

Document 1: Note of meeting – Deputy First Minister and Lord Brailsford, 25 October, 2022

From: [Redacted]

Sent: 27 October 2022 11:28

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; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>

Subject: Urgent: note of meeting with Lord Brailsford and statement draft copy

[Redacted],

As discussed, attached is a clean copy of the statement just sent to FM (I've removed the two final points retained in track for the copy that went to FM) and below is a draft of the minute of the meeting with Lord Brailsford on Tuesday that recorded his declarations in terms of the requirements of the Act around suitability and impartiality. To ensure we can be absolutely confident in the wording in the statement about no panel members being appointed at this point, I have suggested in the proposed cover text to Lord Brailsford below that we also seek to confirm this point with him.

Happy of course to discuss further, but hopefully this all makes sense and DFM will be content for it to go to Lord Brailsford. We need to now finalise his formal letter of appointment, but that does not need to be signed before the statement – we'll get it to you as soon as we can this afternoon however.

[Redacted]

Cover email text:

Lord Brailsford,

I enclose a near-final copy of the statement that the Deputy First Minister will deliver to Parliament this afternoon in relation to the Inquiry – please let me know if there are any matters in the statement you wish to raise or discuss.

I also enclose below a note of Tuesday's meeting, which records that the matters of suitability and impartiality were discussed in line with the requirements of the Inquiries Act, and that you were content to declare that there are no matters you wish to raise. May I ask you to confirm by reply that you are content with our minuting of this declaration for our records?

The discussion on Tuesday did not specifically cover the question of panel members. However, officials have proceeded on the basis that as you have not indicated you would wish to sit as Chair alongside panel members, the statement today will simply note (in the same way as in the statement last December announcing Lady Poole's appointment) that no announcement on the appointment of panel members will be made today. If you would wish however to undertake further discussion on the matter of panel members when your formal appointment takes effect, the Deputy First Minister and SG Inquiry sponsorship team officials will be happy to do this.

Best wishes, etc

BEGINS

SCOTTISH COVID-19 INQUIRY: CHAIR APPOINTMENT

The Deputy First Minister met with the Hon. Lord Brailsford via Teams on Tuesday 25 October, 09.00 – 09.30. Also in attendance were [Redacted] and [Redacted]

The DFM thanked Lord Brailsford for his time to meet both this morning and previously with him and the First Minister, and noted that he and the First Minister wished to invite Lord Brailsford to become the new Chair of the Scottish Covid-19 Inquiry following the departure of Lady Poole and for the completion of the Inquiry's remit and responsibilities. Lord Brailsford responded that he would be honoured and more than happy to accept.

DFM noted that there would now be operational steps to be taken to progress the appointment, including a Parliamentary statement expected to be on Thursday afternoon and where DFM would announce a new Chair and an amendment to the terms of reference – the details of the appointment would remain private until then, and DFM would confirm the statement timings and share a copy with Lord Brailsford in advance of delivery.

DFM undertook that Scottish Government would send on a draft letter of appointment to Lord Brailsford later in the day along with a copy of the Inquiry remit with one small change marked up, which would be underpin the work of the Inquiry with reference to a human rights-based approach – the aim being to address the recent decline in confidence in the Inquiry of stakeholder organisations. It would be the intention to also announce this addition to the terms of reference in the Parliamentary statement.

DFM noted that he and Lord Brailsford and the First Minister had discussed when they met last week (19/10) the Inquiries Act requirements whereby Ministers are required to satisfy themselves that a Chair has the necessary expertise to undertake the inquiry (section 8); and can act with impartiality (section 9). To ensure this was captured for the record of today's meeting, DFM invited Lord Brailsford to declare whether any conflict of interest existed and to confirm there were no relevant matters or considerations that would mean he was not able to act with impartiality. Lord Brailsford confirmed that these matters had been discussed at last week's meeting and he had no issues or matters to raise in regards to these requirements.

DFM noted that restoration of confidence in the Inquiry was a key concern for him, and that he would wish Lord Brailsford to be able to undertake early engagement with bereaved families representatives (which the Inquiry's team of staff would be able to support on setting up). DFM also undertook to be available to discuss what other resources might be considered to be needed for the Inquiry from Scottish Government as its sponsor, once Lord Brailsford had formed an initial view of what would be needed to support the approach he wished to take. Lord Brailsford noted that he understood and would be happy to have such a discussion with DFM in due course.

Lord Brailsford noted that he would speak to the Lord President regarding his existing judicial commitments, but wished to start as soon as possible, ideally by this Friday morning (28/10). DFM noted that the Inquiry co-Secretaries would be able to support with necessary induction arrangements and that [Redacted] would be able to ensure from the SG side that Lord Brailsford was provided with the draft appointment letter, along with any other immediate support on matters in relation to the appointment.

In concluding, DFM thanked Lord Brailsford for his acceptance of the offer of appointment as the new Chair of the Inquiry.

ENDS

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

Sent: 27 October 2022 12:21

To: [Redacted]@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; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>

Subject: RE: Urgent: note of meeting with Lord Brailsford and statement draft copy

Thanks [Redacted],

I have issued this note to Lord Brailsford as outlined below, and copied you in.

Many thanks,
[Redacted]

[Redacted]
[Redacted]

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

Document 2: Email of note issued to Lord Brailsford

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

Sent: 27 October 2022 12:20

To: Lord Brailsford <[redacted]@scotcourts.gov.uk>

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

Subject: Correspondence on behalf of the Deputy First Minister - 27 October 2022

Dear Lord Brailsford,

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Kind regards,
[Redacted]

BEGINS

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ENDS

[Redacted]

[Redacted]

[Redacted]

The Scottish Government | St Andrew's House, Regent Road, Edinburgh, EH1 3DG

[Redacted] | E: DFMCS@gov.scot