

Tuesday, 1 November 2022

(1.45 pm)

**LADY HALLETT:** Good afternoon, everyone.

May I first apologise, given this is Module 2B, the first preliminary hearing into decision-making in Wales, for the fact that I don't speak Welsh. I had a Welsh mother-in-law and several Welsh-speaking friends, but I'm sorry, I've never picked up the language, although I think I'm going to have to start trying.

Thank you all very much for attending and in a moment I'm going to hand over to Mr Tom Poole King's Counsel, who will outline how this module is going to work, and the focus of the module.

Can I just say this before I do hand over to him. I know there have been calls for a separate Welsh Inquiry, and I understand the strength of feeling that there is around both Wales, and indeed in Northern Ireland, asking for separate Inquiries.

It's not a decision for me, and I am completely neutral on the question, but what I will promise you is this: if a Wales Inquiry is set up, I will work with them and co-operate to the best of my ability to ensure that, between us, we cover all the issues that the people of Wales would wish to see covered. If there isn't a separate inquiry established, then I will do my

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Inquiry worthwhile and, I hope, be able to reduce the suffering in any future pandemic, and possibly reduce the grave suffering from those who lose loved ones.

So that is my aim, so I make no apologies for the ambitious timetable, but it will mean that, as Mr Poole will explain, we are going to have to target our approach very carefully.

Mr Poole.

**Statement by LEAD COUNSEL TO THE INQUIRY FOR MODULE 2B**

**MR POOLE:** Prynawn da, good afternoon.

My Lady, by way of brief introduction, what I propose to do is start by setting out the arrangements for this afternoon's hearing. I will then introduce the core participants before saying something about the background to and the commencement of the Inquiry.

I will then introduce this module, Module 2B, the focus of which is Wales.

I will then address some of the issues that arise for consideration, and which, my Lady, you have prefaced in your opening remarks.

Some of what I say will repeat what others have said in earlier preliminary hearings, but because this is a different module, with different issues to be addressed, and because there are a number of new core

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very best to ensure, and I know my Inquiry team will do their very best to ensure, that again we cover all the issues that the people of Wales would wish to see covered.

I know from -- my first visit on the consultation exercise was in fact to Cardiff. I know the strength of feeling there on a number of different issues, because I heard them directly from members of bereaved families.

So whatever happens, we will try to ensure that we cover all the most significant and important issues. I have to emphasise we can't cover every issue. We cannot cover or call every witness. We are going to have to focus on the most significant and the most important decisions.

The reason for that is that we have to get on with this Inquiry, because if we are going to make a difference, and make all this work -- and I've no doubt the distress that these kind of proceedings will cause to the bereaved and others who have suffered -- then we have to be able to get recommendations to the UK Government, the Government of Wales, the government in Northern Ireland, and the Government in Scotland, and get any recommendations implemented before another pandemic strikes.

Only in that way can we make our work in this

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participants, it is necessary to set out the matters again.

Turning then to the practical arrangements for this afternoon's hearing.

The proceedings are being recorded and livestreamed to other locations. This allows the hearing to be followed by a greater number of people than would be able to be accommodated within this hearing room.

My Lady, it also goes a considerable way to satisfying the obligation set out in section 18 of the Inquiries Act to take such steps as you consider reasonable to ensure that members of the public are able to attend or see and hear a simultaneous transmission of the proceedings.

Also, as it routine in public inquiries, the broadcasting of this hearing will be conducted with a three minute delay. This provides the opportunity for the feed to be paused if anything unexpected is aired which should not be. We do not expect any such matters to arise over the course of this afternoon.

Let me next turn to representation. Present today, whether in person or remotely, excluding myself and the Inquiry legal team who are here, are counsel and solicitor teams representing the eight core participants for Module 2B. All of the core participants are

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1 therefore legally represented. I don't propose to read  
2 the names of the representatives. My Lady has the names  
3 in your bundle.

4 Turning next, though, to the core participants.

5 The core participants are all entities,  
6 organisations or persons with a significant legal  
7 interest in Module 2B, and who therefore have enhanced  
8 rights to participate in the process.

9 My Lady, each of them were granted core participant  
10 status by you for the purposes of this module,  
11 Module 2B, under Rule 5 of The Inquiry Rules.

12 Seven core participants are present in person, one  
13 core participant is attending remotely.

14 My Lady, again, the list of core participants is in  
15 your bundle, but I intend to read them out so that  
16 everyone knows who they are. There is no significance  
17 in the order of names that I shall read.

18 Children's Commissioner for Wales; Covid-19 Bereaved  
19 Families for Justice Cymru; National Police Chiefs'  
20 Council; Public Health Wales; Relatives & Residents  
21 Association and John's Campaign; Trades Union Congress  
22 and the Wales Trades Union Congress;  
23 the Welsh Government; the Welsh Local Government  
24 Association.

25 Now, core participant status brings significant

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1 a core participant in this module. My Lady has referred  
2 to and will recall visiting Cardiff earlier in the year  
3 and meeting a number of bereaved families and their  
4 representatives, and I know that you are extremely  
5 grateful for their co-operation and assistance.

6 I should also say that the Inquiry team has had  
7 a number of extremely useful discussions with  
8 the Welsh Government, and I wish to make clear that  
9 the Inquiry team is genuinely grateful for this  
10 collaborative approach which we hope to foster and grow  
11 as the Inquiry progresses.

12 In this unprecedented, vast and difficult  
13 undertaking, the Inquiry team needs the insightful and  
14 sensible assistance of all core participants.

15 Finally, I should repeat what you have said already,  
16 my Lady: not being a core participant in this module in  
17 no way precludes any person or entity or group from  
18 applying for core participant status in later modules,  
19 bringing any matter to the attention of the Inquiry,  
20 providing evidence and information, or taking part in  
21 the Listening Exercise.

22 Turning then to the written arguments produced for  
23 this hearing.

24 My Lady, as you know, you have had a note from  
25 myself, assisted by my very able counsel and solicitor

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1 procedural advantages: core participants get access to  
2 the disclosed documents, they will get to make  
3 submissions on the course and the mechanics of your  
4 Inquiry, they will get to raise specific questions and  
5 assist you, my Lady, in ensuring that the Inquiry can  
6 discharge the duties imposed upon it.

7 May I say something straightaway about those duties  
8 so there is no doubt: the core duty, as you have  
9 explained it, is to get to the truth, to ensure that the  
10 full facts are revealed, that culpable and discreditable  
11 conduct is exposed and brought to public notice, that  
12 plainly wrongful decision-making and significant errors  
13 of judgement are identified, and that lessons can be  
14 properly learned.

15 The bereaved and those who have suffered hardship in  
16 Wales are absolutely entitled to no less.

17 To this end, effective collaboration between  
18 the Inquiry and the core participants is of vital  
19 importance. May I therefore say something straightaway  
20 about the extent of the engagement that the Inquiry has  
21 already had.

22 Even before the terms of reference were finalised,  
23 the Inquiry team was working closely with all the  
24 Bereaved Families for Justice organisations, including  
25 Covid-19 Bereaved Families for Justice Cymru, who are

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1 team. You have also received four written submissions  
2 in response which have all been circulated around  
3 the core participants.

4 I don't propose to answer at this stage all of  
5 the points made in those written submissions. I'll  
6 reserve my response in respect of some of them until  
7 they have been developed in oral submissions.  
8 I understand in that regard that five of the core  
9 participants want to make oral submissions this  
10 afternoon. So, after my opening remarks you will be  
11 hearing from them, following a speaking order that we  
12 have drawn up. As I say, I will then respond to such  
13 extent as is necessary.

14 May I then say something about the background to  
15 the Inquiry, focusing in particular on the impact of  
16 the pandemic in Wales.

17 On 28 February 2020 the first positive case of  
18 Covid-19 was confirmed in Wales. On 11 March, the World  
19 Health Organisation declared Covid-19 to be the first  
20 coronavirus pandemic. And, as everyone here and  
21 listening will recall, on Monday, 23 March 2020, the  
22 then Prime Minister announced severe restrictions across  
23 the entirety of the UK in what became known as the first  
24 national lockdown.

25 This was followed by the First Minister

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1 Mark Drakeford addressing the people of Wales and  
2 confirming a national lockdown across the whole country.  
3 The pandemic has led to financial and economic turmoil.  
4 It has disrupted the economy and education system and  
5 put unprecedented pressure on the health system. Jobs  
6 and businesses have been destroyed, and livelihoods  
7 taken away.

8 Communities, especially the poor and the vulnerable,  
9 have been devastated, and existing inequalities have  
10 been widened and exacerbated.

11 The disease has caused widespread and long-term  
12 physical and mental illness, grief and untold misery.  
13 Its impact will be felt for decades to come.

14 My Lady, I don't propose to say any more about  
15 the events leading up to that defining moment, as for  
16 the purposes of this afternoon it is not required, and  
17 their detail in any event is a matter for you in due  
18 course.

19 It is, however, right to note that vast swathes of  
20 human and social activity were ordered to be drastically  
21 curtailed and much of public life halted. People were  
22 instructed to stay at home except for certain very  
23 limited purposes. Almost every aspect of public life,  
24 including schools, the transport system, the justice  
25 system and the majority of public services were

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1 inequalities exacerbated and access to opportunities  
2 significantly weakened.

3 So, my Lady, this Inquiry has been constituted to  
4 investigate on behalf of the bereaved and those who have  
5 otherwise suffered, as well as the wider public, whether  
6 anything could have been done to prevent their loss or  
7 reduce their suffering.

8 More specifically, in this module, Module 2B,  
9 the people of Wales are entitled to have  
10 the Welsh Government's key decision-making in response  
11 to the pandemic fully scrutinised and their experiences  
12 and their voices properly heard and represented. Only  
13 in this way, as you have said, can proper and effective  
14 recommendations be drawn up to better protect Wales in  
15 the future from pandemics and other comparable civil  
16 emergencies.

17 Given the sheer extent of the impact of the pandemic  
18 and the government decision-making that was required  
19 across such a very wide range of areas, it is perhaps  
20 little surprise that this Inquiry will be no less  
21 complex and multifaceted.

22 May I therefore turn to say something about  
23 the commencement of the Inquiry.

24 On 12 May 2021 the then Prime Minister made  
25 a statement in the House of Commons in which he

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1 adversely affected. The hospitality, retail, travel and  
2 tourism, arts and culture and the sport and leisure  
3 sectors effectively ceased to operate. Even places of  
4 worship closed.

5 While the number of deaths rose, the health service,  
6 the police and emergency services, and other key workers  
7 continued in their places of work. Almost everyone else  
8 was forced to work or be educated from home. The months  
9 and years that followed saw death and illness on  
10 an unprecedented scale.

11 Beyond the individual tragedy of each and every  
12 death it is clear that the pandemic placed extraordinary  
13 levels of strain on the health, care, financial and  
14 educational systems as well as on jobs and businesses.

15 It affected the health and well-being of vast  
16 numbers of people, particularly vulnerable groups. The  
17 cost in human and financial terms of bringing Covid-19  
18 under control has, my Lady, been immense.

19 Concern has been expressed that poor health and  
20 existing inequalities have left parts of the UK,  
21 including Wales, more vulnerable to the disease and that  
22 the restrictions imposed on the country have led to  
23 unmet health needs, damaged educational prospects and  
24 financial insecurity.

25 Societal damage has been widespread, with existing

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1 announced that there would be a public inquiry under the  
2 Inquiries Act 2005.

3 On 15 December 2021 the Prime Minister appointed  
4 you, my Lady, as Chair of the Inquiry. In the written  
5 appointment letter, the Prime Minister confirmed that he  
6 would be consulting with ministers from the devolved  
7 administrations, as is required by section 27 of the  
8 Inquiries Act.

9 Draft terms of reference were drawn up, making clear  
10 that the Inquiry would consider and report on the UK's  
11 preparations and response to the pandemic, and would  
12 consider reserved and devolved matters in all four  
13 nations.

14 On 10 January this year, you wrote to  
15 the Prime Minister recommending certain amendments to  
16 ensure greater clarity in the Inquiry's remit, and to  
17 enable you to conduct the Inquiry at an appropriate  
18 pace.

19 You also sought an express mandate permitting  
20 the publication of interim reports.

21 In addition, importantly, given your view that  
22 the Inquiry would gain greater public confidence and  
23 help the UK to come to terms with the pandemic if it was  
24 open to the accounts that many people would wish to  
25 give, you suggested adding explicit acknowledgement of

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1 the need to hear about people's experiences and to  
 2 consider any disparities in the impact of the pandemic.  
 3 On 4 February the Prime Minister responded accepting  
 4 the detailed changes that you had proposed. On  
 5 10 March, having consulted with ministers from Wales,  
 6 Scotland and Northern Ireland, the Prime Minister wrote  
 7 to you to inform you of certain further changes to  
 8 the draft terms of reference which had been made in  
 9 response to comments from the devolved administrations.  
 10 The same day, the draft terms of reference were  
 11 published.

12 My Lady, you then wrote an open letter to the public  
 13 in which you announced the launch of a public  
 14 consultation process on the draft terms of reference.  
 15 The consultation document sought the public's views on  
 16 whether the draft terms of reference covered all  
 17 the areas that they thought should be addressed, and on  
 18 whether the Inquiry should set a planned end date. The  
 19 consultation was open to everyone, and the public could  
 20 contribute on the Inquiry's website, by email or by  
 21 writing.

22 You consulted widely across all four nations,  
 23 visiting towns and cities across England, Wales,  
 24 Scotland and Northern Ireland, and speaking in  
 25 particular to a number of the bereaved.

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1 Module 2's provisional scope was published on  
 2 31 August, and Module 2 will look at essentially core  
 3 political and administrative decision-making in the UK  
 4 concerning the high level response to the pandemic from  
 5 January 2020 onwards, paying particular scrutiny to  
 6 the decisions taken by the Prime Minister and  
 7 the Cabinet.

8 As I've already mentioned, this Inquiry is obliged  
 9 to consider both reserved and devolved matters in  
 10 respect of Wales, Scotland and Northern Ireland. So,  
 11 having looked at the picture in Module 2 from a UK-wide  
 12 and also English perspective, Modules 2A, 2B and 2C will  
 13 then address the same overarching and strategic issues  
 14 but from the perspectives of Scotland, Wales and  
 15 Northern Ireland.

16 Module 3 will come next and will examine the impact  
 17 of Covid on healthcare systems generally across the UK.  
 18 It is what we are calling a UK system module, and will  
 19 look across all four nations.

20 Later modules, details of which will be published in  
 21 the coming months, will address, very broadly, system  
 22 and impact across the UK.

23 The systems modules will include vaccines,  
 24 therapeutics, and antiviral treatment, the care sector,  
 25 government procurement and PPE, Test and Trace, and

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1 In parallel, your team met with representatives of  
 2 more than 150 organisations in round table discussions  
 3 covering themes such as equality and diversity,  
 4 healthcare, business and education.

5 In total, the Inquiry received over 20,000 responses  
 6 to the consultation, and so in light of that process,  
 7 you recommended a number of changes to the draft terms  
 8 of reference which were accepted in full, and on 21 July  
 9 this year the Inquiry was formally opened and you  
 10 announced the decision to conduct the Inquiry in  
 11 modules.

12 Before turning to look at the scope of this module,  
 13 I intend to outline in broad terms where Module 2B sits  
 14 within the overall structure of the Inquiry's modular  
 15 system. This is intended to allow the detail of what is  
 16 covered within Module 2B to be understood in the context  
 17 of what will come before and after it. Greater detail  
 18 on other modules and the modular structure of  
 19 the Inquiry as a whole can be found in the CTI notes for  
 20 Modules 1 and 2, copies of which are available on the  
 21 Inquiry's website.

22 Module 1, which concerns resilience and preparedness  
 23 prior to the pandemic, was opened on 21 July 2022 and  
 24 the document outlining its provisional scope was  
 25 published that day.

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1 government business and financial responses across  
 2 the UK.

3 The impact modules will include health inequalities,  
 4 the impact of Covid on education, children and young  
 5 persons, and the impact of the pandemic on business and  
 6 public service sectors.

7 May I therefore turn to say something about  
 8 the scope of this module, Module 2B.

9 The provisional scope of Module 2B was published on  
 10 31 August, when the module was formally opened. It will  
 11 look at and make recommendations about  
 12 the Welsh Government's core political and administrative  
 13 decision-making in relation to the pandemic between  
 14 early January 2020 and May 2022, when the then remaining  
 15 Covid-19 restrictions were lifted in Wales.

16 My Lady, as you well appreciate, Wales is its own  
 17 country, with a devolved government. Although Wales  
 18 receiving funding from the UK Government, responsibility  
 19 for matters such as health and social care is devolved  
 20 to the Welsh Government. As such, Wales has its own  
 21 healthcare system, NHS Wales, comprising local health  
 22 boards, NHS Trusts and Public Health Wales. Relevant  
 23 offices and agencies such as the Office of the Chief  
 24 Medical Officer and Care Inspectorate are specific to  
 25 Wales.

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1 As a consequence, a number of key decisions made in  
2 Wales were separate and, in some important instances,  
3 different from those taken by the UK Government.

4 As to this, the people of Wales can rest assured  
5 that the Inquiry will be looking at the degree of and  
6 the rationale behind the differences in approach between  
7 the Welsh Government and other governments in the UK.

8 In this module, we will also be examining  
9 Welsh Government structures and bodies concerned with  
10 Wales' response to the pandemic and the  
11 Welsh Government's initial understanding of and response  
12 to the nature and spread of Covid in Wales. This will  
13 include looking at the extent to which there was  
14 a sharing of knowledge between Wales and the  
15 UK Government, in particular scientific, medical and  
16 other expert knowledge.

17 We will look at the Welsh Government's initial  
18 strategies. That will involve looking at the rationale  
19 for actions taken or actions not taken by  
20 the Welsh Government and whether decisions were  
21 supported by expert opinion.

22 The decision-making in respect of non-pharmaceutical  
23 interventions, such as national lockdowns, local  
24 restrictions within Wales, working from home,  
25 the reduction of person-to-person contact, social

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1 neither practical nor advisable to identify now all of  
2 the granular issues that will be addressed at  
3 the Module 2B public hearing, let alone the questions  
4 that will arise forensically.

5 Much will depend on the evidence and materials  
6 obtained under the Rule 9 process, to which I shall  
7 shortly turn, which has been designed, of course, to  
8 obtain documentation from which the issues can be  
9 further distilled.

10 The Inquiry believes that the provisional scope  
11 provides a proper framework in which to include  
12 the issues and matters that the Inquiry is likely to  
13 enquire into, and a sufficient indication for persons  
14 and organisations who have relevant information and  
15 evidence, as well as core participants, to be able to  
16 commence their preparations.

17 A number of helpful suggestions have been made by  
18 the core participants concerning the scope of Module 2B,  
19 and I know, my Lady, that you and the team would wish to  
20 reflect on all of them, but may I just make a number of  
21 points as to how we would propose to do so.

22 First, we will of course approach the suggestions  
23 with an open, indeed eager frame of mind. It serves  
24 absolutely no purpose whatsoever to expend time, energy  
25 and cost in designing and holding a Module 2B hearing

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1 distancing and so on.

2 We will also be looking at the timeliness and  
3 the reasonableness of such interventions, including the  
4 likely effect had decisions to intervene been taken  
5 earlier or differently.

6 Importantly, we will be looking at the degree to  
7 which the Welsh Government considered the impact of key  
8 decisions on those experiencing inequalities.

9 We will examine the extent to which the  
10 Welsh Government had access to and used medical and  
11 scientific expertise, data collection and modelling in  
12 their decision-making.

13 We will look at public health communications in  
14 Wales in relation to the steps being taken to control  
15 the spread of the virus, the transparency of messaging,  
16 the use of behavioural management and the maintenance of  
17 public confidence.

18 Finally, we will look at the public health and  
19 coronavirus legislation and regulations that were  
20 proposed and enacted, their proportionality and their  
21 enforcement across Wales.

22 All of this is for this module, Module 2B. This  
23 scope, my Lady, whilst ambitious, is necessarily  
24 provisional. Although it introduces a wide range of  
25 areas relating to core government decision-making, it is

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1 only for issues of real importance not to be explored.

2 Second, this is only the second module. It is  
3 designed to investigate the Welsh Government's core  
4 decision-making in response to the pandemic. It cannot  
5 be used as a vehicle to front load other issues better  
6 suited for scrutiny later in the Inquiry.

7 Third, the scope document is meant only to be  
8 a generic guide to the Module 2B investigation. As  
9 already prefaced, the actual scope of Module 2B and  
10 the issues and questions that will be arising for  
11 scrutiny will be far better addressed by reference to  
12 the forensic trawl that is the Rule 9 process. That  
13 process is designed to sweep up a significant body of  
14 documents and statements from which the issues and  
15 questions can then be identified and developed.

16 Lastly, as you said in your opening statement,  
17 my Lady, with such a wide scope, the Inquiry needs to be  
18 ruthless in its selection of issues and relentless in  
19 its focus on matters of real importance. It is simply  
20 not possible to examine every issue, even if  
21 thematically within the reach of Module 2B, or to call  
22 every witness relating to every event, issue or major  
23 decision.

24 What is instead required is a carefully judged  
25 assessment of what really matters.

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1 My Lady, may I now say something about the Rule 9  
2 process.

3 Since this module got up and running, a huge amount  
4 of work has been done already in respect of preparing  
5 and issuing formal requests for evidence pursuant to  
6 Rule 9 of the Inquiry rules. To date, eleven Rule 9  
7 requests have been issued in Module 2B.

8 My Lady, the list of organisations and individuals  
9 that have so far received Rule 9 requests is in your  
10 bundle, and if I may just list those nine recipients.  
11 They are: the Welsh Government; the Chief Medical  
12 Officer for Wales; the Office of the Secretary of State  
13 for Wales; the Technical Advisory Group; the Technical  
14 Advisory Cell; the Welsh Local Government Association,  
15 Wales Trades Union Congress; Public Health Wales;  
16 Children's Commissioner for Wales; Health and Social  
17 Services Group; and the Welsh Treasury.

18 Now, these Rule 9 requests are lengthy, complex and  
19 wide-ranging. They request information and documents as  
20 well as identifying key figures and decision-makers  
21 relating to relevant responsive decision-making within  
22 the Welsh Government between January 2020 and May 2022.

23 My Lady, a principal aim of the Inquiry is to  
24 understand the way that individuals and organisations  
25 which were instrumental in Wales' response to

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1 helpful engagement, we have already started to receive  
2 initial disclosure of documentation from  
3 the Welsh Government and the Office of the  
4 Secretary of State for Wales, and more is due in stages  
5 over the next month or so.

6 Turning then to disclosure of Rule 9 requests, which  
7 I know is an issue raised by some of the core  
8 participants.

9 In our submission, disclosure of the Rule 9 requests  
10 themselves, as opposed to the relevant documents and  
11 material generated by them, is neither required by the  
12 rules nor generally established by past practice.

13 Furthermore, it would serve little practical  
14 purpose, given that the core participants will get and  
15 see the vast majority of what the Rule 9 requests  
16 reveal. And, after all, it is that documentary material  
17 that matters, not, in our submission, how it was asked  
18 for.

19 Moreover, given that almost all the Rule 9 requests  
20 will be superseded by and built upon further requests  
21 from the Inquiry team, disclosure of preceding requests  
22 serve, we submit, no purpose.

23 Now, a suggestion has been made by one of the core  
24 participants that those providing written statements  
25 following a Rule 9 request should be asked to include

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1 the pandemic operated and made decisions. This goes to  
2 a fundamental aim of the Inquiry, which, as my Lady, you  
3 have made clear, is to identify what might be improved  
4 in the event of a future pandemic.

5 As such, the Rule 9 requests that have been made  
6 seek a detailed understanding of the role, function and  
7 responsibilities of key decision-makers and advisers  
8 within the Welsh Government, as well as the information  
9 and expertise to which they had access.

10 They also seek disclosure of key actions,  
11 activities, initiatives, policies, operational  
12 strategies, and publications in response to  
13 the pandemic.

14 The Rule 9 requests are being issued on an iterative  
15 basis, as part of which further requests will be made as  
16 issues come into greater focus. We will then issue  
17 further Rule 9 requests to other organisations on  
18 a rolling basis.

19 I should add that the recipients of the Rule 9  
20 requests that have been issued to date have been  
21 extremely helpful and extremely co-operative with  
22 the Inquiry legal team. They have welcomed  
23 the opportunity to discuss the scope of the requests, to  
24 ensure that the Inquiry is obtaining the documentation  
25 and information it requires. As a result of this

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1 the question within the witness statement, it being  
2 suggested that this will prevent the need for disclosure  
3 applications being made for Rule 9 requests.

4 Now, in our submission, this suggestion proceeds on  
5 the basis that Rule 9 requests are based around a single  
6 or even a handful of questions. This is simply not  
7 the case. The request for a witness statement is framed  
8 around a detailed and complex identification of relevant  
9 issues; it therefore makes no sense, in our submission,  
10 to disclose the question or questions.

11 Such an approach would also, in our submission, risk  
12 witness statements simply becoming a series of questions  
13 and answers, as opposed to a statement covering  
14 the ground in a narrative style, with free-flowing text  
15 that makes much more sense to the reader.

16 Having said that, to ensure that the core  
17 participants are kept properly informed, the Inquiry  
18 will ensure that the Module 2B lead solicitor provides  
19 monthly updates to core participants on the progress of  
20 all Rule 9 work.

21 I propose to say something next about position  
22 statements, which is again a point raised by one of  
23 the core participants.

24 My Lady, for the purposes of Module 1 you declined  
25 to order that position statements ought to be made by

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1 the state or organisational core participants and  
2 material providers. In Module 2B the Inquiry will  
3 similarly examine a wide range of policies and decisions  
4 over a number of years by a significant number of  
5 departments, bodies and entities.

6 In our submission, this subject matter does not lend  
7 itself readily to the preparation of position statements  
8 until a core participant or document provider is  
9 sufficiently confident of their knowledge of all of  
10 the relevant issues and documents.

11 That will take time, given the large number of  
12 matters to be addressed and the voluminous  
13 documentation. The making of an order for position  
14 statements would therefore likely lead to delay.

15 In any event, the Inquiry is requesting key Rule 9  
16 recipients to provide a corporate statement setting out  
17 a narrative of relevant events and of lessons learned.  
18 These, in our submission, will serve a similar purpose  
19 to position statements.

20 As with Module 1, in our submission, position  
21 statements ought not to be ordered for the purposes of  
22 this module, Module 2B.

23 I next turn to disclosure.

24 My Lady, as you have made clear, this Inquiry will  
25 be as open as possible with the core participants and

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1 has any queries or concerns about a document provider's  
2 processes for locating relevant documents, it will raise  
3 and pursue them, and of course, as documents are  
4 reviewed and gaps identified, further documents will be  
5 sought.

6 The disclosure of the relevant and redacted  
7 documentation to core participants will be in tranches.  
8 All core participants in the same module will receive  
9 all the disclosable documents for that module.

10 My Lady, in light of this approach, you made  
11 a determination to this effect in Module 1, that you do  
12 not consider it appropriate for the Inquiry to publish  
13 either a disclosure protocol or a schedule setting out  
14 an itemised list of documents and other material that is  
15 not intended to be disclosed to core participants.

16 It has been suggested in written submissions from  
17 one of the core participants this afternoon that you  
18 might, my Lady, want to consider asking those providing  
19 documents to do so under cover of a detailed index, so  
20 that the Inquiry team can then decide which documents  
21 are to be disclosed, but also provide a copy of  
22 the indices to core participants, clearly marked, so  
23 that it's clear which are available and which are not.

24 Whilst this is, of course, a matter for you, we ask  
25 rhetorically: to what end? It is for the Inquiry to

27

1 with the public in relation to the disclosure of  
2 documents. The Inquiry's approach is to request  
3 document providers, through the Rule 9 process, to  
4 provide information and documents that are likely to be  
5 relevant to the issues and matters identified in  
6 a particular module.

7 The information and documents received will be  
8 assessed for relevance and then redacted in line with  
9 a redactions protocol that has been prepared and  
10 published on the Inquiry website, so as to remove  
11 sensitive material such as personal data.

12 Thereafter, it would neither be necessary nor  
13 proportionate for the Inquiry to disclose every document  
14 that it receives, or every request that it makes, or  
15 every piece of correspondence. That is not required  
16 and, in our submission, would hinder the Inquiry in  
17 the performance of its functions.

18 It would also be a derogation of the Inquiry's  
19 functions were it to pass to core participants all of  
20 the material that it receives.

21 Each document provider will be asked to provide  
22 an account setting out the details of the nature of  
23 the review carried out, how the documents were  
24 originally stored, and the search terms or other  
25 processes used to locate documents. Where the Inquiry

26

1 determine whether proper disclosure has been made,  
2 whether further areas ought to be explored, and whether  
3 further documents ought to be provided. The production  
4 of indices setting out everything that has been  
5 disclosed would serve no utility.

6 It would also not obviate the cost and time that  
7 would be expended marking up the indices in the manner  
8 suggested, which was an important consideration in your  
9 Module 1 determination.

10 Some practical disclosure matters.

11 The electronic disclosure system which will be used  
12 to provide documents to core participants will be  
13 Relativity. Details of how to access and use the system  
14 will be provided to core participants shortly before  
15 disclosure commences, and the Inquiry team is working to  
16 begin the process of disclosing materials to core  
17 participants as soon as possible.

18 My Lady, it is likely that this process will begin  
19 early next year.

20 I propose to next say something about expert  
21 material and expert witnesses.

22 A number of qualified experts and persons with  
23 recognised expertise are likely to be giving evidence at  
24 the public hearing as witnesses of fact. However,  
25 the Inquiry will also appoint qualified experts in

28

1 particular fields of expertise as experts to  
2 the Inquiry. They will assist the Inquiry, either  
3 individually or as part of a group of such persons, by  
4 way of the provision of written reports and opinions,  
5 and, where appropriate, the giving of oral evidence at  
6 the public hearing.

7 My Lady, such reports and evidence will inform and  
8 support the Inquiry's work during the public hearings as  
9 well as your recommendations by ensuring that your  
10 factual conclusions are soundly based and supported by  
11 the weight of the best possible expert opinion.

12 Such experts will have the appropriate expertise and  
13 experience for the particular instruction. They will be  
14 independent and objective, and subject to an overriding  
15 duty to assist the Inquiry on matters within their  
16 expertise.

17 The identity of the expert witnesses and  
18 the questions and issues that they will be asked to  
19 address will be disclosed to core participants before  
20 the expert reports are finalised. Core participants  
21 will therefore be provided with an opportunity to  
22 provide their observations. Where there are significant  
23 differences of view or emphasis among members of  
24 a group, these will be made clear on the face of the  
25 reports, and of course these can be tested during oral

29

1 Details of this Listening Exercise are set out in  
2 the note from Mr Martin Smith, a copy of which is on  
3 the Inquiry website.

4 The Inquiry is designing the Listening Exercise to  
5 obtain broad and representative information from anyone  
6 who wishes to contribute, ie both the bereaved and  
7 anyone else who has been impacted by the pandemic.

8 It is being used and designed bearing in mind  
9 the potential for hundreds of thousands, if not millions  
10 of people to contribute if they wish. These experiences  
11 will be anonymised and reviewed by research specialists  
12 and will be collated into summary reports.

13 The resulting reports, rather than the individual  
14 accounts, will be aligned with and fed into  
15 the Inquiry's later modules, particularly those dealing  
16 with the direct and indirect consequences of  
17 the pandemic on the health and care systems,  
18 the vulnerable, the elderly, children, the disabled,  
19 the public sector, businesses, and other sectors of  
20 the economy.

21 The summary reports will be disclosed to core  
22 participants and will then be formally adduced in  
23 evidence so they form part of the Inquiry's record.

24 May I then turn to commemoration.

25 Given the scale of the loss and hardship brought

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1 hearings.

2 The Inquiry has provisionally identified a number of  
3 specialist areas in relation to which lay and expert  
4 witnesses are likely to be giving evidence in Module 2,  
5 and potentially also in Module 2B. These areas are:  
6 public policy and governance, systems for measuring and  
7 estimation of infections and deaths, statistical methods  
8 in infectious disease epidemiology, government and  
9 public communications, and behavioural science. We  
10 welcome, though, identification of any other suitable  
11 areas by the core participants.

12 That said, my Lady, the guiding principle must  
13 remain that it is for the Inquiry to appoint experts,  
14 and the final decision of who they will be is absolutely  
15 a matter for you.

16 My Lady, may I then turn to the Listening Exercise,  
17 which is a vital part of your Inquiry.

18 As foreshadowed in the terms of reference,  
19 the Inquiry is designing and setting up a process by  
20 which the experiences of bereaved families and others  
21 that have suffered hardship and loss as a result of  
22 the pandemic will be submitted and listened to or read  
23 and then analysed and summarised before being provided  
24 to the Inquiry team and the core participants for use in  
25 the public hearings.

30

1 about by the pandemic and the grief and loss suffered by  
2 the bereaved, the Inquiry wishes to provide  
3 opportunities for this to be commemorated as part of  
4 the Inquiry's process.

5 My Lady, as your opening statement made clear, it is  
6 appropriate to recognise the human suffering arising  
7 from the pandemic, including the loss of loved ones, by  
8 ensuring that it is reflected throughout the Inquiry's  
9 work. The Inquiry is exploring ways in which this can  
10 be done, including by way of commemorative memorial in  
11 the future hearing centre, through the Inquiry's public  
12 hearings and through the Inquiry website.

13 Before you hear from those legal representatives of  
14 the core participants who wish to make oral submissions,  
15 may I conclude by saying that there will be a further  
16 preliminary hearing for Module 2B early next year in  
17 London on a specific date and at a venue to be  
18 confirmed, and the public hearing in this module,  
19 Module 2B, will take place in Wales in the autumn of  
20 next year.

21 My Lady, that concludes my opening remarks.

22 **LADY HALLETT:** Thank you very much indeed, Mr Poole.

23 Right, I think it's Mr Lloyd Williams KC, first of  
24 all.

25 **Submissions on behalf of the Covid-19 Bereaved Families for**

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1 **Justice Cymru by MR WILLIAMS**

2 **MR WILLIAMS:** Good afternoon, my Lady.

3 **LADY HALLETT:** Mr Williams.

4 **MR WILLIAMS:** My Lady, Covid-19 Bereaved Families for  
5 Justice Cymru, which I am going to call CG, standing for  
6 Cymru group, is a group for campaigning for and giving  
7 a voice to those bereaved by Covid-19 in Wales.  
8 CG is comprised of a group of individuals who  
9 represent the full spectrum of families in Wales, those  
10 who are bereaved by Covid-19.  
11 CG developed under the umbrella of Covid-19 Bereaved  
12 Families for Justice, a campaign group of family members  
13 bereaved by Covid-19 across the UK.  
14 On 15 July 2021 the Welsh members of that group  
15 established CG with a purpose of ensuring that there is  
16 proper scrutiny of all government decision-making  
17 relevant to Wales, including those made in Westminster,  
18 in the devolved administration in Wales and in the  
19 regional and local government bodies in Wales.  
20 From the outset, the group has worked extremely hard  
21 to establish an immediate Welsh-specific public inquiry.  
22 They've also played a prominent role in engagement with  
23 the Welsh Government. Further, it has forged strong  
24 links with other interested groups based in Wales who  
25 are not themselves CP, thus giving them a voice in this

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1 will give confidence to the other members of CG, and  
2 hopefully Wales as a whole, that this Inquiry takes the  
3 interests of Wales seriously and intends to thoroughly  
4 examine all those matters which touch upon the interests  
5 of Wales.  
6 CG welcomes the Chair's commitment to looking at  
7 the actions of the devolved administrations. As  
8 the Chair appreciates, Wales is a separate country with  
9 a devolved government. And as your counsel correctly  
10 noted, although Wales receives funding from the  
11 UK Government, responsibility for health and social care  
12 is devolved to the Welsh Government. Wales has its own  
13 healthcare system. To put it shortly, the UK provides  
14 the money, and the Assembly gets to decide where it's  
15 spent.  
16 This means that the key decisions made in Wales in  
17 relation to the Covid-19 pandemic were largely separate  
18 to and quite different from those taken by the  
19 UK Government. Clearly, Wales has strong links with  
20 the UK Government and the other devolved governments,  
21 and it will obviously be necessary in Module 2B to  
22 unravel the links between those governments and the  
23 extent to which they influence the Welsh Government,  
24 whether for good or ill.  
25 We set out in our submissions for the preliminary

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1 Inquiry.  
2 CG thanks the Chair for designating it as a core  
3 participant in Module 2B, and for the Chair's  
4 recognition that CG is best placed to assist this public  
5 inquiry to achieve its aims by representing  
6 the collective interests of a broad spectrum of those  
7 bereaved by Covid-19 in Wales.  
8 It's vitally important, my Lady, that the people of  
9 Wales can have full confidence that this public inquiry  
10 will fully scrutinise decision-making in Wales in  
11 respect of Covid-19, and that the experiences and voices  
12 of the Welsh people will be properly heard and  
13 represented.  
14 CG welcomes the Chair's indication that this public  
15 inquiry will come and hear evidence in Wales on  
16 Module 2B and indeed on other parts of relevant modules.  
17 We hope that it's possible to arrange simultaneous  
18 translation to enable those who wish to can follow it in  
19 Welsh and give evidence in Welsh.  
20 As the Chair will be aware, there is no separate  
21 Inquiry being undertaken in Wales, which means that this  
22 Inquiry is of particular importance to the people of  
23 Wales. The Inquiry sitting in Wales and the comments  
24 made by you this afternoon, my Lady, and by your  
25 counsel, we find very reassuring, and we hope that it

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1 hearings in Module 2 concerns we have regarding  
2 the scope of Module 2, which of course to an extent  
3 overlaps with Module 2B. They were thoroughly aired by  
4 the Inquiry yesterday afternoon, and we were reassured  
5 by comments made by you and Mr Keith KC that, first of  
6 all, the scope of Module 2 and Module 2B were not set in  
7 stone and that both would be reviewed and subject to  
8 further detailed discussion as and when the time arose.  
9 Secondly, that the specific items set out in the scopes  
10 of Module 2A, B and C were merely examples of issues to  
11 be considered; the differently worded scopes of A, B and  
12 C intended to mean the same things but just slightly put  
13 into a different order.  
14 My Lady, CG looks forward to making further  
15 submissions to the public inquiry after disclosure has  
16 been received and to assist the Chair in understanding  
17 how scope needs to be developed in respect of Module 2B  
18 for Wales. CG welcomes the Chair's indication that  
19 the Listening Exercise is still in development and that  
20 further details will be provided in due course. CG has  
21 offered its commitment to continue working with  
22 the Inquiry team to assist in the development of  
23 the Listening Exercise and more generally in  
24 the presentation of the material in this particular  
25 section of the Inquiry.

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1 Finally, my Lady, we welcome the other groups  
 2 present today who appear to us to bring specialist  
 3 knowledge which may shed light on various discrete  
 4 areas.  
 5 My Lady, those are the submissions I seek to make.  
 6 **LADY HALLETT:** Thank you very much indeed, Mr Williams, and  
 7 I do appreciate, as I said, as I said earlier today, the  
 8 offers of support and co-operation, and I'm going to  
 9 need it. So thank you very much indeed.  
 10 **MR WILLIAMS:** My Lady.  
 11 **LADY HALLETT:** I have also, I think -- maybe it was in your  
 12 written submissions, you mentioned about specific events  
 13 being included. They seemed to be included for Scotland  
 14 but not for Wales. I took that up immediately and I'm  
 15 sure that will be resolved.  
 16 **MR WILLIAMS:** Thank you very much.  
 17 **LADY HALLETT:** Thank you.  
 18 Right, I think we now turn to Mr Jacobs.  
 19 **Submissions on behalf of the Trades Union Congress by**  
 20 **MR JACOBS**  
 21 **MR JACOBS:** Good afternoon, my Lady. I appear for  
 22 the Trades Union Congress, the TUC.  
 23 The TUC brings together 5.5 million working people  
 24 who make up its 48 member unions from all parts of  
 25 the UK. Part of the TUC is the Wales TUC, which

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1 particular module, to re-state them briefly, and there  
 2 are also some points of nuance related to Wales.  
 3 In relation to the first issue, then, the provision  
 4 of early information to core participants on the focus  
 5 of the Inquiry's investigations.  
 6 The scope of each module has been set out in very  
 7 broad terms only. Mr Poole this afternoon described it  
 8 as no more than a generic guide. The Inquiry has been  
 9 perfectly frank that it simply cannot investigate every  
 10 issue and every event that might conceivably fall within  
 11 the identified scope, and indeed in your opening remarks  
 12 this afternoon you reiterated that the Inquiry cannot  
 13 cover every issue or call every witness and the Inquiry  
 14 is going to have to focus on the most significant and  
 15 the most important decisions.  
 16 That is all undeniably correct but it begs  
 17 the question: what are the most significant and the most  
 18 important decisions?  
 19 What appears to be envisaged by the Inquiry is  
 20 producing a list of issues and sharing that with core  
 21 participants when it is nearing the end of the evidence  
 22 gathering process. That appears to us to inevitably  
 23 mean it will be at a relatively late stage and close to  
 24 substantive hearings.  
 25 The two concerns I set out this morning with that

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1 represents affiliated membership in Wales. The  
 2 Welsh TUC, as it describes itself, exists to improve  
 3 the economic and social conditions of workers in Wales,  
 4 regardless of whether or not they are in employment, and  
 5 the Welsh TUC is the voice of Wales at work.  
 6 My Lady, as you are aware, the TUC has been  
 7 designated as a core participant in Modules 1, 2 and  
 8 also 2A to C, and you have heard from the TUC yesterday  
 9 and this morning.  
 10 This morning, in Module 2A I, addressed you on  
 11 four issues. First, the provision of early information  
 12 to core participants on the focus of the Inquiry's  
 13 investigations, including by way of disclosure of Rule 9  
 14 requests, the early provision of a list of issues, and  
 15 instructions to experts.  
 16 Second, issues of scope, and in particular the role  
 17 of evidence of impact on Module 2.  
 18 Third, to whom Rule 9 requests should be made.  
 19 And, fourth, the suggestion of strand-tying closing  
 20 submissions after the Module 2 and 2A to C hearings have  
 21 concluded.  
 22 My Lady, those are procedural issues which apply, we  
 23 say, with equal force across the modules. I'm not going  
 24 to repeat them verbatim. What I propose to do is,  
 25 really for the record and so there is visibility in this

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1 approach are, first, that a core participant may only  
 2 learn that a particular issue has not been investigated  
 3 when it is too late, when the substantive hearing is so  
 4 close that the gap in evidence gathering cannot be  
 5 filled without jeopardising the hearing date.  
 6 The second concern is that it is an opportunity lost  
 7 for the Inquiry to benefit from the experience and  
 8 expertise of those bodies and groups designated as core  
 9 participants.  
 10 The TUC and, it appears, many core participants,  
 11 certainly, in other modules, believe that we can help  
 12 the Inquiry to take an informed and robust approach to  
 13 its investigations and evidence gathering.  
 14 My Lady, I addressed some of the points of nuance,  
 15 and in particular what was said by Mr Keith  
 16 King's Counsel yesterday, and I don't propose to do so  
 17 again. But in short, within the identified scope there  
 18 are crucially important and difficult questions about  
 19 which issues the Inquiry is actually going to  
 20 investigate, and we say that core participants need to  
 21 have an opportunity to engage in that process, and it  
 22 can be achieved by disclosure of Rule 9s and/or an early  
 23 list of issues.  
 24 My Lady, turning to the second issue, issues of  
 25 scope, and in particular the role of evidence of impact

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1 on Module 2.

2 The impact of Covid and necessarily the impact of  
3 government decision-making is going to take place in  
4 significant part in later modules. The two issues of  
5 government decision-making and the impact of Covid are,  
6 it appears to us, inevitably entwined.

7 It does also appear to us that each of the Module 2  
8 modules will need at least some evidence as to  
9 the impact of decision-making. That is because,  
10 firstly, it is necessary to have an understanding of  
11 what the relevant considerations and disparate  
12 foreseeable impacts were in order to assess whether they  
13 were adequately taken into account.

14 Second, one important issue in assessing  
15 the reasonableness and timeliness of government  
16 decision-making is whether and how the observable  
17 impacts of government decisions fed into the evolution  
18 of the government's response to the pandemic.

19 An assessment of the political and administrative  
20 decision-making cannot be divorced, we say, from its  
21 context, and neither should it be assumed that we know  
22 enough of the context to proceed without evidence.

23 My Lady, we do accept and recognise that you cannot  
24 hear all evidence as to the impact of decision-making in  
25 Module 2. What we say is that you must have enough

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1 Older People for Northern Ireland is a core participant,  
2 whereas the same role in other devolved nations are not.

3 Whilst, of course, whether or not to apply for core  
4 participant status is a matter for individuals and  
5 organisations, and there is no difficulty with that at  
6 all, it does seem sensible to us to consider at an early  
7 stage whether at least to make Rule 9 requests of  
8 equivalent entities in other jurisdictions in order to  
9 maximise the opportunity for comparing and contrasting  
10 differing approaches across the UK.

11 Fourthly, and finally, we have already suggested  
12 utilising a sort of strand-tying closing submission  
13 in 2024, a short two-day hearing at which submissions  
14 can be made taking a coherent and informed view of  
15 the evidence across Modules 2, 2A, 2B and 2C.

16 My Lady, one challenge of the modular approach is  
17 how it is to form a coherent whole. Our suggestion, we  
18 think, will go some way to achieving that.

19 Given the daunting task of the Inquiry, it may feel  
20 early to consider these issues. There are many bridges  
21 to cross before a two-day hearing in 2024. But, we say  
22 the earlier this is considered, the better. The Inquiry  
23 and the core participants need to have a plan and think  
24 proactively as to how the comparisons and lessons  
25 between the UK and devolved nations are going to be

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1 evidence as to impact so that the issues falling within  
2 Module 2 have some context. It can be achieved, we say,  
3 with carefully targeted Rule 9 requests. And perhaps,  
4 my Lady, targeted Rule 9 requests of representative and  
5 expert bodies such as the TUC but also many others can  
6 give the Inquiry sufficient understanding of the impact  
7 of government decision-making and public health  
8 messaging so as to give the context that I have  
9 described.

10 My Lady, the third issue is to whom Rule 9 requests  
11 should be made. Wales TUC is grateful to have received  
12 a Rule 9 request and the opportunity to give evidence to  
13 this Inquiry. We also say that Rule 9 requests should  
14 be made of those professional bodies that played  
15 a significant role in cascading and adapting national  
16 public health communications into workplaces. And, as  
17 with Module 2A, we envisage writing to you in short  
18 order with some constructive suggestions to that effect.

19 The TUC also notes that there are certain entities  
20 which have core participant status in one of  
21 the devolved modules, but their equivalents do not. So  
22 one example is that the Children's Commissioner for  
23 Wales is a core participant in this module but her  
24 equivalents in England, Scotland and Northern Ireland  
25 are not. Similarly, in Module 2C the Commissioner for

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1 achieved in practice.

2 My Lady, unless I can assist further.

3 **LADY HALLETT:** No, thank you very much, Mr Jacobs.

4 I mean, as you, I suspect, appreciated from what you  
5 have said, in relation to the core participants, I could  
6 only appoint core participants from those who applied,  
7 and I was trying very hard to make sure I had the right  
8 level of representation of various interest groups  
9 across the different modules, but I think your  
10 suggestion of the Rule 9 requests may be a way of coping  
11 with the problem in another way as well.

12 Thank you very much indeed.

13 **MR JACOBS:** Thank you.

14 **LADY HALLETT:** Right, now Mr Rhodri Williams KC.

15 **Submissions on behalf of the Children's Commissioner for  
16 Wales by MR WILLIAMS**

17 **MR WILLIAMS:** My Lady, prynhawn da.

18 I represent the Children's Commissioner for Wales,  
19 who welcomes your decision to designate her office as  
20 a core participant in Module 2B of the Covid-19 Inquiry.

21 The office of the Commissioner for Wales was  
22 established by the Children's Commissioner for Wales Act  
23 of 2001, which now applies a new part 5 to the Care  
24 Standards Act 2000 to children and young people in  
25 Wales.

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1 The principal aim of the Commissioner is to  
2 safeguard and promote the rights and welfare of  
3 children. This must be the Commissioner's overriding  
4 objective indeed when undertaking her work, and in doing  
5 so she must have regard to the United Nations Convention  
6 on the Rights of the Child, the UNCRC, the international  
7 charter which sets out the minimum standards for  
8 children and young people wherever they live.

9 Indeed, the UNCRC underpins all of  
10 the Commissioner's work, for the Welsh Government has  
11 adopted it as the basis of all policy making for  
12 children and young people in devolved Welsh legislation.  
13 The Rights of Children and Young Persons (Wales) Measure  
14 of 2011 places a duty indeed on Welsh ministers in  
15 exercising their functions to have due regard to the  
16 UNCRC. And the Commissioner's remit covers all areas of  
17 the devolved powers of the Senedd in Wales, insofar as  
18 they affect children's rights and welfare.

19 Throughout the pandemic, the Commissioner's office  
20 played a key role in influencing, scrutinising and  
21 holding to account the Welsh Government and public  
22 services devolved to Wales, in particular, as well as  
23 working with the Children's Commissioner's counterparts  
24 across the UK on certain issues. This included, for  
25 instance, producing a Covid-19 appendix to her joint

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1 in terms both of their education and their mental health  
2 and wellbeing.

3 In addition, there were particular impact on  
4 particular groups of children and young people,  
5 including children with special educational needs,  
6 children resident in closed settings, such as children's  
7 homes, children at risk of or experiencing abuse, those  
8 held in youth justice settings and care experience  
9 children and young people.

10 For instance, children's education in general,  
11 including early years and childcare settings, and  
12 the system of school examinations in particular, were  
13 completely disrupted in Wales, as of course elsewhere in  
14 the United Kingdom during the pandemic.

15 Now, although this was mentioned by Counsel to  
16 the Inquiry in his opening, we do ask the question: is  
17 it the case that a future-specific module will focus  
18 more sharply on such issues? If so, we say that should  
19 be clarified now. If not, then it is vital that  
20 the current module expressly deals with them from  
21 an early stage.

22 Should, for instance, other organisations such as  
23 the local education authorities in Wales or the  
24 examination regulator, Qualifications Wales, be  
25 recipients of Rule 9 requests beyond those currently

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1 submission with the other UK Children's Commissioners to  
2 the United Nations Committee on the Rights of the Child  
3 in December 2020, as well as a children and young  
4 people's report relaying experiences to the UN committee  
5 which provided updates relevant to the pandemic  
6 alongside a list of issues.

7 Examples of other actions taken by the Children's  
8 Commissioner during the pandemic were set out in our  
9 written submissions and indeed in her application for  
10 core participant status, and I shan't reiterate those  
11 now.

12 In relation to the scope of the Inquiry,  
13 the Children's Commissioner for Wales notes what is said  
14 about Module 2B as set out in the note for  
15 the preliminary hearing and indeed repeated by counsel  
16 this afternoon.

17 Whilst we do bear in mind that the issues will be  
18 further developed once the responses to the Rule 9  
19 requests for evidence have been received, the Children's  
20 Commissioner does have some initial concerns as to  
21 whether there will be sufficient focus on children and  
22 young people, such as, for instance, in relation to  
23 the decision-making by the Welsh Government in respect  
24 of non-pharmaceutical interventions, given that  
25 the impact on young people was undoubtedly significant

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1 listed and set out in the note to the Inquiry?

2 Furthermore, what experts, such as education, mental  
3 health, safeguarding and child protection and  
4 social care professionals should be required to provide  
5 expert evidence and produce reports? As yet we have  
6 heard very little about that.

7 The Children's Commissioner would also request that  
8 the Inquiry examines in particular the protection of  
9 children's human rights, as laid out in the UNCRC,  
10 during the pandemic.

11 The Children's Commissioner would request that  
12 the Inquiry pays particular attention to the delivery of  
13 actions by the state to follow the advice of  
14 the UN Committee on the Rights of the Child, which was  
15 published in April 2020, just after the first lockdown,  
16 and, there, a series of eleven key priorities for states  
17 to protect children's rights during the coronavirus  
18 pandemic.

19 Furthermore, in relation to the Listening Exercise,  
20 of which we have heard something today, the Commissioner  
21 would urge the Inquiry, first of all, to gather the  
22 views of children and young people directly, and  
23 the Commissioner would be willing to identify groups and  
24 advise on methodologies in that regard. And secondly,  
25 we request that the committee pays particular due regard

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1 to the Welsh language, as of course, as we have heard,  
2 it has specific legal status in Wales, to ensure that  
3 the children's linguistic rights are upheld during this  
4 process.

5 The Children's Commissioner, however, does welcome  
6 any clarification on these issues which the Inquiry team  
7 is able to give during the course of this afternoon and  
8 will do everything to assist going forward.

9 My Lady, diolch yn fawr am eich cefnogaeth parhaol;  
10 thank you very much for your continued support.

11 **LADY HALLETT:** Thank you very much, Mr Williams.

12 I can assure you immediately and the Children's  
13 Commissioner for Wales immediately, this -- as I'm sure  
14 you know, this module is all about key decision-making,  
15 and I always acknowledge the impact on children being  
16 a relevant and significant, important part of that,  
17 hence my designation of the Children's Commissioner as  
18 a core participant. But there will be a later module,  
19 and as soon as we have the details of it, everyone --  
20 which will deal specifically with the impact of the  
21 pandemic on children and young people.

22 So thank you very much too for your offers of  
23 support. I will need them. Thank you.

24 **MR WILLIAMS:** I'm grateful for that.

25 **LADY HALLETT:** Right, I have been asked to break now. Our

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1 Core participant status was granted for Module 2B.  
2 I'd like to, if I may, just take a couple of minutes  
3 to introduce John's Campaign and the Relatives &  
4 Residents Association to those who might not know of  
5 them, to provide an overview of their work and highlight  
6 the essential work that they played throughout  
7 the pandemic.

8 John's Campaign was established in 2014 to advocate  
9 and campaign for the right of vulnerable people across  
10 the UK in health and social care settings to be  
11 supported by their family carers.

12 The driving principle of John's Campaign is that  
13 people should not be separated from those they love at  
14 a time when they would most benefit from their support  
15 and care.

16 The Relatives & Residents Association is  
17 the national charity for older people needing care, and  
18 the relatives and friends who help them to cope. It is  
19 the only organisation in England to provide independent  
20 expert advice about social care with that as its focus.

21 Neither organisation came about due to the pandemic,  
22 both have existed before the pandemic to ensure that  
23 the lives and rights of some of the most vulnerable in  
24 society are protected. Both organisations work with  
25 those who spent the pandemic in health or social care

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1 wonderful stenographer, who does the most amazing job --  
2 anyone who is following the transcript will see just  
3 what a fantastic job she does -- so we don't want her  
4 fingers dropping off. We will break now and I shall  
5 return at 3.10, please.

6 **(2.53 pm)**

7 **(A short break)**

8 **(3.10 pm)**

9 **Submissions on behalf of the Relatives & Residents  
10 Association and John's Campaign by MS JONES**

11 **LADY HALLETT:** Right. Now, I've got on my list either  
12 Emma Jones or Beatrice Morgan. Which one?

13 **MS JONES:** Thank you, my Lady, it's Emma Jones.

14 **LADY HALLETT:** Thank you.

15 **MS JONES:** Good afternoon, my Lady.

16 Leigh Day, along with Adam Straw KC of  
17 Doughty Street Chambers and Jessica Jones of Matrix  
18 Chambers, act for the Relatives & Residents Association  
19 and John's Campaign, Ymgyrch John. I apologise for my  
20 mispronunciation but I promised that I would try.

21 The organisations made a joint application for core  
22 participant status in respect of Modules 2 and 2B. The  
23 application was supported by the British Institute of  
24 Human Rights, Rights for Residents and the Patients  
25 Association.

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1 settings, and with their families who struggled and  
2 fought to continue to try to provide the support  
3 required throughout the pandemic and to the present day.

4 In addition, they work with those who lost loved  
5 ones. And it's not just because of Covid, and we want  
6 to make that point as clearly as we can, it's not just  
7 because of Covid, but because of the failures of  
8 government and other public bodies to listen to  
9 the warnings from organisations such as John's Campaign  
10 and Relatives & Residents Association about the impact  
11 of non-pharmaceutical interventions on those in health  
12 and social care settings.

13 John's Campaign was one of the first voices to  
14 question the government's blanket policy of isolation in  
15 health and care settings. From the very beginning of  
16 the pandemic, and throughout, they campaigned tirelessly  
17 to question the blanket restrictions the government was  
18 mandating. And they were well placed to do so because  
19 John's Campaign had already secured pledges from every  
20 acute hospital trust in the country to recognise  
21 the special need for people with dementia or other  
22 cognitive impairments to have contact with their family  
23 carers.

24 In April 2020 their campaigning actually led to  
25 NHS England modifying their visitor ban to recognise

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1 the needs of those with dementia to be supported by  
2 family carers.

3 From the outset of the pandemic, the Relatives &  
4 Residents Association helpline received multiple  
5 telephone calls on a daily basis from distressed  
6 families about the impact of the poor political  
7 decision-making in managing the virus and the impact  
8 that was having on the loved ones in care. And to  
9 ensure that these voices were heard, they fed insights  
10 from the helpline into their campaigning and lobbying  
11 work.

12 In March 2020 they worked with The Observer to break  
13 the story of the impact of isolation in care settings,  
14 sharing the acute distress of residents and the impact  
15 on health as their family members simply disappeared  
16 from their lives.

17 From September 2020 their End Isolation In Care  
18 campaign lobbied for changes to policy and guidance.  
19 Their active and significant work to challenge political  
20 decision-making led to them being invited to give oral  
21 evidence to parliamentary committees and to All-Party  
22 Parliamentary groups.

23 With a combined reach of over 100,000, comprising  
24 service users, their loved ones and some providers, they  
25 had direct knowledge of the health and social care

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1 reinforce our position.

2 It is essential to ensure public confidence in  
3 the Inquiry that the Inquiry gives equal weight to  
4 non-governmental CPs as it does to government and other  
5 public bodies. And in addition, to ensure that  
6 the investigations are as thorough and as effective as  
7 possible, we submit that it is vital that the Inquiry  
8 gives as much weight to people using the services and  
9 their families as it does to service providers.

10 We say that, by way of example, the organisations  
11 assisting the Inquiry in Module 2 appear to be -- in  
12 relation to the care sector -- largely service provider  
13 led, and whilst would have had an interest in the  
14 decision-making from the provider point of view, this is  
15 likely to be very different from the interests of those  
16 using the services and the families that support them.

17 As a non-governmental CP, representing the interests  
18 of those in health and care settings and their loved  
19 ones, we will do our best to assist the Inquiry with its  
20 Herculean task. Although we do not have the same  
21 resources of some other core participants, we do  
22 consider we still have a vital role to play and we will  
23 demonstrate this through Module 2B.

24 The second issue, my Lady, relates to the scope of  
25 Module 2B. The current scope covers a period

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1 landscape before the pandemic and were already  
2 representing and fighting for the rights and needs of  
3 those in health and home care settings, even before the  
4 first official lockdown. They continued to challenge,  
5 campaign and to lobby on behalf of those individuals  
6 throughout the pandemic, working tirelessly to  
7 scrutinise government guidance, to provide advice and  
8 support for individuals, and to make clear to government  
9 where the guidance was, at times, arguably unlawful.

10 Their work continues on all of these fronts. Their  
11 ongoing ability to reach and represent so many is of  
12 paramount importance, given the issues affecting those  
13 in health and social care settings, and that is why we  
14 are so grateful to be designated as a core participant  
15 in this module. We will ensure that we work tirelessly  
16 to assist the Inquiry now and, we very much hope, in  
17 future modules.

18 My Lady, we provided written submissions to  
19 the Inquiry and we have just three issues on which we  
20 would like to expand briefly.

21 The first relates to the designation of core  
22 participant CP status. We support the submission made  
23 on behalf of the TUC at the preliminary hearing of  
24 Module 1 and, as we dealt with this in our written  
25 submissions, we simply make the point orally to

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1 January 2020 until May 2022, and whilst we recognise  
2 the importance of examining the policies of the past, in  
3 Wales many of the policy restrictions imposed during  
4 that period are still enforced and continue to make  
5 a misery of many people in care homes and those who love  
6 them. Even now, John's Campaign continues to hear of  
7 safeguarding issues in Wales caused by the pandemic and  
8 the restrictions imposed, involving medication,  
9 hydration, hygiene and basic care. In short, continued  
10 restrictions have made effective monitoring and  
11 effective review impossible.

12 Given this, we submit that families and loved ones  
13 must be allowed full access, with the same infection  
14 control procedures as staff, to support, protect and  
15 advocate for their loved ones in health and care  
16 settings.

17 As part of the job of the Inquiry is to ensure  
18 lessons are learnt and to make recommendations for the  
19 future, it is essential that consideration is given to  
20 what is happening now as well as what happened between  
21 January 2020 and May 2022, to ensure that the human  
22 rights of some of the most vulnerable in our society are  
23 protected.

24 Julia Jones, co-founder of John's Campaign, has  
25 drawn to my attention the following snippet of

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1 a conversation and asks that I draw it to your attention  
2 too. She had this conversation with a care, quality and  
3 compliance governance director of a care home group, and  
4 we share this with you to demonstrate what is happening  
5 now and to urge you to consider extending the scope  
6 beyond May 2022:

7 "What more do we have to do?" asked the care,  
8 quality, compliance and governance director of a care  
9 home group. 'Our residents are all quadruple  
10 vaccinated, but in an outbreak scenario some local  
11 authorities are insisting we have to confine all  
12 residents to their rooms. We have to cut back to two  
13 named visitors and all communal activities are stopped.  
14 It's stressful for our residents, for our team, and for  
15 the families. At what point are we going to say:  
16 enough? How long before people in care homes can have  
17 their lives back?'"

18 A third and final issue which we'd like to touch on  
19 briefly, my Lady, relates to the Listening Exercise. In  
20 our written submissions we welcomed the Chair of  
21 the Inquiry ensuring that those affected by the pandemic  
22 would be at the heart of the Inquiry. We have one  
23 additional observation to make in this regard.

24 Some of the individuals affected are individuals who  
25 are non-verbal, who can only comment on policy and

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1 trying to get a balance and make sure that the core  
2 participants in each module relate to the subject matter  
3 of that module, and it's not been an easy task. So  
4 I just wanted to reassure you that I really am trying to  
5 make the best use of resources in the best possible way.  
6 And of course, as I've said a thousand times, you don't  
7 have to be a core participant, and I'm hoping that the  
8 organisations you represent will be able to help in the  
9 other modules in other ways.

10 The only other thing I wanted to say was in relation  
11 to the scope of 2B and the time deadline. We will  
12 of course consider what you have said very carefully,  
13 because I think it's a very important issue. It may  
14 well be that I'll be advised that when we come -- there  
15 will be a module specifically dedicated to the care  
16 sector, both private and public. So it may be that that  
17 kind of issue may be better suited to that module. But  
18 I promise you we'll keep you fully informed when we know  
19 what's happening.

20 So thank you very much for your help.

21 **MS JONES:** Thank you, my Lady.

22 **LADY HALLETT:** Right, I think finally we have Mr Howells,  
23 representing the Welsh Government.

24 **Submissions on behalf of the Welsh Government by MR HOWELLS**

25 **MR HOWELLS:** My Lady, Rwy'n croesawu'r cyfle i annerch yr

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1 decisions through their behaviour and/or the way in  
2 which they present. So, for example, individuals in  
3 a hospital situation in which families have been  
4 excluded due to the restrictions, might suffer with  
5 increased anxiety or distress and, as a result of that,  
6 require additional medication such as additional  
7 anti-psychotics to enable them to tolerate the  
8 situation.

9 This is just one example of how an individual's  
10 response to restrictions might manifest in different  
11 ways.

12 We therefore urge the Chair to take such evidence  
13 into account to ensure that the voices of individuals  
14 who are not able to communicate in conventional ways are  
15 also heard.

16 My Lady, unless there is anything further with which  
17 I can assist.

18 **LADY HALLETT:** No, thank you, Ms Jones, that's all extremely  
19 helpful.

20 Just a couple of points in response. I'll obviously  
21 come back to Mr Poole in a moment.

22 I personally needed no persuading about not having  
23 a government-heavy list of core participants, but as you  
24 will appreciate, and just so other people understand,  
25 and as I said to Mr Jacobs earlier, I've got to balance

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1 ymchwiliad ar rhan Llywodraeth Cymru.

2 I welcome the opportunity to address the Inquiry on  
3 behalf of the Welsh Government. The Welsh Government  
4 would like to reaffirm the commitment that was made  
5 during the preliminary hearing for Module 1 that we will  
6 give you the fullest possible co-operation in  
7 investigating the response to the unprecedented  
8 challenges faced by the people of Wales, their  
9 communities, their businesses, and their public  
10 services, as a result of the pandemic.

11 The Welsh Government will wholeheartedly participate  
12 in this module, relating as it does to the core  
13 political and administrative decision-making of the  
14 Welsh Government in its response to the pandemic.

15 This Inquiry is the best means by which  
16 the interconnected decision-making between  
17 the UK Government and the devolved governments can be  
18 properly explored. In particular, this Inquiry can look  
19 at how distinct decisions were made by each of the four  
20 nations for their respective countries either on  
21 a four nations basis or separately.

22 We have been consistent in our determination that  
23 our actions and those of our public sector partners in  
24 Wales are fully and properly scrutinised as part of this  
25 Inquiry.

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1 The people of Wales deserve no less, particularly  
2 those who have lost loved ones, but also everyone else  
3 whose lives were affected by this devastating pandemic.

4 We cannot emphasise enough our commitment to this  
5 module and to the Inquiry as a whole, because we are  
6 determined that people's questions should be answered  
7 fully and transparently and that we all learn lessons  
8 for the future.

9 It is only right that the public hearings for this  
10 module will be held in Wales. Ac edrychwn ymlaen at  
11 eich croesawu chi a'ch tîm pan fydd y gwrandawiadau ar  
12 gyfer Modiwl 2b yn dechrau; and we look forward to  
13 welcoming your Ladyship and your Ladyship's team when  
14 the hearings for Module 2B commence.

15 **LADY HALLETT:** The sooner I get the simultaneous translation  
16 set up, Mr Howells, the better.

17 Thank you very much, indeed. I do appreciate the  
18 offers of support and co-operation, as I've said now  
19 many times. We really are going to need it. So thank  
20 you very much for what you said on behalf of  
21 the Welsh Government.

22 **MR HOWELLS:** My Lady.

23 **LADY HALLETT:** Thank you.

24 Right, I think that completes all the people who  
25 wish to speak.

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1 thematically within the scope of Module 2B.

2 Having said that, and in response to a specific  
3 point raised by Mr Lloyd Williams King's Counsel on  
4 behalf of Covid-19 Bereaved Families for Justice Cymru,  
5 as part of our investigation the Inquiry team will be  
6 looking at what have become known as superspreader  
7 events in Wales. One such example being given as  
8 the Wales and Scotland Six Nations men's rugby match,  
9 due to take place on 14 March 2020 but cancelled the day  
10 before.

11 As to the point raised by Mr Williams about  
12 differences in wording between the scope documents for  
13 Module 2B and the scope documents for Modules 2, 2A  
14 and 2C. In my submission, nothing turns on any  
15 linguistic differences between those provisional outline  
16 of scope documents.

17 The short point is the modules are different, they  
18 are different because they are looking at different  
19 decision-makers and different decision-making processes.  
20 However, given the core subject under investigation,  
21 they are nevertheless fundamentally aligned. And whilst  
22 there might be slight differences in detail or emphasis,  
23 nothing more significant should be read into  
24 the differences in wording than that.

25 If I may then turn to the second point, namely

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1 Right. Mr Poole, any closing submissions?

2 **Response statement by LEAD COUNSEL TO THE INQUIRY FOR**  
3 **MODULE 2B**

4 **MR POOLE:** My Lady, I'm grateful.

5 There are obviously a number of issues to reflect  
6 upon, but may I start what I anticipate and hope to be  
7 a fairly brief response by just expressing my gratitude  
8 and the team's gratitude and your gratitude, my Lady, to  
9 all the core participants and their advocates for their  
10 helpful, succinct and thought provoking submissions.  
11 Diolch yn fawr.

12 My Lady, I have already dealt with some of  
13 the points raised by the core participants in my earlier  
14 address, which I don't propose to repeat. There are,  
15 however, three themes running through the submissions  
16 made by the core participants that we believe can be  
17 answered straightaway.

18 They relate to the scope of Module 2B, the scope of  
19 future modules, and the Rule 9 process and disclosure  
20 process.

21 As to the scope of Module 2B, as I submitted  
22 earlier, the Inquiry team will approach the suggestions  
23 that have been made by core participants with an open  
24 frame of mind. It is, however, simply not possible to  
25 examine every issue or call every witness, even if

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1 the scope of later modules.

2 I have already given an overview of the topics that  
3 will likely be covered in later modules, namely  
4 the later system and impact modules, and although  
5 the provisional scope order of those later modules has  
6 not been determined, I would like to deal with  
7 a specific concern that's been expressed by  
8 Mr Rhodri Williams King's Counsel on behalf of  
9 the Children's Commissioner for Wales, which is  
10 essentially to question whether the Inquiry will be  
11 sufficiently focused on children and young people.

12 I would like to reassure the Children's  
13 Commissioner that the impact of Covid-19 on education,  
14 children and young people will be specifically examined  
15 in a later module. That is to say, whilst this module,  
16 Module 2B, will be looking at the extent to which  
17 the Welsh Government had regard to the particular  
18 interests of children and young persons, the focus of  
19 this module will be on the decision-making itself.  
20 The issues that flow from that decision-making,  
21 for example the detailed consideration of the impact of  
22 school closures in Wales on children and young persons,  
23 are not intended to fall within this module, Module 2B,  
24 and, as I say, will be addressed in a later module.

25 Similarly, Ms Jones raised a concern on behalf of

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1 John's Campaign and the Relatives & Residents  
 2 Association, that the Inquiry should consider within  
 3 this module whether the needs of people who require  
 4 support from family or friends due to vulnerabilities  
 5 such as dementia were properly taken into account in  
 6 decision-making around the pandemic response.  
 7 Again, I would like to reassure Ms Jones and those  
 8 she represents that the impact of the pandemic on  
 9 vulnerable groups, including the elderly and those  
 10 living with dementia, will be examined in a later  
 11 module.  
 12 In Module 2B we simply cannot look at the specific  
 13 impact of the pandemic on every sectoral group in the  
 14 context of examining whether the Welsh Government failed  
 15 to look at those issues. If the Welsh Government failed  
 16 to look at a particular impact, or a particular area, or  
 17 the likely consequences on a particular group within  
 18 society, then that omission and failure will be  
 19 absolutely apparent.  
 20 If I can then turn finally to Rule 9 requests and  
 21 disclosure.  
 22 I have already addressed why we submit that  
 23 the Rule 9 requests themselves ought not to be  
 24 disclosed. I would, however, like to reassure the core  
 25 participants that they will have full and proper

1 said before, this is an extraordinarily complex Inquiry  
 2 with a huge range of various challenges, and I feel  
 3 increasingly optimistic that with the kind of support  
 4 and constructive suggestions that I have been receiving  
 5 over the last couple of days from core participants,  
 6 then we may be able to achieve the aims that I have set  
 7 out before.  
 8 So thank you, everybody, for all that you have said.  
 9 I will bear everything very much in mind and, I think  
 10 I said yesterday, I do have an open mind and the team  
 11 will be flexible, I can assure you of that.  
 12 Thank you very much indeed.

13 (3.35 pm)

14 (The hearing adjourned until 10 am  
 15 on Wednesday, 2 November 2022)

1 opportunity to engage in the Rule 9 and disclosure  
 2 processes.  
 3 As I submitted earlier and as, my Lady, you stated  
 4 in your ruling in Module 1, the core participants will  
 5 be provided with a monthly update of where the Inquiry  
 6 team has got to in terms of the Rule 9 process and  
 7 the disclosure process, and, my Lady, you might think  
 8 that those monthly updates go a long way to meeting  
 9 the concerns that have been expressed by the core  
 10 participants this afternoon.  
 11 Those monthly updates will reflect a lot more about  
 12 the way in which the Inquiry team has been asking for  
 13 documents, the topics that we are interested in,  
 14 the volume of material received, and what we expect to  
 15 receive in future.  
 16 And of course, as the documents themselves are  
 17 provided, the core participants will be able to see  
 18 which of the issues in the provisional outline of scope  
 19 those documents concern.  
 20 My Lady, that's all I say by way of response.  
 21 **LADY HALLETT:** Thank you very much indeed, Mr Poole.  
 22 That concludes this afternoon's preliminary hearing.  
 23 I would like to thank everyone who has attended and  
 24 those who have watched online. And particularly I would  
 25 like to thank those who have contributed. We have again

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[1]</b> 31/2</p> <p><b>Mr Poole [7]</b> 3/7 3/9 32/22 39/7 58/21 62/1 66/21</p> <p><b>Mr Rhodri Williams [2]</b> 44/14 64/8</p> <p><b>Mr Tom [1]</b> 1/11</p>	<p><b>MR WILLIAMS [6]</b> 33/1 33/3 37/6 49/11 63/11 68/8</p> <p><b>MS [5]</b> 50/10 58/18 64/25 65/7 68/18</p> <p><b>Ms Jones [3]</b> 58/18 64/25 65/7</p> <p><b>much [21]</b> 1/10 9/21 19/5 24/15 32/22 37/6 37/9 37/16 44/3 44/12 49/10 49/11 49/22 54/16 55/8 59/20 61/17 61/20 66/21 67/9 67/12</p> <p><b>multifaceted [1]</b> 11/21</p> <p><b>multiple [1]</b> 53/4</p> <p><b>must [5]</b> 30/12 41/25 45/3 45/5 56/13</p> <p><b>my [84]</b></p> <p><b>my Lady [67]</b> 3/12 3/20 4/9 5/2 5/9 5/14 6/5 7/1 7/16 7/24 9/14 10/18 11/3 12/4 13/12 16/16 18/23 19/19 20/17 21/1 21/8 21/23 22/2 24/24 25/24 27/10 27/18 28/18 29/7 30/12 30/16 32/5 32/21 33/2 34/8 34/24 36/14 37/1 37/5 37/10 37/21 38/6 38/22 40/14 40/24 41/23 42/4 42/10 43/16 44/2 44/17 49/9 50/13 50/15 54/18 55/24 57/19 58/16 59/21 59/25 61/22 62/4 62/8 62/12 66/3 66/7 66/20</p> <p><b>myself [2]</b> 4/22 7/25</p>										
<p><b>M</b></p>					<p><b>made [32]</b> 8/5 11/24 13/8 17/1 19/17 22/1 22/3 22/5 22/15 23/23 24/3 24/25 25/24 27/10 28/1 29/24 32/5 33/17 34/24 35/16 36/5 38/18 42/11 42/14 43/14 50/21 54/22 56/10 60/4 60/19 62/16 62/23</p> <p><b>maintenance [1]</b> 18/16</p> <p><b>major [1]</b> 20/22</p> <p><b>majority [2]</b> 9/25 23/15</p> <p><b>make [22]</b> 2/16 2/17 2/25 3/5 6/2 7/8 8/9 16/11 19/20 32/14 37/5 37/24 43/7 44/7 52/6 54/8 54/25 56/4 56/18 57/23 59/1 59/5</p> <p><b>makers [3]</b> 21/20 22/7 63/19</p> <p><b>makes [3]</b> 24/9 24/15 26/14</p> <p><b>making [35]</b> 1/5 6/12 11/10 11/18 12/9 15/3 16/13 17/22 18/12 18/25 20/4 21/21 25/13 33/16 34/10 36/14 41/3 41/5 41/9 41/16 41/20 41/24 42/7 45/11 46/23 49/14 53/7 53/20 55/14 60/13 60/16 63/19 64/19 64/20 65/6</p> <p><b>management [1]</b> 18/16</p>	<p><b>Matrix [1]</b> 50/17</p> <p><b>matter [7]</b> 7/19 9/17 25/6 27/24 30/15 43/4 59/2</p> <p><b>matters [14]</b> 4/1 4/19 12/12 15/9 16/19 19/12 20/19 20/25 23/17 25/12 26/5 28/10 29/15 35/4</p> <p><b>maximise [1]</b> 43/9</p> <p><b>may [29]</b> 1/4 6/7 6/19 8/14 11/22 11/24 16/7 16/14 19/20 21/1 21/10 21/22 30/16 31/24 32/15 37/3 40/1 43/19 44/10 51/2 56/1 56/21 57/6 59/13 59/16 59/17 62/6 63/25 67/6</p> <p><b>May 2022 [5]</b> 16/14 21/22 56/1 56/21 57/6</p> <p><b>maybe [1]</b> 37/11</p> <p><b>me [2]</b> 1/19 4/21</p> <p><b>mean [4]</b> 3/6 36/12 39/23 44/4</p> <p><b>means [3]</b> 34/21 35/16 60/15</p> <p><b>meant [1]</b> 20/7</p> <p><b>Measure [1]</b> 45/13</p> <p><b>measuring [1]</b> 30/6</p> <p><b>mechanics [1]</b> 6/3</p> <p><b>medical [4]</b> 16/24 17/15 18/10 21/11</p> <p><b>medication [2]</b> 56/8 58/6</p> <p><b>meeting [2]</b> 7/3 66/8</p> <p><b>member [1]</b> 37/24</p> <p><b>members [7]</b> 2/8 4/12 29/23 33/12 33/14 35/1 53/15</p>	<p><b>minutes [1]</b> 51/2</p> <p><b>misery [2]</b> 9/12 56/5</p> <p><b>mispronunciation [1]</b> 50/20</p> <p><b>modelling [1]</b> 18/11</p> <p><b>modifying [1]</b> 52/25</p> <p><b>Modiwl [1]</b> 61/12</p> <p><b>modular [3]</b> 14/14 14/18 43/16</p> <p><b>module [117]</b></p> <p><b>Module 1 [8]</b> 14/22 24/24 25/20 27/11 28/9 54/24 60/5 66/4</p> <p><b>Module 2 [13]</b> 15/2 15/11 30/4 36/1 36/2 36/6 38/17 38/20 41/1 41/7 41/25 42/2 55/11</p> <p><b>Module 2's [1]</b> 15/1</p> <p><b>Module 2A [3]</b> 36/10 38/10 42/17</p> <p><b>Module 2B [43]</b> 1/4 3/17 4/25 5/7 5/11 11/8 14/13 14/16 16/8 16/9 18/22 19/18 20/8 20/9 20/21 21/7 24/18 25/2 25/22 30/5 32/16 32/19 34/3 34/16 35/21 36/3 36/6 36/17 44/20 46/14 51/1 55/23 55/25 61/14 62/3 62/18 62/21 63/1 63/13 64/16 64/23 65/12 68/24</p> <p><b>Module 2C [1]</b> 42/25</p> <p><b>Module 3 [1]</b> 15/16</p>	<p><b>more [12]</b> 9/14 10/21 11/8 14/2 23/4 24/15 36/23 39/8 47/18 57/7 63/23 66/11</p> <p><b>Moreover [1]</b> 23/19</p> <p><b>Morgan [1]</b> 50/12</p> <p><b>morning [3]</b> 38/9 38/10 39/25</p> <p><b>most [11]</b> 2/10 2/13 2/13 39/14 39/15 39/17 39/17 50/1 51/14 51/23 56/22</p> <p><b>mother [1]</b> 1/7</p> <p><b>Mr [32]</b> 1/11 3/7 3/9 31/2 32/22 32/23 33/1 33/3 36/5 37/6 37/18 37/20 39/7 40/15 44/3 44/14 44/16 49/11 58/21 58/25 59/22 59/24 61/16 62/1 63/3 63/11 64/8 66/21 68/8 68/11 68/14 68/21</p> <p><b>Mr Howells [2]</b> 59/22 61/16</p> <p><b>Mr Jacobs [5]</b> 37/18 37/20 44/3 58/25 68/11</p> <p><b>Mr Keith [1]</b> 40/15</p> <p><b>Mr Keith KC [1]</b> 36/5</p> <p><b>Mr Lloyd Williams [2]</b> 32/23 63/3</p> <p><b>Mr Martin Smith [1]</b> 31/2</p> <p><b>Mr Poole [7]</b> 3/7 3/9 32/22 39/7 58/21 62/1 66/21</p> <p><b>Mr Rhodri Williams [2]</b> 44/14 64/8</p> <p><b>Mr Tom [1]</b> 1/11</p>	<p><b>named [1]</b> 57/13</p> <p><b>namely [2]</b> 63/25 64/3</p> <p><b>names [3]</b> 5/2 5/2 5/17</p> <p><b>narrative [2]</b> 24/14 25/17</p> <p><b>national [6]</b> 5/19 8/24 9/2 17/23 42/15 51/17</p> <p><b>nations [10]</b> 12/13 13/22 15/19 43/2 43/25 45/5 46/2 60/20 60/21 63/8</p> <p><b>nature [2]</b> 17/12 26/22</p> <p><b>nearing [1]</b> 39/21</p> <p><b>necessarily [2]</b> 18/23 41/2</p> <p><b>necessary [5]</b> 4/1 8/13 26/12 35/21 41/10</p> <p><b>need [9]</b> 13/1 24/2</p>	<p><b>N</b></p>				
<p><b>made [32]</b> 8/5 11/24 13/8 17/1 19/17 22/1 22/3 22/5 22/15 23/23 24/3 24/25 25/24 27/10 28/1 29/24 32/5 33/17 34/24 35/16 36/5 38/18 42/11 42/14 43/14 50/21 54/22 56/10 60/4 60/19 62/16 62/23</p> <p><b>maintenance [1]</b> 18/16</p> <p><b>major [1]</b> 20/22</p> <p><b>majority [2]</b> 9/25 23/15</p> <p><b>make [22]</b> 2/16 2/17 2/25 3/5 6/2 7/8 8/9 16/11 19/20 32/14 37/5 37/24 43/7 44/7 52/6 54/8 54/25 56/4 56/18 57/23 59/1 59/5</p> <p><b>makers [3]</b> 21/20 22/7 63/19</p> <p><b>makes [3]</b> 24/9 24/15 26/14</p> <p><b>making [35]</b> 1/5 6/12 11/10 11/18 12/9 15/3 16/13 17/22 18/12 18/25 20/4 21/21 25/13 33/16 34/10 36/14 41/3 41/5 41/9 41/16 41/20 41/24 42/7 45/11 46/23 49/14 53/7 53/20 55/14 60/13 60/16 63/19 64/19 64/20 65/6</p> <p><b>management [1]</b> 18/16</p>	<p><b>Matrix [1]</b> 50/17</p> <p><b>matter [7]</b> 7/19 9/17 25/6 27/24 30/15 43/4 59/2</p> <p><b>matters [14]</b> 4/1 4/19 12/12 15/9 16/19 19/12 20/19 20/25 23/17 25/12 26/5 28/10 29/15 35/4</p> <p><b>maximise [1]</b> 43/9</p> <p><b>may [29]</b> 1/4 6/7 6/19 8/14 11/22 11/24 16/7 16/14 19/20 21/1 21/10 21/22 30/16 31/24 32/15 37/3 40/1 43/19 44/10 51/2 56/1 56/21 57/6 59/13 59/16 59/17 62/6 63/25 67/6</p> <p><b>May 2022 [5]</b> 16/14 21/22 56/1 56/21 57/6</p> <p><b>maybe [1]</b> 37/11</p> <p><b>me [2]</b> 1/19 4/21</p> <p><b>mean [4]</b> 3/6 36/12 39/23 44/4</p> <p><b>means [3]</b> 34/21 35/16 60/15</p> <p><b>meant [1]</b> 20/7</p> <p><b>Measure [1]</b> 45/13</p> <p><b>measuring [1]</b> 30/6</p> <p><b>mechanics [1]</b> 6/3</p> <p><b>medical [4]</b> 16/24 17/15 18/10 21/11</p> <p><b>medication [2]</b> 56/8 58/6</p> <p><b>meeting [2]</b> 7/3 66/8</p> <p><b>member [1]</b> 37/24</p> <p><b>members [7]</b> 2/8 4/12 29/23 33/12 33/14 35/1 53/15</p>	<p><b>minutes [1]</b> 51/2</p> <p><b>misery [2]</b> 9/12 56/5</p> <p><b>mispronunciation [1]</b> 50/20</p> <p><b>modelling [1]</b> 18/11</p> <p><b>modifying [1]</b> 52/25</p> <p><b>Modiwl [1]</b> 61/12</p> <p><b>modular [3]</b> 14/14 14/18 43/16</p> <p><b>module [117]</b></p> <p><b>Module 1 [8]</b> 14/22 24/24 25/20 27/11 28/9 54/24 60/5 66/4</p> <p><b>Module 2 [13]</b> 15/2 15/11 30/4 36/1 36/2 36/6 38/17 38/20 41/1 41/7 41/25 42/2 55/11</p> <p><b>Module 2's [1]</b> 15/1</p> <p><b>Module 2A [3]</b> 36/10 38/10 42/17</p> <p><b>Module 2B [43]</b> 1/4 3/17 4/25 5/7 5/11 11/8 14/13 14/16 16/8 16/9 18/22 19/18 20/8 20/9 20/21 21/7 24/18 25/2 25/22 30/5 32/16 32/19 34/3 34/16 35/21 36/3 36/6 36/17 44/20 46/14 51/1 55/23 55/25 61/14 62/3 62/18 62/21 63/1 63/13 64/16 64/23 65/12 68/24</p> <p><b>Module 2C [1]</b> 42/25</p> <p><b>Module 3 [1]</b> 15/16</p>	<p><b>more [12]</b> 9/14 10/21 11/8 14/2 23/4 24/15 36/23 39/8 47/18 57/7 63/23 66/11</p> <p><b>Moreover [1]</b> 23/19</p> <p><b>Morgan [1]</b> 50/12</p> <p><b>morning [3]</b> 38/9 38/10 39/25</p> <p><b>most [11]</b> 2/10 2/13 2/13 39/14 39/15 39/17 39/17 50/1 51/14 51/23 56/22</p> <p><b>mother [1]</b> 1/7</p> <p><b>Mr [32]</b> 1/11 3/7 3/9 31/2 32/22 32/23 33/1 33/3 36/5 37/6 37/18 37/20 39/7 40/15 44/3 44/14 44/16 49/11 58/21 58/25 59/22 59/24 61/16 62/1 63/3 63/11 64/8 66/21 68/8 68/11 68/14 68/21</p> <p><b>Mr Howells [2]</b> 59/22 61/16</p> <p><b>Mr Jacobs [5]</b> 37/18 37/20 44/3 58/25 68/11</p> <p><b>Mr Keith [1]</b> 40/15</p> <p><b>Mr Keith KC [1]</b> 36/5</p> <p><b>Mr Lloyd Williams [2]</b> 32/23 63/3</p> <p><b>Mr Martin Smith [1]</b> 31/2</p> <p><b>Mr Poole [7]</b> 3/7 3/9 32/22 39/7 58/21 62/1 66/21</p> <p><b>Mr Rhodri Williams [2]</b> 44/14 64/8</p> <p><b>Mr Tom [1]</b> 1/11</p>	<p><b>named [1]</b> 57/13</p> <p><b>namely [2]</b> 63/25 64/3</p> <p><b>names [3]</b> 5/2 5/2 5/17</p> <p><b>narrative [2]</b> 24/14 25/17</p> <p><b>national [6]</b> 5/19 8/24 9/2 17/23 42/15 51/17</p> <p><b>nations [10]</b> 12/13 13/22 15/19 43/2 43/25 45/5 46/2 60/20 60/21 63/8</p> <p><b>nature [2]</b> 17/12 26/22</p> <p><b>nearing [1]</b> 39/21</p> <p><b>necessarily [2]</b> 18/23 41/2</p> <p><b>necessary [5]</b> 4/1 8/13 26/12 35/21 41/10</p> <p><b>need [9]</b> 13/1 24/2</p>										
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<p><b>N</b></p> <p><b>need... [7]</b> 37/9 40/20 41/8 43/23 49/23 52/21 61/19</p> <p><b>needed [1]</b> 58/22</p> <p><b>needing [1]</b> 51/17</p> <p><b>needs [8]</b> 7/13 10/23 20/17 36/17 47/5 53/1 54/2 65/3</p> <p><b>neither [5]</b> 19/1 23/11 26/12 41/21 51/21</p> <p><b>neutral [1]</b> 1/20</p> <p><b>never [1]</b> 1/8</p> <p><b>nevertheless [1]</b> 63/21</p> <p><b>new [2]</b> 3/25 44/23</p> <p><b>next [10]</b> 4/21 5/4 15/16 23/5 24/21 25/23 28/19 28/20 32/16 32/20</p> <p><b>NHS [3]</b> 16/21 16/22 52/25</p> <p><b>NHS England [1]</b> 52/25</p> <p><b>NHS Trusts [1]</b> 16/22</p> <p><b>nine [1]</b> 21/10</p> <p><b>no [18]</b> 2/17 3/5 5/16 6/8 6/16 7/17 11/20 19/24 23/22 24/9 28/5 34/20 39/8 43/5 44/3 58/18 58/22 61/1</p> <p><b>non [6]</b> 17/22 46/24 52/11 55/4 55/17 57/25</p> <p><b>non-governmental [1]</b> 55/4</p> <p><b>non-pharmaceutical [3]</b> 17/22 46/24 52/11</p> <p><b>non-verbal [1]</b> 57/25</p> <p><b>nor [3]</b> 19/1 23/12 26/12</p> <p><b>Northern [8]</b> 1/18 2/22 13/6 13/24 15/10 15/15 42/24 43/1</p> <p><b>Northern Ireland [8]</b> 1/18 2/22 13/6 13/24 15/10 15/15 42/24 43/1</p> <p><b>not [41]</b> 1/19 4/19 4/19 7/16 9/16 17/19 20/1 20/20 23/17 24/6 25/6 25/21 26/15 27/12 27/15 27/23 28/6 31/9 33/25 36/6 37/14 38/4 38/23 40/2 42/21 42/25 43/2 43/3 47/19 51/4 51/13 52/5 52/6 55/20 58/14 58/22 59/3 62/24 64/6 64/23 65/23</p> <p><b>note [5]</b> 7/24 9/19</p>	<p>31/2 46/14 48/1</p> <p><b>noted [1]</b> 35/10</p> <p><b>notes [3]</b> 14/19 42/19 46/13</p> <p><b>nothing [2]</b> 63/14 63/23</p> <p><b>notice [1]</b> 6/11</p> <p><b>November [2]</b> 1/1 67/15</p> <p><b>now [20]</b> 5/25 19/1 21/1 21/18 23/23 24/4 37/18 44/14 44/23 46/11 47/15 47/19 49/25 50/4 50/11 54/16 56/6 56/20 57/5 61/18</p> <p><b>nuance [2]</b> 39/2 40/14</p> <p><b>number [17]</b> 2/7 3/25 4/7 7/3 7/7 10/5 13/25 14/7 17/1 19/17 19/20 25/4 25/4 25/11 28/22 30/2 62/5</p> <p><b>numbers [1]</b> 10/16</p> <p><b>O</b></p> <p><b>objective [2]</b> 29/14 45/4</p> <p><b>obligation [1]</b> 4/10</p> <p><b>obliged [1]</b> 15/8</p> <p><b>observable [1]</b> 41/16</p> <p><b>observation [1]</b> 57/23</p> <p><b>observations [1]</b> 29/22</p> <p><b>Observer [1]</b> 53/12</p> <p><b>obtain [2]</b> 19/8 31/5</p> <p><b>obtained [1]</b> 19/6</p> <p><b>obtaining [1]</b> 22/24</p> <p><b>obviate [1]</b> 28/6</p> <p><b>obviously [3]</b> 35/21 58/20 62/5</p> <p><b>off [1]</b> 50/4</p> <p><b>offered [1]</b> 36/21</p> <p><b>offers [3]</b> 37/8 49/22 61/18</p> <p><b>office [6]</b> 16/23 21/12 23/3 44/19 44/21 45/19</p> <p><b>Officer [2]</b> 16/24 21/12</p> <p><b>offices [1]</b> 16/23</p> <p><b>official [1]</b> 54/4</p> <p><b>older [2]</b> 43/1 51/17</p> <p><b>omission [1]</b> 65/18</p> <p><b>on [110]</b></p> <p><b>once [1]</b> 46/18</p> <p><b>one [13]</b> 5/12 23/23 24/22 27/17 41/14 42/20 42/22 43/16 50/12 52/13 57/22 58/9 63/7</p> <p><b>ones [9]</b> 3/4 32/7 52/5 53/8 53/24 55/19</p>	<p>56/12 56/15 61/2</p> <p><b>ongoing [1]</b> 54/11</p> <p><b>online [1]</b> 66/24</p> <p><b>only [12]</b> 2/25 11/12 20/1 20/2 20/7 39/7 40/1 44/6 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