

## **Meeting with Scottish Branch of COVID-19 Bereaved Families for Justice – 17 August 2021**

Attendees for Bereaved Families - Alan Wightman, Jane Morrison, Jude Kilbee, Connie McCready, Peter McMahon, Amer Anwar, NR

Attendees for Scottish Government – Deputy First Minister, Cabinet Secretary for Health and Social Care, Ian Donaldson, NR, PS/DFM

### **Introduction**

DFM welcomed representatives of bereaved families. He recognised how painful and difficult the matters under discussion could be. The SG would do its best to ensure issues were properly addressed.

Mr Anwar said he was grateful for the meeting, which was an opportunity to develop rapport and empathy in preparing for the inquiry. The key point to make was that Bereaved Families for Justice sought a stand-alone Scottish public inquiry. Whilst recognising the work with the UK Government on a UK inquiry, families were frustrated with the time it was taking. The inquiry had to be transparent and robust, with integrity and appropriate scrutiny. The inquiry should take shape rapidly. The families did not want to become, and didn't want their requirements for the inquiry to become, a political football between the Scottish and UK Governments. Nor did they want families in Scotland to end up as an 'add-on' for a UK inquiry. The families wanted a role in the inquiry work and to be appropriately supported, and that there should be trust and confidence in the process.

### **Discussion**

A number of points were made by the families, many drawing on personal experiences. Testimony included accounts of care home managers not having been given adequate support to look after residents, of hospital patients not having received appropriate treatment, and questions around the guidance for people who had been shielding. More general points made by the families included:

- Asked that the SG should move forward with matters that were devolved, including health and social care, despite that the First Minister had previously talked about the possible benefits of a Four Nations approach.
- Expressed concern that Scottish voices would not be central to a UK inquiry.
- Asked that a Scottish public inquiry begin work now – recognising that that did not mean hearings taking place this year (Mr Anwar thought it more likely that hearings would begin next year); but much could be done rapidly to progress work such as on Terms of Reference, Chair appointment, Expert Panel. Families wanted to influence these matters, such as ensuring the Chair had a track record of asking difficult questions.
- Stated that having the SG confirm that an inquiry was happening would help those dealing with significant mental health issues, show light at end of tunnel - people were unable to properly grieve with uncertainty over an inquiry hanging over them.

- Noted that announcing a Scottish inquiry would assist families in England and Wales to push their respective governments for progress on an inquiry.
- Acknowledged that families and SG appeared to want the same things from an inquiry – and that there could be a collaborative approach taken.
- Noted that cross border issues were also a consideration for the child abuse inquiry so that was a precedent which could assist with such matters in the Covid inquiry, e.g. how to avoid duplication and how to accept it where it was necessary. The chairs of Scottish and UK inquiries could work together.
- Asked that deadlines be made clear, families needed timescales for the inquiry work.
- Noted that families wanted to be core participants in the inquiry.
- Acknowledged that learning lessons was critical for next time, and would save lives.
- Stated that people were continuing to die, now, for the same reasons and because of the same mistakes as had been made earlier on in the pandemic.
- Suggested that many immediate actions could be taken based on the families' experiences e.g. that face masks should be worn by hospital patients. DFM confirmed that the SG wanted to hear of such suggestions.
- Asked that SG messaging emphasise a more an accurate understanding of the Covid symptoms: stated that more knowledge of them would help people know what to look out for.
- Noted that a social care review was happening, but argued that it needed to take into account inquiry matters first.
- Acknowledged that there were reasons for the decisions the SG had taken in response to the pandemic and that best intentions were followed.
- Noted FM daily briefings had been important, and people believed FM had done her best.
- Stated that some families were finding track and trace requirements at funerals difficult.
- Asked for access to hardship funding for some of those who had lost loved ones – they were not getting support required. DFM invited the families to let SG know more about specific circumstances so this could be investigated.

### **DFM comments**

DFM responded that the events and decisions on the pandemic had to be fully and transparently investigated. Ministers were acutely aware of SG responsibilities, agreed the need for them to be held to account for actions and wanted to do that properly, allowing the inquiry to fully explore matters. It was central to the set-up of this inquiry that families were satisfied that their requirements for an inquiry were considered. Any inquiry under the Inquiries Act took time – Ministers could set the context and progress the work up to a point but it was then for the independent Chair to take over. Ministers would nevertheless ensure that any Chair was clear that the voice of families should be heard. Ministers would look for an inquiry to address all the issues raised by families, including care homes. There were on-going four nations discussions about a UK inquiry. Scottish Ministers would ensure Scottish voices were central to any Scottish and any UK inquiry. At the same time there needed to be an effort to avoid duplication of work and of requirements for families to give evidence.

## **Concluding words**

The Cabinet Secretary for Health and Social Care said he was grateful for the discussion. The SG had learned a great deal in the course of the pandemic and was not waiting for the inquiry before making necessary changes. The SG recognised that it had not got everything right, but there would be no defensive walls thrown up around decisions.

DFM said the conversation was critical – he wanted the many perspectives of families to be heard and to get off on the right footing for an inquiry. He welcomed the views of families on process and Terms of Reference for an inquiry. Ministers would be setting out next steps soon: the Government had already made a commitment on the inquiry for the first 100 days of new administration. A decision on a Scottish public inquiry would be made imminently.

DFM invited the family representatives to maintain contact with officials and to provide further views about the inquiry in writing, as well as actions the SG could take to support people in responding to the pandemic. He would have further discussions with bereaved families, and Ministers would ensure they were kept fully informed about work on the inquiry.

Mr Anwar and the family representatives said they were grateful for the meeting and the discussion and looked forward to working with the Scottish Government on the establishment of the Covid public inquiry.