

The Hon. Lady Poole QC

By email

13 January 2022

COVID-19 Public Inquiry

Dear Lady Poole,

On behalf of the Health and Social Care Alliance Scotland (the ALLIANCE), I would like to congratulate you on your appointment as chair for the public inquiry into the handling of COVID-19 in Scotland.

COVID-19 has had a profound and disproportionate impact on certain population groups, including disabled people, people living with long term conditions and unpaid carers. A range of issues within the Scottish Government, local and Integration Authorities, and the third and independent sectors, have been highlighted and exacerbated.

The ALLIANCE therefore welcomes the reference to human rights within the inquiry's Terms of Reference. However, we believe that further steps are needed to explicitly embed human rights, intersectionality and equalities in the approach taken to the inquiry. It is imperative that we understand fully the intersectional human rights implications of decision making during the COVID-19 pandemic, including how decisions were made, the transparency behind those decisions, the extent to which human rights were considered, and the impact on individuals, families, and carers.

To ensure human rights are embedded throughout the inquiry, participation, communication, and analysis processes — as well as the outputs from the inquiry — should be framed within a clear, robust, and transparent human rights framework. Crucially, this must ensure that those most affected by the pandemic are at the centre of the inquiry, and that people are heard in an inclusive, accessible and meaningful way.

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Our members have consistently called for an inquiry to take place without delay, and to cover issues such as emergency planning, Personal Protective Equipment, end of life care, the use of Do Not Attempt CPR orders, shielding, and the impact of COVID-19 on the residents and staff of Scotland's care homes. We welcome these issues being included within the inquiry's remit.

However, there are key issues that do not fall within the scope of the inquiry, which should be considered and addressed. This is necessary to safeguard the rights and interests of disabled people, people living with long term conditions and unpaid carers who rely on health and social care services. Some of the key areas are summarised below:

- Whether people who were left without essential social care experienced interferences and non-compliance with their human rights, for example through the reduction and removal of a significant proportion of social care packages.
- Whether unpaid carers have received adequate support, funding, and resources during the pandemic.
- What impact the suspension or alteration of statutory complaints procedures in some local authorities in Scotland has had on those that access social care.
- The decision making process behind the remobilising of social care day services, including who was consulted, which facilities were prioritised, and why.
- The impact of public health messaging and communication on individual health and wellbeing, including whether information was accessible, inclusive, and available in multiple formats.
- The use of public finances, including the decision making process for resource allocation, and whether mechanisms were in place to embed core human rights principles such as transparency, participation and accountability

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in financial processes.

- What steps have been taken to support people living with Long Covid, including access to care and support, and research.
- What happened to participation processes during the pandemic, what impact has this had on people accessing support and unpaid carers, and what steps were taken to ensure people were able to participate in decisions which affect their human rights.
- Whether Equality Impact Assessments and Human Rights Impact Assessments were used to inform decision making, including changes to services, policy and practice during the pandemic.
- How people with sensory loss were impacted by COVID-19, whether steps were taken to address accessibility issues, and whether people with sensory loss were included and consulted on decision making.
- How disabled children and young people, and their families, were impacted by disruption to health and social care services, and whether disabled children and young people, and their families, were included and consulted on decision making.

In September 2021, the ALLIANCE submitted a briefing based on people's first hand experiences of health and social care during the COVID-19 pandemic to the Scottish Government's consultation on the draft aims and principles of a public inquiry. The briefing outlines a list of key issues which we believe should be included in the remit of the inquiry, and recommendations on how it should be conducted to ensure that people are at the centre and everyone's voices are heard. [You can read the full briefing here.](#)

About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a

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ALLIANCE
HEALTH AND SOCIAL CARE
ALLIANCE SCOTLAND
people at the centre

growing membership of over 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre. [You can read a further short summary of our work here.](#)

The ALLIANCE would welcome the opportunity to help facilitate engagement with people with lived experience as part of the inquiry. We recently conducted two substantial pieces of engagement work: the partnership [People at the Centre Engagement Programme](#) commissioned by the Cabinet Secretary and the Mobilisation Recovery Group, and the [engagement programme which informed the Independent Review of Adult Social Care](#). Both pieces of work emphasised the importance of engaging with people with lived experience and putting people at the centre of decision making.

We would welcome the opportunity to meet with you or answer any questions you may have. You can direct any enquiries to Gillian McElroy at gillian.mcelroy@alliance-scotland.org.uk or Rob Gowans at rob.gowans@alliance-scotland.org.uk.

Yours sincerely,

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