



Module 7: Counsel to the Inquiry's Note for the second Preliminary Hearing on Thursday 6th February 2025

Introduction

1. The first Preliminary Hearing in Module 7 of the Covid-19 Inquiry took place on 27th June 2024. This Note introduces the agenda and the issues for the second Preliminary Hearing in Module 7, to be held on Thursday 6th February 2025. This will be a hybrid hearing with the Chair appearing remotely.
2. Those who have been granted Core Participant status on Module 7 have been provided with monthly solicitor progress updates. However, this Preliminary Hearing is an opportunity to draw this information together and ensure that it is up to date, as well as allowing a public update on the Inquiry's work so far in Module 7. Any brief written submissions from Core Participants in response to this Counsel Note should be received by **4pm on 27 January 2025**.

Update as to late application for Core Participant Status

3. A late application for Core Participant status on behalf of Ms. Michelle O'Neill MLA, the First Minister of the Northern Ireland Executive, was made to the Inquiry dated 13 December 2024. The application was supplemented on 16 January 2025. An update will be provided when this late application has been determined by the Chair.

Agenda

4. The agenda for the Second Preliminary Hearing in Module 7 is as follows:

(i) Introductory remarks from the Chair

(ii) Submissions from Counsel to the Inquiry, regarding:

- a. Update on Rule 9 requests
- b. Disclosure to Core Participants
- c. Expert Witnesses
- d. Every Story Matters
- e. Timetable concerning provision of:
 - a. Provisional List of Issues document
 - b. List of witnesses
 - c. Proposals for Rule 10 process
- f. Future hearing dates.

(iii) Submissions from Core Participants

Update on Rule 9 requests

5. As of the date of this Note, Module 7 has issued 192¹ Rule 9 requests sent to individuals and organisations for witness statements and associated documents.
6. The Module 7 Solicitor team monthly update notes have provided details of the recipients and an overview of the topics about which they have been asked.
7. We are grateful to recipients of Rule 9 requests for the efforts they have made to comply with the Inquiry requests in a timely manner. In some cases, extensions to deadlines have been agreed to allow departments, organisations and individuals to focus on providing responses to requests made in earlier Inquiry modules.
8. Significantly, Module 7 is yet to receive drafts of witness statements following Rule 9 requests issued, for what are anticipated to be important corporate witness statements from:
 - (a) DHSC; and
 - (b) UKHSA.
9. This has been the subject of regular correspondence and discussion by the Inquiry with both DHSC and UKHSA to progress these Rule 9 requests and to consider the extensions that have been sought. A timetable has been agreed for Module 7 to receive these draft statements as soon as possible.
10. A further update will be given at the Preliminary Hearing as to when the draft Module 7 Statements from DHSC and UKHSA will be received. It is anticipated that both Corporate Witness Statements will have been disclosed to Core Participants by the beginning of March.
11. As at the date of this Note, 85 draft witness statements have been received and are either being reviewed with a view to the giving of feedback, or for confirmation as to

¹ 46 of these requests have been template type requests issued to academics, scientists and experts who provided advice relevant to TTI as provided for example to SAGE and Independent SAGE and from backgrounds including virology, epidemiology, infectious disease, public health, psychology, behavioral science, testing technologies and strategies.

finalisation by signature.

12. As the draft statements are reviewed, decisions will be taken as to whether further new, or follow-up, Rule 9 requests to organisations and witnesses are necessary or required, as issues come into greater focus and will be progressed as a matter of urgency.
13. It is anticipated that by the Preliminary Hearing a number of final witness statements and exhibits will have been disclosed to Core Participants.
14. In addition, the Inquiry anticipates sending out a further number of Rule 9 requests by the time of the Preliminary Hearing. Updates will be given as to the further Rule 9 requests issued in the January 2025 solicitor update and also at the second Preliminary Hearing.
15. It will remain the position that Core Participants will not be provided with copies of the Rule 9 requests made by the Inquiry. However, Core Participants will continue to be kept properly informed through the Module 7 solicitor updates.

Disclosure to Core Participants

16. As noted above, a significant number of draft statements have been received and are being reviewed. It is hoped that by the date of the Preliminary Hearing a number of finalised statements will have been disclosed to Core Participants.
17. An update will be given at the Preliminary Hearing as to the progress of the review of the draft statements and details as to the timetable as to when disclosure of these and all of the finalised statements can be expected over the next six weeks.
18. As at the date of this Note, the Module 7 team has disclosed a significant volume of material identified as relevant to the scope of Module 7. Seven tranches of disclosure having been disclosed to date with the last disclosure tranche having been made on 9th January 2025.
19. The 8th and 9th tranches of disclosure are scheduled to take place on 23rd January

2025 and 10th February 2025 respectively. Disclosure will thereafter continue on a rolling basis.

Expert Witnesses

20. Significant progress has been made in respect of the instructions of the experts and receipt of the draft expert reports.
21. On 17 January 2025 the draft expert reports for Module 7 were disclosed to Core Participants. Core Participants have an opportunity to provide comments by 29th January 2025.

Expert Report providing analysis of adherence to behaviours associated with the TTI System

22. The first disclosed draft expert report provides an analysis of adherence to behaviours associated with the TTI System by Lead Author Professor Arden with author contributions from Professor Swanson (Scotland), Dr Rhiannon Philips (Wales) and Dr Gillian Shorter (Northern Ireland) thus ensuring a perspective from each of the four nations.
23. Professor Madelynne Arden is Professor of Health Psychology and Head of the Centre for Behavioural Science and Applied Psychology at Sheffield Hallam University. Professor Swanson is a Professor of Health Psychology based at the University of Stirling. Dr Philips is a Reader in Health Psychology and deputy Associate Dean for Research in the Cardiff School of Sport and Health Sciences. Dr Shorter is a Reader in Clinical Psychology in the School of Psychology at Queen's University Belfast.

Expert Report providing an analysis of the effectiveness of Covid-19 financial support and the impact on adherence with the TTI system

24. The second disclosed draft expert report provides an analysis of the effectiveness of Covid-19 financial support and the impact on adherence with the TTI system from Professor Richard Machin, Associate Professor in Social Policy in the Social Work, Care and Community Department at Nottingham Trent University. He specialises in research on the UK social security system, poverty, financial wellbeing and the impact of inequalities.
25. When updating Core Participants in the October 2024 solicitor update as to Professor

Machin's instruction, also detailed was that Mr. Rich Pickford, Manager of Nottingham Civic Exchange at Nottingham Trent University would assist Professor Machin with his research.

26. It was confirmed in the October Note that Mr Pickford had completed a conflict-of-interest form and that the Inquiry did not consider the matters listed curtailed his contributions to the report. However, these were drawn to Core Participants' attention for transparency.
27. The matters identified were that Mr Pickford was a member of the C19 National Foresight Group and is a named author on numerous reports produced by that group.² It was detailed that this research focused on local resilience forum members' responses about local and national responses during the pandemic.
28. Thereafter, the Inquiry received the following response from CBFJ Cymru:

"Whilst our group acknowledge that Mr Pickford has completed a conflict of interest form and appreciate the transparency provided by the Inquiry Legal Team, we would like to enquire whether the Inquiry is aware that Nottingham Trent University has been commissioned by the Wales COVID-19 Inquiry Special Purpose Committee to undertake a gap analysis which can be used as part of an evidence base to support the Committee's work in scrutinising the Inquiry's Module 1 and potentially subsequent reports. [WCISPC06-09-214-P1-Paper 1 - Approach to Evidence gathering.pdf](#)

Moreover, Mr Pickford has been providing evidence to the Senedd Committee on an NTU Academic briefing paper on Civil Contingencies and disaster and emergency management, having last provided evidence on 18 November 2024. [Agenda for Wales COVID-19 Inquiry Special Purpose Committee on Monday, 18 November 2024, 14.00](#)

It is our client group's view that these matters raise a concern regarding the potential for a conflict to arise."

29. Module 7 has raised this query from CBFJ Cymru directly with Mr Pickford. He has confirmed that he undertook work for the identified Special Purpose Committee. However, this was confirmed to be in relation to the legislation and systems of civil contingencies in the UK.

² All of which are listed on the following link:

<https://www.ntu.ac.uk/about-us/community/nottingham-civic-exchange/projects/supporting-resilient-futures/c19-national-foresight-group>.

30. Mr Pickford has also identified that these pieces of work namely:

- a. a public briefing (January 2024) and a private briefing (November 2024) to the committee;
- b. and a gap analysis relating specifically to Module 1, with a public briefing anticipated on the 20th January 2025;

were either underway or had been completed to support the committee to consider the gaps in their knowledge and to provide any potential insight into how the committee could focus its attention on topics related to Module 1.

31. Mr Pickford has confirmed that his work with Dr Machin has been to support the Module 7 report as a knowledge broker through his work with Nottingham Civic Exchange.³ Mr Pickford has stated that material between these projects does not in his opinion overlap.

32. The Inquiry maintains that the matters listed and set out above do not curtail Mr Pickford's contributions to the Machin report or create any issue with the contributions made to the Draft Report to date. The chain of correspondence is detailed in this Counsel Note for the attention of all Core Participants so that there is complete transparency.

Testing Technologies and Strategies

33. As has been detailed within the update notes, throughout July, August and September 2024 the Inquiry team met with a number of potential experts relating to testing technologies and strategies. Despite the extensive scoping of possible experts and numerous interviews, the Inquiry has not identified an appropriate independent witness with appropriate expertise to provide a report on this topic.

34. The Inquiry has however, identified a number of SAGE and independent scientists, think tanks and research institutes who were involved in providing advice to relevant advisory bodies in relation to testing technologies and strategies during the Covid pandemic. Rule 9 requests have been issued and the Inquiry has already received a large number of draft witness statements in response which will be disclosed to Core Participants and on a rolling basis as more are received.

³ www.ntu.ac.uk/nce

35. Module 7 is particularly grateful for the responses to these requests for witness statements from these organisations, scientists and academics. Their work, research and advice has importance relative to Test, Trace and Isolate during the pandemic. A large number of individuals have kindly once again given time to share their important and valuable evidence to inform the work of Module 7.

Every Story Matters

36. Module 7 is currently working on the Module 7 Every Story Matters record with our research partners, Ipsos. The Module 7 legal team is in the process of reviewing the second draft of the Module 7 Every Story Matters record and we are expecting to review a third draft at the end of February 2025 before it is finalised. We anticipate sharing the record with Core Participants in March 2025, 8 weeks before the Module 7 Hearings.

Timetable

37. In preparation for the public hearings which will commence on the 12th May 2025, the Inquiry intends to circulate around 12 weeks in advance of the hearing and in late February, a provisional List of Witnesses along with a provisional List of Issues. Core Participants will of course be invited to respond.
38. Proposals for the Rule 10 process will be circulated by 7th April 2025.

Future Hearings

39. As has been made clear on the Inquiry website, the public hearing in Module 7 will take place at Dorland House between the 12th May 2025 to the 30th May 2025.
40. There will be an Impact Film broadly connected with the issues addressed in Module 7 which will be played at the commencement of the Module 7 public hearings.

Counsel to the Inquiry 21 January 2025

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