

**21 September Meeting – Location: Scottish Parliament**

**Document 1: Background discussions between officials and the Inquiry in advance of 21 September meeting**

**From:** [redacted] <[redacted]@covid19inquiry.scot>  
**Sent:** 16 September 2022 10:11  
**To:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>  
**Subject:** Terms of appointment and next week's meeting  
**Importance:** High

Don, [redacted], [redacted]

Sorry, this ought to have arrived last night but it seems it, along with various other sent items from last night, have been stuck in outbox. Apologies for that.

[redacted]

[redacted], you asked me for a cast list for Wednesday – Lady Poole of course will attend. It's likely that I will attend, and/or [redacted]. [redacted] may also attend. Depending on how/if things progress between now and Wednesday, it may be that [redacted] from [redacted] also attends – given I'm sure you'll need a list for Parliament security, maybe best to put all of us down for now on the basis it's unlikely all of us will be required?

Thanks

[redacted]

**[redacted]**  
**[redacted] Scottish Covid-19 Inquiry**  
**Tel: [redacted]**  
**Email: [redacted]@covid19inquiry.scot**

**From:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>  
**Sent:** 16 September 2022 10:35  
**To:** [redacted]@covid19inquiry.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

Thanks [redacted]

This helpfully clarifies a number of points. I think, given the holiday weekend, that it will be Tuesday before we are able to get back to you but just to assure you we have picked this up and are considering the options.

Don

Don McGillivray

202300338420

Director for Safer Communities  
Scottish Government  
St Andrews House  
Edinburgh EH1 3DG  
[redacted]

**From:** [redacted]  
**Sent:** 20 September 2022 13:48  
**To:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@covid19inquiry.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

[redacted],

Just on attendance and your response on that below, we asked DFM's Private Office to look for a bigger room as his office can only sit 6 people around the table, but they have been in touch to say that unfortunately there are no bigger meeting rooms available on the Parliament estate tomorrow.

Would it be possible for you to refine your cast list down to Lady Poole and two accompanying attendees, and let us know as soon as you can so we can pass on to the PO team?

If it helps to support consideration on that point, we are briefing DFM on your new proposals and these will be for him to consider, but I don't anticipate a decision before tomorrow's meeting – it is more likely that this may be used to raise some questions or points for clarification we have.

Best wishes,  
[redacted]

**From:** [redacted]@gov.scot>  
**Sent:** 20 September 2022 15:36  
**To:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@covid19inquiry.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

Hi [redacted] – just to say that PO might be able to squeeze a bit more space in DFM's room but just want to check how many people you'd ideally want to be able to have present for the Inquiry side, I've said we will feed this back to them as soon as we hear from you.

Do give me a call if helpful to discuss.

[redacted]

**From:** [redacted]@covid19inquiry.scot>  
**Sent:** 20 September 2022 16:09  
**To:** [redacted]@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

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Thank you – we can make it two plus LP, that's fine. Who is attending at your end again?

[redacted]

**From:** [redacted]@gov.scot>  
**Sent:** 20 September 2022 16:13  
**To:** [redacted]@covid19inquiry.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

It will be me and [redacted]for CIED.

[redacted]

**From:** [redacted]@covid19inquiry.scot>  
**Sent:** 20 September 2022 16:45  
**To:** [redacted]@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>; [redacted]@covid19inquiry.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

Hello

Thanks v much for that, good to know.

On review once more before tomorrow, we did note at 10.1 in the draft that the text as it stands makes reference to '[Y]our declaration email of 4 December 2021' as having been recorded. Just to note, LP has made three declarations as far as I know – 14 June (by email I think), and a letter of 15 June 2002. We think the text in the terms should probably refer to all of these or none? No strong preference on which.

More of an administrative point than a substantive one but thought worth tidying up if we can!

See you tomorrow

Thanks

[redacted]  
[redacted] Scottish Covid-19 Inquiry  
Tel: [redacted]  
Email: [redacted]@covid19inquiry.scot

**From:** [redacted]@gov.scot>  
**Sent:** 20 September 2022 17:03  
**To:** [redacted]@covid19inquiry.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]@gov.scot>  
**Cc:** [redacted]@gov.scot>; [redacted]@covid19inquiry.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

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Thanks [redacted],

I have some recollection of those exchanges though I will need to look back through our files. However, unless you feel Lady Poole particularly needs to raise this with DFM tomorrow, I'd suggest we keep focus on the proposals you sent through on Friday?

[redacted]

**From:** [redacted]<[redacted]@covid19inquiry.scot>  
**Sent:** 20 September 2022 17:08  
**To:** [redacted]<[redacted]@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; [redacted]<[redacted]@gov.scot>  
**Cc:** [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@covid19inquiry.scot>  
**Subject:** RE: Terms of appointment and next week's meeting

This feels more administrative to me and something we could sort out ourselves – just wanted to flag in case for now – but the main focus of tomorrow should be, as you say, to get to the bottom of these proposals.

Thanks!

[redacted]

[redacted]  
[redacted] Scottish Covid-19 Inquiry  
Tel: [redacted]  
Email: [redacted]@covid19inquiry.scot

**Document 2: Initial Briefing to Ministers for meeting with Lady Poole on 21 September 2022**

**From:** [redacted]@gov.scot>  
**Sent:** 16 September 2022 11:52  
**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Cc:** First Minister <firstminister@gov.scot>; [redacted]< [redacted]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; [redacted]< [redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Communications DFM & Covid Recovery <CommunicationsDFM&CovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

PS/DFM

Please see attached primary briefing for DFM's meeting with Lady Poole on 21 September. In addition, we have provided a timeline covering all the letter of appointment negotiations with Lady Poole (officials will bring a 'hard' copy to the meeting).



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**Document 4: Advice to Ministers following 21 September Meeting**

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

**Sent:** 21 September 2022 16:41

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; [redacted]@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>

**Subject:** RE: URGENT - DFM query, response by 0945 please

[redacted],

Per our exchange on Teams just now, we have received the correspondence enclosed below from [redacted] setting out Lady Poole's final position on the new wording which was discussed in the meeting this morning. It also asks that we pass on thanks to DFM for his time, which I will let [redacted] know I have done.

[redacted]

Based on the discussion in the meeting, [redacted].

I will send on separately my note of the meeting for DFM's consideration.

Best wishes,  
[redacted]

[redacted]

**Document 5: Feedback to Officials re: 21 September Meeting**

**From:** [redacted]

**Sent:** 21 September 2022 20:56

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>

**Subject:** FW: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

**Importance:** High

[redacted],

As discussed earlier, I have enclosed a note of the key points and actions from this morning's meeting between DFM and Lady Poole. I have sent this for DFM's consideration at this point and to check he is content, and then if so [redacted] will be able to circulate around the main copylist below tomorrow.

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I had undertaken to provide further advice for DFM on the point raised by Lady Poole [redacted]. What our subsequent briefing of yesterday did not reflect in its paragraph 7, and please accept my apologies for this oversight as I reviewed that briefing and did not pick this up, [redacted]

[redacted].

If any further advice on this point is needed then [redacted] and [redacted] will be able to provide this tomorrow.

In terms of contacts for the period I am on leave, [redacted] and [redacted] are the leads for the letter of appointment. They will be supported by [redacted] who will provide senior cover within the division, and by Don as Director. If you need any other contacts for key workstreams, [redacted] will be happy to assist.

Best wishes,  
[redacted]

**Document 6: Advice to the Deputy First Minister following 21 September meeting with Lady Poole**

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

**Sent:** 22 September 2022 14:15

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

**Cc:** [redacted] <[redacted]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; [redacted] <[redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Communications DFM & Covid Recovery <CommunicationsDFM&CovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Urgent Advice

PS/FM

PS/DFM

Please see attached the urgent advice requested by DFM following his meeting with Lady Poole yesterday.

[redacted]  
Covid Inquiry Establishment Division  
[redacted]

**From:** [redacted]@gov.scot> **On Behalf Of** First Minister

**Sent:** 22 September 2022 15:36

**To:** [redacted]@gov.scot>; First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

**Cc:** [redacted] <[redacted]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG

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Education & Justice <dgej@gov.scot>; [redacted] <[redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Communications DFM & Covid Recovery <CommunicationsDFM&CovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Urgent Advice

Thanks, [redacted]. [redacted] as a result, FM is content to approve.

Thanks,  
[redacted]  
[redacted]**Office of the First Minister**  
5<sup>th</sup> Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted]

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

**Sent:** 23 September 2022 12:23

**To:** First Minister <firstminister@gov.scot>; [redacted]@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

**Cc:** [redacted] <[redacted]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; [redacted] <[redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Communications DFM & Covid Recovery <CommunicationsDFMandCovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Urgent Advice

Hi [redacted],

The DFM is content on this basis.

Grateful if the letter could be shared with us so it can issue today.

Thank you  
[redacted]

[redacted] | DFMCSR@gov.scot



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**Document 7: Summary of 21 Sep meeting - Email between officials and Permanent Secretary's Private Office**

**From:** [redacted]@gov.scot> **On Behalf Of** Permanent Secretary  
**Sent:** 21 September 2022 12:39  
**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

Good Afternoon 😊

Please would it be possible for a readout for the Perm Sec from DFM's meeting today on the Covid Inquiry? Anything you may be able to share would be greatly appreciated.

Wishing you a lovely rest of the day.

Kind regards,  
[redacted]

[redacted] | Permanent Secretary's Office | 1N-07, St Andrew's House, Regent Road, Edinburgh, EH1 3DG | [redacted]

Scottish Ministers, Special Advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

**From:** [redacted]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery  
**Sent:** 21 September 2022 12:41  
**To:** Permanent Secretary <PermanentSecretary@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Cc:** [redacted]@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

Hi [redacted]

PO were not in the room – the only person who attended alongside DFM was [redacted], copied here, and I'm sure [redacted] will be happy to help

Many thanks

[redacted]

**From:** [redacted]@gov.scot>  
**Sent:** 21 September 2022 13:45  
**To:** Permanent Secretary <PermanentSecretary@gov.scot>  
**Cc:** Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; DG Education & Justice <dgej@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Subject:** RE: Official - Sensitive: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

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Thanks [redacted],

[redacted], I'll draft the usual meeting note in the course of this afternoon and you'll be copied when that goes up to DFM PO but in summary:

- the meeting covered a lot of ground in terms of why Lady Poole feels she needs different terms of appointment as a sitting judge to other inquiry chairs, and DFM outlined our concerns regarding the approaches she has proposed to date for amending the clause relating to waiver of rights on termination in her letter of appointment.

- Lady Poole proposed another approach to alternative wording in the meeting, which we are still waiting to see from the Inquiry at time of drafting this, and on which DFM wishes to have advice [redacted] by end of today on whether we can accept it.

- [redacted]

- [redacted]. DFM asked me to ensure that my division are engaging with PD to ensure the Inquiry was getting all the support it needed and that the staffing it needed to operate was being prioritised, and that his view on the importance of this was clearly communicated to relevant leads within SG.

- [redacted]

Best wishes,

[redacted]

[redacted] | Directorate for Safer Communities | Scottish Government | [redacted]

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## **30 September Meetings – Location: Call**

### **Document 8: Email from DFM Private Office requesting information to inform meetings with Lady Poole on 30 September.**

**From:** Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>

**Sent:** 30 September 2022 11:04

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

**Cc:** Lord Carloway <Lord.carloway@scotcourts.gov.uk>; [redacted]@covid19inquiry.scot>; [redacted]@covid19inquiry.scot>

**Subject:** For the attention of the Deputy First Minister

Dear Mr Swinney

Thank you for entrusting me to chair the Scottish COVID-19 Inquiry. With regret, I write to give 3 months written notice of my resignation as Chair under Clause 4.2 of the terms of appointment and Section 12(2) of the Inquiries Act 2005.

I am of course happy to assist with the transition to my successor.

I have copied in the Lord President, to whom I spoke before submitting this resignation, as well as the interim secretaries to the Inquiry.

Yours sincerely

Lady Poole



**Lady Poole**

Chair

Scottish COVID-19 Inquiry

**Email:** Lady.Poole@covid19inquiry.scot



FREEPOST Scottish Covid-19 Inquiry

[www.covid19inquiry.scot](http://www.covid19inquiry.scot)

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

**Sent:** 30 September 2022 11:25

**To:** First Minister <firstminister@gov.scot>

**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@covid19inquiry.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; [redacted]@gov.scot>

**Subject:** FW: For the attention of the Deputy First Minister

Morning,

Please see below resignation notice from Lady Poole.

For your awareness at this stage.

DFM will be speaking to Lady Poole shortly.

Thank you

[redacted]

[redacted]DFMCSCR@gov.scot

*All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments. Scottish Ministers, Special Advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)*

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

**Sent:** 30 September 2022 12:32

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; First Minister <firstminister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

**Subject:** RE: For the attention of the Deputy First Minister

Colleagues

A few actions arisen from a call I have had with the DFM:

1. [redacted]. Further to this, DFM would like explanation about level of recruitment, resourcing and support to the Inquiry.
2. [redacted – out of scope].

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3. DFM would like another call with Lady Poole at 1330 today and I will take that forward. No officials required.

Grateful for confirmation that points 1 and 2 are being picked up urgently

Thank you

[redacted]

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

**Sent:** 30 September 2022 13:33

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>; First Minister <firstminister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

**Subject:** RE: For the attention of the Deputy First Minister

Colleagues

Just to keep you updated, I am still awaiting a response from Lady Poole on a further call with DFM – nothing scheduled yet.

Thank you

[redacted]

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**From:** McGillivray D (Donald)

**Sent:** 30 September 2022 13:51

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; First Minister <firstminister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

**Subject:** RE: For the attention of the Deputy First Minister

[redacted]

The [redacted] has indicated they will be in touch to make arrangements. They had been in internal consultations and missed the message.

I will get a short update note to you shortly

Don

Don McGillivray  
Director for Safer Communities  
Scottish Government  
St Andrews House  
Edinburgh EH1 3DG  
[redacted]

**From:** McGillivray D (Donald)

**Sent:** 30 September 2022 14:15

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

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; First Minister <firstminister@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>

**Subject:** Official: Sensitive: For the attention of the Deputy First Minister

[redacted]

We spoke.

[redacted]

I am in contact with [redacted] and will update further if there is any further information. A key issue will be timelines for communications – the [redacted] is keen to tell staff in case it leaks, but at the same time we do not want to leave a large gap between internal and external communications for the same reasons.

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Don

Don McGillivray  
Director for Safer Communities  
Scottish Government  
St Andrews House  
Edinburgh EH1 3DG  
[redacted]

**From:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>

**Sent:** 30 September 2022 14:26

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

**Cc:** [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot;

[redacted]@gov.scot; First Minister <firstminister@gov.scot>; McCaig C (Callum)

<Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary

<PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Bruce A (Andrew)

<Andrew.Bruce@gov.scot>; [redacted]@gov.scot; [redacted] <[redacted]@gov.scot>; Macniven R

(Ruaraidh) <Ruaraidh.Macniven@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot

**Subject:** RE: Official: Sensitive: For the attention of the Deputy First Minister

[redacted]

[redacted]

Don

Don McGillivray  
Director for Safer Communities  
Scottish Government  
St Andrews House  
Edinburgh EH1 3DG  
[redacted]

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

**Sent:** 30 September 2022 14:57

**To:** McGillivray D (Donald) <Donald.McGillivray@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

**Cc:** [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot;

[redacted]@gov.scot; First Minister <firstminister@gov.scot>; McCaig C (Callum)

<Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary

<PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Bruce A (Andrew)

<Andrew.Bruce@gov.scot>; [redacted]@gov.scot; [redacted] <[redacted]@gov.scot>; Macniven R

(Ruaraidh) <Ruaraidh.Macniven@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot

**Subject:** RE: Official: Sensitive: For the attention of the Deputy First Minister

Hi Don

Thanks for the note.

[redacted – out of scope]

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DFM is speaking to Lady Poole again in five minutes, I will be on that call and can speak to you afterwards.

Many thanks

[redacted]

[redacted]

**Document 9: Email discussion between officials**

**From:** Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>

**Sent:** 30 September 2022 11:04

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

**Cc:** Lord Carloway <Lord.carloway@scotcourts.gov.uk>; [redacted]@covid19inquiry.scot>; [redacted]@covid19inquiry.scot>

**Subject:** For the attention of the Deputy First Minister

Dear Mr Swinney

Thank you for entrusting me to chair the Scottish COVID-19 Inquiry. With regret, I write to give 3 months written notice of my resignation as Chair under Clause 4.2 of the terms of appointment and Section 12(2) of the Inquiries Act 2005.

I am of course happy to assist with the transition to my successor.

I have copied in the Lord President, to whom I spoke before submitting this resignation, as well as the interim secretaries to the Inquiry.

Yours sincerely

Lady Poole



**Lady Poole**

Chair

Scottish COVID-19 Inquiry

**Email:** [Lady.Poole@covid19inquiry.scot](mailto:Lady.Poole@covid19inquiry.scot)

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Also adding [redacted] as [redacted]

Thanks

[redacted]

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

**Sent:** 30 September 2022 11:43

**To:** [redacted]@covid19inquiry.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; First Minister <firstminister@gov.scot>

**Cc:** [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [redacted]@covid19inquiry.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>

**Subject:** RE: For the attention of the Deputy First Minister

Adjusting copy list – please use this one

[redacted]

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## **27 October Meeting – Location: Call**

### **Document 10: Email from Officials to Deputy First Minister Private Office, compiling handover period advice, suggesting the Deputy First Minister meet with Lady Poole**

**From:** [redacted]@gov.scot

**Sent:** 25 October 2022 17:32

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

**Subject:** RE: Letter from the Deputy First Minister

[redacted],

[redacted – out of scope]

If you or team colleagues could make DFM aware of this for now, in terms of timing and when he will see the draft statement, I'd be very grateful. The only other point on which I'd really appreciate a steer just now is whether DFM would in principle be content to have a conversation with Lady Poole – if it were possible to get one set up within her period of leave this week – before the statement? The aim would be try to agree a formal end date for the handover that would then enable us to set a confirmed start date for Lord Brailsford's appointment before the statement is made, as well as offering a courtesy notification to Lady Poole that a new Chair is to be announced. We'd need of course to agree whatever Lady Poole might propose by way of handover period with Lord Brailsford or vice versa, but I think it is worth exploring this if DFM would be content to make such an approach to both parties.

Best wishes,  
[redacted]

### **Document 11: Email between Inquiry and Officials arranging 27 Oct meeting**

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

**Sent:** Wednesday, October 26, 2022 1:19 PM

**To:** Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>

**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; [redacted]@covid19inquiry.scot

**Subject:** Meeting with DFM tomorrow

Dear Lady Poole

The Deputy First Minister would be grateful if you would consider meeting him tomorrow morning (via MS Teams) sometime between 10:30-11:30, ahead of his statement to Parliament in the afternoon (14:25). Please could you let me know whether this may be possible.

Best wishes

[redacted]

[Redacted] | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG [Redacted] |  
E: DFMCSCR@gov.scot

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**From:** [redacted]@covid19inquiry.scot

**Sent:** 26 October 2022 13:35

**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>

**Subject:** RE: Meeting with DFM tomorrow

[redacted],

I have heard back from Lady Poole. She would like if the phone call could be 10:30 UK time. [redacted] it might be best if a direct call could be made to her mobile number. She has indicated that she is happy for me to pass this on.

There is a risk that the dial-in connection may be hampered if there is any confusion around international dialling codes etc.

Lady Poole also asked me to pass on that she can access her faculty email address if that is easier for you. [redacted]

Of course, I'm happy to co-ordinate between the inquiry email and text as required.

[redacted]

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

**Sent:** Wednesday, October 26, 2022 2:03 PM

**To:** [redacted]@covid19inquiry.scot; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

**Subject:** RE: Meeting with DFM tomorrow

Hi [redacted]

That is very helpful, thank you. 10:30 would be great - if you are able to give me the best number for Lady Poole I can call Lady Poole and connect her to the DFM using my desk phone.

Many thanks

[redacted]

**From:** [redacted]@covid19inquiry.scot

**Sent:** 26 October 2022 14:54

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

**Subject:** RE: Meeting with DFM tomorrow

That's perfect [redacted].

Lady Poole's number is [redacted]

I have texted to let her know the timing and call arrangements. If there are any problems, please let me know and I'll do what I can to help.

[redacted].

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**Document 12: Email from Officials to Deputy First Minister Private Office discussing Lady Poole's handover in advance of 27 October meeting.**

**From:** [redacted]@gov.scot

**Sent:** 26 October 2022 17:34

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

**Cc:** First Minister <firstminister@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; McCaig C (Callum) <Callum.Mccaig@gov.scot>; McGillivray D (Donald) <Donald.McGillivray@gov.scot>

**Subject:** RE: URGENT: [OFF-SEN]: Covid Inquiry Letter - DFM Request - draft Parliamentary statement and supporting advice

**Importance:** High

[redacted],

For DFM's awareness, and reducing copylist slightly –

I spoke earlier to the [redacted] to the Inquiry, and [redacted] advised that Lord Brailsford had an introduction call with [redacted] and [redacted] earlier this afternoon. [redacted] relayed the following to me on the basis that the appointment of the new Chair and the start date for that appointment are matters for Ministers, and she was content for me to pass this on to Ministers for their awareness.

[redacted] noted that the introduction call with Lord Brailsford has been positive, and that he is keen to begin work but equally very mindful of the importance of his formal appointment start date in this context. For that reason, it has been agreed that any discussions with the Inquiry [redacted] before the formal start date point should focus only on the practical matters required to prepare for that, such as getting IT equipment etc in place. [redacted] noted that Lord Brailsford had indicated that he would ideally wish to begin work this Friday (as had been noted in your meeting with him yesterday morning) or next Monday at the latest – but this would be a matter for Ministers to confirm. [redacted]

[redacted].

DFM may wish to consider the approach proposed by Lord Brailsford in advance of his 10.30 call with Lady Poole tomorrow, and whether that call would offer an opportunity to discuss with her the potential for a handover to take effect as soon as this Friday or next Monday for the reasons set out above around stability and certainty. If DFM **would** be minded to mention this approach to Lady Poole, my suggestion would be that we advise Lord Brailsford of this in advance and confirm he is content that a proposed handover date of Friday 28<sup>th</sup> or Monday 31<sup>st</sup> October be mentioned to Lady Poole.

I am of course happy to discuss further.

[redacted]

[Redacted]: Covid Inquiry Establishment Division | Directorate for Safer Communities | Scottish Government | [Redacted]

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**Document 13: Email from Inquiry to Deputy First Minister Private Office confirming Chair notice period following 27 October meeting.**

**From:** [redacted]@covid19inquiry.scot

**Sent:** 27 October 2022 11:12

**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; [redacted]@gov.scot; McGillivray D (Donald) <Donald.McGillivray@gov.scot>

**Cc:** Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>; [redacted]@covid19inquiry.scot

**Subject:** Scottish COVID-19 Inquiry Chair

Good morning

I have spoken to Lady Poole who has asked me to confirm on her behalf that she is content for her notice period to end today 27 October 2022.

Could you please let me know if anything further is required today?

Many thanks

[redacted]



[redacted]  
Scottish COVID-19 Inquiry

[redacted]  
FREEPOST Scottish COVID-19 Inquiry  
[www.covid19inquiry.scot](http://www.covid19inquiry.scot)

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

**Sent:** 27 October 2022 15:59

**To:** [redacted]@covid19inquiry.scot; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; [redacted]@gov.scot; McGillivray D (Donald) <Donald.McGillivray@gov.scot>

**Cc:** Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>; [redacted]@covid19inquiry.scot

**Subject:** RE: Scottish COVID-19 Inquiry Chair

Hello [redacted]

Thank you very much for this. I can confirm that nothing further is required today.

Many thanks

[redacted]

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**Document 14: Note of phone meeting between the Deputy First Minister and Lady Poole on 27 Oct, 1030**

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

**Sent:** 02 November 2022 11:37

**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <[DFMCSCR@gov.scot](mailto:DFMCSCR@gov.scot)>

**Cc:** First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; [redacted]< [redacted]@gov.scot>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; Director of Safer Communities <[DirectorofSaferCommunities@gov.scot](mailto:DirectorofSaferCommunities@gov.scot)>; McCaig C (Callum) <[Callum.Mccaig@gov.scot](mailto:Callum.Mccaig@gov.scot)>; [redacted]@gov.scot; [redacted]@gov.scot; Communications DFM & Covid Recovery <[CommunicationsDFM&CovidRecovery@gov.scot](mailto:CommunicationsDFM&CovidRecovery@gov.scot)>; Communications First Minister <[CommunicationsFirstMinister@gov.scot](mailto:CommunicationsFirstMinister@gov.scot)>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot

**Subject:** Covid Inquiry - Letter Confirming Lady Poole's Date of Resignation

PS/DFM

Please see attached a letter which formally confirms Lady Poole's date of resignation in response to [redacted] email of 27 October on behalf of Lady Poole. DFM is asked to agree and issue to Lady Poole.

The letter follows a meeting between DFM and Lady Poole on Thursday 27 October on this issue. The note of this meeting was drafted by [redacted] and is included below, for DFM's agreement before being stored for record.

BEGINS

DFM spoke with Lady Poole by conference call at 10.30am on Thursday 27 October. Also present on the call were [redacted] and [redacted].

DFM thanked Lady Poole for her time to speak and explained that he would be making a statement to the Scottish Parliament that afternoon, although the details he would advise her of must be kept private until that point.

DFM noted that he was now in a position to appoint another senator to take over the leadership of the Scottish Covid-19 Inquiry, and that he would that afternoon intend to announce that the Hon Lord Brailsford would now lead the Inquiry. As the Inquiries Act permitted only one Chair of an inquiry to be in place at any one time, for Lord Brailsford to be able to start as Chair the following day (28 October) as he was available to do, the effective date of the end of Lady Poole's notice period would need to be before that point.

Lady Poole noted that she had already made clear her resignation in her email to DFM of 30 September and asked what else she needed to do in order to make that take effect, to which DFM clarified that it would be helpful to receive in writing her agreement that the end of her notice period take effect sooner than the three months from 30 September specified in her appointment letter. Lady Poole noted [redacted] she would ask the Inquiry [redacted] to send a note to say she had agreed that her notice period had concluded with effect from Thursday 27 October.

Lady Poole noted that it would be sensible if she could continue for now to have access to her Inquiry IT account so that any files and documents that were needed could be used in a handover to

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Lord Brailsford to explain work undertaken to date, and DFM noted that he would have no issue with that approach.

DFM concluded by thanking Lady Poole for her leadership of the Scottish Covid-19 Inquiry and contribution to its work during her time as Chair.

ENDS

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[redacted]

Covid Inquiry Establishment Division | Directorate for Safer Communities | Scottish Government  
[redacted]

**From:** [redacted]@gov.scot

**Sent:** 03 November 2022 16:27

**To:** Deputy First Minister and Cabinet Secretary for Covid Recovery <[DFMCSCR@gov.scot](mailto:DFMCSCR@gov.scot)>

**Cc:** First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>; [redacted]< [redacted]@gov.scot>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; Director of Safer Communities <[DirectorofSaferCommunities@gov.scot](mailto:DirectorofSaferCommunities@gov.scot)>; McCaig C (Callum) <[Callum.Mccaig@gov.scot](mailto:Callum.Mccaig@gov.scot)>; [redacted]@gov.scot>; [redacted]@gov.scot; Communications DFM & Covid Recovery <[CommunicationsDFM&CovidRecovery@gov.scot](mailto:CommunicationsDFM&CovidRecovery@gov.scot)>; Communications First Minister <[CommunicationsFirstMinister@gov.scot](mailto:CommunicationsFirstMinister@gov.scot)>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

**Subject:** RE: Covid Inquiry - Letter Confirming Lady Poole's Date of Resignation

PS/DFM

The previous version of note of meeting with Lady Poole and DFM on 27 October has been amended to more accurately reflect the outcome of what was agreed with DFM at the meeting:

Lady Poole [redacted], she would ask the Inquiry [redacted] to send a note to say she had agreed that her notice period had concluded with effect from Friday 28 October (in the event, the email subsequently received from Inquiry [redacted] said that Lady Poole was content that her notice period would end with effect from that day, Thursday 27 October).

Please can this revised version of the note (below) be used for DFM's agreement before we store for the record.

Apologies for inconvenience.

Thanks

[redacted]

Covid Inquiry Establishment Division

[redacted]

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

**Sent:** 03 November 2022 17:43

**To:** [redacted]@gov.scot; Deputy First Minister and Cabinet Secretary for Covid Recovery <[DFMCSCR@gov.scot](mailto:DFMCSCR@gov.scot)>



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**Cc:** First Minister <firstminister@gov.scot>; [redacted]< [redacted]@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; Communications DFM & Covid Recovery <CommunicationsDFMandCovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot  
**Subject:** RE: Covid Inquiry - Letter Confirming Lady Poole's Date of Resignation

Hi [redacted]

DFM has cleared the letter – please see attached, grateful if this could be stored for the record. I will come back separately on the note of the meeting, once updated wording cleared by DFM.

Thank you

[redacted]

**Document 15: Letter from Deputy First Minister Private Office to Lady Poole confirming resignation date**

**From:** [redacted]@gov.scot **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery  
**Sent:** 03 November 2022 16:57  
**To:** [redacted]@scotcourts.pnn.gov.uk  
**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Subject:** Letter from the Deputy First Minister

Dear Lady Poole

Please find attached letter from the Deputy First Minister.

Many thanks

[redacted]

[redacted] | [redacted] | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG  
[redacted] | E: DFMCSCR@gov.scot

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**From:** [redacted]@gov.scot **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery  
**Sent:** 07 November 2022 12:39  
**To:** [redacted]@gov.scot; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>  
**Cc:** First Minister <firstminister@gov.scot>; [redacted]< [redacted]@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of

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Safer Communities <DirectorofSaferCommunities@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; Communications DFM & Covid Recovery <CommunicationsDFM&CovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot  
**Subject:** RE: Covid Inquiry - Letter Confirming Lady Poole's Date of Resignation

**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.**

Hi [redacted]

DFM is content with the updated note of the meeting.

Thank you

[redacted]