed in relation to UK Parliamentary privilege seems a sensible way forward. We note the Inquiry intends to carry out the same process in respect of select committee reports, where required. Again, this seems a sensible way to avoid any issues. We would wish to make further submissions to the Inquiry if this proposed route causes any unforeseen problems. As noted, this issue does not arise in respect of the Scottish Parliament.

EVIDENCE PROPOSAL PROCEDURE AND RULE 10

8. We are much obliged to the Inquiry of incorporating the Scottish Covid Bereaved proposal that an “informal” approach of meeting Counsel to the Inquiry after the submission of rule 10 be implemented in this module too. We hope that seeking to persuade the Inquiry team that there are areas or issues that are of such centrality that they require to be asked during the witnesses’ evidence will obviate the need for formal applications to be made to the Chair, and thus minimise the need for applications to the Chair.

OPENING STATEMENTS

9. The Scottish Covid Bereaved look forward to having the opportunity to have their voice heard in the opening statement in respect of module 2A. We note the necessity for a time limit to be put on the opening statement. It would be helpful in that regard if core participants were given sight of Senior Counsel to the Inquiry’s opening statement in good time before we require to submit them, as it may avoid duplication and save time.

Dr. Claire Mitchell KC – Senior Counsel

Kevin McCaffrey- Advocate

Kevin Henry-Advocate

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