

Response ID ANON-88H9-CRSS-C

Submitted to Terms of Reference Consultation
Submitted on 2022-03-26 19:24:00

Individual or Organisation

Are you submitting feedback as an individual or on behalf of an organisation?

Organisation

About your organisation

What organisation are you submitting feedback on behalf of?

Name:
Scotland Branch of Covid-19 Bereaved Families for Justice

Page 1

Do the Inquiry's draft Terms of Reference cover all the areas that you think should be covered by the Inquiry?

No

Page 2

Please explain why you think the draft Terms of Reference do not cover all the areas that the Inquiry should address.

Please answer the question in the textbox below. :

No reference to Government decision making or Policy making.

No mention of timeliness of interventions, nor of what other alternatives were considered at that time and why the actual course was selected over other options available at that time. NB – not “hindsight”, more “lack of foresight” or taking expedient decisions rather than correct ones.

No mention of scientific knowledge, research or advice provided to Government. “Following the science” or ignoring it?

How were shielding categories determined and reviewed as knowledge improved throughout the pandemic?
Related to that is Key worker vulnerability and protection.

There is no mention of Domicillary Care nor Hospices.
There is no separation of Nursing Homes from Care Homes

Preparedness should consider amongst other things PPE, medications and oxygen availability in sufficient quantities.

Were End of Life Protocols adhered to?

Fails to include dentists and opticians

Fails to include NHS 999, 111 or ambulance service.

Lessons to be learned to prevent and mitigate next pandemic – to include contingency planning.

No reference to the under-utilisation of Local Public Health teams and Regional Authority labs and test houses. No reference to University labs which were suitably equipped.

Warnings not heeded from Italy and Spain, Hong Kong, etc.

Will you consider producing a “List of Issues” document to outline how you as Chair have interpreted the scope of the ToR?

Accountability versus Blame :

Accountability : the correct identification of the person(s) responsible for decision making which failed demonstrably. An essential part of the Inquiry.
Blame : the unjust apportioning of responsibility for failure : “scapegoating”. Highly undesirable and to be avoided in the Inquiry.

Page 3

Which issues or topics do you think the Inquiry should look at first?

Please answer the question in the text box below. :

That depends on the primary goal of the Inquiry. It is to save the maximum number of lives, then nosocomial infection is the correct place to start. However, it is the largest and most complex area with which to start and, therefore, may be not the wisest of choices for an Inquiry feeling its way through "the largest Public Health disaster in a century".

Perhaps start with the question of preparedness and why we were so ill-prepared to meet this challenge despite having completed numerous pandemic planning exercises within the last 10 years, each of which produced recommendations, few of which were implemented.

Alternatively, start with why we were so poorly served for test capacity despite having developed a usable test in January 2020. The WHO advised early on to "test, test, test". We failed to do so.

Personally, I advocate that the Inquiry start by considering the subject of testing, or lack thereof.

Page 4

Do you think the Inquiry should set a planned end-date for its public hearings, so as to help ensure timely findings and recommendations?

No

Page 5

How should the Inquiry be designed and run to ensure that bereaved people or those who have suffered serious harm or hardship as a result of the pandemic have their voices heard?

Please supply answer here :

Part A : The Scottish Perspective

Scotland is not partaking in the UK Inquiry on the same footing as other parts of the UK, not even on the same footing as the other Devolved Nations.

Scotland has its own Public Inquiry to address Devolved Matters and how they were handled during the pandemic.

But, in reality, Matters are only Devolved below a certain level, eg.

- cardinal symptoms which govern access to testing
- sourcing and supply of test kits
- hierarchical classification of health and care matters
eg. Hospitals > Nursing Homes > Hospices > Care Homes
- decision to discharge patients from hospitals to care homes without testing

1) We need you, Lady Hallett, to thoroughly inquire into these matters and how they impacted upon the ability of the Devolved Nations to handle the pandemic in their own jurisdictions.

2) We also need you to probe the topics of inter-Governmental Communication and Information Sharing.

For example, Dominic Cummings has asserted that COBRA meetings were not used to discuss important topics because "Sturgeon would just come out and blab about what had been said".

Was that alleged "blabbing" simply her being truthful with her electorate about the seriousness of the situation, where the UK Government preferred a strategy of "let it move through the population" and "take it all in one hit"?

3) Sturgeon has countercharged that she had to set up her own SAGE advisory committee because the advice from the UK SAGE panel was not being shared with her.

Just how transparent, timely and honest were those communications?

4) Furlough funding and other business support funding was only made available when London decreed so. Witness the struggle that Andy Burnham had with the UK Government when his area was ordered to go into higher tier restrictions but he was denied the funding that he said he needed in order to do that fully. The Devolved Nations also faced a funding gap when they wanted to take a more cautious approach in their own jurisdictions, except if such happened to coincide with London simultaneously moving into higher tier restrictions.

5) Scotland was unable to control its own Borders because Border Control is a matter reserved to Westminster. When the FM asked the PM for help in intercepting Scots returning from abroad into English Airports her request was denied by the Home Secretary.

Part B : The Whole UK Perspective

Linked to all of the above is the question of how to structure the Inquiry. This Inquiry will be the largest and most wide-reaching Statutory Public Inquiry ever undertaken in the UK.

Conducting it in a linear manner will not be adequate. There are far too many topics to be considered.

I advocate running several Inquiries in parallel across the UK. The most obvious way to parse the Inquiry is to mimic the Governmental structure that exists in the UK and has done for over 20 years : to follow the Devolved Governmental structure.

Scotland has led the way in declaring its own Inquiry into Devolved matters.

I recommend that Wales and Northern Ireland follow suit. I also recommend that a 4th Inquiry be set up for England only, to consider those matters

devolved to the other 3 home nations (Health and Social Care, Education and Justice). There should be a 5th Inquiry to consider those matters Reserved to the whole UK Government, such as Border control, Furlough payments, ability to borrow money on the open market, centralised purchasing, etc.

The first 4 Inquiries may run simultaneously, or nearly so. That is, none of them should be forced to proceed at the pace of the slowest Inquiry.

All Inquiries should probably consider a Chapter approach, with Interim reports being produced monthly and at the end of each Chapter. Those end of chapter reports should contain recommendations which can be put forward for immediate consideration by the bodies charged with implementing them (or explaining why implementation is not possible).

When Chapter 2 ends and before Chapter 3 begins, there is then the possibility to revert to Chapter 1 to review progress on implementation of recommendations (or lack thereof).

I realise that the above structure may only formally proceed with the full agreement of the Devolved Government by the issuing of Orders as defined by the Devolution Act.

Even if none were forthcoming, something approaching such could still be implemented by splitting out Devolved topics into regional hearings per topic, with hearings taking place in the 2 Devolved Nations who have yet to consent to their own Inquiries. Whilst not as good as Devolved Inquiries, some saving of time overall could still be achieved.

Part C : The End Date Question

Should there be a planned end date? - No, if that would mean that the scope of the Inquiry would be restricted. By scope I mean both breadth of topic and depth of analysis. These must be viewed as of paramount importance. If the end date is paramount, then the design of the Inquiry needs to ensure that the breadth and depth of Inquiry are not compromised.

Thank you for taking part in our online consultation

Would you like to be added to our mailing list where we will provide you the latest updates on the Inquiry?

Name:

Alan Wightman

Email: :

wightmana@talk21.com