

UK Covid-19 Inquiry: Monitoring report 3

Pwyllgor Diben Arbenning Ymchwiliad Covid-19 | 19 Mawrth 2024
Wales Covid-19 Inquiry Special Purpose Committee | 19 March 2024

Introduction

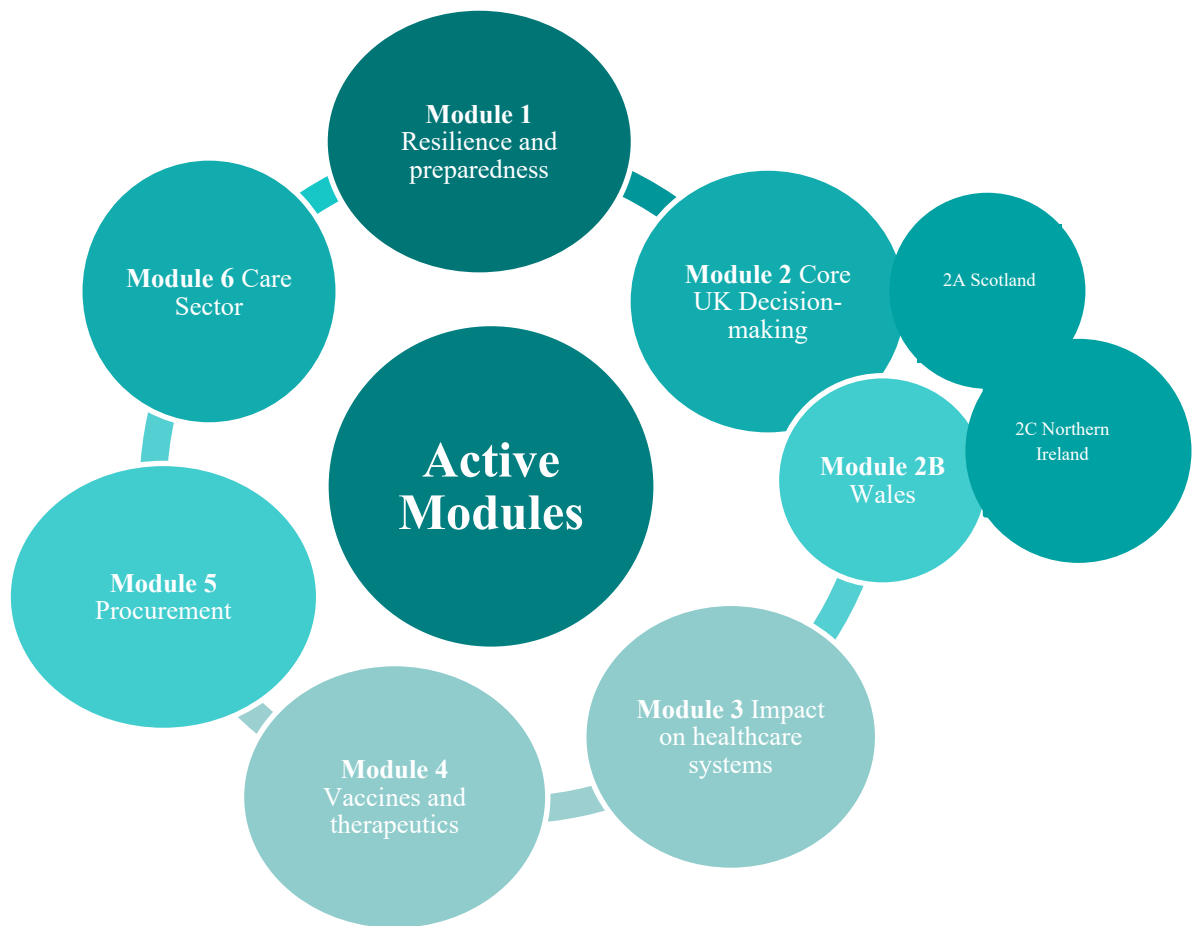
On 16 May 2023 the Senedd voted to create a Wales Covid-19 Inquiry Special Purpose Committee. This briefing provides an **update** for Members of the Special Purpose Committee on the work of the UK Covid-19 Inquiry up to this point. It notes that **progress has been made on various modules** of the Inquiry. The publication of the Module 1 report on resilience and preparedness is expected in early Summer 2024.

The remit of the Special Purpose Committee, as agreed by Members of the Senedd, is such that it cannot undertake substantive work until “publication of the reports at each stage of the UK Covid-19 Inquiry”.

N.B. This report does not cover Module 1 as this was covered in a previous monitoring report (see [UK COVID-19 Inquiry: Senedd Research Monitoring Report 2 - Module 1](#)).

Figure 1: UK Covid-19 Inquiry - Active Modules





Future Modules have been announced as covering:

- Testing and tracing
- Business and finance response
- Health inequalities
- Education, children and young people
- Other public services.

N.B It's important to note when reading the information below that only Core Participants can participate in the preliminary hearings.



Module 2 Core UK decision-making and political governance

Module 2 (Core UK decision-making and political governance) opened on 31 August 2022 and is split into parts. [A list of core participants](#) has been published. The Inquiry heard evidence on Module 2 from UK participants between 2 October 2023 and 14 December 2023 (see [Module 2 public hearings timetable](#)). Module 2A covers Scotland, Module 2B focuses specifically on Wales and Module 2C looks at Northern Ireland.

Module 2

Module 2 provides an opportunity to gain insights into the **core political and administrative governance structures** that influenced decision-making during the pandemic. It will scrutinise the effectiveness of UK Government decision-making, the performance of political and civil service entities, and the dynamics of relationships between the UK government, devolved administrations, and local and voluntary sectors.

The inquiry will assess the **initial response** to the pandemic, shedding light on the strategies employed by authorities to mitigate its impact. It will examine decision-making processes concerning **non-pharmaceutical measures**, (i.e. public health interventions aimed at controlling the spread of Covid-19 that do not involve the use of pharmaceuticals or vaccines, such as social distancing, wearing masks, hand hygiene, quarantine, isolation, travel restrictions, and lockdowns).

Other **key areas of examination** include access to medical and scientific expertise, public health communications, the enactment and enforcement of coronavirus legislation and regulations, and the impact of funding on decision-making processes.

Further details are provided in [the provisional scope](#).

Module 2B Wales

Module 2B focuses specifically on the Welsh perspective. [Public hearings were held in Cardiff](#) from 27 February to 14 March 2024, providing an opportunity for Welsh stakeholders to voice their experiences and concerns.

Senedd Research's next monitoring report will focus specifically on Module 2/2B and so is not covered here.



Further Reading:

[Core UK Decision-making and Political Governance \(Module 2\) – Preliminary Hearings](#)

[Core UK Decision-making and Political governance – Wales \(Module 2B\) – Preliminary Hearings](#)

Module 3 Impact of Covid-19 pandemic on healthcare systems in the 4 nations of the UK

Module 3 (Impact of Covid-19 pandemic on healthcare systems in the 4 nations of the UK) opened on 8 November 2022. The application process to become a Core Participant has now closed. [A list of core participants](#) has been published. Welsh representatives include: Covid-19 Bereaved Families for Justice Cymru, Welsh Government, the Welsh Ambulance Services NHS Trust, and Group of Welsh NHS Bodies.

Module 3 will analyse the **effects of the Covid-19 pandemic on healthcare systems** across England, Wales, Scotland, and Northern Ireland. It will explore the **consequences** of government and public responses to the pandemic on healthcare, assessing the capacity of healthcare systems to handle a pandemic and how this capacity evolved during the Covid-19 crisis.

The Module will cover **healthcare governance, primary care, NHS backlogs**, the effects on **healthcare provision** by vaccination programmes, as well as **long covid** diagnosis and support. It will also examine **healthcare-related inequalities** (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated module.

Specifically the module will:

- Examine various aspects of **healthcare provision**, including primary, secondary, and tertiary sectors, as well as people's experiences of healthcare during the pandemic.
- **Decision-making and leadership** within healthcare systems.
- staffing levels and critical care **capacity**, the establishment and use of field hospitals and the use of private hospitals.
- **Emergency services** and cross-sectional co-operation between services.
- **Treatment** for Covid-19 patients, clinical trials and research.
- Health **provision** including allocation of staff and resources, treatment delays for those requiring care for reasons other than Covid-19, waiting lists, hospital discharge protocols and palliative care.
- Decision-making about **healthcare escalation**, including the use of do not attempt cardiopulmonary resuscitation instructions (DNACPRs).
- The impact on **healthcare staff** including specific groups such as those from ethnic backgrounds.
- **Preventing the spread** of Covid-19 within healthcare settings, including infection control measures, PPE adequacy communication with patients and their families, death classification and recording, shielding measures,

Further details are provided in [the provisional scope](#).

Preliminary public hearing

The Inquiry held the [first preliminary hearing for Module 3](#) on **28 February 2023**. A [second preliminary hearing](#) took place on **27 September 2023**. The final preliminary hearing is scheduled for **10 April 2024**. The Chair published her [Ruling following the First Module 3 Preliminary Hearing](#) on 9 March 2023 and her [Ruling following the Second Module 3 Preliminary Hearing](#) on 9 October 2023.

[At the first preliminary hearing](#), the Covid Bereaved Families for Justice Cymru highlighted the different decision-making and healthcare structure in Wales and called for **Module 3 to be subdivided** (i.e. so that in addition to Module 3 there are Modules 3A, 3B, 3C, looking at the healthcare systems in Scotland, Wales and Northern Ireland respectively). Representatives of the group of Welsh NHS bodies also highlighted the structural differences between the NHS in Wales and England, emphasising the Welsh Health Boards' **dual role as commissioner and provider of services**.

The Covid-19 Public Inquiry team argued that the scope outlined **is sufficient** to take account of any structural differences in the way each country's healthcare system is set up without the need for individual hearings.

The Covid Bereaved Families for Justice Cymru highlighted **specific concerns** they want to see examined as **specific lines of inquiry** in Module 3, including hospital-acquired Covid-19, healthcare resources, infection control measures, and resourcing for PPE availability. They also want the Module to focus on testing, segregation in hospitals, and end-of-life care.

[At the second preliminary hearing](#), the issue of email retention was raised. **Digital Healthcare Wales (DHCW)** discovered in February 2023 that emails and related content for individuals who left or moved within NHS organisations in Wales were deleted from the NHS Wales Microsoft 365 email service (Two health boards, Cardiff and Vale University Health Board and Cym Taf Morgannwg University Health Board had separate backups for staff accounts and were not affected).

The Covid Bereaved Families for Justice Cymru emphasised that a significant number of the group's members died due to **hospital-acquired Covid**, giving them a stake in understanding the pandemic's impact on healthcare systems in Wales. The group made the point that the Inquiry needed to call **expert witnesses who have sufficient expertise and experience in Wales** to provide specific evidence. The group requests analysis of Welsh data and scrutiny of the Welsh situation.



Written submissions:

[Submission from Welsh Government, dated 12 September 2023 - UK Covid-19 Inquiry](#)

[Submission from Welsh Ambulance Service NHS Trust, dated 12 September 2023 - UK Covid-19 Inquiry](#)

[Submission from Covid-19 Bereaved Families for Justice Cymru, dated 11 September 2023 - UK Covid-19 Inquiry](#)

[Submission from Group of Welsh NHS Bodies, dated 11 September 2023 - UK Covid-19 Inquiry](#)



Further reading:

Wales COVID-19 Evidence Centre, [Rapid Evidence Summary](#) (June 2021)

Module 4 – Vaccines and therapeutics

Module 4 (Vaccines and therapeutics) opened in September 2023. The application process to become a Core Participant for Module 4 has now closed. [A list of core participants](#) has been published. Welsh representatives include: Covid 19 Bereaved Families for Justice Cymru, Disability Wales, Public Health Wales, and Welsh Government. No date has been set for Module 4 public hearings.

Module 4 will cover the **development** of Covid-19 vaccines **and the implementation** of vaccination programmes across England, Wales, Scotland, and Northern Ireland. It will also address issues related to **Covid-19 treatment**, utilising both established and newly developed medications. The module aims to draw insights from previous experiences and enhance readiness for future pandemics. Specifically, the module will cover:

- The entire process of **vaccine development, procurement, manufacturing, and approval** during the pandemic, including innovative practices.
- The effectiveness of UK-wide decision-making, notably the role of the **UK Vaccine Taskforce**.
- The development, trials, and regulatory steps taken to facilitate the use of **new therapeutics** and repurposed medications during the pandemic.
- Vaccine **delivery strategies** across the four nations, including on-the-ground arrangements, public communication strategies, and the ethical considerations surrounding eligibility and prioritisation decisions.
- The concept of Vaccine as a Condition of Deployment and its impact on transmission limitation and **vaccine hesitancy**.
- **Barriers to vaccine uptake**, encompassing issues related to vaccine confidence, accessibility, and government responses to inequalities in vaccine uptake.
- Vaccine **safety concerns**, including post-marketing surveillance systems like the Yellow Card monitoring and reporting system, and potential correlations between Covid-19 vaccines and cardiovascular issues.
- The necessity for reforms to the **UK Vaccine Damage Payment Scheme**.

Further details are provided in [the provisional scope](#) for Module 4.

Preliminary public hearing

The Inquiry held the **first preliminary hearing for Module 4 on 13 September 2023**. A second preliminary hearing is scheduled for **22 May 2024**. Baroness Hallett published her **Ruling following the First Module 4 Preliminary Hearing on 13 September 2023**.

At the preliminary hearing, the Covid-19 Bereaved Families for Justice Cymru outlined three key areas of concern. Firstly, they discuss the scope of the inquiry, indicating overall satisfaction but highlighting specific concerns such as **vaccine prioritisation** and **regional differences in the rollout**. They emphasise the importance of scrutinising decisions and addressing challenges faced by **vulnerable populations**.

Secondly, they address the need for scrutiny of decisions regarding **antivirals and access to therapeutics**.

Thirdly, they advocate for the inclusion of issues surrounding **vaccine mandates and hospital-acquired Covid-19** in the inquiry's scope, particularly focusing on differences in policies between Wales and the other UK nations.



Written submissions:

Welsh Government - Module 4 - Written Submissions - 04 September 2023 - UK Covid-19 Inquiry

Covid-19 Bereaved Families for Justice Cymru - Module 4 - Written Submissions - 05 September 2023 - UK Covid-19 Inquiry



Further reading:

Wales COVID-19 Evidence Centre, **Rapid Evidence Summary** (June 2021)

Senedd's Health, Social Care and Sport Committee, **Inquiry into the impact of the Covid-19 outbreak, and its management, on health and social care in Wales: Report 1** (July 2020)

Module 5 – Procurement

Module 5 (Procurement) opened on 24 October 2023. The Core Participant application window has now closed. **A list of Module 5 Core Participants** is available and includes: Covid-19 Bereaved Families For Justice Cymru Group (CBFJ Cymru), Welsh Local Government Association (WLGA), NHS Wales Shared Services Partnership (NWSSP) and Welsh Government. The current plans are that Module 5 is expected to **take place in 2025**.

Module 5 will focus on evaluating and providing recommendations concerning **the procurement and distribution of essential healthcare equipment and supplies**, such as Personal Protective Equipment (PPE), ventilators, and oxygen, across the UK's four nations. Specifically, the module will:

- Assess the effectiveness and resilience of procurement **processes and contractual provisions** for acquiring crucial healthcare equipment and supplies both before and during the pandemic.
- Investigate any **modifications made** to procurement procedures during the pandemic and subsequent adjustments.
- Evaluate the **adequacy of procured items**, including their specifications, quality, and quantity, as well as the **efficiency of their distribution** to end-users.
- Review the **UK-wide procurement** of lateral flow tests and PCR tests.
- Analyse the presence and efficacy of procedures, processes, and communication channels among relevant bodies **across the four nations** regarding procurement activities and the utilisation of mutual aid arrangements during the pandemic.

Further details are provided in the provisional scope.

Preliminary public hearing

The Inquiry held the first preliminary hearing for Module 5 on 6 February 2024.

Lead counsel for Module 5, Richard Wald KC, confirmed the Inquiry is **investigating concerns** related to the procurement of PPE during the pandemic. This includes examining disputes over awarded contracts, potential fraud, price inflation, and the quality of procured PPE.

The Federation of Ethnic Minority Healthcare Organisations (FEMHO) **raised concerns** about **structural inequalities in procurement**, particularly regarding the impact on minority ethnic healthcare workers and communities. This includes considerations of the Public Sector Equality Duty and the adequacy of PPE for minority groups.

Preliminary concerns raised by Core Participants included how procurement decisions may have **impacted the number and avoidability of deaths**, extending beyond end-users to patients and care home residents. They argue the Inquiry must assess the **influence of procurement on mortality rates** and identify preventable deaths.

The Covid-19 Bereaved Families for Justice Cymru highlighted issues specific to procurement decisions made by the Welsh Government. Concerns include the effectiveness and quality of procured items, transparency, disparities in approaches within Wales, and the availability of proper respiratory protective equipment (RPE) and PPE. The group has called for targeted research and the inclusion of priority audiences from each nation to fully understand **the impact of procurement decisions**.

The group also said they should be invited to provide testimonies regarding **systemic failings in procurement** in Wales. They say that their experiences can shed light on shortages of resources in hospital and care home settings and contribute to the Inquiry's understanding of the impact of procurement decisions.



Written submissions:

Submission from the Welsh Government, dated 30 January 2024 - UK Covid-19 Inquiry

Submission from Covid 19 Bereaved Families For Justice Cymru, dated 2 February 2024 - UK Covid-19 Inquiry



Further reading:

Audit Wales, Procuring and Supplying PPE for the COVID-19 Pandemic (April 2021)

Audit Wales, Procurement and supply of PPE during the COVID-19 pandemic, Observations of the Auditor General (December 2020)

Senedd's Health, Social Care and Sport Committee, Inquiry into the impact of the Covid-19 outbreak, and its management, on health and social care in Wales: Report 1 (July 2020)

Welsh Government letter to the Senedd's Public Accounts Committee about PPE Procurement (August 2020)

National Audit Office, UK Government procurement and Supply of PPE in England (November 2020)

Module 6 – (the adult) Care Sector

Module 6 (Care Sector) opened on 12 December 2023. The Core Participant application window closed on 19 January 2024. A list of participants hasn't been published and no date has been set for Module 6 public hearings.

Module 6 will investigate the pandemic's **impact on the adult social care sector across the UK**, encompassing both publicly and privately funded adult social care. It will delve into various aspects:

- Government decision-making **consequences on individuals within the care sector**, including adult care and residential homes (excluding day care centres or supported housing), and the impact on **unpaid carers**.
- Decisions to create hospital capacity by transferring patients to adult care and residential homes during the **initial pandemic stages**.
- Measures taken in adult care and residential homes to **mitigate the spread of Covid-19**, such as infection prevention, testing, availability and suitability of PPE, and restrictions on healthcare professional access and visitations.
- The adult care sector's **pandemic response**, including its structure, staffing levels, bed capacity, and regulatory inspection regimes.
- **Communication protocols** with residents and their families regarding treatment, including discussions and decisions on **Do Not Attempt Cardiopulmonary Resuscitation (DNACPRs)**.

- Covid-19 infection-related **deaths**, encompassing both residents and staff.

The module aims to assess the pandemic's **impact** on residents, their families, and care sector staff, with further details outlined in **the provisional scope**.

Preliminary public hearing

The Inquiry is aiming to hold **preliminary hearings** for Module 6 in early 2024.



Further reading:

Senedd's Health, Social Care and Sport Committee, **Inquiry into the impact of the Covid-19 outbreak, and its management, on health and social care in Wales: Report 1** (July 2020)

Senedd's Health, Social Care and Sport Committee, **Inquiry into the impact of the COVID-19 outbreak, and its management, on health and social care in Wales: Report 3 – Impact on the social care sector and unpaid carers**. (March 2021)

Older People's Commissioner for Wales, **Joint Statement by the Older People's Commissioner for Wales and Equality and Human Rights Commission in Wales**. (July 2020)

Equality and Human Rights Commission, **Equality and human rights in residential care in Wales during coronavirus (20 October 2020).docx (live.com)** (October 2020)

Older People's Commissioner for Wales, **Care Home Voices Report**

Welsh Government, **Technical Advisory Group: testing criteria for discharging asymptomatic patients to care homes**. (August 2020)

Carers Week, **carers-week-2021-research-report**.

Wales Governance Centre, **Older adult social care needs 'reforming and resourcing', concludes report - News - Cardiff University** (August 2020)

| Timetable | 2022 | 2023 | 2024 | 2025 | 2026 |
|-----------|--|---|--|------|------|
| | *UK Inquiry established 12 May 2021 | | | | |
| January | | | | | |
| February | | Module 3 Preliminary hearing | Module 2B Wales Public hearing Module 5 Preliminary hearing | | |
| March | | Module 2 Preliminary hearing Module 2B Wales Preliminary hearing | Module 2B Wales Public hearing | | |
| April | | | Module 3 Preliminary hearing | | |
| May | | | Module 4 Vaccines and Therapeutics opens | | |
| June | | Module 1 Public hearings Module 2 Preliminary hearing | Module 1 Report expected in early Summer | | |
| July | Module 1 Resilience & Preparedness opens | Module 1 Public hearings | | | |
| August | Module 2 Core UK decision-making opens | | | | |
| September | | Module 3 Preliminary hearing Module 4 Vaccines and Therapeutics opens | | | |
| October | Module 1 Preliminary hearing Module 2 Preliminary hearing | Module 2 Public hearings Module 5 Procurement opens | | | |
| November | Module 3 Healthcare opens Module 2B Wales Preliminary hearing | Module 2 Public hearings | | | |
| December | | Module 2 Public hearings Module 2B Wales Preliminary hearing Module 6 Care Sector opens | | | |