

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

**SUBMISSIONS ON BEHALF OF THE COVID-19 BEREAVED FAMILIES FOR JUSTICE
CYMRU IN ADVANCE OF THE THIRD PRELIMINARY HEARING IN MODULE 1
ON 25 APRIL 2023**

Rule 9 and disclosure

1. The Covid-19 Bereaved families for Justice ('CBFJ Cymru') are extremely concerned about the continuing delay to the disclosure of Rule 9 statements and Module 1 ('M1') documentary evidence. The continuing delay risks frustrating the ability of non-state Core Participants to adequately prepare for M1. If the delay continues, the integrity of this Inquiry risks being undermined. What is most concerning is that a significant reason for the delay appears to be the failure of 'state' related core participants/ witnesses to respond to the Rule 9 requests in sufficient detail.¹ CBFJ Cymru are concerned to understand whether those who are to be scrutinised in this Public Inquiry are delaying in providing full disclosure. CBFJ Cymru seek clarification as to whether any of the Welsh public bodies or witnesses, whose actions and decisions will be scrutinised in this Inquiry, have provided incomplete initial responses to the Inquiry's Rule 9 requests. To ensure transparency, CBFJ Cymru request: i) that the Inquiry provide an update indicating where this has occurred in respect of Welsh witnesses, and ii) whether the deadline of 21 April for certain Welsh witness statements was set following an earlier inadequate response. All subsequent Rule 9 responses from Welsh witnesses ought to be dealt with by way of supplemental statements and / or all versions of statements submitted in response to Rule 9 requests ought to be published. It is noted that supplemental statements are only being utilised for certain witnesses.²
2. CBFJ Cymru note that former UK Prime Minister David Cameron and former UK Chancellor for the Exchequer George Osborne have been contacted to obtain Rule 9 statements on the topic of austerity. CBFJ Cymru would be grateful for confirmation that the former First Minister of Wales Carwyn Jones and relevant members of his former Cabinet have also been contacted.

¹ §6 of CTI's note for the Third Preliminary Hearing in Module 1, 6 April 2023

² §12 Module 1 update to Core Participants

3. In terms of disclosure, as at the date of these submissions' relativity contains the following in relation Module 1 for Wales:
 - a. Welsh Local Government Association (WLGA) – 26 documents;
 - b. Welsh Council for Voluntary Action (WCVA) – 12 documents;
 - c. Public Health Wales – 134 documents.

4. CBFJ Cymru note that the Inquiry suggests that disclosure will be progressed so as to allow for sufficient time to enable the public hearings to start on 13 June 2023, yet it is also noted that disclosure '*will continue to be made up to the date of the public hearing*'.³ CBFJ Cymru wish to point out that it is completely unrealistic to expect small teams of non-expert non-state Core Participants (such as the bereaved) to consider and digest huge quantities of information on a matter that the Inquiry describes as '*extensive and complex*'⁴ in weeks possibly even days prior to receipt of evidence proposals for witnesses (which is currently scheduled for 15 May 2023). If full disclosure occurred as at the date of these submissions, that would still leave less than 5 weeks to fully prepare to be able to respond to the Inquiry's witness proposals. This is not an adequate amount of time for such complex issues. In any event non-state Core Participants are likely to have even less time to prepare. This will limit the extent to which certain Core Participants and CBFJ Cymru are able to effectively participate in this Public Inquiry. CBFJ Cymru request urgent clarification on the timescale for disclosure for Module 1.

Expert witnesses

5. CBFJ Cymru note that the reports of Bruce Mann, Professor David Alexander, and Dr. Claas Kirchelle are yet to be received. By way of general comment, CBFJ Cymru have raised concerns about the extent to which the expert reports received from Professor David Heymann, Professor Sir Michael Marmot and Professor Clare Bambra adequately cover Module 1 issues in relation to Wales, (and indeed in relation to the other devolved nations). Further we are concerned that any comparative analysis between the devolved nations and England is largely lacking. CBFJ Cymru request urgent clarification as to how the concerns that have been raised in relation to Module 1 expert evidence and the Welsh context are to be addressed by the Inquiry.

³ §18CTI's note for the Third Preliminary Hearing in Module 1, 6 April 2023

⁴ Ibid

Evidence proposal, pre-Rule 10 and Rule 10 procedures

6. An inevitable consequence of late and delayed disclosure is that Core Participants may well struggle to fully respond to witness proposals on the dates proposed. This is then likely to result in longer and more detailed written questions under Rule 10 which will no doubt increase the work burden on the Inquiry Legal team in the days before a witness gives evidence. It may also impact of the number of applications by Core Participants to question witnesses.

Witnesses / opening and closing statements

7. CBFJ Cymru will be making submissions on the proposed Module 1 witness list in accordance with the Inquiry's timetable, however, it is difficult to properly comment on a proposed witness list in the absence of disclosure.
8. CBFJ Cymru intend to make an opening and closing statement (written and oral).

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19 April 2023