

Opening statement for preliminary hearing

25 August 2026

Good morning, everyone.

Thank you for attending this preliminary hearing for the Scottish COVID-19 Inquiry.

Introduction

There are a number of matters to be addressed this morning. First, I will provide an update on the availability of our hearing suite. Second, I will outline recent and on-going work of the Inquiry. Third, I will touch on the preparations that have been made for the Implementation Hearings that are to commence on 5 October 2026. Fourth, I will outline investigative themes that will be addressed with the various witnesses during the Implementation Hearings. Finally, I will make some comments on the selection of the witnesses to be led during the hearings.

Today, there will be no statements from Counsel to the Inquiry.

Immediately following my remarks, we will have an adjournment of 40 minutes to allow legal representatives to consider and take instructions on

what, if any, questions they wish to put to me. If a legal representative does wish to ask a question these should be emailed to the core participant mailbox within 20 minutes of the start of the adjournment. I and my team will then consider the questions before recommencing the hearing. I will read out the questions and my responses. If any question cannot be answered today a response will be issued to all core participants via the core participant mailbox by close of business on Friday 28 August.

Hearing suite

Turning to the first issue, I am pleased to confirm we will be holding our hearings in our hearing suite at Waverley Gate. The Scottish Government has confirmed that the lease agreement has been finalised, and the required retrospective building warrant is now in effect. The hearing suite therefore fully complies with the appropriate building regulations, which set the necessary safety standards.

Recent and ongoing work

I will now make some comments about recent and on-going work.

Let's Be Heard – Volume 1

In early September Let's Be Heard will publish the first of its volumes, this one narrating what participants said about their experiences of financial and welfare support during the pandemic.

Narrative Records

Our next Narrative Record to be published will be on Education and Certification. Core participants with leave to appear in the Education and Certification impact hearings were provided with a draft and given four weeks to respond. They will each shortly receive an individual response from the Inquiry Solicitor setting out how their comments have been dealt with. There is a large volume of evidence referenced in this Narrative Record that has not previously been published. Certain documents require to be sent to the original material provider to allow for consideration of redaction before these are shared or published. That process has begun and we anticipate publishing the Narrative Record and all the supporting documents by the end of October.

Core participant input

Moving to on-going work the first topic I want to mention is the contribution of the core participants to the Inquiry's investigation.

As I have explained previously, the Inquiry has taken the approach of hearing first from those most affected by the pandemic, in order that their evidence could be used to help inform our investigations. We will shortly hear from some of the organisations which were responsible for implementing the decisions of the Scottish Government. Views and information gathered during this phase of the investigation will similarly be used to guide our investigation of the decisions made and the process leading to those decisions.

Core participants have made a significant contribution to shaping the Inquiry's work by preparing thoughtful and considered closing statements at the end of each set of oral hearings. In addition, core participants

contributed at an earlier stage to the preparation of the Inquiry's List of Issues and, more recently, by providing lists of key issues for them ranked in order of priority.

Structuring our investigations in the way I have described means that the Inquiry can ensure that it has at its full disposal all available evidence and lines of inquiry, before hearing from the senior government officials and elected Ministers, who were responsible for taking the decisions on how best to respond to the pandemic.

As I have already explained core participants have at various stages been asked for input into the matters to be investigated by the Inquiry. This is in recognition of the fact that new questions may have arisen over time in light of evidence led by the Inquiry. In addition, due to the breadth of the Terms of Reference and the need to be mindful of both costs and the delivery timetable, the Inquiry wished to ensure that the matters of the highest priority to core participants were covered in its investigation. It is for that reason that core participants were asked in December 2025 to provide a list of the key issues for them ranked in order of priority. Seventeen core participants provided such lists.

The lists of key issues and lines for further investigation included in closing statements have been considered against the Inquiry's investigative propositions for both implementation and decision making. While the review against implementation propositions has been completed the work is on-going in respect of decision making. This is a significant piece of work both in terms of its size and importance to the investigation. It has involved the review of dozens of suggestions against over 1000 investigative propositions. Once that work is completed, I have instructed the Solicitor to the Inquiry to engage with the legal representatives of each of the relevant core participants to explain the Inquiry's intentions in respect of each issue

identified by them either in their key lists of issues or in closing statements. I anticipate that work will be completed by late September.

Preparations for the Implementation Hearings

Now I would like to turn to my third set of remarks which concern the preparations that have been completed for the Implementation Hearings.

Disclosure of evidence

On 6 August 2026, the Inquiry disclosed to core participants 1753 documents relevant to the implementation hearings. A further 105 documents were disclosed on 21 August. Approximately 138 further documents remain to be disclosed. The Inquiry team is working to disclose these at the earliest opportunity. Further disclosure will be made each Friday until disclosure is complete.

Rule 9 questions

Following comments received from core participants on the revised Rule 9 procedure that was circulated to core participants on 13 March 2026 the procedure that will apply to the Implementation Hearings has been finalised and was issued to core participants on 27 July 2026. Minor formatting amendments were made and a revised version sent to core participants and published on the Inquiry's website on 19 August.

The procedure sets out the dates by which written applications for rule 9

questions should be submitted and the date by which decisions will be communicated. It also sets out the procedure for seeking to ask rule 9 questions arising on the day of the hearing. In previous hearings, the Inquiry received a number of requests for questions to be put to witnesses that were not helpful due to their lack of focus. It is expected that applications for the upcoming hearings will be directed solely to specific matters of particular concern to the participant and only addressing points that will progress the Inquiry to meeting its terms of reference. It is anticipated that legal representatives will exercise their professional judgment as to whether questions proposed by their clients meet these requirements. It will be unhelpful for lines of questions to be proposed that address matters covered by evidence already disclosed by the Inquiry or of such a general nature as to be unnecessary to be addressed by the particular witness in the upcoming hearing. Questions which fall outside the scope of the Terms of Reference will not be accepted.

Opening and closing statements

I confirmed in a direction published on 2 March 2026 that core participants will not be invited to make opening statements, either in written or oral form at the commencement of the Implementation hearings.

In respect of closing submissions, on 20 July 2026 I made a direction that:

1. core participants may make written closing statements of up to 2500 words to be submitted by 5pm on Friday 6 November 2026.
2. The written statement must indicate whether the core participant wishes to make an oral closing statement.
3. Core participants should only address matters that fall within those

parts of the Terms of Reference for which they have been granted core participant status, and

4. Closing statements should identify any new issues for investigation that may assist the Inquiry's future work, and any lessons that core participants consider may be learned from the evidence currently available.

This Direction is available to view on the Inquiry website. Oral closing statements will be heard on 17 and 18 November 2026. I am aware a previous Direction set out 16 and 17 November for these closing statements, but a revised Direction was issued on 21 August.

Hearing timetable

The witness timetable was issued to core participants on 21 July 2026. It will be published on the Inquiry website on Thursday 27 August. Changes to the timetable may occur as the Inquiry and witnesses continue their preparation. The hearing schedule currently runs from Monday 5 October to Friday 23 October.

Requests to attend

An invitation to submit requests to attend the hearings will be published on the website on 27 August alongside the witness timetable. At the start of next week core participants' legal representatives will be invited to register attendance in person. The hearings will be broadcast on the Inquiry's YouTube channel and can be followed online by anyone who wishes.

Witness warnings

I have previously indicated that it is my intention to put all witnesses who will give evidence in the forthcoming implementation and decision-making hearings to do so on oath or subject to the appropriate affirmation. Where appropriate I will also remind witnesses of the terms and effect of any relevant restriction orders. The Inquiry is also required to take steps to avoid prejudice to other legal proceedings that may take place now or in the future. To that end it may also be necessary to warn witnesses, based on my understanding of the evidence that they may give, that they will not be required to answer any question the answer to which might tend to incriminate them in the commission of a criminal offence or which might or might otherwise prejudice current or future legal proceedings.

Implementation hearings

Investigative themes

I turn now to the Implementation Hearings themselves. The hearings represent the public element of the Inquiry's investigations into the way key public bodies and organisations gave effect to the decisions of the Scottish Government during the pandemic.

The following broad themes will be examined during the evidence:

1. Pre-Pandemic planning – whether existing planning arrangements provided a sufficient foundation for the effective implementation of Scotland's strategic response to the pandemic
2. Decision making – specifically the decision making of those

responsible for implementing pandemic response measures, including how key decisions were reached and the extent to which competing risks, priorities and impacts were assessed before implementation.

3. Advisory relationships - whether strategic decision making during the pandemic was informed by appropriate operational expertise.
4. Use of evidence - whether decision making during the pandemic was informed by timely, accurate and sufficient data.
5. Communication - whether the arrangements for developing and communicating information during the pandemic supported the effective implementation of the strategic response.
6. Implementation – by that I mean, how important elements of the strategic response operated in practice across a range of sectors and whether strategic decisions translated into effective operational delivery.
7. Coordination - whether the arrangements for collaboration between national, regional and local organisations supported the effective implementation of the strategic response to the pandemic.
8. Governance – specifically whether the governance arrangements operating during the pandemic supported the delivery of key public health functions.
9. Accountability – whether leadership, responsibility and oversight arrangements supported the implementation of the strategic response to the pandemic.

Selection of witnesses

Finally, I turn to the selection of witnesses. At the Preliminary Hearing on 10 March I explained that the key implementors identified by the Inquiry for the purpose of this phase of the Inquiry's work are:

- Local Government/COSLA;
- NHS Territorial Health Boards;
- NHS National Services Scotland;
- Healthcare Improvement Scotland;
- Public Health Scotland;
- The Care Inspectorate;
- The SQA;
- The Private Care Sector;
- The Scottish Courts and Tribunals Service;
- Police Scotland.

During the hearings evidence will be led from 7 of those bodies and organisations. The Inquiry does not currently intend to call witnesses from the Territorial Health Boards, Health Improvement Scotland or the Scottish Courts and Tribunals Service, however evidence obtained from them is included in the disclosure to core participants

Existing UK Covid-19 Inquiry evidence

As I explained during the Preliminary Hearing on 10 March, the Inquiry is required by paragraph 7 of the Terms of Reference to “make reasonable efforts to minimise duplication of investigation, evidence gathering and reporting with” the United Kingdom Covid-19 Inquiry. The Inquiry has therefore carefully considered the evidence that has already been provided to the UK Covid-19 Inquiry by the implementors being investigated by this Inquiry. While it is inevitable that some degree of duplication will occur, this Inquiry has sought in its evidence gathering work only to ask questions of witnesses where evidence on new subjects was required or further evidence was required in respect of any matter already addressed by a witness in an earlier statement or in documentary evidence.

To provide core participants with a full picture of the relevant evidence of witnesses their previous statements to this Inquiry and/or the UK Inquiry have been included in the disclosure.

The approach taken reduces the requests made of witnesses and organisations while allowing the Inquiry to obtain all available evidence on the matters under consideration. The approach is also in accordance with s.17(3) of the Inquiries Act 2005, which requires me as Chair to act with fairness and with regard also to the need to avoid any unnecessary cost, whether to public funds, to witnesses or others.

When selecting which witnesses should be asked to provide oral evidence the Inquiry has taken a number of matters into consideration. These include:

1. Where the witness speaks to matters of strategic importance or of particular public concern such that the Inquiry considers they should

be ventilated in public;

2. Where there is a need to examine issues covered in the statements in more depth or where there are disputed facts;
3. The extent to which calling additional witnesses would meaningful further the Inquiry's investigations.

Where possible, the Inquiry has chosen to call the most senior individuals, who are able to speak to the widest range of subjects. In some instances, however other witnesses have been selected either due to their expertise or where it has not been possible to obtain statements from those first identified as the most appropriate.

I turn now to those bodies where it is not currently intended that witnesses will be called to give oral evidence. Consistent with the role of COSLA as the collective "voice" of local government the Inquiry has decided to hear from that organisation on local government issues. Nonetheless, rule 8 and section 21 responses to this Inquiry from local authorities, as well as rule 9 responses to the UK Inquiry, have been reviewed by the Inquiry. S.21 responses from local authorities who are also core participants are included within the disclosure to core participants.

Turning to Health Improvement Scotland and the Territorial Health Boards the Inquiry considered that, at this time, it is not necessary to supplement the written evidence with further oral evidence. This view was reached following review of the comprehensive evidence obtained by the UK Inquiry which was recovered by the Inquiry together with the supplemental evidence obtained by this Inquiry. The Inquiry was able to focus its evidence gathering to issues that were either absent or merited amplification. It was determined that the sufficiently detailed evidence

obtained addressed the issues and propositions of the Inquiry, and therefore it was unnecessary to obtain further evidence by means of oral testimony.

I have received correspondence from a small number of core participant groups asking the Inquiry to reconsider its position on not calling certain witnesses. The Inquiry's legal team will engage directly with the legal representatives of those groups over the next two weeks. Following those discussions, I will decide whether to instruct the calling of further witnesses.

This completes all the remarks I wanted to make at this time.

Thank you.