

UK Covid-19 Inquiry Before Baroness Heather Hallett

Module 1 Hearings: June and July 2023

OPENING STATEMENT

on behalf of

THE SCOTTISH GOVERNMENT

Introduction

1. My name is Geoffrey Mitchell, KC and I appear at these public hearings on behalf of the Scottish Government. I appear along with my juniors, Fiona Drysdale and Jennifer Nicholson-White. We are instructed by Caroline Beattie, of the Scottish Government Legal Directorate.
2. My theme is one of commitment. Commitment to the Chair, to the Inquiry process and to the people of Scotland. That commitment is to assist and to cooperate with the Inquiry, to listen to the evidence and to learn lessons that might flow from that evidence.
3. Before going any further, on behalf of the Scottish Government, I would like to recognise the loss suffered by the people of Scotland, and the wider UK population, during the pandemic. Everyone suffered, and many thousands lost their lives. That loss is felt, understood and acknowledged by the Scottish Government. Indeed, how could it be otherwise. The people of Scotland are resilient. They responded to the challenges of COVID-19 and, together, Scotland emerged from the pandemic. Yet, the cost was high. Certain sections of Scottish society suffered more than others. Legitimate questions arise as to whether the suffering needed to have been so great.
4. The continuing goal of the Scottish Government is to build a resilient Scotland, that is able to protect *all* its citizens from risks that emerge to threaten the safety of our modern-day society. Therefore, let me repeat one of the commitments that I have already given: the Scottish Government comes to listen, and is eager to

learn how its processes, structures and policies on preparedness could be improved.

Scotland's Resilience System

5. The Scottish Government has taken an approach over many years to build resilience capacity to deal with any risks faced by the country including preparing for a pandemic. The Scottish Government approached pandemic risk in the way that it approached any risk. Often it prepared in partnership with the UK Government and other devolved administrations (on what is sometimes called a 'Four Nations' basis). It may be helpful if I take some time here to set out, in brief and simple terms, the resilience system as it exists in Scotland.
6. In general terms, the development of resilience in Scotland has focused on '*consequences, not causes*'. In other words, an '*all-risks*' approach is adopted, whereby planning can be adapted readily to fit a wide range of issues.
7. Within the Scottish Government there are, broadly speaking, two functions to preparedness. The first is a central managerial function. Here, a central resilience division of Scottish Government works with different branches of the government and public bodies to assess a whole range of 'risks' (whether that be a risk of flooding, or risk of terrorism). In the case of the assessment of a pandemic risk, there is close cooperation between the resilience divisions, the Health and Social Care department of Scottish Government, and NHS Boards. Should an incident or emergency arise, Scottish Government Resilience Room (or 'SGORR') can meet to coordinate and direct actions designed to respond to the incident. During the COVID-19 pandemic, SGORR met on a regular and frequent basis, and was often chaired by either the First Minister or Deputy First Minister.
8. The second function supports the development and delivery of the plans that deal with risks and emergencies. This is underpinned by the Civil Contingencies Act 2004 (and regulations made thereunder), which seeks to

minimise disruption in the event of an emergency, and to ensure that the UK is better prepared to deal with a range of emergencies. Whenever there is an emergency in Scotland, different organisations work together to tackle it. Depending on the nature of the incident, this might include Police Scotland, the Scottish Fire and Rescue Service, health boards or local authorities. These organisations form a 'resilience partnership', which structure allows them to coordinate, collaborate and to share information. The structure which supports multi agency coordination is the Regional Resilience Partnership ('RRP'). There are three Regional Resilience Partnerships (North, East and West Scotland). Within each RRP area sits several Local Resilience Partnerships ('LRPs'), the composition of which are determined by the RRP's themselves. The RRP's and LRP's bring together all the relevant organisations in an area to develop an effective approach in dealing with emergencies.

9. Also supporting this second function of development and delivery is the Scottish Resilience Partnership. This is a core group of the most senior statutory responders and key resilience partners. The group acts as a strategic policy forum for resilience issues, providing assurance to Ministers that statutory responders and key resilience partners are aware of any significant resilience gaps and priorities, and are addressing these. It provides advice to the resilience community on how best to ensure that Scotland is prepared to respond effectively to major emergencies.
10. The Scottish Government and Statutory responders have long acknowledged and valued the contribution to national resilience that is made by the wide range of bodies in the Third Sector, the Private Sector and community groups which activate in response to emergency events. To support collective discussion around the 'all-risks' approach to preparedness and response arrangements, the Scottish Government hosts regular meetings of the Voluntary Sector Resilience Partnership ('VSRP'). VSRP brings these parties together to build connections, relationships and an understanding of each other's capacity and capabilities, to enable better planning and co-ordination around emergency response arrangements.

11. In this way, and assisted by Scottish Government guidance contained in a series of documents entitled '*Preparing Scotland: Scottish Guidance on Resilience*' (2016), organisations within Scotland are able to plan for emergencies at a local and regional level. As can be seen, this is a simple, easily understood structure. It was within this structure that pandemic preparations were made.

Pandemic Preparedness

12. At this stage, it may be useful for interested observers to know a little about the Scottish Government's preparation for a pandemic. The Scottish Government's approach to pandemic planning was guided by advice from scientists and experts (from the UK and the World Health Organisation), best practice and prior experience. Preparations were made at a national, regional and local level. Some preparations were also made at a 'Four Nations Level'. Thus, the Scottish Government collaborated in the development of the '*UK Influenza Pandemic Preparedness Strategy*' (2011). It provided background information, and gave guidance to organisations for developing plans. Close links existed between the Chief Medical Officer for Scotland and the other nations, thereby allowing the exchange of information on pandemic risk. Scottish officials participated in a UK Government-led Pandemic Readiness Flu Board.

13. The '*Scottish Risk Assessment*', published in 2018, supplements the '*UK National Risk Assessment*'. It identified and analysed 10 actual risks facing Scotland, including pandemic influenza, which was identified as having a 'high' likelihood of occurring. The Risk Assessment provided a means by which local and regional organisations could prepare and respond to the risks identified.

14. In 2017 the Scottish Government established its own Pandemic Flu Preparedness Board, designed to drive forward particular aspects of pandemic preparation in Scotland, often on devolved matters. The Scottish Government participated in a UK-wide pandemic influenza exercise, 'Exercise Cygnus' in 2016. In 2015 it ran its own Scottish wide pandemic influenza exercise, 'Exercise

Silver Swan'. In 2018 'Exercise Iris' assessed NHS Scotland's response to a suspected outbreak of Middle Eastern Respiratory Syndrome.

15. The combined effect of these and other preparations was that, across Scotland, the Scottish Government, together with organisations (from Health Boards to Local Authorities) had in place influenza pandemic preparedness plans. Of course, it has to be recognised that such plans were not an exact match for a coronavirus pandemic. However, many of their features could be adapted, and the lessons learned while preparing for an influenza pandemic were of great benefit when responding to the COVID-19 pandemic. It should also be recognised that for much of this period, the Scottish Government had to make budgetary decisions within a climate of austerity, and with many other competing demands on the public purse, from across different policy areas of government, and the Scottish Parliament. Further, in 2018 and 2019, pandemic preparations had to compete with preparations for a possible 'No Deal' departure from the EU, for the attention of experienced resilience personnel.
16. Before leaving this topic, I should mention two measures that helped greatly with management of the pandemic. The first is the reform of public health structures. In April 2020, a series of reviews, co-led by the Scottish Government and the Convention of Scottish Local Authorities ('COSLA'), culminated in the establishment of Public Health Scotland. This unique body brought 'under one roof' responsibility for: the collection of health-related data; the thinking to address society's health issues; and the making of improvements to the health system. Jointly accountable to the Scottish Government and COSLA, the result was a single, authoritative source of information and advice, a 'one-stop shop', that public and private sector leaders could call upon. This was invaluable during the COVID-19 pandemic. The second measure was a series of protocols for the management of public health incidents, including infectious diseases. First published in 2003 and updated thereafter, the '*Management of Public Health Incidents: Guidance on the Roles and Responsibilities of NHS led Incident Management Teams*' contained information that NHS Boards and Local Authorities could use when preparing for, or in response to, a public health or

environmental event or incident. These were well established protocols, that were of great practical benefit during the pandemic.

Conclusion

17. The Scottish Government has incrementally built on its pandemic resilience capability over many years. It has thought carefully about potential risks, and has prepared to the best of its ability.
18. But, of course, the devastating effect of the COVID-19 pandemic has shown that there are many lessons to be learned, and improvements that can be made. The Scottish Government has already taken steps to address this, in part through the setting up of the Standing Committee on Pandemic Preparedness. This is an advisory group, bringing together scientists and technical experts to advise the Scottish Government on preparing for future risks from pandemics.
19. Yet it is not only in the field of science where improvements can be made. The pandemic revealed, in stark terms, that a healthy and 'prepared' nation is one where inequalities are not tolerated. The eradication of inequalities in health and social care, and the building of a healthier Scotland has been a priority for the Scottish Government for several years. The Christie *'Commission on the Future Delivery of Public Services'* (2011); the Public Bodies (Joint Working) (Scotland) Act 2014; and the *'Review of Public Health in Scotland: Strengthening the function and re-focusing action for a healthier Scotland'* (2015) are all evidence of the Scottish Government's commitment in this area.
20. However, more remains to be done. The candour displayed in the witness statements which have been produced to the Inquiry on behalf of the Scottish Government are testament to the Scottish Governments' willingness to listen, learn and adapt.

21. The Scottish Government is grateful to the Chair for the opportunity to make this opening statement. My team and I hope that we can be of assistance to the Inquiry in the weeks to come.

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(Instructed by Caroline Beattie, Scottish Government Legal Directorate)