

Wednesday, 23 October 2024

(10.30 am)

**LADY HALLETT:** Good morning, everyone. This is the first preliminary hearing into Module 9 economic response. I'm very grateful to the core participants who have submitted very helpful written submissions. They are constructive and they are very focused and they concentrate on the issues that we have to consider in this module.

Mr Richard Wright King's Counsel, leading counsel for this module, in a moment will explain what those issues are and how the module team plans to address them during the course of its investigations and then the hearings.

After that, I shall hear from those core participants who wish to supplement their written submissions, all of which will be published online thereafter. Sorry, I can't speak this morning!

Thank you very much. Mr Wright.

**Statement by LEAD COUNSEL TO THE INQUIRY**

**MR WRIGHT:** On 17 March 2020 in a speech in Downing Street, the Chancellor of the Exchequer declared that:

"The coronavirus pandemic is a public health emergency but it is also an economic emergency. We have never, in peacetime, faced an economic fight like this

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Every Story Matters; and, finally, (g) future hearing dates for Module 9.

There will then be an opportunity for those designated as core participants to make submissions, if they wish to do so.

A few words, if I may, about the hearing. These proceedings are, of course, being recorded and live streamed to other locations. In making these arrangements, your Ladyship is fulfilling the obligation pursuant to Section 18 of the Inquiries Act 2005 to take such steps as you consider reasonable to ensure that members of the public are able to attend or see and hear a simultaneous transmission of the proceedings. Live streaming this hearing also allows the hearing to be followed by a greater number of people than would be able to be accommodated within the hearing room or any overspill rooms.

There are 15 core participants present in the hearing room today and a further three are attending remotely.

As is routine in public inquiries, where there may from time to time be matters mentioned of a potentially sensitive nature, the broadcasting of the hearing will be conducted with a three-minute delay. This provides the opportunity for the feed to be paused if anything

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one."

He continued:

"This Government effort will be underpinned by Government interventions in the economy on a scale unimaginable only a few weeks ago."

My name is Richard Wright and I am the senior counsel with responsibility for the preparation and delivery of Module 9: Economic Response.

Module 9 is the only module in the Inquiry that will examine in depth the economic response of government to the pandemic across the four nations of the United Kingdom. Given the scale of that response, the potential scale of this module should not be underestimated. I will return to that subject, my Lady, when I address the provisional scope of Module 9 a little later in this hearing.

I appear at this preliminary hearing today with my learned friends Ms Wilson and Ms Dhanoa, who are part of the counsel team for Module 9 and, in accordance with the agenda for this hearing, I will address you, so far as this module is concerned, on the following areas: (a) the designation of core participants; (b) the outline of the provisional scope; (c) evidence gathering, including Rule 9 requests; (d) the instruction of expert witnesses; (e) disclosure to core participants; (f)

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unexpected is aired which should not be. We do not expect this to arise over the course of today but I mention it so that those who are following proceedings from further afield can understand the reason for any such short delay.

Pursuant to Rule 5 of the Inquiry Rules, 18 applicants, some of whom were joint applicants, have been designated as core participants in Module 9. They are, in no particular order:

First, the Trades Union Congress represented today by Mr Sam Jacobs;

Second, UK Hospitality, not legally represented today but their Chief Executive Kate Nicholls OBE is present and very welcome here;

Third, Disabled People's Organisations represented by Danny Friedman, King's Counsel;

The Child Poverty Action Group represented by Julia Smyth; the Long Covid Groups, that's Long Covid Support and Long Covid SOS, represented today by Sarah Hannett, King's Counsel;

The Cabinet Office, represented by Richard Cole; His Majesty's Treasury, represented by Mr Neil Block, King's Counsel;

Mr Block also represents His Majesty's Revenue & Customs, or HMRC, and the Department for Work

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1 and Pensions, or DWP;

2 Mr Nicholas Moss, King's Counsel represents the

3 Department for Business and Trade, which was formerly

4 the Department for Business, Energy and Industrial

5 Strategy;

6 The Ministry of Housing, Communities and Local

7 Government, which was formerly the Department for

8 Levelling Up, Housing and Communities is represented

9 today by Mr Robert Dickason;

10 Mr Jonathan Glasson, King's Counsel represents the

11 Department for Transport;

12 Appearing remotely is Mr Michael Way, representing

13 Scottish ministers;

14 Similarly appearing remotely, Laura Thomson,

15 King's Counsel, on behalf of the Convention of Scottish

16 Local Authorities or COSLA;

17 The Welsh Government is represented by Mr Jack

18 Castle;

19 The Local Government Association and Welsh Local

20 Government Association by Thelma Stober today;

21 The Department for the Economy of the Northern

22 Ireland Government is represented remotely by Maria

23 Mulholland;

24 Finally, the British Business Bank represented

25 today by Clare Whittle.

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1 Show People Fund administered by the Scottish

2 Government.

3 There will be few, if any, individuals or

4 organisations throughout the United Kingdom that were

5 unaffected by the economic impact of the pandemic and

6 who did not, to some extent, engage with the economic

7 interventions introduced by Government. The scale of

8 the economic impact and the corresponding scale of the

9 response means that the Inquiry will have to maintain

10 a tight focus on the key themes and issues that emerge

11 from the evidence that we are in the process of

12 gathering.

13 The provisional scope of Module 9 is in these

14 terms. This module will identify the broad range of

15 economic interventions taken by government across all

16 nations of the United Kingdom in response to the

17 pandemic, such as: (i) support for business, jobs and

18 self-employed, including the Coronavirus Job Retention

19 Scheme, the Self-Employment Income Support Scheme, loan

20 schemes, business rates relief and grants; second

21 additional funding for relevant public services; third,

22 additional funding for the voluntary and community

23 sector; and, fourth, benefits and sick pay and support

24 for vulnerable people.

25 The module will consider how economic support was

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1 A list of the core participants that you have

2 designated, my Lady, for Module 9 will be published on

3 the Inquiry website.

4 For those who were either not granted core

5 participant status or for those who did not apply to be

6 designated a core participant, I wish to reiterate that

7 not being a core participant in Module 9 in no way

8 precludes any person, entity or group from first

9 bringing any matter to the attention of the Inquiry;

10 second, providing evidence and information; third, where

11 appropriate and relevant, giving evidence at a hearing;

12 and fourth, in the case of an individual affected by the

13 pandemic, taking part in the Inquiry's Listening

14 Exercise, Every Story Matters.

15 So turning to the scope, the unprecedented

16 economic challenge presented by the pandemic can be

17 measured by the corresponding scale of the economic

18 response of the UK Government and the governments of the

19 devolved nations. The number of distinct interventions

20 across those governments runs to several hundred. The

21 interventions of government range from well-known

22 UK-wide schemes to protect jobs, such as the coronavirus

23 job retention scheme (which is commonly known as

24 furlough), to less familiar, perhaps, targeted support

25 for key sectors or industries, such as the Travelling

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1 in fact delivered by the UK Government, the devolved

2 administrations and local government by conducting

3 an examination of some of the key interventions. In

4 doing so, it will consider issues including:

5 (i) How was economic decision-making structured

6 and undertaken by the UK Government, the devolved

7 administrations and local government? To what extent

8 was there an open exchange of economic information,

9 forecasting and expert advice. In particular, who was

10 providing economic advice and how was that advice

11 received, considered and shared within the

12 UK Government, the devolved administrations and local

13 government? How effectively were the structures and

14 systems for economic decision-making across those

15 governments aligned and with what effect? How wide was

16 the consultation as to the range of economic measures

17 considered or implemented?

18 Second, how were the interventions made by the

19 UK Government, the devolved administrations and local

20 government funded? In particular, how were the

21 allocated funds identified and generated?

22 Third, by what criteria and with what policy

23 objectives were individual economic interventions

24 identified and developed? In particular, how was the

25 timing of interventions determined and communicated

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1 across the UK Government and the devolved  
2 administrations? What consideration, if any, was given  
3 to the equality of impact of the economic support  
4 delivered as between particular groups, including those  
5 who were at greater risk or otherwise vulnerable?

6 Fourth, how were mechanisms for delivery  
7 identified, developed and implemented? How effective  
8 and successful were such mechanisms? How was success  
9 defined, evaluated and/or monitored? How was it ensured  
10 that support was appropriately targeted and effective?  
11 How, if at all, was the equality of the impact of  
12 support delivered monitored and were steps taken to  
13 reduce any disparities?

14 Fifth, how were decisions taken to end the support  
15 provided and what criteria determined the timing of the  
16 cessation of support?

17 Sixth, what steps were taken to safeguard public  
18 monies and manage financial risk? What steps were taken  
19 to reduce or prevent fraudulent and erroneous claims?  
20 Were those measures adequate and appropriate?

21 Seventh and finally, was there any variation in  
22 the support offered across the United Kingdom. If so,  
23 how and why did that variation come about and did any  
24 identified departure from a UK-wide approach of support  
25 reduce or increase the efficacy of the support offered?

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1 and efficacy of the measures taken as against their  
2 stated objectives.

3 As your Ladyship has made absolutely clear  
4 throughout the Inquiry to date, the unequal impact of  
5 the pandemic and the response to it on at-risk or  
6 vulnerable people has been at the heart of this Inquiry  
7 since its inception. Consideration of the equality or  
8 inequality of the support that was provided will run  
9 through all aspects of the investigation with a focus on  
10 what consideration, if any, was given to those who were  
11 at greater social or economic risk, how the impact on  
12 vulnerable groups was monitored and what steps were  
13 taken to reduce any disparities identified. We intend  
14 to take a broad approach when considering this unequal  
15 impact in Module 9, consistent with your Ladyship's  
16 approach in earlier modules, and the Inquiry's  
17 equalities strategy.

18 Further, we also intend to include specific  
19 consideration of those who were economically vulnerable.  
20 Our consideration will not be limited to the support of  
21 business or those who were and remained in work  
22 throughout the pandemic. Those who were socially or  
23 economically vulnerable before the pandemic, or became  
24 so as a result of the pandemic, plainly fall within the  
25 scope of Module 9.

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1 My Lady, I'm going to make both some general  
2 observations on the draft outline of scope and also some  
3 short submissions relating to some of the matters raised  
4 in the written submissions received from core  
5 participants prior to this preliminary hearing.

6 Generally, those core participants who have provided  
7 written submissions have acknowledged the need for  
8 a focused approach to the scope of this module and  
9 supported the approach that we have advocated in our  
10 written note.

11 In keeping with the need to maintain a tight  
12 focus, the provisional scope, consistent with the terms  
13 of reference of the Inquiry, reflects the fact that  
14 Module 9 is primarily an investigation into the response  
15 of government to the economic impact of the pandemic; it  
16 is not an investigation of the nature and scale of that  
17 impact.

18 The focus of the module is not upon establishing  
19 an exhaustive factual narrative account of the economic  
20 measures taken by government, but rather a forensic  
21 examination of the systems and structures that were in  
22 place across government to manage the economic response  
23 to the pandemic, the identification of the core policy  
24 objectives of government that informed its economic  
25 response and an evaluation of the design, implementation

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1 The examination of the broad sets of questions  
2 identified in the provisional outline of scope will be  
3 conducted by an in-depth analysis of some of the key  
4 economic interventions of government. That will involve  
5 the examination of interventions that were delivered by  
6 the UK Government and also interventions delivered by  
7 the devolved administrations and through local  
8 government. Which interventions are identified for  
9 in-depth analysis and the final form and content of that  
10 analysis will be informed by the process of  
11 evidence-gathering and by our ongoing engagement with  
12 the core participants.

13 Given the scale of the economic response, we  
14 submit that an in-depth examination of a proportionate  
15 selection of schemes will best enable the Inquiry to  
16 identify lessons that can be learnt and inform any  
17 recommendations for the future.

18 The provisional scope reflects the terms of  
19 reference of the Inquiry in also requiring Module 9 to  
20 consider additional funding for relevant public services  
21 and, consistent with the general economic focus of  
22 Module 9, this strand of investigation will be focused  
23 upon measures taken by government to support public  
24 services that were central to the wider functioning of  
25 the economy: for example, the support provided to rail

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1 and bus networks and operators to ensure that essential  
2 transport infrastructure was maintained during the  
3 pandemic.

4 It is also important to stress that additional  
5 funding for the voluntary and community sector is  
6 an important strand of the scope. A number of core  
7 participants have commented upon the need to capture the  
8 experiences of those who worked in those sectors and  
9 I will say a little more about that when I address your  
10 Ladyship on the Rule 9 and evidence-gathering process,  
11 if I may.

12 The scope also references the requirement in the  
13 terms of reference that the Inquiry considers steps  
14 taken to safeguard public money and manage financial  
15 risk, and that includes consideration of measures taken  
16 to reduce fraud and error. That aspect of the  
17 investigation is likely to focus on scheme design and  
18 implementation and not, given the temporal remit of the  
19 Inquiry ends with the day it was established, upon the  
20 success or otherwise of measures taken post-pandemic to  
21 audit, reclaim or recover monies expended in error or as  
22 a result of fraud.

23 The issues will undoubtedly continue to be refined  
24 over time and some may emerge during the  
25 evidence-gathering process, and we are grateful to all

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1 previous governments that gave rise to it.

2 Third, Module 9 is concerned with the economic  
3 response of the government to the pandemic. The  
4 pre-existing structures through which that response was  
5 delivered, including the benefits system, will of course  
6 have to be examined in this module. The examination of  
7 those structures does not, in our submission, bring  
8 within the scope of this module a political analysis and  
9 argument as to the wider ambit of state support outside  
10 the response to the pandemic.

11 We are also invited by those representing Long  
12 Covid Groups to give assurances that consideration of  
13 those suffering from Long Covid will run through all  
14 aspects of our investigation in this module. The  
15 Inquiry has well in mind the experience of those who  
16 have contracted Long Covid and those who may have  
17 consequently become economically vulnerable, but any  
18 examination of those issues must be proportionate and  
19 within the constraints of the wider module.

20 With that in mind, to take an example, the funding  
21 of occupational support specifically for healthcare  
22 workers suffering from Long Covid appears to fall out  
23 with the scope of Module 9.

24 The TUC note, in their submissions, the overlap  
25 between Module 7 (which is Test, Trace and Isolate)

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1 core participants for their constructive engagement in  
2 preparation for this preliminary hearing and for the  
3 considered written submissions that we received. I need  
4 to briefly address some of those submissions at this  
5 stage.

6 A number of core participants have stressed that,  
7 from their perspectives, the pre-pandemic economic  
8 context for the groups that they represent is paramount  
9 and that any examination of the economic response of  
10 government must be conducted through the lens of that  
11 pre-existing economic context. Whilst those core  
12 participants are right to observe that the investigation  
13 in Module 9 must have due regard to the pre-existing  
14 context, we make the following submissions:

15 First, Module 9 follows earlier modules and, in  
16 particular, Modules 1 and 2 that have considered to some  
17 significant extent the context in which the pandemic  
18 occurred. Module 9 does not present an opportunity to  
19 retread the ground that has already been covered in  
20 those earlier modules; rather, it will build on the  
21 evidence that has previously been received by the  
22 Inquiry.

23 Second, whilst Module 9 must have regard to the  
24 pre-pandemic context, it is not within the scope of this  
25 module to investigate the political decisions of

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1 which will consider factors influencing compliance  
2 including the financial and practical support to those  
3 required to isolate, and this module, which will  
4 consider a broad range of support, including benefits,  
5 sick pay, and support for vulnerable people.

6 Your Ladyship explained in your ruling on  
7 10 July 2024 that Module 7's focus will be on what  
8 practical and financial support was available in the  
9 limited context of how that support impacted on  
10 isolation as a result of testing and tracing policies.  
11 Module 7 will investigate, in a focused and  
12 proportionate way, the specific financial support put in  
13 place as part of the Test, Trace and Isolate systems  
14 adopted as one of the factors influencing compliance.  
15 The counsel teams on Module 7 and this module are  
16 working closely together and Module 9 is intended to  
17 commence where the boundaries of Module 7 and other  
18 earlier modules end.

19 And so, whereas Module 7 is considering those  
20 matters from a public health perspective, Module 9 will  
21 examine them from an economic perspective only.

22 Turning then to evidence requests and a Rule 9  
23 update. The Inquiry legal team has already made what we  
24 consider to be very good progress in terms of commencing  
25 the process of evidence-gathering. As we hope was clear

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1 from our written note circulated to core participants in  
 2 advance of this hearing, we are adopting a multifaceted  
 3 approach to evidence-gathering. In addition to the  
 4 issuing of Rule 9 requests to organisations and  
 5 individuals, we are in parallel gathering evidence from  
 6 organisations that are broadly representative of those  
 7 businesses and individuals who are likely to know  
 8 experienced and accessed the schemes implemented by  
 9 government in their economic response to the pandemic.  
 10 The experience of individuals will be captured by the  
 11 use of the Inquiry's listening exercise, Every Story  
 12 Matters. None of these evidence-gathering tools sit in  
 13 silos and, for example, if responses to questionnaires  
 14 identify further areas of investigation, then further  
 15 Rule 9 requests may be made of organisations or  
 16 individuals.

17 The Inquiry has already sent questionnaires to  
 18 initial tranche of 56 organisations that represent the  
 19 interests of the self-employed, business and charitable  
 20 groups across a range of sectors. The returns from  
 21 these questionnaires will assist the Inquiry in  
 22 gathering information, identifying themes and informing  
 23 areas for further investigation that can be targeted in  
 24 Rule 9 requests where appropriate. This is very much a  
 25 first tranche and further questionnaires will follow.

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1 will run through our investigation.

2 The TUC, CPAG, Long Covid Groups and Disabled  
 3 People's Organisations have included suggestions in  
 4 their submissions for recipients of either  
 5 questionnaires or Rule 9 requests. We thank those core  
 6 participants for their engagement on this issue and  
 7 those submissions will be considered.

8 Further Rule 9 requests will be issued on a  
 9 rolling basis, to other relevant individuals,  
 10 organisations, professional bodies or other entities who  
 11 hold information relevant to Module 9's investigation.  
 12 It goes without saying that anyone who holds information  
 13 or documents that they may wish to provide to the  
 14 Inquiry as being relevant to Module 9's Provisional  
 15 Outline of Scope may do so, without awaiting a Rule 9  
 16 request. Where organisations or individuals have  
 17 previously provided evidence to the Inquiry, we are  
 18 taking that as the baseline for our investigation and  
 19 are seeking to build on that evidence and material  
 20 previously provided.

21 In line with a determination made in Module 1,  
 22 core participants will not be provided with copies of  
 23 the Rule 9 requests made by the Inquiry. Disclosure to  
 24 the core participants of the Rule 9 requests themselves  
 25 (as opposed to the relevant documents and material

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1 In that respect, we acknowledge that the initial  
 2 56 organisations do have a primarily business focus and  
 3 that it might appear that the voluntary and community  
 4 sector, those representing vulnerable groups, have not  
 5 been included in this strand of investigation. We  
 6 assure those core participants who raised this concern  
 7 that the Inquiry legal team has very much in mind the  
 8 need to gather evidence from organisations that are  
 9 representative of, or operating within, those sectors.  
 10 We are in the process of issuing a further tranche of  
 11 questionnaires to a number of those organisations,  
 12 having adapted the form and content of the  
 13 questionnaires with the aim of captured information of  
 14 particular relevance to those sectors.

15 The Rule 9 requests themselves are being or will  
 16 be issued on an iterative basis. The first tranche of  
 17 requests will be to institutions, and the requests to  
 18 His Majesty's Treasury is in the final draft form and  
 19 will be issued imminently. The requests that we have  
 20 made of recipients will be focused on particular issues  
 21 or topics arising from the Provisional Outline of Scope  
 22 for Module 9. The Inquiry legal team has very much in  
 23 mind the potential breadth of this module and the  
 24 corresponding need for Rule 9 requests to be as tightly  
 25 focused as possible on the key issues and themes that

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1 generated by them) is neither required by the  
 2 Inquiry Rules nor generally established by past  
 3 practice. Furthermore, it would serve little practical  
 4 purpose given the wide scope and detailed nature of the  
 5 Rule 9 requests that are being made.

6 To ensure that core participants are kept properly  
 7 informed, the Inquiry will ensure that the Module 9 lead  
 8 solicitor provides monthly updates to core participants  
 9 on the progress of the Rule 9 work. Such updates will  
 10 include a summary of who has received Rule 9 requests,  
 11 the topics those requests cover, what categories of  
 12 documents have been requested, when the request was made  
 13 and by when a response is expected. The Inquiry legal  
 14 team confirm that, for the purposes of Module 9, core  
 15 participants will receive monthly updates commencing at  
 16 the beginning of December of this year.

17 Turning then to experts.

18 The Inquiry currently considers expert evidence  
 19 will assist the Module 9 investigation to establish the  
 20 economic context in which the pandemic occurred and the  
 21 range of viable economic policy options that were  
 22 available to government. The Inquiry has therefore  
 23 provisionally identified a number of topics on which the  
 24 assistance of expert witnesses may be sought.

25 These broad areas are: (a) economic policy making,

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1 so, consideration of the principles of good policy  
2 making in the design and delivery of economic  
3 interventions within the framework governing public  
4 expenditure. And, an assessment of the structures and  
5 processes used during the pandemic.

6 (b) public finances and macroeconomics: the  
7 macroeconomic considerations underlying different  
8 categories of economic support packages and the value  
9 and any risks inherent in such interventions. Analysis  
10 of the funding mechanisms available to government and  
11 the role of monetary policy.

12 (c) devolved and local government finance:  
13 building on evidence already given in Modules 2A to C  
14 and considering the funding sources available to the  
15 devolved administrations and the mechanisms available to  
16 local government to enable it to deliver support in  
17 a pandemic.

18 (d) the labour market and inequality: including a  
19 summary of the literature on the impact of previous  
20 crises on individuals, previous emergency labour market  
21 policies, identification of those in the labour market  
22 who were most vulnerable and consideration of the  
23 equality of impact by occupation, region, gender, age,  
24 income level, and where possible ethnicity and  
25 disability.

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1 opportunity to comment on the draft reports of the  
2 experts prior to their finalisation.

3 Turning then to disclosure, the Inquiry has  
4 already identified material potentially relevant to  
5 Module 9 that has been provided to other modules. This  
6 material will be reviewed for disclosure and Module 9  
7 hopes to start making disclosure of this material by the  
8 end of 2024.

9 Disclosure will be specific to Module 9 such that  
10 the information and documents received through the  
11 Rule 9 process will be reviewed and, if considered  
12 relevant for disclosure, redacted in line with a  
13 redactions protocol so as to remove sensitive material.

14 Disclosure of relevant, redacted documentation  
15 will take place in tranches. All core participants in  
16 Module 9 will receive all of the disclosable documents  
17 for that module? The electronic disclosure system that  
18 will be used to provide documents to core participants  
19 will be Relativity.

20 Turning then to Every Story Matters, although the  
21 focus of Module 9 is not to examine in detail the impact  
22 of the pandemic itself on the economic or on  
23 individuals, the human experience of those who accessed  
24 (or who did not access or were unable to access) the  
25 schemes offered by government will help inform us about

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1 And (e) benefits: to provide an explanation of the  
2 benefits and transfer system and provide context as to  
3 the historic levels of spend. To analyse the efficacy  
4 of the implementation and delivery of support via the  
5 benefit system as part of the economic response to the  
6 pandemic.

7 Whilst the appointment of experts to the Inquiry  
8 are exclusively matters exclusively for your Ladyship as  
9 Chair, we are grateful to those core participants who  
10 have made suggestions about the potential areas of  
11 expert evidence or as to the identity of experts they  
12 consider to be appropriately qualified to comment on  
13 certain issues. Accepting the well-made observations of  
14 the Scottish and Welsh Governments, we accept that  
15 insofar as devolved and local government finance is  
16 concerned, that any instructed experts will need to  
17 consider the position in each of the devolved nations  
18 and the economies of the devolved nations are varied.

19 The identities of instructed experts will be  
20 contained in the module lead solicitor's update notes.  
21 Once experts are instructed, these notes will also  
22 provide further details of the topics which the experts  
23 will address in their reports, thereby enabling core  
24 participants to comment on those matters should they  
25 wish to do so. Core participants will also have the

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1 the success or failure of delivery of support and will  
2 inform the recommendations made for the future. We  
3 intend to utilise the Inquiry's listening exercise,  
4 Every Story Matters, in order to capture that human  
5 experience and make use of it in this module's  
6 proceedings.

7 Themed records produced by Every Story Matters  
8 will be submitted into the investigation. These records  
9 will be anonymised, disclosed to the Inquiry's core  
10 participants and used in evidence, so that they can form  
11 part of the Inquiry's written record. Every Story  
12 Matters will identify trends and themes that illustrate  
13 systemic issues and may include illustrative case  
14 studies.

15 A proposed set of key lines of enquiry for Every  
16 Story Matters has been shared with core participants  
17 along with the categories of potential audience groups  
18 that is proposed are included in the sampling for  
19 qualitative interviews. We are grateful for all written  
20 representations received in respect of the key lines of  
21 enquiry which will be considered once your Ladyship has  
22 heard all of the submissions from core participants and  
23 made any necessary decisions about the scope of  
24 Module 9.

25 Turning then to future dates for this module. A

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1 further preliminary hearing will take place at Dorland  
2 House in the autumn or winter of 2025. The date will be  
3 notified to core participants in good time and published  
4 on the Inquiry's website.

5 Current plans will see the public hearings in  
6 Module 9 take place in the winter of 2025 here at  
7 Dorland House. Updates on timetabling will be provided  
8 to the core participants in due course and will also be  
9 available on the Inquiry's website.

10 My Lady, those are the issues on which I seek to  
11 address you as Counsel to the Inquiry. I am now going  
12 to give way to those five core participants who wish to  
13 make oral submissions in the course of this the hearing.  
14 I think it's intended that, rather than taking a break  
15 now, your Ladyship would like to hear from Danny  
16 Friedman, King's Counsel on behalf of the Disabled  
17 People's Organisations and then potentially the Trades  
18 Union Congress before we take the break.

19 **LADY HALLETT:** Thank you very much, Mr Wright, very  
20 grateful.

21 Mr Friedman?

22 **Submissions on behalf of Disabled People's Organisations by**  
23 **MR FRIEDMAN KC**

24 **MR FRIEDMAN:** Thank you, my Lady, and thank you too to  
25 Mr Wright and his team for the preparation of today.

25

1 transparent version of what it always does.

2 That is why the DPO have suggested a starting  
3 point to this module that asks what if, in fact, the  
4 economic policies during the pandemic were not radical  
5 at all. What if the policies deliberately failed to  
6 distribute to those in need but instead leveraged  
7 sovereign debt to prioritise loans, borrowing, wages and  
8 easements of multiple regulations and duties, and what  
9 if those support measures were given vastly greater  
10 prioritisation over interventions for those who were  
11 unable to substantially engage in any of those parts of  
12 the economy or to benefit from any of that type of  
13 support.

14 Then, at the very same time, what if those  
15 economic policies relied upon a largely free or  
16 astonishingly low paid industry of human care,  
17 an industry based on the social capital of women,  
18 families, disabled people caring for disabled people,  
19 and a workforce generated by poverty and migrancy, all  
20 which was barely thought about at all in Treasury policy  
21 formation, let alone afforded monetary value or  
22 macroeconomic status.

23 Finally, what if that occurred after a decade of  
24 fiscal austerity that chose to cut government spending,  
25 that diminished disabled people's financial, logistical,

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1 We act for Disability Rights UK and Disability  
2 Action Northern Ireland. They are disabled people's  
3 organisations, or DPO, meaning that they are  
4 organisations run by and for disabled people. They are  
5 particularly grateful to be core participants in this  
6 module because they want economic decision-making in  
7 this country to become more aware of and made more  
8 responsive to disabled people.

9 The DPO want that not for reasons of narrow  
10 identity politics but because we are all in a state of  
11 diverse and changing conditions. None of us are static  
12 in our bodily and psychological resilience. In that  
13 sense, we are all vulnerable. All of us entitled not to  
14 be excluded and not to be diminished in our full and  
15 effective participation in society on an equal basis  
16 with others, and Covid makes that plain.

17 But Covid also makes plain that some of us are  
18 more vulnerable than others, and that is largely because  
19 of political choices that our economy is based on. When  
20 the government stepped in to close the economy, to then  
21 transfer it into homes, to pay wages not to work and  
22 sustain businesses without them doing business, it  
23 described itself as doing something exceptional. What  
24 the DPO want my Lady to think about is whether what  
25 government was doing was just an enhanced and far more

26

1 spatial and health capabilities, as well as the support  
2 services in the care sector they relied upon.

3 My Lady, we make these observations to prepare for  
4 your ninth, not your first, module. The Inquiry has now  
5 seen, as Mr Wright has just alluded to, that there is  
6 context and that, when the pandemic broke out, not only  
7 was there no plan for disabled people but the failure to  
8 plan was not recognised then and, at least at the end of  
9 Module 2 evidence, it was still not recognised.

10 In the closing submissions for Module 2, the DPO  
11 therefore suggested a thought experiment of what proper  
12 recognition for disabled people during the pandemic  
13 would have looked like. At the very least, it would  
14 have publicly confronted from the outset that cuts in  
15 benefits and services over the previous decade had  
16 drastically compromised the resilience of disabled  
17 people to deal with the existential threats of the  
18 virus, but also the consequences of the response to it.

19 That level of public reckoning and consequential  
20 planning did not happen. In particular, the  
21 government's pandemic economic decision-making  
22 manifestly did not redistribute money and resources to  
23 disabled people. The primary steps taken by the  
24 Department of Work and Pensions to support vulnerable  
25 individuals were relaxations of the conditions and

28

1 procedures for claiming benefits, which in normal times  
2 are notoriously harsh for those obliged to comply with  
3 them.

4 In financial terms, Universal Credit was topped up  
5 by £20 a week but there was no equivalent top-up for  
6 2 million largely disabled people on legacy benefits,  
7 nor was the top-up of the £67.25 for carers' allowance  
8 in England. The average wage for paid carers was just  
9 over £9 an hour.

10 My Lady, from the point of view of disabled people  
11 who lived with these realities, may I just therefore  
12 limit oral comments to three aspects of the provisional  
13 outline of issues. The first point is that issue 1 will  
14 investigate how the decision-making processes across  
15 government was structured. On that, the DPO also has  
16 a starting position. When it comes to disabled people,  
17 there is no structure to government economic  
18 decision-making. The Inquiry has already seen that  
19 disabled people fared badly under the current  
20 constitutional arrangements of government, which is to  
21 say they are politically vulnerable.

22 First, there is no integrated government approach  
23 to ensuring joined up consideration of disabled people.  
24 That is a fundamental problem because issues relating to  
25 disabled people including impairment-specific matters as

29

1 of business continuity in the payment of benefits.

2 In addition, what the Inquiry's devolved  
3 government decision-making modules have already strongly  
4 suggested is that the machinery of government lacked  
5 arrangements for the Treasury to properly consider the  
6 differences in the economic geography of disabled  
7 people's health inequalities across the United Kingdom.

8 The third problem with structure is that, beyond  
9 government, disabled people and their representative  
10 organisations don't count as a consultation partner in  
11 the way that other actors in the economy do. On this,  
12 government witnesses, other widely respected figures and  
13 human rights obligations, are now beginning to align  
14 around the language of co-production and co-design.  
15 However, the practice arising from the obligation in the  
16 United Nations Convention of the Rights of People with  
17 Disabilities, that requires disabled people and their  
18 representative groups to be actively involved and  
19 closely consulted on policies that affect them, is still  
20 highly limited.

21 Its results can also be tokenistic, such that,  
22 even when pandemic emergency funds were announced, it  
23 was often unclear how they would be used and/or how they  
24 could be accessed and so many disabled people and DPOs  
25 did not get near to them.

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1 well as intersectional ones do not enjoy high levels of  
2 cross-government awareness. Whereas SAGE existed to  
3 assist contemplation of the impact of pandemic public  
4 health policies, there was never a financial equivalent  
5 to work through the implications of economic policies.  
6 No doubt the Inquiry will receive statements reflecting  
7 a Whitehall confidence that the Treasury could act as  
8 its own equality impact adviser.

9 Given the predisposition of all bureaucracy not to  
10 consider disabled people, the DPO question whether the  
11 Treasury veto of that proposal to have its own SAGE was  
12 the right thing to do in a crisis of this kind. It  
13 certainly had the consequence of excluding external  
14 advisers from a diverse range of backgrounds, including  
15 disabled people and DPOs.

16 The second related structural problem is that the  
17 UK machinery of government responds badly to the unequal  
18 impact of disasters because it does not have the  
19 effective mechanisms or ministerial-led systems to act  
20 on behalf of marginalised parts of societies when  
21 disasters strike. For Module 9, the problem will be  
22 well exemplified by the ineffectiveness of the  
23 Disability Unit and the Officer of the Minister for  
24 Disabled People to shape UK pandemic economic policy  
25 formation beyond the limits of prioritising the delivery

30

1 One the often claimed virtues of sound government  
2 is to cost proposals and to act with fiscal  
3 responsibility. Going forward, the DPO have already  
4 asked the Inquiry to consider the greater potential of  
5 costing in accordance with social responsibility or, as  
6 commentators call it, human rights based budgeting. It  
7 involves proper and transparent equality impact  
8 assessment but also genuine collaboration between  
9 different layers of state and society in the development  
10 of budget funding and its targeted delivery.

11 Moving to provisional issues 3 and 4, they rightly  
12 seek to consider the impact of economic decision-making  
13 on "those who were at greater risk or otherwise  
14 vulnerable". What that provisional wording does not do  
15 explicitly is to recognise that there were collateral  
16 impacts that could make people at greater risk and  
17 otherwise render them vulnerable. For the DPO, this  
18 includes decisions about economic interventions  
19 affecting carers of all kinds: that includes care  
20 workers in care homes, temporary bank and agency care  
21 workers who work in multiple locations and settings,  
22 personal assistants who were employed by disabled people  
23 themselves using the direct payment scheme, and unpaid  
24 and informal carers.

25 On the economics of the care home sector, DPO have

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1 specifically asked the Inquiry to consider the  
2 sufficiency of steps that were taken to prevent care  
3 workers inadvertently spreading the virus. My Lady, you  
4 will recall the disagreement with within government  
5 based on the Vivaldi Report in July 2020 that showed  
6 that care workers enhanced fatal transmission of  
7 Covid-19 in the first wave because they did not get sick  
8 pay and/or because they could not afford to work in only  
9 one care home.

10 This led Minister Whately in December 2020, with  
11 her Secretary of State's backing, to recommend  
12 a furlough-type scheme that would have limited labour to  
13 single care settings and compensated workers for lost  
14 earnings. The Treasury did not accept that proposal,  
15 despite recognition in the minutes of the ministerial  
16 Covid-O group of clear and shared understanding of the  
17 need to stop staff movement between care homes.

18 In Module 2, Mr Sunak, as previous Chancellor of  
19 the Exchequer, reserved the Treasury position as to why  
20 that was the case, as he had not been directly involved  
21 in the decision-making. My Lady, we respectfully ask  
22 that, even if witnesses are questioned about this in  
23 Module 6, it may well be that the resolution of that  
24 line of inquiry with treasury witnesses should be  
25 contemplated to complete in Module 9.

33

1 resultant inequalities, which even a global disaster did  
2 not dislodge. Building Back Better was therefore  
3 continued reliance on unpaid and low-paid labour to  
4 provide care and other essential services, combined with  
5 retrenchment of benefits and economic support for  
6 vulnerable people, including disabled people across the  
7 UK.

8 For DPO, this was building back worse and even  
9 more so because of the narrative that Covid economics  
10 was somehow unprecedented, progressive, successful and  
11 humane, and that hardships endured were only the  
12 terrible consequences of fate, rather than the product  
13 of political choice. It is that very narrative about  
14 the pandemic that makes disabled people vulnerable. The  
15 DPO can only hope that, in the Inquiry's modules to  
16 come, government and expert witnesses have brighter and  
17 more truly transformational economic ideas about  
18 planning for the pandemics of the future.

19 Thank you, my Lady.

20 **LADY HALLETT:** Thank you very much indeed Mr Friedman. As  
21 ever, some very interesting points and just one of them  
22 which is very important, I'm very conscious of the point  
23 about staff moving between care homes and I've made it  
24 plain to all the teams that it must not fall between the  
25 gaps. I think Mr Jacobs has addressed me on it before

35

1 Finally, issue 5 refers to the criteria and the  
2 timing of the cessation of economic support. We take  
3 this to mean: why did Covid economics end when it ended?  
4 That is obviously a valid question. But disabled people  
5 did not experience cessation of what they never had.  
6 Indeed, this provisional issue carries with it  
7 a troubling related issue. The DPO want to know what  
8 happened to the support and services for disabled people  
9 that was stopped during the pandemic and in some cases  
10 never resumed?

11 By the time the Inquiry gets to Module 9, you will  
12 have a huge amount of information about that from the  
13 impact evidence and the Inquiry's project Every Story  
14 Matters. Module 9 will be the opportunity to get the  
15 Treasury's side of the story for the pandemic period, to  
16 hear from witnesses, both ministers and senior civil  
17 servants, as to whether and how they registered certain  
18 exceptional areas of economic need and where the  
19 prioritisation for spending lay.

20 At the point of cessation of economic support,  
21 there was also a government policy to build back better  
22 and we ask the Inquiry to seek to discover what role, if  
23 any, the Treasury had in its formation. For all its  
24 professed transformational approach, the policy  
25 continued to pre-pandemic economic priorities and their

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1 and so I am conscious, obviously, of all the points that  
2 you make but I am very grateful to you.

3 **MR FRIEDMAN:** Thank you, my Lady.

4 **LADY HALLETT:** Mr Jacobs?

5 **Submissions of behalf of Trades Union Congress by MR JACOBS**

6 **MR JACOBS:** Good morning, my Lady. As you are aware, these  
7 are submissions of the Trades Union Congress. They can  
8 be really quite short in part because there is broad  
9 agreement as to the proposed scope of this module.

10 The Trades Union Congress seeks to be the voice of  
11 Britain at work and working people, as the pandemic hit,  
12 faced not just the immediate physical health risks of  
13 the pandemic but also its vast economic consequences and  
14 the loss of businesses, jobs and livelihoods.

15 A primary concern of the TUC throughout was to  
16 ensure that action was taken to protect jobs to the  
17 greatest extent possible. It is an area in which there  
18 was some collaborative work with the government as to  
19 the establishment of economic support schemes, including  
20 but not limited to the Coronavirus Job Retention Scheme.

21 An overview of the TUC's input and that of its  
22 affiliated unions is provided in our written submissions  
23 and I do not repeat that now. Those schemes achieved  
24 a lot but there will be important lessons to learn as to  
25 how they can be more effective should they be necessary

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1 once again.

2 One aspect of significant concern not resolved  
3 during the pandemic was the particularly difficult  
4 position of those in insecure work, of which there were  
5 and are a very great many, and those who face  
6 self-isolation with support limited to the extremely low  
7 level of statutory sick pay or no sick pay at all. My  
8 Lady, you are very familiar with those concerns from  
9 earlier modules, particularly Modules 2 and 7, but we  
10 are pleased to see sick pay feature in the outline of  
11 scope and we note and welcome the approach set out by  
12 Counsel to the Inquiry this morning that the evidence in  
13 this module will take off from where it is left by  
14 Module 7.

15 Other core participants have referenced the  
16 important context of austerity and its relationship with  
17 pre-existing inequalities as important contexts for this  
18 module. The TUC, as core participants in earlier  
19 modules, have seen the evidence on that topic, in  
20 particular from Modules 1 and 2 and it will be important  
21 to draw it into this module.

22 Finally, we know that consideration will be given  
23 to the list of organisations annexed to our written  
24 submission, all of which represent different sectors of  
25 the workforce as potential recipients of questionnaires

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1 healthcare, employment and welfare rights, and research  
2 into treatment of Long Covid. Together, in this module,  
3 they represent the cohort of the population whose lives  
4 have been devastated by Long Covid.

5 The Inquiry has our written submissions. Amongst  
6 other points, these make detailed proposals as to  
7 disclosure, at paragraphs 19 to 20, to topics we  
8 consider should be included in the expert evidence the  
9 Inquiry proposes to obtain -- that's paragraph 21 -- and  
10 to suggested key lines of enquiry for Every Story  
11 Matters, paragraph 22.

12 My Lady, I don't propose to make further  
13 submissions on those points, anticipating that the  
14 Inquiry will consider the points that we have made in  
15 writing with some care. Rather, I propose to focus  
16 these observations on three points.

17 First, the economic impact of Long Covid, both on  
18 individual sufferers and on the economy more widely;  
19 second, the provisional scope of Module 9 and, finally,  
20 third, Rule 9 requests.

21 My Lady, first dealing with the impact, in order  
22 to understand the economic impact of Long Covid, one  
23 must first understand the size of the cohort it affects,  
24 and the nature of the impact that it has.

25 The most recent statistics from the Office for

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1 and Rule 9 requests.

2 Beyond that, my Lady, we look forward to working  
3 with the Inquiry team in this module and those are our  
4 submissions.

5 **LADY HALLETT:** Thank you very much, Mr Jacobs. In which  
6 case I think we might go to Ms Hannett, unless you  
7 prefer I take a break?

8 **Submissions on behalf of Long Covid SOS and Long Covid  
9 Support by MS HANNETT KC**

10 **MS HANNETT:** Not at all, my Lady.

11 I appear on behalf the Long Covid Groups in this  
12 Module, that's Long Covid SOS, and Long Covid Support.  
13 I am assisted by Ms Lengar and Ms Sivakumaran. I am  
14 instructed by Ms Jane Ryan of Byatt Murphy solicitors.

15 My Lady, Long Covid SOS was established in  
16 June 2020 as a volunteer-run patient advocacy and  
17 campaign group. Long Covid SOS advocates for  
18 recognition, research and rehabilitation for people  
19 impacted by Long Covid. Long Covid SOS became a  
20 registered charity in May 2022.

21 Long Covid Support began as a peer support  
22 Facebook group in May 2020, registering as a charitable  
23 company in May 2021. Long Covid Support provides  
24 support and information to sufferers of Long Covid and  
25 campaigns for equitable access to high quality

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1 National Statistics say an estimated 2 million people  
2 who represent 3.3% of the population in England and  
3 Scotland experience self-reported Long Covid as of  
4 March 2024. 74.7% of those with self-reported Long  
5 Covid, an estimated 1.5 million people, reported that  
6 Long Covid adversely affected their daily activities.  
7 At 19.2%, that's 381,000 people, reported their ability  
8 to undertake daily activities had been limited a lot.

9 Long Covid has therefore created a cohort of newly  
10 disabled people. The economic effects of Long Covid on  
11 those individuals have been profound and long-lasting.  
12 A December 2023 report from the National Institute for  
13 Health and Care Research found that 52% of respondents  
14 with Long Covid worked fewer hours or had stopped  
15 working. On average, people had a 25% drop in earnings,  
16 which equated to 10,000 -- over £10,000 each in lost  
17 earnings. Further, 32% of respondents needed care from  
18 an informal carer.

19 Those individual impacts are not evenly  
20 distributed throughout society. The July 2022 report  
21 for the Institute for Fiscal Studies reported the  
22 economic effects of Long Covid were disproportionately  
23 concentrated on the more deprived groups.

24 These individual stories of economic impact add up  
25 to a significant impact on the UK economy. A study by

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1 Cambridge Econometrics suggests Long Covid may have a  
2 macroeconomic cost of 1.5 million of GDP each year.

3 Further, the IFS report described the impact of  
4 Long Covid as being equivalent to 110,000 workers being  
5 off sick on any given day. These findings reflect the  
6 experiences of the members of the Long Covid Groups who  
7 have suffered loss of earnings, regression in career  
8 advancement, complete loss of livelihood, financial  
9 instability and, in some cases, the loss of their homes.

10 My Lady, I turn second to scope. The Long Covid  
11 Groups make three points about the scope of Module 9.  
12 First, at paragraph 8 of the written submissions, they  
13 identified a number of key themes which call for  
14 in-depth analysis in Module 9.

15 First, the provisional of financial support for  
16 self-isolation and other economic policies aimed at  
17 reducing transmission of Covid-19 during lockdowns or  
18 during the infection of the worker.

19 Second, the provision of long-term sick pay, and  
20 other financial and occupational support for people  
21 whose ability to work was impacted by Long Covid, either  
22 temporarily or permanently, and that should include the  
23 self-employed, my Lady.

24 Third, the provision of funding for public  
25 services to support people for Long Covid, for example,

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1 Module 9.

2 The Chair will be aware that the Long Covid Groups  
3 have written to the Module 3 Inquiry legal team raising  
4 concerns about this issue falling between these two  
5 modules. Members of the Long Covid Groups who worked on  
6 the frontline as healthcare workers have lost their  
7 livelihoods after developing Long Covid from a  
8 workplace-acquired Covid-10 infection.

9 The economic interventions necessary for those  
10 healthcare workers who damaged their own health to  
11 safeguard the health of others should be a critical part  
12 of this the Inquiry's work.

13 Therefore, the Long Covid Groups urge the Inquiry  
14 to provide a clear indication this issue will be  
15 examined, and an indication of in which module.

16 My Lady, turning, finally, third to Rule 9  
17 requests, the Long Covid Groups welcome the explanation  
18 given by the Inquiry legal team as to the progress of  
19 the evidence-gathering exercise for Module 9. We make  
20 two overarching points about the approach to the Rule 9  
21 so far.

22 First, the requests thus far are tilted towards  
23 business networks and we welcome the acknowledgement by  
24 Counsel to the Inquiry this morning that a balance of  
25 worker and employee evidence is important.

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1 ensuring that dedicated funding for Long Covid services  
2 is ringfenced.

3 Fourth the provision of guidance and support for  
4 business and organisations on how to support workers and  
5 employees who suffer from Long Covid, including when to  
6 carry out an occupational assessment and to introduce  
7 reasonable adjustments to facilitate employees' return  
8 to work.

9 That's the first point on scope.

10 The second point on scope, as Counsel to the  
11 Inquiry indicated this morning, the Long Covid Groups do  
12 ask that the issue of Long Covid be looked at as a  
13 thread running through the topics to be examined by the  
14 module. We don't accept that this is disproportionate.  
15 We make this request to ensure that Long Covid is not  
16 siloed as a discrete topic. Rather, Long Covid and the  
17 economic response to it is properly to be regarded as  
18 directly connected to the economic response to Covid-19.

19 Finally third the Long Covid Groups remain  
20 concerned about the examination of occupational support  
21 for healthcare workers. Counsel to the Inquiry  
22 confirmed this morning that this issue falls outside of  
23 Module 9. Yet, the Inquiry legal team in Module 3,  
24 Healthcare, have indicated it won't be looked at in  
25 Module 3 telling us that the issue falls within

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1 Second, the questionnaires and Rule 9 requests  
2 must include questions to recipients about the impact of  
3 and any response to Long Covid. Government departments  
4 should be asked about if and how the impact of  
5 Long Covid was taken into account in its economic  
6 decision-making. And we provide more detailed  
7 submissions on that point, my Lady, in paragraph 18 of  
8 our written submissions.

9 In paragraph 17 of our written submissions, the  
10 Long Covid Groups identify a number of other  
11 non-governmental organisations that the Inquiry would be  
12 assisted by hearing from, and we ask that the Inquiry  
13 give careful consideration to those suggestions.

14 In conclusion, the Long Covid Groups look forward  
15 to assisting the Inquiry with its important work in  
16 Module 9 and unless I can assist you anymore further  
17 those are sure submissions.

18 **LADY HALLETT:** Thank you very much indeed, Ms Hannett,  
19 everyone is being extremely efficient this morning, so  
20 unless anyone has any objections, I think we will go to  
21 Ms Smyth and then Mr Castle.

22 **Submissions on behalf of Child Poverty Action Group**  
23 **by MS SMYTH**

24 **MS SMYTH:** Thank you, my Lady. I appear on behalf of the  
25 Child Poverty Action Group which I will refer to as CPAG

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1 or C-PAG, but CPAG is the proper abbreviation.  
 2 CPAG is a charity which works on behalf of the  
 3 large number of children in the UK who are growing up in  
 4 poverty, and I'll come on in a moment to say what that  
 5 actually means.

6 At the outset, CPAG want to acknowledge the  
 7 devastating impact that the pandemic has had on children  
 8 and families and, of course, the wider population. And,  
 9 needless to say, very much welcome the grant of core  
 10 participant status and the work which has been done by  
 11 the Inquiry to date on this Module, and particularly  
 12 welcome the involvement of the DPOs as a core  
 13 participant.

14 So the Inquiry has two sets of written submissions  
 15 from us. Our main written submission is dated  
 16 11 October and our key lines of enquiry submission is  
 17 dated 18 October, and we of course invite the Inquiry to  
 18 consider all of those submissions but we wanted to take  
 19 the opportunity now just to address some key and  
 20 supplementary points and, if I may, I will adopt the  
 21 following order.

22 So first, to address what is poverty; second, to  
 23 deal with CPAG and its expertise; and then, third, to  
 24 highlight some substantive topics which for CPAG are  
 25 absolutely key, and then finally just to briefly address

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1 school is family income, and needless to say, CPAG  
 2 invites the Inquiry to place those children at the heart  
 3 of Module 9.

4 The second thing is that we've set out in detail  
 5 in our written submissions about CPAG and its work and  
 6 obviously I won't repeat that, but just to highlight  
 7 three particular areas of expertise. The first is  
 8 CPAG's technical expertise which we deal with in  
 9 paragraph 4. And it's not only the author of some  
 10 highly respected books, but it also advises the  
 11 advisers. So, in other words, it acts as a specialist  
 12 source of support to welfare rights advisers across the  
 13 country.

14 Second, it has absolutely unparalleled knowledge  
 15 and understanding of how the benefits system operates on  
 16 the ground which it gets not only from its co-ordination  
 17 and liaison with allied organisations but also its work  
 18 with individuals. That's in paragraph 5 of our  
 19 submissions, and it means that CPAG is uniquely in place  
 20 to assist the Inquiry with that aspect of this module.

21 Then finally, as the Inquiry will have seen, there  
 22 has been a wealth of work done by CPAG to understand the  
 23 specific impact on the pandemic and that is all itemised  
 24 in paragraph 6.

25 So moving then to the third part, which is to deal

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1 some final procedural matters.

2 So turning then to the first of those points, what  
 3 is poverty, we've given detail in footnote 1 of our  
 4 written submissions of 11 October of an important CPAG  
 5 report which is called "Ending Child Poverty: Why and  
 6 How", and what that explains very broad terms is that  
 7 government statistics, annual government statistics are  
 8 used to measure poverty. And, broadly, what it means is  
 9 not having enough resources to meet the household's  
 10 needs or not having the living conditions which are  
 11 widely accepted in society in which you live as being  
 12 usual.

13 So for a child in poverty in the pandemic, that  
 14 might mean that her parents didn't have enough money to  
 15 ensure that her home was warm and free from damp, or it  
 16 could mean inadequate access to the internet to do her  
 17 schoolwork, or it could mean seeing the additional  
 18 anxiety and stress her parents suffered as they  
 19 struggled to keep up with their bills, having lost work,  
 20 despite their best efforts to shield her from it. And,  
 21 strikingly, some 1 in 4 children in the UK are growing  
 22 up in poverty. And, also strikingly, of those children,  
 23 7 in 10 have at least one parent in work.

24 It's still the case that in 2024, the strongest  
 25 statistical predictor of how a child will succeed at

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1 with some substantive points, the Child Poverty Action  
 2 Group's core submission is that many children and  
 3 families entered the pandemic facing poverty and  
 4 structural disadvantage and were failed and continue to  
 5 be failed by the inadequacy of the economic measures  
 6 which were introduced in response. So could I just draw  
 7 out three points from our written submissions.

8 First, we welcome what has been said this morning  
 9 by Counsel to the Inquiry about the context and, of  
 10 course, we appreciate that this Inquiry is not making  
 11 political recommendations. Nonetheless, CPAG says that  
 12 it's absolutely impossible to consider the adequacy of  
 13 the economic interventions and, in particular, the  
 14 benefits position, without understanding the position  
 15 when the UK entered the pandemic.

16 So, as we say in our written submissions, on the  
 17 eve of the pandemic, the context was that benefits had  
 18 been heavily cut in monetary terms and, in addition,  
 19 policies, such the benefit cap, severed the connection  
 20 between need and levels of support and that is in  
 21 a context, as we say in paragraph 9, of disproportionate  
 22 levels of poverty in certain protected groups.

23 That had the consequence that those who entered  
 24 the pandemic in poverty were particularly vulnerable to  
 25 its economic impacts. They didn't have the resources to

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1 meet its demands and they bore the economic brunt as  
2 a result and, in that sense, we were not "all in it  
3 together". CPAG will share with the Inquiry its  
4 experience of those effects and it's suggested  
5 organisations which can do the same.

6 So it is one of CPAG's core concerns for the  
7 Inquiry to understand this pre-existing context and  
8 crucially to examine whether this context was properly  
9 taken into account when designing and administering  
10 economic interventions, particularly benefits. If that  
11 didn't happen, then it's vital to understand why not and  
12 to examine what can be done to avoid that being repeated  
13 in future.

14 Then second, turning to substantive measures,  
15 CPAG's position is that the measures which related to  
16 the design of the support failed to address and  
17 alleviate the stark impact of the pandemic on children  
18 and families who were already in poverty. So one  
19 example we've given, and it's been mentioned by  
20 Mr Friedman, is in paragraph 15.1 the £20 uplift in  
21 Universal Credit. Of course, while that was welcome for  
22 some, it was a blunt tool. For example, it didn't take  
23 account of family size. So both a single adult and  
24 a lone parent who was home schooling two children both  
25 received the same £20. Secondly, the benefit cap

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1 benefit but the experience of CPAG is that failings in  
2 administration in reality meant that many families  
3 weren't asked for relevant information or they didn't  
4 know that they needed to provide it and so genuine  
5 errors were made in their claims.

6 To give another example, many families missed the  
7 retrospective identity check on the Universal Credit  
8 computer systems, often because they had ended they'd  
9 Universal Credit claims. As a result, they have  
10 received retrospective demands for payments and some are  
11 still trying to resolve that now.

12 That's not to seek to go outside the scope of the  
13 matters addressed by counsel this morning. What CPAG  
14 say is: that needed to be built into implementation of  
15 the system, so if easements are to be applied, don't  
16 unfairly penalise people later, is essentially the  
17 point.

18 So all of these individuals are genuine claimants  
19 who are often living in very difficult circumstances and  
20 they are still negotiating now not only the severe  
21 financial effects of the pandemic but also the stress  
22 and anxiety of DWP review exercises, often without  
23 support.

24 So we invite the Inquiry to consider a number of  
25 things in that part of this module but, overarchingly,

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1 continued to operate in the pandemic so some families  
2 never saw the benefit of that £20. Even more  
3 strikingly, some actually saw their benefit decrease  
4 and, to give an example if somebody lost work, as  
5 a result of losing that work, they may have become  
6 subject to the benefit cap for the first time. So the  
7 impact of the pandemic on them was that they lost  
8 benefit.

9 Then the final point we made in our written  
10 submissions to highlight now is that CPAG say that  
11 substantive failings were compounded by decisions taken  
12 in relation to administration of the benefit system, and  
13 we address that in paragraph 15.2.

14 Could I just highlight two things at this stage.  
15 The first is that poor messaging resulted in real  
16 problems and often people didn't know that they had  
17 entitlement or they didn't recognise that they would  
18 lose entitlement. So one of the examples we've given is  
19 that it was several months before there was clear  
20 messaging that claiming Universal Credit would lead to  
21 a permanent loss of legacy benefits, even for people who  
22 ultimately were not eligible for Universal Credit.

23 The second point we make is this: understandably,  
24 the government will want to address fraudulent benefits  
25 claims and to ensure that it pays the right amount of

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1 to consider whether government shortcomings have led to  
2 genuine claimants being caught up in those review  
3 exercises.

4 To conclude that part of the submissions and in  
5 terms of recommendations, the core concern of CPAG is to  
6 ensure that recommendations are made to ensure financial  
7 investment for disadvantaged children and families, not  
8 just to recover from the consequences of the pandemic  
9 but also to ensure that we don't leave vast numbers of  
10 families and children already in poverty -- and I've  
11 given the statistics for that -- to bear the economic  
12 brunt of any future pandemic.

13 Then, finally, just on a couple of procedural  
14 matters, CPAG support all the DPO suggestions in  
15 relation to Rule 9 requests. We've made a number of  
16 points in our written submissions in relation to the  
17 scope of Module 9, both the 11 and 18 October  
18 submission. If your Ladyship can bear with just to  
19 briefly draw out one point, and that relates to migrant  
20 groups, which we address in paragraph 22.

21 In short, what CPAG say is that it's crucial to  
22 examine the position of those who had no access to  
23 benefits at all or who could only access benefits in  
24 very limited circumstances and, importantly, many of  
25 these migrants were in this country lawfully with leave

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1 to remain. Of course, given the circumstances of the  
2 pandemic, they couldn't leave the country, even if  
3 they'd wished to do so. So we've specifically made that  
4 point and we say that that is a group that ought to be  
5 specifically considered.

6 Otherwise, we don't repeat our written submissions  
7 and CPAG very much looks forward to working with and  
8 assisting the Inquiry going forward.

9 **LADY HALLETT:** Thank you very much indeed, Ms Smyth, very  
10 grateful.

11 I think it's Mr Castle, Welsh Government.

12 **Submissions on behalf of the Welsh Government by MR CASTLE**

13 **MR CASTLE:** *Bore da*, my Lady. I appear on behalf of the  
14 Welsh Government. The Welsh Government reaffirms its  
15 full commitment to the Inquiry and its determination to  
16 provide the fullest possible co-operation, so that the  
17 decisions it took in response to the pandemic are  
18 thoroughly scrutinised.

19 To that end, and as in all other modules, the  
20 Welsh Government will ensure that the Inquiry is  
21 provided with all the evidence it needs to fulfil its  
22 terms of reference.

23 Economic decision-making, including support for  
24 businesses, additional funding for public services,  
25 voluntary and community sectors and support for

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1 ease the financial barriers faced by people of low  
2 incomes when needing to self-isolate.

3 The Welsh Government fully understands the  
4 importance of recognising the difficulty suffered by  
5 people from different communities and backgrounds,  
6 including those who were at greater risk or otherwise  
7 vulnerable and welcomed the indication that the equality  
8 of economic interventions, including equality of impact,  
9 is to be considered in Module 9.

10 In providing support to businesses and the  
11 voluntary and community sectors, the Welsh Government  
12 was in regular contact with organisations in Wales in  
13 putting together packages of economic support. The  
14 Welsh Government also took steps to communicate in Welsh  
15 with organisations that worked in that language, thereby  
16 ensuring they were not unduly disadvantaged when  
17 accessing information about the available support.

18 The Welsh Government is pleased to see in Counsel  
19 to the Inquiry's note, provided ahead of today's  
20 hearing, that a number of the national social partners  
21 and stakeholders that it engaged with during the  
22 pandemic have received questionnaires to support its  
23 work in this module. We would also suggest that  
24 questionnaires are sent to other specific devolved  
25 organisations, which played an important role in

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1 vulnerable people in Wales is central to Module 9 and it  
2 is devolved to Welsh ministers.

3 My Lady, as you know, the Welsh Government has  
4 provided written submissions which address in some  
5 detail the provisional scope of this module. I won't  
6 repeat those, other than to note that specific economic  
7 initiatives were established in Wales and they were  
8 separate for UK-wide economic response.

9 The Welsh Government took significant steps to  
10 support businesses public services and vulnerable  
11 individuals during the pandemic. This included but was  
12 not limited to, an economic resilience fund which was  
13 the core financial scheme providing financial assistance  
14 for eligible businesses and organisations in Wales  
15 during the pandemic; a local government hardship fund;  
16 a third sector Covid-19 response fund for the voluntary  
17 and community sector, including Welsh charities and not  
18 for profit organisations, bodies which faced huge  
19 financial and operational pressures during the pandemic;  
20 a bus hardship fund and later a bus emergency scheme, as  
21 well as an emergency measures agreement with Transport  
22 for Wales Rail Services to support services at a time  
23 when use of public transport was at a record low; and  
24 a self-isolation support scheme was also established in  
25 Wales as a discretionary scheme whose purpose was to

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1 informing and decision-making in Wales, Scotland and  
2 Northern Ireland.

3 We have made representations on this in our  
4 written submissions to assist the Inquiry and offer any  
5 further assistance if needed.

6 The Welsh Government also welcomes the expert  
7 report on devolved and local government finance but it  
8 would ask the Inquiry to make sure that all expert  
9 reports prepared for Module 9 properly consider devolved  
10 matters and the distinctive and different economies of  
11 the four nations, in order to ensure that the Inquiry  
12 gathers as complete an evidential picture as it can.

13 As the Inquiry progresses on to its ninth module,  
14 the Welsh Government will continue to strive to learn  
15 lessons from the handling of the pandemic. The Welsh  
16 Government warmly supports the continuing importance  
17 rightly given to Every Story Matters. Understanding the  
18 human experience of those who accessed or who did not  
19 access or who were unable to access the economic schemes  
20 offered in the four nations will form a central part of  
21 the Inquiry's work.

22 The scope of Module 9 and the lines of enquiry  
23 identified in Counsel to the Inquiry's note raise  
24 important issues of far-reaching concern for all four  
25 governments. Those matters include: equality of access

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1 to support; the reasons for any disparities in the  
 2 provision of support; whether government interventions  
 3 had an unequal impact, with consideration given to those  
 4 who were at greater risk of financial hardship or were  
 5 vulnerable, whether economically or otherwise. The  
 6 lessons learned in this module will ensure that this  
 7 Welsh Government, and future Welsh governments, have the  
 8 best possible information to prepare for, and respond  
 9 to, any future public health challenges.  
 10 *Diolch yn fawr*, my Lady.  
 11 **LADY HALLETT:** Thank you very much indeed, Mr Castle.  
 12 Well, I'm extremely impressed by the efficiency  
 13 and economy of all those who made submissions. I don't  
 14 know if you wanted to add anything, Mr Wright?  
 15 **MR WRIGHT:** No, thank you very much, my Lady.  
 16 **LADY HALLETT:** Well, it all bodes extremely well for the  
 17 conduct of this module. I found all the submissions  
 18 very constructive and helpful and I thank everybody for  
 19 their participation.  
 20 That completes this preliminary hearing and  
 21 I shall return on Monday, 28 October when Module 3  
 22 resumes its hearings at 10.30. Thank you all very much.  
 23 **(11.52 am)**  
 24 **(The preliminary hearing concluded)**  
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