

The Scottish Hospitals Inquiry

Hearing Diet: 20 September 2021 to 5 November 2021 – Closing Statement on behalf of IBI Group UK Limited (IBI)

Introduction

1. This Closing Statement is submitted by IBI in response to the Closing Statement submitted by Counsel to the Inquiry on 3 December 2021.
2. In making this Closing Statement IBI is cognisant of Direction 4 issued on 4 November 2021 and the Note to that Direction.
3. It is the wish and intention of IBI to continue to assist the Inquiry to the fullest extent possible in fulfilling its Terms of Reference. However, as much of the evidence did not touch upon the interests and responsibilities of IBI this response is limited to the specific questions posed by Counsel to the Inquiry in their Closing Statement. It is not considered that IBI can, at this stage, assist the Inquiry further in relation to the evidence given at and issues arising from the first diet of hearings.

The Glasgow questions

4. **Question 1 - Do Core Participants accept that in the above summary, and what follows, in this Closing Statement accurately sets out the accounts given by witnesses (and if not, can they identify where?)**

IBI accepts that the perceptions of those witnesses who gave evidence in the course of the hearings are accurately reflected in the Closing Statement by Counsel to the Inquiry, and that those perceptions are genuinely and honestly held.

5. **Question 2 – At this stage, are Core Participants able to identify any areas of the narrative provided by the patient and family evidence that is capable of agreement?**

IBI avers that, as much of the evidence did not relate to it, this question is better addressed by other Core Participants. By way of observation IBI would submit that those parts of the narrative provided by the patient and family evidence that goes as to matters of fact, for example the degree of communication between patients and the Hospital Authorities, **may** be capable of agreement. Where the narrative refers to technical, medical or scientific issues then expert evidence on those topics is likely to be necessary.

6. **Question 3 – On the particular question of infection risk, are Core Participants able to say whether they consider that there is evidence that either establishes or indicates links between infections and the built hospital environment?**

As the Closing Statement from Counsel to the Inquiry acknowledges, much of the evidence heard during the first Diet was the perception of witnesses. It is the view of IBI that it is impossible to say whether there is evidence that establishes or indicates links between infections and the built hospital environment on the basis of any evidence given during the first diet of hearings. That is solely a matter to be determined by the Inquiry once it has received relevant expert evidence and that evidence so received has been subject to appropriate scrutiny and testing.

Edinburgh Questions

7. IBI repeats its responses to question 1 and 2 in relation to Glasgow as set out above.

Other issues

8. IBI does not take issue with the timelines proposed by Counsel to the Inquiry.

9. IBI considers that the Closing Statement from Counsel to the Inquiry identifies the themes emerging from the evidence given at the first Diet of hearings which are relevant to the Terms of Reference of the Inquiry.

17 December 2021

Womble Bond Dickinson (UK) LLP, Recognised Legal Representatives for IBI UK Limited