

**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 ('CBFJ CYMRU') IN ADVANCE OF THE THIRD PRELIMINARY HEARING IN
MODULE 2 ON 6 JUNE 2023**

Panellists

1. CBFJ Cymru understand from the statement of the Rt Hon Rishi Sunak MP ('PM') on 27th of April 2023 that the PM is concerned about the length of time this public inquiry will take to reach its conclusions and is concerned to avoid excessive delay. A thorough, rigorous and properly informed public inquiry should not be placed at risk out of concern for public criticism. Whilst we do not question the Chair's thoroughness in these proceedings to date, CBFJ Cymru consider that the input of a panel would significantly assist the Chair and should not lead to delay if managed appropriately. This is especially the case given CBFJ Cymru's concerns arising from the contents of many of the draft expert reports which are largely insufficient in their consideration of the devolved nations. We submit the Inquiry would be assisted by a panel representative of the devolved nations.
2. CBFJ Cymru are aware that the PM consulted with the Chair prior to his announcement. CBFJ Cymru ask the Chair to invite discussion of this issue again with the PM. Given the Inquiry did not notify Core Participants ('CPs') that the PM had consulted the Chair, CBFJ Cymru would value the opportunity to be kept informed if the PM seeks a consultation again, so that our members have an opportunity to express their own concerns to the PM through the Chair in a timely and constructive fashion.

Update on Rule 9 requests

3. Whilst the Chair has ruled on the release of Rule 9 requests to CPs, CBFJ Cymru wish to raise this topic once again in light of the deficient witness statements that have been produced from

the Welsh Government witness for Module 1. The vast majority of these witness statements have failed to address key aspects of pandemic planning and preparation in Wales. On occasion the Inquiry has unfortunately, it appears, not asked all the relevant questions.

4. This issue has been compounded by some Welsh witnesses in Module 1 failing to include exhibits in their witness statements referred to in their statements or failing to support assertions with documents that obviously should have been disclosed at the first available opportunity.
5. In order to avoid further statements having similar flaws in later modules and to save the Inquiry chasing witnesses for multiple amended statements, we would ask that Rule 9 requests are made available to CPs so potential topics not included in their scope can be raised at the earliest possible opportunity. Many of CBFJ Cymru's members were involved in their professional capacities with the Welsh Government, NHS Wales and other institutions associated with the pandemic response and will be able to use this knowledge to focus the Inquiry's Rule 9 requests.
6. CBFJ Cymru also invite the Inquiry Legal Team to clarify the dates by which CPs can expect witness statements and other materials to be disclosed on Module 2. Due in part to the need for amendments to draft statements in Module 1, CPs may not have sufficient time to review these materials prior to the substantive Module 1 hearing commencing. In order to avoid a repeat of this situation in Module 2, we ask the Chair to clarify whether the deadline of the end of July 2023 for outstanding disclosure is a hard deadline for the final versions of statements to be released and inform CPs of the volume of statements that can be anticipated by this date.
7. CBFJ Cymru also ask the Inquiry to disclose whether the concerns about the production of material by a number of Government departments includes Welsh Governmental bodies. CBFJ Cymru is concerned that in Module 1 the Welsh Government has not been engaging with the Inquiry to a satisfactory degree and consider that the Welsh public should be told if this is the position in relation to Module 2.

Disclosure

8. CBFJ Cymru support the Chair's approach and ruling in response to the deliberate delay and refusal by the Cabinet Office to disclose to this public inquiry unredacted material that is plainly of central importance and relevance to the terms of reference. CBFJ Cymru hopes and anticipates that a similarly robust approach will be taken by the Chair should any devolved administration seek to adopt a similar approach.

9. In respect of any potential application under section 19 of the Inquiries Act for a restriction order, CBFJ Cymru endorse the submissions made by other non-state CPs. As is standard practice in many other public inquiries, in the event that there is an application for a restriction order the Chair is invited to allow CPs to make both written and oral submissions on the procedural approach to be adopted to determine such applications and to grant a right to be heard on the substance of each application.

Materials relevant to Whitehall's engagement with the Devolved Administrations

10. CBFJ Cymru are deeply concerned to note the delay in disclosing this vital documentation. The Inquiry will no doubt ensure that this is disclosed as a matter of urgency.

Instruction of expert witnesses

11. CBFJ Cymru notes that for Module 1 many of the final expert reports have not been produced despite the serving of evidence proposals for these expert witnesses, which require a CP response. This is creating great difficulties given the obstacle of commenting upon the evidence proposals without knowing the content of the final reports to be examined by CTI. In Module 2 the Chair is asked to introduce a deadline for service of final expert reports in advance of the service of evidence proposals.
12. As to the draft reports received from expert witnesses CBFJ Cymru are concerned at the level of detail and analysis in relation to Wales. CBFJ Cymru considers that further detail and analysis is required in respect of Wales, particularly in light of the fact that the reports prepared in respect of Module 2 are intended to be utilised for Module 2B. As a result, enhanced detail of the Welsh decision-making powers and/or the lack thereof together with how powers were exercised is required in order to better understand how this affected the response to COVID-19 in Wales.
13. Throughout many of the reports received to date, there are references to the UK with a lack of specificity in relation to devolved nations. There is limited comparison between the devolved nations and the interaction between the UK government and the devolved nations leaving many questions outstanding in respect of how these bodies interacted with each other in their response to the pandemic.

14. Overall, we consider that there is a disproportionate amount of attention being paid to the UK Government. There is a bias towards focussing on Westminster which cannot be justified, given that this area is highly devolved.

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31 May 2023