

Summary note of meeting between Deputy First Minister and COVID Bereaved Families about the announcement of a COVID-19 Public Inquiry in Scotland. 24 August 2021

Present at meeting

- Deputy First Minister (DFM)
- Alan Wightman, chair (AW)
- Jane Morrison (JM)
- Jude Kilbee (JK)
- Connie McCready (CM)
- Peter McMahon (PM)
- Aamer Anwar, solicitor (AA)
- [NR], solicitor staff (AHB)
- [NR], Scottish Government (DW)
- [NR], Scottish Government (SM)
- [NR], Scottish Government (MC)

Purpose

1. DFM met with members and representatives of the COVID Bereaved Families group to update them on plans for the public inquiry into Scotland's handling of the COVID-19 pandemic.

DFM's update about the inquiry

2. DFM explained to meeting attendees (in confidence) the steps that would be taken as part of the announcement of the Scottish public inquiry that day. He outlined the content of the draft Aims and Principles paper that was to be published by the Scottish Government for views, which would then shape the terms of reference for the inquiry.
3. Meeting participants welcomed the update.
4. In subsequent discussion, the following issues were discussed:
 - 4.1. The appointment of a chair: Participants reiterated the group's requests that a chair be of sufficient seniority, experienced in engaging stakeholders, and in leading an appropriate panel.
 - 4.1.1. DFM recognised the importance of the characteristics identified, noting he would take further advice on the matter of the establishment of a panel.
 - 4.2. Core participant status for families: Participants reiterated the group's position that bereaved families should be given core participant status to ensure their expenses – e.g. for legal support – come under the public purse, bringing them on equal footing with other participants. Also to ensure bereaved families have the opportunity to ask questions during hearings.
 - 4.2.1. DFM recognised the importance of ensuring families were included and supported to participate in the process. He confirmed that any decision about core participant status is for the chair of the inquiry to make.

- 4.3. Possible delays due to COPFS activities: Participants asked whether DFM foresaw delays to the inquiry due to COPFS activities.
- 4.3.1. DFM emphasised the importance of the Lord Advocate's independence from government in heading prosecution services. DFM said that in his understanding, a public inquiry would look at the more general, wider policy questions, whereas the Lord Advocate would look at specific cases. He noted that from his understanding, both these activities could progress in parallel.
- 4.4. Resolving issues around cooperation with a UK-wide inquiry: Participants asked how SG intends to resolve issues around cooperation with a UK-wide inquiry.
- 4.4.1. DFM said he could not speak on behalf of the UK government, noting the UK government would set out its approach in due course. He said the independent Scottish inquiry intended to ensure that Scottish matters were at the centre of the inquiry and not an appendix.
- 4.4.2. DFM said he expected further discussion about the extent to which a Scottish inquiry could consider matters outwith Scotland, for instance the approach taken to vaccinations. What was critical, was to ensure proper scrutiny of all relevant matters.
- 4.5. Delays to the commitment to establish before the end of this year?: Participants noted public inquiries are susceptible to delays and asked if DFM thought there was a risk the timeline indicated for this year would be pushed backwards.
- 4.5.1. DFM reassured attendees that the timeline indicated would not be delayed, that the establishment of this inquiry was one of his key priorities as DFM.
5. DFM offered the group another meeting, face to face, around the third week of September, to update on progress.

Covid Inquiry Establishment Division
24 August 2021