

UK Covid-19 Inquiry: preliminary hearing on module 2, 6 June 2023

The UK Covid-19 Inquiry (the Inquiry) held a third preliminary hearing to further examine the scope and procedures for the public hearings for module 2. This module will investigate core UK decision-making and political governance. In this briefing we set out the key issues discussed and highlight where core participants (CPs) are pushing 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 or [Cath Witcombe](#), public affairs manager.

Opening remarks from the Chair

The Chair opened the session by addressing an issue which has arisen in recent weeks between the Inquiry and Cabinet Office regarding who decides what information is relevant to the work of the Inquiry. As has been widely reported, the Cabinet Office has not complied with a Rule 9 request to hand over material requested by the Inquiry. As a result, the Chair has issued a notice under Section 21 of the [Inquiries Act 2005](#).

In response, the Cabinet Office has said it disagrees and that it is not obliged to disclose what it considers to be “unambiguously irrelevant material”. It has asked the Chair to withdraw the Section 21 notice.¹ The Chair explained that she declined to withdraw the notice and as a result the Cabinet Office is challenging the Chair’s decision in the High Court by way of judicial review. Throughout the hearing, CPs were keen to underline their support for the Chair’s robust approach on this matter.

Inquiry sitting without a panel

Counsel to the Inquiry (Counsel) explained that on the 27 April, the Prime Minister had announced that the Inquiry would be more “efficiently and swiftly conducted” if the Chair sat without a panel. Counsel made clear that this was a decision entirely for the Prime Minister as the sponsoring minister

¹ The Chair’s power to compel the provision of documents is set out in Section 21 of the [Inquiries Act 2005](#). Should a Rule 9 request not be complied with, an Inquiry will consider the importance of the evidence requested and may decide to issue a notice under Section 21. A Section 21 notice (subject to limited legal exemptions) may require a person to attend at a time and place stated in the notice to give evidence or produce evidence in written format. Further sections of the Act set out the consequences of non-compliance with a Section 21 notice.

for the Inquiry. Many CPs were disappointed with this decision and were keen to stress that working with panel members could add value to the Inquiry's work and were of the view that a panel could in fact speed up the process of the inquiry. In particular, those devolved nations that are not conducting their own inquiries are keen to ensure that there is a sufficient understanding of devolution and the impact of Covid-19 on devolved nations.

Update on Rule 9 requests and disclosure

Counsel provided an update on Rule 9 requests. As of 5 June, almost 350 formal requests for evidence under Rule 9 had been sent out relating to Module 2 alone. Around 100 more have been sent out where issues raised in those Rule 9s spanned not just Module 2 but Modules 2A, 2B and 2C. These requests include 38 requests to government departments, government bodies and arms-length bodies, 11 to regional mayors and 12 to ministers including the current prime minister Rishi Sunak, former prime minister Boris Johnson and former health and social care secretary Matt Hancock.

Counsel urged government departments to comply with final deadlines given the tight timeframes. Counsel highlighted that in relation to the Department of Health and Social Care (DHSC), a Rule 9 request was issued in September 2022. The Inquiry has received and disclosed a corporate statement from DHSC but it is still awaiting two further statements which cover the period from August 2020 to February 2022. The deadlines for disclosure were extended but are now overdue.

CPs remain concerned about delays in disclosure of Rule 9 requests and witness statements. Some are sceptical that the Inquiry's aim of largely completing disclosure by the end of July can be achieved and are of the view that they will not have sufficient time to prepare ahead of hearings and to consider documentation in a meaningful way. The Chair acknowledged the tight timeframes but was clear that hearing for Module 2 will start in October.

Listening exercise (Every story matters)

Counsel gave an update on the listening exercise, highlighting that a new and improved "online Every Story Matters web form" had been launched on the 23 May. In addition, since the last preliminary hearing, the Inquiry has published a document setting out progress that has been made on the listening exercise.

Some CPs again raised their concerns with Every Story Matters, indicating that families remain unaware of the expertise and training of those who will be involved in preparing reports and

highlighted that many families have not engaged with the process. CPs said that some bereaved families do not see their experiences of grief and loss reflected in the process.

The Chair stressed that the Inquiry is working hard to ensure the voices of bereaved families are heard during the process including through commissioning impact films and holding community events.

Next steps

Hearings for module 1 are due to start on Tuesday 13 June and are expected to conclude on 21 July.