

Alert | White Collar Crime & Investigations



December 2021

UK COVID-19 Inquiry Chair Announced

On Dec. 15 Prime Minister Boris Johnson **announced** the appointment of Baroness Heather Hallett as chair of the forthcoming public inquiry into the COVID-19 pandemic. The British government committed to holding a public inquiry to investigate the UK's response to the pandemic. The inquiry is likely to be set up under statutory powers which will give the chair the authority to compel the production of documents and to summon witnesses to give evidence under oath. The inquiry is due to begin in spring 2022.

What is the purpose of the inquiry?

Inquiries are set up to answer three questions:

- What happened?
- Why did it happen?
- What lessons can be learned for the future?

Who may be involved in the inquiry?

There will be a wide range of bodies involved in the inquiry. Evidence will be taken from government departments and public bodies as well as those involved in the provision of care to the ill and the elderly, the supply of personal protective equipment (PPE) and the development and rollout of the vaccine programme. The indirect effects of the pandemic on education and mental health could also be examined so as to make recommendations for the future.

Terms of reference

The terms of reference have not yet been set. The devolved governments of the UK will also hold their own inquiries. Only the Scottish government has announced its terms; it will look into the direct and indirect harms caused by the pandemic to the health and social services and to education. It will also assess the erosion of trust in the social contract between the people and the government.

Core participants

If an individual or entity has a significant interest or role in an important aspect of the inquiry, or if they will be subject to significant criticism, they can apply to participate in the inquiry as a 'Core Participant'. They will receive documents and witness statements, and they can make representations to the chair about the terms of reference, the conduct of the inquiry, and they can apply to cross examine witnesses and make opening and closing speeches.

Costs of participation in an inquiry

The chair can make awards of reasonable costs for those witnesses and core participants who cannot afford the legal fees, but generally, businesses involved in an inquiry will be expected to pay their own legal fees. Sometimes businesses have insurance cover for inquiries; others have crowd funded, invited donations or bequests (depending on the type of business), or looked into after-the-event (ATE) insurance.

Where possible, industries with common interests and experiences (for example the care home sector or the families of the bereaved) might find it cost-effective to combine forces to minimize costs and speak with one voice as a Core Participant.

Author

This GT Alert was prepared by:

- **Jo Rickards** | +44 (0) 203.349.8700 | Jo.Rickards@gtlaw.com

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