

Our Ref: AA/FAMI1/1

9th December 2021

Dear Mr Swinney and Mr Yousaf,

Forthcoming Scottish Covid-19 Public Inquiry
Our clients: Scottish Branch Covid-19 Bereaved Families for Justice

When the bereaved families we represent first met with you on 17th August of this year the families were invited to contribute to the Terms of Reference of the Scottish Public Inquiry.

The families were advised that they would be involved in the drafting of the Terms of Reference and given sight of the same.

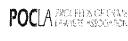
Following the meeting in August we assured the families that the Scottish Government would keep their promise to them and they would be kept 'front and centre' of the inquiry.

The families we represent welcomed your comments at the time '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

Telephone: 0141-429 7090 | Fax: 0141-429 7025 Emal: afficestaameranwar.com | www.glasgow-fawyer.com Carlion Buldings, Ground Floor, 63 Carlion Place, Glasgow G5 9TW VAT Reg number is 89486.5551















be held to account for actions and wanted to do that properly, allowing the inquiry to fully explore matters.'

Further, you also stated:-

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... The SG recognised that it had not got everything right, but there would be no defensive walls thrown up around decisions...DFM said 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....

Following this you had four further meetings with the families and ourselves and on the Meeting 24th November you gave assurances that family will see the draft terms of reference. Many of the meetings have simply been updates with little to report, hence why when the most important aspect is to be considered we wonder why the need for such haste.

You will be aware your officials have met with us on 3 separate occasions and on the 19th November we were told the draft terms of reference would be ready soon and the family would have sight of it.

Last night we were informed that we would be receiving a draft Terms of Reference by email either last night or this morning. After advising the families of this last night we have been informed this morning that due to the sensitivity of the draft document it would not be possible for it to be emailed.

Instead, at extremely short notice the families have been asked to travel across the country to discuss what the Terms of Reference may contain. You have given our legal team and the many families we represent 24 hours notice to attend a meeting in Edinburgh at St. Andrew's House at 3.00p.m.

The fact that your Government think it is acceptable to expect multiple families spread across the country to drop everything from work to family commitments and then travel to Edinburgh is simply unacceptable.

When you add the fact the First Minister stated earlier this week:

To be blunt, if you had staff working from home at the start of the pandemic, please now enable them to do so again. We are asking you to do this from now until the middle of January when we will review this advice again.

The invite offered is is even more concerning and highly insensitive given that we represent those who have lost loved ones to Covid-19.

It is perfectly possible for this draft Terms of Reference to be sent to us for it to be discussed without unnecessary journeys taking place.

We would like to know why we and the families are no longer being trusted to view the draft Terms of Reference and what has changed overnight.

We appreciate that you had promised to deliver by the end of the calendar year but that should not mean that the promises made to the families of being 'front and centre' should be sacrificed because Parliament goes into recess on the 24th December.

We would like to know why the families are being given what appears to be a few hours to discuss matters that have had a devastating impact on their lives.

We understand that caveats would need to be in place for us to view this document and we would not intend to circulate it but advise the families of what it entails and take their instructions accordingly, as well as the need for confidentiality.

You will appreciate that our team along with the families have done a tremendous amount of work to assist the Scottish Government in order to have an input in the process. As a result of the approach adopted to date by yourself, the families had publicly stated their confidence on the basis of what had been promised, this stands in stark contrast to the experience the families in England have had in their dealings with the UK Government.

For the Scottish Government to now go back on its word to have the bereaved families at the front and centre of any inquiry into Covid-19 would be deeply damaging. We hope this matter can be resolved and we urgently await your response in order that we can advise the families this afternoon.

Yours faithfully,	Personal Data
Aamer Anwar	