

ADDENDUM TO CLOSING STATEMENT

on behalf of the

SCOTTISH MINISTERS

in respect of the hearing commencing on 12 June 2023

1. The Scottish Ministers respectfully seek leave of the Inquiry to submit this addendum to its closing statement in respect of the June 2023 hearing. The addendum seeks to respond to statements relative to chapter 6: Communication made in a revised closing statement on behalf of the core participants: “the parents and representatives of children affected by treatment at QEUH”. The revised closing statement was not received until late on Friday 18 August 2023 and the Scottish Ministers, accordingly, seek to have this response of Monday 21 August 2023 received.
2. The Scottish Ministers note that the revised closing statement responds to chapter 6, question (7) by submitting that the Scottish Ministers should disclose what they knew and when without waiting for evidence at the Inquiry at a future date. In that regard, the Scottish Ministers appreciate that these core participants are frustrated by the fact they have not yet heard evidence from the Scottish Ministers regarding communication. In that respect, the Scottish Ministers note the point made by NHSGGC at paragraph 8 of its addendum that there remain significant gaps in the evidence regarding communication. The Scottish Ministers agree that the evidence on this issue is incomplete.
3. The Scottish Ministers have submitted a significant volume of documentation to the Inquiry regarding communication. The Scottish Ministers were led to understand from the Inquiry that, whilst they would not have the opportunity to provide witness statements or oral testimony from identified witnesses regarding communication at the June 2023 hearing, they would be given such an opportunity by the Inquiry at a future date. On this basis, such evidence and statements were not addressed in the June 2023 hearing. As submitted at paragraph 2 above, the Inquiry presently has an incomplete evidential background against which to consider the important issue of communication.
4. The Scottish Ministers respectfully submit that there is a risk that the evidential background will remain incomplete, and subject to misinterpretation, if it were to be disclosed in the *ad hoc*

manner suggested by the adults and representatives of children. Of course, the Scottish Ministers will continue to provide the Inquiry with further evidence, including witnesses who can assist it regarding communication. It is submitted that it would be both preferable and productive for that evidence to be explored at a further hearing. This would enable the Inquiry to have a complete background against which to properly inform its conclusions regarding communication and avoid any possible risk of misinterpretation. The Scottish Ministers respectfully invite the Inquiry to give an early indication of when and how it intends to facilitate further evidence being aired on this topic.