

# UK Covid-19 public inquiry: preliminary hearing on module 1, 4 October 2022

The **UK Covid-19 Inquiry** (the Inquiry) held a preliminary hearing on 4 October to look at the scope and procedures for the forthcoming public hearing for module 1. Module 1 will investigate government planning and preparedness, including resourcing, risk management, pandemic readiness and lessons learned from previous pandemics, and simulations and modelling.

In her opening remarks, the Inquiry chair Baroness Hallett acknowledged that the pandemic has had an immense impact on the NHS and today's care. The chair also announced the 28 bodies that have been granted core participant (CP) status<sup>1</sup> and a number made submissions suggesting changes to her outline plans. Baroness Hallett will now consider all submissions and continue to gather evidence.

We set out below the key issues discussed and where CPs are pressing for change. A full transcript of the hearing can be found [here](#). If you have any comments or questions about this briefing, please contact Finola Kelly, senior legislation and inquiry manager ([finola.kelly@nhsproviders.org](mailto:finola.kelly@nhsproviders.org)).

## Future hearing dates

- There will be at least one further preliminary hearing for module 1 early in the new year. The public hearing which will formally hear evidence, including from witnesses under oath, has been provisionally scheduled for four weeks in May. The chair has made no decisions as to the witnesses she might call.
- Module 2 will cover core political decision making, and module 3 will cover the health care system. Details about additional modules will be announced in the coming months, one of which is likely to system issues (such as the care sector, the vaccination programme, test and trace, and

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<sup>1</sup> A core participant is an individual, institution or organisation that has a specific interest in the work of the Inquiry, and has a formal role defined by legislation. CPs have special rights in the Inquiry process. These include receiving disclosure of documentation, being represented and making legal submissions, suggesting questions and receiving advance notice of the Inquiry's report. You do not need to be a CP to provide evidence to the Inquiry.

PPE) and impact issues (such as health inequalities, children and young people, public services and other public sector bodies).

## Designation of core participants

- Out of 130 applicants for module 1, 28 bodies and organisations have been given CP status. Over 80% of those granted CP status are either government or public bodies, including NHS England (NHSE) and the Department for Health and Social Care (DHSC). Four of the CPs represent families, reflecting the chair's commitment to putting the bereaved and those harmed at the forefront of the Inquiry. A list of CPs can be found in the annex.
- CPs used their oral submissions at this hearing to flag particular issues of concern, with some of those representing families, raising questions around transparency and disclosure. The chair will decide whether or not to alter her current plans.

## Provisional outline of scope for module 1

- Several CPs giving evidence said that it is not sufficiently clear that module 1 covers all four nations. They were assured that it will.
- The chair was asked to consider including the disproportionate impact on ethnic minorities and others vulnerable because of their protected characteristics within the scope of module 1.
- There was a request to extend the scope of module 1 to look at what should have been done to keep workers safe during the pandemic.

## Listening exercise

- In addition to the investigative process, the Inquiry wants to hear from people across the UK, ensuring that those who have suffered have the opportunity to take part in the Inquiry's work. They are planning to begin an exercise to listen to people's experiences of the pandemic in autumn 2022.
- The evidence gathered via the listening exercise will be analysed and summarised before being passed to the Inquiry teams and CPs for use in the hearings, and will inform the Inquiry's understanding. The chair refuted media reports that this would lead to marginalisation of the bereaved.
- Some CPs see the listening exercise as a parallel process outside the statutory framework of the Inquiry and do not believe it will give the bereaved the confidence and buy-in needed. They have made alternative suggestions in their written submissions. They also questioned what support families would receive when giving evidence.

- The Inquiry is going to look at setting up physical sites where people could watch proceedings remotely in response to a request made by a CP.

## Rule 9 requests

- [Rule 9 of the Inquiry Rules 2006](#) entitles the Inquiry to send a written request for evidence to any person. Rule 9 requests have already been sent to DHSC, the Department for Levelling Up, Housing and Communities (DLUHC) and the Cabinet Office.
- These requests cover the period from June 2009, when the World Health Organisation (WHO) announced the scientific criteria had been met for an influenza pandemic (the swine flu pandemic), and 21 January 2020, when the WHO published its first Novel Coronavirus Situation Report.
- Further rule 9 requests will be issued on a rolling basis and the Inquiry has started to request corporate witness statements. Issues will be reviewed once they receive and analyse responses to rule 9 requests.
- A number of CPs recommended that the Health and Safety Executive (HSE) and local authorities should receive a rule 9 request. Others recommended involving the Association of Directors of Adult Social Services (ADASS) and Association of Directors of Children's Services (ASDCS).

## Disclosure to core participants

- The Inquiry will disclose relevant documents to CPs so that they can participate meaningfully. Some CPs asked the chair to consider making fuller disclosure as happened in other inquiries. There was also a call for the Inquiry to publish a schedule of unused material so CPs can review and raise concerns.
- It is likely the Inquiry will be making disclosure in tranches. Each provider of documentation will be asked to set out how they collated the documents and the Inquiry team may follow up where it has queries. Counsel to the Inquiry highlighted that [s35 of the Inquiries Act 2005](#) makes it an offence to deliberately distort or conceal relevant evidence. They anticipate that disclosure will commence before Christmas.
- The chair was asked to request corporate or institutional statements (also referred to as 'position statements') from state and organisational CPs and other providers setting out the narrative of events and that these should be signed off at the highest level. The Association of Directors of Public Health and the United Kingdom Health Security Agency
- opposed this proposal and counsel to the Inquiry thought it would slow down proceedings.

## Instruction of expert witnesses

- The chair was asked to publish letters of instruction to expert witnesses to give CPs the time and opportunity to identify any gaps and make recommendations.
- CPs raised the absence of the expert panel members that the now former Prime Minister had promised to appoint ten months ago. The counsel to the Inquiry advised the chair to refrain from making an intervention as this is a matter for the Prime Minister.

## Annex: Core Participants in module 1

- Association of Directors of Public Health
- British Medical Association
- Chancellor of the Duchy of Lancaster
- Covid-19 Bereaved Families for Justice
- Covid-19 Bereaved Families for Justice Cymru
- Executive Office for Northern Ireland
- Government Office for Science
- His Majesty's Treasury
- Imperial College of Science and Technology
- Local Government Association and the Welsh Local Government Association (represented legally together)
- National Police Chiefs' Council
- NHS England
- NHS National Services Scotland
- Northern Ireland Covid-19 Bereaved Families for Justice
- Northern Ireland Department of Health
- Office of the Chief Medical Officer
- Public Health Scotland
- Public Health Wales
- Scottish Covid-19 Families for Justice
- Scottish Ministers
- Secretary of State for Business, Energy and Industrial Strategy
- Secretary of State for Health and Social Care
- Secretary of State for the Environment, Food and Rural Affairs
- Secretary of State for the Home Department
- Trades Union Congress
- United Kingdom Health Security Agency
- Welsh Government