



IN THE UK COVID-19 PUBLIC INQUIRY

MODULE 3

SUBMISSIONS FOR SCOTTISH COVID BEREAVED FOR THE THIRD PRELIMINARY HEARING

1. We are grateful to Counsel to the Inquiry for providing a detailed note setting out the matters which are to be addressed at the third Preliminary Hearing for Module 3, as well as for the regular updates in relation to this Module. This Module will, of course, consider the impact of the Covid-19 pandemic on healthcare across the United Kingdom and Scottish Covid Bereaved are grateful for the opportunity to effectively engage in this Module as Core Participants.
2. Health and the healthcare system have primarily been devolved matters in Scotland since powers were transferred to the Scottish Parliament on 1 July 1999. Responsibilities of the Scottish Government include organisational control and funding of the NHS systems, family planning, provision of health services and the prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder. However, the existence of separate health services in each UK nation predates the 1999 devolution reforms. The National Health Service Act, which came into effect in 1948, transferred the hospitals previously run by local authorities to the newly established NHS for England and Wales. This was shortly followed by an act which did the same in Scotland, with very limited institutional differentiation, and then the same for Northern Ireland. Between 1948 and 1999, the health systems of Scotland and Northern Ireland were managed by UK government departments – the Scottish Office and Northern Ireland Office respectively.

3. Scottish Covid Bereaved have a direct and significant interest in the impact of the Covid-19 pandemic on the healthcare system in Scotland, its capacity to deal with the pandemic, and the healthcare consequences of decisions made during the course of the pandemic. They wish to understand how and why their loved ones died. The impact of Covid-19 on the Scottish healthcare system and its capacity to deal with the pandemic are crucial to any such understanding. The matters raised in the scope of Module 3 are of direct relevance to those questions and the Scottish Covid Bereaved.
4. Scottish Covid Bereaved accept that, as a result of Scotland's distinct healthcare system, there are some matters which apply in the rest of the United Kingdom that will not apply in Scotland, and that there are some matters relative to Scotland which will overlap with issues considered in Module 2A and the separate Scottish Inquiry. Scottish Covid Bereaved are confident that the Inquiry will take into account Scotland's distinct healthcare system in its consideration of Module 3, and that it will continue to endeavour to avoid any unnecessary duplication of the work of other Modules or the Scottish Inquiry.
5. Scottish Covid Bereaved welcome the opportunity to assist the Inquiry with its work in relation to Module 3. A Rule 9 statement has been provided to the Inquiry and SCB hope to assist the Inquiry in any way they can.

Disclosure and Rule 9 Requests

6. Scottish Covid Bereaved note all that has been said in relation to the issue of disclosure. It is understood that the disclosure process is ongoing and that there will ultimately be a substantial amount of disclosure for this Module. SCB and their representatives will do all they can to consider the disclosed material in advance of the hearing. Given the tight deadlines, it is hoped that the disclosure process can be finalised in good time to allow for all matters to be considered in advance of the substantive hearing. Scottish Covid Bereaved look forward to receiving the detailed second draft of the List of Issues and will provide submissions in relation to that draft once their representatives have had the opportunity to consider that draft.

7. Scottish Covid Bereaved are disappointed that the Chair has had to resort to her powers under Section 21 of the Inquiries Act 2005 in an attempt to ensure that all matters covered in relevant Rule 9 requests are properly addressed and that the evidence is provided in time to allow the Inquiry Legal Team time to progress its work. It is hoped that the relevant departments and agencies give these notices the most urgent attention and provide the Inquiry with the requested information.

Expert reports

8. Scottish Covid Bereaved note all that has been said by Counsel to the Inquiry in relation to the expert reports. Scottish Covid Bereaved have provided their comments in relation to the report concerning Long Covid and will provide further submissions on the other reports in due course.
9. It is unfortunate that the anticipated progress has not been made in relation to the expert report on Infection Prevention and Control. Scottish Covid Bereaved welcome the proposal to provide Core Participants with the draft of Professor Begg's report and it is hoped that this can be done as soon as possible. Further submissions can be made following Counsel to the Inquiry's update at the Preliminary Hearing.

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