

Tuesday, 21 March 2023

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(10.30 am)

BARONESS HALLETT: Good morning. This is the second preliminary hearing for Module 2A, the module which is focused on decision making in Scotland. It is being held in the week that also marks the third anniversary of the imposition of the first United Kingdom-wide lockdown. That is a date that has huge significance for so many people and it is important that we recognise that fact.

Today's hearing, there are a number of issues to be considered and Mr Dawson KC, counsel to the Inquiry for this module, will soon be setting out in far more detail the issues that we have to consider.

I have received written submissions from several Core Participants, including Bereaved Families in Scotland, and I wish to thank them for their extremely helpful suggestions and approach they have adopted.

I think it is best if we now move on to Mr Dawson. Your opening remarks, please.

MR DAWSON: Good morning, my Lady. Can you hear me clearly?

BARONESS HALLETT: We can, thank you.

Submissions by MR DAWSON KC

MR DAWSON: Thank you very much.

I am Jamie Dawson KC and I am the Scottish senior

1 counsel with responsibility for the preparation and
2 delivery of matters falling within the ambit of
3 Module 2A. I appear at this preliminary hearing along
4 with my learned friend Usman Tariq, of the Scottish Bar,
5 who is with me in person, and Stephanie Painter and
6 Bethany Condron of the English Bar, who are with me, all
7 part of the counsel team in Module 2A, the focus of
8 which is and will be on Scotland.

9 By way of remainder for those who are listening,
10 Module 2A will look at core political and administrative
11 decision making relating to the management of the
12 pandemic in Scotland, primarily of the Scottish
13 government. The first of this module's preliminary
14 hearings took place on 1 November last year. This is
15 the second such hearing.

16 This week marks the third anniversary of the
17 announcement of the first UK lockdown, by then
18 Prime Minister Boris Johnson, on 23 March 2020, by which
19 time the death toll in Scotland had already reached 14.
20 By that time the Scottish government had already told
21 cafes, pubs and restaurants to close three days
22 previously. On that date, Scotland's then chief medical
23 officer, Catherine Calderwood, said, "This is no longer
24 a rehearsal for something that might happen."

25 The Scottish Parliament closed the next day, and on

1 25 March 2020, the First Minister confirmed that the
2 Scottish government would establish a Covid-19 advisory
3 group to supplement the advice it received from the
4 UK-wide SAGE, bodies whose decision making will receive
5 close scrutiny in Module 2 and in this module, 2A.

6 Two years ago this week the Office for National
7 Statistics' test positivity figures showed that while
8 infections had levelled off in England, Wales and
9 Northern Ireland, Scotland's infection rate had
10 increased over the previous two weeks, such that
11 Scotland had, at that time, the highest Coronavirus
12 infection rate in the UK. It was estimated that one in
13 240 people in Scotland were infected.

14 As was the case at the last preliminary hearing, we
15 know that there are people who have an interest in these
16 proceedings who know little about the Inquiry or who may
17 have had little contact or interaction with it, and that
18 there will be others, including Core Participant
19 representatives, who have had greater contact with the
20 work of the Inquiry.

21 Some have attended or even played an active part in
22 the recent preliminary hearings in Modules 1, 2
23 and/or 3. This presentation attempts to avoid
24 unnecessary repetition for this latter group, but also
25 requires to provide what is hoped will be useful

1 information about progress for the former.

2 Representatives of the now eight Core Participants
3 in Module 2A are in attendance at this hearing remotely,
4 mostly counsel and solicitor teams. I will have more to
5 say about Core Participants, who they are and their role
6 in this module in due course.

7 I and other members of the Module 2A team are, on
8 this occasion, also participating remotely from
9 an office in Edinburgh. Though this means that we are,
10 to an extent, throwing ourselves at the mercy of the
11 technology, like others, may I make clear to
12 your Ladyship that our physical presence in Scotland is
13 more than symbolic. The Inquiry team involved in the
14 preparation and delivery of Module 2A operates in
15 Scotland. With me today is my legal solicitor for this
16 module, Amy Cornelius, who is based in Edinburgh. She
17 and her team are able to have regular face-to-face
18 contact with Core Participant representatives and other
19 interested parties, as well as with the assistance of
20 technology.

21 This Inquiry's presence in Scotland is also
22 facilitating co-operation with the Scottish Inquiry.
23 In-person meetings between the two Inquiries have taken
24 place and will continue to do so.

25 The teams of both Inquiries are continuing to

1 develop a set of operational arrangements in order to
2 deliver the commitments of the memorandum of
3 understanding, to which I will return.

4 I and my junior counsel, Mr Tariq, are Scottish
5 advocates who are based in Scotland. Other key members
6 of our planning team are also based in Scotland. The
7 Inquiry has office premises which it uses in Edinburgh.
8 Many of those who are also involved in the work of the
9 Inquiry, in this module, visit Scotland for meetings and
10 other work on the business of the Inquiry. All of those
11 who are involved in this module are working on
12 familiarising themselves with the issues which faced
13 Scotland in the pandemic, and the investigation of the
14 Scottish decisions which this module involves, all
15 within the framework of the larger UK Inquiry, looking
16 into the full remit of our terms of reference.

17 Those listening should be in no doubt that this
18 Inquiry operates in Scotland, with Scotland and for
19 Scotland.

20 After my presentation on behalf of the Inquiry there
21 will be an opportunity for those bodies which have been
22 designated as Core Participants for this module, if they
23 wish, to make oral submissions. Written submissions
24 raising a number of useful and important points have
25 been received from four of the Core Participant groups,

1 for which we are most grateful.

2 I understand that it is intended that such oral
3 submissions will be made remotely by the following
4 groups and in the following order. Firstly, Scottish
5 Covid Bereaved, represented by Ms Mitchell KC.
6 Secondly, Disability Rights UK & Inclusion Scotland,
7 represented by Mr Friedman KC. Thirdly, the Trades
8 Union Congress and the Scottish Trade Union Congress,
9 represented by Ms Gallagher KC and, finally, the
10 Scottish Ministers, represented by Mr Mitchell KC.

11 After these submissions have been heard, I may have
12 some comments to add at the end of the hearing on behalf
13 of the Inquiry, though I will attempt to address
14 a number of the points which have been raised by Core
15 Participants in advance during the main body of my
16 presentation.

17 I intend to address the following matters in my
18 presentation. Firstly, practical arrangements for this
19 hearing. Secondly, the progress in the gathering of
20 evidence for Module 2A since the last preliminary
21 hearing in November, including Rule 9 requests and
22 expert evidence. Thirdly, Core Participants. Fourthly,
23 planning and timetabling for the remainder of the
24 module, with focus on the period between now and the
25 lead up to the oral hearings, with reference to various

1 planned events. Fifthly, the preparation for the
2 conduct of the oral hearings, including witness
3 proposals and Core Participant engagement in oral
4 hearings, as well as opening and closing statements.
5 Sixthly, I have a few words to say about the scope of
6 Module 2A. Seventhly, I will address you, my Lady, on
7 co-operation with the Scottish Covid-19 Inquiry, and
8 finally, before concluding, eighthly, I have some
9 comments to make on the listening exercise, which this
10 Inquiry now calls Every Story Matters.

11 So, before turning to the main body of my
12 presentation, may I commence by setting out the
13 arrangements for today's hearing.

14 These proceedings are being recorded and live
15 streamed to other locations. This has certain benefits.
16 This allows as many members of the public and
17 representatives of organisations, including Core
18 Participants, as possible to follow the proceedings and
19 gain an understanding of the module and the work which
20 has been, is being and will be undertaken within it.

21 It has the disadvantage of discussions not being
22 able to take place in person among the legal teams of
23 the Inquiry and the Core Participants. In order to try
24 to address this, specific contact has been made with
25 representatives of the Core Participants, both at

1 counsel and at solicitor level, to try to ensure that
2 lines of communication are as open as possible.

3 A transcript of what is said at the hearings will be
4 made publicly available on the Inquiry's website in due
5 course.

6 As is always the case at hearings like this, matters
7 may be mentioned of a potentially sensitive nature. To
8 cater for this, the broadcasting of the hearing via the
9 YouTube feed will be conducted with a three-minute
10 delay. That feed can, therefore, be paused if anything
11 unexpected is aired which should not be. We do not
12 expect any such matters to arise over the course of this
13 morning, but I mention this feature so that those who
14 are following proceedings understand the reasons for any
15 short delay if, for any reason, that did need to happen.

16 To turn then to progress in the gathering of
17 evidence for Module 2A since the last preliminary
18 hearing and specifically to progress made with the
19 Rule 9 requests.

20 Formal requests for evidence have been issued
21 relating to the matters to be covered in Module 2A
22 pursuant to Rule 9 of the Inquiry Rules 2006. These are
23 a combination of Rule 9 requests which have been issued
24 by Module 2A itself and Rule 9 requests which have been
25 issued in conjunction with other modules, where the

1 identity of the recipient means that they are likely to
2 be able to provide useful information relevant to more
3 than one module.

4 Just under 100 requests with relevance to Module 2A
5 have now been sent out. Amongst the Rule 9s which have
6 been prepared and sent out by the Module 2A team are
7 requests which have been sent to the Scottish
8 government, a number of its specific directorates, and
9 other public bodies in Scotland, including NHS National
10 Services Scotland and Public Health Scotland, who are
11 Core Participants in this module. Such public bodies
12 include those with responsibilities in the areas of
13 local authority, children, transport, criminal justice
14 and human rights in Scotland, all of which are relevant
15 to the module's scope.

16 As matters may arise within this module which relate
17 to the activities of the Secretary of State for
18 Scotland, in particular in relation to matters which are
19 within the legislative competence reserved to the
20 UK Parliament, a request has been sent to his office.
21 Core Participants Scottish Care and the STUC have
22 received such requests for Module 2A. The National
23 Police Chief's Council have received a request from
24 Module 2A in conjunction with other modules.

25 Other national organisations have also received such

1 requests and issues have been put to them which seek
2 information, including important statistical information
3 relating to Scotland and hence to Module 2A.

4 These requests have sought extensive documentation
5 relating to the scope of the module. In some cases,
6 corporate statements have been sought which seek
7 information about the structures of key organisations in
8 decision making in the pandemic, as well as broad
9 information about their approach.

10 The information provided in these corporate
11 statements will form the basis of more specific
12 individual Rule 9 requests made to individual witnesses
13 in due course.

14 Rule 9 requests have also been issued seeking input
15 on various matters, such as impact or scientific
16 information, to various representative organisations,
17 including those which represent at-risk and/or
18 vulnerable individuals. Many of these are organisations
19 which operate within Scotland and some are organisations
20 with a national reach, including Scotland, which have
21 been issued in conjunction with other modules. These
22 include Core Participants Scottish Covid Bereaved and
23 Inclusion Scotland. Representative groups which have
24 been contacted represent the interests of other groups,
25 including older people, children and young people,

1 women, ethnic minority groups, disabled people and those
2 with learning disabilities.

3 Rule 9 requests have also been sent to individuals,
4 including the members of the Scottish government's
5 Scottish Covid-19 Advisory Group, which group also
6 received an organisational Rule 9 request. Responses
7 have been received from a number of these organisations
8 who have been sent Rule 9 requests, the details of which
9 have been intimated to Core Participants in their
10 regular detailed monthly updates.

11 The fruits of all of these document recovery
12 exercises are being processed in terms of the Inquiry's
13 protocol on documents and its protocol on the redaction
14 of documents, as well as being analysed by the Module 2A
15 team in terms of the scope of the module.

16 At the first preliminary hearing in November last
17 year a predominant theme of submissions made in writing
18 and orally by Core Participants, who are also going to
19 be material providers, related to the need for a clear
20 plan as to when and how document requests would be made
21 and the need for careful coordination of that process in
22 order to make sure that it worked efficiently.

23 Members of the Module 2A solicitor team have met
24 with multiple material providers, including Core
25 Participant material providers, in order to work this

1 through. The result of those interactions has been that
2 documents and corporate statements relating to the broad
3 operation and position of the material providers are
4 starting to be received by Module 2 from important
5 organisations and individuals.

6 Meetings which have taken place have been with
7 organisations including COSLA, the Children and Young
8 People's Commissioner Scotland, the Scottish Human
9 Rights Commission, the Crown Office and Procurator
10 Fiscal Service, the Office of the Secretary of State for
11 Scotland, the NPCC and the STUC, who have produced their
12 statements already.

13 At the last preliminary hearing I made reference to
14 documents which had been provided to the Scottish
15 Inquiry and to us by the Scottish government, and
16 indicated an aspiration that they might be able to be
17 analysed and released to Core Participants in this
18 module during 2022.

19 These materials have been considered, although they
20 had previously been redacted by the Scottish government,
21 then they -- these documents having previously been
22 provided for the Scottish Inquiry. This Inquiry has, as
23 I have said, issued a redaction policy outlining how it,
24 and not the material providers, intends to redact
25 documents. Therefore, those initial documents were not

1 provided to Core Participants as they had not been
2 received in and assimilated in conjunction with that
3 policy.

4 In any event, many of these documents we found were
5 not relevant to the matters which we will be looking at
6 in Module 2A. In effect, the documents relevant to
7 Module 2A have been re-requested and will be assimilated
8 in accordance with the Inquiry's redaction and document
9 review policies and practices, in the same way as other
10 documents received in due course.

11 In order to ensure that nothing relevant is missed,
12 the original bundle is still being assessed in order to
13 ascertain what, if anything, may be of relevance to this
14 module and what, if anything, may be relevant to other
15 modules of the Inquiry to be held in due course.

16 In the meantime, the Scottish government has
17 produced its first corporate statements and exhibits
18 specifically responding to a Module 2A Rule 9 request.
19 These materials are being analysed at present.

20 The Scottish government is in the process of
21 preparing further responses to other Rule 9 requests
22 which were made to specific directorates within it.
23 Timescales for responses to these requests are either
24 imminent or being managed between the Inquiry team and
25 the Scottish government's representatives.

1 The Scottish government is also continuing to share
2 the document with the UK Inquiry which it is providing
3 to the Scottish Inquiry. It is also being analysed --
4 these documents are also being analysed by us for their
5 relevance to matters being looked at in Module 2A. Any
6 material produced in that way, whether relevant for
7 Module 2A or not, will also be available for other
8 modules of our Inquiry, both now and in the future.

9 All of this work will lead to documents received
10 from the Scottish government via any of these routes
11 which are relevant to Module 2A being disclosed to Core
12 Participants in this module in due course.

13 At the last preliminary hearing submissions were
14 made by the TUC and others in connection with the
15 importance of assessing the impact of the pandemic and,
16 indeed, the impact of measures taken by the government
17 in Scotland to seek to reduce transmission, in
18 particular, on various sectors of society, including
19 those at risk, the vulnerable, including minority ethnic
20 groups.

21 We agree that, as part of our assessment of the
22 appropriateness of the high level of political decisions
23 and measures taken by the government in Scotland to
24 control the pandemic, it will be necessary to assess the
25 extent to which appropriate account was taken of the

1 impact which existing measures were having or had had on
2 transmission and outcome.

3 As we intimated at the last preliminary hearing,
4 detailed consideration of the impact of the pandemic on
5 specific areas of national life will come in subsequent
6 modules. However, as a basis for our understanding of
7 the impact of the decisions with which this module is
8 concerned, we have sought input so far from
9 51 organisations which are representatives of different
10 sectors of Scottish society, seeking their views,
11 amongst other things, on the impact on these sectors of
12 the pandemic but also the impact of those decisions.

13 Statistical evidence, both in the form of raw data
14 and also expert analysis of it will, we anticipate, also
15 provide us with important insights into these issues.

16 In our counsel to the Inquiry note issued to Core
17 Participants in advance of this preliminary hearing we
18 asked Core Participants to propose the identities of
19 organisations to which further Rule 9 requests might be
20 issued. Some have very helpfully done so. Including
21 Scottish Covid Bereaved and the TUC, STUC.

22 Some of these are receiving active further
23 consideration but I can provide the following
24 information which I hope to be relevant to the
25 suggestions which have been made:

1 The Core Participants have provided details of
2 experts in various fields, either based on the fact that
3 they provided advice for Scottish government or on the
4 basis that they have provided commentary on the
5 political decisions taken to control the pandemic in
6 Scotland.

7 These suggestions are all helpful and will be or
8 have been considered. The details of their roles,
9 relevant publications and the explanations as to what
10 the Core Participants think these potential witnesses
11 might add to the module are all particularly helpful.
12 Some, like Professor Stephen Reicher have already been
13 contacted by the Inquiry for a Rule 9 response.

14 Similarly, suggestions have been provided as to
15 ministers who might be contacted for individual Rule 9
16 responses in this module. An analysis has already been
17 done by the module team of key ministerial decision
18 makers within and advisers to Scottish government, which
19 has been cross-referenced with these helpful
20 CP proposals.

21 As regards organisations which may be able to
22 provide information about the impact of political
23 decisions on ethnic minorities and other matters which
24 may fall within the scope of this module, various
25 helpful suggestions have been made by our Core

1 Participants about groups that might be contacted in
2 this regard. Module 2A has already sent Rule 9 requests
3 to the Coalition for Racial Equality and Rights, a group
4 which aims to tackle structural racism in Scotland, and
5 Black and ... [Minority] Infrastructure Scotland,
6 a Scotland-wide umbrella body for ethnic minority
7 voluntary organisations. Both groups were represented
8 on the Expert Reference Group on Covid-19 and Ethnicity,
9 established by the Scottish government, which was
10 disbanded in November 2020.

11 Both groups have published in connection with
12 aspects of the pandemic and its effects on ethnic
13 minority groups in Scotland, which suggest to us that
14 they may well be of assistance to the Inquiry in
15 connection with this important aspect of our module.

16 A similar request has been sent to the Runnymede
17 Trust, a leading think tank on matters relating to race
18 in the UK. That organisation publishes materials
19 relating to Scotland, and so we believe also that it may
20 be able to contribute to the Inquiry's work in this part
21 of this module.

22 Scottish Covid Bereaved have made the helpful
23 suggestion that we seek input from various organisations
24 in Scotland which work on behalf of refugees and asylum
25 seekers, including Refugees for Justice, which we have

1 not done to date. That is an organisation, as we
2 understand it, of asylum seekers and refugees which was
3 formed in the aftermath of the Park Inn Hotel tragedy in
4 June 2020, where an asylum seeker was shot dead by
5 police in central Glasgow.

6 Scottish Covid Bereaved make the valid general point
7 that they consider it to be of particular importance
8 that this Inquiry looks at issues relating to
9 immigration and asylum, given the fact that these are
10 generally reserved matters and thus may well fall beyond
11 the scope of the Scottish Inquiry.

12 This point is, in our view, well made. The issues
13 of how these matters fall within the modular planning of
14 the Inquiry as a whole is currently receiving active
15 consideration by the Inquiry team. We will, of course,
16 keep Scottish Covid Bereaved and other Core Participants
17 informed about progress in this regard.

18 Similar considerations apply to suggestions
19 helpfully made about charities which work in the field
20 of homelessness in Scotland.

21 The other suggestions made by Core Participants are
22 being actively considered. For some, whose area of
23 interest is already being covered by other similar
24 organisations, it may be that the possibility of
25 contacting them will be reviewed once those other

1 organisations have responded and an analysis can be
2 undertaken of whether any additional material is
3 required. This appears to us to be the best way to
4 balance thoroughness and avoid unnecessary expense in
5 investigation, as your Ladyship requires to do.

6 The point appears to be well made, in our view, by
7 the STUC, where they say that some of the national
8 organisations who have been contacted by the Inquiry to
9 this point may or may not be able to provide adequate
10 information about Scotland or information specific
11 enough about certain at-risk groups for our purposes in
12 this module. We accept the possibility that this
13 assertion may prove to be right and we maintain an open
14 mind to contacting other groups if the responses which
15 we do receive prove inadequate for our purposes on these
16 or other grounds.

17 Examples of suggestions which have been helpfully
18 made where we await the response of other groups include
19 those made in the fields of women's rights, LGBT Youth
20 Scotland, YouthLink Scotland, Alzheimer Scotland, and
21 Care Home Relatives Scotland.

22 I would like to make clear, however, both that these
23 suggestions which have been made by Core Participants
24 are very helpful, and that work has already been done on
25 finding out more about these suggested organisations to

1 the extent that they were not familiar to us already.

2 As far as expert evidence is concerned, draft expert
3 reports which cover material relevant to Module 2A have
4 been received from experts, firstly, in the field of
5 political structures of devolution within the UK and
6 mechanisms for inter-governmental decision making
7 between the UK government and the devolved
8 administrations during the pandemic, from
9 Professor Ailsa Henderson from the University of
10 Edinburgh, and, secondly, international data relating to
11 the pandemic from Professor Thomas Hale from the
12 University of Oxford.

13 These are receiving consideration from the Inquiry
14 legal teams and from the modern Module 2A legal team
15 insofar as they relate to matters pertinent to its
16 scope.

17 A further report with some relevance to Module 2A
18 instructed by Module 2 has been received concerning the
19 decision-making structures of the UK government in
20 an emergency. The instruction of a similar report
21 relating to the Scottish government is currently
22 actively being considered.

23 A report has been instructed but not yet received on
24 the access to and use of data by the UK government and
25 the devolved administrations during the Covid-19

1 pandemic from Gavin Freeguard, former programme director
2 and head of data and transparency at the Institute for
3 Government. It is due to be received in draft form this
4 month. On receipt, we will analyse its content for the
5 extent to which it covers Scottish issues potentially
6 within his expertise arising in this module. It will be
7 necessary for us to adduce expert evidence on this
8 important subject, be it from Mr Freeguard or otherwise.

9 Following disclosure of the draft expert reports
10 which are relevant to Module 2A, Core Participants in
11 this module will be invited to propose points of
12 clarification or new matters to be raised with each
13 expert. Further information about that process and its
14 timing will be provided to Core Participants in due
15 course.

16 In the preliminary in Module 2 you heard submissions
17 my Lady about the need for an expert to deal with the
18 issue of structural racism and discrimination. In your
19 note dated 9 March of this year you have dealt with
20 submissions on this subject between paragraphs 14
21 and 37.

22 Like the scope of Module 2, paragraph 3 of the
23 outline scope for Module 2A indicates that in this
24 module we will address the identification of vulnerable
25 and other at-risk groups in Scotland and the assessment

1 of the likely impact of the contemplated
2 non-pharmaceutical interventions on such groups in light
3 of existing inequalities.

4 In your ruling of 9 March you made clear that in
5 Module 2A, as in other Module 2s, requests for evidence
6 from relevant bodies or decision makers and those issued
7 to representative organisations have sought information
8 relating to the extent of pre-existing racism or other
9 discrimination for vulnerable or at-risk groups as part
10 of the exercise of investigating the extent to which and
11 the reasons why those in those groups suffered a greater
12 impact as a result of political decisions made around
13 the management of the pandemic.

14 At paragraph 32 of your ruling you concluded,
15 my Lady, that it would be appropriate for an expert or
16 experts to provide an opinion on the issue of
17 pre-pandemic structural racism, with the caveat at
18 paragraph 33 that it is not within the remit of the
19 Inquiry to conduct an inquiry into institutional racism.

20 At paragraph 37 you directed that the Inquiry team
21 should look to the same issues relating to other forms
22 of pre-existing discrimination. Our proposal to you,
23 my Lady, is that you adopt the same approach to the
24 issue of pre-existing structural racism and other forms
25 of discrimination in Scotland. We wish to emphasise,

1 my Lady, that this is an issue to which we are very
2 alive in this module. It is, as I have said, part of
3 our outline scope, as it is for Module 2. We are also
4 alive to the fact that it gives rise to issues which, in
5 our view, will merit separate and particular attention
6 from a Scottish perspective. This may arise from the
7 different ethnic groups in Scotland, the different
8 proportion of the Scottish population made up by people
9 from ethnic minority backgrounds when compared to the
10 rest of the UK, their particular circumstances and
11 vulnerabilities, or the particular affects of infection
12 on them.

13 The different effects of the pandemic on this and
14 other at-risk groups is recognised in chapter 7 of the
15 Scottish government's report on Scotland's Wellbeing:
16 The Impact of COVID-19, which states that:

17 "The pandemic has produced disproportionate impacts
18 across a range of outcomes for a number of groups.
19 These include households on low incomes or in poverty,
20 low-paid workers, children and young people, older
21 people, disabled people, minority ethnic groups and
22 women. These groups also overlap, which may compound
23 the impact its for some."

24 As I have indicated, the impact in this area has
25 already been addressed in Rule 9s which have gone out to

1 relevant organisations we believe with knowledge of the
2 position in Scotland. Each of the directorates of the
3 Scottish government and the Scottish government itself
4 have been asked about what regard was had to groups with
5 protected characteristics and other at-risk or
6 vulnerable people, including ethnic minority groups,
7 both in making decisions about non-pharmaceutical
8 interventions and also in enacting legislation and
9 regulations.

10 The Rule 9 sent to the Scottish government's
11 Equality, Inclusion and Human Rights Directorate
12 included more detailed questions about consideration of
13 protected characteristic groups.

14 Other individuals and groups outside of Scottish
15 government, including the Scottish Covid-19 Advisory
16 Group, the Chief Medical Officer for Scotland, the
17 Children and Young People's Commissioner Scotland, the
18 STUC, COSLA, NHS NSS and Public Health Scotland have
19 been asked what information they compiled relating to
20 those with protected characteristics and other at-risk
21 or vulnerable groups, what information or advice they
22 provided to the Scottish government in that regard, and
23 details of any other communications they had with the
24 Scottish government about these groups.

25 Whether a thorough investigation of the impact of

1 high-level political decision making on these outcomes
2 will be assisted by an expert instructed in common with
3 other modules, or whether it will require an expert who
4 looks at the particular Scottish considerations will be
5 a matter which will be given our careful attention.
6 Thus, we invite that you direct, as in Module 2, that
7 expert evidence should be commissioned in connection
8 with pre-existing structural racism in Scotland and that
9 consideration be given by Module 2A Inquiry team as to
10 whether this should be achieved by the instruction of
11 the same expert or experts as will be instructed for
12 Module 2 or a separate expert or experts.

13 A similar direction relating to the issue of other
14 forms of pre-existing discrimination can also be made,
15 we say, with a similar direction as to consideration
16 being given to the identity of the expert or experts who
17 might opine on Scottish issues in that regard.

18 In general terms, experts have thus been instructed
19 to provide reports on matters which stretch across
20 modules where appropriate. We are, however, alive to
21 the possibility that particular considerations arise in
22 the Scottish context which may, for various reasons,
23 require the instruction of separate experts, either
24 because of those different considerations and/or the
25 limitation of the ability of cross-modular experts to

1 opine on them.

2 So far the majority of the helpful suggestions which
3 have been made by Core Participants have been for
4 factual witnesses, whom they say the Inquiry should
5 approach for evidence.

6 We would be happy to receive informal suggestions
7 from Core Participants as to experts whom they suggest
8 the Inquiry should consider instructing for expert input
9 into Module 2A, either by way of an area which may merit
10 separate consideration in Scotland and/or by way of
11 specific individuals who might be suitably qualified to
12 perform that role.

13 These will, of course, be considered in accordance
14 with the obligation that we have to consider fairness
15 and economy under section 17 of the 2005 Act.

16 My Lady, I now intend to move on to saying something
17 about my next section, which relates to Core
18 Participants.

19 Since the first preliminary hearing in November,
20 Core Participants status for Module 2A was granted
21 jointly to Disability Rights UK and Inclusion Scotland
22 on 16 November of last year.

23 In your determination granting their application you
24 reiterated, my Lady, the importance to the module of the
25 investigation to the extent to which the Scottish

1 government considered at-risk people, including disabled
2 people, when making decisions in response to the
3 pandemic.

4 You specifically repeated your ongoing commitment,
5 as set out in the terms of reference and indeed your
6 opening statement, that inequalities will be at the
7 forefront of the Inquiry's investigations.

8 Both organisations are represented at this hearing
9 by Mr Friedman KC, who has submitted a helpful and full
10 submission about his clients' aspirations and
11 suggestions for the module, which have been and continue
12 to be taken into account and acted upon.

13 In addition, on 10 February of this year,
14 your Ladyship issued a supplemental determination
15 confirming that the designation of the TUC and the STUC
16 which had previously been made was a joint designation,
17 as more detail about the particular roles, constitutions
18 and practices of those bodies became apparent. They are
19 both represented at this hearing by my learned friend
20 Ms Gallagher KC, who has also provided a helpful and
21 full written submission.

22 At the preliminary hearing in November last year the
23 Core Participants rightly wished to be appraised as to
24 how the Inquiry intended to keep them informed about the
25 progress of the Inquiry team in this module. The legal

1 team has provided monthly updates in December of last
2 year and in January and February of this year. These
3 have provided detailed explanations of the work which
4 has been done and the progress which has been achieved
5 in this module over that period.

6 As I have said, those Core Participants who are also
7 material providers, have been consulted with by the
8 Inquiry staff around the way in which the Inquiry wishes
9 them to produce their documents as they requested should
10 happen at the time of the last preliminary hearing in
11 November.

12 I will come to timetabling in a moment, which will
13 include certain information specifically relevant to
14 Core Participants in this module, but I would like to
15 make it clear to the Core Participants that the
16 preliminary hearings are not the only opportunity for
17 them to contribute and make suggestions about the
18 operation of this module. Lines of communications have
19 been established, in particular at solicitor and counsel
20 levels, and we invite the representatives of Core
21 Participants to use those methods to approach us with
22 suggestions as to how they might contribute further to
23 the process.

24 To move, then, to planning and timetabling for the
25 remainder of the module, and specifically the period

1 between now and the lead-up to the oral hearings.

2 At the last preliminary hearing, Core Participants
3 were understandably keen that we should set out our plan
4 as to when the public hearings in Module 2A would take
5 place. A particular consideration which applied to
6 Scotland, the Scottish Core Participants, and the
7 Scottish public, relates to the coordination of the
8 hearings of the two Inquiries so as to enable engagement
9 with each.

10 For various reasons, the timetabling of each has
11 a fresh complexion. Necessary changes to the
12 timetabling for Module 1 in our Inquiry have resulted in
13 this Inquiry's overall timetable being altered from our
14 initial projections. Your Ladyship made rulings
15 regarding the timetabling of Modules 1 and 2 on
16 17 February and 9 March of this year respectively, which
17 rulings can be viewed on the Inquiry website. The need
18 for a clear planning is, however, appreciated.
19 Therefore, subject to submissions which you may hear
20 from Core Participant representatives, we propose that
21 the Module 2A evidential hearings should commence on
22 15 January 2024.

23 It remains our plan that those Module 2A hearings
24 will last for three weeks. More precise plans as to
25 which witnesses will give evidence on which days will be

1 announced in due course, when further consideration and
2 analysis of the evidence being gathered by the Inquiry
3 permits.

4 The UK and Scottish Inquiry teams have shared their
5 respective timetables, including the proposed dates for
6 the Module 2A hearings in January 2024. As far as the
7 UK Inquiry team is aware, the Scottish Inquiry's current
8 plan means that it will not sit at the time of these
9 planned Module 2A substantive hearings. The teams of
10 both Inquiries continue to have regular communications
11 to monitor the development of their respective
12 timetables.

13 As we intimated at the last preliminary hearing, to
14 facilitate access for and engagement by the Scottish
15 public in those hearings, the public hearings in
16 Module 2A will take place in Scotland. The Inquiry is
17 looking into possible hearing venues in Scotland. I can
18 assure you, my Lady, and in particular those who
19 represent vulnerable or infirm groups, that those
20 discussions have been giving and will give careful
21 consideration to the need for minimum inconvenience for
22 and any particular needs of those who may wish to attend
23 those hearings. For those who cannot or did not wish
24 to, the intention is that those hearings, like this one,
25 will be live streamed online and that transcripts will

1 be made publicly available via the Inquiry's website.
2 The Inquiry will also upload recordings of hearings to
3 the Inquiry's website and YouTube channel.

4 Before that time, the work of the Inquiry in
5 preparation for those hearings will continue. There are
6 a number of other planned events in order to maximise
7 the involvement of Core Participants, and ultimately to
8 assist in our fulfilment of our terms of reference.
9 Before outlining our current thinking in that regard it
10 may be worth pointing out that we consider it inevitable
11 that there may be slight variations in the way in which
12 we propose that each Module 2 and its submodules will be
13 conducted, both with regard to the issues which each
14 module and submodule seeks to resolve, which differ in
15 each of the four nations of the UK, and the way in which
16 the procedure might best serve each of these issues
17 being properly and fully addressed.

18 There may be a number of legitimate reasons for
19 this, such as the timing of the hearings, practicality,
20 the different issues which fall to be addressed in each
21 part of the UK, both generally and at the hearings, the
22 number and variety of material providers and decision
23 makers, the volume of material, and the number and
24 interest of Core Participants, which are different in
25 each of the four submodules.

1 Though such differences may occur, consistency in
2 the treatment of each of the four nations of the UK is,
3 in our submission, achieved by the broad consistency of
4 the outlined scopes in each and the commitment in each
5 to important underlying principles, such as the need to
6 permit participation in the process by those who have
7 been accorded Core Participant status, which is
8 reflected by each module, providing means by which Core
9 Participants may participate beyond what is laid out in
10 the Inquiry Rules 2006.

11 In this module it is intended in the first instance
12 that we will distribute a list of issues which we intend
13 to address in Module 2A. In the first instance we
14 propose this will be issued to Core Participants, who
15 will be invited to provide comments and suggested
16 alterations and additions to them. The list of issues
17 will be a refined version of what issues we think arise
18 for determination by the Inquiry in Scotland under each
19 section of the outline Module 2A scope, the various
20 parts of which were set out by me at the last
21 preliminary hearing and the terms of which are available
22 publicly on the Inquiry website.

23 In paragraph 13 of your ruling of 9 March, issued
24 after Module 2, you directed that the proposed issues
25 for that module should be issued to Core Participants

1 for their comment by 28 April of this year.

2 We propose that you should direct that this should
3 happen for Module 2A and that a list of issues should be
4 issued to Core Participants by 12 May of this year.
5 Suggestions made by Core Participants will be considered
6 by the Inquiry team and the list of issues will be
7 extended and amended accordingly.

8 Over this period and going forward, documents which
9 have been assessed as being relevant to the scope of
10 Module 2A and which have gone through the Inquiry's
11 redaction process will be issued to Core Participants
12 via the Inquiry's Relativity system. These will, in due
13 course, include corporate statements and associated
14 exhibits as well as relevant documents which have been
15 disclosed.

16 In order to speed this process up, the Inquiry is
17 now in a position to use an automated process of
18 redaction of names which have been identified as
19 irrelevant to the Inquiry's investigations.

20 Over this period the Inquiry will continue to assess
21 the content of corporate statements and associated
22 documents. Depending on the content of these, it may be
23 that further Rule 9s are issued to witnesses or
24 additional corporate statements sought thereafter in
25 preparation for the hearings commencing in January of

1 next year.

2 This process will also inform the compilation of
3 individual Rule 9 requests which we anticipate will
4 start to be sent out in June of this year in this
5 module.

6 It is hoped that, as was the case in our
7 organisational Rule 9s, this approach will enable the
8 matters covered in the Rule 9s to be better informed,
9 more focused, thus easier for the witness in question to
10 engage with and more likely to get to the nub of the
11 issues with which this module is concerned.

12 In addition to the documents which will be released
13 to Core Participants periodically, individual witness
14 statements will be released to Core Participants in due
15 course to enable preparation for their input into the
16 hearings in January 2024.

17 Depending on timing and the content of each
18 individual statement, it may be that additional matters
19 will be put to individual witnesses, to which responses
20 will be collated and distributed to Core Participants.

21 For the sake of clarity, and in response to a point
22 made orally by Scottish Covid Bereaved at the Module 2
23 preliminary hearing, it is intended that individual
24 Rule 9 requests will be issued in Module 2A to the First
25 Minister of Scotland, the Deputy First Minister and to

1 the Secretary of State for Scotland and to multiple
2 cabinet secretaries of the Scottish government who
3 played roles in high-level political and administrative
4 decisions with which this module is concerned.

5 As I said, Rule 9 requests have already been issued
6 to multiple Scottish government directorates. Core
7 Participants will be kept informed as to progress in
8 monthly updates. In addition, a proposed list of
9 witnesses for the oral hearings will be issued to Core
10 Participants in due course.

11 Thus, as far as the preparation for and conduct of
12 the oral hearings is concerned, I have something to say
13 about witness proposals and Core Participant engagement
14 in the oral hearings.

15 As far as questions for witnesses are concerned,
16 Core Participant representatives are aware of the
17 provisions of Rule 10 and the procedures laid out there
18 for the questioning of witnesses, which will be
19 primarily conducted by Inquiry counsel, and the
20 opportunity which is set out there for applications to
21 made for questions to be asked by Core Participant
22 representatives, in particular under Rule 10(4).

23 In addition to the procedures laid out there and to
24 the proposed list of witnesses for the Module 2
25 evidential hearings, which will be intimated to Core

1 Participants, it is intended that Core Participants will
2 be provided with an opportunity to suggest areas and
3 lines of questioning which should be covered with each
4 witness.

5 In your ruling issued after the Module 2 preliminary
6 hearing, your Ladyship described an informal route by
7 which Core Participants representatives could seek to
8 persuade the Inquiry team that there are areas or issues
9 which are of such centrality that they must be raised in
10 the course of a witness' evidence.

11 This suggestion had been raised at the hearing by
12 Ms Mitchell KC for Scottish Covid Bereaved, amongst
13 others. In this module we also intend to adopt
14 a similar informal approach among the counsel teams,
15 details of which will be intimated to Core Participants
16 when we get nearer to the time of the hearings.

17 Though the various procedures which we currently
18 have in mind, as I have outlined, are all designed to
19 try to maximise progress and Core Participant
20 involvement in the Inquiry's work throughout, and not
21 just when hearings are held, we propose a third
22 preliminary hearing for Module 2A be held in late
23 October or early November of this year, with the precise
24 date to be fixed in due course. At that hearing, a full
25 update can be given on progress and the plans for the

1 evidential hearings which will follow around two to
2 three months later.

3 As far as opening and closing statements are
4 concerned, the Inquiry Rules also include provision
5 under Rule 11 for Core Participant legal representatives
6 or, indeed, unrepresented Core Participants to make
7 opening and closing statements.

8 As in other modules, the intention in Module 2A is
9 that counsel to the Inquiry will make an opening
10 statement at the commencement of the public hearings.
11 It is unlikely that there will be a closing statement.
12 Core Participants or other legal representatives who
13 wish to make opening and/or closing statements will, of
14 course, be permitted to do so.

15 However, counsel to the Inquiry will be inviting the
16 Chair to impose strict time limits on these in order to
17 ensure maximum efficiency in the limited hearing time.

18 As I have set out, the approach to Core Participant
19 participation in this module is to seek to facilitate it
20 throughout, as opposed to in the limited circumstances
21 which are permitted by the rules. It is hoped that by
22 the time of the hearings, the positions of the Core
23 Participants and those whom they represent, as well as
24 the issues which they would like to have ventilated,
25 will be well known and will have been integrated, so far

1 as it is considered appropriate to do so within the
2 Inquiry's investigative procedures.

3 My Lady, I have a little to say in response to some
4 comments made in the Core Participant submissions --
5 written submissions about the scope of Module 2A.
6 A good deal of time was spent at the first preliminary
7 hearing last year talking about the scope of the module.
8 I do not wish to rehearse the detail of that submission
9 now but reiterate that the scope was then, and remains,
10 reactive to the evidence which we have uncovered and to
11 the helpful suggestions of Core Participants. It will
12 be expanded upon and developed in the list of issues to
13 which I have already made reference.

14 Matters which relate to scope have been raised in
15 the notes produced by Core Participants for the purposes
16 of this hearing, including the issue of structural
17 racism and other structural inequalities in Scottish
18 society, the particular threats posed by Covid-19 to the
19 disabled community in Scotland, the extent to which the
20 views of disabled groups were taken into account during
21 political decision making in the pandemic in Scotland,
22 and others. I have touched upon the approach being
23 taken to a number of these areas already. They are all
24 helpful and are all being considered alongside the list
25 of issues which will, as I say, be released to Core

1 Participants in early course.

2 As we said at the first preliminary hearing in this
3 module, it is part of the duty of this Inquiry to get to
4 the truth of what happened in Scotland and why, to
5 examine and analyse the evidence about what decision
6 making took place, what its justification was and what
7 its effects were, to expose those responsible to
8 scrutiny and to uncover wrong decisions and any
9 significant errors of judgments, and to do what we can
10 to make sure lessons may properly be learned in the
11 interests of the Scottish public as a whole.

12 Though areas of specific interests to our Core
13 Participants, in particular the impact on certain
14 at-risk and vulnerable groups, are an important part of
15 our remit in this module, which is largely why these
16 groups have been accorded Core Participant status, their
17 specific and important interests form part of this wider
18 remit.

19 To move then, my Lady, to my next topic, which is
20 co-operation with the Scottish Covid-19 Inquiry.
21 Another matter of priority for Core Participants,
22 understandably, at the last preliminary hearing in
23 November last year, was to receive some clarity as to
24 how the Inquiry intended to go about fulfilling its
25 obligation to co-operate and minimise duplication with

1 the Scottish Inquiry.

2 At the preliminary hearing for Module 2, Scottish
3 Covid Bereaved's counsel, Mr McCaffery, sought
4 confirmation from the Inquiry that it remained truly
5 independent from the Scottish Inquiry. As you did
6 during the course of the Module 2 hearing, my Lady, the
7 Inquiry team working on this module would wish to
8 reiterate the investigation of the matters falling
9 within our remit and the ultimate discharge of the terms
10 of reference with which we are concerned, is being and
11 will be conducted entirely independently.

12 We decide independently what information we wish to
13 see and from whom, what questions we ask and to whom, in
14 order fully to discharge our remit. Material is and
15 will be analysed independently, both at the Scottish
16 Inquiry and of the parties involved in making
17 a contribution to this Inquiry. Ultimately, the
18 analysis and the assessment of the evidence which we
19 have gathered in both written and oral form will be
20 assessed entirely independently by you, with the support
21 of your Inquiry team.

22 I gave a commitment to that effect at the first
23 preliminary hearing, and that has been and will continue
24 to be the case, as our separate terms of reference
25 demand.

1 However, those terms of reference also require that
2 we seek to minimise duplication of investigation,
3 evidence gathering and, ultimately, reporting, and
4 impose a requirement to liaise with, in our case, the
5 Scottish Inquiry before embarking upon investigations.

6 Thus, in the exercise of our independent obligation
7 to investigate, analyse and report, we are obliged to
8 take these steps in order to work efficiently and have
9 regard to avoiding unnecessary public expense.

10 At the last preliminary hearing, Core Participants
11 were rightly keen that we provide an update as to how
12 that obligation was being and was planned to be
13 observed. The obligation extends not only to
14 a requirement to seek to minimise duplication, but also
15 to set out publicly how we intend to do so.

16 At that time we were able to indicate that
17 a memorandum of understanding was in draft form and was
18 being discussed by the two Inquiries. At that time
19 progress with that and other related practical
20 arrangements was on hold due to the resignation of the
21 former Chair of that Inquiry and the fact that a new
22 Chair had only recently been appointed. In addition,
23 certain key positions within that Inquiry required to be
24 filled before the arrangements between the two Inquiries
25 could be taken forward. I am pleased to say, my Lady,

1 that the final memorandum of understanding was signed by
2 the secretariats of each Inquiry on 23 February of this
3 year. A copy can be viewed on our website.

4 This is an important document both for this module
5 and for modules to come. As it is necessary for it to
6 be able to have application across a number of different
7 common areas which will be investigated by both
8 Inquiries and not just the political decision making
9 being addressed in this module, the document has been
10 drafted in a way such that it can be applied across the
11 whole of the two Inquiries, taking into account the fact
12 that each Inquiry has the right to choose,
13 independently, how to structure and conduct the
14 discharge of its own terms of reference.

15 This is not to say that it does not contain a number
16 of important practical commitments. It does. For
17 example, at the last preliminary hearing, Core
18 Participants who are also material providers were keen
19 that clear structures were put in place so that efforts
20 made to respond to Rule 9 requests issued by us or
21 Rule 8 requests issued by the Scottish Inquiry did not
22 result in duplication of work and expense, given that,
23 to a considerable extent, they may be looking for the
24 same or very similar material.

25 This forms part of the commitment given paragraph 9

1 of the memorandum of understanding. The details of the
2 numerous Rule 9 requests sent out by this Inquiry, to
3 which I have already made reference, have been intimated
4 to the Scottish Inquiry so that it can take account as
5 it sees fit of requests already made by this Inquiry, in
6 order to provide clarity to and to ease the burden on
7 material providers.

8 The Module 2A team have already taken into account
9 the terms of Rule 8 requests made by the Scottish
10 Inquiry when the Module 2A team has been preparing
11 Rule 9 requests for any Scottish organisations who have
12 already received a request from the Scottish Inquiry.

13 In discussions with material providers about
14 deadlines for responding to Rule 9 requests, the
15 Module 2A team has already taken into account any
16 deadlines which the material provider is also working to
17 with the Scottish Inquiry. In addition to this, it is
18 clear that more detailed arrangements and plans will
19 need to be made both for this module in its dealings
20 with the Scottish Inquiry and those which follow.

21 Progress on this has awaited the outcome of the
22 substantial work done within the Scottish Inquiry about
23 the way in which it intends to deliver its terms of
24 reference under its new chairmanship, with a changed
25 Inquiry team and indeed, we assume, to adjust its

1 approach to its slightly altered terms of reference.

2 Despite this very necessary work, the solicitor
3 teams of both Inquiries have continued to work and are
4 currently working together in order to develop a set of
5 operational arrangements, to deliver the commitments of
6 the memorandum of understanding.

7 Those operational arrangements will include but not
8 be limited to the sharing of timetabling and plans, the
9 detailed process for document recovery and the redaction
10 of documents.

11 The solicitor teams meet regularly. On Wednesday
12 last week the Scottish Inquiry published some details
13 about its plans, which included the adoption of
14 a thematic approach based on the three themes of: health
15 and social care; education and young people; and
16 finance, business and welfare. They announced that for
17 each of these themes the Scottish Inquiry will look,
18 first, at the impact of the pandemic, then the
19 implementation of measures, and finally, key decision
20 making.

21 It is anticipated by our team that, in light of
22 that, further operational arrangements will now be able
23 to be finalised. It seems to us not unreasonable to
24 assume that as our Inquiry will start with preparedness
25 and political decision making in Scotland in modules 1

1 and Module 2A respectively, that this Inquiry will
2 address those matters first, given that the Scottish
3 Inquiry appears to be dealing with them later in their
4 agenda.

5 Core Participants will be kept informed about our
6 progress and in our monthly updates issued by the team
7 working on this module, which tends to take the lead on
8 these matters.

9 Wider public communications will also be issued by
10 both Inquiries when significant steps forward have been
11 made. A key part of the ongoing operational discussions
12 relates to the extent to which material can be shared
13 between the two Inquiries. The attractions of evidence
14 sharing include the minimising of duplication, the
15 material providers in the gathering of evidence, and the
16 minimisation of effort in assessment on the part of the
17 Inquiries and others, in particular Core Participants.
18 Submissions in that regard have been made by some of the
19 Core Participants in this module.

20 The sharing of evidential material, however,
21 involves complex, legal issues relating to data
22 protection and also a number of considerable practical
23 and technical issues arising, in particular, from the
24 fact that the Inquiries have different terms of
25 reference and different approaches to the way in which

1 they intend to discharge them. At this stage I can
2 simply intimate to you, my Lady, and to Core
3 Participants, that these complex matters are receiving
4 careful attention by both Inquiries. Core Participants
5 will, of course, be kept informed as to progress.

6 As we have decided to look at the preparedness for
7 the pandemic, including in Scotland, in Module 1, and
8 the key political decisions made in Scotland as part of
9 Module 2A, and the Scottish Inquiry has adopted
10 a different structure which will look at these matters
11 later, it is likely that our investigations will be the
12 first to uncover material which is specifically relevant
13 to these areas.

14 The analysis of it and any relevant recommendations
15 flowing from that will be available to the Scottish
16 Inquiry by the time this Inquiry publishes its report of
17 matters falling within the remit of this module. To
18 that extent, the Scottish Inquiry will have the ability
19 to make use of it. The extent to which it does so is,
20 of course, entirely a matter for Lord Brailsford and his
21 team. The arrangements which have been and are being
22 put in place, my Lady, are designed to provide them with
23 the opportunity to do so as fully as possible and to
24 comply with our obligation to minimise duplication.

25 To move then onto our listening exercise, which we

1 call Every Story Matters, and the important issue of
2 commemoration.

3 Every Story Matters is the name which will be given
4 to the Inquiry's listening exercise, through which
5 individuals will be able to communicate to us their
6 experiences of the pandemic.

7 In response to submissions heard by you in the
8 Module 1 preliminary hearing, further information was
9 made available in the Inquiry's March newsletter about
10 the detailed plans for this exercise, which can be
11 accessed on the Inquiry website. The Inquiry has
12 committed to providing different ways for people to
13 share their story, including a web form with a save and
14 come back feature, a phone line, a paper form, and
15 in-person sessions, which will be designed to reach
16 seldom heard or under-represented groups.

17 In addition, the Inquiry intends to hold community
18 listening events across the UK, which will include you,
19 my Lady, attending listening sessions of the Inquiry
20 along with other members of the Inquiry staff. These
21 will be launched later this year. The Inquiry has
22 committed to adopting a trauma-informed approach to this
23 exercise and will provide emotional support.

24 A note with further detail on the operation of Every
25 Story Matters was issued by the Inquiry solicitor in

1 January and is available via the Inquiry website. The
2 Inquiry team is grateful to all of those who recently
3 participated in the webinar on Every Story Matters which
4 took place on 15 March and for all of the feedback which
5 has been received in response to that exercise.

6 The Inquiry is particularly grateful for the
7 feedback received from members of the Scottish Covid
8 Bereaved group on 17 March. This included a detailed
9 analysis of aspects of Every Story Matters' planning,
10 which the group liked, and useful practical suggestions
11 as to what could be improved going forward.

12 Their analysis drew attention once again to the
13 careful balance to be struck between speed and
14 reasonable thoroughness in this aspect of the Inquiry's
15 work, to which others, such as Mr Friedman, have also
16 made reference in their written submissions for this
17 hearing.

18 The detail of the feedback received from Scottish
19 Covid Bereaved and other such feedback will, of course,
20 be taken on board for future such webinars and future
21 communications about Every Story Matters, as well as in
22 the operation, ultimately, of the project.

23 In order to fulfil its commitment to commemoration,
24 the Inquiry has consulted widely on this issue. The
25 result is that you, my Lady, have decided that

1 a tapestry should be created as a physical installation.
2 Each panel will be created by a different artist,
3 working with the particular community or communities to
4 develop it. The intention is for the first panels to be
5 unveiled at the UK Inquiry's hearing centre in time for
6 the first substantive hearings for Module 1 in June.
7 These panels will be transportable to wherever we hold
8 hearings in the UK, so people in Scotland will be able
9 to see them if they attend a hearing or hearings in
10 person.

11 It is also planned that videos providing relevant
12 insight into the harm and suffering caused by the
13 pandemic will be shown at the start of each substantive
14 session. This will include the Module 2A substantive
15 hearings in Scotland. Further details are available
16 within the solicitor to the Inquiry's note from January.

17 For those who are in Scotland who are interested to
18 know how best they can share their experience with both
19 Inquiries, I can inform your Ladyship that teams in each
20 Inquiry have been working together to prioritise the
21 experience of people in Scotland when they are engaging
22 with the listening projects with each Inquiry.

23 These teams have explored and continue to explore
24 a number of ways to make it as clear and simple as
25 possible for people who share their experience with one

1 or both of the Inquiries listening projects. As I am
2 sure your Ladyship will appreciate, this is not a simple
3 task. Given the sensitive nature of material which is
4 likely to be shared and the need to be respectful of the
5 confidentiality of that information, there are complex
6 legal issues which need to be worked through. The
7 different remits of each Inquiry also need to be
8 considered.

9 The need for these considerations to be observed, as
10 well as the needs of those whom we wish to be able to
11 participate for respect, dignity and sensitivity are at
12 the forefront of those discussions. Communications with
13 members of the public about the two listening projects
14 and their operation will require to be coordinated, and
15 to minimise the risk of confusion and distress for the
16 people of Scotland, of which we are acutely aware.

17 The details of how this will be achieved will be
18 explained as soon as we are able to do so. The
19 intention from our perspective is that Every Story
20 Matters will go live around the same time as the
21 evidential hearings begin, namely in June of this year.

22 My Lady, having covered the main areas which I said
23 I would cover, I have a few short concluding remarks.

24 During the course of this presentation I have
25 attempted to bring those with an interest in Module 2A

1 up to speed with the developments in our investigations
2 and progress, with particular regard to matters raised
3 by our Core Participants and to set out a roadmap as to
4 how we intend to progress going forward, up to the point
5 of our evidential hearings, which will take place in
6 Scotland and we propose should commence on
7 15 January 2024.

8 A further preliminary hearing for Module 2A we
9 suggest should be held in late October or early
10 November 2023, though I would reiterate that there will
11 be both formal and informal opportunities for Core
12 Participants to contribute to the work of the Inquiry in
13 this module, who will be kept apprised of progress and
14 what is expected of them in our monthly module updates
15 before that time.

16 May I, on behalf of the Module 2A team, offer our
17 thanks for the very helpful contributions made by Core
18 Participants to this hearing and the continued
19 contribution of Core Participants and other material
20 providers to the work of the module, which proceeds
21 speedily but thoroughly.

22 May I also particularly thank those who have
23 contributed to the recent request made by the Inquiry
24 team for stories to feed in to the commemoration
25 exercise, in particular members of the Scottish Covid

1 Bereaved group.

2 Unless there are any other matters with which I can
3 assist your Ladyship further at this stage, I propose
4 that we break now and return for the Core Participant
5 representatives, who have indicated their willingness to
6 do so to make their submissions to you.

7 BARONESS HALLETT: I'm very grateful, Mr Dawson, thank you
8 very much indeed.

9 We will break now and return please at 11.55 am.

10 Thank you.

11 (11.39 am)

12 (A short break)

13 (11.55 am)

14 BARONESS HALLETT: Ms Mitchell.

15 Submissions by MS MITCHELL KC

16 MS MITCHELL: Thank you, my Lady. We are grateful to
17 counsel to the Inquiry for the detailed notes setting
18 out matters which are to be addressed in the second
19 preliminary hearing and, of course, for his submissions
20 this morning.

21 Module 2A, which will look at and make
22 recommendations on the Scottish government's core
23 political and administrative decision making in response
24 to the Covid-19 pandemic between January 2020 and
25 April 2022, is of course of the utmost importance to the

1 Scottish Covid Bereaved.

2 The Scottish Covid Bereaved are pleased that the
3 substantive oral hearings will take place in Scotland
4 and look forward to the outcome of discussions with the
5 Scottish Inquiry about the use of hearing venues in
6 Scotland. We are also grateful to the senior counsel to
7 the Inquiry who has contacted me directly and made it
8 clear he is keen to ensure a good line of communication,
9 and he can be assured that we will definitely take him
10 up on that offer.

11 On behalf of the Scottish Covid Bereaved, we wish to
12 make eight submissions on various issues. We hope to
13 keep those brief.

14 (1) The oral hearing start date. We note that the
15 new date for the hearing of Module 2A is between
16 January 2024 and February 2024, and that this Inquiry is
17 trying to avoid clashes with the Scottish Inquiry.

18 We understand from discussions with the Scottish
19 Inquiry that the UK Inquiry is more likely to look at
20 decisions from an overall -- an overview perspective,
21 and that the Scottish Inquiry is likely to look at
22 a more granular level at events and decisions which took
23 place in Scotland.

24 If, broadly, that is the way forward, it is
25 imperative that the two Inquiries do not sit at the same

1 time, in order that the Scottish Covid Bereaved can
2 properly prepare for and appear at both those hearings.

3 Whilst this matter is, of course, particularly acute
4 with Module 2A, relating as it does specifically to
5 Scotland, the request that the Inquiry does not sit at
6 the same time as the Scottish Inquiry overall relates
7 not only to the timing of the Inquiry of Module 2A but
8 also more generally to the hearing dates of both the
9 Inquiries.

10 (2) Co-operation with the Scottish Covid Inquiry.
11 We note senior council's reiteration of the requirement
12 that this Inquiry has to discharge its obligations
13 independently, and we are grateful to senior counsel for
14 placing that centrally to the submissions that he makes.

15 The Scottish Covid Bereaved does understand that
16 such independence does not require that the two
17 Inquiries act without reference to each other and
18 understand that co-operation is not only appropriate
19 but, in fact, on occasion necessary to avoid significant
20 duplication.

21 We note the terms of understanding between both
22 Inquiries. As must be expected in such a document, this
23 is a high-level paper, which doesn't explain the detail
24 of day-to-day working arrangements. We look forward to
25 finding out more about the operational arrangements when

1 progress is made.

2 Of particular importance to the Scottish Covid
3 Bereaved legal team is to ensure that, insofar as
4 possible, there will be as little duplication in
5 relation to disclosure of documents, to avoid
6 unnecessary duplication of work.

7 We would respectfully ask to be provided with more
8 information in respect of the coordination of the
9 listening exercises. We appreciate and we hear what
10 senior counsel says about the sensitivities involved and
11 how difficult a task this will be. We would be grateful
12 if the Inquiries could confirm whether there are to be
13 two separate recordings of information or will the
14 Scottish Covid Bereaved be able to provide their story
15 of experience to one Inquiry which can be used in the
16 other. We appreciate there are no doubt legal hurdles
17 and issues of privacy to overcome in that regard.

18 What we would hope, however, is there is, first and
19 foremost, consideration given to those who have lost
20 loved ones in the Inquiry, so that they do not have to
21 give their experiences twice, unless of course they want
22 to.

23 We are grateful to the Inquiry as well for the
24 acknowledgement of the input of the Scottish Covid
25 Bereaved to date.

1 (3) Rule 9 requests. We note the Rule 9 requests
2 which have been made. In counsel to the Inquiry's note
3 it is stated that Module 2A has now issued 100 or more
4 formal requests for evidence, including, we now note
5 from this morning's hearing, the most senior members of
6 the Scottish government.

7 A summary of the requests and an update on the
8 responses is set out at annex A to the note that senior
9 counsel provided. As has already been foreshadowed, the
10 Scottish Covid Bereaved have identified a number of
11 organisations which it considers may have relevant
12 evidence and where the issue of a Rule 9 request to
13 those organisations may benefit Module 2A.

14 Some of these organisations may have already been
15 identified by the legal team for the Inquiry and
16 a Rule 9 sent. We would be grateful if the Inquiry
17 could provide a note of a list of all the individuals
18 and organisations to whom a formal request has been
19 sent, in order for the Scottish Covid Bereaved to
20 consider that list and to identify what it considers to
21 be any omissions.

22 Again, as senior counsel to the Inquiry has stated,
23 we have already begun the process of submitting names of
24 organisations, but presently have curtailed that in
25 order to avoid suggesting organisations to whom Rule 9s

1 have already been sent. We are grateful to senior
2 counsel to the Inquiry's comments in relation to
3 suggestions, including that for Refugees for Justice.

4 Refugees for Justice -- who we understand, was
5 refused Core Participant status in Scotland because
6 issues of immigration asylum are reserved to
7 Westminster -- are individuals, key members of the
8 community, who were heavily impacted by Covid-19, both
9 in terms of illness, isolation and lack of access to
10 medical support and resources.

11 The membership of Refugees for Justice were
12 significantly involved at a grassroots level with asylum
13 seekers who were moved from their safe accommodation to
14 hotels. Indeed, their leadership includes survivors of
15 the stabbing at the Park Inn, an incident which you may
16 come to hear of, and they are looking for answers to
17 their questions of the treatment of asylum seekers
18 during the pandemic. They, along with other voices, we
19 would submit, are far too often silenced, or indeed not
20 heard at all, and during the days of Covid-19 they
21 appear to be stuck in a parallel existence. Clearly, if
22 the Scottish Inquiry believes it cannot deal with this,
23 then these are matters that, it is hoped, will be
24 considered relevant to the UK Inquiry and, most
25 importantly, this module.

1 The Scottish Covid Bereaved identified a number of
2 other names which are in our note. It may, of course,
3 be that a number of these groups have already received
4 Rule 9s, but we include Positive Action in Housing,
5 Maryhill Integration Network, Scottish Refugee Council,
6 Savan Refugees 4 Justice, JustRight Scotland and Shelter
7 Scotland. Saheliya, which is a black minority ethnic
8 women mental health organisation too.

9 We note, further to submissions by this morning by
10 senior counsel to the Inquiry, that two of our
11 suggestions the Inquiry has already sent requests too,
12 that being CRER and BEMIS.

13 Other names of experts that we include may be useful
14 are Professor Andrew Watterson, Professor Philip Taylor,
15 Craig Anderson and Ian Mullen. We have set out in some
16 detail in our written submissions their areas of
17 expertise and, if the Inquiry wants any assistance in
18 getting into contact with any of these people, agents
19 for the Scottish Covid Bereaved have indicated that they
20 can provide those details.

21 Moving on, (4) Disclosure.

22 At the last preliminary hearing, Baroness Hallett
23 responded to our submissions on the leaking of the
24 former Health Secretary's Matt Hancock's disclosure of
25 WhatsApp messages. The families we represent welcome

1 the Chair's recognition of the impact on the bereaved
2 seeing WhatsApp messages being disclosed without any
3 kind of notice.

4 The Chair assured the bereaved that this Inquiry
5 will make every possible effort to ensure that they have
6 investigated all messages and their content before
7 completing any kind of examination on the role of the
8 previous Secretary of State for Health. But the Inquiry
9 will consider that when all Mr Hancock's records have
10 been disclosed.

11 While we appreciate investigations are ongoing, the
12 Scottish Covid Bereaved are anxious that answers to
13 these questions are received to these questions as soon
14 as possible.

15 Bereaved families across the UK have, over the past
16 few weeks, watched the corrosive and unseemly drip feed
17 of Mr Hancock's and others' WhatsApp messages played out
18 for comment in the public arena. Some of the
19 allegations contained in the Daily Telegraph are deeply
20 unsettling to the families that we represent.

21 Whilst we await a response from the Inquiry, the
22 Scottish Covid Bereaved are aware of several critical
23 press articles and unhelpful interventions by
24 politicians in the last few weeks in relation to the UK
25 Covid-19 Public Inquiry.

1 The Scottish Covid Bereaved wish us to reiterate
2 that there is only one forum in which the deaths of
3 their loved ones can be robustly and transparently
4 investigated, and this is the UK Inquiry, in
5 partnership, of course, with the Scottish Public
6 Inquiry.

7 The bereaved families believe no individual, no
8 matter how powerful, can be allowed to interfere with
9 the pursuit of the truth of this Inquiry. The families
10 believe that any attempt to curtail both the scale and
11 depth of the investigation carried out by the Public
12 Inquiry and cast doubt on the format which the Scottish
13 Covid Bereaved have campaigned so hard for, would be
14 a betrayal of their loved ones' loss of lives to Covid.

15 The Scottish Covid Bereaved rightly expect this
16 Inquiry to robustly evaluate the millions of pages of
17 evidence and to come to its conclusions. There can be
18 no convenient shortcut to this process which is now
19 being called for by some in the public domain. Plus the
20 families we represent accept the media have played
21 a important role in campaigning to uncover failures by
22 the UK government, and must continue to do so, in
23 relation to its handling of the pandemic. It is only
24 this Inquiry that can deliver a legacy and uncover the
25 full scale of what happened in every part of the

1 United Kingdom.

2 The families we represent welcome Lady Hallett
3 having made it clear she will not bow to the pressures
4 of external interference and await the outcome of the
5 Inquiry's -- into Mr Hancock's WhatsApps. No doubt
6 similar scrutiny will be applied to all government
7 ministers, devolved or not.

8 (5) Instruction of expert witnesses. We note the
9 names of the expert witnesses who have been asked to
10 provide draft reports and we look forward to providing
11 input into these reports because they're finalised in
12 the way described by my learned friend, senior counsel
13 to the Inquiry. We would like to know whether or not
14 the witnesses proposed for the UK Inquiry will also be
15 the same witnesses used for the Scottish Inquiry, or
16 whether or not efforts are being made to find different
17 experts for both Inquiries.

18 We note what has been said about evidence sharing,
19 and we appreciate that this will not entirely be
20 a straightforward task, and indeed can see occasions
21 when it would be inappropriate to do so. We would
22 nevertheless like to know what this Inquiry's view is
23 with regards to expert witnesses.

24 As invited by senior counsel to the Inquiry, we will
25 continue to consider and give the names of any

1 prospective witnesses that we consider may be of
2 assistance to the Inquiry in carrying out its role.

3 (6) Parliamentary privilege. We have already
4 expressed the view that the way in which the Inquiry
5 intends to proceed in relation to UK parliamentary
6 privilege seems a sensible way forward.

7 We note the Inquiry intends to carry out the same
8 process in respect of select committee reports, where
9 that is required. Again, this would seem a sensible way
10 forward. We would wish to make further submissions to
11 the Inquiry if this proposed route causes any unforeseen
12 problems. As noted, of course, this issue does not
13 arise in respect of the Scottish Parliament.

14 (7) Evidence proposal procedure and Rule 10. We
15 were much obliged to the Inquiry of the incorporation of
16 the Scottish Covid Bereaved proposal that informal
17 approach of meeting counsel to the Inquiry after
18 submission of the Rule 10 be implemented in this
19 Module 2. We hope that seeking to persuade the Inquiry
20 team that there are areas or issues that are of such
21 centrality that they require to be asked during the
22 witness' evidence, will obviate the need for formal
23 applications to the Chair and thus minimise the
24 administration in that regard.

25 (8) Opening statements. The Scottish Covid Bereaved

1 look forward to having the opportunity to have their
2 voices heard in the opening statements in respect of
3 Module 2A.

4 We note the necessity for a time limit to be put on
5 the opening statement. In that regard, it would be
6 helpful if Core Participants were given sight of senior
7 counsel to the Inquiry's opening statement in good time
8 before we are required to submit our statements. That
9 may avoid duplication of issues and also save time.

10 Unless there's anything further or my Lady would
11 like me to address anything else, these are the
12 submissions on behalf of the Scottish Covid Bereaved.

13 BARONESS HALLETT: Thank you very much indeed, Ms Mitchell,
14 I'm very grateful as ever.

15 Can I just say this in relation to the WhatsApp
16 messages. As you will know, in relation to them, I have
17 no control over the disclosure of the WhatsApp messages
18 from Mr Hancock. I can't control it in any way, shape
19 or form, but what I can do is assure the bereaved that
20 this Inquiry is in the process of obtaining all relevant
21 WhatsApp messages from all relevant groups, not just
22 those from Mr Hancock, and therefore this Inquiry will
23 conduct a full and thorough investigation of what the --
24 an analysis of what all the messages mean for the public
25 of the UK. So thank you very much indeed.

1 MS MITCHELL: I'm obliged, my Lady, and that will be of
2 assistance and comfort to those of the Scottish Covid
3 Bereaved group.

4 BARONESS HALLETT: Good, thank you.

5 Mr Friedman.

6 Submissions by MR FRIEDMAN KC

7 MR FRIEDMAN: Good afternoon, my Lady. We appear, as you
8 know, for two disabled people's organisations, Inclusion
9 Scotland and Disability Rights UK, who were made Core
10 Participants by you since the previous preliminary
11 hearing.

12 Can I thank Mr Dawson KC and his team for the
13 contact that was made beforehand and the presentation
14 today. At the Module 2 hearing on 1 March you spoke of
15 the unique features of this Inquiry, with its statutory
16 powers, its broad terms of reference and its Core
17 Participants playing important roles.

18 To that, we would add what brings us together for
19 this hearing. The Inquiry has chosen to dedicate
20 specific modules to learning from the discrete
21 approaches to governing Covid across the four nations of
22 the UK. The rationale for that is understandable.
23 While the union may be devolved politically and
24 administratively, the pandemic knew no boundaries, and
25 especially so on the island of Britain. That is

1 specifically pertinent to disabled people in Scotland,
2 who make up 32% of adults and 10% of children. They
3 were differentially affected by Covid-19 in three main
4 areas. There was: (1) increased risk of poor outcomes
5 from the disease itself; (2) reduced access to routine
6 healthcare and rehabilitation; and (3) the adverse
7 impacts of the non-pharmaceutical intervention.

8 The disabled people's organisations anticipate from
9 the terms of reference that the Inquiry will examine the
10 full size, extent and cause of those differentials as
11 they applied to Scotland, and the political and
12 administrative decision making in Scotland as compared
13 to the rest of the United Kingdom.

14 Be all that as it may, my Lady, we appreciate that
15 these devolved power modules are special and some of the
16 external understanding of this Inquiry might not yet
17 have realised why. Although various investigations have
18 taken place in Scotland and the other nations, and there
19 will be the discrete statutory Inquiry for this one to
20 coordinate with, it is important to acknowledge and
21 reflect on the importance to the fact that no such
22 four-nation independent and impartial investigation of
23 political and administrative decision making has
24 happened in the 25 years of devolution. How might that
25 unique feature particularly apply to our clients for

1 a module that, as Mr Dawson valuably puts it, takes
2 place in Scotland, with Scotland and for Scotland?

3 As you know, the disabled people's organisations
4 press for an analytical approach to this disaster
5 informed by human rights, that uses human rights not
6 just as a body of laws that lawyers argue over, but as
7 a set of tools designed to help understanding and deepen
8 societal connection.

9 Having supplied you with the general nation-wide
10 documents for the Module 2 hearing, we have now supplied
11 you with our Module 2A written submissions, what we
12 think are the relevant Scottish government main NGO
13 documents that focus on what our clients suggest are the
14 pertinent issues immediately before and during the
15 pandemic. We do that not because my Lady, or your team,
16 have finalised your witnesses for the hearing, that was
17 clear beforehand and it's been made very clear today,
18 but we do it precisely because it has not yet been done.
19 The time is short, the endeavour is wide and intense,
20 and our clients want the lens through which disabled
21 people lived and died from Covid to become one of
22 my Lady's many lenses.

23 When you and your team make preliminary decisions
24 about process and move forward, we therefore offer the
25 following observations that can be summarised briefly.

1 A focus on the human rights of disabled people and
2 human accounting of the variety of humanity, talent and
3 value that they represent is a stalled work in progress
4 in each of the four nations.

5 That stalling arises for multiple reasons that you
6 will need to return to, but for present purposes you
7 will see that both recognition of disabled people's
8 value, and a redistribution and restructuring of society
9 and economics to remove their exclusion, extends to
10 policy and law in Scotland, and you will see in Wales as
11 well, somewhat more than it does in England and Northern
12 Ireland.

13 In Scotland we identify four discrete administrative
14 aspects relating to disability rights that may or may
15 not have made differences in Module 2A decision making,
16 but if they did not we would like you to consider how
17 they could or should have done both for Scotland but
18 also elsewhere.

19 Firstly, unlike in England, the Scottish government
20 in 2016 produced a delivery plan for achieving better
21 compliance with the UN Convention on the Rights of
22 Persons with Disabilities. Amongst other things, it
23 formally adopts the social model approach to
24 understanding disability as something caused by people's
25 treatment by society rather than being inherent in their

1 condition. That does not mean that the challenges of
2 individual impairment are overlooked, but the social
3 model is the main lens.

4 Secondly, and further to the submissions the Inquiry
5 has actively been considering these past weeks, you can
6 see that structural discrimination is taken as a given
7 at the level of Scottish government policy and the
8 exception to this existence acts as the starting point
9 for change. Likewise. Intersectional understanding is
10 accepted as a necessary discipline by the Scottish
11 government.

12 Thirdly, Scotland has since 2018 brought into force
13 the public sector duty regarding socio-economic
14 inequalities contained in section 1 of the Equality Act
15 2010. It requires public bodies including, for Module
16 2A purposes, ministers, when making decisions of
17 a strategic nature about how to exercise their
18 functions, to have due regard to the desirability of
19 exercising them in way that is designed to reduce the
20 inequalities of outcome which result from socio-economic
21 disadvantage.

22 The equivalent of that duty was brought into force
23 in Wales in March 2021. It is not in force in England
24 or Northern Ireland.

25 Fourthly, and we submit inescapably, the human

1 rights culture of the Scottish government and the UK
2 government has not been the same. Before Covid, the UK
3 government had placed a bill of rights before the
4 Westminster Parliament that proposes to scale down
5 positive duties to protect human rights as provided for
6 under the Human Rights Act and the case law of the
7 European Court of Human Rights.

8 The Scottish government, within the confines of its
9 devolved powers, propose to add to the current Human
10 Rights Act and currently adopts a human rights approach
11 summarised under the acronym PANEL, which covers the
12 principles of participation, accountability,
13 non-discrimination and equality, empowerment and
14 legality.

15 The human rights outcome, enshrined under the
16 Scottish National Performance Framework, that the
17 devolved government wants itself to be judged by,
18 includes the aim to "provide the care people need with
19 love, understanding and dignity while developing robust,
20 independent means for people to hold government to
21 account and encourage an active interest in politics and
22 civic life".

23 Nevertheless, my Lady, Inclusion Scotland have
24 criticised gaps between Scottish government rhetoric and
25 conduct during the pandemic. Matters that are likely to

1 be significant include lack of planning, failure to work
2 directly with disabled people to construct interventions
3 with their situation fully in mind, and critical gaps in
4 the data.

5 Moreover, although the Scottish government may have
6 taken some steps to mitigate the consequences of
7 austerity policies before 2020, the standard and
8 capacity of independent living for disabled people in
9 Scotland was still that much less resilient when the
10 pandemic emergency measures came into force.

11 That provides the DPO's suggested context and
12 perspectives for the next stage of Inquiry preparation.
13 We understand that the commissioned expert reporting
14 will assist you to evaluate how much the four nations
15 properly operated an all-Britain pandemic response, as
16 well as how each administration catered to their local
17 populations as required by the respective democratic and
18 legal frameworks.

19 On this, we respectfully ask you to consider, as he
20 then was, Sir Nicholas Phillips' report on BSE,
21 published in 2000. At first blush this seems to be
22 another public inquiry of past years that was lost to
23 government memory too soon after it reported and was not
24 sufficiently in the forefront of minds when the pandemic
25 began. We say that because a recommendation of the BSE

1 report, particularly relevant to this module, was to
2 ensure that as then forthcoming devolution did not
3 compromise a sufficiently synchronised response to
4 a UK-wide risk.

5 Insofar as the Inquiry will want to understand
6 whether the Scottish Covid-19 Advisory Group that
7 advised its government bore a different make-up and
8 personality to its SAGE counterpart, the Inquiry will
9 see that the House of Commons' report on the subject saw
10 that both of them lacked sufficient expertise in service
11 provision.

12 Neither of them seemed to have complied with the
13 disability rights principles that policies affecting
14 disabled people should be co-produced and co-designed
15 with disabled people.

16 We have considered my Lady's Module 2 ruling of
17 9 March 2023 that, in addition to the expert evidence to
18 be obtained in relation to structural racism, the
19 Inquiry will explore the possibility of obtaining
20 a single report covering other issues, if necessary
21 drafted by a small team of experts covering different
22 specialisms.

23 In response to that ruling, that the DPO welcome, we
24 would add the following: first, the competency of the
25 team of experts should include those with appreciation

1 of structural discrimination as it is accepted to apply
2 to disabled people both by the protection under the
3 Equality Act 2010 that is afforded to them, also the
4 terms of the United Nations Convention on the Rights of
5 [People] with Disabilities, but also and further, in the
6 instance of Module 2A, because of Scottish government
7 policy to do so.

8 Second, the DPO stance remains that these issues as
9 they applies to disabled people directly as well as
10 intersectionally, should be examined by a fourfold
11 cumulative approach of asking: (1) them and other
12 witnesses about it; (2) doing the same with the
13 presently instructed experts, even to establish what
14 they don't know; (3) raising disability-related issues
15 with the relevant parts of the team of specialists to be
16 assembled; but also (4) to take into account the core
17 sources on the subject, especially as they influenced UK
18 and devolved government policies immediately prior to
19 and during the pandemic.

20 On selecting and questioning of witnesses we make
21 two points at this stage. First, consider calling
22 witnesses from the organisations of disabled people's
23 groups, including Inclusion Scotland, because they were
24 involved in trying to respond to the pandemic in real
25 time.

1 Second, we recognise that the Inquiry is determined
2 to consult along the way, but the final preparation for
3 these hearings could be tight and the time proposed for
4 the actual hearings is relatively short. For these
5 reasons, early consultations both ways are so welcomed
6 in the way it has been presented today, including
7 through Core Participants directing the Inquiry's
8 attention to key issues and documents, is going to be
9 important, and it is better to do it as soon as
10 possible.

11 Finally, my Lady, on reasonable adjustments for
12 Inquiry hearings. You will have well in mind the
13 various suggestions that have been made and we
14 appreciate this now has to be resolved systematically.

15 Can I reiterate that the absence of a British sign
16 language interpreter on the screen during hearings
17 adversely impacts on their public nature.

18 For those people, deaf people who use subtitles, the
19 algorithm-based text on the YouTube channel is not
20 accurate. The transcripts and the video of the hearings
21 is still taking some time to publish on the Inquiry
22 website, although we appreciate that is being worked on.

23 But going forward, especially for the substantive
24 hearings, there is a sizeable section of the deaf
25 population who do not necessarily read subtitles or

1 transcripts and/or, importantly, do not identify with
2 written text as a mode of communication.

3 That is also an issue which arises in relation to
4 the listening project. How will those who communicate
5 through British and/or International Sign Language be
6 listened to or, to use my Lady's words, make their story
7 matter?

8 You will see that when we use the capital D for
9 "Deaf" in this request, it is used as a cultural label
10 and refers to people who are profoundly deaf, whose
11 first or only language is sign language and a part of
12 a cultural and linguistic minority known as the Deaf
13 community. In other words, you are being asked to
14 provide an interpreter and the ability to participate
15 for that part of the UK population.

16 My Lady, those are our submissions.

17 BARONESS HALLETT: Thank you very much indeed, Mr Friedman.

18 You make some very important and valid points, and
19 I undertake to ensure they are all very much considered
20 and all that you have said will be taken into account.

21 So I'm very grateful to you.

22 MR FRIEDMAN: Thank you, my Lady.

23 BARONESS HALLETT: Ms Gallagher.

24

25

1 Submissions by MS GALLAGHER KC

2 MS GALLAGHER: Thank you very much, my Lady.

3 May I just check you can hear me properly.

4 BARONESS HALLETT: I can thank you.

5 MS GALLAGHER: Thank you, I'm grateful.

6 I appear today on behalf of the Trades Union
7 Congress, the TUC, and the Scottish Trades Union
8 Congress, the STUC. We have filed written submissions
9 with you in advance of today's hearing. We, of course,
10 stand by those written submissions. We are grateful to
11 you, my Lady, and to Mr Dawson KC, for the indication
12 that they are helpful and that the various points we
13 have raised are under consideration.

14 As a result, I don't need to go through each and
15 every point orally today. May I at the outset thank
16 Mr Dawson and his team for their constructive engagement
17 and their commitment to being willing to consider
18 proposals made by my clients and others, and to have
19 a line of communication outside this formal hearing
20 process. We are very grateful for it and we hope that
21 that will facilitate continuing constructive engagement,
22 which is at the heart of what the TUC and the STUC want
23 to do in this Inquiry.

24 Against that backdrop, my Lady, in the short time
25 available today, bearing in mind rumbling stomachs,

1 which I can't quite hear electronically but I assume
2 they are present, I intend to make some introductory
3 overall remarks, including highlighting matters of
4 particular concern to my clients regarding the
5 interrelationship between this module and other parts of
6 the Inquiry, and then I want to address two specific
7 matters orally. First, timetabling and adequate time
8 for meaningful participation by Core Participants and,
9 secondly, a number of specific matters about Rule 9 and
10 expert input.

11 So, turning to introductory remarks. By way of very
12 brief introduction, my Lady, as you know, and as
13 recognised in your supplemental notice of determination
14 of 10 February 2023, the TUC and the STUC are separate
15 organisations, albeit with similar functions and many
16 shared objectives.

17 The TUC supports its 48 member unions, listed in
18 annex 1 to our submissions, bringing together
19 5.5 million working people, and many of its member
20 unions have members across Scotland. And the STUC
21 supports its 39 affiliated trade unions and 20 trade
22 union councils, listed in annex 2, representing over
23 half a million, 540,000, workers in Scotland, across
24 a very wide range of industries, many of whom were
25 profoundly affected by the Covid pandemic and by

1 governmental responses to it, whether in Scotland or in
2 Westminster and many of them, my Lady, as you will have
3 seen, involved key workers who provided vital services
4 who kept people in Scotland cared for, fed, able to
5 access the basic goods and services they needed to live,
6 and tended to them when they were sick.

7 You will see from that list in annex 2 that it
8 spans, for example, warehouse staff, midwives, doctors,
9 railway drivers, HGV drivers, airline pilots, prison
10 officers, artists and journalists, including freelancers
11 and the self-employed, teachers and lecturers, emergency
12 services personnel and workers in a very wide range of
13 industries, including construction, food production and
14 the care sector.

15 We think that the listening exercise will be of
16 vital importance in capturing the experiences of those
17 at work in Scotland in those very many industries listed
18 in annex 1 and annex 2, and both the TUC and the STUC
19 stand ready to assist in this regard, and indeed they
20 are uniquely well placed to do so.

21 My Lady, I don't repeat the submissions that I made
22 at a previous hearing regarding Workers' Memorial Day.
23 May I just indicate in this context, again, that of
24 course is of vital importance to workers in Scotland
25 too, and we reiterate our request that the Inquiry mark

1 that, given that the date is upcoming.

2 My Lady, we have already raised with you the
3 importance of drawing together lessons learned and
4 evidence which has emerged following the Module 2A, 2B
5 and 2C hearings. We remain of the view that
6 strand-tying submissions at that point regarding the UK
7 government's response are highly likely to be of benefit
8 and, indeed, necessary, and at this stage we say that
9 evidence in respect of Scotland is likely to reveal
10 further information, and may indeed raise further
11 questions for the Westminster government regarding
12 devolved matters, and there may be a compare and
13 contrast exercise to be undertaken in respect of the
14 four nations of the UK and, indeed, the overall UK
15 governmental response.

16 That's all the more important given that it appears
17 to us very likely that the evidence will show stark
18 divergences between the approaches taken by the Scottish
19 and the UK governments. That's certainly the experience
20 of my clients, as we made clear from the outset in our
21 application for Core Participants status back in
22 September, our first written submissions for this module
23 in October and my colleague Mr Jacobs' oral submissions
24 in November and, my Lady, it will also be clear, we
25 suggest, from the draft Rule 9 response which has been

1 provided to your team by the STUC.

2 Now, we appreciate that you will not be taking
3 a decision on this today and you will be keeping an open
4 mind. We are keen, however, to avoid a situation in
5 which fixed timetables are put in place which allow for
6 no time, for example, between the end of Module 2C and
7 the commencement of the hearings in Module 3, which
8 would essentially preclude this approach which we have
9 been urging from the outset and that's why I raise it
10 again today. Although it is simply putting down
11 a marker, it is an important marker, and I reiterate it
12 given that we can see the Inquiry timetabling overall is
13 proceeding at pace.

14 Mr Dawson KC began today by referring to what was
15 happening at this time three years ago, and in
16 particular the number of deaths at this time three years
17 ago, and it was, at the outset of this hearing, a stark
18 reminder of the vital importance of this Inquiry and
19 this module, examining the Scottish government's core
20 political and administrative decision making from early
21 January 2020.

22 On behalf of my clients, we also note that by this
23 time three years ago, the TUC and STUC had been raising
24 the alarm for some time, both, for many years, regarding
25 matters you will be exploring in Module 1, regarding

1 pandemic preparedness, workplace safety and other issues
2 which had already become highly relevant in the early
3 stages of the pandemic in Scotland and, indeed, across
4 the UK. But also the STUC, throughout early March 2020,
5 had been raising specific matters and had been raising
6 the alarm for some weeks by the time we hit this date
7 three years ago. For example, there are statements from
8 3 March about entering talks with the Scottish
9 government and raising serious questions for the
10 UK government at that stage regarding the importance of
11 allowing workers access to sick pay from day one, and
12 indeed the STUC General Secretary, as early as 3 March,
13 highlighted the risk of presentee-ism, where workers
14 might be discouraged from isolating because of their
15 financial circumstances or other workplace pressures.

16 That real time evidence of what the STUC was doing
17 in those early days of 2020 is of vital importance.
18 That statement from the STUC from 3 March was on the
19 same day as Boris Johnson made a statement in which he
20 said:

21 "... I want to stress that for the vast majority of
22 the people of this country, we should be going about our
23 business as usual."

24 You will see the stark contrast between the wording
25 of the STUC on 3 March and the wording of Boris Johnson

1 on 3 March, where his advice was about handwashing with
2 soap and singing happy birthday and business as usual.

3 Moving on, my Lady, to specific issue (1) on
4 timetabling and adequate time for meaningful input. We
5 have three short subpoints on this.

6 (a) In relation to the final hearing, may I direct
7 your attention to paragraphs 7 and 8 of our written
8 submissions, where we have raised concerns that the
9 Inquiry has timetabled, it appears, only 14 days of oral
10 hearings for Module 2A. Bearing in mind time permitted
11 for opening and closing statements by Core Participants,
12 assuming counsel to the Inquiry will make a detailed
13 opening statement too, it seems to us that that will
14 allow at most 12 days for oral evidence, and we note
15 again at this stage that we are concerned about that.
16 We are not in a position to make a firm submission on
17 an alternative time estimate but, again, at this stage,
18 when we haven't yet seen a single page of disclosure on
19 this module, we are concerned that is very short. It
20 does seem to us to be extraordinarily short,
21 particularly when this might be the only part of the
22 Inquiry hearings focused exclusively on Scotland and
23 taking place in Scotland, and we note how much shorter
24 it is than the eight weeks set aside for Module 2
25 hearings.

1 So at the very least, my Lady, we ask that there is
2 leeway so that there is flexibility to extend that time
3 estimate.

4 That links to a second subpoint, (b), the further
5 preliminary hearing. We are concerned that the third
6 preliminary hearing must take place sufficiently early
7 to allow for leeway if you need to adjust that timetable
8 or if we need to adjust the approach. I say that
9 particularly given that, today, none of us have seen
10 a single page of disclosure, we are necessarily making
11 submissions without sight of the Rule 9 requests or
12 sight of the Rule 9 request products, despite the very
13 helpful indications we have had from your team. We
14 suggest that preliminary hearing must be sooner in order
15 to be effective. That's why we suggest September 2023
16 in our written note.

17 Third point under this heading, so point (c), is
18 about the opening statement. Very simple. We, along
19 with the Scottish Covid Bereaved, request advance sight
20 of CTI's opening remarks. We are conscious of the need
21 for time limits and we wish to adhere to those. To make
22 that effective and fair we say early sight of CTI's
23 submissions would assist and avoid duplication.

24 The second and final specific issue for this module
25 that I wish to address is about Rule 9 requests and

1 expert input. I have the caveat, of course, that we
2 haven't yet seen disclosure, and that's why it is all
3 the more important that there will be a further
4 preliminary hearing in good time.

5 We are very grateful for the update from Mr Dawson
6 about certain matters today, including Rule 9 requests
7 being sent to senior members of the Scottish government
8 and also to the Coalition for Racial Equality and
9 Rights, which we proposed along with the Scottish Covid
10 Bereaved. We are very grateful for those and we, of
11 course, agree with those steps being taken.

12 We are unclear whether all the ministers that we
13 have listed and the Scottish government officials we
14 have listed have been approached. See our paragraph 11.
15 We just ask for that to be considered carefully, that
16 those individual names were provided with the benefit of
17 the STUC and TUC's extensive engagement with Scottish
18 government and Scottish government officials from
19 an early stage, so we suggest that all of those names
20 should be approached if they haven't been already.

21 In relation to other organisations, we are grateful
22 for the request going to CRER. You will see our
23 concern, my Lady, at our paragraph 13 that because --
24 whilst they have much value and we recognise that, many
25 of the requests in respect of vulnerable groups have

1 gone to organisations across the four parts of Module 2.
2 We just want to avoid a situation where the evidence is
3 overly England-centric. We can't, at this stage, say
4 anything further than it is a concern. We can't say
5 whether it is well founded, we will keep it under
6 review. We are grateful for Mr Dawson's indication that
7 he is reviewing carefully submissions that we made in
8 this regard.

9 May we just draw to your attention the additional
10 organisations we've highlighted in paragraph 13 who we
11 think will add real value: LGBT Youth Scotland,
12 YouthLink Scotland, Alzheimer Scotland, Care Home
13 Relatives Scotland and the Scottish Women's Budget
14 Group, my Lady.

15 The next point we want to make in respect of this
16 issue concerns the HSE, and we have addressed that in
17 some detail in writing, my Lady.

18 The short point is this, we understand that the
19 Module 2 team intends to direct a Rule 9 request in
20 respect of the HSE, which is welcome and important. The
21 HSE, of course, is the Great Britain-wide regulator of
22 health and safety at work.

23 We have set out in our written submissions why it is
24 important that a bespoke Rule 9 request is made to the
25 HSE by the Module 2A team, because the position in

1 Scotland gives rise to distinct issues which warrant
2 distinction consideration and are unlikely to have been
3 set out in the Module 2 request, and we explain that in
4 writing but, in short, we say the HSE experience in
5 Scotland may well have had differences to that in
6 England. Our understanding is that it did.

7 The framework for the HSE is fundamentally different
8 in Scotland because public health responsibility is
9 devolved to Scotland, albeit the HSE has workplace
10 health and safety jurisdiction and the Scottish
11 government emergency public health legislation gave
12 particular powers to the police and local authorities
13 to, for example, enforce social distancing in all
14 premises, and the HSE and local authorities in Scotland
15 agreed local enforcement arrangements for that emergency
16 legislation complementary to health and safety law.

17 Of course, in Scotland the HSE chairs the
18 Partnership on Health and Safety in Scotland, a specific
19 tripartite forum for the Scottish health and safety
20 community, supporting the collaboration between
21 employers, employees and government on workplace health
22 and safety in Scotland, undoubtedly relevant evidence,
23 we say, to Module 2A. So we reiterate that request for
24 a specific Module 2A Rule 9 to go to the HSE.

25 Finally, under this heading, my Lady, we are

1 grateful for the indication about the consideration of
2 experts who have been proposed either as experts or for
3 the purposes of sending Rule 9 requests to them, to
4 gather evidence. May we commend to you the three
5 additional names which are listed in our written
6 submissions. Dr Angela O' Hagan, independent chair of
7 the Scottish Government Equality Budgets Advisory Group,
8 who has very regularly contributed to evidence sessions
9 in the Scottish government and is particularly well
10 placed to give evidence as to the impact of the pandemic
11 upon women in Scotland.

12 Professor Andrew Watterson, member of the faculty of
13 Health Sciences at the University of Stirling, and we
14 note that that is a request echoed by another Core
15 Participant by the Scottish Covid Bereaved. He has
16 commented widely on public health interventions during
17 the pandemic. His commentary has included
18 an examination of how several trade unions helped
19 professional bodies and NGOs, essentially sought to fill
20 gaps in regulatory and ministerial inaction by offering
21 solutions to identify Covid-19 threats for healthcare
22 workers, social care workers, production workers and
23 others. His evidence, we say, would be vital on civil
24 society stepping in where government didn't go.

25 And, third, Professor Gerry McCartney, who has

1 extensive expertise in public health, inequalities and
2 the Covid response. You will see the summary that we
3 have given of his relevant expertise in our written
4 submissions and we are very happy, my Lady, to work
5 further with your team if any further information is
6 needed about those individuals or about, indeed, the
7 individuals connected to my organisation, who have been
8 cited by some others as potential witnesses to be
9 approached for Rule 9.

10 My Lady, unless I can assist further, those are the
11 submissions from the TUC and the STUC. We stand ready
12 to help you and we hope that our written and oral
13 submissions today are of assistance to you and your team
14 undertaking this vital task.

15 BARONESS HALLETT: They are, Ms Gallagher, and again I thank
16 you for the very constructive approach and again
17 I undertake to ensure that all the matters you have
18 raised are very properly considered. So thank you
19 again.

20 MS GALLAGHER: Thank you.

21 BARONESS HALLETT: Mr Mitchell KC.

22 Submissions by MR MITCHELL KC

23 MR MITCHELL: Good afternoon, my Lady. Can I just check
24 that my Lady can see and hear me okay?

25 BARONESS HALLETT: I can. Thank you very much.

1 MR MITCHELL: Good. Thank you.

2 My brief submission today, made on behalf of the
3 Scottish Ministers, highlights two points which either
4 are currently proving to be or will, in due course,
5 prove to be of great assistance in preparing for the UK
6 and the Scottish Inquiry.

7 These points too will, I suspect, also be of
8 interest to members of the public who are not involved
9 in the day-to-day preparation for the Inquiries, but who
10 have a natural interest in the progress of the Inquiries
11 and indeed their outcome.

12 The first point relates to the memorandum of
13 understanding, which we have heard quite a bit about
14 today. Observers will know that the UK and Scottish
15 Inquiries have been charged with examining many of the
16 same issues surrounding Covid and its handling by the UK
17 government and the Scottish government.

18 It is only right and proper that both the UK Inquiry
19 and the Scottish Inquiry examine those issues from their
20 own standpoints. But it makes sense, of course, where
21 possible, not to duplicate the investigative and
22 preparatory work and indeed, where appropriate, for
23 there to be a single set of conclusions on a particular
24 issue.

25 The public has a right to expect that if money will

1 be well spent and the memorandum of understanding, which
2 essentially seeks the most efficient way over the
3 hurdles that are thrown up by two Inquiries running at
4 the same time, seems to us, respectfully, to do that.

5 In addition to having one eye on the public purse,
6 the memorandum should assist Core Participants, in
7 particular those such as the Scottish Ministers, who
8 will provide the bulk of the documents to the Inquiries.

9 That process of ingathering, collating and
10 ultimately supplying to the Inquiries those documents
11 which the Inquiries have requested, has been proceeding
12 at pace now for several months. It is going well and
13 ministers are committed to that process. However, of
14 course, assistance is always welcome and the memorandum
15 ought to provide that assistance.

16 The second point was foreshadowed in my first point
17 and that is co-operation with the Inquiry. I simply
18 want to mention the good working relationship that has
19 developed between the UK Inquiry and the Scottish
20 government.

21 As already mentioned, the Scottish government has
22 been working hard to provide the Inquiry is
23 a significant volume of evidence, both documentary and
24 in the form of witness statements, in response to the
25 Inquiry's requests. The Scottish government's

1 engagement with the Inquiry team that is overseeing
2 Module 2A, has been extremely positive and we are
3 grateful to the Inquiry team for their understanding and
4 co-operation, while the evidence is ingathered and
5 ultimately produced.

6 The Scottish government would be happy to facilitate
7 the sharing of the material between the two Inquiries or
8 to assist in any other way that is felt necessary.

9 Finally, as an addendum, the point has already been
10 made as to the desirability of avoiding clashes between
11 the UK and Scottish Inquiry insofar as the choosing of
12 dates for public hearings is concerned, and we would
13 simply add our voice to those who have already made the
14 point.

15 My Lady, that is all I have to say on behalf of the
16 Scottish Ministers today unless there is any particular
17 issue I can help my Lady with.

18 BARONESS HALLETT: No, thank you very much, Mr Mitchell.

19 I'm very grateful.

20 MR MITCHELL: Thank you.

21 BARONESS HALLETT: Mr Dawson, do you have any concluding
22 remarks?

23 Concluding remarks by MR DAWSON KC

24 MR DAWSON: I do, my Lady, albeit very briefly.

25 If I could reiterate the thanks which I extended

1 earlier to those who have participated so actively in
2 and around this preliminary hearing, as you yourself
3 have identified, a number of the submissions which have
4 been made are very Scottish-specific and, certainly from
5 our point of view, incredibly helpful.

6 In that regard may I reiterate what you have already
7 said, my Lady, that the requests for further information
8 which have been made by Core Participants have all been
9 noted and will indeed be followed up by members of our
10 team. Indeed, in the spirit of co-operation which has
11 been fostered, it may well indeed be the case that we
12 seek further information from Core Participants on
13 suggestions they have made in order to be able to take
14 them forward as efficiently as possible. I note that
15 a number of the Core Participants' representatives have
16 offered that they would do that, which is also extremely
17 helpful.

18 With regard to the particular submissions that have
19 been made, there are a few observations which I would
20 make.

21 With regard to the submissions made by Mr Friedman,
22 there are two points which he made in relation to the
23 planning for the hearings, which I would like to say
24 that we agree with him on. The first is that the time
25 for the hearings in this module as currently planned are

1 short and that, as I have already tried to outline, we
2 agree with him that the best way to try to deal with
3 that situation is to try to encourage a spirit and
4 a practice of early Core Participant engagement, and
5 I have outlined in the main body of my submissions
6 various ways which we intend to do that.

7 This is precisely why. We appreciate the full
8 submissions which he has made on behalf of his clients,
9 and indeed others have made, and indeed the very
10 practical suggestions as to the ways in which we might
11 foster that spirit of co-operation further.

12 As regards Ms Gallagher's submissions on behalf of
13 the TUC and STUC, there is one point which I would
14 simply wish to draw attention to. That is what she
15 described as the strand-tying requirement, whereby
16 decision-making in the four nations of the United
17 Kingdom can be looked at compared, considered and
18 contrasted. I would acknowledge, as she correctly
19 represented, that this is a matter on which the clients
20 whom she represents have made forceful submissions for
21 some time, including at the first preliminary hearing.

22 This is a matter of considerable importance, and
23 indeed links into a point which has been made in
24 specific context by Ms Mitchell on behalf of Scottish
25 Covid Bereaved, that this Inquiry is uniquely placed to

1 be able to derive information and reach conclusions and
2 make recommendations based on the different approaches
3 taken by the four nations of the UK. This is a matter
4 which, as your Ladyship will understand, causes
5 difficulty in the sense of how we go about precisely
6 resolving that. That is a matter which, internally
7 I can assure you, is a matter of active consideration
8 amongst the teams which are responsible for the delivery
9 of the four modules and, insofar as progress is made on
10 that, that is a matter of course which will be intimated
11 to Core Participants through our module in the usual way
12 through monthly reports and otherwise.

13 Other than that, my Lady, those are the only
14 specific matters on which I felt it appropriate to
15 address your Ladyship further. Unless there's anything
16 further which you would like to hear from me, that's all
17 I have to say.

18 BARONESS HALLETT: Thank you very much, Mr Dawson.

19 I have already thanked the Core Participants for
20 their written submissions. I should now like to thank
21 them all for their oral submissions and for their
22 excellent timing.

23 All the submissions I have heard this morning were
24 focused, constructive and very helpful and that bodes
25 well for the future of this Module 2A. So thank you

1 everybody for your attendance today.

2 (12.52 pm)

3 (The Inquiry adjourned)

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