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ScottishCovid-19Inquiry

Day 1PH2

September 19, 2024

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1 Thursday, 19 September 2024 1 Leave to Appear for these impact hearings. This 2 (9.59 am) 2 direction is available on the Inquiry website. Ms van 3 3 THE CHAIR: Good morning, everyone. Thank you for coming to der Westhuizen KC intends to make opening statements at today's preliminary hearing. The purpose of the hearing 4 the start of the respective impact hearings in November. 4 5 5 is to explain how the Scottish COVID-19 Inquiry will I will issue a separate direction in respect of closing 6 6 conduct its public impact hearings for two of its four submissions main portfolios. These are Portfolio 4, which covers 7 7 Core participants have been given the opportunity to 8 education and certification, and Portfolio 2, which 8 submit questions in advance. Any representative of core 9 covers business and welfare. 9 participants in the hearing suite today who wishes to 10 These two impact hearings will run consecutively and 10 ask a question, will be asked to come to the stand for 11 are scheduledto begin the week of 4 November and to 11 recording purposes, once we have finished hearing from 12 12 Ms van der Westhuizen KC. These questions must be finish by 20 December. We will begin these hearings by 13 looking at the public impacts on education and 13 restricted to matters that relate to the impact hearings 14 14 certification, and then move onto businessand welfare. on education and certification is business and welfare. 15 15 I am grateful to all the Inquiry teams for helping If more detailed responsesare needed, I will provide 16 to prepare for today and for our hearings in six weeks' 16 written responseto core participants by 23 September. 17 time. We will shortly hear from the Inquiry's Co-lead 17 I would also like to remind individuals that public 18 18 Counsel, Laura- Anne van der Westhuizen KC, who will inquiries do not decide civil or criminal liability. 19 19 explain in more detail how she intends to present the They do not award compensation. The responsibility for 20 20 evidencegathered so far in respect of these two that lies with courts and tribunals. Instead, inquiries 21 21 investigate the matters entrusted to them by government. 22 I am also grateful to all the individuals and 22 This Inquiry has been asked to establish the facts, and 23 23 organisations who have helped the Inquiry's lessons learned, from the devolved strategic responseto 24 24 investigations. I realise that for some, this has the pandemic in Scotland. 25 involved recalling and sharing painful experiences. So, 25 Finally, please note that all the Inquiry's 1 I would like to thank those individuals for their 1 hearings, including today's session, are live streamed 2 courage and honesty. 2 on our YouTube channel, where you can also find 3 Before we turn to Ms van der Westhuizen's 3 recordings of our previous hearings. You can also find 4 presentation. I would like to explain how the Inquiry 4 further details of the Inquiry's work on our website. 5 goes about gathering evidence and information. Hearing 5 I would now like to ask Ms van der Westhuizen KC to 6 6 oral testimony from witnessesduring a public hearing is explain how she intends to present the evidencegathered 7 one method, but there are many others. The Inquiry 7 so far for your autumn hearings. 8 continues to gather information from witness statements; 8 Thank you all. 9 9 from those individuals and organisations who are Ms van der Westhuizen. 10 10 formally asked to respond to the Inquiry under our Presentation by MS VAN DER WESTHUIZEN 11 Rule 8 and Section 21 notices; from academic and expert 11 MS VAN DER WESTHUIZEN: Thank you, my Lord. I appear today 12 12 research; from round table discussionswith third sector with my learned friends David Turner, advocate, Mary 13 13 organisations; and from those contributors who have Ellen Stewart, advocate, and Chris Stephen, advocate, 14 respondedto, or engagedwith, the Inquiry's public 14 who will be assisting me in preparing and presenting 15 15 participation project -- Let's Be Heard. The oral evidenceat the upcoming impact hearings. We are also 16 testimonies we will hear in the autumn are therefore 16 joined this morning by a number of legal representatives 17 only a small part of all the information gathered by 17 for core participants who have been granted leave to 18 this Inquiry. It is simply not possible in the time we 18 appear at either or both the sets of hearings. I don't 19 have available to hear from everyonewho may wish to 19 propose to introduce them all individually today, but 20 give an oral statement at a public hearing. But I would 20 will endeavour to do so at the start of the substantive 21 21 like to reassure you that all sources of information, hearings. What I will do however, my Lord, is list the

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presentation.

core participants who have been granted leave to appear

As your Lordship has noted, the purpose of today's

at the hearings at the relevant points in my

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analysed.

including written statements, continue to be read and

On 26 August, I made a direction that I will not

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invite opening statements from core participants with

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hearing is to explain how the Inquiry will conduct its public hearings for two of its four main investigative portfolios and also to explain more generally how the relevant impact evidence will be presented.

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The impact hearings relevant to Portfolio 4, which covers the Inquiry's terms of reference K relating to the delivery of education and certification, are due to start in the week 4 November 2024 and those relevant to Portfolio 2, which covers the Inquiry's term of reference 2L and J relating to business and welfare support, are due to start in the week commenting 2 December 2024.

Although there will be two separatesets of hearings, impact hearings, it was decided to hold one preliminary hearing today, given that a broadly similar approach has been taken in relation to both.

In setting out how I propose to present the relevant impact evidence, I will, first, set out for context some brief general observations relating to the background to the Inquiry and its approach to impact evidence. Secondly, to addressmatters relevant to the investigation and presentation of impact evidence relating to the delivery of education and certification and the first set of impact hearings. Thirdly, to addressmatters relevant to the investigation and

presentation of impact evidence relating to business and welfare support and the second set of impact hearings. And finally, to address a few procedural matters of general relevance.

If I might turn, first, my Lord, to the Inquiry's background and general approach, I propose to refer briefly to relevant parts of the Inquiry's terms of reference, the Inquiry's general approach to impact hearings and the role of the Inquiry's public participation project, Let's Be Heard. This, as I said, my Lord, is to provide context for understanding the approach being taken to the presentation of evidence in relation to the upcoming impact hearings.

In relation to the Inquiry's terms of reference, the aim of the Inquiry is set out in paragraph 1 of "The Terms of Reference" and is to establish the facts of and to learn lessons from the strategic response of the COVID- 19 pandemic in Scotland. Its scope is set out in paragraph 2, which is to investigate the strategic elements of the handling of the pandemic relating to 12 areas, three of which are relevant to the upcoming impact hearings.

The Inquiry can only report on devolved matters.

With the exception of pandemic planning, the
Inquiry's investigation are required to cover the period

between 1 January 2020 and 31 December 2022. It must, however, be recognised that some of the impacts of decisions to lockdown and apply other restrictions continue to reverberate and to be felt to this day.

Paragraph 5 of the Inquiry's terms of reference require the Inquiry to demonstrate how a human- rights based approach has contributed to its findings and recommendations and paragraph 7 requires your Lordship, where your Lordship deems it appropriate and necessary, to consider the impacts of the strategic elements of the handling of the pandemic, including unequal impacts on people.

As regards the approach to impact hearings, the Inquiry has adopted a thematic approach to its impact hearings and is considering evidenceabout the impacts of the strategic responsein Scotland under a number of themes. The Inquiry has already held impact hearings relating to health and social care, during which it heard evidence from many individuals as well as organisations. The approach of starting the investigations and public hearings by focusing on the impacts of the COVID-19 pandemic and the strategic response is consistent with your Lordship's commitment to the Inquiry taking a person-centred human-rights based approach. This also allows a better understanding

of the nature and extent of those impacts and where and by whom they were most deeply felt, which in turn enablesthe Inquiry to direct its ongoing investigations in relation to implementation and decision—making in a more focused way.

With regards to impacts relating to the delivery of education and certification and to businessand welfare support, the Portfolio 4 and 2 teams have engaged predominantly, although not exclusively, with organisations. This approach will be reflected at the upcoming hearings and which will be hearing evidence from organisations, rather than from individuals. One of the main reasonsfor adopting this approach, my Lord, is becausethe relevant impacts that we'll be hearing about are ones that were felt particularly widely across society and affected whole sectors and communities. rather than particular groups. Organisations are likely to have a greater breadth of information about an insight into the extent of those impacts than individuals would. Organisations are also able to reflect the collective views of their members and the experiencesof those they serve and to provide a more comprehensiveoverview of the relevant impacts and issues

That's not to say, my Lord, that the Inquiry is not

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interested in hearing about personal experiencesof those impacts. On the contrary, the Inquiry's public participation project, Let's Be Heard, was set up specifically to give everyoneaffected by the strategic responseto the COVID-19 pandemic in Scotland the chance to share their experiences directly with the Inquiry. The Let's Be Heard team is part of the Inquiry's team and its team members work closely with colleagues and the legal team in relation to engagement with organisations and individuals. Let's Be Heard has the capacity to gather and collect accounts of personal experienceson a scale that the Inquiry would simply not be able to accommodate through traditional means, such as witness statements, requests for evidence under Rule 8 of The Inquiries (Scotland) Rules or at hearings.

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By way of illustration, my Lord, during its national engagementperiod, which ran for sevenmonths between May and December 2023, Let's Be Heard gathered experiencesfrom more than 5,400 people from every local authority in Scotland who were able to share their views with the Inquiry in a variety of ways. Let's Be Heard has also published a preliminary report on the early findings and that was done in November 2023. During 2024, Let's Be Heard is continuing to analyse people's experiences. It 's also adopting a more targeted

approach through its focused engagement period, during which it is working with organisations to hear from specific groups about particular themes and this is being done through a range of activities, such as surveys, focus groups and workshops. It will be publishing a series of reports based on key findings which will support the Inquiry's ongoing investigations and will inform its reports and recommendations.

It is important, my Lord, to emphasisethat Let's Be Heard continues to be the primary route through which individuals can engagedirectly with the Inquiry about their personal experiences.

My Lord, I' II now turn to addressmatters relevant to the investigation and presentation of impact evidence relating to the delivery of education, certification and the first set of upcoming impact hearings. These matters will include the scope of Portfolio 4, core participants with leave to appear at the impact hearings, engagement undertaken by the Portfolio 4 team and the evidence gathered so far, the approach to be taken to the presentation of evidence at the impact hearings, engagement undertaken by Let's Be Heard relevant specifically to the delivery of education and certification, and the proposed review of evidence not referred to at the impact hearings.

In terms of its scope, the Inquiry's investigative Portfolio 4 covers term of reference 2K, which requires the Inquiry to investigate the strategic handling of pandemic relating specifically to the delivery of education and certification. The Inquiry has commissioneda number of academic reports which provide reviews of literature and research relevant to impacts in relation to the delivery of education and certification and those are available on the Inquiry's website. These reports have informed the scope of what's being investigated in relation to the delivery of education and certification . There are consequently six investigative streams within Portfolio 4 covering early learning and childcare; secondly, primary and secondary education; third, additional support for learning; four, further and higher education; five, apprenticeships; and six, youth work. Although the majority of learners within these sectors are children and young people, adult learners are also included within the scope of what's being investigated.

In terms of core participants, a total of 19 organisations are currently designated as core participants in relation to the term of reference 2K, of which 14 have been granted leave to appear at the relevant impact hearings. These are City of Edinburgh

Council, College of Paramedics, Convention of Scottish Local Authorities or COSLA, Long Covid Kids, PAMIS, Public Health Scotland, Royal College of Nursing, the Scottish Covid Bereaved, Scottish Hazards, Scottish Qualifications Authority, Scottish Trades Union Congress or STUC, the Care Inspectorate, Scottish Women's Rights Organisation and the Scottish Ministers.

In relation to engagementand evidence, your Lordship has already underlined how the Inquiry goes about gathering its evidenceand has pointed out that the oral testimonies from witnessesduring public hearings is only one way in which the Inquiry can gather evidence. In this regard, in addition to obtaining witness statements making Rule 8 requests and commissioning academic research, the Portfolio 4 team has held a number of round table meetings with organisations and individuals. Those round table meetings prove to be very useful sources of information. Reports of those meetings summarising the key impacts and issues discussed have therefore been prepared for approval by participants and used by the Inquiry, some of which will be referred to at the hearings.

In terms of impact evidence relating to the delivery of education and certification, the Inquiry's Portfolio 4 team has received 73 responses to Rule 8

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requests, has taken 165 statements and has held 26 round table discussions with various organisations and individuals, including several with children and young people.

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I would pause, my Lord, to point out that the majority of the organisations and individuals with whom the portfolio team has engaged are not core participants, but have nevertheless generally provided their time to assist the Inquiry with its investigations.

In terms of the hearings themselves, I will be assisted by Ms Stewart and Mr Stephen. Between us, we will be leading a variety of witnesses who have been selected very carefully with a view to ensuring that evidence is heard on a range of impacts across all sectors of education covered by the six investigative streams. A combination of panel sessionsof between two and four and single witness sessions will be held. Witnesses will be led on the basis of witness statements, Rule 8 responses and/or round table reports. We do not intend to ask each witness to speak to everything in their witness statement or Rule 8 response, but rather to focus on issues of particular relevance for each witness with a view to, if possible, avoiding Repetition or certainly unnecessaryreputation.

The hearings will aim to highlight key issues and impacts experiencedby children and young people, parents and carers, adult learners, workers and organisations involved in the delivery of education and certification as a consequenceof decisions to lockdown and impose other restrictions across all sectors covered by the six investigative streams that I have mentioned earlier and as I have already mentioned, during the hearings evidence will be led from organisations not from individuals for the focus of Let's Be Heard. In this regard, my Lord, I will outline some of the work that Let's Be Heard has been engaging in that's relevant to these upcoming hearings or certainly the impacts being considered at those hearings. So in addition to all the evidence I mentioned already that's been obtained by the Inquiry Portfolio 4 team, experiences relating to the delivery of education and certification have been shared with the Inquiry through Let's Be Heard.

Let's Be Heard has been engaging actively with children and young people since May 2023. During its national engagement period, it launched a bespoke children and young people's responseform and received 382 responses to that. Over the course of its engagement, it has gathered, or at least has confirmed

sessionsto gather, experiencesfrom those attending mainstream primary and secondaryschool, youth attending dedicated additional support need schools, young and underpaid carers, young people in residential care and their carers, those who attended hub settings, black and minority ethnic youth, those in island communities, young mothers, civically engagedyouths, for example, those engaging through Scottish Youth Parliament, young people impacted or at risk of homelessnessand young people living or attending schools in areas affected by multiple depravation indicators. It has been important for the inquiry, through Let's Be Heard, to engage with a range of young people facing different sets of circumstances in order to understand better the unequal impacts that were felt across different societal groups within this young cohort.

As part of its focused engagement period, Let's Be Heard launched three surveyson 2 September 2024 that are directly relevant to the delivery of education and certification. These were prepared with input from the Portfolio 4 legal team. The first, my Lord, is the children and young people survey for eight years and above. This is designed to better understand what the pandemic was like for younger people in Scotland between January 2020 and December 2022. It includes ten

questions, including questions relating specifically to education. The other two surveysthat have been launched are designed to hear more from education and early learning professionals involved in delivering and supporting education and childcare services in Scotland, again between January 2020 and 31 December 2022.

Each of those surveystakes 15 to 20 minutes to complete. These are, firstly, the early learning and childcare survey, which is aimed at early learning practitioners, managers, support staff and childminders, which is aimed at teachers and school staff who are directly involved in children and young people's learning. These three surveys are currently due to close on Friday, 29 November 2024, so I would encourage any early learning and school education staff who would like to share their experiences directly with the Inquiry and as many children and young people as possible to take part in those surveys.

My Lord, to date, Let's Be Heard has heard directly from more than 840 children and young people in Scotland aged from five years to 24 years, the majority of whom have been aged between 11 to 24 years. Their experienceshave been gathered through a combination of methods, including responseforms received during the national focused engagementphasesof Let's Be Heard, in

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person information sharing at stands at colleges and university campusesand contact with 14 student unions, collaborations with the Scottish Youth Parliament, which has allowed directly experiencegathering through in – person workshops, further workshops and experience gathering sessionswith children and young people. In addition, Let's Be Heard has held workshops and experiencegathering sessionswith more than 60 parents, carers and teachers to date and it intends to hear more over the course of its focused engagementperiod. My Lord, the Inquiry would not reasonablybe able to gather information of this scale through witness statements, Rule 8 responsesand hearings, as I have already indicated.

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In terms of the evidence, my Lord, the hearings, as I have already indicated, will provide an overview of the relevant impacts. The majority of the impact evidenceheld by the Inquiry, however, cannot be led at those hearings. This evidenceincludes witness statements, Rule 8 responseand reports of round table meetings. That evidence, as your Lordship already indicated, is being reviewed by members of the Inquiry team who have already started to prepare summaries of that evidence. Those summaries it's intended will form the basis of a narrative record of impact evidence

relating to the delivery of education and certification and will also include evidencethat's heard at the hearings. Those narrative records, as presently advised, will be published in 2025. Core participants with leave to appear at the hearings will receive extracts of the narrative record before it 's published and may be asked to provide comments.

My Lord, I will now turn to addressmatters relevant to the investigation and presentation of impact evidence relating to business and welfare assistance and the second set of impact hearings. Again, these matters include what I have already touched on in relation to Portfolio 4; namely, first, the scope of Portfolio 2; core participants with leave to appear at the relevant impact hearings; engagement undertaken by the Portfolio 2 team and evidencegathered to date; the approach to be taken to the presentation of evidenceat the impact hearings; the engagement undertaken by Let's Be Heard relevant to businessand welfare support: and a review of the evidence not referred to at the impact hearings. A lot of what I have already said about the approach being taken in relation to education and certification at impact hearings is equally applicable to the business and welfare impact hearings, so I'll try not to repeat too much of that.

In terms of scope, the Inquiry's investigative Portfolio 2 covers paragraphs 2J and 2L of the Inquiry's terms of reference, which require the Inquiry to investigate the devolved strategic elements of the handling of the pandemic in relation to, in the case of J, welfare assistance programmes, for example, those relating to benefits or the provision of food provided or supported by public agenciesand, in the case of L, financial support and guidance given to businessesand the self – employed, including in relation to the identification of key workers and public agencies.

In terms of core participants, 15 organisations and groups with core participant status in relation to terms of reference 2J and L have been granted leave to appear at the relevant impact hearings. These are Central Scotland Care Homes, City of Edinburgh Council, COSLA, HomelessnessNetwork Scotland, Long Covid Kids, PAMIS — who I should have said earlier, my Lord, I understand is Promoting a More Inclusive Society is the acronym — RefugeesFor Justice, Scottish Care, Scottish COVID Bereaved, Scottish Enterprise, Scottish Hazards, Scottish Healthcare Workers Coalition, STUC, Scottish Women's Rights Organisation and the Scottish Ministers. Nine of these core participants have also been granted leave to appear at the impact hearings relevant to the

delivery of education and certification, so there is a degree of overlap; six have not.

In terms of engagement and evidence, the Portfolio 2 team has similarly obtained witness statements, made Rule 8 requests, commissioned academic research and held round table meetings, which have largely been with third sector organisations. In relation to impact evidence, the Portfolio 2 team has received approximately 59 responsesto Rule 8 requests, has taken around 53 statements and has held 27 round table discussions with various organisations and businesses. Again, the majority of those with whom the portfolio team has engaged are not core participants.

In terms of the hearings themselves, in this case I will be assisted by Mr Turner and Mr Stephen. Between us, we will be leading a variety of witnesses who, as with the Portfolio 4 witnesses, have been selected carefully in order to try to ensure that evidence is heard on a range of impacts. The combination of panel sessions and single witness sessions will also be used at these hearings, with witnesses being evidenceled on the basis of witness statements, Rule 8 responses and/or round table reports. As with education and certification impact hearings, we will not ask witnesses to speak to everything in their statements or Rule 8

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responses,but will try to focus on issues of particular relevance for each witness. The hearings will highlight key issues and impacts experiencedby individuals and organisations related to businessand welfare support, including impacts on businesseand the self- employed, impacts on individuals in the context of welfare assistance programmes and impacts on organisations that delivered welfare assistance during the pandemic. As with the education and certification impact hearings, we will be hearing evidence from organisations, rather than from individuals.

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Again, my Lord, in addition to the evidenceobtained by the Portfolio 2 team, experiencesrelating to business and welfare support were shared with the Inquiry through Let's Be Heard during its national engagement period. This was done through various methods, including people from Scotland completing the general online and paper forms outlining their general experiences, those forms covered all aspects of the Inquiry's terms of reference and asked people to speak about what was most important to them so it wasn't exclusive to business and welfare. Let's Be Heard has attended 12 group discussionshearing from all the hundred people on general themes where aspects of business and/or welfare were discussed. The Inquiry

also recognises that many people may have already shared their experiences through other organisation, so existing data and information has been gathered by Let's Be Heard through 31 reports from external stakeholders describing those experiences in relation specifically to welfare

As part of its focused engagement period, Let's Be Heard is employing various methods to hear further experiences relating to business and welfare support. Firstly, in relation to business support, on 6 June 2024, Let's Be Heard launched a survey for businesses in order to understand the impacts of the pandemic on individual businesses and their owners. The survey was developed again in connection with the Portfolio 2 legal team. There have been 240 responses to that survey so far. It takes approximately ten minutes to complete and that is due to close on 30 September 2024. So I would encourage any business owners who still wish to share their experiences directly with the Inquiry to take time to complete that survey before it closes.

That survey work, my Lord, has also been complemented by a number of group discussionsfor businessowners run by the Let's Be Heard team. In relation to welfare support, the Let's Be Heard is

arranging group discussionswith specific audiencesto understand more about accessto benefits, food, fuel poverty, housing, homelessnessand business. 24 group discussions arranged through 20 organisations have already been confirmed or are in discussion.

Turning then, my Lord, to the review of evidence, as with the evidence relating to impacts relating to the delivery of education and certification, the majority of the impact evidenceheld by the Inquiry relating to business and welfare assistance, which includes witness statements. Rule 8 responsesand reports of round table meetings, cannot be led at the impact hearing as there simply isn't time. That evidence, however, is being reviewed by the members of the Inquiry team who have started again to prepare summaries of that evidence. It is intended that those summaries will form the basis of narrative records of impact evidence relating to business assistance and, separately, welfare assistance and also include evidenceheard at the hearings. The narrative records, again, are intended to be published in 2025 as presently advised. Core participants with leave to appear at the relevant hearings will receive extracts of the relevant narrative records before they are published and may be invited to provide comments.

Before concluding, my Lord, I will address briefly

four general matters relating to procedure. These relate, firstly, to disclosure; secondlytimetabling; thirdly, Rule 9 procedure and, fourthly, restrictions on the disclosure of information. In terms of disclosure, the Inquiry intends to disclose witness statements and other documents to be referred to at the hearings to core participants with leave to appear one month in advance of a witness's evidence. That disclosure will begin on 7 October 2024.

In terms of timetabling, the Inquiry will provide a witness list along with documents that are disclosed to core participants. Hearings will generally start at 10.00 am and finish by 4.00 pm, but we might occasionally need to start a little earlier and finish later. The Inquiry will be sitting between four and five days a week in order to accommodate witness availability and also to ensure that we get through the relevant evidence in the time available. I don't have an indication of when they will be published, but in due course, and certainly ahead of the hearings, witness timetables will be published on the Inquiry's website.

In terms of the Rule 9 procedure and the questioning of witnesses, your Lordship has issued guidance that is available on the Inquiry website that sets out the procedure for this. It requires informal approachesto

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counsel to be made through the inquiry mailbox no later than one week before a witness is due to give evidence with suggestionsof relevant questions or topics. It also provides a more formal procedure for applications to be made to your Lordship no later than two working days before the relevant witness is due to give evidence, in the event that counsel is not minded to ask the questions suggested. Finally, it provides that your Lordship will consider applications to question a witness at the conclusion of their evidence, but that will be restricted to information that has arisen during the course of their evidencethat is material, relevant

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My Lord, given that we are dealing specifically with impact evidence, I don't anticipate or hope that there won't be too many additional questions to be put and I would just encouragelegal representatives to bear in mind the approach that we're taking, which is to keep the hearings focused and to focus on specific aspects of the witness's testimony or the evidence and not cover all aspects that are covered in their Rule 8 responses and witness statements which will nevertheless be taken into account by the Inquiry.

In relation to restrictions on the disclosure of information, your Lordship issued Restrictions Order 1

covering the publication or disclosure of evidenceand documents pertaining to the health and social care in the Inquiry's investigation of matters covered by terms of reference 2G, H, I, C, D, E and F, as well as a number of individual restriction orders relating to relevant witnesses at those hearings. There are currently no restriction orders pertaining specifically to the Inquiry's investigation of matters covered by the three terms of reference that are the subject of the upcoming hearings or in relation to any of the witnesses that are intended to be called. However, my Lord, there is a general restriction order in place that covers witness statements, documents and all other evidence. information and material that is either provided to or generated by the Inquiry and shared with core participants and other recipients which operates to restrict their disclosure or publication prior to publication thereof by the Inquiry itself . So I would simply remind, again, the core participants and their legal representatives of that general restriction order. A copy of that is available on the Inquiry website.

My Lord, those are my opening submissionsand unless I can assist your Lordship further, I will conclude there

THE CHAIR: Thank you very much indeed, Ms van der

Westhuizen

Now, a number of core participants have submitted questions in advance of this preliminary hearing and it 's my intention to provide answersto those questions today. I have received two questions about disclosure of the list of witnesses and the witness timetable. Mr Michael Clancy, on behalf of the Law Society of Scotland, asked the following question or questions: Which witnesseswill be giving evidence, as that will determine what if any questions we would like to put forward, and can you please send a list of prospective witnesses?

A similar question was received from Rowan Brown on behalf of the College of Paramedics. That question was: is the Inquiry able to indicate when core participants will receive a scheduleor timetable for the hearings due to start in November?

Now, the answersto those questions are, in respect of both Portfolios 4 and 2, we cannot provide a witness list as we have witnesseswho are yet to confirm to us they will attend. A witness list will be provided alongside disclosure to those core participants with leave to appear and we intend to issue disclosure one month in advance of a witness evidence for the respective portfolios.

I have received two questions about disclosure of witness statements in respect of the Portfolio 4 hearing. Nicola McLaren from the Central Legal Office on behalf of NHS Scotland asked: when will we be provided with the witness statements for the upcoming Portfolio 4 hearings?

A similar question was received from Caoimhe Hunter of Brody's, on behalf of the Scottish Qualifications Authority and Scottish Care, and the question was: We note the supplementary Rule 9 guidance for the education and certification and the businessand welfare impact hearings that was issued by the Inquiry on 17 September 2024. We should be grateful if the Inquiry would confirm when it expects material to be disclosed to core participants in advance of any impact hearing, given that core participants are to approach counsel to the Inquiry with any relevant questions or topics they wish to have put to a witness no later than one week in advance of that witness giving evidence.

And the answer to that question is: We intend to disclose witness statements one month in advance of a witness's evidence, with disclosure commencing on 7 October 2024.

I have received a question about the provisional outline of evidenceand closing statements from

Sarah Mitchell of the Scottish Government legal division on behalf of the Scottish Government. That question being: when can we expect to receive the provisional outline of evidencedocuments for P2 and P4?

The answer to that question is that extracts of the narratives of evidence will be provided to core participants with leave to appear at a date after the conclusion of the impact hearings. Those core participants may be asked to comment. Detailed guidance in respect of the specific matters the Inquiry wish comment on will be provided when the narratives are issued.

The same author provided a further question: Will closing statements be permitted and, if so, will they be delivered on the final day of the impact hearings or will a dedicated hearing be fixed at a later date? The answer to that question is: I will issue a direction on closing submissionsin due course.

Finally, I received a question from Anderson Strathern on behalf of the Royal College of Nursing. As this is a question about a specific witness, the Inquiry legal team will respond to that question directly via individual email correspondence.

Now, those are the questions that I have received to date. I will ask at this stage if there are any further

questions from participants in the gathering in the hearing today. If there are, I will ask those person or that person to come forward, disclose their identity, and give the question. I will of course attempt to answerit, but, in all probability, I will answerthat or have that answeredby mail by the end of Monday next

Are there any other questions from any participant in the hall today? It would appear there are none.

So in the absenceof any further questions, that brings an end to this preliminary hearing. Can I thank you all for your attendance today. I hope it has proved helpful and I look forward to seeing you all starting off on the -- I think it was -- I forgot the date. Is it 4 November of this year, about six weeks' time. Thank you all very much. Very good. That ends the proceedings.

(The hearing was adjourned)

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