

MEMORANDUM OF UNDERSTANDING (MOU)

BETWEEN THE UK COVID-19 INQUIRY (UKCI) AND

THE SCOTTISH COVID-19 INQUIRY (SCI)

1. The UK Covid-19 Inquiry (UKCI) is an independent statutory inquiry established by the Prime Minister under section 1(1) of the Inquiries Act 2005 (the 2005 Act). Its set-up date was 28 June 2022.
2. The Scottish COVID-19 Inquiry (SCI) is an independent statutory inquiry established by Scottish Ministers under section 1(1) of the 2005 Act. Its set-up date was 28 February 2022.
3. UKCI's Terms of Reference (ToRs) are attached at Annex A. The UKCI ToRs state:

"In carrying out its work, the Inquiry will consider reserved and devolved matters across the United Kingdom, as necessary, but will seek to minimise duplication of investigation, evidence gathering and reporting with any other public inquiry established by the devolved governments. To achieve this, the Inquiry will set out publicly how it intends to minimise duplication, and will liaise with any such inquiry before it investigates any matter which is also within that inquiry's scope."

The UKCI is accordingly tasked with considering as necessary any aspect of devolved or reserved matters within its ToRs across the United Kingdom.

4. SCI's ToRs are attached at Annex B. The SCI ToRs state:

"the inquiry can consider only "Scottish matters" as defined in section 28(5) of the Inquiries Act 2005'

and

“the inquiry must make reasonable efforts to minimise duplication of investigation, evidence gathering and reporting with any other public inquiry established under the Inquiries Act 2005...”

The SCI is accordingly tasked with considering all aspects of its ToRs which relate to Scotland, and which are not reserved.

5. Recognising a degree of overlap between the ToRs, both Inquiries are required to work together to minimise duplication of their investigation, evidence gathering and reporting and manage the burden on those organisations asked to provide material. In addition, both Inquiries are committed to wide-reaching public engagement through ‘listening projects’. This MoU has been designed and agreed by both Inquiries as the mechanism through which they will seek to avoid duplication of work and to enhance public understanding of each Inquiry’s work, including their parallel public engagement exercises. The MoU sets out principles to which both Inquiries will adhere, and practical steps that both Inquiries will take in adhering to those principles.

Principles

6. Both Inquiries commit to cooperating to:
 - (a) provide clarity for the public about how each Inquiry is discharging its ToRs in relation to Scottish matters;
 - (b) minimise duplication of work as far as possible, to reduce the burden on material providers and witnesses engaging with both Inquiries;
and
 - (c) maximise value for the public purse.

Practical steps

Providing clarity for the public

7. Both inquiries are committed to providing clarity to the public about how to provide the information and experiences they wish to share with the two Inquiries. To ensure this is achieved, the two Inquiries agree to:
 - (a) coordinate public statements or updates, where appropriate, so that each Inquiry includes a reference to the work of the other;
 - (b) develop a shared message to assist public understanding of the material differences in the investigative approaches taken by each Inquiry; and
 - (c) ensure that the respective Inquiry websites link to each other and, where possible, provide consistent messages and use consistent terminology.

8. With regard to each Inquiry's respective listening project both Inquiries will:
 - (a) share plans for the issues to be canvassed by each listening project and the timescales for doing so;
 - (b) share any information received which is thought to be of particular relevance to the other Inquiry's ToRs where possible, subject to data protection law and appropriate data sharing agreements being in place;
 - (c) work together on communications plans that set out how the two listening projects relate to the ToRs of each Inquiry and to each other, in particular for clarity for people who were living in Scotland during the pandemic;
 - (d) consider together how best to minimise the impact on those who wish to participate in both listening projects.

Minimising duplication

9. For those topics that are within the scope of both sets of ToRs, both Inquiries will:
 - (a) consider the extent to which each Inquiry will investigate the political response, operational response and impact of each issue;
 - (b) share at the earliest opportunity, a list of issues and areas that will be investigated;
 - (c) share, and where possible agree, as far as is practicable and appropriate, the sequencing of investigations to enable each Inquiry to take into account the work conducted by the other;
 - (d) share timetabling of and progress against investigation and public hearing schedules;
 - (e) share plans for requesting evidence, whether documentary or otherwise, to reduce duplication both between the Inquiries and for those organisations asked to provide material;
 - (f) take reasonable steps to minimise the number of witnesses who are called to give evidence separately to both Inquiries; and
 - (g) share, and give consideration to incorporating, findings and recommendations made by one Inquiry into the evidence of the other, to the extent they have been arrived at by the time required for the purposes of the other Inquiry.

10. There will be occasions when UKCI and SCI require the same information from the same providers and duplication cannot be avoided. Such overlapping investigations may lead to one Inquiry obtaining information and documentation which is relevant to the other Inquiry's work. The UKCI and SCI will develop and publish a joint agreement setting out the basis for how such categories of materials will be handled.

11. Should either Inquiry encounter significant delays to its planned timetable, both Inquiries will discuss the extent to which duplication of work can still be reasonably avoided, recognising that it may not be possible for the other Inquiry to delay its own work accordingly.

Maximising value for the public purse

12.
 - (a) The steps outlined above to reduce duplication of work will contribute to a more cost-effective approach to both Inquiries.
 - (b) In addition both Inquiries commit to exploring opportunities to share facilities in Scotland - for example, exploring whether a single venue could serve both the SCI's public hearings and any UKCI public hearings held in Scotland so that costs are shared.

Administration

13. Both Inquiries' Secretariat and Legal teams will meet at a minimum monthly, and more frequently as required.
14. Each Inquiry will nominate key points of liaison within their Secretariat and Legal teams. Any change in these key points of liaison will be notified to the other Inquiry as soon as possible.
15. The Inquiries will, through their regular meetings, keep this MoU under review to ensure that it remains fit for purpose and will work together to agree any variations that may become necessary over the lifetime of the Inquiries.
16. All information shared between the two Inquiries via this MoU is shared on a confidential basis.

SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

A handwritten signature in black ink, appearing to be 'BC' with a flourish.

Ben Connah

DATE: 21/02/2023

SIGNED ON BEHALF OF THE UK COVID-19 INQUIRY

A handwritten signature in black ink, appearing to be 'Scott Bell'.

Scott Bell

DATE: 21/02/2023

SIGNED ON BEHALF OF THE SCOTTISH COVID-19 INQUIRY