

**IN THE UK COVID INQUIRY
BEFORE BARONESS HEATHER HALLETT
IN THE MATTER OF:**

THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK

**SUBMISSIONS ON BEHALF OF COVID-19 BEREAVED FAMILIES FOR JUSTICE
CYMRU IN ADVANCE OF THE PRELIMINARY HEARING FOR
MODULE 4**

Introduction

1. Submissions are made on behalf of Covid-19 Bereaved Families for Justice Cymru ('CBFJ Cymru') with reference to the following agenda headings:
 - a. Scope of Module 4;
 - b. Rule 9 Requests;
 - c. Parliamentary Privilege;
 - d. Disclosure to Core Participants; and
 - e. Expert Witnesses.
2. In preparing these submissions, CBFJ Cymru has had particular regard to 'Module 4: Counsel to the Inquiry's Note for the second Preliminary Hearing on Wednesday 22 May 2024' dated 2 May 2024 ('Counsel to the Inquiry's Note') and proposed Agenda.

Scope of Module 4

3. We are grateful for assurances we have received from the Chair in hearings to date that she fully intends to ensure that the interests of the people who live in Wales are properly recognised during the Inquiry. CBFJ Cymru was therefore pleased to see the Chair's ruling, published on 21 September 2023, confirming her intention to examine

difference across England, Wales, Scotland and Northern Ireland and identify any impact those differences may have had in practice.

4. One difference that is of particular importance to CBFJ Cymru is the approach taken to the issue of Vaccine as a Condition of Deployment ('VCOD'). CBFJ Cymru welcomes the inclusion of this issue in Module 4, as set out at paragraph 6d of Counsel to the Inquiry's Note. In keeping with the intention to examine the differences across England, Wales, Scotland and Northern Ireland, CBFJ Cymru highlights that VCOD was never implemented in Wales and seeks to ensure the reasoning behind this decision, and the impact of this difference in policy, is properly explored.
5. Furthermore, CBFJ Cymru notes that Module 4 will consider the amounts spent by the UK Government on vaccines / therapeutics generally, and on specific vaccines and therapeutics. Whilst CBFJ Cymru's understanding is that at least until June 2021, vaccine procurement costs were met by the UK Government, it is important that equal consideration is given to any Welsh Government spending on vaccines / therapeutics generally, and on specific vaccines and therapeutics. Furthermore, the Welsh Government's spending on the vaccination programme and the impact this had on vaccination delivery and the barriers to vaccine uptake, which was the responsibility of the Welsh Government and NHS Wales, are of equal importance and require consideration.¹
6. CBFJ Cymru also seeks reassurance from the Inquiry that the differences in approach to eligibility and prioritisation for vaccinations in Wales will be properly considered. CBFJ Cymru highlighted these concerns in the written submissions prepared for the first preliminary hearing on Module 4, dated 5 September 2023 (at paragraph 5i of those submissions), and those concerns – that some NHS Wales staff received their vaccinations ahead of their allotted priority group – are repeated here.

¹INQ000066528

Rule 9 Requests

7. CBFJ Cymru is grateful for the update notes received in respect of rule 9 requests, together with the update set out at paragraphs 19 to 28 of Counsel to the Inquiry's Note.
8. At paragraph 23 of Counsel to the Inquiry's Note, it is noted that further rule 9 requests are likely to include the Senior Responsible Owners in relation to vaccine deployment in Scotland and Northern Ireland. This is in addition to rule 9 requests having been made of the OCMO and the CMO for Scotland and Northern Ireland.
9. We note from our email correspondence with the Inquiry that a Rule 9 request was sent to the CMO Office in Wales, but the Welsh Government has indicated that their corporate witness will provide this corporate evidence on behalf of the CMO Department. That request is not set out at Annex A. Notably, the Rule 9 requests of the CMO's for the other nations asks them to address the role of the CMO in respect of vaccines, vaccine delivery, public messaging, new therapeutics and existing medications, and learning lessons. Whilst a Rule 9 request has been made of the Welsh Government (in parity with the requests made of the other devolved nations), and the Welsh DCMO for Vaccines (Dr Gillian Richardson), neither of those requests specifically address matters relating to the CMO and its role with respect to vaccinations and therapeutics.
10. CBFJ Cymru therefore seek clarity on the scope and extent of the original Rule 9 request sent to the CMO's Office in Wales and whether, given the Welsh Government's response, a Rule 9 request has been or will be reissued to the Welsh Government to encompass the original requests made of the CMO's Office.
11. CBFJ Cymru wish to know exactly how evidence will be gathered in respect of the CMO's Office in Wales to ensure parity with the other nations in the UK, so that the interests of the people who live in Wales are properly recognised during the Inquiry.
12. More generally, CBFJ Cymru repeats its usual request for the Inquiry team to ensure that Core Participants receive final statements and exhibits in good time ahead of the substantive hearing.

13. CBFJ Cymru looks forward to a further update in respect of the status of rule 9 requests at the hearing on 22 May 2024 and thereafter will continue to consider the monthly updates to Core Participants on the progress of Rule 9 work.

Parliamentary Privilege

14. CBFJ Cymru notes the submissions made by The Migrant Primary Care Access Group ('MPCAG') dated 10 April 2024, in relation to the issue of parliamentary privilege, and the matters set out in Counsel to the Inquiry's Note at paragraphs 29 – 49.
15. CBFJ Cymru considers that Core Participants, including MPCAG, must be able to provide evidence to the Inquiry in full and with the appropriate context to make such evidence meaningful. This will inevitably require Core Participants to refer to Parliamentary records and/or materials on occasion. It is therefore important that Core Participants are not overly restricted when potential issues of parliamentary privilege arise. The issues raised by MPCAG are important ones and CBFJ Cymru supports a robust examination of the barriers facing the migrant community across all four nations and the Government responses to this.
16. In light of these considerations, CBFJ Cymru notes the suggested course of action set out at paragraph 34 of Counsel to the Inquiry's Note. CBFJ Cymru remains neutral on whether the Chair makes a further ruling on the issue at this time.

Disclosure to Core Participants

17. CBFJ Cymru welcomes the update at paragraphs 50 – 52 of Counsel to the Inquiry's Note.
18. CBFJ Cymru repeats its usual request for the Inquiry team to ensure that Core Participants are provided with disclosure as soon as reasonably practicable in order to enable sufficient time for preparation for the substantive hearing.

Expert Witnesses

19. CBFJ Cymru is grateful for the update at paragraph 53 of Counsel to the Inquiry's Note.
20. CBFJ Cymru notes that a second draft report has been received from Professor Ben Kasstan-Dabush and Dr Tracey Chantler on vaccine roll-out and vaccine hesitancy (as set out at paragraph 53b of Counsel to the Inquiry's Note). CBFJ Cymru seeks reassurance that any differences between the four nations of the UK will be properly addressed in relation to the issues covered by the report. CBFJ Cymru highlighted specific concerns in the written submissions prepared for the first preliminary hearing on Module 4, dated 5 September 2023 (at paragraph 5 of those submissions), regarding the significant challenges of the vaccine roll-out in Wales. The specific differences – and challenges – in Wales should be properly addressed in expert evidence. CBFJ Cymru was grateful to see that this has been specifically addressed in relation to the expert report on vaccine hesitancy/misinformation (as set out at paragraph 53c of Counsel to the Inquiry's Note).
21. In general terms, CBFJ Cymru repeats its usual request for the Inquiry team to ensure that Core Participants are provided with the expert reports as soon as reasonably practicable in order to enable sufficient time for meaningful comment and for any further expert evidence dealing specifically with the position in Wales to be obtained (if needed) to be obtained in readiness for the substantive hearing.

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