## OPUS<sub>2</sub>

Scottish Covid-19 Inquiry

Day 38

April 24, 2024

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1 Wednesday, 24 April 2024 support with difficult cases, giving them advice, 2 signposting them, et cetera. And because the convenor (9.30 am) (Proceedings delayed) tends to be one of the more experienced reps, the 4 (9.36 am) convenor will also pick up some of the more difficult 4 5 THE CHAIR: Good morning, Mr Gale. 5 and challenging cases. MR GALE: Good morning, my Lord. 6 6 Q. Thank you. You provide us with a note of your personal 7 My Lord, the first witness today is background at paragraph 8 of your statement and we can 8 Mrs Esther O'Hara. 8 see that you've been in the speech therapist profession MRS ESTHER O'HARA (called) 9 9 10 THE CHAIR: Good morning, Mrs O'Hara. 10 A. I have. 39 years come December. 11 A. Good morning. 11 Q. You provide us with an overview of Unite and its THE CHAIR: When you're ready, Mr Gale. activities and we can read that and probably many of us 12 12 MR GALE: Thank you, my Lord. are familiar with it anyway. 13 13 Questions by MR GALE A. Yes. 14 14 15 MR GALE: Mrs O'Hara, your full name, please? 15 Q. We note from paragraph 13 that the Greater Glasgow and A. My full name is Esther Marie O'Hara. 16 Clyde Health Board -- I'll just call it the "health 16 17 Q. Your details are known to the Inquiry, your contact 17 board" for shortness in future -- has some 40,000 staff. 18 address as well. You've provided the Inquiry with 18 A. Just short of 40,000, yes, that's correct. 19 19 Q. I think you've said that between 2,500 and 3,000 of a detailed statement of your evidence. The reference to 20 that is SCI-WT0381-000001 [sic]. As I understand it, 20 those are Unite members. 21 you are agreeable that that statement be published --21 A. Yes, nearer 3,000. I checked quite recently. 22 22 Q. Perhaps you've touched on this a little bit. What was 23  ${\sf Q.}\,\,--$  and that the evidence that you give today in 23 the convenor's role during the pandemic? amplification of that statement will be broadcast and 24 24 A. The convenor was, I guess, if you like, the main 25 recorded? 25 co-ordinating person. So within Greater Glasgow and 1 A. Yes. Clyde we have a number -- approximately 60 -- of 1 1 2 Q. Thank you. Now, you are a clinical specialist speech 2 staff-side representatives. Most of those are workplace 3 and language therapist --3 representatives, but we also have health and safety 4 A. I am. representatives, equality reps and so on. So the Q. -- with Greater Glasgow and Clyde Health Board? convenor is the person through whom any cases that are brought into the Unite office in Glasgow are distributed Q. And you have a specialist field within that discipline, out and allocated. And during the pandemic we had a big 8 and that is the treatment of cancers of the head and 8 upsurge in phone calls and contacts made with people 9 neck? 9 looking for advice about various situations that had 10 10 A. Yes. arisen. Those —— unless members came directly to a rep Q. You're presently on secondment to Unite the Union? 11 11 that they knew, those would generally come through me 12 A. That's correct. I am. 12 and I would then allocate those to the appropriate Q. And during the pandemic you were the convenor for Unite 13 13 person to pick them up and deal with them. And, 14 within the Greater Glasgow and Clyde Health Board 14 obviously, if it was something that was within my own 15 branch? 15 constituency of speech and language therapy, then it 16 A. I was. 16 would be myself that would pick up. But there are 17 Q. Can you just explain briefly what that involved? 17 a number of other workplace representatives in speech 18 A. The convenor is a role that is an elected role, so the 18 and language therapy that I could delegate things out to 19 workplace and other representatives of Unite the Union 19 if required. 2.0 within a particular branch have the entitlement to elect 20 Q. You have provided us with a note of the pre- and 21 a convenor. That convenor must be a rep themselves and 21 post-pandemic situation as regards Unite in 22 the convenor's duty really is we're responsible for the 22 paragraphs 16 to 18 of your statement. You say in 23 reps but also to the reps, so we're responsible for 23 paragraph 18 that the convenor's role was very busy

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A. Yes.

ensuring that the reps are properly trained, that we

support them properly. My role involved giving them

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pre-COVID and still is now.

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Q. That rather begs the question that during COVID I take it there was a considerable increase in your activity? 3 A. Absolutely. As convenor I was given what's called " facilities time", so I had four days of facilities time 4 to carry out that role and another day to maintain my clinical role. However, I think it's fair to say that 7 even pre-pandemic it really is a full-time job and then 8 a bit more and during the pandemic the upsurge in 9 workload and issues that had to be picked up, 1.0 distributed, dealt with, advice given, et cetera, really 11 increased quite considerably. To kind of put that in 12 context -- and I have mentioned it in my statement -13 I keep my own record of any additional time that I work 14 and pre-pandemic that was sitting at, I believe, 99 and 15 a half hours that I had worked over and above what I was contracted to work for staff side. I had a separate one 16 for clinical work. At the end of the pandemic, that was 17 18 sitting at 270 hours, so in the course of the pandemic 19 that increased several times over. 20 Q. We've got that at paragraph 24. THE CHAIR: Can we be a bit more precise about that? "In 21

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the course of the pandemic" is possibly a controversial

or contentious tag. The extra 273 hours would be over,

1 pandemic I measured as being March of 2019 and I drew the line under it --

A. Well, I measured that time -- from the start of the

THE CHAIR: March 2019? 2020, I suspect.

what, two years, three years?

A. 2020. Sorry, yes. You're quite right, 2020.

5 THE CHAIR: That's all right.

6 A. And I kind of -- the point at which I measured the 270 was at the end of June of 2023.

8 THE CHAIR: That's fine. That's good. Thank you very much 9 indeed.

10 MR GALE: Just looking at paragraph 18 of your statement, 11 the last sentence, you say:

12 "I would summarise and say there is more work now 13 than there was before, but the balance of the work is 14 slightly different."

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Q. Can you give us a little context of that, please?

A. Of course. So when I say that "there is more work now 17 than there was before", "before" is referring to 19 pre-pandemic because obviously things overtook us in

20 that approximately two/three-year interval. There is 21 more work now than before because there's a lot of

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catch-up work. So during the pandemic, from the staff 23

side trade union perspective, a lot of ongoing work was

24 parked because in the scheme of things it wasn't as

25 important. So, for example, service restructures,

initiatives the board was trying to take forward, 2 partnership policy reviews, development of various 3 groups to take forward pieces of work, all of that was 4 deprioritised

On emerging from the pandemic there has been, particularly in the early stages -- "a tidal wave" I've 7 described it as -- and I would say it was a tidal wave 8 and still  $\,--\,$  it's maybe not quite such a high tidal 9 wave, but there was a sudden drive to start picking up 1.0 all of these things at once, things that had just been 11 sitting and hadn't been concluded. There were also 12 workplace and HR processes that had been parked, so 13 perhaps, for example, disciplinaries, grievances, all of 14 that kind of stuff had been sidelined because there were 15 priorities for management, HR and the unions because of 16 the pandemic that meant that those were of lesser 17 importance. But all of these things have timescales to 18 them and the timescales had been well exceeded and so 19 there was a push to start picking up a lot of this kind 2.0 of work and we still haven't caught up with all of it so 21 that that pressure is still there.

22 Q. Thank you. Paragraphs 19 and following you deal with a subject that we are becoming very familiar with, and that's guidance. I suppose you operated, if I can put it this way, as a pivot between guidance coming from

1 others such as the Scottish Government down to the management of the health board --

A. Hmm-hmm.

4 Q. -- and then getting that guidance out, interpreted and 5 to your members?

6 A. Yes.

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7 Q. You have told us quite a lot about that situation. 8 During the pandemic, if you can summarise it, what were the principal issues that arose, so far as you were 10 concerned, in the receipt and issuing of guidance?

11 A. I would say probably the principal challenge — there 12 were several challenges, but the principal challenge was 13 the flow-through of that information in terms of the 14 number of guidances that were coming through. They were

15 changing sometimes daily, sometimes twice and

16 occasionally even three times in a day. Our members

17 were finding that very, very difficult to keep up with 18 and to apply to their practice because what they read in

19 the morning might not have been what the guidance was in

20 the afternoon or what they read on Monday wasn't the

21 guidance that was in place by Thursday. So people were 22

finding that very difficult and they were frequently 23 coming to the trade unions and asking, "What

2.4 am I supposed to do in X situation? What is the current

25 guidance?". So we found that quite challenging because

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of course we were faced with the same fast flow-through 1 2 of information.

> I would say some of the other issues really were around things like some of the guidance that was coming through that seemed to those of us -- and I'm now speaking from a clinical perspective -- that seemed to be ill -informed or based on a poor understanding of tasks that were taking place at the coalface. You know, I do have some examples of that from all in clinical practice. So, as trade unionists, we tended to be the people who would challenge at local level and through our regional officer up to Scottish Government level where we felt that guidance that was coming through was not really addressing some of the issues.

- 15  $\ensuremath{\mathsf{Q}}.$  Was the problem that you're identifying that the 16 guidance was put in terms that were general but then 17 having to be applied to specific situations and specific 18 professions?
- 19 A. Yes, I would say that guidances that came through 20 appeared to be written in a one-size-fits-all style and 21 that was not necessarily the case or the experience of 22 people at the NHS coalface, as it were.
- 23 Q. You make the point at paragraph 87 of your statement in 2.4 the hopes for the Inquiry -- the point about 25 communication. I think this is reflective of the

1 concerns that you had about guidance. Perhaps you would 2 just -- could you just read out what paragraph 87 says, 3 please?

4 A. Sure. Paragraph 87 says:

5 "I would encourage robust and effective 6 communication. Whilst I appreciate things change, and there may be a need to revise what's been issued, 8 I would beg the powers that be not to be sending out three updates in one day. [This] leads to confusion. 10 Make it clear who the information is for and what it 11 means for people."

- 12 Q. You put it in quite strong terms, "I would beg".
- 13 A Yes

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- Q. I take it that that's reflective of a very strong 14 15 feeling on your part that that's something that should 16
- 17 A. Yes, very much so. It was very frustrating, as someone 18 trying to give advice to members that was the best 19 advice I could give them, to have that advice being 20 constantly revised and sometimes finding myself 21 wondering if the advice I was giving was the most recent 22 advice, whether perhaps I had missed a memo because
- 23 I was doing a clinical job as well as my trade union
- 24 role and was very busy and often didn't have time to
- 2.5 check and see what the latest core brief was that

2 3 Q. At paragraph 22 of your statement you say that:

"As a sector, we were not consulted before any new guidelines were released."

morning or that afternoon, so it was a challenge for me

6 I take it as a sector you're talking about as 7 a union?

8 A. Yes. Health is a sector within Unite. It's one of 9 20 sectors.

10 Q. Was that any different from the situation that existed 11 pre-pandemic? If guidelines were being issued, 12 would you be given an opportunity to be consulted and 13

14 A. I would say that probably was an "it depended" 15

situation. Lots of guidance comes down from Scottish Government and, although people at my level, at

16 17 local level, might not have had sight of that, we would

18 anticipate that our regional officer, for example,

would, through the connections that he has and the

2.0 meetings that he has at Scottish Government -- that he

21 would be able to input and try and, if you like, mould

2.2 the guidance that's coming out. And what I would say is

that our particular regional officer is very

2.4 communicative, very hands-on, so he would certainly be

communicating with people like myself as convenor and

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1 our senior reps team if there was something that he was 2 aware of that he felt he wanted a local view on.

And we also, within Unite, have a Regional Industrial Sector Committee for Health, and that's the decision—making body within Scotland for Unite about what our position is on various things. So I would anticipate, through the interventions and offices of a regional officer, that that committee would be involved in the discussions about any key pieces coming through.

11 At local level, within the health board, I, as 12 convenor at the time, sat on what's called the "Area Partnership Forum", and that is -- as the label 13 14 says, it's a group consisting of board members. 15 management, HR and the various trade unions who are 16 represented within Greater Glasgow and Clyde Health 17 Board, and local policies and decisions would come 18 through that group and staff side would have input at 19 that level.

20 THE CHAIR: I suspect the question that I'm going to put to 21 you might -- and I apologise in advance if it does --22 might step on toes of things that Mr Gale is going to 23 ask you later on in your examination, but it seems an 2.4 appropriate time to ask it, so with that apology.

25 I suspect, Mrs O'Hara, that you would probably agree --

I think most people would agree -- with the proposition 1 2 that, in a critical situation of an emergency such as 3 a pandemic, situations which require guidelines may 4 change more quickly, well they will change more quickly, than they would in normal routine times. A. Yes. Yes, I think that's fair to say. And while it was 6 challenging, I think we all recognised why it was 7 8 happening. The scenarios were changing very quickly, 9 new information was coming out very quickly and I fully 1.0 understand that the guidances that were coming out were 11 coming out for a reason. But the reality of that was 12 that it became very challenging for people on the 13 ground, staff trying to deliver care, to keep up with 14 what the latest guidance was. And I think it's fair to 15 say that staff were concerned about potential 16 implications if the practice they implemented was not in 17 line with the most recent guidance and there was 18 a mishap or an infection or whatever. People were 19 worried about being held responsible for that, if they 20 had acted on the guidance that was two days old, that 21 was the most recent one they were aware of because for 22 whatever reason they hadn't seen the most recent one. 23 THE CHAIR: Rest assured I appreciate that and we've already 2.4 heard evidence about that. You're anticipating the 25 wrong light in my question. The question that I was

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going to ask proceeds that, if there had been -- and I'm assuming at the moment that there may have been defects in the pandemic planning so I'm putting that assumption into it -- but if there had been more -- I'm not sure exactly how to characterise it -- more comprehensive, more efficient pandemic -- "more comprehensive" is probably the better word -- pandemic planning, then it may have been that some of the issues which resulted in rapid and frequent changes in guidelines might have been covered by more comprehensive and full guidelines had they been prepared better in advance. Would you agree with that proposition? particularly early in the pandemic, there was a lot of

A. Yes. Yes. I would. My impression was that. knee-jerk-reaction-type information coming out, and I can recall a couple of instances where there almost seemed to be a slight backtrack. We had a guidance, then we had a different guidance and then we would, at a point down the line, go back to what the earliest guidance had been -- well, not the earliest but earlier guidance. So there was a lot of shifting, but I do understand why that was happening.

23 THE CHAIR: Thank you. I'm sorry if I stepped on your toes, 24 Mr Gale.

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MR GALE: No, no, my Lord. I'm very grateful.

1 Just on that, Mrs O'Hara, you do tell us at 2 paragraph 22 that the union that you were part of you 3 say "were very vocal if new guidance was released and we 4 did not agree with it".

5 A. Yes.

6 Q. You were able, as it were, to advocate your position 7 fairly quickly, as I understand it from what you're 8 saying.

9 A. Yes.

1.0 Q. As a consequence of that, did that on occasion lead to 11 revisal of the guidance?

12 A. In some cases, yes, ultimately. I would say that that 13 wasn't a quick process necessarily. There were 14 occasions where we had concerns about particular issues 15 and raised those either through the risk -- through our 16 regional officer to Scottish Government or at local 17 level to the Area Partnership Forum, and we did have —— 18 we did manage to effect changes of direction, but it

19 sometimes took more time than would have been ideal.

20 Q. Can I put this question in rather a general way rather 21 than looking at a specific example? Did you come across 2.2 instances where the guidance clearly proceeded upon 23 a misapprehension or a misunderstanding of the 2.4 circumstances of a particular profession to which it had 25

the potential to apply?

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1 A. Absolutely I can. As a speech and language therapist --2 and I'm speaking from a clinical perspective now -3 a lot of the work that we do is around people who have 4 swallowing problems, for various reasons, certainly in 5 my own clinical field. That's very much the case. In 6 assessing these patients, you're in very close proximity to them and often the first symptom that someone has 8 a swallowing problem is that they cough when they eat and drink. In assessing them to see what's going on 10 with their swallowing, to try and work out at what stage 11 in the swallow process things are breaking down and 12 whether there are manoeuvres or things that we can try 13 to try and minimise the risk of chest infection and 14 ultimately pneumonia, you have to test the patient and 15 introduce food stuffs and fluids, and if the patient has 16 a swallowing problem, they are going to cough and 17 they're going to cough quite close to you.

> In my own clinical practice, I deal with head and neck cancer patients, many of whom breathe through a permanent stoma in their neck. They don't breathe through their mouths anymore. And in order to be able to voice -- and without going into a long-winded explanation of the anatomy and how the valve that we use functions -- speech and language therapists will insert or change a prosthetic valve that sits in the back wall

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of the trachea and in order to do that you're literally less than 6 inches away from the patient.

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You are introducing pieces of kit and using forceps, et cetera, that inevitably cause the patient to cough and sometimes to cough very, very profusely and you are in very close proximity. I have previously, prior to the pandemic, had instances where that coughing was so profuse that I had to go and change my uniform and try and wash my hair because there was blood and sputum, et cetera, despite any PPE that I might have had on.

So our view as a profession and our professional body were very clear that this was a high—risk procedure and that swallowing assessments in general were risky because patients were going to cough and that these were aerosol—generating procedures. And the guidance from Health Protection Scotland, originating in Health Protection England and coming down through Government and through all the various levels to get to people at my level doing the job, was that this was not an aerosol—generating procedure and that we did not require full PPE in order to carry out swallow assessments or even the valve—change procedure that I'm speaking about.

As a trade unionist, I was very concerned about that. As a clinician , I was concerned about myself and

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the team that I have responsibility for. I have to say that local management within my own department were enormously supportive of us and took the position —— and it was the correct position in my view —— that these procedures, particularly the valve—changing procedure, was not to be carried out unless we were wearing FFP3 masks and all the appropriate kit. So that was double—gloved with a plastic apron on, with a visor as well as the mask. So that was a very sensible decision, but it flew in the face and was in direct conflict with the guidance that was coming officially to the health boards that this was not an aerosol—generating procedure.

The only caveat around that was that we were told that, if we were using suction, which we do occasionally use for valve changing, that would be deemed to be aerosol—generating, and this was in a context of staff sitting at home watching computer graphics on the news about how the pathogen could spread if someone coughed in the supermarket, and we had people coughing right next to us, and, in the case of valve change, literally 4 to 6 inches away from your face.

23 Q. This is an area that you give us specific information 24 about which reflects what you've just told us. It begins at paragraph 56 of your statement --

1 A Yes

- $2\,$   $\,$  Q.  $\,--$  and goes on to paragraph 66. As I read what you say
- 3 there, there was an obvious, from your perspective,
- disconnect between what should have been known and which
  was apparent to the experts in the field , such as
- 6 yourself, and the more general guidance that was being
- 7 given, emanating, I think as you've said, from —
- 8 I think some of it from the Chief Medical Officer.
- A. Yes.

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10 Q. Do you feel, looking back, that even at the outset of

A. Yes, I would say so. I would draw the comparison with,

- 11 the pandemic, that this should have been something that
- was realised and realised specific to your profession?
- for example, dentistry, where, you know, they were —
- 15 the guidance for them was very much that the work that
- 16 they were carrying out was aerosol—generating and
- they were carrying out was aerosol—generating, and
   I would say, in those contexts and particularly around
- 18 valve change, where the proximity is so close and the
- coughing is so frequent and so violent sometimes, that
- the risks were not dissimilar, but the decision about
- what was and wasn't an aerosol—generating procedure were
- 22 not similar
- 23 Q. I think you describe the coughing as on occasions
- 24 "explosive".
- 25 A. Yes.

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1 Q. Right. Well, thank you for giving us that detailed

2 explanation. That's I think very helpful.
3 Can I move on to talk about PPE? You i

Can I move on to talk about PPE? You indicate at paragraph 32 that one of the key and initial challenges

5 of the pandemic was the provision of PPE, what was

6 available, where it was located, what its quality was.

7 You go on to say -- and this is obviously in general

8 terms but obviously informed by specifics. I assume —

9 that, "There were less than ideal decisions ... made by

10 management in prioritising who got it and who did not".

- Then you offer your own personal opinion --
- 12 A. Yes.
- 13 Q. which is that:
- "... those in lower paid and apparently lower-valued
- positions were less appreciated in this regard and were
- not prioritised for PPE (for example, porters and
- domestic staff). Porters were not seen as 'front-line'
- 18 staff . [And in your opinion] This was foolhardy, unfair
- 19 and wrong."
- 20 A. Yes.
- $21\,$   $\,$  Q. Now, that's obviously quite a trenchant criticism .
- 22 A. Yes
- 23 Q. Can you just give us a little context to it?
- $24\,$   $\,$  A. Of course. Within my team of senior reps, one of our
- 25 senior reps is in fact a porter, and he, on several

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occasions, was in touch with me because the portering departments across the various hospitals were having significant challenges in being issued with PPE, particularly early/mid-stage in the pandemic. He was able to give me a personal example. So in one of our older hospitals there are various buildings and it connected by a very long corridor, and patients were coming into accident and emergency in one building, being examined, deemed to require hospital admission. Where COVID was suspected or known, these patients were then put on a trolley and had to be pushed by the porters from one building to another. The connecting corridor is quite a long corridor so it would take them quite some time to do that. And the porters were refused masks because they were told that, if a suspected COVID or COVID—positive patient that they were transporting coughed, the patient was facing away from them and so they were at low risk. Now, if you think about the logistics of that, if

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the patient is facing forward and the porter is behind and the patient is pushing forward and the patient coughs, the porter is going to walk right into the air into which a COVID-positive or suspected COVID-positive patient has coughed.

I do believe that the decisions that were being made

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at that time were being influenced by the fact that appropriate PPE was in short supply and I think essentially decisions were being taken about, "If we only have a limited number of masks available, who is in most need of those?", and, as I say, I think it was a very foolhardy decision . We did have a porter -a porter that I knew well. I had represented him -- who contracted COVID -- his wife is adamant -- he was a very well-known, very likeable, very hard-working man who volunteered for extra shifts during the pandemic -- and his wife's take on that was that he was never away from the hospital. He contracted COVID and died, and that was in the period when these kind of decisions were being made that certain groups of workers — and, in my personal opinion and looking at what I was being told as convenor, as the point of contact for all the people who had concerns, I think those decisions were being made along the lines of relative value of the staff role and, you know, "If we don't have enough of them, we're going to give them to that group but we're not going to give them to that group".

Q. I think this is -- first of all, the example you gave or you've given about the porter who sadly died is something you tell us a little more detail about, and I don't want you to go beyond what you've told us just

in case he can be identified, so we'll leave it at what 2 you've said, but we can find that at paragraph 51 of 3 your statement.

4 I think, even to a complete layman, the idea of it being deemed to be all right for a porter to be pushing a patient and therefore potentially walking through 7 whatever that that patient has expelled from 8 themselves -- it might work if you were being stationary 9 but I don't -- personally, I don't see how it fits --

10 A Nordo I

11 Q. -- with a moving situation --

12 A. Nor do I. Yes.

13 Q. -- and I'm just comforted to see that somebody within 14 the profession is of the same view.

15 A. Yes. Yes.

Q. A little bit about community health visitors. You refer 16 17 to those professionals at paragraph 35 of your 18 statement. I suppose one of the difficulties with 19 community health visitors is that they are entering 2.0 a situation which isn't or doesn't have the discipline

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23 Q. -- let me put it that way. What were you finding --2.4 what difficulties were you finding so far as community

25 health visitors were concerned?

of a clinical setting --

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1 A. I think the challenges for community health visitors were the same for all community staff. So, you know, again, referring to my own profession, speech and language therapists were trying to maintain services in as far as they were able to within the guidances as well and for groups like health visiting and peripatetic SLT there were challenges of availability of PPE, of where that PPE could be sourced. I did have one member of staff who got in touch to say that they had to drive across the city to pick up PPE and had been given one mask for the whole day. That was not a common occurrence but it did occur.

> There were then issues of, once whatever task had been carried out in the home, what were these staff. health visitors and others, going to do with the PPE because, you know, they were not for reuse and it would not have been practical for staff to drive from a patient's home back to a health facility to dispose of PPE. And so the guidance that was given to them was just to put it in a bag and seal the bag and keep it in the boot of their car for 48 hours because after that time it was deemed the pathogen would have died off and then they could just put it in their domestic bin.

I could understand why that was a cause for concern to these staff because they didn't like the idea of

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potentially contaminated material, no matter how long it 2 had been in their car, being put in their domestic bins. 3 But also, you know, even allowing for the fact that 4 people were not travelling in social context or shouldn't have been, situations could arise where these staff -- the reason I'm mentioning this is because many 7 community staff and health services used their own 8 vehicles  $\,\,--\,\,$  situations could arise where they were with 9 PPE in a bag in the boot that was not yet 48 hours, you 1.0 know, from use and therefore potentially still contaminated. They may have to put their children in 11 12 the car, they may have to put an elderly relative in the 13 car, they may have to drive for many hours in the car 14 themselves with accumulating bags of contaminated PPE in 15 the boot. So I really could understand why staff were 16 uncomfortable about that 17 And the other thing which I haven't mentioned in my 18

statement were concerns about laundering what you were wearing and laundering it in your own washing machine and, you know, whether that was a safe thing to do when you were doing laundry for other members of your family. So there were concerns around all of those issues for community staff generally, including the health visitors

25 Q. One of the points that we have picked up in the recent

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past in the Inquiry is issues about disposal of PPE, and 1 2 while perhaps it doesn't necessarily, in the hierarchy of issues about PPE, present as possibly the most important, it is still a very important aspect with the risk of infection and reinfection. 5 6 A. Absolutely. 7 Q. You do tell us about problems with sub-standard PPE in 8 paragraph 36. 9 A. Yes Q. We can read what you say there. The one that I'm

10 particularly interested in is the use of -- the 11 12 availability of PPE with revised, if I can put it that 13 way, sell -by dates.

Q. Now, you make the point -- and I think, with respect,

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16 it's one that probably hits home particularly to 17 lawyers -- that where -- you make reference to 18 a manufacturer, 3M, and you tell us that, where a piece 19 of PPE is beyond the expiry date, however one wants to 20 call it . the manufacturer would, quite properly. 21 I suppose, indicate that they would not take

22 responsibility for the consequences of use of, in this 23 case, masks that had expired.

24 A. Yes, that's correct.

Q. You do give us an example of an incident that you were

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personally involved in and you do that at really paragraph 37 and following. Just summarising, could you 3 just tell us what actually happened?

4 A. Yes. I was made aware by one of the senior rep team who 5 sent me a photo shot. He had spotted —— because he was 6 a front-line clinician himself, he was an AHP and was 7 required to use FFP3 masks, so these are the most 8 robust, if you like, masks that were available and they 9 had to be personally fitted, et cetera. He had spotted 1.0 boxes of masks and, because he was familiar with them. 11 he realised that they normally didn't have a sticky 12 label on them, that they normally -- that the expiry 13 date of the masks was printed on the fabric of the box. 14 He decided to peel the label off to discover that the 15 masks were over a year out of date and a new expiry date 16 had been stuck over the top. 17

So I thought that was really quite concerning and so I raised that with the senior management team through my contacts at the Area Partnership Forum and was told that this was perfectly fine and that the masks were absolutely fine for use and that was because Health Protection Scotland said that they were satisfied that the masks were safe. My reaction to that was. "Well, just because you say it's so doesn't make it so. Can I please see the evidence of that?". There was

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1 quite a bit of to-ing and fro-ing over a period of time. 2 I was then told that Health Protection Scotland's position was based on Health Protection England's 4 position and my comment was the same, "I need to see the 5 evidence". The health board said that they would try 6 and get the evidence and eventually they did forward me a sort of, if you like, engineering report and it was 8 full of engineering speak. And the engineering report -- because that's not my sphere of expertise, 10 I was not sure what that report was telling us, but 11 Unite were able to engage an engineer with that specific 12 background who not only was familiar with standards but 13 actually wrote standards, and his assessment was that 14 the testing parameters were not stringent enough and his 15 particular concern, apart from the fact that he thought 16 the threshold was too low for when masks would be deemed 17 to be suitable -- the report stated that, if one mask 18 out of every consignment of 100 was tested and found to 19 be sufficiently protective, then the entire box of 100 20 was deemed to be sufficiently protective. 21

A colleague of mine, a trade union colleague, contacted the manufacturer, 3M, who gave us in writing a statement that said that these dates were there for a reason and that it was their company position that, when masks reach their expiry date, they could no longer

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2 not be used. I fed that information to the board and 3 the credentials of the engineer concerned were questioned. I provided the credentials and, after a day 4 or so of reflection. I was emailed and told that the health board's position would be that they were not 7 going to withdraw these masks from circulation but that, 8 if any member of staff requested -- said they were not 9 prepared to wear one of these expired and redated 1.0  $\mathsf{masks} \ -- \ \mathsf{and} \ \mathsf{some} \ \mathsf{of} \ \mathsf{them} \ \mathsf{were} \ \mathsf{redated} \ \mathsf{not} \ \mathsf{just} \ \mathsf{once} \ \mathsf{but}$ 11 twice — that they would be provided on request with an 12 alternative. However, the health board did not 13 undertake to communicate that and so it was left to 14 ourselves in Unite to communicate that to our members. 15 We shared that information with our trade union 16 colleagues because we thought it was worthy of wider 17 dissemination, but it's fair to say that not everyone in 18 the NHS is a trade union member so that information 19 would not reach everybody. But we circulated it as 20

be guaranteed to be sufficiently protective and should

- would not reach everybody. But we circulated it as widely as we could and I believe that people did say that they didn't want to use those masks and they were issued with an alternative, but it was on request only.

  Q. Was the health board made aware of the caveat that 3M
- had issued to you?

25 A. Yes.

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- $1\quad \ \ Q.\ \, --\ \, \text{regarding the appropriate}\ \, --$ 
  - A. Yes, they were. I made them aware of that myself.
- Q. And, as you said, what they had said to you —— and it may be that there's a commercial side to it as well ——
- 5 A. Yes.
- 6 Q. — but that those dates were there for a purpose?
- 7 A. Yes. And what I would also say about that is, you know,
- the point was made to me that, "Well, it was in the company's best interests to say that so that they could
- sell more masks". But the fact was at that time they
- sell more masks. But the fact was at that time th
- $11 \hspace{1cm} \hbox{could not keep up with the demand, so, you know,} \\$
- 12 I thought it was a flawed argument to say that 3M were
- trying to sell more masks when they didn't have more masks to sell.
- 14 masks to sell.
- Q. The point is made, Mrs O'Hara, in paragraph 44 of your
   statement, that there was perhaps the perception that
- $17 \hspace{1.5cm} \hbox{the unions were panicking over nothing and just being } --$
- just making an "unnecessary fuss"; to put it bluntly,
- 19 being a bit bolshy.
- $20\,$   $\,$  A. Basically , yes.  $\,$  It wasn't something that I came across
- 21 from all management approaches that I made but I did
- have reason to believe from time to time that there was an impression that the trade unions were just making
- an impression that the trade unions were just making a fuss because they could. And, in actual fact, we were
- 25 making a fuss because we were concerned and our members
  - 30

- were concerned and it's our role to raise those concerns and to try and protect our members as best we could.
- Q. I'll move on to another issue, and that's staff
  redeployment. You talk about this at paragraph 46 of
  your statement and you give an example. We've heard
  a little bit from a number of witnesses about staff
  redeployment, particularly the concern that staff were
  being redeployed into areas for which they did not have
  the correct skill set. Could you explain the
  circumstance that you are referring to?
- 11 A. I can think of a couple of circumstances but, as speech 12 and language therapists, obviously -- I've explained 13 already -- we do a lot of work around swallowing and 14 swallow assessment. We were short-staffed, we had 15 people who were furloughed, we had -- not furloughed but 16 isolating  $\,\,--\,\,$  we had people off, we had huge caseloads, 17 we were running to standstill and we were then asked to 18 go and assist on the wards if and when we could, over 19 lunchtimes, et cetera, with personal care tasks.

Now, personal care tasks, you might think, "Where's the clinical concern around that? Surely anybody can do that", but those kind of tasks could involve, for example, walking a patient to the toilet. Now, if that patient falls, we're not trained in -- we're trained in how to lift and move boxes. That's our moving and

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handling training. If a patient slips and falls and hurts themselves, there were concerns about how —— and it wasn't just a concern for SLT. There were other clinical specialisms being asked to do similar types of tasks. But there was that question about, "If something goes wrong and we don't have the skills to deal with that, how does that affect us in terms of working outside our scope of practice?", which is viewed very seriously, and rightly so, by professional bodies such as the HCPC and, you know, the kind of nursing professional body as well. So there were concerns around that.

There were also concerns where people were in fact qualified to do a task that was requested of them but perhaps were not sufficiently experienced, and I think the example that I've given in my statement was something I didn't witness but I was made aware of it by a colleague from another discipline the next day. We have an open plan office and she had witnessed a situation that arose. A very junior, very newly qualified member of our staff was working late, a temporary member of staff obviously trying to make an impression and do the job properly, and she was sitting doing her notes a good half an hour/three—quarters of an hour after her finishing time, and a manager appeared

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and instructed her that she had to go to accident and emergency to assess a patient's swallowing because that assessment was all that was keeping the patient at the casualty department, and if we could assess the patient and the patient was fit to go, the patient could go home.

The member of staff concerned was not asked, "Can

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The member of staff concerned was not asked, "Can you do it?". She was just told to do it. She wasn't comfortable doing it because there was no more experienced SLT around had there been an issue that she wanted to seek advice on or get some guidance on. She went and did the task, but she —— what I was told —— was visibly very upset, and I did take it up directly with line management the next day and was assured that it wouldn't happen again.

Q. One of the other areas you tell us a lot about from your perspective as a union representative but as an observer about staff pressures — you've told us quite a bit about that from paragraphs 49 through to 55. And, again, these are matters that we can read about and it includes the point that you made about the porter who died from COVID, so we have that. Again, it's probably something that we are now all well aware of, but I think perhaps coming from you as an observer it's quite impactful.

At paragraph 54 of your statement, you say that you saw nurses outside critical care units in tears on several occasions. Again we've heard about this from the RCN and indeed from other individuals. So far as those who were relaying issues back to you, what were the particularly emotive and emotional aspects of what people were doing at that time?

A. Yeah, I did feel very much for nurses, particularly those who were working in that kind of environment.

They had many, many challenges, dealing with very, very sick people, in PPE for full shifts, which —— you know, I had to wear it for two/three hours at a time, which was horrendous enough. So they had all those challenges.

But nurses are, by definition, caring, as are all NHS staff — that's why we do what we do — and for these staff to be dealing sometimes with people that they knew or to be dealing with people who were very seriously ill from COVID or dying from COVID when they knew people in their own lives who were in that same situation and to have to do the mechanics of the nursing but to be unable to do, in the same way that they would normally have done, the caring aspects of the nursing, the sitting with someone when you know they're about to pass away and hold their hand and be with them, when

there were so many pressures and they had other patients to deal with, and the very PPE that they were wearing meant that they couldn't be as caring or be seen to be as caring. They were just a faceless, maskless person, who was delivering the care, whereas what they really would have wanted to be doing was supporting these people in their worst moments and sometimes their dying moments. I think the mental impact of that has been enormous.

We had at the time a staff side representative who was working in that context and she shared with me over a coffee one day some of her experiences and it was harrowing to listen to. And they didn't even have the same rest and recreation facilities . The health board was very good at making rooms available where people could go and have a cup of tea and kind of chill down for half an hour, but they couldn't leave the ward because of the nature of the patients that they had and the pressures of having so many of them who were so very seriously ill . They even had to kit out their own rest and recreation area. This particular  $\,--\,$  as I say, she was a trade union representative but also a very senior nurse — had to make phone calls to get armchairs and kettles and a water cooler and other kind of facilities so that, when there was a member of staff needing

a break, be it because they'd been working for a long time or they'd just had a very distressing situation, there was a place that they could go and chill out.

But, as I say, they even had that challenge of having to kit out their own rest and recreation area.

So my moving from our office building to where I normally have to go to deliver clinical care, I have to pass these units and it was not unusual to see somebody standing outside, crying into a hankie.

Q. Now, because you've dealt quite fully with the particular challenges that your own profession had, I'm not needing to go through that in any detail. There's just one thing I would like to ask you about. Paragraph 61 of your statement, again you're talking about the -- I suppose it's based on guidance or instructions . For one of your -- either to you or one of your colleagues, a suggestion was made by one speech and language therapist manager that perhaps you could or your profession could look at holding open air sessions, for example in local parks.

21 A. Yes.

22 Q. How sensible is that?

A. I could see that it was well intentioned because,
 although I've mentioned a lot about our involvement with
 swallowing, this particular scenario was around children

with speech and language problems and it's fair to say, as a speech and language therapist — and you may have seen reports on TV — that we are now picking up the consequences of lots of these children not developing normal language, who couldn't have speech and language therapy during the pandemic because of the restrictions. So this suggestion was made. It didn't go anywhere, but I could see that the thinking was perhaps we could do something where safe social distancing could be maintained. But my thought at the time was, "It's Scotland, it's cold, it's often wet".

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My specialism isn't in paediatrics at all, but from what I do know of it and having had children myself, children in a park environment are going to want to go and play football or go on the swings, so their ability to attend to the therapeutic intention of any session in the park was never really going to be something that young children were going to be able to manage. So it was well intentioned and I absolutely understood where it was coming from, but it just really wasn't practical at all.

22 Q. Finally, Mrs O'Hara, you do deal with some of the
23 longer—term impacts on your profession at paragraph 67
24 and following. One of those is that there was burnout,

a lot of people retired from the profession because of

what they'd experienced, and you do put it that there
was a feeling, I suppose, that some felt that they
should soldier on for the love of the job. Is that
something that might apply not only to your own
profession?

A. Oh, yes, absolutely. I think there is a perception in society that NHS work is a vocation and that we do it for the love of the job. And we do do it for the love of the job, we wouldn't be there otherwise, but we also do it because we all need to live.

I would say within professions, certainly within my own profession, I have seen a number of colleagues of a similar age to myself and similar many years of experience and expertise who have either retired and not considered the option of staying on, or considered it and said, "I'm not going to do that. Why would I?", and also I have known colleagues to go slightly earlier than they would normally have planned. And I do think that the stresses of the pandemic, the expectations that were put on staff, some of them —— we understood, you know, this was an absolute crisis situation, but it went on for a long, long time. And while people can cope with a short—term crisis and then recharge their batteries, this was relentless over many, many, many, many months and there were staff who took the decision that it was

L time to go

We do now have a recruitment crisis and normally
staff would perhaps consider coming back, but there are
lots of staff who are saying, "No, I've done my bit and
I'm not coming back".

6 Q. "That's it".

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Final point, and again something that we are hearing about is the backlog of work and the delay that may have occurred during the pandemic. And you — in your specialty of neck and head cancers, I think you make the point that there were — you have experience of patients presenting late and, as a consequence and within your area of expertise, requiring more extensive treatment and more challenging rehabilitation —

15 A. Yes.

16 Q. -- and, as you say, there are poorer clinical outcomes 17 as a result of that.

A. Yes, that's absolutely fair and that's a view held not just by myself or people within speech and language therapy but it's a view that's been expressed by some of my medical colleagues as well. The difficulty was most 2.2 of our referrals will come in through either dentists or GPs and people were, during the pandemic, unable to get 2.4 these kind of appointments. So where a dentist might routinely have spotted a cancer at an early stage or

a patient might have gone to the doctor and said, "I've got a sore throat", and the doctor could physically, with the patient in front of them, look in and see there was a lesion there that required investigation, those processes were just not possible remotely and, as I say, dental appointments were for absolute emergencies.

The result of that has been that people are now presenting who perhaps could have been curable had they been picked up at an earlier stage and now are either not curable or their treatment, be it surgery or radiotherapy or whatever — sometimes both — the amount of surgery, et cetera, that they have is much, much bigger, which gives them much more challenging issues with speaking, with swallowing and with issues that other people in other clinical disciplines have to pick up and their outcomes therefore are not so good. They may have restricted diet, they may never swallow again or they may be terminal.

So I think it's fair to say that the effect of the pandemic in people not being able to seek intervention at an early stage is now causing us challenges at a time when services are under pressure anyway.

Q. I'm conscious of the time, Mrs O'Hara. You've provided us with a note of what you think are the lessons to be learned and also the hopes for the Inquiry, and I've

cision that it was 25 learned and also the hopes

THE CHAIR: Thank you very much, Mrs O'Hara. Very good. referred to one of them, which is at paragraph 87, about 2 communication, so all of those matters will be taken Between 5 to and the hour. 3 into account. 3 (10.43 am) 4 At this stage can I just ask, if there is anything 4 (A short break) that you feel that you would like to say in addition to 5 (10.57 am) what you've said -- not in repetition but in addition to THE CHAIR: Good morning, Ms Trainer. 7 what you've said -- this is perhaps your opportunity to MS TRAINER: Good morning, my Lord. 8 do it. 8 THE CHAIR: Are you ready to proceed? 9 MS TRAINER: I am, thank you very much. The next witness is 9 A. I'll try not to be repetitive . You know, my intention 10 1.0 Ms Emma Currer here today is to give my perspective as a trade union MS EMMA CURRER (called) 11 rep and as a front-line clinician, who is not a doctor or 11 12 nurse, and I think it's fair to say that good decisions 12 THE CHAIR: Good morning, Ms Currer. 13 were made -- I don't want it to come across that every 13 A. Morning. 14 decision was a bad decision -- good decisions were made, 14 Questions by MS TRAINER MS TRAINER: I wonder if you could start by telling us your 15 but sometimes the good decisions were in direct conflict 15 with guidance. There were bad decisions taken with no 16 16 name 17 intention to harm but often harm resulted and it was 17 A. Emma Louise Currer. 18 down to the trade unions to challenge those. That was 18 Q. You are, as I understand it, the national officer of the 19 our role. We weren't there to make things difficult for 19 Royal College of Midwives. 20 management but to challenge. 20 A. Yeah, for Scotland. 21 So, you know, I think you've covered what I feel we 21 Q. You have provided a statement to the Inquiry, and that 22 2.2 need to learn. I think for me the big thing is the NHS statement, for the benefit of the recording, bears the 23 was not and is not in a state of readiness and I do fear 23 reference SCI-WT0389-000001. That's for our benefit. 2.4 the once-in-a-century-pandemic mentality, where we get You should understand that all of that information will 25 one every 100 years and that's us had it now so we don't 25 form part of your evidence and the Inquiry will be able 43 1 need to worry about it anymore. In the modern age, with 1 to consider it. global connections, this could happen again at any time 2 There are a number of interesting matters which and it could evolve and become very challenging very, I wanted to pick up with you, but first of all your very quickly. So I think it sits with the 4 statement tells us that you've been in your current role 5 decision-makers to reflect on what the pandemic has 5 for around 15 years. 6 taught us so that if  $\,--\,$  and I guess I should say "when" 6 A. Yes. 7 because it will be a when -- when something like this Q. You also tell us I think that you qualified as a midwife 8 8 happens again, that the service is battle-ready. in 1998 and you're still registered as one. 9 MR GALE: Thank you very much. A. Yes, that's correct. 10 My Lord, just in conclusion, I'm told that I gave 10 Q. In your current role within the RCN, I wonder if you can 11 the wrong reference to Mrs O'Hara's statement. It 11 give us an overview as to the responsibilities that you 12 should be SCI-WT0318 -- I think I gave it as "81" -- and 12 13 then the usual 000001. 13 A. So in -- sort of mirroring the nature of the RCN as an 14 THE CHAIR: I suspect we can live with that. Mr Gale. 14 organisation. I kind of have a dual role in the context 15 MR GALE: I think we no doubt can, my Lord. 15 that from a Scottish perspective I have a professional A. There is a typo on page 1 as well, but I've already 16 representation and advisory role in relation to maternity strategy, healthcare policy, advocating on 17 flagged that to Thompson's so --17 18 MR GALE: All right. I'm sure we can live with that as 18 behalf of midwives and our members and maternity 19 19 services and women and families and I also have a role 20 20 THE CHAIR: You're forgiven as well. leading on our trade union side in terms of employment 21 A. It overexaggerates how many members we have in 21 relations and representation of members in relation to 22 Greater Glasgow and Clyde. It's got a "4" and it should 22 regulatory or workforce issues.

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A. Yeah.

Q. From your statement, we can gather that all of that

really came to the fore during the pandemic period.

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A. Thank you.

MR GALE: Thank you very much, Mrs O'Hara.

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- Q. I wonder if you can maybe give us a brief overview as to the particular role that you were required to step into because of the pandemic. A. I wouldn't say my role fundamentally changed because of
- 4 the pandemic but in terms of the weight of particular pressure shifted, so as a -- within our organisation, on 7 a UK-wide basis, we very quickly formed a group called 8 an "expert clinical advisory group", so we recognised 9 very quickly, based on the number of enquiries we were 1.0 receiving, that there was no guidance specific to 11 maternity and obstetric care and we worked in 12 collaboration with the Royal College of Obstetricians 13 and Gynaecologists to produce an overarching document 14 around providing care to women during the pandemic, but 15 we also created a group of a number of individuals in 16 our organisation, coming from different backgrounds, 17 where we sought to develop a number of guidance 18 documents

So one of the key things that I was doing was writing, specifically leading on some and contributing to a number of guidance documents that we wrote that were specific to providing maternity care during the pandemic and they went on to essentially a strand of our website that was dedicated to the pandemic and where resources were available, not just for midwives and

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maternity care workers but also the general public.

We also formed a rota for responses, so the numbers of enquiries that we got absolutely escalated overnight and a huge number of them came from the general public, which wouldn't ordinarily be so high, and we found ourselves having to respond to a number of these enquiries. So we had to actually form a rota to ensure that we responded to them all and directed women and midwives to appropriate information.

In terms of the other element of my role, the trade union side of it, likewise the number of enquiries and requests for advice and support escalated significantly . That also came via our workplace representative networks as well: regular enquiries about what we should and shouldn't be doing in practice, what's safe to do. what's not safe to do, how do we manage these pressures, how do we interpret a number of things that we're being given or being told, and escalating to us concerns about the pressures and what can be done about them, so ...

Q. In terms of the membership that you serve. I think you say at paragraph 5 of your statement that, without giving any specific figures, the vast majority of the midwifery profession in Scotland particularly are members.

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A. Yes. 25

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2 Essentially you say: 3

Q. You talk at paragraph 14 about a matter you just raised.

 $^{\prime\prime}\ldots$  when COVID happened the number of general inquiries we received from the public and employers. mostly pregnant women (mostly through [your] website) increased significantly . So much so, we needed to allocate existing staff to assist [in] dealing with these."

Can I take it from that that that perhaps was a new thing, the number of enquiries from the general public rather than just your membership?

- 12 A. Absolutely, yeah. We will always have a level of 13 enquiry there but it was significantly increased.
- 14 Q. You go on to say at paragraph 15 that, like everybody 15 else, you couldn't attend anything in person so quite 16 a lot of the work was moved online. You sav:

Things like disciplinary hearings and many aspects of routine business were put on hold ... unless they were of a very serious or pressing nature."

2.0 I wondered if you could tell me more about the 21 impact that things like disciplinary hearings being put 2.2 on hold might have had to the members.

23 A. Obviously anyone that's subject to, you know, a work process that involves scrutiny of their practice or conduct is going through an episode that's stressful for

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1 them and they want to generally expediate that to the

2 point that it concludes and then they feel -- you know.

they understand where they're at with it. To have that 4 sit static for prolonged periods, particularly while

5 they, in the large, continued to work through it,

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obviously maintained a level of anxiety and stress that

we couldn't alleviate for them because we couldn't 8

conclude a number of processes.

- 9 Q. And I suppose you wouldn't have had an answer as to when 10 you were going to be able to do that again because you 11 didn't know?
- 12 A. No, and even when they did begin to resume, they were no 1.3 longer themselves conducted in person, which made those 14 processes all the more challenging and stressful 15 probably.
- 16 Q. I think within paragraph 17 you say generally that 17 services being moved to online-based, "providing support 18 remotely does not mirror the in person support [you] 19 provided prior to the pandemic". I wonder if you can 20 tell us what the issues were with providing that online 21 support. You mentioned there stress particularly.
- 22 A. Yeah, I think for many of us in our day jobs we 23 regularly use computers and elements of IT 2.4 functionality, and even that -- as we know, you know,

25 moving to online video meetings, even for those of us

that had some experience and insight, became the norm 1 2 and -- but for our coalface members, they were not used 3 to working in that capacity and engaging in their role 4 in that way, be it with other staff and health professionals or with patients themselves. So I think arguably an anxiety around, "Will the IT mechanisms 7 work. Do we know how to work them?", but also the 8 person that they're engaging with, "Do they also know 9 how to do that as well?". And just the barrier that's 1.0 perceived from not having that personal element of care 11 and — it makes the communication more formalised where 12 actually you can get more out of more, you know, 13 hands-on, in-person communication with people. 14 Q. You go on to talk in a general sense about there being 15 an extraordinarily enhanced role for midwives and people in midwifery roles. You say that the role increased 16 17 significantly but the funding didn't, and that was 18 perhaps an issue. I wonder if you raised that with 19 anybody and whether you think actually an increase in 20 funding would have helped at that time. 21 A. I think -- in the instance of the pandemic, I don't

> to arguably extend or expand their role slightly or take 49

> that, where there was increased expectation on midwives

think that the funding was really the primary issue or

cause. It was lack of bodies essentially. So I think

- 1 on work that would have ordinarily been done by another 2 health professional, there was arguably an anxiety around are they the right person with the right skill set. But actually it was the additional resource, and 5 the resource pressures did not arise from funding; they 6 arose from actually we do not have enough midwives. It wasn't about the ability to employ them or fund them. 8 It was primarily that they didn't exist.
- 9 Q. Coming -- and I will return of course to the role 10 I think that midwives took on that perhaps they weren't 11 taking on before the pandemic -- but I want to take you 12 out of turn in your statement because you discuss at 13 paragraph 52 a survey which you conducted and you 14 explain that in autumn of 2021 the organisation carried 15 out a survey of its members. That survey, you say, 16 wasn't directly about the pandemic but, because of the 17 timing of it, you certainly are of the view that the 18 responses are quite reflective of the membership's 19 experience of the pandemic; is that right?
- 20 A. Yeah, absolutely,
- 21 Q. At paragraph 53 you say that the response to that survey 22 was overwhelming.

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- 24 Q. Four out of ten members responded?
- 25 A. Yeah, higher than we've ever had before.

Q. I think you also say that there's an option in the survey to  $\,--\,$  instead of just give a short response, they have the ability to write prose, to write text, about experiences and you gleaned a lot from that as well.

5 A. Yeah, so a significant number of the respondents elected 6 to provide a narrative to expand on their primary answer 7 to the questions that they were asked, and I think in 8 our analysis what would have originally been intended to 9 have been a survey where we could, you know, collate 1.0 data essentially that would be particularly 11 numbers—focused actually turned into a thematic analysis 12 of themes because we had such a high level of narrative 13 response within it that we could not, you know, fail to 14 explore that and understand it. And we then acknowledge 15 in the writing—up of the report of Scotland that 16 actually it's very apparent that one of the heavily 17 influencing factors in the narrative responses was their 18 experience of working during the pandemic. So although 19 we never specifically asked about that, that was what

2.0 was volunteered in the responses. 21 Q. Thank you. I asked you about that because I want to 2.2 come back to some of the answers, where they're 23 relevant, in terms of what you're talking about. 2.4 Going back to paragraph 21 of your statement, you

say that there was a focus on reducing care which was

1 provided within the hospital setting --

2 A. Yes.

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3  $Q. \ \ --$  and that meant that more care and more maternity care 4 was provided in the community.

5 A. Yes.

6 Q. What impact do you think that had on the membership?

7 A. I'd say it was significant in the sense -- well, the 8 different areas. There's the impact on the community workers, who, of course, like all of healthcare staff, 10 were working with depleted numbers. There was no 11 additional resource -- and by "resource", I mean 12 staffing  $\ \ \operatorname{resource}\ --\ \operatorname{to}\ \operatorname{support}\ \operatorname{the}\ \operatorname{movement}\ \operatorname{of}\ \operatorname{staff}$ 13 from other areas into community, to go with the work, if 14 you like . because actually there was still 15 a pre-existing workload in other areas.

> And what -- I think the biggest anxiety that came across from our community members would have been that they were -- where they go to work, be it a clinic or a patient's home, that is their workplace, but these were much more uncontrolled environments for them. So in actual fact the guidance that was out there around. you know, protecting yourself, protecting patients, protecting staff, minimalising contact and interaction. was hugely, hugely difficult to apply in practice when you were repeatedly going into uncontrolled environments

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control of how many persons were present in a patient's home, for example. And that created significant anxiety. You add on to that the nature of the work that we were being asked to undertake, it would have been essentially some tasks that patients would have previously come into an acute setting to have undertaken and where possible in any way there was a shift to try and undertake aspects of care in these environments. So it was about we want to prevent patients and women and families from coming into a healthcare setting because that's about avoiding the contact, the social

where there may not have been adequate ventilation,

adequate hand-washing facilities. You weren't in

distancing, et cetera, but the challenge then was, "Are we still providing the same level and quality and safety

17 of care in a community setting as we would have done in 18 an acute setting? Are the individuals providing it, you

know, of the right skill? Do they have the right tools to do so and is it to the same standard essentially?

21 And do they have the time and resource to do it?". So

22 these were the competing kind of priorities and 23 pressures.

2.4 Q. You I think deal particularly with the topic of 25 community-based care at paragraph 33 and you give an

- 1 example of some of your membership requiring to provide home birth services --
- 3 A. Yes.

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- 4 Q. -- and those persons particularly being pressured, 5 I suppose, because that is an environment which they 6 have absolutely no control over but with which they of
- 7 course are required to work in. 8 A. Yeah. So women have choice of place of birth and we obviously want to promote that they have that option to 10 elect to have their baby in the safest, most appropriate 11 setting for them with the freedom of choice. So there 12 are always a number of women that will request and elect 13 to have a home birth. One of the challenges was that 14 that was thought to increase as a consequence of the 15 pandemic because obviously there was awareness that we 16 were trying to, as far as possible, not bring women and 17 families into hospitals, but also their own anxieties 18 arguably about potentially coming into a hospital 19 environment during such a period arguably had an impact 20 on their decision around place of birth. So there were 21 increased pressures to provide intrapartum care in these 22 settings but there was also a period whereby we 23 struggled then to understand whether it was actually

safe to do that from that perspective of providing

healthcare, the risk to our staff versus the benefits to

our pregnant women and also did we have the resource to 2 continue offering that choice as well. So there were

3 some real competing priorities there that created a lot 4 of stress and anxiety across the workforce and arguably

for women as well.

THE CHAIR: Can I ask a question in relation to the last two 7 answers you've given, Ms Currer? You used in the

8 previous answer the word "acute" twice.

9 A. Yeah.

10 THE CHAIR: My knowledge may be incomplete here but "acute"

at least suggests that in non-pandemic situations those 11

12 persons would have -- and indeed it would have been in

13 the best interests of those patients, those women, to

14 have been treated in hospital. Is my understanding 15

correct?

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A. Yes. So in general terms, my use of the term "acute" 16

17 would be hospital—based care, and so what I am

18 describing is where care that would ordinarily be 19

provided in a hospital setting as being the best place

2.0 for that care to be given was then shifted to

a community context.

22 THE CHAIR: And whilst I'm certainly not criticising anyone 23

in relation to this, but when those difficult decisions

2.4 were made, then the inference must be that patient was 25

being placed in a sub-optimal position or a sub-optimal

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1 place because they would routinely have been taken into

hospital, but the pandemic required them or made it

3 necessary for them to be treated at home?

4 A. I think in any of these situations there would have been

5 a degree of risk assessment as to, you know, where on

6 the scale of risk would it sit to provide this care in

7 a different setting and what would be required to

8 mitigate that risk . And so I wouldn't -- you know, I'm

not suggesting that everything was just suddenly dumped

10 into a community setting because arguably that's not

11 possible, but what I would have said was that, where

12 possible, certain aspects of care were selected as being

13 something that could arguably be amended to an extent to

14 still provide that care, albeit in a different way.

15 THE CHAIR: I understand that completely, but -- yes, thank 16 vou.

17 MS TRAINER: Thank you, my Lord.

18 Turning back to paragraph 22, I think you explore 19 there that an issue amongst the membership was that some 20 staff were redeployed to work in clinical areas which 21 were unfamiliar to them and they hadn't worked in in 22 some time and with staff and a team that they didn't 23 know. Are you able to tell us what issues members 24 reported as a result of that decision being taken?

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A. So something that evolved quite quickly during the

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initial phases of the pandemic was a process that is now becoming embedded as a real—time staffing assessment. So what each of the clinical areas were tasked with undertaking at the start and arguably during some shifts was, you know, what is the demand for care and what is the staffing resource and then making an assessment across the wider area as to where the imbalances were in that and how they could mitigate some of the risks where there was potentially not adequate resource by the movement of staff

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What we certainly gleaned from our survey thereafter was that our respondents reported that on a regular basis they were being moved, so they were reporting to work, to their ordinary place of work, and either at the start or during the course of their time at work they were being asked to go and work in a different ward, a different clinical area and sometimes on a different site to support the level of work or the risk that was perceived elsewhere.

That's highly stressful because they are used to working in a particular aspect of their role. When you go to a different ward, even just simple things like, "Where are things kept? What are the policies and procedures? What is the skill set of the people I'm working with? I don't know the people I'm working with.

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- I'm not familiar with them. I'm not familiar necessarily with how patient care is delivered here or the policies and protocols that are in place here" -- so that automatically becomes a more stressful scenario. And obviously doing it when you're -- going to somewhere unexpectedly that you're not familiar with is stressful in itself, but to do it because you're responding to a high pressure, the expectation and the anxiety is even further escalated, and that happened regularly.
- 10 Q. You say within that context there was a "high demand for 'upskill'", and I wondered what you meant by that. 11
  - A. Well, "upskill" is potentially too general as a term. It wouldn't be a skill that would be beyond the expectation of a midwife but at any given time maternity care isn't streamlined in such a way that you will apply all aspects of your skill set, you know, regularly -every day. So you will often -- for example, community midwives are familiar with providing community-based care in the context of how they do that. Midwives working in a labour ward are much more familiar and up to speed on providing intrapartum care.

So if I was to suggest that, you know, a midwife from a labour ward had been asked to go out and work in a community setting that day, she would be particularly unfamiliar with potentially antenatal care pathways,

protocols. It wouldn't be that she didn't have an

2 awareness of them; it would just be more in practice the

3 familiarity of that skill isn't there and that's where

4 it would be, "I have to understand and gain a level of kind of knowledge and insight quickly here". So it

wasn't that the skills, the core skills, didn't exist.

7 It's more the familiarity of them in practice that would

8 have been the challenge.

9 Q. And can I take it from what you're saying, again without 1.0 criticising anybody in particular, that that necessarily 11

has an impact on the care that's provided?

A. I think, you know, you could say in any scenario that if 13 somebody lacks confidence or feels anxious about how

14 they -- how familiar they are with what they're being

15 asked to do, then that arguably presents risk in terms

16 of how that's managed then and their ability to access

17 support to manage that sense of feeling a little bit out

18 of their depth potentially. I think in an ordinary

19 scenario you would go to work in a supportive

2.0 environment, you would say, "Oh, I've not worked here

for a while. You know, can somebody show me how to do

2.2 things? How does this work?", but in the scenario of

23 the pandemic that support wasn't there so that

2.4 exacerbated that anxiety more. You could argue then 25

that that presented risk. And our members did report,

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1 particularly in the narrative, that they felt 2 vulnerable.

3 Q. Talking about taking up different roles, you go on to

4 talk about -- rather than a kind of clinical --

5 a different clinical role, you talk about midwives

6 also  $\,--\,$  there being a sense that they're taking up the

7 role of two professions, GPs and social workers,

8 because, as professions, they were generally seeing less

people face to face and midwives, by necessity, were.

10 Did you get a sense that the members felt able to take

11 on those roles or was that a significant additional 12

pressure?

13 A. Do you mean able in the context of having the resource 14 to do it or having the skill to do it?

15 Q. Both

16 A. So I think that -- you know, we won't be unfamiliar with 17 the fact that, unless it was deemed absolutely

18 essential, GP contact was exceptionally limited and many 19 women in pregnancy are healthy but they have healthcare

20 needs associated with their pregnancy. Many have

21 additional needs arising from other pre-existing medical

22 conditions or conditions that arise as a consequence of

23 their pregnancy and others will have other healthcare

24 needs that are not pregnancy-related that coincide with

25 their pregnancy.

1 So what we saw from that perspective is that, where 2 they were perceiving barriers to accessing healthcare 3 from other appropriate healthcare professionals for the 4 need that they have, they could access healthcare via the maternity service, so there was an increased number -- there always is a number of women that will 7 present in maternity services with 8 a non-maternity-specific need, but that was 9 significantly increased during the pandemic, where, you 1.0 know, if a woman was experiencing a problem that was  $--\,$ 11 wouldn't have been deemed to be maternity or 12 obstetric-related, she could present to the maternity 13 services as a route in. And obviously the anxiety of 14 the pregnant population, like the whole population, was 15 high in respect of, you know, "Where do I access the 16 appropriate healthcare and how do I do that without 17 facing perceived barriers?". 18 I think our members also reported that, you know, 19 other elements of care still existed. So a lot of

I think our members also reported that, you know, other elements of care still existed. So a lot of maternity care relates to social need. There's also a level of obviously assessment from a child protection perspective, where ordinarily midwives would work in collaboration with Social Services and health—visiting colleagues to do that multi—professional assessment and oversight and care planning. But because they were the

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- individuals that were having the most direct contact,
  because they didn't have an option not to with pregnant
  women, it was they felt a little bit more of a lone
  voice in some of that work because the engagement from
  other health professionals was more detached so the
  burden felt heavier.
- 7 Q. I was going to ask, was there a feeling that essentially 8 they were having to take on a child protection or 9 a safeguarding role where ordinarily that would be 10 a duty and a burden on another profession?
- A. It would ordinarily have been combined assessment and
   decision—making, and there was a sense that they were
   then being given a lead role to some extent and that
   obviously created an anxiety there.
- 15 Q. You go on to talk about the guidance and messaging that
  16 was received and I think you've already said, I think,
  17 that guidance and messaging wasn't necessarily tailored
  18 to maternity and obstetric care but really was more
  19 generalised and you produced guidance which was more
  20 specific.
- 21 A. Yes.

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Q. You say at paragraph 24 that the guidance lacked clarity
 and you give a specific example at paragraph 25
 involving resuscitation of a newborn baby.

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25 A Yeah

1 Q. I wondered if you could explain that and perhaps it 2 might help to give us a good example of where the 3 messaging wasn't perhaps as clear as it could have been.

A. I think the issue around the messaging was its 4 generalisation, and when that -- and the frequency of 6 change. But if we took one message in isolation, what you would find would be how that was then interpreted to 8 different clinical settings varied. So I, you know, can 9 recall specific incidences of midwives contacting us, 1.0 saying, you know, "We are all expecting to be fitted for 11 FFP3 masks because our role involves us actively 12 resuscitating newborns, neonates. However, some of the 13 management or some of our, you know, leads within the 14 organisation are telling us that newborn resuscitation 15 doesn't require a FFP3 mask, but that's not how we read 16 the guidance". So there was this conflict then around 17 what they understood to be the best approach to 18 providing care to protect everyone concerned and how 19 others potentially then translated that and there became 2.0 a conflict around what you should and shouldn't be 21 doing. And I specifically recall a few members saying, 2.2 "If I'm not going to get measured and fitted for FFP3 23 and be allowed to use it. I can't go to work. I'm not 2.4 resuscitating babies", because of their anxiety around 25

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- 1 Q. I think later on in your statement you discuss FFP3
  2 masks and I think you report there to be a feeling that
  3 those were hard to come by and were rationed for
  4 a period.
- 5 A. Yes. Yeah, I think during that particular kind of 6 period around the issuing of masks and where they should 7 and shouldn't be used and what categories and types 8 should be used, it was felt by our members that some of the interpretation of guidance was arguably being 10 steered by the availability of the resource as opposed 11 to the best approach clinically, so they were perceiving 12 that there was this conflict between what we should be 13 doing for safety and what realistically we can do 14 because of supply.
- 15 Q. You go on at paragraphs 26 and 27 to tell us about the 16 experiences that members reported from communication 17 with those who were accessing maternity care. You say 18 and you've already said that women and families 19 experienced increased anxiety and vulnerability. You 20 talk us through the reasons for that, which I think 21 everybody would understand, that they weren't able to 22 access social support, they weren't able to bring 23 support or have visitors into the hospitals. You say 24 that this led to increased hostility by those accessing 25 care to staff and to members that you heard from.

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Q. Can you tell me more about that hostility and that conflict because, perhaps, of rules and guidance that 4 were in place? 5 A. Yeah, I think, you know, what we heard, particularly on a ward basis, was our members felt the immense 7 frustration and stress and anxiety through them having 8 to facilitate the restrictions . So they didn't make 9  $\mathsf{up}\;--\;\mathsf{you}\;\mathsf{know},$  they weren't the decision—makers in that 1.0 but they had to comply with that, therefore they were 11 the point of contact with the public as being seen to be 12 the enforcers. 13 So the frustration and the anxiety and the stress 14 felt by women and families and their extended families 15 arguably in some cases was vented directly towards our members at times, and that was distressing because they 16 17 were enforcing something that they could see was 18 arguably -- had detrimental impact. It was being done -- it was the conflict between it was being done 19

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A. Yeah.

conflict there between doing the right thing for the \$65\$

for the right reasons from a kind of physical safety

and that's really hard because we are denying these

critical unique times in their lives . And so a real

perspective but there is a secondary consequence here,

people the support and the access to each other at quite

right reasons but being aware of the consequences for them not being great. And I think they definitely experienced the frustrations felt through women and families of the impact for them.

- Q. You say that perhaps all of these impacts were acutely felt by student midwives and you go on to talk about, at paragraph 39, there being a number of reasons why student midwives were very significantly impacted by COVID, by the pandemic time, and that has perhaps now had a longstanding impact. First of all, can you tell us the concerns and the experiences that student midwives experienced because of the pandemic?
- 13 A. So, to put it into context, the midwifery training is 14 a three-year -- typically a three-year programme, 15 a three—year degree programme, but unlike in any other 16 degree, nursing and midwifery degrees are heavily 17 reliant on a significant clinical component of clinical 18 learning and teaching and assessment. So there is 19 a requirement that they have to do a number of clinical 20 practice hours, they have to be exposed to a number of 21 different types of clinical scenarios, they have to be 22 taught, they have to be assessed, they have to pass that 23 and they have to do certain levels .

Like all of the population, our student population were also subject to recommendations around shielding.

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They also obviously had issues in relation to caring responsibilities . And what they experienced going into their clinical placements was a workforce that was unable to fully support their clinical learning in the way it previously would have done. Also, because of social distancing, even in healthcare settings and changes to how care was provided, they weren't then getting the same exposure to clinical experiences, even when they were on placements, so that all delayed and deferred their ability to acquire that exposure and that learning.

We had many during that period that had to extend their training period to make up time, but what we were already working with was quite a pressurised number of student midwives because we had the highest number in training than we'd seen previously, to try and meet future workforce projections, but when we increased the numbers of students, we didn't in turn increase the number of midwives, so there was already a significant number of students being supported in clinical practice. If you then have gaps or inabilities to do that and that's deferred down the line, that doesn't mean that you can defer the others coming through the system. So what that created was this backing—up, if you like, of student needs that was still being put upon a workforce

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that wasn't fully able to deliver all aspects of clinical care in the way it should ordinarily have been and of course the experiences and the teaching of students would have become further down the priority of providing safe clinical care to women.

So the knock—on effect would have been that they weren't supported in the same way to learn, their learning took much longer, and that created delays then in the outputs at the other end of midwives qualifying and being able to enter into the workforce to support the workforce gaps that then existed. So it was this kind of multi—factorial impact really, that there was the immediate impact and then there was the longer—term impact of that.

- Q. And turning back to the survey that you mention later on in your statement, one of the interesting statistics
  that I read at paragraph 37 was that, of the respondents to the survey, 12% of them qualified less than two years ago, so in 2021 that would have been 2019 or less than that period, and 51% of those who had been qualified for less than two years said they had been left in charge during that period.
- 23 A. Yes, so one of the the reason that we did the survey
  24 and we did a survey in a way that we had never done
  25 before was because we were very, very aware of the sense

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of extreme burnout across our membership. And what was being reported back to us, either directly from individuals or through our networks and branches, was that one of the biggest stresses being felt was newly qualified midwives working without support of more experienced staff and frequently being left in charge when they would previously have worked on a shift, you know, where they would have been supported by more experienced and senior members. They were sometimes turning up to work where the whole shift were arguably newly qualified and there might have been some bank workers that weren't part of the core team and so they were deemed to be the individual that was most experienced in that scenario so had to take charge, and that's not something that would ever have happened.

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Of course what you would do with somebody in their period of preceptorship post qualification is you would begin to expose them to some of the leadership elements of their role as a practising midwife, but that would be undertaken with support. But what it felt like or what was being reported was that it wasn't done in that way and it just was an expected norm and that they felt very isolated and vulnerable.

Q. At paragraph 44 of your statement you say, quite starklyI think, that:

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"Maternity care should have been prioritised as an essential service during the pandemic, however this wasn't always the case."

My first question is: it might be obvious, but why do you say that maternity care should have been prioritised?

prioritised ? A. You can't defer a pregnancy and you can't, you know, say to people, "Don't become pregnant". So I think obviously what we saw in healthcare immediately was anything deemed to be an elective, non-urgent procedure was postponed or deferred in order to be able to respond to the increased demand for immediate high—risk acute care. What perhaps went unrecognised was that, yes, lots of pregnant women are well but every pregnant woman requires maternity care to ensure that she has a safe and healthy pregnancy and outcome. Some of them will require enhanced levels of care but all of them require care at specific times. From a safety perspective, we can't defer that because there are risks with deferring it . So I think what we felt was unrecognised was that we can't -- deferring a week -- an episode of care by a week isn't possible. You can't defer post-natal care. You know, it's acutely required. You can't prevent women from being in labour when they're -- these are things that we do not control. So those numbers

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remained unchanged for us. There was no shift or any ability essentially to shift on the demands of maternity services or defer any of it in any way.

4 And vet there was resource taken sometimes to 5 support other areas of service. That could be that some midwives on a shift by shift or on a more kind of 7 planned basis were asked to support other areas of 8 healthcare, but that some of the maternity settings were 9 used by other areas of healthcare to provide care for 1.0 other patients. So we are very familiar with -- you 11 know, a bay on a ward, for example, which would have 12 been for post-natal care, may have been handed over to 13 the acute side to provide beds to respond to the 14 pandemic, medical beds.

THE CHAIR: Perhaps the clue, Ms Currer, is in the first
 line of paragraph 44, if you take out the word
 "prioritised", because maternity care is, if ever there
 was one, an essential service.

A. Yeah, and it's a universal service as well. It's not
 something that we can be selective of. Every pregnant
 woman requires maternity care.

THE CHAIR: And women are always going to have babies if the human race is going to survive or go on. It sounds trite but it's true.

25 MS TRAINER: I think picking up on that issue about the

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 $\begin{array}{lll} 1 & & \text{approach taken to maternity care, at paragraph 63 you} \\ 2 & & \text{say } --\text{ we've touched on it already but:} \end{array}$ 

A lot of the guidance was written in such a way that it was ... ambiguous but aimed at acute hospital—based care."

And that wasn't helpful for the nature of your work and the work of your members.

8 A. Which number?

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9 Q. It's 63. Sorry, it's just there. I think you say:

"... guidance was written in such a way that it was
often ambiguous but aimed at acute hospital—based care.
This was not helpful for [the] nature of [our] work when
... members were being asked to provide care, which
would ordinarily have been provided in a hospital, but
in a home or community setting and the guidance did not
... translate to that."

A. No, it didn't. So if I was to give you one example, and 17 18 it was a document that the Royal College of Midwives 19 wrote but actually I led on writing it, it was about 20 visiting in a maternity setting. So what I had done 21 with that is had to take the guidance produced by 22 Scottish Government and essentially translate that into 23 a maternity setting. So a lot of the visiting rules and 2.4 restrictions, if you like, were done on the assumption 25 that, you know, we were working with well, functional

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adults that were ill and in hospital, and what perhaps wasn't understood was that, when women are in-patients in hospital, it's not really just the woman that's the patient. You know, we very much see women and their partners and families. Yes, they primarily need the physical care, but the care is actually family care and it's really -- a big part of what we aim to promote and encourage is the inclusion of partners and their wider family and supporting that transition to parenthood. And so to not -- and that is essentially how our services work, that it's fully expected in a maternity ward that we have open visiting; you know, we have a policy where partners can stay overnight. So it's not the same as most acute healthcare settings in that context. So it did really feel like there is  $--\ \mathsf{you}$ know, the way the guidance was written didn't really take into account that actually that meant something quite different for our maternity settings; how were we going to translate this over about, you know, the restrictions on who visited you, how long they visited you for, the process, you know, if they'd been exposed to COVID, the testing, you know. We were having to say to some women who have just

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had a baby that their partner, because of the guidelines, can't be with them during labour and may not

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be with them for the first few days of their baby's life. That is very, very difficult to do. And so we had to be really, really clear that we were telling our members, you know, the right interpretation of the guidance because it was so stressful for them to implement something like that. So, yeah, a lot of —— one of the guidance documents we wrote was very much about having to manage that generic guidance in a maternity setting but to make it as possible as it could be to still enable women and families to have contact.

THE CHAIR: Ms Trainer, you're into your last ten minutes orroughly your last ten minutes.

MS TRAINER: I'm grateful, my Lord. Thank you.

I think that in itself , so the restrictions perhaps generally on visitors to hospitals , is an example of -- where you say at paragraph 66:

"I don't think the government fully recognised or understood the unique nature of maternity care ... My opinion is that the guidance did not acknowledge this and the associated [medical] wellbeing needs of women and families."

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A. Yes, "the ... mental wellbeing needs of women and
 families". So a huge component of maternity care is
 around the transition that — you know, it's

a significant life event and it's a family event as well, and a huge part of the role of the midwife is very much a Public Health role. In as much as delivering on physical clinical care needs, there's lots about the social transition to parenting, the future family and the support networks and needs around that. So that detachment and that change and shift in care, bearing in mind these women and families were also being isolated from their ordinary support networks in life, was significantly increased in terms of the isolation and detachment and our ability as professionals to still undertake those aspects of care when we were being very selective and restrictive on what care we provided and how and where we provided it.

Q. Turning to the effect that that care and the quality of that care has had on staff and on members wanting to continue into the profession, you say, going back to the survey at paragraph 56, that quite starkly:

"Seventy Five Percent of respondents [as of autumn 2021] have considered leaving their current post due to staffing levels, dissatisfaction with the quality of care they were able to provide, and dissatisfaction with the level of support [that they were receiving]."

24 A. Yes.

Q. That would seem to me, 75%, to be quite a stark figure

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and effectively three—quarters of the profession are not satisfied with where they're at.

A. Yeah, so I think in the narrative, the thematic analysis 4 element of what is in the report and in the survey, we 5 state that we believe our profession is at breaking 6 point based on the respondents in the survey. Half of 7 those respondents also said that -- they said there was 8 rarely safe staffing; they reported being unable to support students adequately and newly qualified 10 midwives; a significantly reduced skill mix; nine out of 11 ten reported working without breaks; 50% of that figure 12 said that was happening regularly, two to three times 13 a week; and the figure that 75% were considering leaving 14 was arguably heavily influenced by their experience 15 during the pandemic.

However, we undertook a snap poll of our members across the UK during the week of 4 March for seven days and we asked some short succinct questions in relation to, "Are your working hours beyond what you're paid or contracted to?"; "Do you believe you're working in a safe setting?", et cetera, and during that, in Scotland, the figure that said that they had considered leaving in the last 12 months was 68%.

So what that tells us is that this is not a profession that has really recovered in the context of

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- the impact -- the impact of the pandemic and the 1 2 consequentials of that is still very much being felt and 3 is very much unaddressed. 4
- Q. You're somebody who has been in your role for 5 15 years --
- 6 A. Yeah.

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- 7 Q. -- and can I take it from that that the fact that you've 8 put these statistics within your statement, that you 9 attribute them at least in part, if not largely, to the 1.0 pandemic?
- 11 A. Yeah. What I would say is I would never have imagined 12 that in midwifery we would have had such a staffing crisis in Scotland. Historically we were always felt to 13 14 fare better than the rest of the UK and maternity care 15 in Scotland is world—renowned, you know, in many ways. 16 What we are seeing now we did anticipate because we do 17 do workforce projections. We did anticipate that there 18 was going to be a dilution of experienced staff because 19 we can look at the age profile of our membership and we 20 can see that. So, in the absence of being able to 21 predict a pandemic, we did predict that there would have 22 been a shift in skill set and that there would have been 23 a higher turnover at certain periods in time, hence I made reference earlier to the fact that we had higher 25 numbers than ever of students because we were obviously

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trying to mitigate that going forward. And that's part of the work that we would have done every year with the Government, you know, "What is the future need? What are the figures telling us?". We would have lobbied for a number and that arguably was all on track to deliver us, you know, that -- to safely kind of transition  $% \left( --\right) =-\left( --\right) =-\left( --\right)$ through a wee bit of dilution of skill mix and having those increased numbers there coming out of their training to continue to safely staff our services.

We didn't obviously anticipate a pandemic. We also didn't anticipate how our profession felt about some maternity policy and strategy that was implemented pre-pandemic as well, and I think there was a combined effect there. But the pandemic did arguably accelerate the loss of experienced staff and we have not been able to put through the same numbers of qualified midwives for all of the reasons that we've previously discussed, and also the impact has meant that people are potentially going to be leaving a profession that we ordinarily wouldn't have had them leave, and we haven't planned for that because we didn't know that that would be their experience and how they felt.

Q. I think you say earlier on in your statement that anecdotally there are a number of members who have left  $\,\,--$  retired early when they weren't planning to just

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- because of the pressures that they felt during the 2 pandemic.
- 3 A. Yeah, retired early and potentially moved into other 4 areas of healthcare that potentially felt less immediately pressured or they might have felt were better for them from a kind of work/life balance 7 perspective, yes.
- 8 Q. I'm conscious of the time and I wanted to take you to the end of your statement where you offer some reflections for us about what you hope for the lessons to be learned and the hope for this Inquiry. At the very last paragraph, paragraph 73, you say your hope for this Inquiry is not to apportion blame but to look at how we can learn. You pose a question there to say, "What have we learned about our health services ...?", and I wondered if perhaps I could quite cheekily ask that question to you but specifically in relation to 18 maternity care. What have we learned about maternity care from the pandemic?
- 20 A. I think what we need to learn from it is that maternity 21 care is a universal service but, by not getting it right 2.2 and providing safe quality care, we're missing an 23 opportunity to kind of really set the seeds and 2.4 foundations for future positive health for women and 25 families. So it's a really opportunistic time because

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1 you're potentially engaging with people that haven't 2 previously engaged in healthcare and there's also 3 a massive Public Health element to it. They leave 4 maternity services, they go into health-visiting 5 services beyond that and other aspects of healthcare, 6 and if we optimise maternity care  $--\,$  and there's lots of 7 research evidence to support that -- that we can 8 transform the long-term healthcare of our population. So to deny women safe quality healthcare would be really 10 remiss in terms of future population health.

> In terms of the immediate impact of that, I think what we have learned is that there's a massive mental health aspect to maternity care as well and, if women lack that social support or that wider sense of support and contact, there is an adverse consequence in terms of their mental health and well—being.

From a maternity or midwifery perspective, it's that midwives are important and they have a vital role in all of this; that we invest appropriately there to ensure that we are not failing our women and future families at the first hurdle really and giving them a negative experience or an experience that presents risk or in some cases can cause trauma as opposed to prevent it. So I think it is definitely something to take away.

What we learned about the Health Service -- and

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particularly my concern is obviously around maternity 1 2 care -- is that it was already on the brink. It didn't 3 take much to reach that tipping point, it really didn't, 4 because we were running a service on the goodwill of  $\operatorname{midwives} \, -- \,$  we are still running a service on the goodwill of midwives. I think we need more recognition of the fact that, had it not been and continued to be 8 for the dedication of health professionals to the role 9 that they undertake, that we wouldn't still be providing 10 largely safe care, you know. But that's not as 11 a consequence of having a really well supported and 12 invested maternity service, that's -- we have that 13 because we have dedicated professionals that go above 14 and beyond every day to make sure that women are safe. 15 Q. Thank you very much. I don't have any more questions for you, but is there anything, very  $\mbox{ briefly}$  , that we 16 17 haven't covered which you think is important to raise? 18 A. I don't think so. Thank you. MS TRAINER: Thanks for your time. 19 20 THE CHAIR: Yes, thank you very much indeed, Ms Currer. 21 You're doing the next witness, I think, Ms Trainer. 22 MS TRAINER: I am, yes, my Lord. 23 THE CHAIR: Very good. 10 past 12. Thank you all. 2.4 (11.57 am) (A short break) 25 81 1 (12.10 pm)

THE CHAIR: Good afternoon, Ms Trainer. MS TRAINER: Good afternoon, my Lord. THE CHAIR: Ready to go? 5 MS TRAINER: Yes. And the next witness we have is 6 Jackson Cullinane. MR JOHN JACKSON CULLINANE (called) 8 THE CHAIR: Good, Good afternoon, Mr Cullinane, 9 A. Hello there. 10 Questions by MS TRAINER MS TRAINER: Mr Cullinane, I wonder, could you tell us your 11 12 full name? A. John Jackson Cullinane or "Cullinane", as some people 13 14 pronounce it. 15 Q. Cullinane -- apologies, Cullinane. You indicate in your 16 statement to us that you are a full -time official at 17 Unite. 18 A. That's correct. 19 Q. You have provided a statement to the Inquiry and for our 20 benefit that statement bears the reference 21 SCI-WT0174-000001. All of that information that you 22 have given us will form part of the evidence to the 23 Inquiry. Now, you've got that statement I think in 24 front of you, it will appear on the screen, but if 25 you've got any problems in reading that or you want to

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take time to read it, please just let me know. 2

A. Okay.

3 Q. You tell us firstly at paragraph number 3, I think, that 4 you've been employed by Unite directly now for over 5 23 years.

6 A. That's correct.

7 Q. In that role you go on to tell us about the position of

8 Unite in Scotland, and some facts that you give us are

9 that it represents 1.4 million people in the UK and

1.0 around 150 000 in Scotland

11 A. That's an estimation. The membership figures will vary

12 from month to month because people join, people leave,

14 Q. You then go on to say that Unite represents workers from 15

virtually every sector of the economy.

16 A Yes

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17 Q. In terms of your current role. I wonder if you could 18 tell us first of all the responsibilities that you have

and how you go about fulfilling those. 19 20 A. My current responsibilities is the head of -- it's

21 a big, long title , the head of Unite Scotland's

2.2 campaigns, politics, research and communications unit.

Effectively what that means is I have a direct team who

2.4 deal with research, who deal with media, including

25 internal communications and social media as well as

external, and we deal with surveys of memberships, ballots of members, including all of the non-statutory industrial action ballots. So it's quite common, for example, before moving to a statutory ballot, to have a consultative ballot of members, to see how they feel about a particular issue, and we deal with the politics and policy.

8 So in terms of policy, we'll organise a union's policy-making conferences. We'll oversee the procedures 10 of that. Of those, we'll deal with the input into some 11 of the external conferences that we are affiliated to, 12 so the likes of last week's STUC Congress. We would be 13 involved in writing speeches, looking at the content and 14 motions prior to the congress, et cetera, take in the 15 delegation meeting at that congress. We have our own 16 Scottish policy-making conference and we deal on 17 a day-to-day basis with liaison with politicians, 18 talking to officers and advising officers about if 19 there's a political angle to some of the industrial

issues which they may encounter. So that's a very brief overview, but it's -- I mean, I've held this role now for a few years, but prior to that role I started off, you know, as an education officer, basically training union reps. I had been a  $% \left( -1\right) =-1$  full —time lay union rep myself for many years and also

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3 different sectors, negotiated wage claims, took, you 4 know, appeals and grievances, including in local government, and was the deputy regional secretary at one point of the former Transport and General Workers' 7 Union, which became part of Unite. So that's the 8 current role and a bit of the background as well. 9 Q. We've heard I think from another witness about Unite 10 having particular sectors. I wondered from what you 11 say there, can I presume that your role really 12 transcends all of those sectors and is more high level? 13 A. Yes, it is multi-sector, and indeed, when I was an 14 industrial officer, negotiating wages and representing 15 workers in the workplace, that could also be 16 a multi-sector role. 17 Having said that, in terms of the sheer workload, it 18 didnae cover all of the sectors at any one time so you 19 would have an allocation of work. So I might have had, 20 for example, road transport, buses, local authorities, 21 chemicals, and then a few months later, you know, 22 I might have some other sectors to deal with. But the 23 current role is multi-sector. It covers the entire

then becoming a what we call "industrial officer". So

I represented workers directly in a whole range of

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sectorial spread of the union's membership.

Q. I take it from all of the activities that you've

described that that perhaps leads you to have quite 2 a good overview as to some of the issues that were affecting members during the pandemic? 4 A. Absolutely, and where I had a particularly good overview 5 was at the point of the pandemic I was also the 6 president of the STUC, which was an elected position which you generally hold for one year, but because of 8 the pandemic my tenure was a bit longer because, to get the re-election of the president or the new president, 10 it takes -- under the rules it requires a congress and 11 they didnae physically have a physical congress. 12 But by virtue of that role I served on the STUC's 13 COVID-19 Response Group, which was really the body which 14 discussed, throughout the pandemic regularly, certainly 15 on a weekly basis, sometimes, you know, a couple of 16 occasions during the week -- discussed the situation 17 with representatives of Scottish Government. Generally, 18 these COVID Response Group meetings were led by the 19 appropriate Government minister, so I had a really good 20 insight into what was happening at that point. 21 Q. You were asked, as part of your statement. I think. 22 questions particularly relating to the health and social 23 care sector and you tell us at paragraph 5 that health 24 and social care workers are quite difficult to provide

a figure for because they're effectively across

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different sectors, the NHS, local authorities, private 2 sector and voluntary and third sectors, and so you're requiring all of those people to accurately reflect what 4 the jobs of the people that they employ are.

5 A. That's correct, and I think you'll see from other 6 sections of the statement and some of the things that 7 may come out of our discussion this morning that some of 8 the experiences can also vary between the different 9 sectors. So just to give you an example, I mean, 1.0 I think I make some reference to the situation of pay

11 and how that impacted, you know, on people throughout 12 the pandemic and indeed beyond. And the reality is that

13 social care workers in the health sector and in the 14 local government sector are governed by centrally

15 bargained terms and conditions and pay rates, whereas 16 those in the voluntary sector, the third sector and

17 those in the private sector are currently not, so their 18 experiences differ depending on which sector of social

19 care they are employed in.

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20 Q. Just briefly, you touch on the figures of all of those 21 people and, as you said, it's difficult to provide 2.2 a figure, but you would estimate around 16,000 to 17,000 23 in Scotland of health and social care work --

A. That's probably an underestimation actually.

25 Q. Turning to those pay issues and some of the condition

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issues that you raise -- you go on to discuss a number of them within your statement -- the first issue I wanted to ask you about was furlough pay, and that's at paragraph 17. You say that, to you, furlough pay was raised as you found that many members were having to argue to get put on furlough because there were many employers who weren't willing to do that, to put their staff on furlough. I wondered if you could explain to us a little bit more about that issue and how it came about and whether it was resolved.

10 11 A. I think this is an example of what I kind of alluded to 12 earlier , where the experience of social care workers may 13 differ depending on which sector of social care they are 14 in. Those who were employed in the NHS and those who 15 were employed in the local government sector tended to 16 have less of an issue in terms of accessing furlough. 17 We were talking here, of course, about health and social 18 care workers. Bear in mind that those who would be 19 looking for furlough would be those who were in roles 20 that it wasnae absolutely crucial for them to be at the 21 workplace. So the majority of them would be at the 22 workplace but there were other people who were doing 23 administrative roles or whose direct patient or person 24 contact may have been on a temporary or a periodic basis 25 who could -- who it wasnae necessary for them to be at

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the workplace and those people would be looking to get pay protection and furlough. What I mean by "paid protection", by the way, is that our position as a union was always to go for paid protection and have people on full pay if possible rather than them having to go on furlough where it's, you know, 80% and stuff.

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But those who were working in local government, those who were working in the NHS, generally, you know, were able to get access to full pay or to furlough. People who worked in the third sector or in the private sector, a lot of them found it more difficult to get that. This I think links in to a degree to some of the other comments I make about — just above it — about, at the start of the pandemic, the confusion about what essential work was.

There was a lot of employers, not just in the health and social care sector, I have to say, who interpreted this as being, if you're in a sector, then you are —that is deemed to be essential, then you are in essential work, whereas what they should have done and what the Scottish Government eventually reinforced was that you were talking about the task being performed rather than the sector.

So there was a lot of people in the third sector and employers in the third sector and in the private sector

of social care who just interpreted it as meaning, "Well, you're a social care worker, therefore you are an essential worker, therefore you need to attend the workplace, therefore you don't qualify for furlough", when in reality there were some people who might have been doing administrative roles or whose person contact may have been on a mere periodic basis who were properly, in our view, entitled to either full pay protection or furlough, and when they made that approach to their employers, they were being denied that access.

It did quieten down and smooth over quite significantly once there was more clarification as to what was meant by "essential work" and also one of the kind of break—through for us periods where the Scottish Government issued a guidance, which basically said that people shouldnae suffer any detriment by virtue of COVID situation, either in terms of pay or in terms of discipline, if they had COVID and couldn't turn up to their work. So all of that helped in terms of resolving that, but initially there were some employers, particularly in the private and third sectors, who were resistant to giving people furlough who could have been furloughed at that point.

Q. You mention that distinction in relation to the thirdand private sector also in relation to sick pay.

A. Yes. By virtue probably because of the lack of, you know, collective bargaining coverage, in terms of it being at the same level as what it is in local government and in NHS, there are some employees in the private and third sectors who had no contractual access to sick pay over and above the statutory sick pay minimum level. So that comment is really just highlighting that, that people weren't able to access sick pay.

That was a major issue in terms of adhering to what was required in order to combat the spread of COVID, principally and particularly in the initial periods. The emphasis before we had, you know, vaccines and all the rest of it — the emphasis was very much on lockdown, minimise people, you know, having contacts in society and the workplace and with other people, but workers in social care who didnae have access to sick pay, if they contracted COVID, were then left in an invidious situation whereby they couldn't physically go to the workplace but it meant that they were in poverty by virtue of that.

I think I come back on to -- I will come back on to it, if I can at some point, about this being part and parcel of the lessons to be learned and indeed the preparedness, you know, in terms of -- touch wood it

never happens — but in case we have another similar pandemic, we see — we said throughout the COVID pandemic that pay is a Public Health issue and that's what we meant by that. You know, if you want to ensure that there's no a spread of COVID and you want to minimise the spread of COVID, you need to remove that barrier whereby people feel that, you know, unless they go out, then they're no going to have any kind of income.

That's why we've been pushing quite hard on bringing in what we call "sectorial bargaining". So we have centralised collective bargaining in local government; we have centralised collective bargaining in the NHS. We don't have it in the third sector, so we have -- where unions are recognised in the third sector is individual bargaining with the individual employees -- employers, and similarly in the private sector .

So what we think needs to happen is that the third sector and voluntary sector and the private sector need to have some form of collective bargaining and, when that's established, ideally we would then look for sectorial bargaining across the entire social care sector. That has other benefits in terms of preventing undercutting —— people being on the same minimum wage rates and whatever. But from the point of view of

sick pay. 25 rates and whatever. But

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1 Public Health and pandemic preparedness, then it's about 2 tackling that pay issue which does impact, in our view, 3 on Public Health. 4 Q. And talking about that pay as a Public Health issue, you go on at paragraph 20 to say -- I think something you've 6 already touched on, in that really what effectively 7 helped that situation was the no detriment guidance 8 which was given by the Scottish Government, and it was 9 when that was issued that people finally listened and 1.0 actually said, "Yes, okay, we'll pay sick pay to the 11 workers who are not able to come". 12 A. Yes, they didnae all listen, it has to be said. This is 13 a wee bit about, you know, guidance rather than legally 14 enforceable stuff, but it was a major positive leverage, 15 you know, particularly in the health and social care 16 sector, you know, for employers to do what we were 17 asking them to do. 18 One comment I would make about it is that --19 obviously it's a big plus and we welcome the fact that 20 Scottish Government did this. Where there's a bit of 21 a negative I think is towards the end of the pandemic, 22 where I think they actually removed us too soon in terms 23 of the Scottish Government saying, "Well, that guidance has now gone", because we continued to have cases of 25  $\mathsf{COVID}\ --\ \mathsf{maybe}\ \mathsf{not}\ \mathsf{on}\ --\ \mathsf{certainly}\ \mathsf{not}\ \mathsf{on}\ \mathsf{the}\ \mathsf{same}\ \mathsf{scale}$ 

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as we had at the height of the pandemic, and indeed we still to this day, you know, have people who require to be absent from work because they're ill by virtue of having COVID, and in our view that guidance and general principle should have remained in place in order that people who have to stay away from their workplace through no fault of their own don't suffer a detriment either in pay or in terms of the applications of absence control and discipline procedures.

It's particularly relevant today in terms of long COVID cases, where we are experiencing and continue to experience a lot of employers who are "dealing", in inverted commas, with this issue by seeking to go down the capability route and to say, "Well, if you're going to have this long-term situation which is always, you know, for the foreseeable future going to present a difficulty for us, then, you know, we question whether you're capable to continue to be in employment and let's look for an exit". That goes -- that's sometimes a kind of first port of call for some employers. I'm not just talking about health and social care here. I'm talking about other employers in other sectors. So for us I think that basic principle should have remained in place and the Scottish Government shouldnae have basically indicated that it was now over.

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Q. I think you mention that much later on in your statement at paragraph 68. As you've said, your view is:

"The Scottish Government removed the 'no detriment' guidance too quickly as we were coming out of the pandemic."

You then go on to say in that same paragraph:
"In fact, our position as a union is that Covid
should be regarded as an industrial disease."

- 9 A. Yes. I mean, I may come on to some of the stuff that we
  10 mentioned about I mean, I've quoted from the TUC
  11 report about RIDDOR and reporting with
  12 workplace—transmitted —
- 13 Q. Don't worry, we will go on to mention that. Yes.
- A. Right. But there was a there's a real tendency
   for employers to suggest that COVID is
   a community—transmitted disease, that it is
   a community—transmitted disease but it's a community
   disease which isnae transmitted at the workplace, it's
   not a workplace disease.

The reality is that there are literally thousands of workers who contracted COVID at the workplace —— we know that; right? We can see it. You know, we see it in food processing, you know, factories being closed down, construction sites being cleared because you have an outbreak of COVID, and in terms of the health and social

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1 care sector, we see it in terms of full wards being 2 closed. You know, at one point we were looking at -3 media reports were suggesting a 70% absence rate among 4 NHS workers. So people who were having to deal with 5 people who have COVID or who are in workplace settings 6 where it's coming into the workplace were contracting it at the workplace, and like any other kind of disease 8 that's contracted at the workplace, you know, we think that that should be considered as being an industrial 10

I have to say, back to the bit about, you know, the lessons to be learned and preparedness, it's quite pertinent, this issue, because only last week, you know, the Scottish Parliament, the Scottish Government, et cetera, in our view, failed to take the opportunity to address this, where there was a bill presented, you know, in the Scottish Parliament which —— given the devolution of Industrial Injuries Disablement Benefit, there was a bill to set up a Scottish Industrial Injuries Disablement Advisory Council and the Scottish Parliament rejected that.

Now, I know that the Scottish Government are going to be consulting on this and as part of that consultation about the possibility of bringing something forward again in the future, but we think that those

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contracted COVID by virtue of their work or of being in the workplace. 6 7 Q. You mentioned what you call "RIDDOR", which at 8 paragraph 40 of your statement is expanded to the 9 "Reporting of Injuries , Diseases and Dangerous 1.0 Occurrences Regulations". I think that's pertinent in 11 this context because what you say, as I understand it, 12 is that essentially those regulations were not 13 necessarily all applied in the same way by the same 14 employers and that leaves us with statistics that are 15 perhaps skewed and don't reflect transmission within the 16 workplace. 17 A. I think this actually relates as well to the HSE's 18 guidance to employers during the pandemic because the guidance that the HSE -- according to the TUC report, 19 20 the guidance that the HSE gave to employers was 21 basically that they don't require to report cases of 22 COVID unless they believe that this was 23 a workplace—transmitted case. Now, there's a temptation there for a lot of employers to say, "Well, it was never 25 a workplace-transmitted disease. It's always from

kind of bodies would provide an opportunity to recognise

long COVID as being an industrial disease. The issue of

course has got to come down to causation, but there's no

doubt in our mind that there are people who have

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community transmission".

Now, you could be cynical and say that a lot of the employers did that because they don't want to be sued at a later date, but, nonetheless, the stats which are provided for the TUC report bear out that there's a really large discrepancy between the figures that the Office for National Statistics have, particularly with regards to COVID deaths, and what has been reported under RIDDOR.

I don't know where I've got this, but I've scribbled down on this bit of paper here another just overall statistic . I don't know whether it's quoted in here, but just to give you an example, in terms of COVID deaths on the death certificates for people of working age between 16 and 64 — granted they'll not all be working — but for the period April 2020 to April 2021, it's recorded as 126,723 deaths total for COVID and 15,263 of those being in that age group of 16 to 24. The RIDDOR reporting for people in that age group for the same period is 387; a massive discrepancy between what the death certificates say are people of working age who are contracting COVID and what RIDDOR says are people who have contracted COVID at the workplace.

The health and social care sector was a bit better, it has to be said, than other sectors, no doubt the --

in terms of the levels that were reported under RIDDOR. That may be due to a couple of factors. One is that the HSE did say at one point that they should report cases where people had been in contact with someone who was infected with COVID and also there's a kind of general culture, I think, in the NHS in particular of reporting incidents anyway, in terms of outbreaks, you know, and people having various situations.

Having said that, the guidance changed throughout the pandemic. At one point the guidance from the HSE was to only report cases where people had become infected by virtue of the face mask being broken or pulled off, so there's nae real consistency in terms of how RIDDOR is being applied. But the big issue is that employers are being advised to make a judgment call and they're making a judgment call that it's community transmitted rather than workplace transmitted and therefore not reported.

But, as I kind of alluded to earlier, we could see in real—time that the existence of COVID in the workplace was much greater than what RIDDOR was telling us. So we had in September — even towards the end of the pandemic, we had — you know, the Royal Alexandra Hospital in Paisley had virtually shut down most of their wards because of outbreaks of COVID. We had

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Ayrshire and Arran testing — 200—odd workers got tested positive for COVID. Outwith the health and social care sector, as I mentioned, we had food factories being closed. We had construction sites being cleared.

And where I think this was an additional problem was that the Scottish Government in a lot of cases were basing their guidance on figures provided to them through RIDDOR and the HSE and therefore they get a false picture of what the situation is. And in our view that's what led them to make the error during what is colloquially called the "second lockdown", where they virtually exempted the entire construction and manufacturing sector from the lockdown rules. So they were suggesting to us, "Well, the figures tell us that it's not a major problem on construction sites", at the same time as we know that there's construction sites that are being cleared because of outbreaks of COVID. So what was happening on the ground was evidentially, you know, a much different situation from what the stats being reported through RIDDOR is.

Q. I think at paragraph 44 of your statement you sum it up at the end there by saying:

"It would be safe to assume that the instance of covid workplace transmission was much higher than the figures upon which the Scottish Government was basing

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no doubt the -- 25 figures upon which the  ${\mathfrak S}$ 

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2 A. Yes. Yes. 3 Q. Taking you back a bit in your statement to talk about 4 PPE and that issue pertaining to health and social care workers, you start talking about that at paragraph 28. 6 You make a general comment that there was a lack of PPE 7 and what was available was inadequate. You then go into 8 some specifics of what you understood to be the position 9 in relation to particular sectors and at paragraph 29 1.0 you say: 11 "We had situations at the start of the pandemic 12 where only one third of the ambulance staff were issued 13 14 I wondered, that particular statistic, are you aware 15 of how you obtained that and where it came from? A Well the statistics are anecdotal statistics first of 16 17 all. In terms of thinking about where I may have 18 obtained it, throughout the pandemic I was getting 19 officials of the union, reps of the union, who are 20 feeding things into me and making comments to me. I was 21 also clearly involved in the  ${\sf COVID}{-}19$  Response Group

its guidance and restrictions on."

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I'm also no certain whether it might -- that people

meetings so  $I^{\prime}m$  no quite certain, you know, whether that

came through the reps or the officers or came up during

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who have reported that to me might actually have been

when carrying out those procedures.

the COVID Response Group meetings.

doing so on the back of media reports, because that statistic of a third -- what the media was reporting was a third of ambulance workers had contracted COVID and that was being linked to the lack of provision of proper PPE. So maybe my statement in hindsight would have been better to have said they had no access to proper PPE because we know that to be an absolute fact, that there was ambulance workers who were reporting that they were involved in what's known as "AGP", aerosol-generating procedures, where they were expected to perform that with ordinary medical masks rather than the FFP3 masks, which would have been more appropriate and necessary

We know that there was ambulance workers who were reporting that the gown -- the coverings that they were supposed to put on didnae cover their whole uniform and were worried their uniform was being contaminated. We know that some of them had to put on aprons which were blowing up in the wind and we know from other health and social care workers that they had similar concerns.

You know, this actually expands beyond the NHS into the care sector as well. There were certainly cases in the third -- particularly in the third and private sector of workers who were running out of masks and

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didnae have PPE or weren't able to access it. There were cases where workers were being advised -- I think this did happen in some areas of the NHS actually where workers were being advised to, you know, reuse PPE: in some cases take it home and wash it and come back. Eventually there was guidance that that had to

At the start of the pandemic generally -- and I say "generally" to mean inclusive of but beyond the health and social care sector. Across the economy generally -at the start of the PPE [sic], the provision of PPE, as in the availability of it rather than the quality of it, was a major issue. I mean, we had this worldwide pandemic which put real strains on the supply chain and being able to get the levels of PPE that, you know, employers across all sectors were saying was required was really difficult.

But in terms of that particular remark about the ambulance workers, you know, it's maybe better to qualify that, you know, that there were media reports that a third of them were testing positive for COVID. That was linked to the non-provision of proper PPE and those ambulance workers were consistently reporting those issues, particularly around about the non-provision of FFP3 masks, et cetera.

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Q. As opposed to ambulance workers, you go on to talk 1 2 generally about the health and social care sector and at 3 paragraph 30 you make an interesting comment that you 4 found it quite odd for there to be a situation in which 5 the sector is predominantly made up of female workers 6 but the equipment is designed for males. 7 A. Yes.

8 Q. Is that something which was reported to you by the 9 membership?

10 A. Yes, and in some cases through that, I mean, some of the 11 face masks were designed for, you know, males as well. 12 But, yes, it was coming up. And we subsequently 13 reported it into the COVID-19 Response Group, that here 14 was a sector, particularly the social care sector, 15 80%-odd of them women and the PPE that was being issued, 16 you know, appeared to be designed, in terms of its size, 17 et cetera, you know, for males.

> Under, you know, the regs that govern personal protective equipment, PPE is meant to be suited to the individual who is wearing it and no just a general -well, there's PPE. It needs to take account of, you know -- you cannae have, for example, somebody of a particular height walking about, tripping over, you know, a suit that's too long for them and then they're tempted to have turn-ups and then, if there's chemicals

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2 a whole load of different additional safety issues that 3 can arise if you don't have proper-fitting PPE and, yes, 4 it was being flagged up to us by members. 5 Q. You also make a comment there: "Additionally, some of the PPE was out of date 6 7 and we had cases where [presumably it was reported to 8 you] the date had been taped over to cover up [that] 9 fact ... 10 A. Yes, yes. If you look at some of the reports 11 I mentioned earlier in terms of ambulance workers, some 12 of the media reports on ambulance workers said that was 13 the case for them as well as for social care workers. 14 But certainly social care workers were reporting that 15 some of the PPE they were being issued was -- the date  $\,$ 16 was covered over. 17 I mentioned about the problem with PPE at the start 18 of the pandemic being about the general supply and the 19 impact on the supply chain. I think it would be remiss 20 of me not to also say that a lot of employers, 21 particularly where in social care provision it was

or contaminants, it catches in the turn-ups. There's

kind of things for something that might never happen, 105

profit -driven -- in the private sector or the two --

cognisance of profit margins —— werenae really prepared

for this at all because they'd seen expenditure on these

you know, as being a waste of money. Subsequently, as the pandemic rolled on, there would have been pressures on their budgets as well, which again would make it, you know, a kind of incentive for them to look for alternative means rather than the buying in of new PPE. So, in my view, that's a contributory factor to this.

Q. And perhaps we could turn to the section of your statement which says that — I think it's paragraphs 34

- 7 Q. And perhaps we could turn to the section of your statement which says that I think it's paragraphs 3 to 36 where essentially you're pointing out a difference between the experience of care workers in the private sector as opposed to the public sector because, first of all , there's a reluctance to source PPE if there was another way around it.
- 14 A. Aye.

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- Q. They were asked to reuse PPE but also it was used as a substitute for other measures, such as social distancing.
- 18 A. Yes, that was often the case as well. Look, don't get 19 me wrong, in terms of some of the nature of social care 20 work, it's difficult to strictly apply social distancing 21 rules or to determine what is appropriate social 22 distancing rules because of the nature of the care that 23 is being provided. But maybe, because of that 24 difficulty and people having to think things through and 25 plan things out and the time and effort that that takes

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and what resources you've got in terms of people resource being able to do that — perhaps as a consequence of that people would look for the kind of soft option where PPE was issued rather than going through these measures.

6 I have to say, by the way, this was again just 7 something that occurred in the health and social care 8 sectors. There are other sectors of the economy, you 9 know, where people jumped and employers tried to jump to 1.0 the PPE social distancing, you know, control element 11 rather than the elimination element, particularly 12 towards the end of the pandemic, where there seemed to 13 be a push by some employers to get people back in the 14 workplace. So to get them back in the workplace 15 required quite a bit of planning, required quite a bit 16 of expenditure, and when you look at what's known as a "hierarchy of controls", they were jumping in a lot of 17 18 cases, in our view, to issuing PPE rather than some of 19 the other control measures, including social distancing, 2.0 which could have been put in place.

Q. Turning to your role in communication with the
 Scottish Government, you speak about that at
 paragraph 50 and you tell us that you met with the
 Scottish Government twice per week via the STUC COVID
 Response Group, which you've already mentioned.

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Essentially you say that the personnel at those meetings varied depending on the subject matter of what was being discussed. But at paragraph 54 you're quite positive about that communication and you say that the process generally worked quite well.

6 A. Well, in terms of paragraph 50, I mean, we did meet with 7 the Scottish Government at least once a week, so it 8 wasnae regularly twice a week but at least once a week. We could have additional meetings in the week if there 10 was particular guidance that the Scottish Government was 11 going to be bringing out or there was a particular issue 12 which we felt there was a need for, you know, real in-depth discussion. So, for example -- we've mentioned 13 14 PPE there — I recall that one of the meetings with the 15 COVID Response Group that was taken with the Fair Work 16 Minister at the time, that we thought it would be useful 17 to have an additional meeting during the course of that 18 week with the Government minister who was responsible 19 for procurement in terms of how they were managing to 20 procure PPE. So that's just one example of how there 21 could be, you know, additional meetings called.

I'm generally positive about the fact that the Scottish Government were regularly meeting with us. I'm positive about the fact that on some occasions -- no on every occasion -- they took on board some of the things

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that we were saying and that informed some of the guidance which they subsequently issued. But that's no to say -- I think I describe it at one point as a bit of mixed bag -- that's no to say that everything that we said was taken on board. That's no to say that we were happy about everything the Scottish Government did or didn't do. But we do recognise that they were taking the time to recognise the crucial role that trade unions could play in terms of no just informing their guidance but also in terms of, you know, challenging where employers were breaching some of that guidance.

So, as I say, it was a bit of a mixed bag, but we do

So, as I say, it was a bit of a mixed bag, but we do recognise — as I do in the written statement — recognise the benefits of having those COVID—19 Response Group meetings. In fact — I think I also say this in the statement — I would go as far as to say that I think they ended too soon as well. I mean, there was this kind of — there seemed to be this — people talk about, you know, "When there was COVID ..." — you hear people making that — "during the COVID". COVID never went away. It might not be on the same scale as the pandemic, it certainly isn't having the same effect by virtue largely of the vaccine, minimising — helping to minimise the effect on people, but it's still there and it was still there in fairly large numbers for a period

of time.

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As far as learning the lessons goes and being prepared, personally I think it would still be quite useful to have had, you know, periodic meetings just to see where we are. I think there's a difficulty, having said that, in the sense that I'm a wee bit worried that, as part of the preparedness, do we know where we are, because one of the things that happened was the closure of the Lighthouse Lab in Glasgow, for example, which was monitoring, you know, the existence of COVID, picking up on new variants, et cetera.

I find it -- I don't know if you've ever tried it, but I find it very difficult to access statistics now about COVID at all and I just worry that that kind of speed to sort of close the Lighthouse Lab and wind down all the kind of testing facilities has put us in a position that, again, we're playing catch—up -- again touch wood it doesn't happen -- if there's a new variant or if some other, you know, infection comes around.

So I just think that these kind of meetings of the COVID Response Group, having regular testing, having these kind of facilities, were all positives and keeping some semblance of them I think would have been useful.

 $\begin{array}{lll} 24 & {\rm Q.} & {\rm I} \ {\rm wonder} \ {\rm if} \ {\rm that} \ {\rm sense} \ {\rm that} \ {\rm perhaps} \ {\rm things} \ {\rm are} \ {\rm winding} \\ 25 & {\rm down \ and} \ {\rm are} \ {\rm not} \ {\rm as} \ {\rm important} \ {\rm as} \ {\rm they} \ {\rm once} \ {\rm were} \ {\rm ---} \ {\rm you} \end{array}$ 

say within your statement, I think -- apologies, I'm trying to find it. I think it's at paragraph 60 -- that:

"... towards the end of the pandemic ... a feeling [developed] that the impact on the economy and [also a political impact] was becoming more of a consideration [than] ... public health."

I wonder, does that tie into the feeling that you're expressing there about things kind of taking a back seat, as it were?

A. Yes. I think, to be honest, this is a very toned—down version of things that we were saying to the Scottish Government at that point in the COVID—19 Response Group meetings. The Scottish Government were basing their plan and had been basing their plan on combatting COVID and what they called the "Four Harms", you know, the effect on public health, the effect on the economy, the effect on the Health Service and the effect on society, including the effect on mental health.

I think — I don't think — I'll tell you exactly what we were saying to them. We were saying to them that we were getting a bit worried towards the end of the pandemic that, whereas throughout the pandemic public health was the number one priority in all of that, that some other considerations, principally the

economy — which as trade unionists we're obviously concerned about the economy — but the economic effect and perhaps what was politically positive in terms of how people viewed them were becoming, you know, bigger issues to the point that we were worried that they were overtaking the public health issue, to be honest.

So people didnae like lockdown, people wanted to get back into hospitality and socialising and we wanted workers to be back at work, you know, whether that was in a hybrid forum or whether they wanted to be back in the workplace, whatever. So people -- I can understand where they were coming from, but I just feel or we felt that, towards the end of the pandemic, these other considerations were -- I think the Scottish Government could have continued to be a bit more cautious for a wee bit longer than they did and, in terms of the return, our position in terms of the return to work or to the workplace was that we kind of -- there should have been stronger guidance, I think, on basically allowing more of a kind of voluntary approach from people and more of an onus on the employers to deal with the circumstances and -- you know, where workers were mentally and

So if somebody was working well from home and was reluctant to come back into a workplace for legitimate

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fear of going back into the workplace, that, rather than force the people back into the workplace, then take this by individual almost voluntary type of approach to begin So you might have somebody else who was desperate to get back into the workplace, who felt the isolation , you 1.0 know, it was something that they couldnae really quite stand any longer and they wanted to be back there. People like that, "How do you get them back into the workplace safely?", should have been the question, "And how do we accommodate getting them in?". People who

reasons, so perhaps they had family members who they

thought were vulnerable in terms of their own personal

conditions or perhaps even there was a mental health

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passage back into the workplace.

On the plus side, I think a lot of employers who did take that approach have ended up with a kind of hybrid forum of work, which recognises that people are performing well when they're no actually physically in the workplace but there are still some benefits based to the organisation and to the individual of being in the workplace and they'll accommodate that kind of flexible

felt vulnerable and who felt frightened, some more time

might have been necessary in order to smooth their

THE CHAIR: Ms Trainer, you only have ten minutes.

MS TRAINER: Thank you, my Lord. I'm mindful of the time.

There are a number of issues which I think are important to raise with you, one of which you touch on at paragraph 64. You say that effectively there was a difference of course between the UK Government and the Scottish Government guidance and you say that that posed you issues in relation to some companies who sought to follow the UK position rather than the Scottish position, but also you speak about enforcement of that being an issue and the feeling that you were being asked to police the situation on behalf of workers.

- A. Yes. Well, in terms of the kind of in terms of the points that you make — sorry, what was the number of the paragraph again?
- 16 Q. It's 64 and 65.
- A. So we had guidance coming out from the UK Government, we had guidance coming out from the Scottish Government and sometimes they differed, particularly in terms of whether people should or should not be working from home at those various points. We had some employers who would choose to follow the UK guidance either because they believed that the UK guidance was just the guidance and werenae aware of any Scottish Government guidance or they believed that the UK Government guidance took

precedence over the Scottish Government guidance, and that was particularly the case for companies who might have been, you know, UK—based rather than Scottish—based and they didnae want to apply different rules and guidance in different locales where they operated.

In terms of enforcing guidance generally, I think this relates to the lack of the devolution of employment law actually. I've used the word "guidance" consistently this morning and through the statement because that's what it was. It was Scottish Government guidance. There was legal, you know, powers that they had in terms of overall tackling COVID, but when it came to employment law matters, the Scottish Government took the position often that they couldn't enforce certain things and it was — we would take the position that they could have enforced some of it and they could have been stronger with some employers.

Sometimes it felt as if it was for us as a trade union — to use the word — to police it and to intervene. That's what trade unions do, I'm no complaining that we had to do that, but it would be better if we were able — and we would have been effective at intervening if we had something stronger than guidance at our back, you know, for when we were going in debating these kind of issues with employers.

There was also -- I know I'm departing from health and social care here, but, to give you one example, when the schools went back, you know, and school buses -- social distancing disappeared from school buses, which was a problem because people didnae seem to realise -- and include Scottish Government officials until we flagged it up to them -- that a lot of school transportation isnae dedicated school transport, so it will take the kids to the school and then it will go on the general run.

So you had buses that were taking children to school, sometimes three to a seat, with no social distancing on it, and then having to go on the general run, where the general run said there was to be social distancing and limited numbers of passengers. It was being left to the drivers of the vehicles often to police that and both those instances. So when there's kids on the bus who are being unruly — right? — and maybe breaking any kind of minimal rules that existed, it was for the driver to enforce it. And similarly, you know, when the general public and people were ignoring social distancing rules, it was for the driver to pull them up — was how we felt because there was very little instance of the legal authorities becoming involved in trying to enforce some of these things.

I'll finish on this point, this bit about employment 1 all of those things. 2 law. Moving forward, I mean, obviously, we've -- the THE CHAIR: Ms Trainer, you only have three minutes. 3 STUC and trade unions are in favour of the devolution of MS TRAINER: I know. 4 employment law, but there are things that the THE CHAIR: If you have more substantive questions that you Scottish Government could do in the absence of the wish to put to Mr Cullinane —— he has more or less had devolution of employment law, and one of the things that his allotted hour -- I'm afraid he will have to come 7 it could do is to facilitate the formation of the 7 back at another date to be continued at that stage. 8 sectorial bargaining that I mentioned earlier. 8 MS TRAINER: No, my Lord, I was going to conclude. 9 9 I know that through the Fair Work stream they've Thank you very much, Mr Cullinane. I wondered if 1.0 10 there was, really very briefly, any matters which you looked at this, but, in our view, it needs to be speeded 11 up where the third sector and the private sector in 11 thought were important to raise which we haven't covered 12 particular of social care do get covered by collective 12 which can be covered in a short period of time. 13 bargaining and we move to sectorial collective 13 A. Well, I have raised — the stuff about the lessons to be 14 bargaining. We've now got a real immediate situation 14 learned in terms of preparedness -- I mean, I've covered 15 because tomorrow there will be trade unionists at the 15 about pay. We've briefly covered about long COVID. Scottish Parliament highlighting the fact that, although 16 Q Yes 16 17 the Scottish Government said that they would put money 17 A. The only thing I would add in terms of long COVID -- and 18 aside to address sick pay, which has come up here, 18 you've heard us saying about we would want it to be 19 things like maternity pay and paternity leave, 19 recognised as being an industrial disease -- this links 20 38 million of the money that they were allocating to 20 into the preparedness aspect as well that I mentioned 21 that was cut last year, 2023, and in terms of the 2024 21 about monitoring where we are and the kind of general 22 2.2 mindset, you know, that COVID has been defeated, because budget, there's nothing. 23 23 if COVID cases still arise, which they do, there's So in our view we're dangerously moving in the 2.4 opposite direction . The lessons -- one of the principal 2.4 always a potential for somebody who contracts COVID to develop long COVID and if it's no recognised with the 25 25 lessons from the pandemic was how crucial the role is 117 119 1 that social care workers perform. They were being 1 importance that it deserves that they've contracted 2 applauded at the doorstep, rightly, alongside health 2 COVID in the first place, then perhaps we'll continue no sector workers, and there was a recognition that to get the recognition that long COVID deserves, because something had to be done about the pay and the terms and 4 people, by virtue of contracting this horrible disease, 5 conditions that they experience. The 5 in a lot of cases have been left, you know, with 6 Scottish Government moved and agreed to do that and now 6 debilitating illnesses and conditions, and that should 7 appear to be backtracking on it. And this is happening be recognised and should be addressed. 8 8 at a time actually where we are seeing increasing

something had to be done about the pay and the terms and conditions that they experience. The Scottish Government moved and agreed to do that and now appear to be backtracking on it. And this is happening at a time actually where we are seeing increasing numbers of social care workers leaving that type of employment. We have care homes closing down because of lack of staff. We have, you know, job fairs being held in order to try to attract people into that area of work. And it is linked to the poor pay, the poor conditions, the long hours, the feeling that they're no recognised for the type of very stressful work that they have to do and I have to say the frustration that, you know, they want to care for the people that they care for but sometimes they're no given the resources or the

All of these issues need to be addressed and that means addressing that question of the missing millions, given them the £15 an hour minimum that they've been asking for, establishing sectorial bargaining. It means

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time to do it . You know, you've got 15 minutes to be

in, to care for that person, before you move on to the

MS TRAINER: I think, Mr Cullinane, we probably have run out 9 of time there. That's a matter which hopefully is 10 covered in some detail in your statement, so thank you 11 very much for that and thank you for your time. 12 A. Thank you. I'm sorry if I've rambled on too long. MS TRAINER: Not at all. Not at all. 13 14 THE CHAIR: Thank you, Mr Cullinane. Thank you, Ms Trainer. 15 2 o'clock for the next session. 16 A. Okay, thank you very much. 17 (1.10 pm) 18 (The short adjournment) 19 (2.00 pm) 20 THE CHAIR: Good afternoon, Mr Gale, 21 MR GALE: Good afternoon, my Lord. The next witness is 22 Mrs Eileen Cawley. 23 MRS EILEEN CAWLEY (called) 24 THE CHAIR: Good afternoon, Mrs Cawley. 25 A. Good afternoon.

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Questions by MR GALE 1

- 2 MR GALE: Mrs Cawley, can you give the Inquiry your full
- 3 name, please?
- 4 A. It's Eileen Rose Cawley.
- 5 Q. You have provided the Inquiry with a statement and you are agreeable that that statement should be published
- and that the evidence you give today in amplification of
- 8 that statement is broadcast and recorded?
- 9 A. That's absolutely fine, Mr Gale.
- 10 Q. You are the administrator/development officer of an 11 organisation called the Scottish Pensioners' Forum?
- 12 A. That's correct.
- 13 Q. You've been in that role for 14 years, I think?
- 14 A. Yes.
- 15 Q. And you're employed in that role through the STUC?
- 16 A That's correct
- Q. You tell us about the forum -- I'll just call it "the 17
- 18 forum" for the sake of brevity -- in paragraph 8 and
- following of your statement. Just taking things 19
- 20 shortly, it's an organisation that's been in existence
- 21 since 1992 --
- 22 A. That's correct.
- 23 Q. -- and, as you say, it's an umbrella campaigning body
- 2.4 for groups and individuals working for a better deal for
- 25 older people.

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- 1 A. That's correct.
- Q. It has close links with the STUC?
- A. That's correct.
- Q. I think we can see from paragraph 11 that it has 350
- 5 individual members but through I think 160 affiliated
- 6 organisations it represents hundreds of thousands of
- older people in Scotland.
- 8 A. I think it's recognised about 113,000, taking into
- consideration retired trade union branches across
- 10
- Q. I think it also represents the rights and needs of 11
- 12 retired trade union members.
- A. That's correct. 13
- Q. I think also the cohort of older workers as well. 14
- A. We started doing work on the older workers -- when the 15
- 16 state pension age started to rise, we had to take into
- consideration that older people, would they ever retire, 17
- 18 so we started doing work on older workers which fed into 19
- the framework for older people, the programme for 20 Government — the Scottish Government in 2019.
- 21 Q. Thank you. Your personal background is that you worked
- 22 in the third sector as a volunteer for a while.
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- 24 Q. I think you had some background in accountancy.
- A. That's correct, yes.

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- Q. But through that work in the third sector, you became interested in equality and human rights?
- A. Yeah, I went back to university when my son was young.
  - I studied social sciences and worked voluntarily in the
- third sector and that peaked my interest most definitely . 6
- 7 Q. Now, the forum has experience of surveying older workers
- and this allowed the organisation to carry out some 8
- 9 surveys during the pandemic and also to carry out what
- 1.0 you describe as "deep dive exercises"?
- 11 A. That's correct.
- 12 Q. Can you tell us what a "deep dive exercise" is?
- 13 A. A deep dive exercise was actually reaching out to people
- 14 that had been affected by a number of issues. To tell
- 15 the Inquiry, I was actually elected on to the board of
- the Social Renewal Advisory Board, which was set up by 16
- 17 the Scottish Government, so I served on that board and.
- 18 as part of the policy circles, we had to conduct deep
- 19 dive exercises looking at the effects of COVID on older 2.0
- 21 Q. Obviously, with the commencement of the pandemic, your
- 2.2 way of working, as it was for everybody, changed, as did
- 23 your interaction with your members at the time?
- 2.4 A Yes

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25 Q. We'll come on to discuss issues of digital exclusion,

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- 1 which is one of the principal areas that you're going to
  - talk about, but you do say at paragraph 24 of your
- statement that some members dropped off the radar in
- communicating with you because they were digitally
- 5 excluded but there was at the time an increase in phone 6
- 7 A. Absolutely. More people were calling. I had my phone
- 8 diverted on to my mobile device in order for people to
- be able to contact me. In terms of digital exclusion,
- 10 all of our meetings were in person on our committee and
- 11 we engaged in a lot of outreach work. Unfortunately
- 12 that had to stop. Even the meetings of our members and
- 13 our committees, sometimes they weren't even quorate, and
- 14 in order for these to be quorate I would actually get
- 15 three mobile devices in order for them to phone in and
- 16 put it on loud speaker so as that they could hear the
- proceedings that I had in the laptop, and that gave them 17
- 18 a sense of inclusion in what was going on because many
- 19 of them were deeply affected.
- 20 Q. We'll come to a little more about digital exclusion in 21 a moment.
- 22 You did engage as a forum with the
- 23 Scottish Government and one of the things you refer to
- 24 in your statement is cross-party groups on older people 25
  - and age and aging. What were you doing or what was the

forum doing in connection with that engagement with the Government? 2 3

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A. The last in-person meeting that we had was on 11 March 2020, when it was the belief that everything was okay and things wouldn't be going as bad as they were, that older people were seeing on the television. Unfortunately that didn't pan out quite that way. We held online sessions, which meant a lot of older people who could engage in these conversations dropped off. But just prior to lockdown, I'd say round about the tail end of 2018/2019, the Scottish Pensioners' Forum contacted Jeane Freeman, who was then Minister for Older People, and along with another organisation, who are now no longer operational, the Scottish Seniors Alliance, we set up the Older People's Strategic Action Forum, which was a specific mechanism to engage and liaise with policymakers at Scottish Government level, which would be chaired by the Minister of -- for Older People.

And within that time, I must say -- immediately when the first lockdown kicked in, there was emergency funding put through that in order for older people's organisations to remain operational to a degree. It was only set up to be approximately three meetings a year but that actually stepped up to about seven meetings per year and people within that committee were actually

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1 appointed to speak on the rights of older and welfare of older people on specific boards that were set up for -by the Scottish Government.

4 Q. Maybe it's sort of fairly obvious, perhaps fairly 5 obvious now looking back, but what areas in particular 6 were you campaigning for or discussing with the Scottish Government at that time?

8 A. Probably the first meeting of the Older People's Strategic Action Forum, where we had to go online. 10 I remember actually saying to the then Minister for 11 Equalities and Older People, "This pandemic is -- you 12 know, we're going through this now, but coming through 13 this there's going to be an even greater pandemic in 14 terms of loneliness and isolation", and I think I've 15 been proved right on that. So that is something that we

had to work really quickly on.

I think there were community groups that were given specific funding to perhaps have about ten or 12 tablets to people who were most in need and try and help older people to work with these. But in terms of the -- the libraries were closed down, there was no local authority hubs for older people, so in terms of -- they were cut off. They were cut off and that was glaringly apparent.

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24 Q. Interestingly what you just said, that you made that 25 representation to Jeane Freeman at that time.

A. It was actually --

Q. That was something you envisaged would occur?

A. Yeah. Well, going back, there had been surveys up to 2014/2015 in Age UK on older people in Scotland over age 65. I have stats but obviously I won't be using

those. However, we actually done a three-year programme

of work along with retired trade union member branches 8 on loneliness and isolation, on the transition into

9 retirement, so it was something we were really ahead of.

1.0 In January 2018 a Connected Scotland draft strategy

11 first came out, which was adopted in December 2018, so

12 there had been moves to appreciate that there was an

13 issue on this in Scotland. However, 14 months in and 14

then we were in the midst of a pandemic, so there was 15 action towards that but it was -- not too little too

16 late but there didn't seem to be an emergency plan in 17

18 Q. So far as -- and we will be looking particularly at 19 pre-pandemic planning later in the Inquiry -- but in

20 those early days, in March 2020 and just thereafter,

21 did you get the impression that the position of older

2.2 people in Scotland was something that had been thought 23

about in the context of what might be a pandemic?

A. I don't think anyone could envisage what was going to 25 happen. I think there was plans put in place but it was

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1 a bit too little too late, as far as I'm concerned.

because there were surveys in place, 2013/2014, looking

at this and the strategy came into place about four

years later -- five years later.

5 Q. Okay. Your communication with your members, you tell us

6 in paragraph 27 and perhaps alluded to this already that

the increase in telephone calls you received was an

8 increase of about 400%.

A. That's correct.

10 Q. What were people contacting you about?

11 A. There was people contacting me at 11 o'clock at night

12 saying they were in hospital and they had no one to talk

13 to and they were wanting me to help them write their

14 eulogies, and that's a true story. Because the number

15 was made available, it was transferred on to my mobile 16

device, I wasn't not going to answer a telephone call.

17 Q. I was going to ask, how was your number out in the 18 public domain?

19 A. It was the office phone transferred on to the office

telephone number transferred on to my mobile device, so

21 it wasn't my personal number per se.

22 Q. No. Was it you alone who was answering the phone or

23 did vou have any help?

24 A. Yes, alone. No, not with the telephone, but I did have

25 executive committee members who were digitally savvy,

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shall we say, and they were -- you know, I was always in 1 2 touch with them or phoning them and trying to do as much 3 as possible. But in order for older people not to be 4 cut off entirely , we actually -- we do four quarterly newsletters per year and that -- we'd done another seven in that first year in order for older people to feel 7 engaged because there were a lot of older people who 8 were hearing things through the news but there were also 9 at that time an awful lot of older people who were 1.0 scared to turn on the television, because there had been 11 a drive for the removal of the TV licence, they hadn't 12 paid it and they were scared to watch the television. So we had to keep them -- keep contact with them, 13 14 maintain contact with them, to let them know someone 15 cared. Myself and two of the other members of our committee looked at our database -- obviously we had to 16 be compliant with GDPR -- and the people that were on 17 18 that were phoning older people and our members to check 19 in that they were okay. 20 Q. At paragraph 28 of your statement you give an indication

- of some of the issues that were being discussed with
- you. One was a concern that care packages were beingremoved.
- 24 A Yes
- 25 Q. Was this actually happening or was it speculation --

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- A. No, it's not speculation. They told us it was actually 1 happening and they had notification of that. You've got to bear in mind, you know, that a lot of older people 3 are not those of 68 or people of pensionable age or 5 over 70 or 75. The category even within the 6 Scottish Government is people of 55 and over. So there were people who were perhaps disabled. They were 8 saying, you know, "Are there other people who can help look after you within the household?", so, you know, we 10 have to actually prioritise care packages. And even in 11 terms of that as well, there were people -- there were 12 staff going in who were having added responsibilities, 13 and that is something that I have heard from several 14 social care workers, that people were being added on to 15 their worksheet and they were the only people that older 16 people were seeing. So in order to prioritise who would 17 be seen, these would be cut back to safeguard workers, 18 which is absolutely the right thing to do, however, it's 19 the people who were being left behind that was the
- $\begin{array}{lll} 20 & \text{issue}\,. \\ \\ 21 & \text{Q. Obviously we can envisage the problems of loneliness and} \\ \\ 22 & \text{you've mentioned that as one of the issues that you were} \\ \\ 23 & \text{being phoned about } -- \end{array}$
- 24 A. Yeah.
- ${\sf Q.} \quad {\sf Q.} \quad --$  but you also say that older people were frightened.

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1 A. [Nods]

Q. Again, we can all remember what it was like in those
 early days, not just for older people but for all of

4 us --

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- 5 A. Absolutely.
- 6  $\,$  Q.  $\,--$  and I'd like to think I'm not old, but that level of

7 fear, was that something that surprised you?

8 A. Within my committee, yes, because most of my committee 9 members, the committee members that we work with, are 1.0 retired trade union members who are there to fight for 11 the rights of older people. Now, obviously I've become 12 very, very close to these people, having worked with 13 them, and to see some of them facing their mortality for 14 the first time, it actually was really, really -- it was 15 awful to witness. It really was awful to witness. And 16 we engaged very widely with people in Dundee, 17 North Avrshire, Edinburgh, we have several local 18 organisations or, shall we say, you know, local forums

We were in constant contact.
You know, older people weren't allowed to go out.
They were told that, basically, "If you go out, you die". During this time, the increase of scams online —sorry — phone scams escalated, so they were worried about that, they were calling about that. They were

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on our committee and they were finding the same thing.

1 calling about their GP saying, you know, they were going 2 to put DNRs on them. And I know the Scottish Government 3 had nothing to do with that and didn't endorse that in 4 any way, but that was happening, so they were scared and 5 they were alone. You know, there was work that we had 6 done around about 2015/2016 where we found that across Scotland over 35s -- children over 35 lived 113 miles 8 away from their older parents. Now, that is something that is logged. So even within the local authority 10 boundaries, even when restrictions were being lifted, 11 a lot of older people couldn't see their family because 12 they couldn't travel. They couldn't travel or use 13 transport to get to their banks because that was outwith 14 an area, so they were generally cut off from their money 15 and lots of other things. 16 Q. Now, you mentioned the message, whether either directly 17 or indirectly through inference, to older people that

- 16 Q. Now, you mentioned the message, whether either directly
  17 or indirectly through inference, to older people that
  18 essentially, if they went out, they were at the risk of
  19 dying. Do you feel from your perspective that the tone
  20 of the information that was being conveyed, particularly
  21 to the older population, was appropriate?
- A. It could have came across as being patronising to
   a degree. However, I do feel that initially it came
   from a good place, of a caring place. Although we're
   not speaking on that, but on the television you've seen,

you know, who was dying and by May 2020 90% of the 2 people who had died from COVID were older people. And that's public knowledge. That's out there. The 4 Communities Division of the Scottish Government has actually put that out, so that is out there. So, yes, initially, it was the right thing to 7 safeguard older people. I was a shielder -- I wasn't 8 initially on the shielding register but my cardiologist 9 called up and gave my GP short shrift, so after that 1.0 I had to get injections and things at home and things as 11 well, so it was quite worrying for me too. 12 Q. Can we move on to digital exclusion --13 A. Absolutely 14  ${\sf Q}.\ --$  because I think this is one of the main areas that 15 you are referring to. You talk about a survey that was carried out in November 2020. It's at paragraph 32 of 16 17 your statement. In general terms, what did that survey 18 disclose to you? 19 A. It disclosed that people were generally being cut off. 20 Over a third, 36% of households, with adults over 65 did 21 not have home internet access and this rose to three-fifths. 60% of households, where all adults 22 23 over 80. Two-thirds of adults aged 60-plus used the 2.4 internet in 2018 compared to one-third, so it was moving 25 in the right direction. However, because of the speed

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1 of things that were taking place, no one could get access to the shops even if they wanted to -- if they were digital savvy, to get that. There was a drive towards smartphones. People couldn't access food -- if 5 they weren't on an online bank, if they went into 6 a bank, they couldn't access their money. So what happens there?  $\ensuremath{\mathsf{GPs}}\xspace --$  everything was going

towards online. How can you diagnose someone who doesn't have a smartphone, who can't send you a photograph of their ailment, and how degrading is that actually for someone of an older age as well to actually feel like that?

Q. It's also a problem of access to medication, I think. 13

A. Yeah, Absolutely, ves. Although the Scottish 14 15 Government had never endorsed this, there were some 16

pharmacies, larger pharmacies, who were charging a £5 delivery charge and you could only access prescriptions online. And if you wanted a delivery of a prescription,

19 you wanted access to your medication, you would have to 20 pay this £5 and --

21 Q. I think you make the point that there would be some

22 people who would be requiring access to medication more 23

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24 A. Yeah, absolutely. As well, you know, it's all right 25 saying there are repeat prescriptions but not every

medication is on a repeat prescription and it has to be 2 called up or put in online, and that couldn't happen.

Q. I think you tell us that, after some negotiation, this 3 4 was set aside. Were you involved in that negotiation  $--\,$ 

A. It was me that done it.

Q. Right. How did you feel about having to do it?

A. I felt it was shameful. You know, it was people profiting from older people and, not just older people, 8

9 other, you know, younger people, disabled people, people

1.0 with long-term health conditions. It was a way to make 11 a quick buck and it actually made me feel quite ill.

12 Q. I suppose one of the aspects of digital exclusion is the

13 fact that individuals don't have or some individuals

14 don't have or didn't have the equipment to facilitate

15 that communication, so either an internet line or

16 a tablet or a smartphone or a laptop, they didn't have

that equipment. Was any thought given to perhaps making 17

18 some efforts to provide that sort of equipment to

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20 A. Well, we're a campaigning organisation rather than

21 a service user, Mr Gale. In terms of that, we have

2.2 organisations that actually had carried that out within 23

the community that we worked with on the Older People's

2.4 Strategic Action Forum and, you know, when we were at

these meetings, I would say to them, you know, "This

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1 isn't just about the Scottish Pensioners' Forum. Tell us what you need. I will feed this into policy circles, 2

et cetera". So their views were taken into

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5 Q. The other, I suppose, difficulty is, even if you have 6

that equipment, you have to know how to use it. 7 A. Absolutely. There were some, as I said, community

8 groups that -- you know, that could go out because they

were health and social care workers, et cetera, but

10 you've got to take into consideration as well, if you

11 don't have internet access, you're looking at people in 12

rural areas as well who were just basically cut off.

13 You know, 15% of older people are, you know, suffering

14 pensioner poverty and, if you don't have the money to

15 actually pay for an internet provider, then you're just 16 cut off.

Q. Can I also ask you, again in relation perhaps to digital 17

18 exclusion -- but to ask you a little bit about access to

19 food. You mention this at paragraph 38.

20 A. Yeah.

21 Q. One of the things you say is that older people did have 22

obviously a concern about attending shops at that

23 time -

24 A. Yeah.

2.5  $\mathsf{Q}.\ --$  so to physically go to a shop was off–putting to many

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1 older people? 2 A. You know, it was a very daunting prospect to be told that you need to look after yourself and actually to go out -- if there's not a shop that's local, you had to go 4 on transport, if it was made available — you know, if there were buses or whatever, to go to a shop and then find that it's packed or there's nothing left for you to 7 8 eat or there was the process of you can bulk—buy and 9 then it's perishable and they don't really have the 1.0 money to do that. 11 When the supermarket lines were first introduced and 12

there was specified times for older people to go along, even then the prices had escalated. I spoke to one man who had actually went to the shop just prior to the pandemic and he thought, "I'll have money for this to pay my bills", and he wanted a packet of ham and a loaf of bread and, do you know, it went up by -- I think the ham had gone up from £1.39 to £2.79 for the same ham, so he couldn't make himself a sandwich so that was him not

- 21 Q. Obviously some suppliers, some supermarkets, did provide 22 a facility that you could order online but a lot of 23 them, as my recollection was, was that you had to have 2.4 a minimum spend.
- 25 A. £50. £50.

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- Q. What good was that to an elderly person living alone? 1
- A. It wasn't because again older people are very specific in the food that they need. It's smaller portions. There would have been waste. But the crux is 5 that they couldn't access it anyway because they were 6 digitally excluded. So even if they did have the money to buy this and they could afford it, most of it would 8 have gone in the bin, you know, in terms of perishables.
- Q. We have heard evidence from particularly an organisation in Glasgow that was making available small packages of food to people -- principally those who were disabled 11 12 but living on their own. Is that the sort of situation 13 that you have heard about?
- 14 A. I have heard about that with other organisations, ves.
- 15 THE CHAIR: Can I ask, was the £50 minimum charge -- did all supermarkets charge that?
- A. The majority of -- they offered free delivery if you 17 18 spent over £50. I think the minimum spend in some were 19 £35. However, if you didn't spend the £50, you would 20 have to pay delivery and I think sometimes that was as 21 much as between £8 and £10. So I think you would
- 22 probably attempt to try and get the free delivery and 23 buy food, but —— rather than not naming names and 24 certain supermarkets, I know there was one at £35 but
- 25 the majority were £50. And you had to have a shielding

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2 didn't have the facility to do that, you wouldn't be 3 because there was conditions set that you had to be 4 a shielder or over a certain age and you had to provide evidence of that.

letter or evidence that you had to download, so if you

So this is all things like, if you don't have 7 a smartphone to take a photograph -- not everyone has 8 a camera to hand, especially if you're staying on your 9 own and you have no one who can come to see you and tell 1.0 you that you can do that. So it was frustrating, 11 demoralising and people were feeling just cut off, let

13 Q. I have mentioned already the removal or fear of the 14 removal of health and social care packages for certain 15 people. There would obviously be a concern for  $--\ {\rm on}$ 

down and facing death basically.

- 16 the part of those who were providing those packages --
- 17 A. Yes.

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- 18 Q. — going into older people's homes. Is that something 19 that you came across?
- 20 A. Yes, that was part of a survey that we done on COVID-1921 and the safety of older workers in terms of health and 2.2 social care workers. They were afraid because they were
- 23 going in and families were not taking into
- 2.4 consideration -- we found it a lot in areas of social deprivation -- and families were not taking heed of the 25

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- 1 need to safeguard not only the loved one but the people 2 that were actually carrying out the service.
- Q. I think also, so far as the recipients of care packages, 4 one of the other concerns would be the information that 5 was being put out into the public domain of the number 6 of deaths of people of comparative age  $--\,$
- 7 A Yeah
- 8 Q. -- in care homes.
- 9 A. Absolutely. That was a huge issue. That was a huge 10 issue. People were scared. They were angry of the fact 11 that older people were just basically being left behind, 12 and that was the attitude of a lot of people in the 13 beginning. Seeing that older people were basically just 14 being transferred from hospital into care homes without 15 any real packages being put in place, that was an issue. 16 That was an issue.
- Q. You mention at paragraph 43 of your statement the impact 17 18 that -- you identify particularly the closure of weekly 19 clubs and similar hubs where older people could meet and 20 the impact that that had on mental well-being. Tell us 21 a little about that.
- 22 A. Yes, absolutely. People's mental well-being was 23 declining rapidly. A lot of the stuff that we had
- 24 actually done on loneliness and isolation prior to this,
- 25 seeing that people's engagement with other people in

these community hubs was a lifeline because, when they had given up work, most of their social interactions were with people in the workplace, so when they retired they would find ways, you know, to meet other people, to go out. A lot of this was in community hubs but, as these were run by local authorities, these were all closed down. They were closed down. They had nowhere to go. If they lived alone, that was it. They were alone. If their family couldn't, you know, form a bubble or contact them or visit them, then that was a huge issue. So sitting staring at the walls facing the

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inevitable, it would drive anyone to think that this was it, "I'm going to die alone here. I'm not going to get any access to food. I have my television, if I'm allowed to switch it on. I have books that I've read over and over again. I'm going to bed and I'm waking up in the morning", and it's over and over again the same cycle; tuning in to see what's happening next, if they can actually get out and about. But even now, even now, people haven't -- they're not the same anymore.

- 22  $\ensuremath{\mathsf{Q}}.$  That's what I was going to ask. Is there a longstanding 23 consequence of that?
- 2.4 A. Yeah. Local groups and forums in particular -- we have 25 one in the Renfrewshire area that -- the person that

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1 organises that is on our committee and that was 2 operational very quickly, but the majority are not. North Ayrshire in particular is really finding that 4 a struggle. Dundee is finding it a struggle. 5

So these facilities aren't there anymore. Libraries , when they're open, you can't access, and because they're scared if it's too crowded because people will use -- if it's limited hours, people will use it and they're even scared to go out. It's actually horrible to see -- when I've worked with so many older people who have been active and have been the driving force of making sure that older people's welfare and rights are at the forefront of everything they do, to see the demise in them, it's actually really quite difficult to watch.

- Q. As one gets older, one becomes aware of one's potential 17 mortality but also you become aware of it through the 18 deaths of your contemporaries. Is that again a problem 19 because --
- 20 A. A huge problem.
- 21 Q. -- a lot of people would be seeing -- not even 22 necessarily from COVID but just simply the progression 23 of the ageing process -- people would be seeing the 2.4 deaths of their contemporaries and the restrictions on 25 funerals --

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A. Absolutely.

- ${\sf Q. \ } -- \ {\sf were \ considerable}.$
- A. A huge issue because a lot of the funerals were limited 4 to -- maybe some six, some as many as 20 in some areas.
- I actually sit on a cross—party group on funerals and
- bereavement so that was something that I continued to
- 7 bring during the meetings that we had there. And the
- 8 fact that you couldn't -- funerals were going online and
- 9 they couldn't access online funerals even to say their
- 1.0 goodbyes through that way because they didn't have
- 11 a tablet or a smartphone or a laptop, so that was it.
- 12 The only thing that they knew was someone phoning them
- 13 up and saying that someone's dead and they didn't have
- 14 time to grieve. You know, they were sitting with those
- 15 thoughts. So we can only imagine what that would do to
- 16 someone's morale and their mental well-being. They
- 17 can't grieve. I had one in particular, in Islay.
- 18 a sibling and an in-law died. They couldn't travel,
- 19 they couldn't watch their funeral online and they didn't
- 2.0 really have any social interaction for another nine
- 21 months.

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- 22 Q. Right. Mrs Cawley, those are really all the questions
  - I want to ask you. We've got, at the end of your
- 2.4 statement, helpfully your lessons to be learned and
- 25 you've focused those very clearly for us and I hope I've

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- 1 concentrated a little on the difficulties of digital 2
  - exclusion --
- A. Absolutely. 3
- 4 Q. -- as you've given your evidence.

5 You've also told us your hopes for the Inquiry and 6 I should say we are conscious of the DNR issue and we 7 are looking at that specifically . But at this stage is 8 there anything further that we haven't perhaps dealt

with that you would like to say?

- 10 A. I would like to say that during the pandemic at its
- 11 worst we have to look at the youth who really stepped
- 12 up. They were not at school, they helped out as
- 1.3 volunteers in communities and whatever as much as
- 14 possible to reach out to the most vulnerable people.
- 15 And the driving force behind the demonisation against
- 16 old and young people has to go. There are so many
- 17 groups out there, intergenerational practices -- and
- 18 I think we're sitting in Global Intergenerational
- 19 Week -- and we need to look at that. The money -- there
- 20 has to be something -- more money goes into that to
- 21 ensure that -- you know, the understanding is that older 22 people and younger people get one another. You know,
- 23 they really do.
- 24
- I had one young boy in Aberdeen just in 2022 and it 25 was one of the first events that I could go to. Now, he

came to our stall -- we have our newsletters and 2 everything -- and he came up and he took everything and 3 he wanted to give me a donation, and I said, "No, 3 4 please, what you're taking and taking away to read is 4 the most important thing for me", and he said, "I want 5 to help, I want to know more about this, and it has to 6 be out there about the wealth that older people bring to 7 8 society because I thought I was going to lose my gran 9 and that really opened my eyes", and he was 17 years of 10 age. So people do care about one another and we need 11 more funding or work put into this —— to the 11 12 understanding of all ages across society. We need to 12 13 respect one another. It's hugely important. 13 14 MR GALE: On that very profound point, Mrs Cawley, that's 14 15 all I have to ask you. Thank you very much for engaging 15 with the Inquiry. We're very grateful to you. 16 17 A. Thank you. Mr Gale. 17 18 THE CHAIR: Yes, thank you indeed, Mrs Cawley. That's all. 19 Now, Mr Gale, I have received through the miracles 19 20 of digital connectivity, which we have access to 20 21 fortunately, the information that the next witness is 21 22 here. So we have finished this witness early. We can, 23 23 unless you have any objection, start the next witness 2.4 at. I would have thought, 5 to 3. 25 25 MR GALE: Yes, certainly, my Lord. 145 THE CHAIR: Good. Thank you very much indeed. That's what 1 1 2 we'll do then. 2 3 (2.41 pm) (A short break) 4 5 (2.55 pm) 5 6 THE CHAIR: Good afternoon again, Mr Gale. 6 7 7 MR GALE: Good afternoon, my Lord, again. 8 8 The next witness is Mrs Annie Hair. 9 MRS ANNIE HAIR (called) THE CHAIR: Good afternoon, Mrs Hair. 10

- 10 11 12 THE CHAIR: When you're ready, Mr Gale. 13 Questions by MR GALE 14 MR GALE: Mrs Hair, can you give the Inquiry your full name, 15 A. My formal name is Anne Merrilees Hair. 16 Q. I think you're known as "Annie". 17
- 21 be published and also the evidence you give today in 22 amplification of it is recorded and broadcast? 23

Q. You've provided us with a statement. The reference is

SCI-WT0271-000001. You're agreeable that that statement

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A. Yes, I'm known as "Annie".

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Q. Your background is in nursing, I think; is that right?

2.5 A. That's correct. 24 A. Yes. 25

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Q. And you have, as you tell us in your statement, a wide and extensive experience in nursing.

A. I do, particularly in community nursing, and I've been

a nurse for 50 years.

Q. Yes. You tell us also that you continue to work

full —time as a senior nurse for practice development ——

A. That's correct.

8 Q. -- for children and families.

9 A. That's correct.

1.0 Q. And you're employed by the Greater Glasgow and Clyde

Health Board?

A That's correct

Q. That's within the Health and Social Care Partnership?

A. That's correct.

Q. You're also a senior shop steward for the Unite union?

A. Unite the Union and Community Practitioners' and Health 16

Visitors ' Association.

18 Q. I think at paragraph 2 of your statement we see that for

the last 15 years your specific role in Unite is for the

Community Practitioners' and Health Visitors'

Association.

22 A. That's right. I work at both in industrial trade union

but in that aspect I'm a professional trade union

representative.

Q. So can we unpick those various roles a little? Can you

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indicate if you have a principal role or what the

various roles involve?

A. It's very hard to separate industrial matters from

professional matters, but professional is very

prospective around the impact on health visiting and

nursing. The industrial is on policy and processes.

And I am 50% employed in NHS GGC in my professional role

as a health -- senior nurse and 50% I'm on the

Partnership Forum with facilities time for the trade

union across both these roles.

11 Q. You're here, as you say in paragraph 3 of your

12 statement, to tell us about the impact of the pandemic

1.3 on your professional nursing role as well as the impact

14 on your union members.

15 A. Yes.

16 Q. Now, just as a point that I want to make at the outset,

Mrs Hair, with your background, you've indicated at 17

18 various sections of your statement the impact that the

19 pandemic has had on the training of nurses.

20 A. Yes.

21 Q. The closure of universities --

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23 Q. -- the detrimental effect of distanced learning --

 ${\sf Q.}\,\,--$  and then, towards the end of your statement, at

- paragraphs 46 and following, you conclude by offering 2 your expertise so that the Inquiry is made aware of the 2 3 impact of the pandemic on children  $\,--\,$ A Yes 4 4 5 Q. — including the identification of certain developmental issues for children post pandemic. 6 7 A. Yes, professionally receiving more and more contacts 7 8 from our members who are concerned in their professional 8 9 roles on the delivery of their services to children. 9 10 1.0 Q. Now, you'll appreciate that within the Inquiry we have 11 another team that's looking specifically at education 11 12 and the impact on children and we have passed your 12 13 statement to them and they will be very likely asking 13 14 you further questions about that and getting further 14 15 details --15 16 A. Thank you. 16 17 Q. — so at this stage I'd like to concentrate on just some 17 18 of the points around those points that you make in your 18 I think had a child with certain health issues. 19 statement. Can I begin therefore with some questions 20 2.0 about redeployment --21 A. Yes. 21 2.2  ${\sf Q}.\ --$  which you refer to at paragraph 17 in particular. 23 What you tell us there is that in your professional role 23 2.4 you were initially asked to provide a list of names to 2.4 A Yes 25 25 management to deploy into acute COVID care. I think 149 1 this is from the student nurses that you were --2 A. It was post—graduate nurses studying the health visiting and school nursing specialist practice qualification 3 that had commenced training in the previous September 5 and indeed just commenced in the January. There was 5 6 a significant number of them -- gosh, probably 6 7 about 50/54 — and they were not deemed necessary — the 8 8 courses hadn't vet stopped and I was asked to provide the list of them so that they could be redeployed to 10
- 11 Q. I don't think —— as I read what you say in paragraph 17, 12 I'm not entirely clear that that was an approach you 13 were happy with. 14 A. I was not happy with the approach in its --15 Q. Could you explain why? A. I felt to just give a list of names was inappropriate; 17 that I had both a management and an ethical 18 responsibility to these staff as a professional nurse 19 and in my union capacity I sought advice and we 20 concocted a risk assessment form and detailed 21 information form within 24 hours that would gather 22 information, looking at the skills and competencies of 23 these nurses, where they had previously worked, what 24 risks individually they may have as to their current

- were, to have a much more detailed understanding of how they would be best deployed. I had support from my professional lead nurse in that as well.
- Q. So what you were aiming for, as I understand it, was to attempt, if possible, to allocate a particular nurse to
- an area in which he or she would be more comfortable? A. Yes. I didn't have responsibility for the allocation
- but I could give the information that would assist those allocating.
- Q. Yes. You could -- if I can put it this way, you could probably make a pointed recommendation?
- A. Indeed.
- Q. Thank you. There is -- in paragraph 19 of your
- statement, you give an example of a particular nurse
- who, as I understand it, because of certain  $\,--\,$  I'll not
- go into details because we don't want that person to be
- easily or readily identifiable —— but a particular nurse
- 19 A. Indeed, yes, who had recognised would be in the
- shielding category and had indeed by that point received
  - notification from a consultant to protect her child.
- 22 Q. And what happened was that her husband and child went to a distant part of the country --

- Q. -- and that nurse continued to work in high dependency?

- 1 A. She did. She had high dependency experience and actually was one of the nurses that went above and
- beyond and had already contacted her previous place of
- work to say she was being redeployed and could she be of
- help to her previous area.
- Q. The type of redeployment that you were involved in, was
- that something that, in your experience, was occurring
- in other areas, either geographic or within the
- Health Service?
- 10 A. Yes, we were well aware within Unite the Union of
- 11 discussions with other union reps in other areas and, in
- 12 my professional role within Unite, I cover the whole of
- the UK and was aware of this happening, particularly in 13
- 14 London and other parts of the country.
- 15 Q. Was it happening with the same degree of, if I can put
- 16 it this way, investigation that you were carrying out to
- 17 enable recommendations to be made for particular nurses?
- 18 A. I can only talk for myself, but I don't particularly
- 19 think so because I retrospectively have heard of people 20 being completely out of their depth.
- 21 Q. You do say at the end of -- sorry, it's the beginning of
- 22 paragraph 22, you say:
- "I would summarise the redeployment process as 23

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- 24 complex and challenging ..."
- 25 A. Yes.

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health and status and what their living arrangements

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- Q. I think you may have already indicated that, but perhaps you can just give a little more detail.
- 3 A. I mean nursing comes in lots of different fields and 4 your practice and skills tend to be honed in
- a particular area. I don't think anybody who had dealt
- with a pandemic in its form before -- but very few 6
- nurses would be able to walk into high dependency 7
- 8 intensive care units. Many nurses will not have dealt 9 with a lot of dying patients, care of elderly patients.
- 10 They may be children's nurses, they may be neonatal
- 11 nurses or midwives. Basically every registrant was
- 12 placed in an equivalent area, which could be a high
  - dependency medical ward, dealing with very sick COVID
- 13 14
- patients because you were very sick if you were admitted 15
- Q. Yes. Were you aware of instances where nurses were 16 17 redeployed into areas for which they perhaps did not
- 18 have the background? 19
- 20  ${\sf Q}.$  And what was the -- if you can give an indication,
- 21 whether specifically or generally, of the effect that
- 2.2 that had on them?
- 23 A. There was increased stress in nurses and I was -- I set
- 2.4 up a WhatsApp group for the colleagues that I was
- 25 supporting and also within the union. There were nurses

- 1 who would contact at 1.00 or 2.00 in the morning in
- 2 distress and crying. They were working for long hours
- in PPE, high-level PPE, hazmat-type suits, and not
- necessarily getting breaks because it was so busy and
- 5 were dealing with holding patients' hands as they died,
- 6 talking to their -- having their loved ones on a screen
- with a phone, holding a phone so that their loved ones
- 8 at home could spend their last minutes remotely with
- their dying relative, and this was recounted to me.
- 10 Some of our members also contacted us about their
- 11 colleagues or family members who were working in other
- 12 areas and were totally  $\;$  ill -equipped for -- particularly
- 13 in care homes, some student nurses -- student 14 undergraduate nurses were working part—time in care
- 15 homes and were not prepared for this level of care.
- 16 Q. Yes, I was going to ask you about the WhatsApp group.
- 17 This was something you set up yourself?
- 18
- 19 Q. Again, we may have probably covered this. What led you 20 to do that?
- 21 A. It was a request from the staff I was supporting, "Can
- 22 we keep in contact with you?", and I thought at that
- 23 point — we were using within the union several WhatsApp
- 24 groups and I thought this would be a useful way to make
- 25 myself available but not be answering a phone or on

- a computer screen.
- Q. And the purpose as I understand it was, I think, as you 2
- 3 put it, to provide a listening ear?
- 4 A. Yes, that was one of the purposes. It was also to
- 5 provide up-to-date information or links to it as soon as
- I could official information as it became available
- 7 to me, but I made a listening ear available.
- Q. Just a couple of -- I won't say incidental points but 8
- 9 taking your statement in the order, you, together with
- 1.0 some of the students you knew, volunteered to do some
- 11 extra shifts in connection with the vaccination
- 12 programme?
- 13 A. That's -- as soon as the vaccination became available,
- 14 I volunteered because I had largely been working 15
- strategically in the background. I was of a certain age
- 16 that was not particularly going forward. My husband was 17 shielding. However, the vaccination enabled me to
- 18 offer, and I did most weekends and evenings, two or
- 19 three a week for a period of about four months, offering
- 2.0 vaccinations.
- $21\,$   $\,$  Q. Going back or on to the WhatsApp group, one of the areas
- 2.2 that you say people who were calling you or contacting
- 23 you through the WhatsApp group were raising concerns
- 2.4 about was about the availability and adequacy of PPE.
- 25 A. Yes. There was concern particularly on ward areas of

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- 1 not having what was called "face-fit masks" --
- 2 Q. Yes.
- A. -- and just normal waterproof blue masks which we all 3 4 used.
- 5 Q. We've heard quite a bit about face—fit masks and I think
- 6 we probably have an image of what that involves, but
- 7 from your experience, perspective, can you just tell us
- 8 what is involved in face-fitting a mask?
- 9 A. Somebody had to be trained to recognise —— to understand
- 10 how the mask fitted on the face and they had several
- 11 three or four sizes that they would try to create a seal
- 12 on the face and then they would blow air or something on
- 13 it to make sure there was no gaps. Obviously, facial
- 14 hair could not be in the way so people were having to
- 15 remove their facial hair to do that. Certain types of
- 16 faces did not fit. Very small faces there was
- 17 a struggle with. And I think I cited further on in my
- 18 statement --
- 19  $\ensuremath{\mathsf{Q}}.$  You do indeed. I was going to ask you about that.
- 20 A. Yeah.
- 21 Q. It's at paragraph 52.
- 22 A. Yeah, one of my union members contacted me. She was
- 23 working -- she was previously a theatre nurse in
- 24 anaesthetics so was well equipped to be working in
- 25 intensive care areas. Theatres were turned into

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intensive care. And she is of South Asian origin and 2 could not get a face mask to fit -- a face—fit mask to 3 fit. She felt slightly vulnerable throughout that period but continued to work with an ill-fitting 4 face—fit mask until the army were drafted in to support NHS GGC and they made army-issue rebreathers available 7 to this particular member of staff, which is a type of 8 mask you would wear in a gas attack. 9 Q. Do you have any comment to make about the lack of 10 provision for persons such as the nurse you're talking 11 12 A. I don't think anybody had thought of the impacts of that 13 on individuals. Everything was geared towards white 14 Caucasian hair-free faces. 15 Q. And also probably male? A. Male -- I think the small masks fitted females, yes, but 16 17 they had not —— they weren't moulded to individuals. 18 That was the area that did get face-fit masks. Many 19 areas in healthcare -- medical wards and areas where 20 COVID patients were nursed did not get these masks. 21 They were using the waterproof blue masks of various 2.2 qualities . 23 Q. We've also heard some evidence this morning and on other 2.4 occasions in the Inquiry about the use of particularly masks where the best before date or the sell-by date has 25 157 1 been changed. Is that something you'd come across? 2 A. Certainly we came across that in the union. There were

several photographs circulated of masks where the dates had been printed over and stickies put on them. The 5 union, actually Unite the Union and the joint trade 6 unions in GGC raised this at various points. These masks appeared to be removed and then appeared in other 8 areas. There was also a set of masks that gave off fibres when you breathed them in and they were again 10 removed at some point but turned up again later on. 11 There were circulars  $\,--\,$  in fact there were official 12

or semi-official circulars put out with the codings of masks that had been tested to be able to have their dates changed and the dates on these boxes were indeed changed. That was the rationale given to us at the trade union.

- 17 Q. What did you feel about that?
- 18 A. I think it was extremely concerning and did not 19 necessarily fill staff or us, as trade union officials, 20 with confidence.
- 21 Q. Now, your work, as you tell us at paragraph 30,
- 22 increased massively --
- 23

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- 24 Q. -- and you kept what you termed "a dossier" --
- 25 A. Yes.

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- ${\sf Q}.\ --$  of issues and you provide us with some information 2 about some of those.
- 3 A. Yeah.
- 4 Q. One I'd like to ask you about is shielding --
- 5 A. Yes.
- 6 Q. — which you refer to at paragraph 31 of your statement.
- 7 A. Yes.
- 8 Q. Was there, in your view, dubiety about the shielding 9 definitions and the categories into which people might 1.0 fall?
- 11 A. Yes. I can use several examples --

shielding or not.

12 Q. Please do.

19

2.0

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2.2

23

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A. The conditions for shielding -- asthma was an obvious 13 14 one, but what level of asthma did one require to have to 15 fit a shielding category nobody really was clearly sure 16 of. Asthma on -- using an inhaler or was it exacerbated 17 asthma? And it left people with asthma feeling very. 18 very vulnerable and not knowing if they should be

The other group significantly  $\,--\,$  we had significant contact with professionally and in the union was pregnancy. There was significant dubiety; were you allowed to shield -- were you enabled to shield if you were pregnant? Were you vulnerable? No, you weren't. Was it after three months? Was it after six months?

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1 Nobody knew. The evidence base was beginning to become available of increased —— during pregnancy there is 2 an anatomical or physiological reason why you are more 4 vulnerable to viruses and the evidence was beginning to 5 become available and it took some time to get some 6 clarity about who and at what stage of pregnancy you should be shielding or protected and moved into a less 8 risk area of working.

Many pregnant nursing staff or health staff wanted 10 to be working in some capacity but it seemed that you 11 were either off altogether and shielding or you were 12 front line. It was very, very difficult to decipher 13 what a shielding pregnancy category would be till 14 further down in the pandemic, probably about June.

- 15 Q. Were you being asked for advice on these things?
- 16

24

- 17 Q. Were you able to give that advice or were you able to 18 point people in the right direction where they might 19 find things?
- 20 A. We would engage people to ensure they were referred to 21 occupational health and complete -- by that time, 22 certainly in my board, there was a health risk 23 assessment which would be completed and then discussed
- with occupational health. But some of our members 25

received  $% \left( -1\right) =-1$  calls , from -- pertaining to

- 1 be occupational health who in fact were perhaps other 2 members of staff that were asked to check the screening 3 form rather than actually be occupational health employed staff. 4
- 5 Q. What was your view of that?

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- A. I would have rather it was with the occupational health team, who were trained to ensure that these forms were completed and the risk assessment properly carried out.
- 9 Q. Right. You tell us a little about policies and 10 processes and it was very --
- 11 A. They changed -- they were always changing on a daily 12 basis.
- 13 Q. I think we've heard that. If I can put it that way, 14 Mrs Hair, the changes in guidance seemed to have been
- 15 across the board and constant? A. It was chaotic, chaotic. As a union we would meet and 16
- 17 joint trade unions we would meet to sort of decipher. 18 after a few days, what did this latest change mean. 19 I think our view as trade unionists was to ensure we 20 went for the safest measure within the guidance that was 21 happening, not the softest measure, and at times we got 22 the impression that our management or our Health Service 23 wanted to go down the softest measure rather than the
- 2.4 most secure. And it just was chaotic; who wore PPE,
- 25 when you wore PPE, particularly in community staff, what

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- 1 services were stopped, what services were starting, what 2 continued, who could visit who, where and when. It really was extremely hard to keep up with.
- 4 Q. You presumably had a role -- it's an expression I've 5 used on a number of occasions -- as a pivot between
- 6 those who were providing that guidance, whether it be the Government or other public bodies, and your
- 8 membership?
- 9 A. Yes
- 10 Q. How difficult was it to do that?
- A. We obviously met as an area partnership forum with 11 12 management within an NHS GGC and would voice our
- 13 concerns. We were also enabled to voice our
- 14 recommendations after speaking to our members and such 15 a recommendation was regarding health-visiting services
- 16 for children and families in the home which had been
- 17 stopped and the vulnerability of families and children, 18
- particularly around being supported, promoted and
- safeguarded in their own homes, which is the GIRFEC 19 20
- principles that we work to within NHS Scotland. We were 21 able to influence that in fact these services were
- 22 important and should be continued. Another example was
- 23 childhood normal immunisations, not COVID immunisations,
- 24 and the importance that children still had access to
- 2.5 healthcare to enable them to be vaccinated.
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- Q. One of the things you mention in paragraph 34 is that
  - certain COVID pages were introduced into the
- health board's core brief. Can you just tell us what
- 4 the core brief was and what status it had?
- A. NHS GGC publishes a core brief daily and that was
- updated with any guidance. It's available online, so
- 7 you have to be able to log into a computer and have time
- 8 to read the core brief and see that. Many of our staff 9
  - did not have that time.
- 1.0 Q. And if the guidance was changing on a regular and rapid 11 basis --
- A. It caused confusion. 12
- 13 Q. I'd like to ask you a little about a personal impact
- 14 that you tell us about. This is at paragraph 44 of your
- 15 statement. Again, can you avoid actually naming anybody
- 16 or naming --17 A. Yeah, I realise I've named in my statement and I won't.
- 18
  - Q. Right.

25

- 19 A. However, it was at the very start of the pandemic when
- 20 specific groups had been set up and I was part of the
- 21 Glasgow City Staff Partnership Forum. I attended
- 2.2 a meeting in person -- so this was before many of us
- 23 were working purely from home -- and a senior member of
- staff chairing that meeting shared that we'd be setting
  - up a specialist assessment and treatment area in

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- 1 a fairly central health centre within Glasgow City.
- 2 However, it did look like patients over 65 would not be
- directed to attend there. They would be remaining at 3 4

- 5 I was in fact 64 at that point in time and it really
- 6 left me running blood cold. I actually can still --
- I can still feel quite emotional about it because I just
- 8 felt the room turn chill at that point and for the first
- time felt vulnerable and thought, "Hmm, right, I'm too
- 10 old to matter". That is a fairly personal statement to
- 11 say but I certainly -- I'm older now and I still don't
- 12 feel old and too old to matter, so it left me really
- 13 feeling quite vulnerable and worried.
- 14 The meeting further went on to discuss the patient
- 15 frailty score, which you may have heard about, which
- 16 again left me feeling very concerned because, as I've
- 17 stated in my statement, my code of ethics as a nurse --
- 18 and I do stress now I've been working in the profession
- 19 for 50 years -- is to always provide life—saving care.
- Q. Do you feel that that was being complied with? 20
- 21 A. Yes, but I think there was an awful lot of ethical --
- 22 people at an individual level were asking ethical
- 23 questions of themselves, but I think some groups of
- 24 patients did not easily access specific care.
- Q. You've provided us very helpfully, Mrs Hair, with some

1		lessons to be learned and some hopes for the Inquiry and	1	experience of that 50% in practice with peer support and
2		particularly we have regard to what you say at	2	they are certainly feeling that. But against that
3		paragraph 57 of your statement, where you say:	3	backdrop of what we've said of the impact on children
4		"There was an impact on children and families we	4	and families, an increasing need in the families that
5		support. There was a big difference when health	5	they are visiting post pandemic.
6		visitors were able to go back and see families and [it's	6	MR GALE: Mrs Hair, thank you very much for engaging with
7		your belief] that this should never have been stopped."	7	the Inquiry and for your evidence today.
8	Α.	Absolutely.	8	A. Thank you very much for having me.
9	Q.	Do you know if your union or you personally made	9	THE CHAIR: Thank you, Mrs Hair.
10		representations in relation to that?	10	A. Thank you. I forgot you were on the screen there!
11	Α.	We, certainly personally and as a union and as	11	THE CHAIR: Yes, thank you, Mr Gale. Tomorrow morning at
12		a profession, really advocated on behalf of children and	12	I think 9.30, is it?
13		families . Our primary focus and role, particularly	13	MR GALE: 9.30 again tomorrow morning, my Lord, yes.
14		within Scotland, is support and safeguard children	14	THE CHAIR: Till then.
15		within the "getting it right for every child"	15	(3.30 pm)
16		principles . And we felt there was absolutely —— there	16	(The hearing adjourned until
17		is now —— we now know there's evidence base of the	17	Thursday, 25 April 2024 at 9.30 am)
18		difference that has made to children in Scotland over	18	Thatsday, 25 April 2021 at 5.50 am)
19		the years that the "getting it right" has run and at	19	
20		that time we felt we were leaving vulnerable families	20	
21		high and dry, particularly families who may not have had	21	
22		access to high nutrition, may not have had access to	22	
			23	
23		outdoor space. We were working within Greater Glasgow		
24		and Clyde and we also know that the vulnerability of	24	
25		children from a child protection perspective of families	25	
		165		167
1		suddenly always being at home and being isolated, not	1	INDEX
2			2	
3		being able to see grandparents or other peers, was	3	MRS ESTHER O'HARA1
	_	leaving children extremely vulnerable.	4	
4	Q.	As I said, my colleagues from the other portfolio in the		(called)
5		Inquiry will be in touch with you about various matters,	5	Questions by MR GALE1
6		including issues in relation to children and young	6	43MS EMMA CURRER (called)
7		people.	7	Questions by MS TRAINER43
8		Thank you.	8	MR JOHN JACKSON82
9	Q.	At this stage, Mrs Hair, that's all I have to ask you.	9	CULLINANE (called)
10		As with all witnesses, we offer you an opportunity —— if	10	Questions by MS TRAINER82
11		there's something that you would like to say that you	11	MRS EILEEN CAWLEY120
12		feel hasn't thus far been said or said with sufficient	12	, ,
13		force, this is your opportunity if you would like to do	13	Questions by MR GALE120
14		that.	14	MRS ANNIE HAIR (called)146
15	Α.	I very recently, in the last month, have gone back into	15	Questions by MR GALE146
16		a senior nurse role in an HSCP and actually I'm working	16	
17		with a number of the students that were redeployed	17	
18		during that period of time. I think all of that group	18	
19		would say they are suffering from some form of	19	
20		post traumatic stress from their experiences during that	20	
21		time. I've had that opportunity to meet with them. I'm	21	
22		working with them just now. We're seeing an increasing	22	
23		number of competency issues in staff that trained during	23	
24		that time $$ I've put that in my statement $$ and they	24	
2.5		had a remote learning experience, they didn't have	25	

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