Counsel to the Inquiry's Note for the first Preliminary Hearing in Module 10 of the UK Covid-19 Inquiry on Tuesday 18 February 2025

Introduction

1. The purpose of this Note is threefold. First, it introduces the agenda for the preliminary hearing in Module 10 on 18 February 2025. Second, it sets out, in overarching terms, the background to the UK Covid-19 Inquiry. Third, it sets out, primarily for the benefit of Core Participants, information concerning the nature of the Module's work so far, to enable them to file written submissions if they wish, in advance of the preliminary hearing and to prepare for that hearing. Any brief written submissions should be received by 4pm on 5 February 2025.

2. The agenda for the preliminary hearing in Module 10 is as follows:

    i) Introductory remarks from the Chair.

    ii) Update from Counsel to the Inquiry, including:

        a. Designation of Core Participants;
        b. Provisional Outline of Scope of Module 10:
        c. Roundtable events;
        d. Systematic evidence review;
        e. Expert material and the instruction of expert witnesses;
        f. Rule 9 Requests;
        g. Every Story Matters;
        h. Disclosure to Core Participants; and
        i. Future hearing dates and other matters.

    iii) Submissions from Core Participants

The Commencement of the Inquiry

3. On 12 May 2021, the then Prime Minister made a statement in the House of Commons in which he announced that there would be a public inquiry under the Inquiries Act 2005. He stated that it would examine the UK's preparedness and response to the Covid-19 pandemic and learn lessons for the future.

4. On 21 July 2022, the Inquiry was formally opened following a consultation across all four nations on the draft Terms of Reference. Baroness Hallett announced the

decision to conduct the Inquiry in modules, which would be announced and opened in sequence. Those wishing to take a formal role in the Inquiry were invited to apply to become Core Participants, within the meaning of Rule 5 of the Inquiry Rules 2006, for each module, rather than throughout the Inquiry as a whole.

5. The Inquiry has concluded its public hearings in respect of Module 1 (resilience and preparedness) and has published its first report and recommendations following its investigation in that module on 18 July 2024.

6. The Inquiry has also held public hearings in Module 2 (core political and administrative decision-making in relation to the pandemic), 2A, 2B and 2C (core decision making and political governance from the perspectives of Scotland, Wales and Northern Ireland respectively), and Module 3 (the impact of the pandemic on healthcare systems). It is currently hearing evidence in Module 4 (vaccines, therapeutics and anti-viral treatment).

7. In addition, the Inquiry has opened all remaining modules:

    a. Module 5 (procurement) was opened on 24 October 2023. The public hearings in Module 5 are scheduled to begin in March 2025;

    b. Module 6 (care sector) was opened on 12 December 2023. The public hearings in Module 6 are scheduled to begin at the end of June 2025;

    c. Module 7 (testing, tracing and isolation) was opened on 19 March 2024. The public hearings in Module 7 are scheduled to begin in May 2025;

    d. Module 8 (children and young people) opened on 21 May 2024. The public hearings in Module 8 are scheduled to begin in September 2025; and

    e. Module 9 (economic response) was opened on 9 July 2024. The public hearings in Module 9 are scheduled to begin in November 2025.

8. This Module, Module 10, is the final investigation of this Inquiry. It was opened on 17 September 2024. It concerns the impact of the pandemic on society, with a particular focus on the experiences of key workers, the most vulnerable and those bereaved during the pandemic. The public hearings in this Module are expected to be held in early 2026. More details about the scope of Module 10 are set out below.

9. The requirements of section 27 of the Inquiries Act 2005 having been completed, this Inquiry is obliged under its Terms of Reference to consider both reserved and devolved matters in respect of Scotland, Wales and Northern Ireland. However, because an Inquiry has been established in Scotland to look at matters devolved to the Scottish government, this Inquiry's intention, in relation to Scottish matters, is to seek to minimise duplication with that Inquiry's handling of investigation, evidence gathering, and reporting.

Designation of Core Participants

10. The applications for Core Participant status in Module 10 have been considered by the Chair in accordance with Rule 5 of the Inquiry Rules 2006, which provides that:

> *"5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.*
>
> *(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—*
>
> > *(a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
> > *(b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
> > *(c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*
>
> *(3) A person ceases to be a core participant on—*
> > *(a) the date specified by the chairman in writing; or*
> > *(b) the end of the inquiry."*

11. In making determinations, the Chair considered whether, in each case, the application fulfilled the criteria set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 10.

12. The Chair exercised her wide discretion and took into account a number of factors. First, the obligation to run the Inquiry as thoroughly and as efficiently as possible in light of the Inquiry's wide-ranging Terms of Reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people may have an interest in the Inquiry. That, however, is not the relevant test, and the Chair was obliged to assess very carefully whether, in reality, applicants could assist the Inquiry in Module 10 as a Core Participant. Second, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence and otherwise be of use to the Inquiry. Third, the Inquiry will also be listening to and considering carefully the experiences of those who have suffered hardship or loss as a result of the pandemic, through the Inquiry's 'listening exercise': Every Story Matters.

13. By way of overview, the Inquiry has received 34 applications for Core Participant status in Module 10 from individuals, organisations, and groups of individuals and organisations. Of these 34 applications, 14 applicants have been designated as Core Participants in Module 10. They are:

    a. Covid-19 Bereaved Families for Justice
    b. NI Covid-19 Bereaved Families for Justice
    c. Covid-19 Bereaved Families for Justice Cymru

d. Scottish Covid Bereaved
e. Trades Union Congress
f. Local Government Association, the Welsh Local Government Association and Convention of Scottish Local Authorities
g. Shelter
h. Mind
i. Migrants' Rights Consortium
j. Prison and Immigration Detention Advocacy Group
k. Justice Sector Coalition
l. Clinically Vulnerable Families
m. Disabled People's Organisations
n. The DA Group.

14. The Chair recognises that the scope of Module 10 is broad and that very many individuals and organisations could be said to be impacted in the manner set out in the Provisional Outline of Scope. With this in mind, the Chair has in general designated as Core Participants only those applicants who can speak to a range of industries and/or parts of society impacted and are representative of the whole of the United Kingdom.

15. Eight applicants renewed their applications for Core Participant status following notification by the Chair that she was provisionally minded to decline their application. Renewed applications for Core Participant status were considered in writing and determined in advance of the preliminary hearing.

16. It is, of course, unnecessary for an individual or organisation to be a Core Participant in order to provide information or evidence to the Inquiry. All applicants may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be approaching, in due course, a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.

Provisional Outline of Scope of Module 10

17. Module 10 is concerned with the impact of the pandemic on society. The Provisional Outline of Scope for Module 10 states:

> *"Module 10 is the final module of the Covid-19 UK Inquiry and, in accordance with its Terms of Reference, will examine the impact of Covid on the population of the United Kingdom with a particular focus on key workers, the most vulnerable, the bereaved, mental health and wellbeing. It will investigate the impact of the pandemic and the measures put in place to combat the disease and any disproportionate impact.*
>
> *The module will also seek to identify where societal strengths, resilience and or innovation reduced any adverse impact.*
> *Module 10 will therefore examine the impact of the pandemic and the measures put in place on:*

1. *The general population of the UK including the impact on mental health and wellbeing of the population. This will include the community level impact on sport and leisure and cultural institutions and the societal impact of the closure and reopening restrictions imposed on the hospitality, retail, travel and tourism industries. It will also cover the impact of restrictions on worship resulting from the closure and reopening of places of worship.*

2. *Key workers, excluding health and social care workers, but including those working in the police service, fire and rescue workers, teachers, cleaners, transport workers, taxi and delivery drivers, funeral workers, security guards and public facing sales and retail workers. It will cover:*
    - *The impact of implementing government decisions*
    - *Any inequality in the impact of interventions, including lockdown, testing and workplace safety*
    - *Any inequality in the impact on health outcomes, such as infections, mortality and mental and physical wellbeing.*

3. *The most vulnerable, including those outlined in the Inquiry's Equalities Statement as well as the clinically vulnerable and clinically extremely vulnerable. It will include the following topics:*
    - *Housing and homelessness*
    - *Safeguarding and support for victims of domestic abuse*
    - *Those within the immigration and asylum system*
    - *Those within prisons and other places of detention*
    - *Those affected by the operation of the justice system.*

4. *The bereaved, including restrictions on arrangements for funeral and burials and post-bereavement support."*

18. The Inquiry considers that the Provisional Outline of Scope provides an overarching framework for the issues and matters that the Inquiry is likely to investigate to enable Core Participants, and individuals and organisations likely to have relevant evidence, to commence their preparations. Module 10's scope remains provisional. As the investigation continues and further evidence and material is obtained through the Inquiry processes, the core issues to be addressed at the hearing will be identified.

19. Some of the questions that the Inquiry is likely to consider in Module 10 include the following:

    a. How did the general adult population's mental health and wellbeing change during the pandemic? What were the risk factors for the development of mild-to-moderate anxiety and depression and were there any protective factors? Were there inequalities in terms of the impact within and between different demographic groups?

b. What were the changes in symptoms during the pandemic for individuals with severe mental health conditions, including those in communal and institutional settings?

c. Was there a treatment gap in providing services to people with diagnosed and severe mental health conditions?

d. What was the impact of the pandemic on physical activity levels of the population?

e. What were the consequences of closures and restrictions on sports, leisure and cultural institutions?

f. How did the closure and reopening of places of worship affect religious practices, and how did faith groups and places of worship adapt to the changes brought about by the pandemic?

g. What was the societal impact of the closure and reopening restrictions on the hospitality, retail, travel and tourism industries?

h. Were key workers disproportionately impacted by the pandemic, in terms of infections, mortality rates and physical and mental health outcomes?

i. What was the impact of increased workloads, staff shortages and having to isolate from family members, on the general wellbeing of key workers, and were there disparities in that impact across different key worker groups and different demographic groups of key workers?

j. What was the financial impact on key workers, including any resulting impact on their general wellbeing, and were there disparities in that impact across different key worker groups and different demographic groups of key workers?

k. What was the impact of the pandemic and measures put in place on the most vulnerable in society, including the impact on access to support services?

l. What was the impact of the pandemic on the bereaved, including access to support services for the bereaved? and

m. Which innovations or changes in practices which emerged during the pandemic, if any, could inform future pandemic responses?

Gathering evidence and other information

20. Module 10's investigation will draw information and evidence from a range of sources, including roundtable events, experts appointed by the Inquiry, witness statements, review of existing research, internal research (in partnership with the

Inquiry's research specialists) and individual experiences as captured by Every Story Matters. Further detail is provided below regarding each of these.

Roundtable events

21. Module 10 will hold a series of roundtable events with the aim of understanding the experiences of the impact of the pandemic from a broad range of organisations. Module 10 is planning to hold nine roundtables during the period from February to June 2025 covering the following:

    a. Faith groups and places of worship;
    b. Unions and other organisations representing key workers;
    c. Safeguarding and support for victims and survivors of domestic abuse;
    d. Funeral, burials and post-bereavement support;
    e. Prisons and other places of detention and those affected by the operation of the justice system;
    f. Business leaders from the hospitality, retail, travel and tourism industries;
    g. Community level sport and leisure;
    h. Cultural institutions; and
    i. Housing and homelessness.

22. A senior member of the Inquiry secretariat will chair each roundtable and the discussion will be facilitated by an external provider. Like Every Story Matters, roundtables are an information gathering exercise. A report will be produced to evidence the discussion and this will be shared with Core Participants ahead of the substantive hearing in Module 10.

23. Further details about the roundtables will be shared with Core Participants in due course. Please note that roundtables are one of several ways in which the Inquiry will gather information relevant to the Module and this is not an exhaustive list of all the areas of investigation for Module 10. For areas not represented in the roundtables, Module 10 will obtain the relevant information or evidence in alternative ways.

Systematic Evidence Review

24. Module 10's investigation will include a systematic review of available research regarding the changes to the general adult population's mental health and wellbeing during the pandemic.

25. In particular, this systematic review will consider any changes to mild-to-moderate anxiety and depression among the population during the pandemic. It will also explore inequalities in mental health and wellbeing across different demographic groups. This will draw on large-scale, self-reported studies capturing population-wide changes in mental health and wellbeing. The review will also capture risk and protective factors that are adaptive to mental health and wellbeing.

26. This systematic review will produce a detailed written report which will present the findings of this review. A copy of this report will be provided to Core Participants.

27. The procurement process for the systematic review is currently underway.

Expert material and the instruction of expert witnesses

28. In Module 10, the Inquiry will likely appoint experts to assist it, either individually or collaboratively, by way of the provision of written reports (including the answering of specific questions asked of them by, or through, the Inquiry) and, where appropriate, by giving oral evidence at the public hearing. Such evidence will inform and support the Inquiry's work in preparation for and during the public hearings, as well as assist the Chair in making any recommendations.

29. The experts will be independent and subject to an overriding duty to assist the Inquiry on matters within their expertise.

30. Module 10 is in the process of instructing two psychiatric experts to consider the impact of the pandemic on people with diagnosed and severe mental health conditions, including access to services. It is anticipated that this will result in a joint expert report.

31. The Inquiry continues to liaise with potential experts who can consider any disproportionate impact of the pandemic on people from a range of specific socio-demographic backgrounds.

32. The identity of the expert witnesses and the questions and issues that they will be asked to address will be disclosed to Core Participants before the expert reports are finalised. Core Participants will be provided with an opportunity to provide observations through commenting on a developed draft of the written reports.

33. Where there are significant differences of view or emphasis among the members of a group, these will be made clear on the face of the reports and, of course, these can be addressed during oral hearings.

34. In addition, the Inquiry has identified a volume of expert reports produced in previous modules which have relevance to Module 10 issues. These will be reconsidered by the Module 10 legal team to determine whether/the extent to which they may be relied on in the investigation in Module 10, and disclosed to Core Participants of this Module.

35. If an expert is to be called to give oral evidence, Core Participants will also be able to provide questions to be considered by the experts during the hearing through the Rule 10 process as has been the case in previous modules.

36. The Inquiry is considering which other aspects of the scope would benefit from expert evidence. Core Participants will be kept updated on expert instructions and, if needed, a further update will be provided at the preliminary hearing.

Rule 9 Requests for Information

37. Module 10 is considering which organisations may have relevant material or evidence to provide to the investigation and will issue Rule 9 requests to any such organisation in the coming months.

38. Documents and information provided to the Inquiry will be analysed and may then be the subject of further focused requests. Organisations have been asked to ensure that their staff have the opportunity to flag particularly important materials so that the most crucial materials are identified and reviewed by the Inquiry as soon as possible.

39. For the reasons set out in the determination of 17 October 2022 made in Module 1, Core Participants will not be provided with copies of the Rule 9 requests made by the Inquiry in relation to Module 10.

40. However, to ensure Core Participants are kept properly informed, the Inquiry will ensure that the Module 10 lead solicitor provides monthly updates to Core Participants on the progress of Rule 9 work. Such updates include a summary of who has received Rule 9 requests, the topics those requests cover, what categories of documents have been requested, when the request was made and by when a response is expected.

Every Story Matters

41. Every Story Matters has been established to enable people in the UK to share how the pandemic affected, and continues to affect, their lives. The Inquiry recognises that not every experience will be the same and the impact on individuals will be multifactorial. The Inquiry wishes to hear from as many of those impacted as possible. The contributions through Every Story Matters will be gathered, analysed and turned into themed reports. These will be anonymised, disclosed to the Inquiry's Core Participants and used in evidence. The reports will identify trends and themes and include illustrative case studies.

42. Every Story Matters welcomes insights and information from anyone aged 18 or over who wishes to share their pandemic experience within the UK. Module 10 is seeking to capture a broad range of experiences relating to mental health, the bereaved and key workers.

43. These experiences will be analysed and reviewed by the Inquiry's research specialists, and the Inquiry will consider whether any targeted qualitative research in relation to particular topics or the experiences of particular groups of people is required.

Disclosure to Core Participants

44. The purpose of disclosure is to enable Core Participants to participate effectively in the public hearings. This Inquiry will be as open as possible with Core Participants and with the public in relation to the disclosure of documents.

45. The information and documents received through the Rule 9 process will be assessed for relevance and then redacted in line with the Inquiry Protocol on the Redaction of Documents that has been prepared and published (https://covid19.public-inquiry.uk/documents/inquiry-protocol-on-the-redaction-of-documents/), so as to remove sensitive material, such as personal data.

46. It is neither necessary nor proportionate for the Inquiry to disclose every document that it receives, or every request that it makes, or every piece of correspondence it conducts.

47. Disclosure of relevant, redacted documentation will take place in tranches.

48. In light of the above approach, the Chair has determined, and made a determination to this effect in Module 1, that she does not consider it appropriate for the Inquiry to publish a schedule setting out an itemised list of documents and other material that is not intended to be disclosed to Core Participants.

49. The electronic disclosure system which will be used to provide documents to Core Participants will be Relativity. Details of how to access and use the system will be provided to Core Participants shortly before disclosure commences. Only those who have provided a confidentiality undertaking to the Chair will be permitted access to the material that the Inquiry discloses to Core Participants.

50. The Inquiry is working to begin the process of disclosing materials to Core Participants as soon as possible. The process of disclosure to Core Participants is anticipated to begin in late Spring.

Approach to evidence of circumstances of individual death and 'pen portrait' material

51. In the course of the preliminary hearing in Module 1, the Inquiry received submissions to the effect that the Inquiry should allow evidence of the circumstances of individual deaths and pen portrait material to be heard at the public hearing. The Chair's ruling was dated 17 October 2022 and notes that Paragraph (b) of the Terms of Reference provides that the Inquiry will not consider, in detail, individual cases of harm or death. The Chair will keep this under review, in keeping with the Inquiry's express intention to keep those affected by the pandemic at the heart of the Inquiry.

Future Hearing Dates

52. A further preliminary hearing for Module 10 is likely to be held at Dorland House in Paddington in Winter 2025. The specific date will be confirmed in due course.

53. The public hearing in Module 10 is expected to take place over three weeks in early 2026. The hearing will be held at Dorland House in Paddington.

22 January 2025

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