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NEWS ANALYSIS

Covid-19: UK's pandemic inquiry prepares to hear from witnesses

More than three years after the first UK-wide lockdown was ordered in March 2020, and more than a year after Sweden produced its final covid commission report in February 2022, the UK's covid inquiry is due to hear its first oral evidence, reports **Clare Dyer**

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How will the inquiry work, and what progress has it made so far?

The UK inquiry was set up in June 2022 under Heather Hallett, a retired Court of Appeal judge and crossbench peer.¹ It was established under the Inquiries Act 2005, which gives the chair legally enforceable powers to compel the production of documents and call witnesses to give evidence on oath. It may seem to be taking a long time, but its lead counsel, Hugh Keith KC, points out that although some other countries, such as Sweden, have set up commissions that have already reported the UK's will be the first formal inquiry with the force of law behind it to reach the stage of hearing evidence from witnesses. Covering all four UK nations its aims are to provide a factual account of the covid-19 response, identify lessons to be learnt, and inform preparations for future pandemics. The inquiry has decided to split the topics to be covered into modules, six of which have been announced so far:

- 1 Resilience and preparedness
- 2 High level political and administrative decision making
- 3 The impact of the pandemic on the health systems of the UK's nations
- 4 Vaccines and therapeutics
- 5 Government procurement, and
- 6 The care sector.

Work has already begun on the first four modules. Further modules to be announced will cover such matters as testing and tracing, education, and government support for business.

Some individuals and organisations have been designated core participants, giving them special rights in the inquiry process. These rights include those to receive documentation, have legal representation, make legal submissions, suggest questions, and receive advance notice of the inquiry's report. Core participants in module 1 include the Home Office, the Department of Health and Social Care for England, the Cabinet Office, NHS England, Imperial College London, Covid-19 Bereaved Families for Justice, and the BMA.

What is the timetable?

Preliminary hearings have been held on modules 1, 2, and 3, not to consider evidence but to decide how

the investigations are to be run. The inquiry will hear evidence for the first time between 13 June and 21 July, in module 1, to consider the UK's resilience and preparedness for the pandemic. Module 2 evidence will follow in the autumn. Witnesses are expected to finish giving evidence to the inquiry by June 2026. Hearings will be livestreamed on YouTube.² There is no date for the final report, but Hallett has promised to issue interim reports.

What can we expect in the first week of evidence?

The hearings will open with a statement from the chair, followed by a short film showing the effects of the pandemic, "featuring people from across the UK, sharing their experience of loss." The inquiry website warns, "Some people may find the film difficult to watch." There will be opening statements from core participants before evidence from witnesses begins in the afternoon of Wednesday 14 June. In the first week the inquiry will hear from expert witnesses Jimmy Whitworth, Charlotte Hammer, Bruce Mann, David Alexander, Michael Marmot, and Clare Bambra, and also from Katharine Hammond, former director of the Civil Contingencies Secretariat.

What could potentially interfere with the current schedule?

A dispute has blown up between the inquiry and the government about a notice from the inquiry demanding that the Cabinet Office hand over a wide range of communications made between 1 January 2020 and 24 February 2022. These were unredacted WhatsApp messages between Boris Johnson, prime minister at the time, or his senior adviser on covid-19, Henry Cook, and a list of 40 ministers and officials, as well as Johnson's unredacted notebooks and diaries. The Cabinet Office has objected, arguing that much of the material is "unambiguously irrelevant" to the subjects covered by the inquiry, and has lodged a judicial review application with the High Court. The situation has been complicated by Johnson's decision to hand over to the inquiry his WhatsApp messages dating back to May 2021. The inquiry protocol states that material must be handed over unredacted and that it is for the inquiry team to make any redactions required. Hallett has wide discretion under the terms of reference and the Inquiries Act 2005, and lawyers think the government will have an uphill task to win the case. The judicial review application is expected to be heard on 30 June or soon after.

How have the inquiry and Cabinet Office reacted to Johnson's decision?

The Cabinet Office has told Johnson in a letter that he could lose public funding for his legal representation if he tries to “undermine” the government. It said funding would be available only if he complied with certain conditions, including sending any witness statement or exhibit to the Cabinet Office to be security checked and not submitting evidence without redactions required by the Cabinet Office.

Hugo Keith KC, chief counsel to the inquiry, told a preliminary hearing on 6 June that he was “grateful” to Johnson for his cooperation and that his team was about to begin inspecting the messages and comparing them with the unredacted ones provided by the Cabinet Office. He said the team hoped to be able to do the same with Johnson's notebooks and diaries, which the Cabinet Office currently holds but which the former prime minister has said he would be willing to hand to the inquiry unredacted.

Johnson acquired a new phone after security concerns arose in April 2021, and the previous phone was locked. Keith said the inquiry had asked the Cabinet Office to obtain the earlier phone without delay and to confirm that it too would be “accessed fully” with no redactions, except for national security. He said he was seeking confirmation that the Cabinet Office was “only seeking to ensure that national security protected material would not be disclosed” by Johnson and was not seeking to prevent him disclosing material it believed to be “unambiguously irrelevant.”

Keith said it had emerged that Google Spaces was also used for official communications and that any messages there must be handed over by the Cabinet Office without redactions. He noted that the health department had disclosed former health secretary Matt Hancock's messages in full.

Who will analyse the evidence submitted to the inquiry?

A team of 60 lawyers will conduct legal research, analyse and review documents, identify evidence, draft materials, and assist with the preparation of hearings.

More than 220 000 people have died in the UK with covid-19 on the death certificate. Is there a way for people who endured hardship or loss through the pandemic to tell their story?

The “Every Story Matters” section on the inquiry's website invites anyone with a story to tell to share their experiences online. A public information campaign to encourage participation will be launched next week. The inquiry is also holding events in communities around the country.

Children's rights organisations are urging that voices of children be heard. Every Story Matters excludes children, and no under-18s are currently due to give evidence. Is the inquiry listening?

The details of how this will happen are not yet clear, but Hallett undertook at the preliminary hearing on 6 June to “pursue that issue urgently.”

1 UK Covid-19 Inquiry. [covid19-public-inquiry.uk](https://www.covid19-public-inquiry.uk).

2 UK Covid-19 Inquiry. YouTube. www.youtube.com/channel/UC9eFdKvWd1ARs3j9BS0Gndw.

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