

Preparing for the COVID-19 Public Inquiry: Capsticks' preparation and support services

The statutory inquiry into the UK's response to the Covid-19 pandemic under the Inquiries Act 2005 commenced on 21 July 2022 with Baroness Hallett giving an opening statement, setting out in greater detail than previously, how the Inquiry is going to function, including the breakdown of its first three 'modules'. This followed the publication of the final Terms of Reference in June. The full text of the opening statement can be accessed [here](#).

Under an Inquiries Act process, individuals and organisations can be compelled to provide documentation, a witness statement and oral evidence under oath. NHS England and NHS Improvement initiated preparation in the health and social care sector with correspondence to healthcare leaders in June 2021. The public health response will be considered within a number of other sectors and organisations including prisons, courts, secure escorting, the police, Secure Training Centres and Immigration and Removal Centres, and the same preparatory steps will need to be taken.

Preliminary hearings on Modules 1 and 2 have taken place. On 8th November 2022 the Inquiry opened the third module, considering the impact of the Covid-19 pandemic on healthcare in England, Wales, Scotland and Northern Ireland. Those wanting to apply for core participant status in Module 3 have until 5 December to apply. Substantive hearings for Modules 1 and 2 are expected to begin in Spring 2023.

Whether your organisation becomes a core participant or provides witness evidence, you will wish to provide a full and accurate account of relevant events, drawing on contemporaneous evidence wherever possible. The challenges of disclosure can be significant and time consuming both for individuals and organisations.

HOW CAN CAPSTICKS HELP?

We can advise your Board or legal team on the Inquiry processes generally and provide tailored support for any aspect of the Inquiry and related work to meet your organisation's needs. This could range from a full audit of your policies and procedures, incidents, claims and inquest portfolio to the preparation of a single statement.

Preparation

The urgent next steps you need to take as an organisation are to decide:

- Who is going to lead the response within your organisation
- How you are going to capture relevant information and evidence in your possession, to have certainty as to information that was available at the time decisions were made
- On a robust and comprehensive records management system
- How to identify key personnel, some of whom may already have left
- How to support the wellbeing of staff giving evidence or are otherwise affected by the Inquiry.

Capsticks' team members have been closely involved in statutory public inquiries and other major investigations for decades. We can guide you on data collection and storage, providing staff to support with this process and we can advise on the disclosure obligations.

In addition we can provide early advice on:

- the implications of the terms of reference for your organisation when known
- applications for core participant status – what it means for your organisation and whether it is appropriate; and
- cost-effective options for legal representation.

Providing evidence

Giving evidence at a public inquiry can seem a daunting prospect. We will ensure that you are fully prepared in order to make the process as straightforward as possible. We will advise on the most effective way for your organisation to participate in the inquiry.

We are very experienced in:

- liaising with inquiry legal teams,
- dealing with formal "Rule 9" requests for documentation, written statements and oral evidence,
- supporting clients with the responses and
- responding, under Rule 13, to any proposed criticisms in the draft report.

This Inquiry will attract significant media interest, affecting the reputation of your organisations and individuals, as well as their wellbeing. We will support you with the drafting of written evidence and in preparation to give oral evidence, if required. We can provide rolling support for disclosure and media enquiries.

Sharing our Inquiry expertise

You can be assured of experienced and practical advice as our lawyers have worked on a variety of high profile inquiries such as the Leveson Inquiry into the culture, practices and ethics of the press, the Undercover Policing Inquiry, the Brook House Inquiry into alleged abuses of detainees at an Immigration and Removal Centre, the Child Sexual Abuse as well as the ongoing Infected Blood Inquiry in which clients had to provide evidence about whether they should have acted differently in light of emerging clinical information. We have also acted in high profile non-statutory investigations such as the Jimmy Savile inquiry and inquests such as the London terror attacks and Hillsborough.

RELATED SUPPORT

With our expertise in public inquiries, the health and social sector and the justice sector comes associated benefits. A feature of public inquiries is that they tend to involve related proceedings. Across the firm we have teams who can assist with those proceedings—for example our specialists in inquests, health and safety or clinical negligence work—and their expertise can also be called upon during the inquiry itself.

We can advise and support you in relation to all the Covid-related issues which your organisation may be tackling to include:

- Inquests
- Clinical negligence claims
- Serious incident reporting
- Complaint handling
- Claims & Risk management issues
- Duty of Candour
- Reporting to CQC and HSE
- GDPR and FOIA requests
- Employment issues

Why Capsticks?



As clients of Capsticks for over three decades, we are ideally placed to recommend this first-class leading light in healthcare law as an elite, knowledgeable and trusted support. Through meticulous preparation Capsticks constantly deliver the very best, sound and well-informed advice to ensure fair resolution. Witnesses supported through a traumatic claim or inquest process speak of limitless kindness shown, their reassurance from the sensitive and empathetic case management, feeling respected and in very safe hands throughout the process.



NHS Trust client, 2021



Capsticks' staff has a wealth of knowledge of all areas and can direct me to the most suitable and qualified expert for the advice I need. The guidance is clear and sensible which makes life much easier.



Capsticks client, Legal 500, 2021

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