

# UK Covid-19 Inquiry Frequently Asked Questions (v1.0)

Updated: 09 January 2024



## Background

### 1. What is the UK Covid-19 Inquiry about?

This is a statutory public inquiry set up under the Inquiries Act 2005 to examine the UK's response to and impact of the Covid-19 pandemic, and learn lessons for the future.

### 2. What is the Inquiry looking into?

The remit sets out that the Inquiry is to examine, consider and report on preparations and the response to the pandemic in England, Wales, Scotland and Northern Ireland, up to and including the Inquiry's formal setting-up date, 28 June 2022.

The [Terms of Reference](#) of the Inquiry specify its remit and the issues it will be examining in more detail.

### 3. Who is conducting the UK Covid-19 Inquiry?

Baroness Hallett, who is the Chair of the Inquiry, is responsible for the direction and manner of the Inquiry. She acts in an independent capacity. A Public Inquiry is inquisitorial in nature, not adversarial, so the Chair performs more of an examining role than a judge would in court proceedings.

### 4. What is a Public Inquiry?

A Public Inquiry is a formal, independent review relating to particular events which have caused or have potential to cause public concern, or where there is public concern that particular events may have occurred. The aim of a Public Inquiry is to help to restore public confidence in systems or services by investigating the facts through consideration of documentary and witness evidence, to determine what happened and help prevent recurrence.

### 5. What is the outcome of a Public Inquiry?

The outcome of a Public Inquiry is the production by the Chair, with input from the Inquiry Team, of a report which details key findings of fact and makes recommendations for the future. The Chair cannot make any findings of civil or criminal liability, nor can she award any compensation.

## **6. Is the UK Covid-19 Inquiry directed at my actions?**

It is the role of the Inquiry Team to gather evidence from varied sources, including witness evidence from individuals with knowledge of the relevant circumstances.

You may be asked to provide a witness statement to assist the Inquiry Team with its investigations (see Q.14 below). However, the findings and recommendations detailed in the Chair's report will be directed towards the UK and devolved governments and not at particular individuals.

## **Structure and Format of the UK Covid-19 Inquiry**

### **7. What is the format of the UK Covid-19 Inquiry?**

The Chair has decided to divide the investigations into modules, each with a preliminary hearing and full hearing. Active modules are currently:

- Resilience and preparedness (1);
- Core UK decision-making and political governance (2);
- Impact of Covid-19 pandemic on healthcare systems in the 4 nations of the UK (3);
- Vaccines and therapeutics (4);
- Procurement (5).

Future modules will be announced in due course. For each module evidence including witness statements is requested from Core Participants and heard within the full hearings along with further oral evidence if required.

### **8. When are the Inquiry Hearings being held?**

Module 1 public hearing began 13 June 2023 and concluded after 23 days, with a preliminary hearing 4 October 2022. Module 2 had 3 preliminary hearings over 2022 and 2023 and public hearings began 3 October 2023, continuing over 2023.

Module 2 in addition has Modules 2A, 2B and 2C examining the role of the devolved administrations. Module 2A concerns Scotland and has had 3 preliminary hearings over 2022 and 2023 with public hearings scheduled for January 2024. 2 preliminary hearings for Module 3 have also been held.

### **9. Where are the Inquiry Hearings held?**

The public hearings are being held at [Dorland House, London, W2 6BU](#).

### **10. Are the hearings public?**

Public inquiries are open to the public and the media. Seats should be reserved in advance with a few available on the day. Proceedings are being live-streamed on the Inquiry's [YouTube channel](#).

### **11. Can I catch up with the proceedings at a later date?**

The hearings will continue to be available to watch on the Inquiry's [YouTube channel](#) after the hearing. Transcripts of the hearings will also be published daily, unless any contrary order or restriction notice is in place.

### **12. What did the initial hearings cover?**

Module 1 examined preparedness and planning with submissions from government, public health, professional and campaigning organisations.

Module 2 is currently examining UK government decision making including the perspectives of government members, campaigners and experts.

### **13. Will I be approached by the Inquiry Team to provide a witness statement?**

At present statements have only been supplied from organisations and scrutiny of healthcare has not yet begun.

### **14. Do I have to provide a witness statement if requested to do so?**

Yes. Lady Hallett has powers under the Inquiries Act 2005 to compel a person to give evidence to the Inquiry. If you do not comply with a requirement by the Chair, you may be found to have committed a criminal offence.

As yet no statements have been taken from NHS Scotland staff.

### **15. As a former NHS employee, do I still have to cooperate with the Inquiry?**

Yes. Lady Hallett has powers under the Inquiries Act 2005 to compel any person to give evidence to the Inquiry. If you do not comply with a requirement by the Chair, you may be found to have committed a criminal offence.

As yet no statements have been taken from NHS Scotland staff.

### **16. What happens next?**

Scrutiny of healthcare processes has not yet begun, and no witness statements have been requested from NHS Scotland staff. The following points are therefore based on experiences from other public inquiries.

## **Investigations by the Inquiry Team: Witness Statement**

### **17. Who can I take with me to a witness interview?**

You may have somebody present with you at a witness interview, such as a work colleague, friend, official from your Trade Union or Professional Organisation, or a solicitor from the NHS Central Legal Office's ("CLO") dedicated Covid-19 Inquiries team (which is acting for the Scottish territorial and special health boards in the Inquiry). It is recommended that whoever accompanies you is not themselves likely to be asked to provide a statement. The recommendation is that a solicitor from CLO attends with you to provide as full legal support as possible.

### **18. Can I obtain separate legal representation?**

NHSGGC will support you as fully as possible throughout your involvement in the UK Covid-19 Inquiry. However, if you would prefer to be accompanied by an independent solicitor, the Inquiries Act 2005 allows for the possibility of an award of funding for legal representation for witnesses; applications for funding for legal representation must be approved in advance. You should speak with the Inquiry's witness support team about this.

### **19. What happens at the witness interview?**

There are likely to be two members of the Inquiry team in attendance, who will take your statement, by asking you questions and referring you to documentation for your comment. Giving a witness statement may take some time. The statement takers will allow regular breaks, but you should feel free to ask for breaks whenever you want. If a meeting is likely to last a long time, the interview will be spread over more than one day. Consider making your own notes of the interview; this will help in remembering what was said when you receive the draft statement of your interview.

### **20. Do I get a chance to see, and make changes to, my statement before it is finalised?**

Shortly after your interview, you will receive a draft copy of your witness statement. This must be read thoroughly and any changes, additions or deletions can be made at this stage. You should sign the statement once you are satisfied that it accurately reflects your evidence. You may be asked to provide electronic verification in place of a signature, if the process is taking place remotely. Once the statement is signed, it then becomes your evidence to the Inquiry. If you subsequently wish to say something more, you can make a further statement.

### **21. Will my witness statement be public and will it attract media interest?**

Evidence for hearings is currently published on the Inquiry website several days prior to hearings, so the media will have access to materials before and during each stage of the Inquiry hearings. This could lead to witnesses being quoted in media reports prior to appearing at the Inquiry.

## Appearing as a witness

### 22. Will I be called as a witness at the Inquiry?

Any member of staff who has been interviewed and provided a statement to the Inquiry Team may then be called as a witness at the Inquiry. However, in many cases, a witness' statement will be sufficient and they will not also be required to give evidence at a hearing.

### 23. What should I do to prepare before giving evidence to the Inquiry?

If you are called to give evidence, it is important that you prepare for this by:

- Reviewing all personal notes and files, as well as the documentation provided to you by the Inquiry Team in advance of giving your witness statement.
- Familiarising yourself with the hearing surroundings by viewing information about the venue on the Inquiry website (if required to attend in person).
- Being prepared for possible media interest in the lead up to the hearing.
- Being aware that you may have to wait at the hearing venue before you are called as a witness.

### 24. What should I expect when giving evidence to the Inquiry?

When called to give evidence, you must take an oath, or affirm, declaring that you will tell the truth at all times.

You are then likely to be questioned on who you are, your qualifications and experience, and your place of work before going on to the circumstances surrounding the issues under scrutiny at the hearing.

### 25. What are the key tips to remember when giving evidence?

Listen carefully to the questions you are asked and take time to consider your response. Do not feel pressured to give a "yes" or "no" response and be ready to explain your view. If you can't remember the date of an event or don't know the answer to a question, say so – don't try to guess and do not speculate. If a question has multiple parts, break down your answer. If you are unsure of the question, ask for it to be repeated. Be calm, courteous and honest. Remain objective, and do not get personal. Speak clearly and concisely, and be ready to confirm your evidence from notes taken at the time, or by reference to your witness statement. If your role is a central one, be prepared for a possible lengthy session in the witness box which may last several hours.

Do:

- Be fully familiar with the issues in the topic under discussion
- Give detailed and relevant answers
- Say if you cannot remember
- Be alert and astute to the atmosphere in the venue

- Direct your answers to the Chair, even though counsel to the Inquiry is asking the questions: the Chair is the decision maker
- Be clear in what you say and speak loudly enough for the Chair and Counsel to the Inquiry to hear you
- Be ready and willing to expand and explain your answers if requested
- Be ready and willing to see the argument in opposing views but be firm and clear about your own evidence
- Be prepared for delays
- Be aware that this is a formal proceeding and dress appropriately
- Try to remain calm
- Try to avoid appearing defensive
- Stick to the facts – don't make assumptions about what other people did or did not do
- Try to avoid jargon, medical or hospital language that others may not understand

Try not to:

- React emotionally
- Be arrogant, impatient, aggressive, rude, argumentative or appear patronising

## **26. What happens if I am approached by a journalist?**

Should you be approached by a journalist there is no obligation for you to make comment. The media may also take photographs of witnesses arriving at or departing from the Inquiry.

The NHSGGC Communications team is on hand to advise and support you if you are in any doubt about what to do if contacted by the press. They can be contacted by telephone, 0141 201 4429, or email, [pressoffice@ggc.scot.nhs.uk](mailto:pressoffice@ggc.scot.nhs.uk), 24/7.

## **27. Is there anyone at NHSGGC I can talk to about my participation in the Inquiry?**

Yes. NHSGGC is fully committed to providing support to all staff who may be involved in the UK Covid-19 Inquiry. NHSGGC Legal Office operates a "Witness Service" that offers support and guidance to all witnesses asked to give evidence at a hearing. The service they can provide which would be helpful to any NHS staff member if required is:

- Practical help
- Information on Inquiry procedures
- Guidance regarding further support
- A listening ear for anxieties/concerns

If you would like support from this service generally, or if you are invited to give a statement / evidence, please contact Rachel McGowan, **07583 121674** or [rachel.mcgowan@ggc.scot.nhs.uk](mailto:rachel.mcgowan@ggc.scot.nhs.uk)

Additionally, the NHS Central Legal Office ("CLO") is acting for the Scottish territorial and special health boards in the Inquiry. The CLO has a dedicated

Covid-19 Inquiries team which is working alongside the Witness Service and can provide you with as full legal support as required, including accompanying you, if requested, to any witness interview meeting.

Of course, you may also seek support and advice from your Trade Union or Professional Organisation.

## Staff Support

### **28. Am I obliged to provide a precognition to the CLO if requested to do so?**

A precognition is an informal statement, used for internal purposes only, and not for wider disclosure, and is covered by legal privilege. The CLO might suggest that they take a precognition from you as part of its fact-finding phase. While you are not obliged to provide such a statement to the CLO, we would strongly advise you to do so: this process assists with building your own picture of the events to which you can speak; and if called by the Inquiry to give evidence, you must do so, so having taken the preparatory step of assimilating your recollection of matters in advance of that more formal process is hugely beneficial.

### **29. Will what I say to a CLO solicitor be in the public domain?**

No. Any conversation you may have with a member of the CLO team is confidential and is covered by legal professional privilege, whereby written or oral confidential communications between a lawyer and a client are protected for the purpose of giving or receiving legal advice.

### **30. Is there anyone on the Inquiry Team I can speak to for support?**

As yet no statements have been taken from NHS Scotland staff.

Staff can contact the NHSGGC [Occupational Health](#) Service for counselling support. [Mental Health and Wellbeing resources](#) area also available from HR Connect.

## Provision of documentation

### **31. If asked to provide certain documentation relating to the issues set out in the Terms of Reference by a solicitor from the CLO, should I do so?**

Yes. The CLO is supporting NHSGGC in the information-gathering stage of Inquiry preparations. Part of that exercise comprises a review of documentation and an assessment of its relevance to the Inquiry's Terms of Reference and to the specific Requests for Information which the Inquiry Team has made. The provision of any documentation to the CLO does not mean that there will be automatic onward provision of this documentation to the Inquiry Team. Subject to certain exceptions, should any material be considered to be relevant to these Requests, there is a legal obligation for this to be provided by NHSGGC, or the CLO on its behalf, to the Inquiry Team.

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**32. What if the material is sensitive, contains personal data or is legally privileged?**

There are protocols in place to deal with the provision of sensitive or legally privileged material, including an application by the CLO to the Inquiry Team for an order for redaction (obscuring parts of text) or restriction of the publication of the material.

**33. I have heard that there is also a Police investigation, is that correct?**

There is an ongoing investigation by the Crown Office and Procurator Fiscal Service, supported by Police Scotland, into certain deaths associated with Covid-19. Please see the Scottish Covid Inquiry FAQs document for more about this.

## Version control

Date	Version	Revision
09 January 2024	V1.0	Document published