

UK Covid-19 Inquiry Before Baroness Heather Hallett

Module 9 Preliminary Hearing: 23 October 2024

Written Submission 11 Oct 24

on behalf of

THE SCOTTISH GOVERNMENT

Introduction

1. The Scottish Government would like to thank the Inquiry for its designation as a Core Participant in Module 9. It re-affirms its commitment to assist the Inquiry as it continues its important work in this penultimate module.
2. The economic response by the Scottish Government, the UK Government and the other Devolved Administrations forms a vital piece of the picture when considering the overall systemic response to the Covid-19 pandemic. In Modules 2 and 2A, the Inquiry heard some evidence about the scale of the economic response across Scotland and the rest of the UK, together with some evidence as to the constraints and difficulties that the Scottish Government felt arose due to funding arrangements that were in place.

Provisional Scope and KLOEs

3. The Scottish Government is grateful to the Solicitor to the Inquiry and Counsel to the Inquiry for their notes circulated in advance of the preliminary hearing. The Scottish Government notes the description of the provisional scope of Module 9 as “*wide ranging and ambitious*”, as well as “*broad and flexible*”. We consider these a fair characterisation, and as the provisional scope ought to be. The Scottish Government does not offer any further comment on the provisional scope at this stage, although we note that the Inquiry will, quite properly, keep it under review in light of submissions from Core Participants.

4. Similarly, the Scottish Government has nothing to add to the Key Lines of Enquiry for Every Story Matters, beyond noting the value in the learning that we anticipate will arise from this work.

Instruction of Experts

5. The Scottish Government does wish to comment briefly on the instruction of experts. We note that §54(c) of CTI's Note states that the Inquiry intends to build upon evidence previously given in Module 2A-C, in terms of the finances of the Devolved Administrations and local government. While Module 2 and 2A received evidence from Scottish Government and UK Government witnesses on this subject, the topic did not feature prominently during the oral hearings, and the Inquiry did not hear independent expert evidence on this topic. The funding arrangements within which the Scottish Government operates are unique. Accordingly, the Scottish Government respectfully submits that this is a topic on which evidence from a subject-specific expert should be sought, rather than dealt with as part of an overview of devolved and local government finance.
6. Similarly, following devolution of certain social security matters to the Scottish Government under the Scotland Act 2016, the system of benefits that operates in Scotland is materially different from that which operates in England and Wales (and different again to the system in Northern Ireland). For example, there are currently seven benefits available in Scotland that are not available in other parts of the UK. Moreover, the period of the Pandemic was a time of considerable change, with new powers and benefits becoming available throughout 2020-2022. Accordingly, the Scottish Government respectfully submits that, if expert evidence is to be obtained on the issue of benefits (as envisioned in §54(e) of CTI's Note), then it should include evidence from an expert with specific knowledge and

expertise of the Scottish social security system, particularly as it progressed during the course of the Pandemic.

7. With respect to §54(d) (Labour market and inequality), the Scottish Government would respectfully invite the Inquiry to consider the appointment of an expert who could speak to these matters as they pertain to *all* the nations of the United Kingdom.
8. The Scottish Government can see that the topics of economic policy making (§54(a)), or macroeconomics and monetary policy (§54(b)), may require a greater focus on UK Government structures and processes. However, any expert will plainly require to be alive to the structures, processes and mechanisms that are peculiar to Scotland.
9. We recognise that the appointment of any particular expert is a matter entirely for the Chair. Accordingly, we offer no view on the identity of such expert(s).

Conclusion

10. As ever, the Scottish Government is eager to take the opportunity presented by this Module to learn from the evidence, to identify what could have been done better, and to improve government decision-making for the future.

11 October 2024

G. D. Mitchell, KC

Julie McKinlay, Advocate

Michael Way, Advocate

Kenneth Young, Advocate

Counsel for the Scottish Government

Instructed by Caroline Beattie, Scottish Government Legal Directorate