

**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**

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**SUBMISSIONS ON BEHALF OF COVID-19 BEREAVED FAMILIES FOR  
JUSTICE CYMRU IN ADVANCE OF THE PRELIMINARY HEARING FOR  
MODULE 4**

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**Introduction**

1. Submissions are made on behalf of Covid-19 Bereaved Families for Justice Cymru (CBFJ Cymru) under the following headings:
  - a. The scope of Module 4;
  - b. Rule 9 requests for information;
  - c. Disclosure; and
  - d. Expert evidence.
2. We have provided separate submissions regarding Every Story Matters and key lines of enquiry.

**Scope of Module 4**

3. We are grateful for assurances we have received from the Chair in hearings to date that she fully intends to ensure that the interests of the people who live in Wales are fully investigated.
4. Further, CBFJ Cymru consider the Outline of Scope for Module 4 to be sufficiently broad to allow for investigation into the topics of particular concern for those living in Wales. As such, CBFJ Cymru have no specific submissions to make as to the Outline of Scope as currently drafted, save for that which is outlined at paragraph 8 below. However, we

wish to take this opportunity to outline for the Chair and the Inquiry Legal Team the particular topics of concern for CBFJ Cymru.

5. For the most part, the areas which CBFJ Cymru are particularly concerned about fall within point 3 of the currently drafted Outline of Scope, which concerns vaccine delivery, and particularly prioritisation decisions taken by policymakers. The following areas are of interest to our group:

- a. The inequalities and/or barriers faced by those living in rural communities (what is often referred to as “the postcode lottery”), and whether the Welsh Government and NHS Wales took sufficient regard on the impact of Wales’s geography when designing vaccine rollout plans;
- b. The barriers faced by older people with disabilities and other disabled people in accessing the vaccine including physical access, transport, and government communications;
- c. The use of the armed forces in the vaccine rollout, and whether this reflected a lack of preparedness on the part of NHS Wales;
- d. Whether there were enough GPs in Wales to deliver the vaccine rollout;
- e. The differences in approach between different Local Health Boards, NHS Trusts, care homes, and primary care facilities;
- f. Whether there was any delay in rolling out the vaccine in Wales and the reasons given by politicians for any delay;
- g. Whether Wales met vaccination targets, and if not why not;
- h. Whether there were enough centres in Wales which were capable of storing the vaccines at the correct temperature; and
- i. The prioritisation decisions made. We particularly note the following from Audit Wales:

*“However, there have been concerns about how the prioritisation approach has varied across Wales and the risk that some (including NHS staff) may have received their vaccine ahead of their allotted priority group. This has arisen*

*because of the desire not to waste unused vaccine and the differing approaches to manage reserve lists. Welsh Government officials have written to health boards in an attempt to standardise the approach for reserve lists. There have also been challenges defining 'frontline' for health and social care staff, which may have also resulted in some staff receiving the vaccine earlier than intended.”<sup>1</sup>*

6. Further, as to point 2 on the currently drafted Outline of Scope for Module 4, CBFJ Cymru are particularly interested in the use of antiviral medicines prior to the rollout of the vaccine, whether sufficient steps were taken to acquire appropriate antivirals, and the prioritisation decisions made when determining who should receive any antiviral medications. Further, in relation to point 2, CBFJ Cymru wish to clarify whether, in relation to “*development, trials and use of [...] existing medications*”, the Inquiry intends to consider the impact on the development of medicines other than those which were focussed on preventing or treating Covid-19.

7. Finally, as to the questions outlined at paragraph 34 of CTI’s note, we wish to add the following:

*“What were the inequalities and/or barriers faced by those living in rural communities in relation to receipt of the Covid-19 vaccine?”*

8. There is a further, perhaps separate topic not currently covered by the provisional scope which we suggest should be included either in this module or, if more suitable, another module. What is not currently explored is the requirement for people to have a vaccine if people wish to take up certain positions. Our clients are particularly concerned with the requirement for healthcare workers to be vaccinated, as this was not a requirement in Wales as it was elsewhere in the UK.

## **Rule 9 Requests**

9. We note it is intended that, to ensure the Core Participants are kept informed, the Inquiry will ensure that the Module 4 lead solicitor provides monthly updates to Core Participants on the progress of Rule 9 work. We look forward to receipt of any such updates as and when they occur.

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<sup>1</sup> [https://www.audit.wales/sites/default/files/publications/Vaccination-report-Eng\\_0.pdf?fbclid=IwAR1wYWl06ax96i8oh5cQEvrV3EXlA5lcIeJmaE8RgN\\_uqF2vvLzTNuXe2YU](https://www.audit.wales/sites/default/files/publications/Vaccination-report-Eng_0.pdf?fbclid=IwAR1wYWl06ax96i8oh5cQEvrV3EXlA5lcIeJmaE8RgN_uqF2vvLzTNuXe2YU)

10. CBJF Cymru will endeavour to respond to any Rule 9 request and we hope this input will assist with the Inquiry's development of its list of issues to be covered by this module.

### **Disclosure to Core Participants**

11. As yet, we have received no disclosure in respect of this module. At this stage, we do not have any submissions on this issue, save that we request disclosure is given in good time for us to have sufficient time to adequately prepare for the substantive hearing.

### **Expert Evidence**

12. As to the instruction of expert witnesses, CBFJ Cymru ask that any expert instructed has sufficient experience and expertise to be able to provide evidence dealing with Wales (and the other devolved administrations) specifically. We ask that any expert witness instructed is able to give evidence concerning issues relevant to Wales, or alternatively, a separate witness is instructed to deal with issues specific to Wales.

13. At this stage, we do not have any further submissions to make in respect of this issue. CPs have been given the opportunity to comment on experts' draft reports in previous modules and we hope to be able to do the same in relation to any expert reports provided in relation to this module.

**CRAIG COURT**

**Harding Evans Solicitors**

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**BETHAN HARRIS**

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**5th September 2023**