

The Eljamel Inquiry

Submissions on behalf of NHS Tayside for the Preliminary Hearing on 10 September 2025

1. NHS Tayside is grateful to have been designated a Core Participant in the Inquiry, and looks forward to participating in and supporting the Inquiry in its work. NHS Tayside has considered Counsel to the Inquiry's Note for the Preliminary Hearing on 10 September 2025 and has prepared these submissions in response to paragraph 25(b) of that Note.
2. Paragraph 25(b) identifies NHS Tayside as a Core Participant in the Inquiry and states: "In the interests of clarity and transparency, the Inquiry would wish to invite NHS Tayside to consider addressing the issue of the extent of its representation of its former employees, both medical and administrative, including Mr Eljamel, and the Board's role in the provision of evidence by any such individuals to the Inquiry. NHS Tayside may wish to consider addressing this matter in their written submissions and/ or in any oral submissions they wish to make at the preliminary hearing".

Representation

3. NHS Tayside, a public body, has been designated a Core Participant. NHS Tayside's legal team for this Inquiry are instructed by and represent NHS Tayside. In this Inquiry, NHS Tayside does not represent individual former or current employees.

Role in the provision of evidence by individuals

4. It is anticipated that corporate witness statements will be sought from NHS Tayside (see Counsel to the Inquiry's note at paragraph 57). NHS Tayside and its legal team will provide assistance in the preparation of such corporate witness statements.
5. When written witness statements are sought from particular individuals who are former or current employees of NHS Tayside, it is understood that rule 8 requests will be issued to them (Counsel to the Inquiry's Note at paragraph 57). NHS Tayside wishes to

support its employees but is mindful of the need to ensure that its processes are acceptable to the Inquiry and consistent with the Inquiry's trauma informed approach. Therefore, NHS Tayside sets out what it has done already, and what it can offer to support individuals who are to give evidence to the Inquiry. It seeks guidance from the Inquiry as to the practical support which it should offer to such witnesses.

6. First, NHS Tayside's Executive Medical Director has written to former and current employees who are potential witnesses in the Inquiry. These include employees who were involved in the 2013 Royal College of Surgeons Review Report on Mr Eljamel and in later reports/ reviews, and employees who may be involved in relation to the Inquiry's List of Issues. In the letter sent to them, they have been advised that they may be contacted by the Inquiry or Police Scotland's Operation Stringent, regarding their knowledge of events during Mr Eljamel's time at NHS Tayside. The Inquiry's website details were provided, along with contact details for NHS Tayside's support service. A 'Frequently Asked Questions (FAQs)' document about the Inquiry was prepared by NHS Tayside and issued with the letter. This includes a section on potential separate legal representation for a witness.
7. Second, NHS Tayside can offer pastoral support to its former and current employees, to sustain health and wellbeing. Current employees will be advised of NHS Tayside's wellbeing resources, which provide a comprehensive range of mental health and wellbeing support. Former employees will be reminded of mental health services accessible via a GP if required. There will be the possibility of independent counselling support from external clinical psychologists, for former and current employees. NHS Tayside plans to host general awareness sessions for former and current employees, on the functions of the Inquiry and its progress. NHS Tayside's staff intranet (accessible by current employees) will be updated with general information relating to the Inquiry and provide links to further information.
8. Third, NHS Tayside can offer practical support.
 - 8.1 For current employees, this could include ring fencing time in their work commitments to allow them to respond to rule 8 requests from the Inquiry.

- 8.2 NHS Tayside could also offer practical assistance by putting in place secretarial support for former and current employees who have been asked to provide witness statements. That secretarial support could be in the form of typing and formatting witness statements, by NHS Tayside staff unconnected to the Inquiry work. The witness would receive the statement from the secretarial support team, for submission directly to the Inquiry. NHS Tayside would not see or retain a copy of any such witness statement.
- 8.3 Additional practical support could also be given to employees who wish access to contemporaneous documentation to assist in the preparation of their witness statement and for that to be produced in support of that statement. NHS Tayside could arrange to provide access to such documentation, perhaps through the separate secretarial support team already suggested. An alternative process would be for the employee to seek the contemporaneous documentation from the Inquiry, who would ask NHS Tayside for it, and NHS Tayside would then provide it to the Inquiry.
- 8.4 NHS Tayside wishes to assist but is aware that the Inquiry itself offers support to witnesses in preparation of witness statements. Therefore NHS Tayside seeks guidance as to whether it should put in place the practical assistance it has suggested.

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4 September 2025