

UK COVID-19 INQUIRY

OPENING STATEMENT (MODULE 6)

ON BEHALF OF

THE CARE INSPECTORATE

[1] It is the principal role of the Care Inspectorate (“the Inspectorate”) to regulate and inspect care services in Scotland, to ensure that they meet the required standards and provide high quality care. In addition, the Inspectorate plays a significant role in supporting the implementation of improvements in the quality of care delivered in Scotland. Across all its work, it provides independent assurance and protection for people who experience care, their families and carers, and the wider public.

[2] Against that background, the Inspectorate welcomes the opportunity to participate in the UK Covid-19 Inquiry and to assist the Inquiry in its investigation in Module 6 of the impact of the pandemic on the publicly and privately funded adult social care sector in each of the UK’s four nations. The Inspectorate is committed to assisting the Inquiry in its consideration, in particular, of:

- (i) the consequences of government decision making, including restrictions imposed, on those living and working with the care sector;
- (ii) the steps taken in adult care and residential homes to prevent the spread of Covid-19;
- (iii) the capacity of the adult care sector to respond to the pandemic.

[3] The Covid-19 pandemic, and the response to it, took a heavy toll on Scotland and its people. In few places, or perhaps nowhere, was that toll heavier than in one of the sectors regulated by the Inspectorate – namely, care homes for our older people.

[4] In Scotland there are approximately 800 care homes for older people in which approximately 44,500 staff are employed to care for around 30,500 people.

[5] When we think of care homes for our elderly, we think, of course, of those who reside there, many of whom lost their lives to Covid-19.

[6] Our minds also turn to their families, to their loss and their distress, and the

lost opportunities during the pandemic to see and support their loved ones, and to provide, and receive, the comfort and the support that family contact brings. The Inspectorate wishes at this early stage, to offer its condolences to all of those who lost family members or friends to Covid-19, particularly in the care services it regulates, and across our society as a whole.

[7] As the regulator of services such as care homes for older people and care at home services, the Inspectorate also had an insight into the challenges faced by staff in those services during the pandemic. They had to continue to work in a professional way throughout Covid-19 outbreaks in their workplaces, and to do so despite their concerns for their own health. They had to deal with deaths of many people for whom they had cared and whom they held in affection. They had to support grieving families. Some, sadly, lost their own lives, and the Inspectorate also offers its condolences to their families and friends.

[8] Further, the Inspectorate wishes to take this opportunity to recognise the overall contribution made by those working in the care sector in responding to the pandemic, whose efforts were arguably overlooked in a public outpouring of support for the NHS.

[9] Aspects of the Inspectorate's response to the pandemic which the Inquiry may wish to consider are:

- (i) whether it should have sought, proactively, to influence the thinking of the Scottish Government in relation to the discharge of individuals from hospitals to care homes in the early stages of the pandemic, although it had no role in overseeing or implementing that process;
- (ii) whether its decisions to pause on-site inspection activity briefly, while aligned with those of equivalent regulators elsewhere in the UK and in Europe, were reasonable, proportionate and justified;
- (iii) whether its approach to recommencement of inspections (earlier than its counterparts in the UK), using prioritised and risk assessed on-site inspection, combined with the use of technology, was reasonable, proportionate and justified.

[10] While the Inspectorate is hopeful, that upon a close analysis, the Inquiry will find that there was merit in its responses to the pandemic, it is not complacent. It takes this Inquiry as an opportunity to hold a mirror to itself, to benefit from the insight that

independent consideration of its actions brings, and to learn, not only from the Inquiry's formal findings and recommendations but also, from the evidence the Inquiry hears as it proceeds, and from its own ongoing reflections on its practice in light of that evidence.

[11] In particular, the Inspectorate welcomes the opportunity to share learning with its regulatory counterparts across the four nations. It recognises the importance and value of listening to the evidence given on behalf of the Care Quality Commission, the Care Inspectorate Wales and the Regulation and Quality Improvement Authority, to gain insight into the challenges faced by those organisations during the pandemic and, importantly, any learning outcomes they have identified thus far.

[12] Should the Inquiry identify improvements or changes which the Inspectorate can make to any aspect of its work, these will be made. Where changes or improvements to the services it regulates are necessary, it will encourage and - if necessary - enforce those.

[13] With that in mind, the Inspectorate hopes that for all parties, this Inquiry will bring new insights and recommendations which will leave Scotland, and the UK as a whole, as prepared as can be for the future.

June 2025

Murdo A. MacLeod K.C.

Emma Toner, Advocate

Counsel for the Care Inspectorate

Instructed by Kenneth McClure and Alison Cook

Solicitors, Care Inspectorate