



NOTE BY COUNSEL TO THE INQUIRY

PROVISIONAL POSITION PAPER 5: THE HISTORY OF INFECTION CONCERNS (HOIC)

1. The Chair has directed that the present version of the HOIC should be published on the Inquiry's website along with the responses received from Core Participants (CPs). That being so, it is important that the nature and role of the HOIC and the responses are understood. This is explained at the outset of the HOIC, but it is worth reiterating the key points.
2. First, the subject matter of the document must be emphasised. It is only concerned with events that have been said by some to indicate concerns (i) about the incidence of infection in the QEUH/RHC; (ii) about the safety of key building systems (notably water, drainage and ventilation systems); and (iii) about the suggestion of links between (i) and (ii).
3. A number of the responses from CPs cover matters outwith this scope. These responses are helpful and will be investigated, but discussion of that will not be addressed by the Inquiry within the HOIC.
4. Second, the underlining in paragraph 2 is a reminder that no one should read the HOIC as setting out a narrative of proved facts. The HOIC does no more than set out what people have said as regards their concerns. The job of the Inquiry is to go on and investigate those concerns. The HOIC will frame that investigation.
5. Third, the HOIC should not be seen as claiming to set out every story that bears on the three questions identified at paragraph 2 above. It is obvious that a

document that attempted to set out the entire history of all individual events bearing on these questions would be enormous (assuming it was even possible to prepare such a document). The Inquiry has already heard a number of the stories within that history in the evidence provided by patients and families. The HOIC adds to this by setting out some of the notable events from publicly available and other prominent source material. The ingathering and analysis of source material continues.

6. Finally, the HOIC is not intended to provide the detail of any of the events it narrates. It provides no more than a spine. The process of seeking responses is to identify aspects of that spine that are incomplete and aspects that require detailed investigation. The process also ensures that this all happens in public. The responses are helpful as regards achieving that purpose.

Alastair Duncan KC

28 April 2023