



**IN THE UK COVID-19 PUBLIC INQUIRY**

**MODULE 5**

**SUBMISSIONS OF SCOTTISH COVID BEREAVED FOR THE  
SECOND 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 second Preliminary Hearing for Module 5. It is noted that the Module will focus on the structures, processes and core decision-making in procurement during the pandemic. Scottish Covid Bereaved appreciate that the Inquiry intends to examine systemic issues in order to learn important lessons for the future.
2. Scottish Covid Bereaved note that, as with other Modules, there are some matters which apply to other parts of the United Kingdom that will not apply in Scotland, and there are some matters relative to Scotland which will overlap with the separate Scottish Inquiry. Scottish Covid Bereaved are confident that the Inquiry will take into account those distinct Scottish matters in its consideration of Module 5, and that it will continue to endeavour to avoid unnecessary duplication of the work of the Scottish Inquiry.

Approach to the Investigation and Hearing

3. Scottish Covid Bereaved note that the Inquiry team intends to adopt a thematic approach to the evidence and the hearing. The Inquiry is no longer considering the use of case studies to examine systemic issues in procurement during the pandemic. Scottish Covid Bereaved note Counsel to the Inquiry's explanation for this. It is hoped

that the approach taken by the Inquiry will allow for a proper understanding of the existence and persistence of the most important issues with procurement during the pandemic. Scottish Covid Bereaved accept that, given the timetable set by the Inquiry, not every issue can be examined in detail during the hearings. The bereaved look forward to the illustrative examples from Scotland.

#### List of Issues

4. Scottish Covid Bereaved note the terms of the draft List of Issues which has been provided by the Inquiry. Scottish Covid Bereaved welcome the level of detail provided for in the draft List of Issues and hope that the Inquiry will be able to examine those issues in the hearing dates provided for.

#### Disclosure

5. Scottish Covid Bereaved note all that has been said by CTI in his note in relation to disclosure. It is noted that the disclosure process is ongoing and that significant tranches of disclosure are expected in the coming weeks.
6. Scottish Covid Bereaved trust that the Inquiry understands the pressures that all Core Participants are experiencing with the conclusion of the Module 3 hearings and the preparation of written submissions, alongside the preparations for the Module 4 hearings and the start of the Rule 10 process for that hearing. It is hoped that the disclosure for Module 5 can be issued as soon as possible to allow for proper preparation for this important Module.

#### Expert reports

7. It is noted that the Inquiry has instructed expert reports from Professor Sanchez-Graells and John Manners-Bell. As has been the case with other Modules, the Inquiry does not appear to have instructed experts with specific expertise in relation to Scotland. Scottish Covid Bereaved note the submissions of the Scottish Health Boards in advance of the first Preliminary Hearing, where they anticipated that some aspects of the expert

evidence might depend on the underlying healthcare structures within which PPE was procured and supplied, together with the ability of experts to ascertain the correct position in systems in which they do not have direct experience.

8. Scottish Covid Bereaved look forward to the disclosure of the expert reports. It is noted that both experts instructed as based in England. No issue is taken with their expertise. It is hoped that the reports address the situation as it applied in relation to the Scottish Government. If the reports do not address the Scottish dimension, the Inquiry may wish to consider instructing a report from a suitably instructed expert with Scottish experience in relation to Scottish issues.

### Timetable

9. Scottish Covid Bereaved note that the Module 5 team will circulate the final List of Issues, a Provisional List of Witnesses, timetable, and further details about the Rule 10 process following the second Preliminary Hearing. It is noted that the comments on the expert reports are to be submitted by 13 and 20 December 2024.
10. The timetable for the submission of comments overlap with the preparation of written submissions in Module 3, as well as the Rule 10 process for Module 4. The disclosure and Rule 10 processes may well overlap with the Module 4 hearings. While the Scottish Covid Bereaved appreciate that the Inquiry requires to work to an ambitious and demanding timetable, it is hoped that allowances can be made for those representatives who will be required to work across the three Modules.

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