

**DFM meeting with COVID-19 Bereaved Families for Justice Scotland
25 October 2021 at 16:00**

COVID-19 Bereaved Families for Justice Scotland attendees: Alan Wightman, April Meechan, Jane Morrison, Peter McMahon, Jude Kilbee, NR
Official attendees: Ian Donaldson NR

- DFM began the meeting by giving briefing;
 - Discussions ongoing on the chair. Officials have had initial discussions with a suggested candidate from the Lord President. Three topics have emerged where the potential candidate seeks assurance: the independence of the inquiry; scope of the inquiry and timescales; a collection of logistical issues that need to be sorted out such as staffing. SG has responded, prospective chair has now received answers on these points.
 - We have noted feedback from terms of reference consultation exercise. Currently working our way through all of those to assemble these into something that can be the subject of further discussion and dialogue with the chair about draft terms of reference. **But I would also welcome a discussion with you on draft terms of reference.** Note that when I go into discussions with the chair, some of the outcomes of my discussion with you on draft terms of reference may need to be the subject of amendment. But at all events, the human-rights based approach to scope of the inquiry is something we are keen on.
 - SG also continuing having discussions with UKG on its public inquiry. This has been undertaken at official level but also at senior Ministerial level. There is a recognition that we are in a slightly different position from the other Devolved Administrations. UK inquiry may well cover some themes in a Scottish inquiry. So there's a bit of alignment that we will need. Some risk of duplication. Ian Donaldson followed noting anticipated appointment of the chair of the UK public inquiry by Christmas and that chairs of UK and Scottish public inquiries may well need some level of discussion to deal with the duplication point.

Discussion

- NR: Do you know when chair will be appointed and announced?
- *DFM: No date fixed, negotiation and discussion will be needed with the prospective chair. Could get to position where candidate says it's not for me. Then we're back to the Lord President. But I want to be operating so we can stick to the timescales we've said before. So we would have the inquiry running by the turn of the year.*
- April Meechan: We get asked what does DFM think by up and running by the end of the year – what do you mean?
- *DFM: Chair of the inquiry in place, terms of reference will be secure and finalised, preparatory steps to gather evidence underway. That seems realistic for the end of the year. However note that information recovery will take a*

long time – but while it will take time, we do want to make headway on the inquiry as swiftly as we possibly can.

- **NR** 8 out of 14 health boards are not publishing their FOIs. Some health boards say they're not holding information for more than one year. So we're worried that health boards may not be retaining information necessary for the inquiry and not operating transparently. Note I will speak to **NR** about that later in the week.
- *DFM: I'm surprised by that and will look into it. I understand very clear guidance to have been issued. In respect of SG, there's been very clear guidance given by SG. Health boards are a creature of statute but they have a relationship to us. So I'll take that point away.*
- **NR** A huge amount of bereaved people who want to know answers about their relative's care. They haven't had open communication with health boards, and ask us to help. We're then being met with a brick wall. That makes grieving people upset. So while having statutory powers, it's important the information is held.
- *DFM: If you could share information about your experiences with health boards with Scott on Thursday, as you say, that would be very welcome and we can pursue the point. Totally agree information retention is essential to make the inquiry effective.*
- April Meechan: Similar issues with medical records - some people get their records quickly and effectively, in other cases there's issues.
- *DFM: It seems to me that there's no question about inquiry-relevant records being held, even with disposal of unnecessary records. But medical records are not a grey area. Although I am conscious that sometimes my constituents have had issues getting to their medical records.*
- April Meechan: We would like to know when we would put in applications for core participant status for the public inquiry? Conscious have mentioned this before.
- *DFM: That will be a product of some of the operational decisions the inquiry chair takes. I think that's a material factor within that process. So those points would be discussed with the inquiry chair and could be taken forward in that context.*
- **NR**: Would you therefore aim for us to be prepared for making a submission on that point by this side of Christmas?
- *DFM: Yes, I think a submission this side of Christmas could well be possible and something to prepare for. It's part and parcel of what needs to be done to get things up and running.*
- Jane Morrison: Appreciate your time.
- *DFM: Very happy to have a further update conversation, perhaps in 3 weeks' time? So around 10-11 Nov.*