



MODULE 2 – OPENING STATEMENT
ON BEHALF OF THE SCOTTISH COVID BEREAVED

My name is Claire Mitchell KC. I, along with my colleagues Kevin McCaffery and Kevin Henry, Advocates, are instructed by Aamer Anwar and Company, Solicitors on behalf of the Scottish Covid Bereaved at both the UK and Scottish Public Inquiries.

In Module 1 we learned that, despite expert groups and pandemic planning exercises, we were in no way prepared for the pandemic which struck the UK.

Health Care workers had on so many occasions sounded the alarm that the NHS was already beyond breaking point: Austerity had bitten so hard that the NHS was mortally wounded.

SARS and MERS outbreaks had not been properly studied, Pandemic exercise groups made recommendations that were never implemented, myriad groups were set up with abounding acronyms and overlapping duties and responsibilities, yet none seemed to have an overall grasp on pandemic planning.

Brexit put an end to preparations for the inevitable pandemic and no plans were put in place at all for the economic impact of the pandemic on people and businesses in the United Kingdom.

In Module 2 the Scottish Covid Bereaved are keen to find out what the UK's initial response was, find out about decision making by our central government, how our politicians and civil servants lack of preparation and resilience dealt with the onslaught of the pandemic.

This Module will need to explore the UK Government's relationship, or lack thereof with the Scottish Government. On so many occasions it is clear that constitutional strife, petty squabbles and territorial power struggles dictated decision making rather than the needs of people facing death on a devastating scale.

It will be equally important to have this investigated from the Scottish Government perspective in Module 2 A. We will of course hear firstly from the likes of former Prime Minister Boris Johnson, his chancellor Rishi Sunak, Dominic Cummings and so many more who had key roles to play in the decisions made by the UK Government, but we must also hear from those who made decisions in the Scottish Government.

Over the forthcoming weeks the Scottish Covid Bereaved wants to understand who took critical decisions, on what information those decisions were based on, and when they took those decisions.

From the substantial disclosure received so far, including the controversial WhatsApp's, it has managed to prise open a Pandora's box at the heart of our Government in the critical early days of the pandemic, revealing a Government in crisis, on its knees, scared and slow to act on expert advice, devoid of relevant data needed to make critical decisions and significantly crawling behind other countries in protecting our population, and as we now know thousands died who may have been saved.

It is for those who lost their lives that we must ask the questions, whilst the dead cannot cry out for justice, it is the duty of the living to do so for them. Whilst the Scottish Covid Bereaved like so many across the United Kingdom appreciate that justice is unlikely, they also know that without truth there can never be justice.

By the 24th of February the World Health Organisation published a report of its mission to Wuhan advising countries to immediately activate the highest level of national response management protocols to ensure the all of government and all of society approaches needed to contain COVID-19 with non-pharmaceutical public health measures.

Yet it was not until one month later, 23rd of March, lockdown was declared.

On the 26th of May 2021 Dominic Cummings once at the heart Boris Johnson's Government gave evidence to Parliament about what has been described as a crucial time - between Thursday 12th March and Sunday 15th March 2020.

At 07:48 that morning Dominic Cummings sent a text to the Prime Minister saying,

“We've got big problems coming. The Cabinet Office is terrifyingly shit. No plans. Totally behind the pace. We must announce today, not next week, 'If you feel ill with cold or flu, stay home'. Some around the system want a delay because they haven't done the work. We must force the pace. We are looking at 100 to 500,000 deaths between optimistic and pessimistic scenarios. You've got to chair the daily meetings in the Cabinet Room, not Cobra”—because the Cobra system could not work; we could not get all the data in properly. It did not work for a kind of open thing.”

Having looked at the data, it was clear that the tsunamic effect of the lack of preparation was about to hit the UK shores. By Friday the 13th of March 2020 it was clear that the data showed that even on a best case scenario, the NHS was going to become completely overwhelmed.

On the 14th of March Dominic Cummings said to the PM “you are going to have to lock down but there is no lockdown plan. It does not exist. SAGE haven't modelled it. The Department of Health and Social care don't have a plan.”

So as we seen in the thousands of pages disclosed to us, despite advice from the WHO, despite the experience of other countries, despite 16th March 2020 being the date SAGE eventually advised the Government to embark on a lockdown, it was not until 23rd March 2020 that the Government announced it: in circumstances at the start of the spread of the virus where case numbers were doubling every three days, never mind every day, every hour, every minute counted.

The Scottish Covid Bereaved want to know the truth of what took place in those early days, to know about the decisions which directly impacted on the death of their loved ones.

The knowledge of what happened can never take away their grief, but it may, when analysed by this Inquiry, save the lives of many in the next pandemic to come, that at the very least is the legacy they are entitled to expect.

These are the submissions of Aamer Anwar & Company on behalf of the Scottish Covid Bereaved.

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26th September 2023