

# **The Scottish COVID-19 Inquiry**

## **Funding Protocol for Legal Expenses**

### **1. Introduction**

1.1 This protocol explains who is eligible to apply for their legal expenses to be paid by the Scottish COVID-19 Inquiry. It covers the application process, and how decisions are made about who should be given an award. It also covers how sums payable under an award are assessed and paid out. A separate protocol will be published dealing with how to claim for other expenses.

1.2 People and organisations can be involved with the Inquiry's work in several ways. Legal representation is often not needed, but sometimes people will want to be represented by a lawyer to assist them to participate. If they can't afford a lawyer, they may be able to ask the Inquiry to make payments towards the costs of legal representation.

1.3 There are two main stages in claiming funding from the Inquiry. The first stage (covered in paragraphs 2-6 below) is an application for a decision whether the Inquiry should, as a matter of principle, make payments towards an applicant's legal expenses. If the Chair considers the type of work listed in the application form should be funded, he will make a decision to that effect. The second stage (covered in paragraphs 7-8 below) is a decision by the Solicitor to the Inquiry, after bills have been submitted, as to how much of the legal expenses claimed should be paid for by the Inquiry.

1.4 The legislation sets out tests which must be passed for people to be eligible for funding. The main provisions are found in:

- (a) the [Inquiries Act 2005](#) ("the Act") (in particular sections 17 and 40);
- (b) the [Inquiries \(Scotland\) Rules 2007](#) (SSI 2007/560) ("the Rules") (in particular Rules 17 to 28); and
- (c) the determination issued by the Scottish Ministers under section 40(4) of the Act ("the Section 40 Determination"), the text of which is attached at Annex 1 to this protocol.

### **2. Eligibility for an award of legal expenses**

2.1 A person is eligible to be considered for an award of legal expenses if they are:

(a) a person or organisation attending the Inquiry to give evidence or to produce any document or material; or

(b) a person or organisation who, in the opinion of the Chair, has such a particular interest in the proceedings or outcome of the Inquiry as to justify such an award.

2.2 The Chair must make decisions about procedure and conduct of the inquiry, including funding, having regard to fairness and the need to avoid unnecessary expense. Therefore, wherever possible, and to minimise expense to the public purse, applicants are encouraged to instruct recognised legal representatives who are instructed also by other parties with similar interests to theirs in the issues being investigated by the Inquiry.

### **3. How an application is decided**

3.1 For those meeting the eligibility criteria set out in paragraph 2.1 above, in deciding whether to make an award for legal expenses, the Chair will:

(a) comply with the Act, the Rules and the conditions in the Section 40 Determination; and

(b) act fairly, having regard to the need to avoid any unnecessary cost.

3.2 Subject to the above, the Chair will take the following factors into account when determining whether to grant an application, in whole or in part:

(a) the financial resources of the applicant;

(b) whether it is in the public interest to grant the application; and

(c) whether it is necessary, fair, reasonable and proportionate to grant the application.

3.3 When considering the applicant's financial resources, the Chair will take account of any alternative sources of funding that may be available, such as organisations that can assist with payment of fees. This includes, for example, trades unions, professional bodies and insurance companies.

The Section 40 determination sets out who requires to disclose their financial resources when applying for funding. It also contains a waiver meaning that certain applicants will not be subject to a means test, as follows:

"...it is in the public interest for certain applicants to be eligible for awards for funding for legal representation without having to provide information as to their financial resources. Scottish Ministers,

therefore, have determined that rule 18(2)(a) of the Inquiry (Scotland) Rules 2007 (“the 2007 Rules”) may be satisfied without enquiry as to the financial resources of an applicant, in respect of an application for an award of funding for legal representation by families of people who were infected with COVID-19 and who died (including people who, in the opinion of the Chair, do not unreasonably believe that they or their family member were so infected). It is for the Chair to interpret this condition in determining whether an award should be made.”

The Inquiry will interpret this in practice such that applicants will not require to detail their financial resources in support of their application where they are the family members of people who died with COVID-19, including those who, in the opinion of the Chair, reasonably believe that their family member was so infected.

3.4 In all other cases not covered by 3.3 above, in order to consider whether the financial resources available to the applicant are sufficient to meet their legal expenses without creating financial hardship, the Chair may require a detailed estimate from the legal representative of the likely costs that would be incurred in the provision of legal representation for the purposes of the Inquiry, either for all work to be carried out or for specific parts of it.

3.5 Being designated as a core participant does not automatically confer a right to receive funding for legal representation. The Chair will apply the criteria set out in this protocol to all applications for legal expenses received.

#### **4. Scope of award of legal expenses**

4.1 Where the Chair makes an award, it will normally be limited to a recognised legal representative carrying out work with regard to matters relating to an individual or group’s participation in the Inquiry. An award may also be limited to participation in particular activities, stages or investigative portfolios of the Inquiry. Examples of the type of work that the Inquiry will consider funding include, but are not limited to:

- (a) considering initial instructions;
- (b) advising the applicant in relation to interviews with Inquiry staff or making a witness statement, and/or providing documents or other evidence to the Inquiry, or other advice to enable compliance with a request by the Inquiry under Rule 8;

- (c) representing the applicant during their oral evidence (and the evidence of others, should that be necessary);
- (d) making an application for permission to examine any witness giving oral evidence in the circumstances specified by the Chair;
- (e) making statements on behalf of the applicant, where necessary and directed by the Chair; and
- (f) advising the applicant about any Inquiry warning letter issued by the Chair under Rule 12 of the Inquiries (Scotland) Rules 2007.

4.2 The Inquiry will not fund any work claimed for which does not fall within the scope of the award made by the Chair. In particular, the Inquiry is inquisitorial and investigative in nature and legal representatives will not be paid for investigative work, or work in relation to obtaining expert reports, unless the Chair gives express permission in advance for such work to be carried out.

## **5. The application process**

5.1 Applications for an award of legal expenses must be made in writing by completing the application form on the Inquiry's website. A copy of the form is attached at Annex 2 to this protocol.

5.2 An application must be submitted *before* any substantial legal work is carried out by the legal representative. As a general rule, awards will cover only legal expenses for work carried out after the date of the award. If it is sought to include funding for expenses incurred prior to the date of the application, that must be made clear in the application and an explanation given as to why it was necessary to carry out the work ahead of the application being made. In accordance with the Section 40 Determination, an award in respect of expenditure incurred prior to notification of the Chair's award can only be made in exceptional circumstances and after obtaining the agreement of the Scottish Ministers.

5.3 Under Rule 6 of the Inquiries Rules, the Chair may direct that core participants shall be represented by a single recognised legal representative where he considers that:

- a) their interests in the outcome of the Inquiry are similar;
- b) the facts they are likely to rely on in the course of the Inquiry are similar; and
- c) it is fair and proper for them to be jointly represented.

5.4 While applications may be made in relation to all work to be done by the applicant's legal representatives in relation to the Inquiry, applicants are encouraged to focus on particular types of work, investigative areas, or phases of the Inquiry. Doing so does not preclude making further applications in relation to other types, areas, or phases at a later date.

5.5 The form can be completed by the legal representative or the applicant. The form asks for detailed information about who the lawyer is and their fees, and applicants may find it easier to seek help from their lawyer in completing the form. If the Chair needs further information to make a decision, he will contact the applicant or their lawyer.

## **6. The Chair's decision**

6.1 When the Chair has decided whether funding should be given, the Solicitor to the Inquiry will notify the applicant and, where applicable, their legal representative in writing of the Chair's determination.

6.2 Where an award is made, the notification of the Chair's determination will specify the terms of the award which may include (but are not limited to) the following:

- (a) the nature and scope of the work that will be funded;
- (b) the size and composition of the legal team to be engaged, including the seniority and number of counsel, where that is agreed by the Chair to be necessary;
- (c) the hourly rates to be paid in respect of each member of the legal team, including paralegals;
- (d) any capping of legal fees to be applied, whereby legal teams (including counsel) will be capped as to the maximum number of hours which can be charged for any working day or working week, even where the number of hours worked exceeds that maximum;
- (e) that the award is subject to the condition that payment will only be made for work that is properly evidenced and can be identified as having been done in an efficient and effective manner, avoiding unnecessary duplication and making the best use of public funds;
- (f) that disbursements in excess of £100 (net of VAT) will not be paid unless authorised in advance by the Solicitor to the Inquiry. Disbursements under £100 will only be paid where the expenditure is adjudged to have been reasonable and necessary and where they are supported by evidence of payment;

(g) the frequency with which bills must be submitted to the Inquiry;  
and

(h) the form in, and timeframe within, which bills must be submitted  
for consideration.

6.3 It will be open to the Chair, either initially or at any time after making an award, to impose further conditions. In particular, he may determine that a lower cap should be imposed in relation to legal expenses that may be incurred at public expense.

## **7. Making a claim for sums due after an award has been granted**

7.1. After the first stage of the Chair making an award, the second stage is the recipient claiming and being paid legal expenses against that award. Bills must be submitted to the Inquiry. They will be assessed by the Solicitor to the Inquiry, who will decide what is properly payable, and the relevant amounts then paid out.

7.2 Bills must be submitted to the Solicitor to the Inquiry at quarterly intervals. They must be accompanied by a copy of the award to which they relate, and a detailed narrative which contains the following information:

(a) a breakdown of the number of hours worked by each person on each day, including Counsel, specifying, in each case, details of the work undertaken and the time spent on it;

(b) the hourly rates charged for each person, as specified by the Chair in his award; and

(c) a list of all disbursements claimed together with supporting receipts / invoices;

## **8. Determining the amounts payable under an award**

8.1 The procedure for assessing the amount to be paid is specified in detail in Rules 21 – 28 of the Rules. The following is intended only as a brief guide to the procedure.

8.2 In assessing the amount to be paid, the Solicitor to the Inquiry will consider:

(a) whether the work falls within the scope of the award;

(b) whether any conditions set in the decision by the Chair have been satisfied;

- (c) whether the legal representative was approved by the Chair before the work was carried out;
- (d) whether the amounts sought were proportionately and reasonably incurred;
- (e) whether the amount of work done was necessary, fair, reasonable and proportionate; and
- (f) whether the expenses were claimed in accordance with the procedures sets out in this protocol.

8.3 Any work undertaken outwith the scope set out in this protocol and decision letter will not be met, except in exceptional circumstances, with express prior permission of the Chair.

8.4 The Solicitor to the Inquiry will write to the legal representative and to the applicant following their assessment to confirm how much will be paid.

8.5 If the Solicitor to the Inquiry determines that the full amount should be paid, this is called a "final assessment". The legal representative must submit an invoice for this full amount to the Inquiry, which will then make payment.

8.6 If the Solicitor to the Inquiry determines that a lesser sum should be paid, this is called an "initial assessment".

8.7 If the applicant agrees with this initial assessment, they must inform the Solicitor to the Inquiry in writing and submit an invoice to the Inquiry, which will then make payment.

8.8 If the sum in this initial assessment is not agreed by the applicant, the Solicitor to the Inquiry must be informed of this in writing within 21 days of the date of the initial assessment.

8.9 The Solicitor to the Inquiry will respond in writing, setting out which items they object to and why, and proposing alternative amounts for each of those items.

8.10 A reply to this must be submitted in writing to the Solicitor to the Inquiry within 21 days of the date of the Solicitor's proposal to confirm whether this proposed sum is agreed or not.

8.11 If the Solicitor to the Inquiry's proposal is agreed, they will make a "final assessment" for this agreed sum. The Solicitor will send the final assessment in writing to the legal representative and to the applicant. The legal representative must then submit an invoice for this sum to the Inquiry, which will then make payment.

8.12 If this proposed sum is not agreed, the Chair will decide how the matter is to be dealt with. There are two options open to the Chair, namely:

(a) to refer the matter to the Auditor of the Court of Session, who will decide what is a reasonable amount for the Inquiry to pay. He will do this holding a review hearing which the applicant and/or their legal representative may attend with the opportunity to make oral submissions; or

(b) for the Chair to decide what is a reasonable amount for the Inquiry to pay and require the legal representative to issue a final assessment for that amount.

8.13 The legal representative must submit an invoice for the amount of the final assessment that has been made by either the Auditor or the Chair to the Inquiry, which will then make payment.

8.14 If the time limits mentioned in sub-paragraphs 8.8 and 8.10 are not met, a final assessment will be made by the Solicitor to the Inquiry which is no longer open to challenge. The legal representative must then submit an invoice for the final assessment to the Inquiry, which will then make payment.

## **9. Changes to legal representation**

9.1 If an applicant or group of applicants wishes to change their legal team, a written request must be made by email to the Solicitor to the Inquiry as soon as possible.

9.2 If there is more than one change of legal representation, the Chair may determine that it is no longer appropriate for the Inquiry to fund the legal representation.

## **10. Further information**

10.1 All queries about any of the above, or any other matter related to the funding of legal representation, should be sent to the Solicitor to the Inquiry:

- By email to: [scifunding@coronavirusinquiry.scot](mailto:scifunding@coronavirusinquiry.scot)
- By post to: FREEPOST Scottish COVID-19 Inquiry

10.2 Failure to comply with the procedures set out in this protocol may result in payment being delayed or refused.



## **11. Version control**

11.1 This version of the Funding Protocol for Legal Expenses is dated December 2022 and is issued under the authority of the Chair of the Scottish COVID-19 Inquiry. It is the first version of this protocol. This protocol may be amended from time to time where considered necessary to facilitate the proper conduct of the Inquiry.

## **Annex 1**

### **DETERMINATION BY MINISTERS UNDER SECTION 40(4) OF THE INQUIRIES ACT 2005**

25 October 2022

#### **THE SCOTTISH COVID-19 INQUIRY**

#### **NOTICE TO THE CHAIR OF A DETERMINATION BY THE SCOTTISH MINISTERS UNDER**

#### **SECTION 40(4) OF THE INQUIRIES ACT 2005**

1. In respect of the Scottish Covid-19 Inquiry established by the Scottish Ministers under the Inquiries Act 2005 ("the 2005 Act"), ("the Inquiry"), the Scottish Ministers have determined under section 40(4) of the 2005 Act that the power of the Chair to make awards under section 40 to persons eligible under section 40(3) shall be subject to the conditions and qualifications set out in this determination.

2. Given the unprecedented scale of those affected by Covid-19, Ministers are of the view that it is in the public interest for certain applicants to be eligible for awards for funding for legal representation without having to provide information as to their financial resources. Scottish Ministers, therefore, have determined that rule 18(2)(a) of the Inquiry (Scotland) Rules 2007 ("the 2007 Rules") may be satisfied without enquiry as to the financial resources of an applicant, in respect of an application for an award of funding for legal representation by families of people who were infected with Covid-19 and who died (including people who, in the opinion of the Chair, do not unreasonably believe that they or their family member were so infected). It is for the Chair to interpret this condition in determining whether an award should be made.

3. The other criteria and tests set out in the 2005 Act, the 2007 Rules, in this determination and in any protocol issued by the Chair in respect of applications for awards for funding for legal representation remain applicable to all applications for legal expenses. In respect of legal representation (section 40(2) of the 2005 Act), the conditions and qualifications are as follows:

(a) Awards may only be made in circumstances in which the Chair considers it necessary, fair, reasonable and proportionate for such an award to be made.

(b) Any award must be subject to the condition that payment will only be made for work that is evidenced, and can be identified as having been done in an effective and efficient manner, avoiding unnecessary duplication and making the best use of public funds.

(c) Awards may only be made in respect of legal representation provided by one or more named legal representatives whose involvement has been approved in advance by the Chair. The Chair must approve the size and composition of any legal team to be engaged, including the seniority and number of any counsel where that is agreed by the Chair to be necessary. An award in respect of costs associated with work carried out by legal representatives who are not approved in advance of the work being carried out will not be met. Exceptional circumstances may be considered by the Chair, subject to the terms of paragraph (h).

(d) Any award must specify the nature and scope of the work for which the award is to be made. Awards will not be made in respect of work that does not fall within the specified scope. An inquiry under the 2005 Act is inquisitorial in nature and legal representatives will not be paid for investigative work or work in relation to obtaining expert reports unless the Chair gives express permission in advance for such work to be carried out.

(e) Where the Chair has determined that an award should be made, the legal representatives will agree in advance, with the Solicitor to the Inquiry, hourly rates for counsel and solicitors, subject to the following maximum hourly rates, which are exclusive of VAT:

- i. Senior Counsel (whether a member of the Faculty of Advocates or a solicitor advocate) £200
- ii. Junior Counsel (whether a member of the Faculty of Advocates or a solicitor advocate) £100
- iii. Solicitor with over 8 years' post-qualification experience £150
- iv. Solicitor with over 4 years' post-qualification experience £125
- v. Other solicitors and fee-earners of equivalent experience £100
- vi. Trainee solicitors, paralegals and other fee earners £75

(f) The maximum number of hours that can be taken into account by the Chair in respect of a legal representative for the purposes of determining the level of an award shall be capped at 40 hours per week; however in exceptional circumstances the Solicitor to the Inquiry may authorise an increase in the weekly cap up to 60 hours for counsel or a solicitor during the oral hearings and for a two month period before they commence where the Solicitor to the Inquiry is satisfied that such action is justified in all the circumstances, for example, when the work involved in any week clearly needs to exceed 40 hours. Travel time may be paid subject to the limits in paragraph (e) where work is undertaken during the journey. If work cannot be undertaken during the journey then 50% of the hourly rate limits set out in paragraph (e) may be paid. If travel time is paid, it will count towards

total hours chargeable for the purposes of limits on hours to be applied by virtue of this paragraph. Awards must not be made in respect of hours worked in excess of the limits set down in this paragraph.

(g) In respect of paragraph 3(f) of this determination:

- i. no unused hours in any week may be set off against any other week.
- ii. a week shall be taken as commencing on Sunday and ending on Saturday.

(h) Expenditure incurred before notification of the Chair's award of funding or expenditure in excess of the terms upon which approval is granted will not be recoverable. In exceptional circumstances, and after obtaining the Scottish Ministers' agreement, the Chair may make an award in respect of expenditure incurred before notification of the Chair's award subject to the terms of paragraph (d).

4. In respect of awards in relation to compensation for loss of time, or expenses incurred in attending, or otherwise in relation to the Inquiry, (section 40(1) of the 2005 Act), the conditions and qualifications are as follows.

(a) Travel and subsistence rates, as they apply to Scottish Government employees and as they also apply under the determination made by Scottish Ministers under section 39 (1) of the 2005 Act in respect of the Scottish Covid-19 Inquiry, apply to travel and subsistence within the United Kingdom. Rail travel, under an award, is reimbursable at standard class rates and air travel at economy class rates.

(b) Awards in respect of compensation for loss of time may only be made:

- i. in circumstances in which the Chair considers it necessary, fair, reasonable and proportionate for such an award to be made; and
- ii. where the person to be compensated would otherwise face actual financial loss.

(c) The maximum hourly rates for waiting time by legal representatives shall be half of their hourly rate agreed in advance with the Solicitor to the Inquiry in accordance with paragraph 3(e) of this determination.

(d) Awards for travel expenses or compensation for loss of time shall only be made for persons from outside the UK where the Chair is satisfied that their travel is essential to the fulfilment of the Inquiry's terms of reference.

JOHN SWINNEY

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## Annex 2

### Application for Legal Representation to be Funded by the Inquiry

Fill in this form to apply for funding from the Inquiry to assist with the cost of instructing legal representation. This form asks for detailed information about your representative(s) and their fees, so you may wish to seek help from them in completing it. Mandatory fields are marked with an asterisk (\*).

If you need additional help filling in this form, or wish to request an alternative format, please contact the relevant Inquiry team by email at [scifunding@covid19inquiry.scot](mailto:scifunding@covid19inquiry.scot)

All the information you wish the Inquiry to consider when deciding on your application should be included in your answers to this form. Information provided by other means (email, post, etc.) will only be considered in exceptional circumstances, or where it has been expressly agreed with the Inquiry in advance. The Inquiry may also request additional information if the Chair believes it is necessary in order to make a decision.

The Inquiry will treat the information you give us on this form in accordance with the Inquiry's [Protocol for the Receipt and Handling of Information and Privacy Notice](#).

#### Part A – about you, the applicant

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- |   |   |
|---|---|
| 1. Applicant name:*   |   |
| (If you are applying on behalf of an organisation, please also provide the names of the organisation any directors, trustees, or office-bearers.)   |   |
| 2. Applicant type:*   | I am applying:<br><input type="checkbox"/> As an individual on my own behalf<br><input type="checkbox"/> On behalf of a group of individuals<br><input type="checkbox"/> On behalf of an organisation |
| 3. Contact details:*  | Email:*   |
| (If applying on behalf of an organisation or group, please choose one member as the designated point of contact for the Inquiry and provide their details here.)  | _____<br>Address:*  |
|   | _____   |
| 4. Core participant status:*  | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| (Have you, or the group or organisation on whose behalf you are applying, been granted CP status by the Inquiry? Please note this does not automatically confer a right to funding for legal representation.) |   |

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5. Bereaved family status:\*  
(Are you, and any group or organisation on whose behalf you are applying for funding, engaging with the Inquiry in your capacity as (a) family member(s) of someone who died with COVID-19?)
- Yes    No
- If yes, please:
- complete parts B – D of this form.
- If no, please:
- complete parts B – D of this form; and
  - Please complete and submit a copy of the Applicant’s Financial Resources form by email, together with any supporting documents. You can request a form by emailing [scifunding@covid19inquiry.scot](mailto:scifunding@covid19inquiry.scot)

### Part B – about your legal representative(s)

Wherever possible, in order to minimise expense to the public purse, applicants are encouraged to instruct recognised legal representatives who are already instructed by other parties with similar interests to theirs in the issues being investigated by the Inquiry.

- 
1. Representative(s) name:\*  
(If being represented by a firm of solicitors, please provide the name of that firm and one of its members as the main point of contact for the Inquiry.)
- Name of firm:\*
- \_\_\_\_\_
- Name of main contact within firm:\*
- \_\_\_\_\_
- 
2. Contact details of legal representative(s):\*
- Address:\*
- \_\_\_\_\_
- \_\_\_\_\_
- Email:\*
- \_\_\_\_\_
- 
3. Details of legal team:\*
- (Please provide the requested details for **each** member of the team who will be involved in the legal representation. Your solicitor will be able to provide this information.)
- Name:\*
- \_\_\_\_\_
- Title:\*
- \_\_\_\_\_
- Role and level of experience:\*
- Solicitor, more than 8 years PQE
- Solicitor, 4-8 years PQE
- Solicitor, less than 4 years PQE
- Trainee solicitor
- Paralegal
- Other: (please specify)
- \_\_\_\_\_
- Hourly rate:\*
- (See Protocol for maximum permitted rates)
- \_\_\_\_\_

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Estimate of hours the member will spend on this matter per month: \*  
(See Protocol for maximum permitted hours)

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Details of work the member will do: \*  
(See Protocol for limitations on types of work)

- Considering initial instructions.
- Advising the applicant in relation to interviews with Inquiry staff or the making of a witness statement, and/or providing documents or other evidence to the Inquiry, or other advice to enable compliance with a request by the Inquiry under Rule 8.
- Representing the applicant during their oral evidence (and the evidence of others, should that be necessary).
- Making an application for permission to examine any witness giving oral evidence in the circumstances specified by the Chair.
- Making statements on behalf of the applicant, where necessary and directed by the Chair.
- Advising the applicant about any Inquiry warning letter issued by the Chair under Rule 12 of the Inquiries (Scotland) Rules 2007.
- Other: (please specify)

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4. Instruction of counsel: \*  
(Please indicate whether your legal representative intends to instruct counsel. If the answer is yes, please explain why they believe that this is necessary.)

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Yes    No  
If yes, please explain why:

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5. Details of counsel team: \*  
(Please provide the requested details for **each** Advocate or Solicitor Advocate who will be instructed as counsel. Your solicitor will be able to provide this information.)

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Name: \*  
\_\_\_\_\_

Profession: \*  
 Advocate  
 Solicitor Advocate

Role: \*  
 Senior Counsel  
 Junior Counsel

Hourly rate: \*  
(See Protocol for maximum permitted rates)

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	Estimate of hours counsel will spend on this matter month: * (See Protocol for maximum permitted hours)
	Details of work counsel will do: *
6. Additional expenses: (If you or your legal representatives anticipate incurring expenses other than legal work done at the hourly rates of the individuals named above, please provide details and explain why you or they believe it is necessary to incur the expense.)	Type of expense: <input type="checkbox"/> Travel <input type="checkbox"/> Subsistence <input type="checkbox"/> Other: (please specify)
	Reason for incurring expense:
	Anticipated value of each type of expense: (See Protocol for maximum rates and other conditions regarding payment/authorisation)

### Part C – about your application

While applications may be made in relation to all work to be done by the applicant’s legal representatives in relation to the Inquiry, applicants are encouraged to focus on particular types of work, investigative areas, or phases of the Inquiry. Doing so does not preclude making further applications in relation to other types, areas, or phases at a later date.

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1. Basis of application: *	I am applying as an individual, or on behalf of a group or organisation: <input type="checkbox"/> attending the Inquiry to give evidence or to produce any document or other thing. <input type="checkbox"/> with a particular interest in the proceedings or outcome of the Inquiry.
2. Scope of application (strategic elements): * (The ‘strategic elements’ are the areas the Inquiry has to investigate. See the Inquiry’s <a href="#">terms of reference</a> to view these in their full context.)	My involvement or interest in the Inquiry relates to the following strategic elements of the handling of the pandemic: <input type="checkbox"/> pandemic planning and exercises carried out by the Scottish Government <input type="checkbox"/> the decisions to lockdown and to apply other restrictions and the impact of those restrictions <input type="checkbox"/> the delivery of a system of testing, outbreak management and self-isolation <input type="checkbox"/> the design and delivery of a vaccination strategy



- the supply, distribution and use of Personal Protective Equipment (PPE)
- the requirement for shielding and associated assistance programmes, provided or supported by public agencies
- in care and nursing homes: the transfer of residents to or from homes, treatment and care of residents, restrictions on visiting, infection prevention and control, and inspections
- the provision of healthcare services and social care support, including the management and support of staff and the recognition, involvement and support of unpaid carers
- the delivery of end-of-life care and the use of DNACPR (do not attempt cardiopulmonary resuscitation) decisions
- welfare assistance programmes, for example those relating to benefits or the provision of food, provided or supported by public agencies
- the delivery of education and certification; and
- financial support and guidance given to businesses and the self-employed, including in relation to identification of keyworkers, by public agencies

4. Scope of application (specific issues):\*  
 (Please set out in detail how your involvement/interest relates to the strategic elements you selected above.)

5. Scope of application (duration of work):\*  
 (Does your application for funding relate to any work done/expenses incurred prior to submitting this application? As a general rule, awards will cover only legal expenses for work carried out **after** the date of the award. As set out in the Section 40 Determination, an award for work done/expenses incurred before that date can only be made in exceptional

- Yes    No
- If yes, please:
- provide details of the work done/expense incurred;
- \_\_\_\_\_
- and
- explain why you believe it was necessary for this to be done prior to the application being made.
- \_\_\_\_\_

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circumstances and after  
obtaining the agreement of the  
Scottish Ministers.)

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6. **Reasons for granting your  
application:\***

(The Inquiry must determine  
applications it received with  
regard to criteria set down  
in the relevant legislation:  
please ensure you address all  
of the criteria in your answers  
to allow the Inquiry to do so.)

**General criteria:\***

(Please explain why you believe it is necessary,  
fair, reasonable and proportionate for the  
Inquiry to grant your application.)

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**Public interest:\***

(Please explain why you believe it is in the  
public interest for the Inquiry to grant your  
application.)

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## **Part D – consents and declaration**

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1. **Consents:\***

(Please confirm whether you  
consent to your name being  
published in any list of funded  
parties on the Inquiry website  
and/or any Inquiry reports, if  
your application is granted.)

Yes  No

2. **Applicant's declaration:\***  
(The declaration should usually  
be given by the applicant. If  
you are completing this form  
on behalf of the applicant,  
please specify the nature of  
your relationship with them.)

I confirm that the information I have  
given in this application is true and  
correct to the best of my belief and  
knowledge.

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Capacity in which declaration is given:

Applicant

Applicant's legal representative

Other: (please specify)

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