

IN THE UK COVID-19 PUBLIC INQUIRY

**BEFORE BARONESS HEATHER HALLETT
IN THE MATTER OF:**

THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK

**Further Submissions on the Evidence of the Bereaved and the ‘Listening Exercise’
Covid 19 Bereaved Families For Justice and Bereaved Families**

1. The CBFFJ and families have taken account of the STI Note, dated 13 September 2022, the CTI Note for the first M1 Preliminary Hearing, dated 22 September 2022, the clarifications made by CTI at the hearing, and the words of the Chair. The families remain very concerned at the current position, and in an attempt to resolve the issues and assist the process, make the following submissions.
2. There are three main strands to evidence from the bereaved: commemorations of their lost loved ones, evidence of circumstances of death, and evidence of the effect of bereavement itself. So far as the second strand is concerned, some reassurance has been provided by the assertion at the hearing that family members will be called in relevant modules, to give evidence regarding circumstances of death, which are relevant to ToRs.
3. In our view, there are two issues of principle and one of process:
 - a. First, so far as the bereaved are concerned, the Inquiry should hear evidence of each strand first-hand.
 - b. Second, there must be a proportionate approach but a sufficiency of such evidence.
 - c. Third, a process must be adopted which facilitates access to all bereaved, as well as to other affected persons with respect to other effects beyond bereavement.

Commemorative evidence

4. We have previously submitted that the Inquiry should hear a proportionate number of ‘pen portraits’ within hearings, and should facilitate the posting of other pen portraits to its website, or a dedicated website set up for this purpose, in order that everyone who chooses to may participate.
5. The importance of such commemorations being heard within the Inquiry itself has already been aired, but in our submission, it is a part of the process which is not only vital to the engagement of the bereaved, but also for the Inquiry itself. The hearing of commemorative evidence will provide the bereaved, many of whom were deprived of a proper opportunity to mark the death of their loved ones, with public recognition of their personal loss, whether

they are among those who give oral evidence or not. It will also help to convey the extent of the loss to society as a whole and indicate to relevant State, corporate and other organisational CPs what is at stake in ensuring the most robust accountability and lesson-learning. The narrative account of the pandemic which the Inquiry has set out to provide will also be incomplete without commemorative evidence.

6. It is therefore inappropriate to deal with commemorative evidence through a ‘Listening Exercise’ separate from the Inquiry and outsourced to others. This remains the position of the families but we make the following constructive clarifications in order to assist:
 - a. Given the imperative to drive the Inquiry process forward, and the inevitability that the Inquiry will only be able to hear a proportionate number of such individual commemorations, we agree that commemorative hearings should not cause delay. If the Chair is willing to consider this approach, we ask that the extent and arrangement of the hearings should be the subject of further discussion. However, one of the following proposals may be appropriate:
 - i. A single period for hearing pen portraits prior to the commencement of M1;
 - ii. A series of shorter periods prior to each module;
 - iii. A single pen portrait at the beginning of each hearing day.

Reasonable guidelines for pen portraits should be set, following dialogue with representatives of the families, to ensure that they are kept to proportionate length.

- b. Engagement with the process should be voluntary. The method by which families are chosen to give oral pen portraits should be led by the families themselves, in dialogue with the Inquiry team. This is an approach that has worked well in other inquiry processes. Such a process would ensure that families from across our communities are involved, and with a variety of backgrounds and experiences. For other families, again on a voluntary basis, and with agreed guidelines to ensure proportionate length, their pen portraits should be posted to the dedicated website as above.
- c. There should be dialogue regarding the physical installation already announced by the Inquiry, together with any other ideas such as a visit by the Chair to the commemorative wall instituted by the CBFFJ at Westminster.
- d. There should be a space set aside at hearing venues where attendees can view or read pen portraits which are posted to the website.

Sufficiency of evidence

7. Having regard to the imperative to advance the Inquiry expeditiously, the above proposal would not impede progress, is proportionate, and would meet the expectations of the families.
8. So far as evidence of circumstances of death are concerned, representatives of the families will ensure that the Inquiry is assisted in the choice of relevant witnesses from the bereaved families, on an issue by issue and module basis. At this stage, we only put a marker down that the bereaved should be involved in a significant and sufficient regard, where their evidence may assist the Inquiry. With respect to the experience of bereavement itself, we

submit that the Inquiry should hear from a proportionate number of witnesses during an appropriate module.

The Listening Exercise

9. If the bereaved are directly involved to the above extent, we recognise that there is a role for a wider evidence-gathering process, and one which can also go beyond the bereaved, to others affected by the pandemic. Such a process can only gain the confidence of the bereaved, and no doubt others too, if they are engaged in its development. A lack of information, clarity and dialogue, together with media reports regarding a tender process involving PR companies on an approved Government list, have not assisted.
10. We repeat earlier submissions that there is a general lack of experience as to how to conduct such an exercise, and we doubt that there is any commercial enterprise with the relevant expertise or experience. Dealing with the experiences of traumatised individuals, bereaved or otherwise, who have been seriously affected by the pandemic and the response to it, is very different to the ordinary work of a research and analysis company, and requires experience of community involvement and trust. If such a process is to be devised, we note that there is experience both within the Inquiry team itself and within our team; that is an important reason why this process should not be conducted separately from the Inquiry and outsourced to others without such experience. There are also other organisations with very considerable experience of dealing with bereaved and others affected by traumatic events who may be able to provide considerable assistance. In oral submissions at the M1 preliminary hearing, we proposed the involvement of INQUEST, the charity which has 40 years of involvement with people bereaved in controversial circumstances, and who have specific expertise in ‘listening days’ where the experiences of the bereaved are heard.
11. Therefore, instead of tendering for a process which remains unspecified to those affected, the Inquiry should institute a dialogue involving the Inquiry team, representatives of the bereaved, INQUEST and others who appear to have a real interest in this part of the process. In particular, we anticipate this would include the TUC. The purpose of such a dialogue would be to explore other avenues, for example, an academic-led process, and one involving experts with experience of other mass fatality cases. If dealt with in this way, it provides an opportunity to devise an innovative and inclusive solution which will meet the needs and expectations of all involved.
12. We trust that these further submissions will be received in the spirit in which they are made: to assist the Inquiry.

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