

An Fhìor Urr Humza Yousaf BPA
Rt Hon Humza Yousaf MSP
Am Prìomh Mhinistear
First Minister of Scotland



Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1
3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG

Aamer Anwar
office@aameranwar.com

8 December 2023

Dear Aamer

Let me start by firstly expressing my condolences to the families who have been bereaved by Covid.

I have read and very carefully considered your letters of 27 October and 10 November. Thank you for setting out your concerns and I am again sorry for any frustration or distress to the families you represent due to our actions. As First Minister, I have made it clear I am absolutely committed to doing all I can to support those who have experienced loss or harm due to the Covid pandemic. Making sure we are responding effectively and fully to the Covid Public Inquiries is at the core of our approach. I recognise our actions have left many families bereaved by Covid, upset and angry, I apologise for that and can ensure you it was never our intention.

The Permanent Secretary and I have been clear that material requested by either Inquiry will be shared in accordance with our obligations. I will continue to assure this at every stage.

In addition to the thousands of documents already shared, the number of informal messages we have now shared with the UK Covid Inquiry is nearly 28,000. With the benefit of hindsight, I fully accept that more information could have been provided. We have revisited that approach and that is why we are now able to hand over to the Inquiry a far greater volume of material.

I have myself shared a significant volume of historic messages in full, unredacted, with the UK Inquiry as part of my final statement. Other members of my government who have been approached by the UK Inquiry have likewise transferred any messages they hold.

The Scottish Government is also making these messages available to the Scottish Covid Inquiry. This is part of my commitment to full and open disclosure, to learn for the future and, most importantly, to honour the people and the families impacted by Covid.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I acknowledge our actions resulted in a loss of trust from families bereaved by Covid, it is my job to ensure, through our actions that we restore that trust.

The Scottish Government has also written to the Scottish Covid Inquiry with a very detailed statement on the development of corporate records management in the Scottish Government through the pandemic, supported with a detailed account of the response since. The Inquiry will of course consider this response and the Scottish Government will respond in full to any further questions in this regard.

The Scottish Government is thus doing all that it can, consistent with the Scottish Ministerial Code, to provide as much relevant material as possible to both the UK and the Scottish Covid Inquiries. Following due consideration under the terms of the Scottish Ministerial Code, the Scottish Government has this week confirmed to the UK Covid Inquiry that we are supplying to them for their consideration an unprecedented amount of covid-related material which would normally be considered as legally privileged. I am grateful for your patience with this.

We continue to make all efforts to comply with requests from both the Scottish and the UK Inquiries, to support them in their important work and to ensure that the best possible lessons are learned from the terrible experiences of the Covid pandemic as a whole.

I have received the kind invitation from **Carol Anne Stewart** to join the Scottish Covid Bereaved Vigil she is organising on Sunday afternoon in Pollok Park. My thoughts will be with you all, and I very much regret that I will not be able to join you for this important occasion. I am deeply grateful to you and to the members of the Scottish Covid Bereaved for all you do to commemorate those who suffered from the pandemic and to ensure that lessons are learned.

As always, I am open to meeting you and members of the Scottish Covid Bereaved in person to assist in any way I can, and hope this will happen soon.

Best Wishes,
Humza Yousef

HUMZA YOUSAF

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000

Aamer Anwar
FAO Scottish Covid Bereaved
By email: office@aameranwar.com

31 October 2023

Dear Aamer,

I am writing to invite you and the families you represent to a private meeting, in light of the ongoing media reporting surrounding the UK Covid-19 Inquiry, and Scottish Government cooperation.

The media coverage of the issues raised at the UK Covid-19 Inquiry's Preliminary Hearing on 26 October may be understandably distressing to both the families you represent, the wider Scottish Covid-19 Bereaved Families network, and the people of Scotland.

The Scottish Government is committed to fully cooperating with both ongoing Covid-19 inquiries, acting as promptly as we can to respond to all correspondence and requests from them, in service of that mission.

I look forward to hearing from you in due course, my office will be happy to make arrangements for a meeting should you accept this offer.

*Best Wishes,
Humza Yousaf*
HUMZA YOUSAF

Internal email chains regarding Scottish Covid Bereaved

From: Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>

Sent: Monday, November 27, 2023 4:10 PM

To: Michael Chalmers <Michael.Chalmers2@gov.scot>

Cc: Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; **[Redacted]** DG Corporate <dgcorporate@gov.scot>;

[Redacted] Eilidh Mclaughlin <Eilidh.Mclaughlin@gov.scot>; Geoff Huggins <Geoff.Huggins@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>

Subject: Action points from meeting with FM/DFM 13/11

Sorry – realised this had been sitting with me!

Just noting action points from discussion on 13 November. **[Redacted]**

- **[Redacted]**
- Draft response to Scottish Covid Bereaved to be paused for the present, **[Redacted]** Draft to be revised for tone.
- **[Redacted]**

[Redacted] – could you store on ERDM?

Best wishes

Claire

Claire Tynte-Irvine (she/her)

Interim Director

Covid Inquiries Response

Email: Claire.Tynte-Irvine@gov.scot

Phone: + **[Redacted]**

Mobile: + **[Redacted]**

From: **[Redacted]** On Behalf Of First Minister

Sent: Saturday, November 11, 2023 6:43 PM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>;

[Redacted]

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; **[Redacted]** <Caroline.Beattie@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>; **[Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; **[Redacted]** Minister for Parliamentary Business <MinisterforPB@gov.scot>; **[Redacted]** **[Redacted]** Colin McAllister <Colin.McAllister@gov.scot>; **[Redacted]** Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>
Subject: Re: For clearance please - media query - Covid Inquiry letter - Sunday Mail

Hi **[Redacted]**

FM is content with the comment **[Redacted]**

Many thanks,

[Redacted]

[Redacted]

[Redacted] the First Minister

[Redacted]

From: **[Redacted]** on behalf of Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>

Sent: Saturday, November 11, 2023 3:18:53 PM

To: **[Redacted]** First Minister <FirstMinister@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; **[Redacted]** **[Redacted]** David Hutchison <David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>; **[Redacted]** **[Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; **[Redacted]****[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; **[Redacted]** Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** **[Redacted]** Colin McAllister <Colin.McAllister@gov.scot>; **[Redacted]** Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>
Subject: RE: For clearance please - media query - Covid Inquiry letter - Sunday Mail

[Redacted]

DFM is content, however she has asked to ensure FM is made aware of the media query.

FMPO – grateful if you could make the First Minister aware of this.

Kind regards,

[Redacted]

[Redacted]

[Redacted]

**Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP
The Scottish Government**

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: **[Redacted]** | **[Redacted]** | E: DFMCSF@gov.scot

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From: [Redacted]

Sent: Saturday, November 11, 2023 3:03 PM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>;

Lesley Fraser <Lesley.Fraser@gov.scot>; **[Redacted]** **[Redacted]** David Hutchison

<David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot **[Redacted]**

Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot **[Redacted]**

[Redacted] **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** Helen Webster

<Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>;

Michael Chalmers <Michael.Chalmers2@gov.scot>; Claire Tynte-irvine <Claire.Tynte-

irvine@gov.scot>; First Minister <FirstMinister@gov.scot>; **[Redacted]** Minister for Parliamentary

Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]**

[Redacted] Colin McAllister <Colin.McAllister@gov.scot>; **[Redacted]**

Subject: For clearance please - media query - Covid Inquiry letter - Sunday Mail

Good afternoon DFMPPO,

We've now had a query from The Sunday Mail about the letter from Mr Anwar (see below).

Grateful for confirmation DFM is happy for us to issue the suggested lines in response.

Deputy First Minister Shona Robison said:

“The Scottish Government’s overriding priority throughout the COVID pandemic was saving lives and we mourn every death from COVID-19 and

express our sympathy for all those who have lost loved ones, and for the distress and grief experienced by individuals and their families. We understand their grief and that is why we will continue to work tirelessly to provide the UK COVID Inquiry with requested materials and all Scottish Ministers remain available to meet with all those affected by the pandemic, including those who lost loved ones and families from Scottish Covid Bereaved.

“It is not the culture within Scottish Government to routinely use systems such as WhatsApp for decision-making. Decisions are routinely made in minuted meetings or through formal submissions to Ministers. All relevant records of both of these have been provided to both Inquiries already.

“We acknowledge the unique circumstances of these Inquiries mean they may need to see exchanges containing legal advice and comment to understand the full context of the information before them. We are seeking an agreement with the UK Covid Inquiry to make the legal advice available to them. It is not for the Scottish Government to disclose details of evidence requested by, and submitted to the Inquiries. Both inquiries are issuing their requests for information in confidence. We will continue to fully cooperate with both inquiries.”

Background

The Scottish Government has received the letter from Aamer Anwar on behalf of Scottish Covid Bereaved and will respond shortly. Ministers have already offered to meet with Scottish Covid Bereaved and that offer remains.

The Scottish Government has shared over 14,000, mainly WhatsApp, messages from various groups and messages between individuals over the period of the pandemic, mostly concerning routine coordination of work and meetings by officials.

There is not and has never been a requirement to auto-delete messages without ensuring that relevant information from them is captured and saved appropriately first. Once that information has been captured, individuals are not expected to retain such messages.

QUERY IN FULL

The lawyer for bereaved families at the Covid inquiry has written to the FM demanding that he clarify what he previously told the Covid inquiry about his WhatsApps. We understand he told the inquiry the messages hadn't been retained. The FM has now said they will be provided unredacted after the discovery of an old phone.

[Redacted]

[Redacted] | [News](#)

The Scottish Government, St Andrew's House, Edinburgh
[Redacted]

From: **[Redacted] On Behalf Of** Deputy First Minister and Cabinet Secretary for Finance

Sent: Sunday, November 12, 2023 12:31 PM

To: Michael Chalmers <Michael.Chalmers2@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; First Minister <FirstMinister@gov.scot>; **[Redacted]** Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted] [Redacted]** Colin McAllister <Colin.McAllister@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; **[Redacted] [Redacted]** David Hutchison <David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>; **[Redacted] [Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; **[Redacted] [Redacted] [Redacted] [Redacted] [Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>; **[Redacted] [Redacted]**

Subject: RE: GIQ answer and agreed point of order: Note of clarification **[Redacted]**

Michael,

A discussed, **[Redacted]**

Copying duty comms for awareness.

Kind regards,
[Redacted]

[Redacted]
[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: **[Redacted]** | **[Redacted]** | E: DFMCSF@gov.scot

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016.

From: Michael Chalmers <Michael.Chalmers2@gov.scot>
Sent: Saturday, November 11, 2023 2:37 PM
To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; First Minister <FirstMinister@gov.scot> [Redacted] Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted]; [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; [Redacted] [Redacted]
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; [Redacted][Redacted] David Hutchison <David.Hutchison@gov.scot>; [Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted] DFM,

Covid Inquiries – letter from solicitor to the Covid Bereaved

This is initial advice in response to your request this morning following receipt of a letter from Amar Anwar, lead solicitor for Scottish Covid Bereaved. [Redacted]

[Redacted]

Michael

Michael Chalmers
Director
Scottish Government

[Redacted]

From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Finance
Sent: Saturday, November 11, 2023 10:47 AM
To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; First Minister <FirstMinister@gov.scot>; [Redacted] Minister for Parliamentary Business

<MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted]
[Redacted] Colin McAllister <Colin.McAllister@gov.scot>; [Redacted]
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate
<dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael
Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] David
Hutchison <David.Hutchison@gov.scot [Redacted] Andrew Bruce
<Andrew.Bruce@gov.scot>; [Redacted] [Redacted] Tabitha Stringer
<Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; [Redacted]
[Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Helen Webster
<Helen.Webster@gov.scot [Redacted] Michael Chalmers
<Michael.Chalmers2@gov.scot>; First Minister FMQs
<FirstMinisterFMQs@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

All,

To follow up on this, the Deputy First Minister would appreciate some initial advice on the attached letter [Redacted]

I would be grateful for confirmation that this has been picked up.

A meeting will be set up to discuss the letter and wider handling issues early next week and PO will be in touch to schedule this.

Thanks,
[Redacted]

[Redacted]
[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona
Robison MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG
T: 0131 244 7704 | [Redacted] | E: DFMCSF@gov.scot

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From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Friday, November 10, 2023 7:38 PM

To: Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; First Minister <FirstMinister@gov.scot>; [Redacted] Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael

Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] David Hutchison <David.Hutchison@gov.scot> [Redacted] [Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] [Redacted]; Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; [Redacted][Redacted] [Redacted] [Redacted] [Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted] Michael Chalmers <Michael.Chalmers2@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

All,

Further to the below, DFM has now had sight of the attached correspondence from Mr Anwar [Redacted]

Copying Duty Comms.

Kind regards,
[Redacted]

[Redacted]
[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP
The Scottish Government
St Andrew's House | Regent Road | Edinburgh | EH1 3DG
T: [Redacted] | [Redacted]
| E: DFMCSF@gov.scot

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From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Friday, November 10, 2023 6:57 PM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; First Minister <FirstMinister@gov.scot>; [Redacted] Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; [Redacted] Andrew Bruce <Andrew.Bruce@gov.scot> [Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley

<Linda.Pooley@gov.scot>; [Redacted] [Redacted] [Redacted] [Redacted]
[Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted]
Michael Chalmers <Michael.Chalmers2@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

Colleagues,

Please find attached a response from Mr Anwar, for the attention of the First Minister and Deputy First Minister.

Grateful if advice can be prepared for Ministers.

Kind regards,
[Redacted]

[Redacted]
[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona
Robison MSP
The Scottish Government
St Andrew's House | Regent Road | Edinburgh | EH1 3DG
T: 0131 244 7704 | [Redacted] E: DFMCSF@gov.scot

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From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Friday, November 10, 2023 3:47 PM

To: Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; First Minister <FirstMinister@gov.scot>; [Redacted] Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; [Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; [Redacted] [Redacted] [Redacted][Redacted] [Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted] Michael Chalmers <Michael.Chalmers2@gov.scot>

Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Claire,

This has now been issued – see attached for your records.

Many thanks,
[Redacted]

[Redacted]
[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP
The Scottish Government
St Andrew's House | Regent Road | Edinburgh | EH1 3DG
[Redacted] Email: DFMCSF@gov.scot

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From: Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>
Sent: Friday, November 10, 2023 10:58 AM
To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; First Minister <FirstMinister@gov.scot>; [Redacted] Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; [Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot> [Redacted] [Redacted] [Redacted] [Redacted]
[Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted] Michael Chalmers <Michael.Chalmers2@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

[Redacted]

Please see a revised draft attached

Best wishes

Claire

From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Friday, November 10, 2023 9:44 AM

To: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; [Redacted] Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; [Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>;

[Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; [Redacted] [Redacted] [Redacted] [Redacted]

[Redacted] [Redacted] Helen Webster <Helen.Webster@gov.scot>; [Redacted]

Subject: RE: GIQ answer and agreed point of order: Note of clarification [Redacted]

[Redacted] Claire,

Could an updated letter please be sent for DFM's consideration following FM's comments – I have attached for ease.

Grateful if this could be returned as soon as possible.

Many thanks,

[Redacted]

[Redacted]

[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

[Redacted] | Email: DFMCSF@gov.scot

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From: [Redacted] On Behalf Of First Minister

Sent: Thursday, November 9, 2023 9:56 PM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>;

[Redacted] First Minister <FirstMinister@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Minister for Parliamentary Business

<MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]**
First Minister FMQs <FirstMinisterFMQs@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate
<dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael
Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** **[Redacted]** Colin McAllister
<Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>;
[Redacted] Andrew Bruce <Andrew.Bruce@gov.scot>
[Redacted] **[Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda
Pooley <Linda.Pooley@gov.scot>; **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]**
[Redacted] **[Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]**
Subject: RE: GIQ answer and agreed point of order: Note of clarification **[Redacted]**

Thanks **[Redacted]**

The First Minister has made some amendments **[Redacted]**

Many thanks,
[Redacted]

[Redacted]
[Redacted]

Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | **[Redacted]**

The First Minister's box closes at 2pm, Monday to Friday. Further details, including preferences, can be found [here](#).

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From: **[Redacted]** On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Thursday, November 9, 2023 8:12 PM

To: **[Redacted]** First Minister <FirstMinister@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** **[Redacted]** Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>; **[Redacted]** **[Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** **[Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]**
Subject: Re: GIQ answer and agreed point of order: Note of clarification following letter from Covid Inquiry

Good evening,

DFM is content with the letter. Grateful if FMPO can share with FM for consideration/comment.

Many thanks,
[Redacted]

From: **[Redacted]**

Sent: Thursday, November 9, 2023 11:48:55 AM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; First Minister <FirstMinister@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** **[Redacted]** Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison <David.Hutchison@gov.scot>; **[Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>; **[Redacted]** **[Redacted]** Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley <Linda.Pooley@gov.scot>; Callum Smith <Callum.Smith@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]** **[Redacted]** Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>

Subject: RE: GIQ answer and agreed point of order: Note of clarification**[Redacted]**

[Redacted]

As requested, please find attached an initial draft of correspondence. I have taken the Deputy First Minister's request for a letter to 'Covid families' to mean the Scottish Covid Bereaved group. I am happy to discuss this further.

Thanks

[Redacted]

From: **[Redacted]** On Behalf Of Deputy First Minister and Cabinet Secretary for Finance

Sent: Thursday, November 9, 2023 11:13 AM

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; First Minister <FirstMinister@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>; Minister for Parliamentary Business <MinisterforPB@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; **[Redacted]** First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>;

Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>;
[Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison
<David.Hutchison@gov.scot> **[Redacted] [Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>
[Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley
<Linda.Pooley@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>;
[Redacted] [Redacted] Michael Chalmers <Michael.Chalmers2@gov.scot>; Michael Chalmers
<Michael.Chalmers2@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]**
Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted] [Redacted]** Helen Webster
<Helen.Webster@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification **[Redacted]**

Claire,

Grateful if this draft letter could be sent by **11:30** this morning, in order that the DFM
can consider this prior to FMQ's.

Happy to discuss.

Thanks,
[Redacted]

[Redacted]
**[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison
MSP**
The Scottish Government
St Andrew's House | Regent Road | Edinburgh | EH1 3DG
T: **[Redacted]** | **[Redacted]** | E: DFMCSF@gov.scot

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From: **[Redacted] On Behalf Of** Deputy First Minister and Cabinet Secretary for Finance

Sent: Thursday, November 9, 2023 8:56 AM

To: First Minister <FirstMinister@gov.scot>; Claire Tynte-irvine <Claire.Tynte-irvine@gov.scot>;
Minister for Parliamentary Business <MinisterforPB@gov.scot>; Deputy First Minister and Cabinet
Secretary for Finance <DFMCSF@gov.scot>; Helen Webster <Helen.Webster@gov.scot>;

[Redacted] First Minister FMQs <FirstMinisterFMQs@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>;
Lesley Fraser <Lesley.Fraser@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>;

[Redacted] [Redacted] Colin McAllister <Colin.McAllister@gov.scot>; David Hutchison
<David.Hutchison@gov.scot> **[Redacted] [Redacted]** Andrew Bruce <Andrew.Bruce@gov.scot>;

[Redacted] [Redacted] Tabitha Stringer <Tabitha.Stringer@gov.scot>; Linda Pooley
<Linda.Pooley@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>

[Redacted] [Redacted] Michael Chalmers <Michael.Chalmers2@gov.scot>; Michael Chalmers
<Michael.Chalmers2@gov.scot>; Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted]**
Michael Chalmers <Michael.Chalmers2@gov.scot>; **[Redacted] [Redacted]** Helen Webster

<Helen.Webster@gov.scot>; **[Redacted]** Michael Chalmers <Michael.Chalmers2@gov.scot>
Subject: RE: GIQ answer and agreed point of order: Note of clarification **[Redacted]**

Claire,

Further to yesterday's GIQ, DFM has asked if a letter can be drafted to issue to Covid families today explaining the reason for the GIQ.

Please can this be drafted as soon as possible and sent to PO for clearance.

Kind regards,
[Redacted]

[Redacted]
**[Redacted] Deputy First Minister and Cabinet Secretary for Finance – Shona Robison
MSP**

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: **[Redacted]** | **[Redacted]** | E: DFMCSF@gov.scot

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[Redacted]

Cabinet Secretary for NHS Recovery Health and
Social Care
Rùnaire a' Chaibineit airson Ath-shlànachadh NHS, Slàinte
agus Cùram Sòisealta
Michael Matheson MSP/BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

T : 0300 244 4000
E : scottish.ministers@gov.scot

Aamer Anwar
office@aameranwar.com

Our Reference: 202300377274
Your Reference: Scottish Government COVID-19 Response

16 October 2023

Dear Aamer,

Thank you for your correspondence to the First Minister Humza Yousaf and me, dated 15 September 2023, regarding the Scottish Government's COVID-19 response. I am responding as the issues you raised fall within my ministerial portfolio.

Your role in supporting families of the COVID-19 bereaved is a vital one, and I greatly appreciate you taking the time to share your views. The Scottish Government is committed to the important work of the COVID-19 Inquiry, as a means to understand the steps that were taken during the pandemic and for us to identify lessons learned so that we can be better prepared in the future. I am committed to transparency and the Scottish Government is cooperating fully with both Inquiries in order to give answers to the Scottish people and particularly those individuals who lost family members from COVID-19.

The present state of the pandemic has been transformed by science moving away from population level restrictions to strong programmes of vaccination and therapeutics. Following the increases that you touched on in your letter throughout July and August, trends in COVID-19 related hospital occupancy and admission are now fluctuating at lower levels. Public Health Scotland continue to gather epidemiological information on seasonal respiratory infection activity in Scotland and publish the latest data in their [National respiratory infection and COVID-19 statistics report](#).

The changes in cases and COVID-19 deaths that you mentioned was not driven by BA.2.86 but is part of a pattern of waning immunity and circulating virus we typically see. As with other new variants we can expect more cases to be identified as this spreads, although the current risk is still assessed as low.

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The UK Health Security Agency and Public Health Scotland continue to monitor this and other variants detected in Scotland and the UK.

Throughout the COVID-19 pandemic, we have worked with Public Health Scotland, our clinical advisors and the other UK nations to routinely review our position on COVID-19 in light of new variants. All policy decisions around our COVID-19 response have been in line with clinical advice and the need to find an effective and proportionate way to protect the most vulnerable in Scotland.

In order to fully respond to your letter, I have collated some information on each of the sub-headings from your correspondence.

Face Coverings and Masks

The Scottish Government notes the rapid systematic review's findings, which was published by the Royal Society of Medicine Journal. Antimicrobial Resistance and Healthcare Associated Infection (ARHAI) Scotland conducted a scientific evidence review and recommended that the Scottish Government withdraw the extended use of face mask and face covering measures across health and social care settings in May 2023. The Chief Nursing Officer, Chief Medical Officer, National Clinical Director, Scottish Government Professional Advisors and other Health and Social Care Directors were content with the advice, based on the ARHAI Scotland review alongside the expert opinion of IPC (Infection, Prevention and Control) experts and health and social care professional advisors, and consideration of the pandemic context at that time.

It is important to highlight that the Scottish Government's guidance on face masks and face coverings was an extension of the National Infection Prevention and Control Manual (NIPCM) and Care Home Infection Prevention and Control Manual (CH IPCM). Staff, patients and visitors were always protected by the guidance in the NIPCM and CH IPCM, and I have continued to follow that guidance. Those receiving care and support, and visitors, will not be prevented from wearing a face mask however, they may not routinely be provided by health and social care providers.

The decision to withdraw the guidance recognises that Scotland continues to adapt to the COVID-19 pandemic and at this stage of the pandemic we are now living with COVID-19 as a respiratory infection. The high uptake of COVID-19 vaccinations, reduced severity of illness and hospitalisations, and availability of treatments for COVID-19 were highlighted as key drivers in the stepping down of the guidance.

The Scottish Government regularly reviews this guidance as the pandemic situation changes and new emerging evidence is received.

Vaccinations and Boosters

The Scottish Government's decision-making on the vaccination programme is guided by the independent expert advice of the Joint Committee on Vaccination and Immunisation (JCVI). On 8 August 2023 the JCVI issued [advice](#) that a COVID-19 winter booster dose should be offered to the following groups:

- Residents and staff in care homes for older adults
- all adults aged 65 years and over

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- persons aged 6 months to 64 years in a clinical risk group
- frontline health and social care workers
- persons aged 12 to 64 years who are household contacts of people with immunosuppression
- persons aged 16 to 64 years who are carers

The primary aim of the COVID-19 vaccination programme continues to be protecting those at higher risk of severe illness. Population immunity to COVID-19 continues to increase with many people having hybrid immunity acquired through a combination of vaccination and recovery from natural infection.

Frontline health and social care workers, including care home staff, are once more eligible for both flu and COVID-19 vaccines this winter, in order to protect health services from staff absences due to COVID-19 during the winter months. There are currently no plans to increase or expand the groups eligible for COVID-19 vaccination. Any decision on expanding eligibility or re-vaccinating certain groups would be a decision for the JCVI and we would of course stand ready to assess any further recommendations from them.

At present the UK Government procures COVID-19 vaccines for all 4 Nations, that are delivered through the NHS to ensure that everyone who needs vaccination is able to access it for free at the point of delivery, in line with the advice from the JCVI. The UK Government has plans for private purchase of COVID-19 vaccines under regular review, but at the moment there are no private sales of COVID-19 vaccines available in the UK.

Flu and COVID-19 vaccine appointments will be offered to those eligible between September and December, with the programme running until 31 March 2024. All invitations for those aged 12 and over who are eligible have now been sent out. Invites for the under 12s will follow shortly.

Initially, boosters were being offered to those at risk later this year because the JCVI advised that protection is highest in the first three months following COVID-19 vaccination, so by vaccinating those who are at highest risk later, they would get greater protection over the winter and into the new year. Please note that protection from the COVID-19 vaccines does not stop after three months, it is simply the case that the level of protection starts to wane from that point.

In light of the emergence of BA.2.86, I took the precautionary measure to endeavour to bring forward vaccination of care home residents, people aged 75 and over and people with weakened immune system aged 12 and over, where possible. NHS Scotland are doing everything possible to bring forward as many appointments as they can.

I am pleased to see so many people coming forward for their COVID-19 and flu vaccines to boost their protection over the winter months, with more than 800,000 Covid and Flu vaccinations already administered this autumn in Scotland (as of 5 October 2023).

Testing

Due to the success of the vaccination programme and availability of improved treatments as described above, Public Health Scotland and Antimicrobial Resistance Healthcare Associated Infection Scotland recommended a return to pre-pandemic testing from 30 August 2023 as outlined in [CMO\(2023\)12](#). Testing is now based on person-centred clinical decisions, rather than a routine policy for all individuals. This ensures that the testing regime remains effective and proportionate.

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Testing for COVID-19 has remained to support clinical diagnosis and remain for outbreaks as per the National Infection Prevention and Control Manual (NIPCM) and Care Home Infection Prevention and Control Manual (CH IPCM). An exception to the pause is for individuals in hospital, prior to being discharged to a care home or hospice. Tests will also continue to be available for those eligible for antiviral treatment. Our current guidance is that staff who have symptoms of a respiratory infection should adhere to NHS Inform [Advice](#).

Clinical advice has emphasised that focusing on the risk to individuals under general infection control procedures will allow our hospital, social care and prison staff to better protect those in their care and that there is no longer a requirement to apply separate COVID-19 guidance across the board when so many are now protected from its worst harms.

Regarding prisons, I recognise that this is a unique operating environment and vulnerable population, and I would like to assure you that I remain vigilant to the risk of COVID-19 within our prisons. To the credit of prison and health staff, our prisons for the vast majority of the pandemic have been settings of low infection rates and the operation of our prisons remained safe and stable. HM Chief Inspector of Prisons' Annual Report 2021-22 recognising this stated that the response to COVID-19 pandemic prevented hundreds of fatalities in our prisons.

The prison service have a range of precautionary measures including testing on advice of local health protection teams in order to keep individuals in our prisons safe. Scottish Prisons continues to follow national guidance and Public Health Scotland advise to manage infection risk within prisons and multiagency incident management teams arrangements remain in place where appropriate. The prison service and local health board teams continue to monitor any localised incidents and take all necessary precautionary steps and clinical advice in order to prevent further transmission and keep those within our prisons safe.

For all aspects of our testing policy, my officials are working closely with Public Health Scotland, clinical advisors and the other UK nations to routinely review our position on COVID-19 in light of new variants. Evidence to date does not support a return to widespread community testing, however, I can assure you that I will continue to monitor the situation closely.

I appreciate your concerns and hope that this information reassures you that at every step the Scottish Government is ensuring our COVID-19 response is effective, proportionate and taking into account clinical advice.

Yours sincerely,



MICHAEL MATHESON

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Deputy First Minister and Cabinet Secretary for Finance
Leas Phrìomh Mhinistear agus Rùnaire a' Chaibineit
airson Ionmhas

Shona Robison MSP
Seòna Robastan BPA



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Aamer Anwar
FAO Scottish Covid Bereaved
By email: office@aameranwar.com

Dear Scottish Covid-19 Bereaved Families,

The Covid-19 pandemic was a tragedy, and the loss and trauma experienced by people across Scotland as a result of the pandemic cannot be overstated.

It is for the people, families and communities impacted by Covid-19 that the Scottish Government is supporting the Scottish and UK Covid-19 Inquiries in ensuring we learn valuable lessons that can support change for the better.

On Wednesday 08 November, further to statements from myself and the First Minister in Parliament the week previously, I provided additional information to Parliament setting out the timeline of requests made for documentation relating to the UK Covid Inquiry's examination of decision making in Scotland.

This was in response to a request from the UK Covid Inquiry to set out, in more detail, the full timetable of requests for information. They also gave us permission to include details of the requests received. This information can be accessed in full on the Scottish Parliament website: [Written question and answer: S6W-22874 | Scottish Parliament Website](#)

Today, I am writing to you to emphasise our commitment to co-operate in full with the work of both the Scottish and UK Covid-19 Inquiries.

As I said in my statement to Parliament on 31 October, and as the First Minister reiterated yesterday, where there has been shortcomings from the Scottish Government, we apologise unreservedly for any distress caused. That was certainly not our intention.

The Scottish Government has provided over 19,000 documents to the UK Covid Inquiry and over 14,000 WhatsApp and other messages as well as many corporate statements which are now being disclosed to core participants.

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Anyone associated with the Scottish Government's response to the Inquiries who is required to provide evidence will do so to the best of their own knowledge.

The Scottish Government recognises our responsibility to be open and accountable with regard to our actions in response to the Covid-19 pandemic and we will continue to engage in the highest standard of cooperation with both public inquiries.

The First Minister and I look forward to meeting you soon.

Kind regards,



SHONA ROBISON

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27th October 2023

For the urgent attention of
The First Minister Humza Yousaf MSP

Dear Mr. Yousaf

Scottish Covid Bereaved- UK Covid-19 Public Inquiry

As you are aware we act on behalf of the Scottish Covid Bereaved who are core-participants at both Public Inquiries. On Tuesday 24th October the Scottish Covid-19 Public Inquiry began its hearings, whilst the UK Inquiry held its preliminary hearing for Module 2a on the 26th October.

The UK Inquiry has heard evidence that the UK was not prepared: that the capacity of the UK to cope with Covid was diminished by years of underfunding, cuts, and the impact of Brexit. According to the National Records of Scotland, as of the 9th October 2023, there were 17,991 deaths in Scotland where Covid-19 was mentioned on the death certificate. Each of those deaths not only represents an individual tragedy, but has affected the friends and family, the loved ones, of each of those who died.

For the Scottish Covid Bereaved, the evidence at the UK Inquiry of multiple politicians and senior civil servants has exposed a culture of impunity, denial, arrogance and blaming everyone else but themselves.

Telephone: 0141 429 7090

Email: office@aameranwar.com | www.aameranwar.co.uk
21 Blythswood Square, Ground Floor Rear, Glasgow, G2 4BL

VAT Reg number: 894865551



Ministers both in England and Wales claimed to have thrown a “protective ring” around vulnerable residents, but the policy not to isolate people discharged from hospitals to care homes in the first weeks of the pandemic of 2020, without testing was deemed “irrational”, but Scotland did exactly the same.

By the end of March 2021 there had been 3774 deaths in Scottish care homes. It matters not one bit to the bereaved if care home deaths happened in London, Cardiff, Belfast or Glasgow- the policy of discharge of untested patients was ultimately a ‘death sentence’ for the elderly.

The Scottish Covid Bereaved expects answers on the provision of PPE in Scotland. The Scottish Covid Bereaved expect to hear again from Jeanne Freeman Scotland’s former Health Minister on whether we failed our front-line workers who were crying out for PPE. Many front-line workers gave their lives trying to save ours, whilst our leaders were asking us to clap those workers on our doorsteps every week.

The Scottish Covid Bereaved wish to know whether the Scottish Government followed the science or whether they marched a few steps behind Boris Johnson into the deadly bedlam, that he stands accused of in his handling of the pandemic. The vulnerable and those impacted by inequality and austerity formed little or no consideration in the minds of those who were responsible for planning for a pandemic, as a result thousands died.

The Scottish Covid Bereaved want to know what lessons should be learned for any future pandemic to protect not just the rich and privileged, but also the vulnerable, poor, minorities and marginalised. The Scottish Covid Bereaved welcome that their voices are being heard at both Public Inquiries, but the bereaved must have trust in the process, which means the Scottish Government must earn that trust, unless that happens it will be impossible for the bereaved to properly grieve.

Sadly, that trust was shattered yesterday and the Scottish Covid Bereaved have been left shocked and feeling patronised by the Scottish Government’s response, or to be more accurate, lack of response to the UK Covid Inquiry.

Over the course of the last several months we have represented our clients at the UK Inquiry in London, the UK Government, and individuals at the heart of their response to the pandemic were required to provide their WhatsApp's, emails and notebooks, and did so with varying degrees of reluctance.

My clients are left shocked that senior politicians and civil servants in Scotland appear unwilling to allow the public to know the truth of what happened in the corridors of power during the dark days of the pandemic.

On the 24 August 2021, the Scottish Government announced that they were going to establish a Public Inquiry under the Inquiries Act 2005 into the handling of the COVID-19 pandemic in Scotland. This was followed by then DFM John Swinney on the establishing of the inquiry stating in Parliament, that the inquiry would place the bereaved very much at the heart of this Inquiry. Mr Swinney stated at the time:-

"We remember all those who have lost their lives and I express my sympathy to those who mourn their loss. I hope this inquiry will help to provide the answers for which these individuals search. The purpose of this inquiry is two-fold. It is to provide scrutiny and answers to the questions that people have about how this pandemic has been handled in Scotland. Equally, it is to learn lessons so that we can be as ready as possible to respond to future pandemics."

You will be aware from the meeting that the Scottish Covid Bereaved and I attended with both Mr.Swinney and yourself, that I raised concerns that all information should be retained by the Government, Hospital Trusts and civil servants-

At the time the Government promised that this would happen on no occasion over the two years later that followed, were we ever advised that information had been deleted, WhatsApp's were being deleted or continued to be deleted or indeed that notes were not kept.

Therefore, some two years later It is a matter of deep concern and upset that the Scottish Government has shown such disrespect to the UK Covid Inquiry and, by extension, to the families

of those who lost their lives during the pandemic. Many of the bereaved feel that the promises made for robust scrutiny and transparency were actually being broken as the words were being uttered by your government.

The Scottish Government's position seems to be that they were asked for all material related to 'decision making' and that all government decisions are recorded in the official record. We have seen the Scottish Government response following yesterday's preliminary hearing. It must have been blindingly obvious to the Scottish Government and their civil servants, that they were not just being asked for copies of the decision in the official record, but all material in relation to the decision-making process.

It is simply inconceivable that the Scottish Government have failed to understand the clearly stated nature of this request. The response of the Scottish Government can only be seen as cynical and manipulative abuse of the process.

The Scottish Government are Core Participants (along with the Scottish Covid Bereaved) in the hearing currently taking place in London. They have known for months that the evidence being led in London is not simply a 'dry list' of all official decisions that were made during the pandemic.

Your army of Government lawyers have been in receipt of the same disclosure of evidence as my team of lawyers has. It surely could not have escaped your legal team's notice that the Inquiry is looking at the background to the decisions and how and why they were made.

Perhaps then as First Minister you can explain to my clients as well as the people of Scotland, how on earth the Scottish Government has failed to understand what is required?

The faith of Scottish Covid Bereaved in the process I repeat has been shattered by the Scottish Government's response to this matter. Furthermore, as is reported in today's Times, Professor Jason Leitch, Scotland's National Clinical Director, deleted all of his WhatsApp messages on a daily basis. This was clearly a pre-meditated decision and of course the opportunity will arise to

question Mr. Leitch as to his motivation for deleting his messages and when in fact he took the decision to do so.

Clearly by deleting his communications Mr. Leitch was unable to comply with a ‘do not destroy’ notice, but this of course applies to both you and many other senior ministers and civil servants at the heart of the decision making process.

What is missing from your government’s response and indeed your own at First Minister’s questions was:

- i) Who ordered the use of Auto- Delete?
- ii) How was this decision transmitted not just to politicians but also senior civil servants and others?
- iii) When was the order to use auto-delete issued?
- iv) If auto-delete pre-existed the announcement of the public inquiry in August 2021, why was an order not then issued to stop any further deletion of WhatsApp’s and any other material?

We now know from the Inquiry’s Preliminary Hearing that there were 137 WhatsApp groups that might be of interest.

- Perhaps as First Minister, and indeed a former Cabinet Secretary for Justice then Health portfolio, you can advise how many more politicians and civil servants were deleting their messages as a matter of routine?
- Can you advise why has it taken so long for the Scottish Government to even identify the number of relevant WhatsApp groups?

- What is it your Government appears to be trying to hide from public inquiries and Freedom of Information requests?

It is, of course, not just electronic messages that the Scottish Government have been less than forthcoming about. Counsel to the Inquiry told the Preliminary Hearing that the Scottish Government's initial response was that the vast majority of their witnesses do not hold, and may never have held, any notebooks.

[Redacted]

The UK Inquiry, and the people of Scotland, are entitled to know why our representatives have not been forthcoming about what materials they hold. The Scottish Covid Bereaved are deeply worried about this apparent 'culture of secrecy' and obfuscation at the heart of Holyrood.

CRIMINAL SANCTIONS

The Scottish Government tell us that they need an order under Section 21 of the Inquiries Act to provide these materials because of data protection concerns. Counsel to the Inquiry tells us that this wasn't raised by the Scottish Government as an impediment to providing the material until 5 October 2023.

We do not understand why this is an impediment but, for different reasons, we consider that a Section 21 order is now appropriate to ensure that the Scottish Government comply with the Inquiry's requests, or else face the possibility of criminal sanction. In our submissions to the Inquiry yesterday we sought the imposition of a section 21 order.

The rule 9 process adopted to date has left us with late, incomplete and wrong information being provided to the Inquiry : a Section 21 notice – with the criminal penalties available if compliance

is not obtained is likely to focus minds in respect of time and encourage the most thorough process of complying with requests.

To be clear First Minister, failure to comply with the Section 21 Notice without reasonable excuse under section 35 of the Inquiries Act 2005 is a criminal offence, punishable on summary conviction with a fine not exceeding £1,000 and/or imprisonment for a maximum of 51 weeks.

We urge the Scottish Government, its past and present politicians and advisors, and its civil servants to and provide all the material they have been asked for, without delay or unreasonable excuse. As First Minister, your Government must now take all necessary steps to provide the Inquiry with all relevant messages from WhatsApp and all other messaging services.

The Scottish Government should provide the Inquiry with all relevant emails whether sent from official, personal, or their political party's email accounts; they should open their notebooks to the Inquiry. They should let the people of Scotland know how and why the most crucial decisions were taken during the course of the deadliest pandemic we have yet had to face.

We note that the ICO office has already warned Government officials that deleting messages that could relate to investigations into alleged rule-breaking parties at 10 Downing Street and other departments would be a criminal offence.

The Scottish Covid Bereaved believe it is an important principle of government transparency and accountability that official records are kept of key actions and decisions, relevant information that exists in the private correspondence channels of public authorities should be available and included in responses to information requests received.

The Freedom of Information Act 2000 (FOIA) requires a Code of Practice providing a framework for public authorities to manage information and records and to comply with their obligations under FOIA and other relevant legislation, such as the Public Records Act 1958. The Code makes clear that public bodies should keep information if it needs it for reference or where there may be a Public Inquiry.

We are aware from the materials disclosed, and evidence thus far led, in Module 2 of the critical importance of contemporaneous notes and messages from civil servants, special advisors and politicians in establishing how core political and administrative decisions were made and the reasons why those decisions were made.

The release of WhatsApp, social media and diaries has been critical in building a picture of the state of preparation or rather lack of for the pandemic, the impact of decisions, and the attitudes and conflicts that existed in liaison with the Devolved Administrations.

We are astonished by the terms of the table provided by the Scottish Government on its position, and that of all relevant Scottish Government witnesses, as regards their use of WhatsApp and other electronic messaging services, and the use and retention, or otherwise of notebooks and diaries.

The Scottish Covid Bereaved find it difficult to accept that the most senior politicians in Scotland, making crucial decisions affecting the lives of everyone in the country, were able to attend numerous meetings, have sight of scientific and medical papers, and take decisions without apparently taking any notes to assist them in their decision making process.

It is difficult to understand how any politician can provide an accurate account, several years removed, of being in rooms, who was present, the relationships involved, and how decisions were arrived at, without having any contemporaneous notes to assist them.

We have asked the Inquiry to inquire of the civil servants who supported the Ministers whether they have records of any WhatsApp's or WhatsApp groups, or any electronic recording of communications with ministers. We would also ask if the Inquiry can ascertain if there was any official or unofficial policy of deleting WhatsApp.

We have of course asked the Inquiry to confirm whether it has attempted to get all relevant notes including diaries, prepared by Ms Sturgeon and all the relevant ministers who were working during the pandemic.

We note that on the 4th of June 2023 on BBC Scotland's Sunday Politics programme, former health minister Jeane Freeman was asked about the front-page Sunday Mail headline that raised the fact that Amer Anwar & Co., had asked for all WhatsApp messages and other materials to be released. Ms Freeman stated:-

"I'm sorry to say it but the Sunday Mail story is a non-story. Nobody's asked for these WhatsApp's yet for the Scottish Inquiry, so therefore nobody's refused. So the idea of demanding that you get something that nobody's yet asked for and nobody's yet refused to give is not a story as far as I'm concerned."

From the above exchange we concluded that WhatsApp messages remained in existence (at least for Ms Freeman).

RELEVANCY

As previously stated, it is for the Inquiry Chair to determine what is relevant or potentially relevant. We understand that if a witness says "I have some things of relevance" then the position for the Inquiry is that the information should be provided in whole in order them to establish what is relevant and what is not relevant.

What we ask though is where a witness says "I have nothing of relevance" in relation to a request for informal communications, is that an end to the matter? Is this primary consideration of all communications the start and the end of that process? Because the Scottish Covid Bereaved would submit that the inquiry should determine whether or not there is anything relevant to the inquiry and not the Scottish Government from whom the informal communication method is requested.

It's submitted that despite the clear way in which this has been asked for by the Inquiry, it may not be clear to witnesses that if any communication is made by a witness which relates to their involvement in Covid, the data should all be made available by your Government for the inquiry to carry out this process. Can you be certain that the witnesses for the Scottish Government are carrying out this primary test correctly?

NICOLA STURGEON MSP- DIARIES

We are aware that the former First Minister, Nicola Sturgeon MSP, has recently signed a deal with a publisher to publish her memoirs in 2025. In the press release accompanying the announcement of this deal, Ms Sturgeon is quoted as saying that she aims to chronicle the key events of the past three decades of Scottish and British politics and take the reader behind the scenes to describe how it felt to 'be in the room', who else was there, the relationships involved, and how decisions were arrived at.

According to the publishers, these will include the events of Covid. It is difficult to understand how Ms Sturgeon can provide an accurate account, several years removed, of being in the room, who was present, the relationships involved, and how decisions were arrived at, without having any contemporaneous notes to assist them.

Can you advise as to what steps you will take to obtain information on obtaining the material which essentially should remain the property of the Scottish Government. Can you confirm whether you will take any legal action to stop publication of the diaries and obtain what is essential information for the Government to produce to the Inquiry.

The Scottish Covid Bereaved believe it is an important principle of government transparency and accountability that official records are kept of key actions and decisions, relevant information that exists in the private correspondence channels of public authorities should be available and included in responses to information requests received.

It ought to have been blindingly obvious to the politicians and civil servants from that date, that their contemporaneous messages may be of relevance to a Public Inquiry.

This does not inspire confidence in the Scottish Government approach to its full co-operation with this Inquiry. Saying "we are co-operating is one thing, doing it, is quite another".

LEGAL PROFESSIONAL PRIVILEGE- WAIVER REQUEST

[Redacted]

We are aware from other Modules that the Inquiry can and will redact sensitive and irrelevant material before disclosing it to Core Participants. It is vital that the Inquiry obtain this material from the Scottish Government. No Government or politician, whether based in Westminster or Holyrood, should seek to hide behind LPP to stop the public finding out what happened in the corridors of power during the pandemic.

We submit any further delay is simply inexcusable. The substantive hearings are less than three months away.. In order to avoid any unnecessary delay, the Scottish Government ought to communicate its decision as soon as possible.

To conclude, the families we represent welcome the unprecedented and robust response of the UK Inquiry on the failure of the Scottish Government to disclose all the material requested. The Government should be answerable to the people, there must be no hiding place for those involved in decision making.

I said at the start of this process that no individual, no matter how powerful can be allowed to interfere with the pursuit of truth, justice, and accountability by this Inquiry, those who lost their lives to Covid-19 deserve nothing less.

My clients the Scottish Covid Bereaved, look forward to your response as a matter of urgency.

Kind regards

[Redacted]

Aamer Anwar- Lead Solicitor Scottish Covid Bereaved

E: permanentsecretary@gov.scot

29/12/2023

Dear First Minister,

On 26 October 2023 you asked the Solicitor General and me to satisfy ourselves on the approach being taken to meet the UK Covid-19 Inquiry's requests for information and documentation.

You have repeatedly been clear, that the Scottish Government is committed to openness and transparency and remains dedicated to cooperating fully with both the UK and Scottish Covid-19 Inquiries. And again, you have been clear that all material requested by either Inquiry will be shared in accordance with our obligations, responding effectively and as fully as possible. I can assure you that these expectations have been consistently communicated throughout the Scottish Government and through corporate channels.

My office has undertaken an extensive review of steps taken to date in this regard. It is clear from the volume of documentation shared in different formats that a huge amount of effort has been put into meeting complex requests. The Scottish Government has worked hard to provide an unprecedented amount of Covid-related material, including material which would normally be considered as legally privileged.

Further, on 5 October 2023 the Scottish Government requested that the UK Covid-19 Inquiry issue a notice under Section 21 of the Inquiries Act 2005 to provide the Government with the legal basis to share informal messaging that contained sensitive and personal information with the UK Covid-19 Inquiry. The UK Covid-19 Inquiry issued this Section 21 Notice on 30 October 2023, and the Scottish Government complied with the deadline of 6 November 2023 and released all such messages held to the Inquiry. To date, the number of informal messages the Scottish Government have now shared with the UK Covid-19 Inquiry is around 28,000.

In compliance with its legal obligations under the Public Records (Scotland) Act 2011, the Scottish Government has an established Records Management Plan, agreed with the National Records of Scotland. Our most recent revised plan was agreed in July 2022 and was used to support updates to the Records Management Policy. As a result of recent interest in mobile messaging specifically, I have commissioned a review of the handling practice set out in the corporate Records Management Policy, and all attributed guidance, to ensure it remains fit for purpose. Given the breadth of work required to do this thoroughly, including consultation with other devolved administrations, conclusions are expected in mid-2024.

In the meantime, the corporate information supplied to both Inquiries on Record Management and Information Management has been reviewed. This includes a very detailed statement on the development and management of corporate records throughout the pandemic, including the approach to mobile messaging. This is attached again alongside this letter for your reference.

In accordance with your ask to ensure that the Scottish Government has complied in particular with its legal obligations in responding to the UK Covid-19 Inquiry, I can confirm that – in accordance with the processes envisaged in the Ministerial Code – SGLD are fully engaged in providing legal advice at each stage of the handling of the Government's response, subject in the usual way to the oversight of the Solicitor General who is exercising the functions of the Law Officers for these purposes. While it will ultimately be for the Inquiries to take a view on the Government's compliance with the requests made of it, I can confirm that that advice is being taken and acted upon appropriately.

To support governance and control, the Covid response was added to the Scottish Government's Corporate Risk Register in 2022, and an Internal Audit review on the Covid Inquiry Response Directorate governance processes was conducted in Autumn 2022 at the request of DG Corporate. The Internal Audit review report, finalised in October 2022, concluded that appropriate governance processes had been developed to respond to the Covid-19 Inquiries requests. Further, an additional Internal Audit was conducted in 2023 focusing on readiness to respond to the UK and Scottish Covid-19 Inquiries, including the controls in place to manage the production of corporate statements, readiness for the Inquiry hearings, people and witness support, and governance and risk arrangements. The report was issued on 6 July 2023 and provided a reasonable assurance rating, highlighting the effective risk management processes established.

To bolster resilience, in Autumn 2022 the Head of the Scottish Government Corporate Governance Team was deployed to lead the Covid Inquiries Response Directorate and in Autumn 2023 further Director level support was brought in as the organisation responded to a substantial volume of Rule 9 requests. This ensured guidance and dedicated support was available to all Ministers and Scottish Government colleagues, current and former, allowing them to respond within the timescales set out by the UK Inquiry.

A further review of the capacity and capability of the Covid Inquiries Response Directorate has been undertaken, given the complexity, and increasing number of requests. As a direct response, additional colleagues joined the team in November 2023 to increase capacity. This is intended to help respond to the volume of requests and, in particular, ensure all witnesses participating in the Module 2A oral evidence sessions of the UK Covid-19 Inquiry in January 2024 are directly supported. In addition, the Directorate continues to be supported by specialist colleagues from our Propriety and Ethics, Legal, and Digital teams and I will continue to proactively monitor the resourcing position in the months ahead in response to the work of both Inquiries.

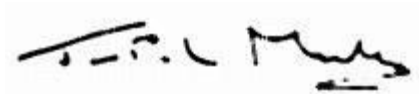
Due to the complexity of the work currently being undertaken, I have introduced a weekly review meeting with senior colleagues in the Covid Inquiries Response

Directorate. I will assess the frequency of these meetings after the completion of Module 2A to ensure time is prioritised effectively. In addition, DG Corporate continues to chair the Covid-19 Inquiries Response Programme Oversight Board.

Finally, I have asked that a monthly written update on work to support both Covid-19 Inquiries is provided to all Ministers, with regular updates to Cabinet.

It is vital that we learn from the experiences of the Covid pandemic, improving resilience for the future. We are determined to honour bereaved families and the memory of those who lost their lives during the pandemic. To this end, I can assure you that the Scottish Government will do everything we can to support the UK and Scottish Covid-19 Inquiries, consistent with your clear expectations for openness and transparency, responding as effectively and as fully as possible.

Best wishes,

A handwritten signature in black ink, appearing to read 'JP Marks', with a horizontal line underneath.

JP Marks
Permanent Secretary to the Scottish Government



FIRST MINISTER- HUMZA YOUSAF MSP

10th November 2023

Dear Humza

SCOTTISH COVID BEREAVED- WHATSAPP & LEGAL PROFESSIONAL PRIVILEGE

As First Minister you stated on Thursday at FMQs that “*the Scottish Government clearly interpreted the request from the Inquiry in a way that was too narrow*” Once again, as First Minister you have failed to illuminate, why your Government told the UK inquiry that the majority of WhatsApps messages for members of Scottish Government were not retained.

We know from the Inquiry’s Preliminary Hearing that there were 137 WhatsApp groups and 70 key individuals of interest. You of course were one of those individuals and would of course be able to confirm what your position on WhatsApp was at the time of the Preliminary Hearing.

As you are aware for the last several months, the Scottish Government’s army of lawyers have been present at the UK Inquiry and were of course privy to the legal battles lost by Boris Johnson and Cabinet Office.

Your team were in receipt of the disclosure of thousands of WhatsApps which clarified exactly what was expected of the UK Government but also the Scottish Government.

We note that on the 31st October the Deputy First Minister Shona Robison stated to Parliament:-

“In addition to the hundreds of messages already handed over to the UK Inquiry, this notice will allow us to share over fourteen thousand (14,000), mainly WhatsApp, messages from

*various groups and individuals over the period of the pandemic, mostly concerning routine coordination of work and meetings by officials. I can confirm that messages from Ministers and former Ministers are included but I have not seen them nor should I as that is for the Inquiry...Let me be clear, however, that **contrary to some reports**, there is not and has not ever been a requirement for any official, let alone Ministers, to auto-delete messages without ensuring that relevant information from them is captured and saved appropriately first.”*

Your Government’s response has not allayed the concerns of the Scottish Covid Bereaved.

Jamie Dawson KC Counsel to the UK Inquiry at the last Preliminary hearing on Module 2A stated in the following written submissions:-

- *“The numerous Rule 9 Requests which Module 2A has issued to directorates of the Scottish Government and individual witnesses include requests in connection with WhatsApps and other informal messages which fall into this category. These requests seek information about the use of WhatsApps in connection with Scottish Government decision making in the pandemic, policies surrounding their use, and details of groups and individual messaging. These requests have sought not only information but also access to potentially relevant messages. Corporate requests for such information and such messages were issued in late 2022, which were followed up by a further corporate Rule 9 request seeking more detailed information about the Scottish Government’s policies concerning the use of informal messaging. In addition, further such requests were made for this information and/or these messages to around **70 Scottish Government witnesses as part of the individual Rule 9 process.***
- *At present, the Scottish Government has provided the Inquiry with no WhatsApp material and has very recently requested that disclosure of such material be required by the provision of a Notice served under section 21 of the Inquiries Act 2005 in order to address data protection concerns.*
- *Given the potential significance of any such material, and in order to provide a clearer statement of the position, the Scottish Government has been asked to provide a full update on its position and that of all relevant Scottish Government witnesses as regards to their use of WhatsApps and their current availability for disclosure.*

- *It is anticipated that a table setting out this update will be disclosed to Core Participants in advance of the preliminary hearing.*
- *It is currently understood that although WhatsApps appear to have been used to send messages relating to and surrounding key decisions by some members of Scottish Government, the majority of the messages have not been retained by witnesses.*
- *Consequently, there is a lack of certainty about what potentially relevant content is still held, where it might be held and what can be recovered by the Inquiry. The Inquiry has sought further information about the circumstances in which such messages have not been retained.*

We note the following:-

- i) The Government has talked up its very recent disclosure of some 14,000 WhatsApp messages- You will be of course aware that 14,000 messages barely touches the tip of the iceberg, when looking at the period for which the information is requested.
- ii) To place in context your handing over 14,000 WhatsApp, Matt Hancock alone had some 100,000 WhatsApp messages.
(<https://news.sky.com/story/how-have-matt-hancocks-whatsapp-messages-been-leaked-and-what-is-a-non-disclosure-agreement-12822797>)
- iii) Presenting the figure of 14,000 it is pointless if you fail to provide context- i.e. who is providing WhatsApps and who is not?
- iv) Will you confirm that the National Clinical Director Jason Leitch and the Former First Minister Nicola Sturgeon have deleted their WhatsApps as is reported- there is no requirement for confidentiality to be attached to such disclosure.
- v) We were astonished to hear the words “*contrary to some reports*” in the DFM’s statement, unless you are accusing the UK Inquiry of being liars, the information presented to them by your Government is that “*the majority of the messages have not been retained by witnesses.*”
- vi) The central issue that will not go away, is who provided such information to the Inquiry, and as we now know it was not true, which begs the question why

provide such false information.

- vii) Module 2A covered decision making between January 2020 and April 2022. On 24 August 2021, the Scottish Government announced plans for the Scottish Covid Inquiry. It ought to have been blindingly obvious to the politicians and civil servants from that date, if not earlier, that their contemporaneous messages may be of relevance to a Public Inquiry.
- viii) Furthermore in response to Thursday's FMQs, you were asked by Mr. Sarwar on the use by Government Ministers of SNP personal emails to bypass FOI legislation. Once again you failed to provide any clarity on whether all these emails have been disclosed to the Inquiry- again there is no requirement for confidentiality attached to disclosing such information.

The Scottish Government's continued failure to provide clarity, constant changing timelines and excuses combined with the redundant excuse of 'confidentiality' inflames a belief that you are obstructing the search for truth.

The Scottish Covid Bereaved believe it is an important principle of government transparency and accountability that official records are kept of key actions and decisions, relevant information that exists in the private correspondence channels of public authorities should be available and included in responses to information requests received.

LEGAL PROFESSIONAL PRIVILEGE- WAIVER REQUEST

The UK Inquiry wrote to the Scottish Government explaining that the Inquiry was constrained from fully carrying out its function because of not having access to material which had been redacted from documents by reason of LPP or pursuant to the Law Officers' Convention.

The Scottish Government perfectly understand that that in order for the Inquiry to understand, to the fullest extent possible, all of the considerations which were taken into account by Ministers and officials, it needs to see all advice provided to them of any description, including any legal advice they were given. Were the legal advice to be redacted, the Inquiry can only see part of the story and may miss important material that might help explain the decisions taken.

The Inquiry can and will redact sensitive and irrelevant material as it has done for the UK Government before disclosing it to Core Participants, why should the Scottish Government be

any different. It is vital that the Inquiry obtains this material from the Scottish Government. No Government or politician, whether based in Westminster or Holyrood, should seek to hide behind LPP to stop the public finding out what happened in the corridors of power during the pandemic. The Scottish Covid Bereaved are aware that LPP has been waived in other inquiries, in a critical inquiry such as this that has impacted the lives of every person in Scotland it is critical that any so called legally privilege is waived.

On the 31st October an apology was offered in Parliament to the Scottish Covid Bereaved and your Deputy First Minister stated you wished to meet with my clients. The bereaved we represent, placed their trust in you and your government to be transparent and accountable to both Covid Inquiries, sadly that trust has been left shattered.

We note your Deputy First Minister wrote to my office today, once again the letter was full of platitudes but no clarity on the questions we had asked, and as explained further concerns arose due to the FMQs.

The families have not had the courtesy of a full response to our letter, and until the numerous concerns raised in our letter to you on 27th October and today's letter are clarified, they are unable to meet with you.

The substantive hearings are two months away, any further delay is simply inexcusable and will obstruct the search for truth by the UK Inquiry who have acted robustly without fear or favour.

Kind Regards

Aamer Anwar- Lead Solicitor- Scottish Covid Bereaved.

