

22<sup>nd</sup> March 2022

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Lord Advocate  
Rt Hon Dorothy Bain QC  
Crown Office and Procurator Fiscal Service  
25 Chambers Street  
Edinburgh  
EH1 1LA

Dear Ms Bain

I am writing to you in my role as Chief Executive of Scottish Care. You may be aware that Scottish Care is the representative body of independent social care providers in Scotland, covering charitable, private, and employee-owned social care organisations in the care home and care at home and housing support sectors.

As you will be aware following a Parliamentary Statement by your predecessor Lord James Wolffe, a process of formal investigation of all deaths which are identified as Covid deaths which have occurred in care homes has been underway since May 2020. The associated police investigation has become known as Operation Koper.

I would want to place on record my appreciation of contacts with your Office throughout this period and in particular most recent liaison with your staff including the Deputy Crown Agent, Stephen McGowan.

I am writing to you, however, to draw your attention to the considerable distress which the ongoing investigation is causing to direct care and nursing staff and to the care home sector. In no small part it is acting as a real disincentive to the recruitment of leadership within the sector, affecting nursing staff health and wellbeing and causing continued public anxiety.

The nature of the challenge from the pandemic has changed and thankfully we are not witnessing as many deaths as we experienced in the first and second waves. However, despite the changes in the threat from coronavirus the level of investigation and scrutiny of all care home Covid deaths remains. This is causing immense administrative, emotional, and psychological burden to staff working across the sector and makes them feel as if they are being held accountable for actions beyond their responsibility and in an unequal manner compared to colleagues in the National Health Service.

The distress is further exacerbated by the fact that no single investigation, as far as we have been made aware, has concluded. The considerable length of time frontline staff have had to wait to be told whether or not further action may be taken is wholly unacceptable.

I am writing to you to formally request that you do everything within your power to bring open investigations to a close and that you end the whole process from this point onwards so that the care sector is enabled to revert to normal pre-Covid notification practices for an infectious disease. I would be more than happy to meet you to discuss the concerns of the sector should you feel that that would be both appropriate and useful.

Yours sincerely



Dr Donald Macaskill  
Chief Executive



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