



IN THE UK COVID-19 PUBLIC INQUIRY

MODULE 7

SUBMISSIONS OF SCOTTISH COVID BEREAVED FOR THE FIRST 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 first Preliminary Hearing for Module 7. This Module will consider the approach taken by the four nations to testing, tracing, and isolation during the course of the pandemic. It is understood that in this Module the Chair will consider the policies and strategies developed and deployed to support the various testing, tracing, and isolation systems adopted during the pandemic.
2. Scottish Covid Bereaved thank the Chair for their designation as Core Participants for this Module. While the SCB were of course not involved in formulation and implementation of the policies and strategies developed and deployed in relation to Scotland, they were directly impacted by the systems put in place. At some of the most difficult times of their lives, some of the Bereaved had to navigate testing, tracing and isolation rules in relation to loved ones in care homes and hospitals. Whether as a result of confused messaging or confused rules, there are those amongst the Bereaved who missed out on being with their loved ones in their final moments due to testing and isolation requirements. The Bereaved have first-hand experience of the difficulties faced in providing financial and practical support to those required to isolate, often in difficult circumstances where loved ones had existing care or support needs.

3. In the course of this Module, the Chair will no doubt hear evidence on how the various policies operated in practice. The Inquiry has heard evidence about the UK's lack of pre-existing capacity and infrastructure. Test and trace systems required to be developed in the midst of the pandemic. Covid-19 transmission was not properly managed and people died as a result. The policies and systems in place varied across the UK, leading to duplicate expenditure and lacking the benefit of interoperability, particularly in border areas.
4. It is not the Bereaved's intention to rehearse at this stage the many ways in which they were impacted by the test, trace and isolate rules. The proper time for the Chair to hear evidence is at the hearings in 2025. It is hoped that the work being carried out behind the scenes by the Inquiry will allow for all matters identified by the Bereaved in their application for Core Participant status to be fully addressed. The following submissions are made in an attempt to assist the Inquiry in that regard.

Terminology and the Scottish Inquiry

5. In her note, CTI explains that the use of the term which applied in England, Testing, Tracing and Isolation, is used to include the policies and strategies adopted by the other three nations. The Scottish Bereaved consider that such an approach is likely to cause confusion when it comes to evidence and expert reports, and it may be that the Inquiry wishes to consider using a neutral term which defines the issue without adopting the approach in one nation to be the norm, with the other nations expected to adapt to the situation in England.
6. The Scottish Bereaved have concerns that in some Modules an Anglo-centric approach is being adopted, with a disproportionate focus on events in Westminster and the UK Government, with lesser consideration given to the situation in the devolved administration. In relation to Scotland, there is of course the Memorandum of Understanding with the Scottish Inquiry and the desire to avoid unnecessary duplication of work. It may assist the Inquiry, and those Core Participants with a particular interest in events in Scotland, if Core Participants were given updates as to how the issues in this and other Modules are intended to be divided between the two Inquiries.

Disclosure

7. Scottish Covid Bereaved note all that has been said by CTI in her note in relation to disclosure. We look forward to receiving the disclosure in the autumn of 2024. It is hoped that the disclosure can be provided to Core Participants in good time to allow them to properly prepare for the substantive hearings. SCB are, of course, somewhat limited in the submissions that can be made in the absence of the disclosure. If there are any matters which arise in due course, these will be raised with the Inquiry.

Expert reports

8. It is noted that the Inquiry will likely appoint instruct experts to assist it in its understanding of the issues raised in the Module. The SCB will have further submissions to make once the identity of the experts and the questions and issues they will be asked to address are disclosed to Core Participants. At this stage, all that is submitted is that it is hoped that experts with sufficient expertise in relation to those matters concerning Scotland and the Scottish Government's policies and practices are instructed.

Every Story Matters

9. It is noted that the Inquiry's research specialists are exploring the opportunities to conduct targeted qualitative research in relation to particular topics based on Key Lines of Enquiry. The Scottish Bereaved note the proposed Key Lines of Enquiry and have no further submissions at this stage. If there are any issues revealed by the disclosure material, these will be highlighted to the Inquiry. It is submitted that, when considering the potential audience groups, the Inquiry may wish to include those who were in prison settings; those who were in care or other residential settings; and those from Scotland's remote and rural communities.

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