

From: Yousaf H (Humza) <[redacted]@gov.scot>

Sent: 29 July 2021 12:43

To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Subject: Urgent – [redacted]

Lawyer Aamer Anwar phoned me this morning to ask if there was any update to the correspondence he had sent asking for a meeting with families bereaved by Covid. I said that we would respond formally and while still considering the broader issues raised in his letter I was sympathetic to a meeting.

[redacted]

Can officials take a look at this case and give me an urgent update.

Humza

From: [redacted] <[redacted]@aameranwar.com>

Sent: 08 July 2021 16:19

To: ZZZFirst Minister 2016 to 2021 <zzzfirstminister2016to2021@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Subject: Covid-19 Bereaved Families for Justice

Dear First Minister and Mr Yousaf,

We act on behalf of members of the Scottish branch of the UK group 'Covid-19 Bereaved Families for Justice'. Following the positive meeting some of the families had with you on 22nd March 2021, we are requesting a meeting with you, the Scottish family members and ourselves to discuss any public inquiry into Covid-19 in Scotland.

Please find attached correspondence from Mr Anwar in relation to the above matter.

Kind regards,
[redacted]

From: Office <office@aameranwar.com>
Sent: 12 August 2021 10:38
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear [redacted],

Meeting with Covid 19 Bereaved Families for Justice

Thank you for your email and invitation to meet with the Deputy First Minister and Cabinet Secretary for Health and Social Care.

We are requesting that an in person meeting is arranged on restrictions have eased.

It can be a small group of us that attend. There are no longer restrictions in relation to this type of meeting in person and it is now safe to do so.

As a result of the sensitive subject matter and it would be more appropriate for this meeting to take place in person rather than remotely.

The families were hoping for an in person meeting with the Deputy First Minister and Cabinet Secretary for Health and Social Care before the end of August.

We hope this can be accommodated.

Kind Regards,

Aamer Anwar & Co
[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of
DFMCSCR@gov.scot
Sent: 11 August 2021 14:27
To: Office <office@aameranwar.com>
Cc: CabSecHSC@gov.scot; DFMCSCR@gov.scot
Subject: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear Mr Anwar,

Thank you for your correspondence sent to the First Minister dated 8th July 2021.

The Deputy First Minister and the Cabinet Secretary for Health and Social Care would like to offer an initial meeting with you and the families you represent, virtually, on Tuesday 17th August between 12.00 noon and 1.00 pm.

I would be grateful if you could confirm whether this date and time is suitable at your earliest convenience.

Kind regards
[redacted]

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Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

From: Office <office@aameranwar.com>
Sent: 13 August 2021 15:10
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear [redacted],

Thank you for your email and the offer to meet in person on Tuesday 17th August. I can confirm that Mr Anwar is more than happy to accept this offer.

We shall confirm to you as soon as possible in terms who shall be attending the meeting.

Kind Regards,

[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of DFMCSCR@gov.scot
Sent: 13 August 2021 14:12
To: Office <office@aameranwar.com>; DFMCSCR@gov.scot
Cc: CabSecHSC@gov.scot
Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Good Afternoon,

Thank you for your response, this is appreciated.

Following further discussions with Mr Swinney and Mr Yousaf, we would like to arrange a physical meeting within St. Andrews House at the original time offered – Tuesday 17th August 12 noon - 1pm.

We plan to use the conference suite which is able to accommodate a maximum of 12 attendees. As Mr Swinney and Mr Yousaf will have officials in attendance, we are able to welcome Mr Anwar and up to six additional participants.

I would be grateful if you could please advise if this would be suitable at your earliest convenience.

Many thanks
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From: [redacted] <[redacted]@aameranwar.com>
Sent: 13 August 2021 16:21
To: [redacted] <[redacted]@gov.scot>
Subject: Tuesday 17th August

Dear [redacted],

I wonder if it would be possible for Mr Anwar to access the room an hour before the meeting with Mr Swinney and Mr Yousaf to discuss matters with the family members?

Kind regards,
[redacted]

[redacted]

From: [redacted] <[redacted]@aameranwar.com>
Sent: 16 August 2021 12:58
To: Deputy First Minister and Cabinet Secretary for Covid Recovery
<DFMCSCR@gov.scot>
Subject: RE: Tuesday 17th August

Dear [redacted],

Thank you. I'd managed to get a meeting room near by on Friday afternoon so we'll use that and be along to St Andrew's House just before 12

In attendance will be Mr Anwar, myself, [redacted], [redacted], [redacted], [redacted] and [redacted]

Let me know if anything else is needed in advance of the meeting tomorrow

Kind regards,
[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of
DFMCSCR@gov.scot
Sent: 16 August 2021 10:51
To: [redacted] <[redacted]@aameranwar.com>
Subject: RE: Tuesday 17th August

Hi [redacted],

Thank you for your email.

I can confirm access to the room will be available from 11am for Mr Anwar and the family members.

Please send an attendee list when possible.

Many thanks
[redacted]

[redacted]

From: [redacted] <[redacted]@aameranwar.com>
Sent: 13 August 2021 16:21
To: [redacted] <[redacted]@gov.scot>
Subject: Tuesday 17th August

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AAMER ANWAR & CO
SOLICITORS & NOTARIES

Our Ref: AA/CHB/

8th July 2021

Mr Humza Yousaf
Cabinet Secretary for Health and Sport

By email only

Dear Mr Yousaf,

Public Inquiry into Covid-19

We act on behalf of members of the Scottish branch of the UK group 'Covid-19 Bereaved Families for Justice', and we will be working in partnership with Elkan Abrahamson of Broudie Jackson Canter who will represent the families at the public inquiry in England.

We are writing to request a meeting with you and the First Minister Nicola Sturgeon with the Scottish family members and ourselves, to discuss any public inquiry into Covid-19 in Scotland. The families would like to acknowledge the positive meeting that they had with the First Minister on 22nd March 2021. It is hoped that any forthcoming meeting will carry on in this co-operative manner with a view to expediate the establishment of a public inquiry in line with the SNP's 'First 100 days' commitment.

Whilst, due to Covid-19, we expect the first meeting to be smaller because of the need to be Covid-19 regulations compliant and safe, it is hoped that a larger meeting for the families can be organised when it is safe to do so.

Telephone: 0141 429 7090 | Fax: 0141 429 7025

Email: office@aameranwar.com | www.glasgow-lawyer.com

Carlton Buildings, Ground Floor, 63 Carlton Place, Glasgow G5 9TW

VAT Reg number is 894865551



Section 27 of the Inquiries Act 2005 sets out that a UK inquiry's terms of reference cannot include Scottish devolved matters without consultation and written permission to do so. It also sets out in s 27 (3) that a UK inquiry cannot compel evidence from Scottish ministers on Scottish devolved matters.

This works both ways- under s 28 it is set out that a Scottish inquiry would not be able to look at UK reserved matters, nor be able to compel evidence on UK reserved matters.

It is within this context that we intend to raise a number of issues, that will be added to:

- i) What are the Scottish Government's plans for a public inquiry?
- ii) Will you confirm that the Scottish Government will not wait without time-limit for the UK government to establish a judge led public inquiry.
- iii) It is imperative that the Scottish families are not subjected to unnecessary delay at the hands of the UK government when it is within the power of the Scottish Government to act now, nor should the issues of concern for the Scottish families be subsumed by a UK wide inquiry.
- iv) We expect that a date for an inquiry, dealing with devolved issues, will be established. The timing of this should not be predicated on the actions and plans of the UK government. It is hoped that an inquiry could be set up and hearings could take place on Scottish issues and where there are cross-border issues then these could be dealt with at a later date.
- v) Are you able to confirm that the members of Covid-19 Bereaved Families for Justice will be core participants in any public inquiry into Covid-19?
- vi) Rule 18(2) of the Inquiries (Scotland) Rules 2007 requires the Chair to take account of the financial resources of the person applying for an award for legal representation. We would be asking Scottish Ministers to agree to vary this rule when it applies to bereaved family members. As a result there would be no need to detail the financial resources of any of family members- we ask this in advance as it would be unacceptable for bereaved family members to be required to pay the cost of representation at the inquiry when all other core-participants are to be funded from the public purse.

- vii) Can you confirm that the Scottish members of Covid-19 Bereaved Families for Justice will be consulted in relation to the drafting of the terms of reference for any public inquiry into Covid-19?
- viii) Can you confirm that all those who wish to have their story heard will be able to give evidence to the inquiry?
- ix) Can you confirm that the recommendations of any public inquiry into Covid-19 are implemented in Scotland? After the inquiry report has been published there needs to be a formal response from the Scottish Government. The Scottish Government should respond to each specific recommendation, set out a timeline for implementing recommendations, and give reasons if they are not going to do so.

In the first instance we believe the above is necessary to ensure the families have confidence that the public inquiry will be an effective mechanism to ensure that what has happened to them, will not happen again.

The effectiveness of the process and the public perception of the inquiry will ultimately be determined by what is done by the Scottish Government in establishing a public inquiry and implementing any findings of the report.

Whilst we appreciate that there appears to be conflict in views and approach adopted by the Scottish Government and the UK Government, the families we represent do not of course wish to be dragged into the middle of this. They have been through enough pain and loss. The families simply wish for their voices to be heard and their experience to be front and centre of any public inquiry.

Kind Regards,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Aamer Anwar

From: [redacted] <[redacted]@gov.scot> On Behalf Of Cabinet Secretary for Health and Social Care

Sent: 23 August 2021 20:51

To: [redacted] <[redacted]@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Meeting with Bereaved Families for Justice

Hi [redacted]

Thank you for providing this note. Mr Yousaf is content for his interests.

Kind regards

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 23 August 2021 12:25

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: Meeting with Bereaved Families for Justice

PS/DFM

PS/Cabinet Secretary for Health and Social Care

As you are aware, Mr Swinney and Mr Yousaf met with the Scottish branch of Bereaved Families for Justice on Tuesday 17 August. I have attached a draft note of that meeting for comment and clearance. Happy to discuss.

Thanks

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 27 August 2021 09:26

To: [redacted] <[redacted]@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Meeting with Bereaved Families for Justice

[redacted]

DFM is content to clear.

Many thanks

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 23 August 2021 12:25

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

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PS/Cabinet Secretary for Health and Social Care

As you are aware, Mr Swinney and Mr Yousaf met with the Scottish branch of Bereaved Families for Justice on Tuesday 17 August. I have attached a draft note of that meeting for comment and clearance. Happy to discuss.

Thanks

[redacted]

[redacted]

Extract from 17 August briefing to First Minister and Deputy First Minister

4. A meeting between the Covid-19 Bereaved Families for Justice, including their solicitor Aamer Anwar, DFM and the Cabinet Secretary for Health and Social Care took place earlier today. It was a constructive discussion, including personal testimony from the five family representatives present. The group are very keen to have a Scottish public inquiry so that experiences in Scotland can be fully recognised and lessons learnt for the future. They wish to have a role as participants in the inquiry and in setting it up, ensuring all families can have trust and confidence in a robust, transparent process with appropriate scrutiny. They did not have confidence that the UK Government would deliver this for them, particularly within an appropriate timescale. DFM indicated that a decision on a Scottish public inquiry would be communicated imminently by the Scottish Government. The group were satisfied with this and recognised that it would take time to have an inquiry up and running. They highlighted initial work that could be progressed just now, namely input to the Terms of Reference, choice of Chair and expert panels. The DFM invited them to communicate their views on these matters to officials. The families were grateful for today's engagement and were positive in their communication with media following the meeting.

Meeting with Scottish Branch of COVID-19 Bereaved Families for Justice – 17 August 2021

Attendees for Bereaved Families – [redacted], [redacted], [redacted], [redacted], [redacted], Aamer Anwar, Caoimhe Hunter Blair

Attendees for Scottish Government – Deputy First Minister, Cabinet Secretary for Health and Social Care, Ian Donaldson, Scott McEwen, PS/DFM

Introduction

DFM welcomed representatives of bereaved families. He recognised how painful and difficult the matters under discussion could be. The SG would do its best to ensure issues were properly addressed.

Mr Anwar said he was grateful for the meeting, which was an opportunity to develop rapport and empathy in preparing for the inquiry. The key point to make was that Bereaved Families for Justice sought a stand-alone Scottish public inquiry. Whilst recognising the work with the UK Government on a UK inquiry, families were frustrated with the time it was taking. The inquiry had to be transparent and robust, with integrity and appropriate scrutiny. The inquiry should take shape rapidly. The families did not want to become, and didn't want their requirements for the inquiry to become, a political football between the Scottish and UK Governments. Nor did they want families in Scotland to end up as an 'add-on' for a UK inquiry. The families wanted a role in the inquiry work and to be appropriately supported, and that there should be trust and confidence in the process.

Discussion

A number of points were made by the families, many drawing on personal experiences. Testimony included accounts of care home managers not having been given adequate support to look after residents, of hospital patients not having received appropriate treatment, and questions around the guidance for people who had been shielding. More general points made by the families included:

- Asked that the SG should move forward with matters that were devolved, including health and social care, despite that the First Minister had previously talked about the possible benefits of a Four Nations approach.
- Expressed concern that Scottish voices would not be central to a UK inquiry.
- Asked that a Scottish public inquiry begin work now – recognising that that did not mean hearings taking place this year (Mr Anwar thought it more likely that hearings would begin next year); but much could be done rapidly to progress work such as on Terms of Reference, Chair appointment, Expert Panel. Families wanted to influence these matters, such as ensuring the Chair had a track record of asking difficult questions.
- Stated that having the SG confirm that an inquiry was happening would help those dealing with significant mental health issues, show light at end of tunnel - people were unable to properly grieve with uncertainty over an inquiry hanging over them.

- Noted that announcing a Scottish inquiry would assist families in England and Wales to push their respective governments for progress on an inquiry.
- Acknowledged that families and SG appeared to want the same things from an inquiry – and that there could be a collaborative approach taken.
- Noted that cross border issues were also a consideration for the child abuse inquiry so that was a precedent which could assist with such matters in the Covid inquiry, e.g. how to avoid duplication and how to accept it where it was necessary. The chairs of Scottish and UK inquiries could work together.
- Asked that deadlines be made clear, families needed timescales for the inquiry work.
- Noted that families wanted to be core participants in the inquiry.
- Acknowledged that learning lessons was critical for next time, and would save lives.
- Stated that people were continuing to die, now, for the same reasons and because of the same mistakes as had been made earlier on in the pandemic.
- Suggested that many immediate actions could be taken based on the families' experiences e.g. that face masks should be worn by hospital patients. DFM confirmed that the SG wanted to hear of such suggestions.
- Asked that SG messaging emphasise a more an accurate understanding of the Covid symptoms: stated that more knowledge of them would help people know what to look out for.
- Noted that a social care review was happening, but argued that it needed to take into account inquiry matters first.
- Acknowledged that there were reasons for the decisions the SG had taken in response to the pandemic and that best intentions were followed.
- Noted FM daily briefings had been important, and people believed FM had done her best.
- Stated that some families were finding track and trace requirements at funerals difficult.
- Asked for access to hardship funding for some of those who had lost loved ones – they were not getting support required. DFM invited the families to let SG know more about specific circumstances so this could be investigated.

DFM comments

DFM responded that the events and decisions on the pandemic had to be fully and transparently investigated. Ministers were acutely aware of SG responsibilities, agreed the need for them to be held to account for actions and wanted to do that properly, allowing the inquiry to fully explore matters. It was central to the set-up of this inquiry that families were satisfied that their requirements for an inquiry were considered. Any inquiry under the Inquiries Act took time – Ministers could set the context and progress the work up to a point but it was then for the independent Chair to take over. Ministers would nevertheless ensure that any Chair was clear that the voice of families should be heard. Ministers would look for an inquiry to address all the issues raised by families, including care homes. There were on-going four nations discussions about a UK inquiry. Scottish Ministers would ensure Scottish voices were central to any Scottish and any UK inquiry. At the same time there needed to be an effort to avoid duplication of work and of requirements for families to give evidence.

Concluding words

The Cabinet Secretary for Health and Social Care said he was grateful for the discussion. The SG had learned a great deal in the course of the pandemic and was not waiting for the inquiry before making necessary changes. The SG recognised that it had not got everything right, but there would be no defensive walls thrown up around decisions.

DFM said the conversation was critical – he wanted the many perspectives of families to be heard and to get off on the right footing for an inquiry. He welcomed the views of families on process and Terms of Reference for an inquiry. Ministers would be setting out next steps soon: the Government had already made a commitment on the inquiry for the first 100 days of new administration. A decision on a Scottish public inquiry would be made imminently.

DFM invited the family representatives to maintain contact with officials and to provide further views about the inquiry in writing, as well as actions the SG could take to support people in responding to the pandemic. He would have further discussions with bereaved families, and Ministers would ensure they were kept fully informed about work on the inquiry.

Mr Anwar and the family representatives said they were grateful for the meeting and the discussion and looked forward to working with the Scottish Government on the establishment of the Covid public inquiry.

From: [redacted] <[redacted]@gov.scot>

Sent: 23 August 2021 12:25

To: Deputy First Minister and Cabinet Secretary for Covid Recovery
<DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care
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Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
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<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>

Subject: Meeting with Bereaved Families for Justice

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PS/Cabinet Secretary for Health and Social Care

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Sent: 11 August 2021 14:27
To: office@aameranwar.com
Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

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Kind regards
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Many thanks

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The families were hoping for an in person meeting with the Deputy First Minister and Cabinet Secretary for Health and Social Care before the end of August.

We hope this can be accommodated.

Kind Regards,

Aamer Anwar & Co
[redacted]

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To: Office <office@aameranwar.com>
Cc: CabSecHSC@gov.scot; DFMCSCR@gov.scot
Subject: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear Mr Anwar,

Thank you for your correspondence sent to the First Minister dated 8th July 2021.

The Deputy First Minister and the Cabinet Secretary for Health and Social Care would like to offer an initial meeting with you and the families you represent, virtually, on Tuesday 17th August between 12.00 noon and 1.00 pm.

I would be grateful if you could confirm whether this date and time is suitable at your earliest convenience.

Kind regards
[redacted]

[redacted]

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From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 13 August 2021 15:33

To: Office <office@aameranwar.com>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Hi [redacted],

Many thanks for confirming.

I look forward to hearing from you in due course regarding an attendance list.

Best Wishes

[redacted]

[redacted]

From: Office <office@aameranwar.com>

Sent: 13 August 2021 15:10

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear [redacted],

Thank you for your email and the offer to meet in person on Tuesday 17th August. I can confirm that Mr Anwar is more than happy to accept this offer.

We shall confirm to you as soon as possible in terms who shall be attending the meeting.

Kind Regards,

[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of DFMCSCR@gov.scot

Sent: 13 August 2021 14:12

To: Office <office@aameranwar.com>; DFMCSCR@gov.scot

Cc: CabSecHSC@gov.scot

Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Good Afternoon,

Thank you for your response, this is appreciated.

Following further discussions with Mr Swinney and Mr Yousaf, we would like to arrange a physical meeting within St. Andrews House at the original time offered – Tuesday 17th August 12 noon - 1pm.

We plan to use the conference suite which is able to accommodate a maximum of 12 attendees. As Mr Swinney and Mr Yousaf will have officials in attendance, we are able to welcome Mr Anwar and up to six additional participants.

I would be grateful if you could please advise if this would be suitable at your earliest convenience.

Many thanks
[redacted]

[redacted]

From: Office <office@aameranwar.com>
Sent: 12 August 2021 10:38
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health & Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear [redacted],

Meeting with Covid 19 Bereaved Families for Justice

Thank you for your email and invitation to meet with the Deputy First Minister and Cabinet Secretary for Health and Social Care.

We are requesting that an in person meeting is arranged on restrictions have eased.

It can be a small group of us that attend. There are no longer restrictions in relation to this type of meeting in person and it is now safe to do so.

As a result of the sensitive subject matter and it would be more appropriate for this meeting to take place in person rather than remotely.

The families were hoping for an in person meeting with the Deputy First Minister and Cabinet Secretary for Health and Social Care before the end of August.

We hope this can be accommodated.

Kind Regards,

Aamer Anwar & Co
[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of
DFMCSCR@gov.scot
Sent: 11 August 2021 14:27
To: Office <office@aameranwar.com>
Cc: CabSecHSC@gov.scot; DFMCSCR@gov.scot
Subject: Meeting invitation - Deputy First Minister and Cabinet Secretary for Health &
Social Care meeting with Mr Anwar and Covid 19 Bereaved Families

Dear Mr Anwar,

Thank you for your correspondence sent to the First Minister dated 8th July 2021.

The Deputy First Minister and the Cabinet Secretary for Health and Social Care would like to offer an initial meeting with you and the families you represent, virtually, on Tuesday 17th August between 12.00 noon and 1.00 pm.

I would be grateful if you could confirm whether this date and time is suitable at your earliest convenience.

Kind regards
[redacted]

[redacted]

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From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 16 August 2021 10:51
To: [redacted] <[redacted]@aameranwar.com>
Subject: RE: Tuesday 17th August

Hi [redacted],

Thank you for your email.

I can confirm access to the room will be available from 11am for Mr Anwar and the family members.

Please send an attendee list when possible.

Many thanks
[redacted]

[redacted]

From: [redacted] <[redacted]@aameranwar.com>
Sent: 13 August 2021 16:21
To: [redacted] <[redacted]@gov.scot>
Subject: Tuesday 17th August

Dear [redacted],

I wonder if it would be possible for Mr Anwar to access the room an hour before the meeting with Mr Swinney and Mr Yousaf to discuss matters with the family members?

Kind regards,
[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 16 August 2021 13:31
To: [redacted] <[redacted]@aameranwar.com>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: Tuesday 17th August

Hi [redacted],

Many thanks for letting me know.

Can I please check if any of the attendees require special assistance?

Many thanks
[redacted]

[redacted]

From: [redacted] <[redacted]@aameranwar.com>
Sent: 16 August 2021 12:58
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: Tuesday 17th August

Dear [redacted],

Thank you. I'd managed to get a meeting room near by on Friday afternoon so we'll use that and be along to St Andrew's House just before 12

In attendance will be Mr Anwar, myself, [redacted], [redacted], [redacted], [redacted] and [redacted]

Let me know if anything else is needed in advance of the meeting tomorrow

Kind regards,
[redacted]

From: [redacted]@gov.scot <[redacted]@gov.scot> On Behalf Of DFMCSCR@gov.scot
Sent: 16 August 2021 10:51
To: [redacted] <[redacted]@aameranwar.com>
Subject: RE: Tuesday 17th August

Hi [redacted],

Thank you for your email.

I can confirm access to the room will be available from 11am for Mr Anwar and the family members.

Please send an attendee list when possible.

Many thanks
[redacted]

[redacted]

From: [redacted] <[redacted]@aameranwar.com>
Sent: 13 August 2021 16:21
To: [redacted] <[redacted]@gov.scot>
Subject: Tuesday 17th August

Dear [redacted],

I wonder if it would be possible for Mr Anwar to access the room an hour before the meeting with Mr Swinney and Mr Yousaf to discuss matters with the family members?

Kind regards,
[redacted]

[redacted]

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From: [redacted]
Sent: 15 September 2021 14:21
To: [redacted] <[redacted]@aameranwar.com>
Cc: [redacted] <[redacted]@gov.scot>
Subject: Scottish COVID-19 public inquiry meeting

Hi [redacted],

I am grateful for some of the Bereaved Families for Justice agreeing to meet with Scottish Government officials on 21 September. This email sets out more information about that meeting, which I hope is helpful. We are happy to have a pre-meet with you in advance of the meeting, if that would be helpful?

On 24 August, Scottish Ministers announced that a Scottish public inquiry will be established to consider Scotland's handling of the COVID-19 pandemic. An Aims and Principles paper has been published which forms the basis of stakeholder engagement on the Terms of Reference for the inquiry. It is available online here: www.gov.scot/publications/covid-19-inquiry.

We are keen to hear a wide range of views on the Aims and Principles paper. To do this, people can send an email to COVID-19publicinquirysetupteam@gov.scot. There is no requirement for emails to be in any particular format.

Please note that the Scottish Government, including this mailbox, is not taking evidence on behalf of the inquiry. Instead we are seeking views on the Government's approach to setting up the inquiry. When sending in views, people may wish to comment on the following questions:

- What do you think the Inquiry should cover?
- What do you think the Inquiry should not cover?
- Is there any type of evidence that you think is essential for the Inquiry to obtain?
- What should happen to ensure the Inquiry is completed as quickly as reasonable thoroughness permits?
- How should the Inquiry report its progress?
- Should there be interim reports? If so, what should the Inquiry deal with in interim reports?
- Should the Inquiry be required to make recommendations?
- What should be done to ensure everyone learns from the Inquiry?
- How should the Inquiry be designed so that it takes a person-centred, human rights-based approach to its work? For example, do you have views on inclusiveness and accessibility of venues and information?
- What help and support could be made available for those participating in the inquiry?
- Do you have views on whether there should be a panel of members and/or assessors, in addition to the Inquiry Chair?
- Do you have any other comments about the design of the COVID-19 Public Inquiry?

The deadline for sending comments is midnight on 30 September 2021.

The meeting arranged on 21 September with Bereaved Families for Justice is part of the discussions we are having with those who would like to participate in this way, to talk to Scottish Government officials who are collecting views on the establishment of the Inquiry. The discussions will take around 1-2 hours and focus on the same questions as those listed above.

So that there is enough time for people to contribute, we are hoping to host around 10-15 participants to the meeting who are willing to share their perspectives and views in a group setting. However, as mentioned below, please be assured that comments given in writing will be given exactly the same weight as those made in the group discussions.

If you or the individuals you represent have support needs, we will be pleased to reimburse any expenses incurred in securing preferred support like Personal Assistants or BSL interpreters. Please let us know.

In October, analytical colleagues from the Scottish Government will develop a report in order to capture input from across the three different forms of engagement. The analysis will be conducted by analysts in line with the Government Social Research Code and its core values of integrity, honesty, objectivity and impartiality.

I hope this is helpful and look forward to hearing from you.

Thanks
[redacted]

[redacted]

Extracts from 9 September briefing to Cabinet Secretary for Health and Social Care

Letter 1 – dated 25 May 2021

Prof Wilson explained that he is acting on behalf of a number of families who have suffered bereavement of family members in care homes during the pandemic.

He mentions that necessary safe guarding measures were not in place when residents were being transferred from hospital to care homes.

Prof Wilson mentions that he is grateful to the First Minister and Jeane Freeman for admitting mistakes were made, and suggesting that they would like to enter into discussions with Humza Yousaf, Cabinet Secretary for Health and Social Care, regarding a 'scheme to compensate the families and thus avoid alternative and unwelcome course of legal action.'

Prof. Watson ends his letter by saying these matters need to be resolved now, as a Public Inquiry would take too long.

Timeline of letters PBW letters to Scottish Government

25 May 2021	To Humza Yousaf Micase no. 206431	Seeking discussions about a scheme to compensate the families and avoid alternative and unwelcome course of legal action . Advising we will engage with litigation but that is very much a last resort.
11 June 2021	To Humza Yousaf Micase no. 214114	Chasing response to previous letter dated 25/05/21 - need to speak about compensating families
6 July 2021	From Humza Yousaf	Noting that Humza Yousaf too busy in new role to meet with us, offering we meet his officials instead.
8 July 2021	To Humza Yousaf	Accepting the meeting with SG officials

Recommendation:

[redacted]

Recommendation comments:

[redacted]

Theme of event:

[redacted]

View/Comment:

A second letter from PBW Law was received 11 June, which reiterates what was said in the first letter. Case number 214114. A holding response to this request was sent 28/06.

From: [redacted] <[redacted]@gov.scot> On Behalf Of Cabinet Secretary for Health and Social Care
Sent: 06 July 2021 12:01
To: [redacted] <[redacted]@gov.scot>
Cc: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: MiCase 206431

Hi [redacted],

I have issued the response.

Thank you,

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 06 July 2021 11:37
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: MiCase 206431

Hello,

Last week I sent a diary case to be reviewed by the Cabinet Secretary – [redacted]

It would be much appreciated if a response to this diary case could go out as soon as possible.

Many thanks,

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 07 June 2021 10:20
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Legal correspondence

Thanks [redacted].

[redacted], could you email the colleagues [redacted] has mentioned below, providing them with a copy of the correspondence and the statements by the FM and Ms Freeman?

You can then contact Cab Sec's PO to make them aware of it and keep them updated when we hear back from [redacted].

Many thanks,
[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 07 June 2021 09:01
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Legal correspondence

Apologies I missed this email

Agree this is the right approach. [redacted] are the main contacts but also [redacted]

[redacted]

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 03 June 2021 08:16
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: FW: Legal correspondence
Importance: High

Hi [redacted],

Thanks for forwarding.

[redacted]: please see the attached letter to Cab Sec requesting a meeting with a solicitor. I wanted to check that the correct course of action would be to contact [redacted] for advice and contact PO to make them aware of it and keep them updated with any advice from [redacted]?

Thanks,
[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 02 June 2021 11:17
To: [redacted] <[redacted]@gov.scot>
Subject: Legal correspondence

Hi [redacted],

I have received the attached piece of correspondence and at today's call [redacted] said it was best to make you aware. It's from a solicitor acting on behalf of several families who suffered the loss of loved ones in care homes during the pandemic. The correspondence has 15 days left on it.

Many thanks,

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 07 June 2021 13:49

To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Subject: Legal correspondence

Hello,

I am emailing to make you aware of a piece of correspondence which I received last week (attached). [redacted]

Many thanks,

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 08 July 2021 11:49
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: PBW Law

Thanks [redacted],

The next step will be to agree some potential dates between PBW, [redacted] and SG officials. [redacted] – who would you like to lead on this? I recall some conversation about a dedicated resource but I don't know if we've reached that stage yet.

Many thanks,
[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 08 July 2021 11:34
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: PBW Law

Hi both,

Just to make you aware I have received a response from PBW Law regarding the diary case I had.

Thanks,

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 15 June 2021 18:03
To: [redacted] <[redacted]@gov.scot>
Subject: RE: PS Minute

Hi [redacted],

Thanks, I'm happy with these responses. Has [redacted] responded to my previous email yet? I don't think I've seen it.

Yes, please forward to [redacted] for approval to send to [redacted]. I'm not sure who would meet with [redacted] but it makes sense to include your email address and make it clear that that's for admin purposes.

I'll catch up with you on Thursday.

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 15 June 2021 16:48
To: [redacted] <[redacted]@gov.scot>
Subject: RE: PS Minute

Hi [redacted],

I have added my accept/decline responses to the bottom of the PS minute if you wouldn't mind checking it over when you get the chance. If you're content with it shall I send it to [redacted] for approval and then to [redacted] to check that they're happy with it?

You'll notice at the bottom of the decline response I haven't said who they should contact to arrange a meeting with [redacted] and a policy officer from our division. I'm not too sure who this should be, but happy to put down my email address if need be.

Thanks,

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 11 June 2021 09:45
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: PS Minute

Sorry, I attached the wrong document to the last email.

[redacted]

[redacted]

From: [redacted]

Sent: 11 June 2021 09:37

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: PS Minute

Hi [redacted],

Thanks for doing this so promptly. I've sent the timeline and a couple of other documents.

I've made a few amendments and copied [redacted] for approval. [redacted] – are you happy for us to share with [redacted]?

Thanks,

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 10 June 2021 16:53

To: [redacted] <[redacted]@gov.scot>

Subject: PS Minute

Hi [redacted],

I have drafted my PS minute which I have attached – I have just answered the sections that are mandatory.

Also, would you like me to send [redacted]the timeline of care home guidance?

Thanks,

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 09 August 2021 15:58
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: Public Inquiry - Covid

Hi [redacted],

Thanks for your help with these ones.

I have included you in our diary holds – they are very blank just now but as soon as I have a response from my email sent to [redacted] just now I will add the Teams link etc.

Many thanks
[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Cabinet Secretary for Health and Social Care
Sent: 09 August 2021 15:27
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: Public Inquiry - Covid

Thanks [redacted].

I have placed a hold in the diary - grateful if you could forward the calendar invites.

Kind regards,
[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 09 August 2021 13:52
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: Public Inquiry - Covid

Hi [redacted],

Many thanks for letting me know.

DFM is content to postpone these meetings until next week.

I have had a look at both of our diaries as best I can, could you please let me know if the below would be suitable for yourselves:

- Tuesday 17th August – 1200-1300 – to meet with Mr Anwar and families

- Tuesday 17th August – 1330-1430 to meet with officials

Many thanks
[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Cabinet Secretary for Health and Social Care
Sent: 09 August 2021 11:27
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: RE: Public Inquiry - Covid

Hi [redacted],

I am afraid Mr Yousaf is on annual leave this week and therefore unable to join the meetings on Wednesday and Thursday.
Mr Yousaf has asked if it would be possible for the meetings to take place next week instead?

Thanks,

[redacted]

From: [redacted] <[redacted]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 09 August 2021 10:12
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: FW: Public Inquiry - Covid

Good Morning,

Following on from the below, DFM has requested a meeting between himself, Mr Yousaf, Mr Anwar and the families. Additionally, DFM has also requested a follow up meeting with officials and feels Mr Yousaf should be present at this. Both to take place this week.

Can I please check if the following times would be suitable for Mr Yousaf:

- Wednesday 11th August – 1630-1730 – to meet with Mr Anwar and families
- Thursday 12th August – 1500-1600 to meet with officials

Many thanks
[redacted]

From: [redacted]
Date: [redacted]
To: [redacted]
Cc: [redacted]
Subject: [redacted]

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: [redacted]
To: [redacted]
Cc: [redacted]
Subject: [redacted]

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: [redacted]
To: [redacted]
Cc: [redacted]
Subject: [redacted]

[redacted]

[redacted]

[redacted]