



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

### **MODULE 6**

#### **OPENING SUBMISSIONS FOR SCOTTISH COVID BEREAVED**

1. We are instructed by Aamer Anwar & Company on behalf of the Scottish Covid Bereaved.
2. While every Module in this Inquiry is important, for many of the Bereaved this Module, investigating the impact of the pandemic on the private and publicly funded adult care sector throughout the United Kingdom is of particular importance. For those who lost loved ones in care and nursing homes, the inevitable grief that follows any loss was compounded in many cases by the inability to spend those precious last few hours together and feelings of having left family members to die alone. Many Bereaved have been left wondering how their loved ones came to contract Covid-19 in the first place, whether they received the care they needed, whether they were unthinkingly made subject to a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) order, and whether the system which they trusted to care for the most vulnerable was fit for purpose.
3. While the Bereaved heard politicians talk of a ‘ring of steel’ being placed around care homes, the reality was far different. The Bereaved wish to understand whether promises were made without the knowledge of what was happening in our hospitals and care homes. The Bereaved will not shy away from making criticism where they are due. It may be that there are those, particularly those who took ill-informed decisions in respect of care issues, who come in for significant criticism. The Bereaved acknowledge,

however, that there were those who stepped up during the pandemic to try and provide care and support to some of the most vulnerable in the pandemic. There were many workers, mainly female, underpaid, many on zero hours contracts, who continued to work in terrible conditions not of their own making, to try and provide care and comfort to those in need of care.

4. The Bereaved are keen to assist the Inquiry when attention turns to the recipients of care, or the lack of it, and the effect on families caught up in the care system during the pandemic. For many, the horror of the pandemic was compounded by a nightmarish, mis-named care system, which was underfunded, understaffed, and underprepared. The Bereaved consider that staffing levels and bed capacity immediately prior to the pandemic were wholly unfit for purpose and that, sadly, this remains the case. If a society is to be judged by how it treats its most vulnerable, then Scotland, and the United Kingdom as a whole, comes up significantly short. The pre-existing problems were compounded by the pandemic and the Bereaved consider that deaths relating to Covid-19, of both recipients of care and staff, are in part based on those pre-existing problems.
5. As the Chair will already be aware, a key issue for the Bereaved is the decisions made by the Scottish Government in respect of the care sector. This includes decisions relating to the discharge of people from hospitals into adult care and residential homes in the early stages of the pandemic. There are many questions surrounding the state of knowledge of key decision makers; whether there was sufficient information about, and consideration of, the possibility of asymptomatic transmission; whether there was sufficient testing; whether care and nursing homes were being provided with sufficient and appropriate PPE; and whether there were sufficient facilities to allow for the safe discharge of patients from hospitals into care and nursing homes. In this Module the Inquiry may well hear a by now frequent refrain from Scottish Government ministers and civil servants – that Equality Impact Assessments were carried out. The Bereaved are looking forward to hearing how these assessments were carried out. An Equality Impact Assessment carried out by a civil servant at home, or at a desk in Edinburgh, without any input from those receiving or providing care, or with experience in the sector, may well be of little benefit when formulating policy.
6. The management of the pandemic in adult care and residential homes is also a critical issue for the Bereaved. The Inquiry has the statement of Donald Macaskill, the Chief

Executive of Scottish Care, who discusses staff feeling a sense of ‘clinical abandonment’ during the first stage of the pandemic, where they struggled to access GPs and struggled to get GPs to attend care homes to treat and care for residents. In addition, the Bereaved want to know about Infection Prevention and Control used within homes, the availability of PPE in the homes, and to hear the experiences of staff in relation to this matter. The Bereaved are concerned about communication with families and the adequacy or otherwise of discussions and decisions about care and treatment. The potential inappropriate use of blanket DNACPR notices is of particular concern.

7. The Inquiry will no doubt hear of visiting restrictions in care and nursing homes and measures that were put in place to facilitate contact. The Bereaved are keen to hear evidence in relation to this matter. They wish to know whether restrictions were necessary and if so, whether they lasted longer than was necessary, and what consideration was given to those with particular vulnerabilities, such as dementia and hearing loss, when consideration was given to whether modern means of technology was sufficient to allow for meaningful contact with families.
8. The Inquiry has already heard some evidence about the regulatory inspection regimes within the adult care sector. The Bereaved look forward to hearing more about these regimes: how they were carried out; whether they changed during the pandemic; and, ultimately, whether the inspection regimes were fit for purpose.
9. Scottish Covid Bereaved have heard the Inquiry’s promise that they, and the other Bereaved groups, will be front and centre during proceedings. The Bereaved are grateful to Counsel to the Inquiry who has already met with them to discuss this Module in advance. The Inquiry will hear again directly from some of the Bereaved who will share their experiences. The Bereaved look forward to all the evidence that will be heard by the Inquiry in this Module and are ready to assist in any way they can.

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