

Scottish Hospitals Inquiry

Royal Hospital for Children and Young People/ Department of Clinical Neurosciences

Closing Submission by Senior Counsel for Scottish Futures Trust

(Hearings covering the period from the commencement of the Project to Financial Close)

Comment on closing submission by Counsel to the Inquiry

1. Scottish Futures Trust (**SFT**) has considered the content of the closing submission by Deputy Counsel to the Inquiry and Junior Counsel to the Inquiry (**CTI**) dated 2 June 2023, with regard to the evidence relating to the period from the commencement of the project to final close (**CTI Closing Submission**).
2. SFT broadly adopts the contents of CTI Closing Submission so far as it relates to the context of the project and the role and involvement of SFT in relation to the project (in particular **CTI Closing Submission paragraphs 111, 114, 290-300, 318 and 319**), subject to the following limited submission on behalf of SFT, which the Chair is invited to take into account when making findings and framing recommendations in relation to this phase of the Inquiry.

Findings in Fact in Provisional Position Papers (PPPs) 1 to 4

3. In CTI Closing Submission (**paragraph 2**), the Chair is invited to make the findings in fact in the provisional conclusions to the four Provisional Position Papers (**PPPs**), taking into account the comments already submitted by Core Participants (**CPs**) and the issues/corrections in **CTI Closing Submission, Appendix 1**.
4. None of the issues/corrections raised in **CTI Closing Submission, Appendix 1** relates to SFT.
5. SFT made comments on the provisional conclusions in **PPP3**, which the Chair is invited to take into account in reaching findings in fact in relation to this phase of the Inquiry. It is submitted that SFT's comments on those provisional conclusions represent a more accurate factual position of the matters referred to than the original **PPP3**; that they accord with the documentary evidence and oral evidence led by witnesses from SFT at the 2022/2023 hearings; and that it appears that some of the comments may already have been taken into account by CTI when framing CTI Closing Submission, for example, submissions relative to the Key Stage Review (**KSR**) process (**CTI Closing**

Submission, paragraphs 294-300), when compared with **PPP3 paragraph 23.1.19**; and SFT's comments thereon.

6. SFT invites the Chair to take into account all of its comments on the PPPs (that is to say beyond those made in relation to the provisional conclusions in PPP3, referred to in paragraph 5, above). For the avoidance of doubt, nothing in this submission should be taken to suggest that SFT necessarily agrees with the comments made by the other CPs in relation to the PPPs.

Possible additional evidence in relation to this phase of the Inquiry

7. CTI has invited the Chair to consider whether to request additional evidence in relation to this phase of the Inquiry (**CTI Closing Submission, paragraphs 25, 31**).
8. Should such evidence be requested, either by way of witness statement or documents, or oral evidence at a later date, SFT would respectfully invite the Chair to allow CPs to make additional submissions, if required, subject to any procedure and timescales to be determined by the Chair.

CTI's proposal for a discussion paper, symposium/roundtable of CPs

9. SFT welcomes the proposal by CTI (**CTI Closing Submission, paragraph 322**) of the circulation of a discussion paper and/or a symposium/roundtable with CPs to discuss possible improvements in such projects in future and would be pleased to take part in such a process.
10. The Chair is invited to consider whether it may be of assistance to the Inquiry for such a process to commence while the other work of the Inquiry is ongoing, in order that a report on the work of the group can be provided to the Chair to assist in considering framing of recommendations.

Typographical error

11. In **CTI Closing Submission, paragraph 298**, third last line, when recounting the evidence of Donna Stevenson, it is suggested that it should be amended to read "*...gleaned from her involvement in it*" (rather than "*for*").

Comment on closing submissions on behalf of other Core Participants

12. SFT has considered the content of the draft closing submissions of other CPs, within the timeframe set out in oral directions by the Chair (namely between 16 and 30 June 2023).

13. SFT has the following limited comments on the draft closing submissions of other CPs, which the Chair is invited to take into account when considering same and making findings and framing recommendations in relation to this phase of the Inquiry.
 - a. In respect of paragraph 5.14 of the draft closing submission of Multiplex, SFT respectfully directs the Chair, for completeness in understanding Mr Peter Reekie's evidence regarding the spatial elements of the Reference Design and mandatory operational functionality elements, to the following additional earlier evidence: (i) paragraphs 130, 144 to 145 and 154 to 156 of Mr Reekie's first witness statement dated 28 April 2022, (ii) columns 123-124 of the transcript of Mr Reekie's oral evidence on 19 May 2022, and (iii) paragraph 11 of Mr Reekie's second witness statement dated 8 November 2022.

 - b. In respect of paragraph 13 of the draft closing submission of Mott MacDonald Limited, SFT respectfully directs the Chair, in understanding Mr Peter Reekie's evidence regarding SFT supporting the use of a Reference Design rather than it being mandatory, to the following evidence: (i) paragraph 109 of Mr Reekie's first witness statement dated 28 April 2022 and (ii) columns 58-59 and 67 of Mr Reekie's oral evidence on 19 May 2022.

Susanne L M Tanner KC

30 June 2023