

The Scottish COVID-19 Inquiry's Terms of Reference:

Aim

1. The aim of this inquiry is to establish the facts of, and learn lessons from, the strategic response to the COVID-19 pandemic in Scotland.

Scope

2. To investigate the strategic elements of the handling of the pandemic relating to:
 - a. pandemic planning and exercises carried out by the Scottish Government;
 - b. the decisions to lockdown and to apply other restrictions and the impact of those restrictions;
 - c. the delivery of a system of testing, outbreak management and self isolation;
 - d. the design and delivery of a vaccination strategy;
 - e. the supply, distribution and use of Personal Protective Equipment;
 - f. the requirement for shielding and associated assistance programmes, provided or supported by public agencies;
 - g. 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;
 - h. 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;
- i. the delivery of end-of-life care and the use of DNACPR (do not attempt cardiopulmonary resuscitation decisions);
 - j. welfare assistance programmes, for example those relating to benefits or the provision of food, provided or supported by public agencies;
 - k. the delivery of education and certification; and
 - l. financial support and guidance given to businesses and the self-employed, including in relation to identification of keyworkers, by public agencies.

Reporting

3. To create a factual record of the key strategic elements of the handling of the pandemic
4. To identify lessons and implications for the future, and provide recommendations
5. To demonstrate how a human rights-based approach by the inquiry has contributed to the inquiry's findings in facts and recommendations
6. To provide reports to the Scottish Ministers as soon as practicable

Interpretation

7. When interpreting and applying these terms of reference:
 - a. in relation to points 2(b) to 2(l), investigations will cover the period between 1 January 2020 and 31 December 2022
 - b. the inquiry will, as the chair deems appropriate and necessary, consider the impacts of the strategic elements of handling of the pandemic on the exercise

of Convention rights (as defined in Section 1 of the Human Rights Act 1998)

- c. the inquiry will, as the chair deems appropriate and necessary, consider any disparities in the strategic elements of handling of the pandemic, including unequal impacts on people
- d. the inquiry can consider only “Scottish matters” as defined in section 28(5) of the Inquiries Act 2005
- e. the inquiry respects the independent role of the Lord Advocate in relation to the prosecution of crime and the investigation of deaths in Scotland
- f. the inquiry must make reasonable efforts to minimise duplication of investigation, evidence gathering and reporting with any other public inquiry established under the Inquiries Act 2005.