

## **Module 1 Evidential Hearings Summary**

**Date published: 20th July 2023**

The Covid Inquiry's evidential hearings for Module 1 have now come to an end after six weeks, since they began on June 13th.

The Module examined the resilience and preparedness of the United Kingdom asking key questions such as: "Was the risk of a Coronavirus pandemic properly identified and planned for?" and "Was the UK ready for such an eventuality?"

Along the way, the court heard evidence from experts and witnesses, with the likes of David Cameron, Michael Gove and Matt Hancock all having their say. Finally, on 18th July the court heard the most important voices, those of the bereaved.

Earlier this week, on the 18th and 19th July, the oral closing submissions were heard in court.

Nicola Brook, solicitor at Broudie Jackson Canter, who represents families from the Covid 19 Families for Justice group which has almost 7,000 members, said: "Today marks a seminal moment in the Covid Inquiry as we have finally heard from the people who matter most, those who lost loved ones. It is shocking that we have had to wait this long considering promises to put the bereaved at the heart of the Inquiry, and we call on the Chair to listen to the evidence of more of the bereaved during future modules.

"From the evidence we have so far heard, the UK was woefully unprepared for the pandemic, resulting in a catastrophic loss of life. Every death was a tragedy, and every bereaved person deserves the inquiry to make recommendations that prevent the horrendous and unnecessary loss of life, because of the government's abject failure to prepare for a pandemic, ever happening again. Now is the time for the Chair to make a difference and ensure future generations are properly prepared by recommending wholesale changes to the current flawed system. Only then will this Inquiry truly make a difference."

Here is a summary of everything that has happened each week in the hearings.

### **Week One**

The first day of the Inquiry started quite appropriately with the impact video. This was an emotional and powerful video that reminded everyone why these hearings were necessary as some of the bereaved told their stories.

Following the impact video, the court moved on to opening statements led by Counsel to the Inquiry (CTI), Hugo Keith KC. He referenced the impact of austerity and the fact that Brexit took valuable resources away from pandemic planning. He also mentioned structural racism and health inequalities. Lead counsel, Pete Weatherby KC, then also delivered his opening. He used the opportunity to share

some of the stories of the bereaved witnesses we had suggested to give evidence in Module 1.

Once the opening statements concluded, the Inquiry moved on to the first expert evidence which included Professor Jimmy Whitworth, Dr Charlotte Hammer, Professor David Heymann, Bruce Mann, Professor David Alexander, Professor Sir Michael Marmot and Professor Clare Bamba.

## **Week Two**

The second week of the Inquiry saw some big names giving evidence. Among them was former Prime Minister David Cameron, former Secretary of State for Health, Jeremy Hunt and – Former Chancellor of the Exchequer, George Osborne.

Mr Cameron admitted that there was a gap in pandemic planning. He said they had a plan for Flu and then Ebola came along. The former PM asked: “Why weren’t more questions asked about something that was highly transmissible and asymptomatic but less lethal than MERS or Ebola? That is where the gap is.”

Mr Hunt agreed that mistakes had been made as he said in his evidence that they were very well prepared for a flu pandemic but hadn't given nearly enough thought to other pandemics that might emerge. He said that “was a wholly mistaken assumption”.

## **Week Three**

The evidence that come out of week three was, in the most part, incredibly frustrating for the bereaved and those representing them, with two main themes emerging:

1. Everyone was willing to accept that the plans for a pandemic were out of date, but the same people also asserted that even if they had been updated it would not have made a difference because they were all planning for Pandemic Influenza.
2. Everyone was willing to accept that austerity made things difficult, but no one was willing to accept it had an impact.

This week saw some turmoil as Matt Hancock gave his evidence, relating to the period when he was in the role of Minister for the Cabinet Office rather than Health Secretary. He will be called a further time when Module 2 is being heard.

During his evidence, he profoundly apologised for each death that occurred. He said: “I understand it will be hard to take that apology from me, but it is honest and heartfelt.” The MP shockingly added: “Imagine if this disease had tragically killed children as much as it did old people, and maybe it transmitted twice as easily as Covid: Would it then be possible to halt the spread? Of course it would. We would do whatever it took, and that’s where we got to. But we got there far, far too slowly, because none of the preparation included any thinking around that.”

Former First Minister for Scotland, Nicola Sturgeon, was also in court this week. She said that they didn't really lack a plan, but the capabilities to deal with the plan, for example contract tracing, testing and infrastructure.

## **Week Four**

The hearings started slightly later than normal in the fourth week due to them coinciding with the judicial review ruling. The hearing took place on Friday 30th June and the judgment was handed down on Thursday 6th July.

Baroness Hallett issued a notice on 28th April under section 21 of the Inquiries Act 2005 requiring the Cabinet Office to provide the unredacted WhatsApp messages of Boris Johnson and Henry Cook between 1st January 2020 and 24th February 2022 and Boris Johnson's notebooks and diary entries from the same period with no redactions. The Cabinet Office challenged this notice on the basis that they should not be required to provide documents that were, in their view, "unambiguously irrelevant" to the Inquiry.

Although the Court accepted the notice would result in some irrelevant documents being produced, it was held that this did not mean the notice was invalid. The Court confirmed that it is for the Chair to decide whether a document is not relevant.

When court finally resumed as normal, more evidence was heard from mostly Welsh and Scottish witnesses, including the likes of Sir Frank Atherton, current Chief Medical Officer for Wales since 2014, Dr. Catherine Calderwood, former Chief Medical Officer for Scotland and Mark Drakeford, First Minister of Wales since 2018.

## **Week Five**

Week five of the Module 1 evidential hearings saw both experts and witnesses give evidence in court.

We heard from expert Dr. Claas Kirchhelle, who instructed on history of public health bodies and EPRR functions. They said that there was an overwhelming body of evidence that austerity had a negative impact on public health.

Former Chancellor of the Duchy of Lancaster, Michael Gove, was also a key witness during week five. Mr Gove agreed that the Central Government acted with secrecy in not sharing with Local Government the recommendations from Exercise Cygnus and the existence of Exercise Alice.

He claimed that he didn't know what it is that would have been different in the approach taken towards adult social care that could have been anticipated beforehand.

But of course, the way in which the discharge of patients from NHS beds into adult social care was handled is an object of regret and concern, and in particular also the spread of Covid-19 because of the use of agency staff who sometimes worked in

more than one care home was a factor as well. So, he thought it was open to reflection.

## **Week Six**

Week six has been critical to the Inquiry, especially for the bereaved families. The Co-Founder of the Covid Bereaved Families for Justice Group, Matt Fowler gave evidence on Tuesday. Matt lost his 56-year-old father, Ian, to Covid in April 2020.

He said: “It was deeply traumatic to be told that apparently there was a protective ring thrown around most vulnerable when ... that wasn’t actually the truth.” He added that some care homes “couldn’t react because they genuinely didn’t know what to do”.

Following him were the leads for Cymru and Scottish bereaved groups before concluding with the Co-Lead of the Northern Ireland branch of the group, Brenda Doherty..

Later that same day, Pete Weatherby KC made his closing submissions followed by Counsel for the other three bereaved groups.