



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

MODULE 1, THIRD PRELIMINARY HEARING

25 APRIL 2023

SUBMISSIONS ON BEHALF OF SCOTTISH COVID BEREAVED

1. We note the terms of the CTI note, in particular setting out the rule 10 process. It is helpful that the disparate sources of information in relation to how it is proposed the process will be undertaken are brought together in this document.
2. The only matters that the Scottish Covid Bereaved presently wish to address are rule 9 letters, disclosure, and delay.
3. The Scottish Covid Bereaved are obliged to Counsel to the Inquiry and the Inquiry Legal Team for providing us with an update on the rule 9 procedure and progress to date. It will come as no surprise to the Inquiry that the Scottish Covid Bereaved are concerned to understand that *“A considerable number of the statements contained insufficient detail and posed more questions than they answered.”* – particularly some of those received from *“central government departments”*.

Further, the Scottish Covid Bereaved are deeply concerned to hear that the Inquiry considers that it ought to have been clear to those organisations that the statements simply would not provide the Chair with the detail that her Ladyship will require in order to consider their responsibility for, and involvement in, the matters set out in the Inquiry's Provisional Outline of Scope, and its Rule 9 requests.

4. As it ought to have been clear to those organisations that the information provided would be insufficient, this suggests a lack of co operation with the work of the Inquiry at the most fundamental level of the provision of specific information. The Scottish Covid Bereaved are grateful in respect of the transparent way in which the Chair is dealing with this matter and, anticipate that those in receipt of Rule 9 letters which have been responded to in a less than satisfactory way will now be required to do so.

5. However, the way in which these rule 9 responses have been dealt with, does not provide the Scottish Covid Bereaved with confidence that, where appropriate, the same parties understand and are properly implementing their disclosure duties in respect of relevant documents. Confidence in the process is further undermined if, and as it appears to be the case, a considerable proportion of the material disclosed by the Department for Levelling Up, Houses and Communities, is not in fact responsive to the Rule 9 request that the Inquiry made of DLUHC. The material disclosed is, in many instances, far too granular in nature. Accordingly, the question that arises is, if regard is not being had to the rule 9 letters, and documents provided in response thereto do not properly address the requests contained therein, has the relevant

process of assessment been properly carried out at all? Might there yet be a considerable amount of material which has not been provided and which would indeed be responsive and relevant to the requests made? 6. The Scottish Covid Bereaved are also concerned to understand that the Office of the Chief Medical Officer has not properly undertaken the request to provide information “relevant” to Module 1 and has rather, it appears, simply opted to try to “provide everything” it holds. Again, confidence that those receiving rule 9 letters are properly understanding and properly implementing their response to requests, and supplying the correct documents that are sought by the Inquiry is undermined when, as in this case, there appears to be a wholesale departure from proper application of the disclosure process.

7. The Scottish Covid Bereaved respectfully ask if the Chair is able to advise whether scrutiny is being brought to bear on the responses to the request for disclosure of documents made, and whether any process is in place to ensure that those to whom requests have been made are properly complying with the process and their duties of disclosure?

8. Further, we note that the Inquiry considers that there is sufficient time before the beginning of the Inquiry’s hearing on 13 June to rectify these matters, but only if those who have provided statements consider carefully any further requests they have received and also consider the Inquiry’s List of Issues when providing any further statements. Such statements must be provided within the deadlines set by the Inquiry. We would ask the Chair to further advise whether, if these time limits are not currently being met, will this cause further

delay to the dates currently set for hearings? The Scottish Covid Bereaved are confident

that the Chair will be equally concerned that no further delay is occasioned in respect of the oral hearings.

9. The Chair's concern about any further delay in proper disclosure is of course the same concern that the Scottish Covid Bereaved have. Whilst it is important to commence hearing evidence, that cannot be done at the expense of proper disclosure. The current level of disclosure is very substantial and The Scottish Covid Bereaved like other core participants are working through what has currently been disclosed. In light of the numbers quoted, a very considerable amount more are expected, some of it doubtless perhaps close to the Hearing dates. Perhaps, and by way of comfort to those concerned in this regard, the Chair to the Inquiry might confirm that, if information that ought to have been available for the purposes of the preparation of questions of witnesses before giving their evidence is then disclosed at a later stage after witnesses have been heard, the Inquiry can and will recall such witnesses to provide such further evidence as it sees fit in either oral or written form.

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