

SCOTTISH HOSPITALS INQUIRY
CLOSING STATEMENT
on behalf of the
SCOTTISH MINISTERS
in respect of the hearing commencing on 12 June 2023

1. The Scottish Ministers are grateful for the opportunity of making this written closing statement. They respond to the questions in Counsel to the Inquiry's Closing Statement below, by reference to paragraph numbers thereof. Where the Scottish Ministers do not respond to certain questions below, they reserve the right to make submissions on their subject matter in due course, in light of any further evidence submitted to or heard by the Inquiry.

A. Chapters 1–3, 5, and 7 generally

2. As to the questions at paragraph 6, the Scottish Ministers do not consider that the account of the evidence referenced by Counsel to the Inquiry in the Closing Statement is inaccurate in material respects. They are not in the time available able to accept that that evidence is accurate, save as noted specifically below.
3. The Scottish Ministers accordingly do not seek to assess the accuracy of the factual narrative in response to Counsel to the Inquiry's further questions as to factual accuracy in relation to specific chapters.

B. Chapter 4

4. As to the question at paragraph 152(6), it is at present unclear to the Scottish Ministers what is meant by 'measures' in this context. So far as it is intended to refer to methods of or protocols for communication, the Scottish Ministers would agree that this Inquiry presents an opportunity for considering possible alternatives, and will give due consideration to such alternatives in view of any further statements and evidence submitted to the Inquiry.

5. As to the question at paragraph 152(9), given among other things the expert nature and significance of the subject, the Scottish Ministers do not consider themselves to be in a position to 'accept' (or, conversely, reject) a causal link between the infections identified and an aspect of the built hospital environment. The Scottish Ministers would suggest, however, that the findings of the Independent Case Note Review are likely to be a valuable resource in that regard. They also note that the *Cryptococcus* sub-group's report, with details of the sub-group's membership, was included in Bundle 6 for the hearing, which is made available on the Inquiry's website.

C. Chapter 6

6. As to the questions at paragraph 456:
 - (1) As to questions (1)–(10), the Scottish Ministers consider that other Core Participants are likely to be best placed to answer in detail, save so far as they note and agree as accurate the statement at paragraph 453 as to the involvement of the Chief Nursing Officer in February 2019.
 - (2) Questions (11) and (12), albeit pertinent to this Chapter, are of distinct importance and appear to the Scottish Ministers to have a significance potentially beyond that of the Inquiry, and which would therefore benefit from separate attention.

D. Conclusion

7. The Scottish Ministers look forward to assisting the Inquiry as its work continues, including, but not limited to, by providing further evidence and submissions in matters relevant to the Inquiry's terms of reference.