

## **Annex D: Rule 9 Request to be provided to Chief Executives of COSLA Members**

Annex D contains questions which the COSLA should provide to the Chief Executives of the Scottish councils within the COSLA's membership.

1. The purpose of these requests are to assist the Covid-19 Inquiry to gain an overarching understanding of the roles and responsibilities of Scottish councils as far as this is relevant to matters within the scope of Module 2 and 2A. The Provisional Outline of Scope for Module 2 can be found [here](#). The Provisional Outline of Scope for Module 2A can be found [here](#). The requests at this stage are not an exhaustive list of the areas the Inquiry is examining for the purposes of Module 2 and 2A and are intended to be high level. As such, the Inquiry may be in contact again with further requests for information and underlying documentary evidence in relation to Module 2 and 2A and/or other Modules.
2. For the purposes of this request the statement should focus upon the period of time between the following two dates ("the specified period"):
  - A. 21 January 2020, which is the date on which the WHO published its 'Novel Coronavirus (2019-nCoV) Situation Report - 1'.
  - B. 30 April 2022, which is the date when the remaining Covid-19 restrictions were lifted in Scotland.
3. If there are matters that you consider are relevant to the Provisional Outline of Scope for Module 2 and 2A, but fall outside of the proposed date frame, please identify those matters in your response.

### **Local Restrictions**

4. Were any local restrictions, in addition to the national restrictions, imposed in your Council? **No: East Lothian Council complied with and implemented all national UK and Scottish Government directions relating to the COVID-19 response arrangements (including national Strategic Framework/Guidance and Legislation), these changed and varies over time, with particular guidance being issued by Scottish Government for implementation.**

If so, please:

- a. Please provide a list, and the dates of, all local restrictions;
  - b. Please provide an outline of the framework regarding the decision-making for the imposition of local restrictions
  - c. Please identify the input of representatives of your Council into the decisions of the Scottish Government to impose local restrictions
  - d. Please identify whether, and if so which, representatives of your Council attended meetings with the Scottish Government to discuss the imposition of local restrictions.
  - e. Please identify whether representatives from your Council provided any information or evidence to the Scottish Government in respect of the decisions that were taken regarding the imposition of local restrictions.
  - f. Explain whether representatives of your Council agreed with the decisions and/or reasoning of the Scottish Government's decision to impose or extend local restrictions.
5. Please outline any instances, if applicable, where funding implications impacted upon the decisions to impose or extend local restrictions. **None.**
6. Please explain whether representatives from your Council, or the Scottish Government of its own volition, considered the impact that local restrictions would have on 'different groups of people.' By this, the Inquiry means at risk and vulnerable people and those with protected characteristics under the Equality Act 2010. Please provide a high level overview of: **N/A ref response to question 4.**
- a. how such categories of people, if any, were identified;
  - b. any key communications or meetings between your Council and Scottish Government relating to discussions on (i) different groups of people; and (ii) the potential impact of NPIs on such groups;
  - c. Any documents or submissions produced by your Council for the Scottish Government relating to discussions on (i) different groups of people; and (ii) the potential impact of NPIs on such groups;
  - d. Any methods by which your Council monitored the effect of the pandemic or the response to the pandemic on the different categories of people identified.
  - e. Please outline the process by which your Council canvassed the views or response of the public to NPIs and whether, and if so how, this was communicated to the Scottish Government.
  - f. Please explain the role played, if any, by representatives of your Council in discussions with the Scottish Government on the impact of the border with

England in the imposition of local restrictions. Please provide an outline of any specific occasions that the border with England caused difficulties surrounding the operation of local restrictions

### **Enforcement**

7. Please provide a list of all non-pharmaceutical interventions (“NPIs”) which your Council had responsibility to enforce. NPIs include:

- a. The lockdowns in Scotland      **Directed Nationally, applied locally,**
- b. Local restrictions      **None.**
- c. Working from home      **Directed Nationally, applied locally.**
- d. Reduction of person to person contact      **Directed Nationally, applied locally.**
- e. Social distancing      **Directed Nationally, applied locally.**
- f. The use of face coverings      **Directed Nationally, applied locally.**
- g. Travel in and out of Scotland (including any consideration of the border with England)      **Directed Nationally, applied locally.**
- h. The initial development of Test and Protect      **Directed Nationally, applied locally in conjunction with NHSL and Scottish Government.**
- i. The certification and app systems rolled out by the Scottish Government      **N/A – Nationally directed and delivered.**
- j. Repatriation      **N/A – Nationally directed and assisted locally if required.**

8. Do you feel you had:

- a. Sufficient guidance from the Scottish Government to explain your role in the enforcement of NPIs;      **Generally, yes, though often guidance arrived too late and contained ambiguity.**
- b. Sufficient funding to fulfil your role in respect of enforcement of NPIs.      **Yes.**

9. Please provide a high-level overview of your Council’s interaction with the NPCC or local police force in respect of enforcement of the Coronavirus legislation and regulations.      **Effective and well rehearsed emergency planning Category 1 Response arrangements under the Civil Contingencies Act ensured prompt and collaborative working with the Police Scotland J Division Command Team and community policing resources.**

### **Public Health Communications**

10. Please outline the role your Council played in public health messaging. Please outline:
- a. Whether your Council issued public health messages over the course of the Pandemic; **East Lothian Council relayed public health messages provided by Scottish Government, National Health Services Scotland, NHS Lothian and broader public health agencies e.g. Food Standards Agency.**
  - b. Whether the Scottish Government, or Public Health Scotland, provided guidance to assist with public health messaging at a local level; **Where guidance issued by national bodies was unclear, appropriate professional networks e.g. REHIS, provided arena and engagement with Scottish Government/relevant agency to seek clarification and update to national guidance.**
  - c. Whether you monitored understanding of local public health messages, and whether there were any instances of confusion in respect of what regulations or guidance applied to your particular Council; **Local monitoring of compliance simply entailed observation of community life and public compliance with National Guidance/Regulations – no formal active monitoring of population conduct took place locally. On occasion members of the public made enquiry or complaint about other members of the public, leading to local intervention to provide advice and guidance to some members of the public/retailers et al who were not believed to be operating fully in compliance with the national constraints.**
  - d. Whether messaging of the Scottish Government, Public Health Scotland, or the UK Government, caused confusion to members of the public living in your Council; **Yes – confusion arose due to the UK Government and Scottish Government issuing separate Guidance/Regulation and imposing differing COVID\_19 Regulations, constraints and effective dates. As a county bordering England, this led to much confusion for local residents, visitors and businesses.**
  - e. Whether and how members of the public in your Council could seek assurance as to what measures specifically applied to them; **East Lothian Council operated a COVID-19 public Help-line 24/7 throughout the pandemic response and until the Scottish Government stood down the COVID-19 Strategic Framework.**
  - f. What steps were taken to ensure that different religious or faith groups, or those that speak a language other than English or Scottish, were catered for in the use of public health messaging undertaken by your Council. **Information**



resources on the Council's website enables any non-English speaking visitor to the website to translate documents therein.

### **Lessons learned**

11. In respect of any of the above questions, please explain any 'lessons learned' and whether this changed the actions of your Council over the course of the pandemic.

Scottish Government Strategic Framework, Regulations and Guidance - these national sources of information changed often and significantly over the course of the COVID-19 response, often with Councils hearing of amendments in the daily First Minister address to the nation – leading to the Council being 'on the back foot' in respect of public awareness of national intent, whilst Councils had often not yet received the National Guidance/Regulatory updates: this required Council Officers to actively seek guidance and clarification through appropriate Scottish Government Directorates and to utilise professional networks to engage directly with Scottish Government to gain early clarification of the 'new' announcements being made almost on a daily basis.