



## **IN THE UK COVID-19 PUBLIC INQUIRY**

### **MODULE 5**

#### **SUBMISSIONS OF SCOTTISH COVID BEREAVED FOR THE FIRST PRELIMINARY HEARING**

1. We are grateful to Counsel to the Inquiry for providing a detailed note setting out the matters which are to be addressed at the first Preliminary Hearing for Module 5. This Module will consider the procurement and distribution to end-users of key healthcare related equipment and supplies, including PPE, ventilators and oxygen. The Module will further consider the UK-wide procurement of lateral flow tests and free PCR tests.
2. Scottish Covid Bereaved thank the Chair for their designation as Core Participants for this Module. While the SCB were of course not involved in the procurement and distribution of healthcare related equipment and supplies, they bring to the Inquiry the experience and perspectives of ‘end-users’ of the equipment and supplies. SCB have a wide and varied membership which includes doctors, paramedics, carers in both the care home and community settings, as well as those who cared for loved ones in domestic settings. Members of SCB whose loved ones died in care homes and hospitals will, along with the bereaved from the other nations, be able to provide the Inquiry with information on what actually happened in these settings. While the media has reported just how close Scotland came to running out of key items of PPE in the early days of the pandemic, SCB members witnessed the unavailability of PPE and, on occasions, the lack of suitable PPE in both care home and hospital settings.

3. The Module will also consider the procurement of lateral flow tests and PCR tests. This is an important issue for SCB and one which impacted upon its members in a number of ways. The Inquiry has already heard evidence in Module 2A in relation to the lack of testing for patients being transferred to care homes from hospitals, fuelling the spread of the virus within those care homes. This led to the deaths of loved ones.
4. The general lack of testing is of great importance to SCB. Had tests been identified, this would have assisted staff in identifying covid positive residents and would have allowed for steps to be taken to minimise the spread of the virus within the care homes. Had testing been available, would members of SCB have been able to visit their loved ones rather than leaving them alone and isolated in their final hours?
5. SCB note the terms of the provisional outline of scope for the Module. It is not necessary to rehearse that outline in these submissions. We agree with CTI that the scope is indeed ambitious and it is hoped that the Inquiry's ambitions can be met over the coming months. It is, of course, accepted that the scope for the Module is, at this stage, provisional and that much will depend on the evidence and material obtained under the Rule 9 process.
6. CTI has set out at paragraph 16 of his note some of the questions that the Inquiry is likely to consider in Module 5. Other questions which the Inquiry may wish to consider include: what was the interaction between the procurement responsibilities of the Scottish Government and UK Government? Were the relevant teams in the UK Government and DAs properly communicating and cooperating or were they competing against one another in a desperate scramble for supplies? What help were medical and caring staff given to secure adequate PPE?

### Disclosure

7. Scottish Covid Bereaved note all that has been said by CTI in his note in relation to disclosure. We look forward to receiving the disclosure regime commencing in Autumn 2024. SCB are, of course, somewhat limited in the submissions that can be made in the absence of the disclosure.

8. Scottish Covid Bereaved are aware from Module 2A of the difficulties which the Inquiry has faced in obtaining certain evidence from the Scottish Government. It is hoped that the Inquiry will continue to make every effort to obtain all relevant evidence from all core decision makers across the four nations. It is hoped that this disclosure will include details in relation to the apparent 'PPE hotline' established by the Scottish Government and referred to in the evidence of Jeane Freeman in Module 1. While it does not seem the most efficient use of the time of senior Government ministers to be answering telephone calls about the availability or otherwise of PPE, SCB look forward to exploring this matter in more detail.
9. The only other submission which can be made under this heading is for the disclosure to be provided to Core Participants in good time to allow us to properly prepare for the substantive hearings.

#### Expert reports

10. It is noted that the Inquiry is likely to instruct a number of experts across disciplines to assist the Inquiry by way of provisions of written reports and, where appropriate, by giving oral evidence at the public hearing. SCB will have further submissions to make once the identity of the experts and the questions and issues they will be asked to address are disclosed to Core Participants. At this stage, all that is submitted is that it is hoped that experts with sufficient expertise in relation to those matters concerning Scotland and the Scottish Government are instructed.

#### Every Story Matters

11. It is noted that the Inquiry's research specialists are exploring the opportunities to conduct targeted qualitative research in relation to particular topics based on Key Lines of Enquiry. SCB note the KLOE identified by CTI in his note. It is noted that the KLOE relate to procurement processes and decisions made by HMG. It is hoped that the research to be carried out by the Inquiry does not exclude the impact of procurement processes and decisions made by the Scottish Government. It may be that the Inquiry further wishes to carry out research in relation to the impact of those decisions on patients, residents in care homes, and their loved ones.

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