

## **Scottish COVID-19 Inquiry**

Witness statement of Ephraim Borowski MBE

Witness Number: PSR0142

### **INTRODUCTION**

1. My name is Ephraim Borowski. I live and work in Glasgow. I am the director of the Jewish Council of Scotland (JCoS), formerly known as the Scottish Council of Jewish Communities (SCIO number: SC029438), I have held that position since 2002. My personal details are known to the Inquiry.
2. I have also been Vice President of Glasgow Jewish Representative Council, Chairman of Giffnock Synagogue and Chair of the Regional Deputies of the Board of Deputies. I was awarded an MBE in 2008 for my service on behalf of the Jewish Community.
3. I currently chair the National Independent Strategic Advisory Group (NISAG) that advises Police Scotland on diversity matters, including hate crime. I have been a member of the Employment Tribunal and the Race Equality Advisory Forum set up by the first Scottish Executive, and the Scottish Committees of both the Equal Opportunities Commission and the Commission for Racial Equality. I have also been a Convener of Bemis (the Scottish ethnic minority umbrella organisation) and remain on its Executive.
4. Before my early retirement from Glasgow University in 2000, I was Head of the Philosophy Department, elected staff member of the University Court, and President of the Glasgow Association of University Teachers.
5. The JCoS is a democratic organisation that represents the organised Jewish community in Scotland. It was established in 1999 in response

to Devolution with the principal aim of providing the Jewish Community of Scotland with a single voice in dealings with the Scottish Parliament, Government, communities, and other statutory and official bodies.

6. This remains a core element of our work and we are now widely recognised in the Jewish and wider Scottish community as the representative umbrella body of all the Jewish communities in Scotland. We have a strong commitment to fostering integration and promoting dialogue and understanding between the Jewish community and other communities in Scotland, and we work in partnership with other organisations to promote equality, good relations and mutual understanding.
7. There are five synagogues in Scotland: two Orthodox and one Reform in Glasgow, one in Edinburgh and one in Aberdeen. There are also two established Jewish communities that do not own synagogue premises – Liberal in Edinburgh and unaffiliated in St Andrews. There was a synagogue in Dundee until around five years ago, when the Tayside and Fife Jewish Community moved its base to St Andrews. There are also Jewish families and individuals living throughout Scotland from the Borders to the Islands, but there are no organised Jewish communities other than those mentioned above.
8. There are a very large number of Jewish students at Edinburgh University and at St Andrew's University, where prayer services are held in the Chaplaincy centre once per month.

#### CHANGES TO SERVICES AS A RESULT OF THE PANDEMIC

9. When lockdown was announced, we moved all our in-person events online. This was initially a positive move for us as it resulted in an increase in attendance numbers. By way of example, we had arranged a klezmer concert in Arran in March 2022, where there is a small Jewish Cultural Association, but very few local Jewish people. If twenty-five

people had come to it, it would have been a major success. We had to cancel because of the restrictions; however the band was already there, so we put it online instead. This was our first ever experience of Zoom, so we took out the minimum Zoom account to accommodate 100 guests. We then received messages from people advising that they had been trying to register but were being told it is full. So, we went from 100 to 200 and the same thing happened again. So, we had to move to a 1000-participant Zoom room. Around 260 people joined in the end, and it was a great success.

10. Given the success of going online, we went on to employ somebody for a year to run online events. People were joining cultural events, talks, panels and demonstrations. We would never have engaged those people had it not been for the lockdown.
11. However, there was a downside to online engagement too. Everyone was logging in and using it to begin with. The service was novel and exciting, but the fact that you could log in from anywhere in the world meant that people would rather join a big Friday night service in a world-famous synagogue in New York than an online Friday night prayer service being held by their local Synagogue in Glasgow. People had a greatly increased number of options. It did, however, benefit the more geographically scattered members, and allowed them to take part in community life from the comfort of their own homes.
12. We now face challenges of encouraging people back to in-person meetings. For some time after restrictions were lifted, people still told us that they were worried about being too close to anybody else and breathing the same air. But on the other hand, they were also fed up with virtual events and activities. We have learned from experience that if we try and organise a hybrid event then people will just stay at home because we are giving them the option to not leave the home. In Scotland the winters are not wonderful, so it is very difficult and complex to try to address it properly. The JCoS has recently taken on

another member of staff who has a lot of experience organising events to address this issue; we must think of a strategy to reach those people get them into a room again. That enables people to meet and chat more naturally and build more effective connections.

13. Going 'online' was easier for some Jewish communities than it was for others. For example, the Reform and Liberal communities could simply have their Shabbat (Sabbath) prayer services online, but this was not possible for Orthodox communities because the religious laws forbid the use of computers and phones on Shabbat or any religious festival. Lockdown and the restrictions made it impossible for these communities to come together and take part in organised group prayer. Those impacts lasted right through until the restrictions began to ease. When restrictions eased and people returned to the Synagogue, they still felt isolated because regulations about "social distancing" meant they had to be spread out. There were stickers telling people they could only sit in every third seat, and everyone was required to walk around the synagogue in a distanced clockwise fashion. Religious services were disrupted long after the easing of restrictions.
14. The orthodox community tried to come up with some alternatives to encourage people. Giffnock and Edinburgh synagogues, for example, held pre-Shabbat events online, not actual Shabbat services but with some of the familiar songs and prayers in order to have something for people to take part in. After the end of Shabbat, depending on the time of year, they would have a Havdalah concert or some other kind of online event. For the actual religious services, we were completely stopped by the restrictions.

#### MOURNING AND CELEBRATORY PRACTICES

15. Given that regular services were so disrupted, celebratory events, festivals, and 'milestone events' that would have been part of them were disrupted too. In particular, it was very traumatic for people not to

be able to get together in the event of a family bereavement, particularly if the deceased and his or her family took their religious practice seriously. Funerals and other mourning practices such as shiva (the first week when people visit the mourners at home to offer condolences and prayer services are held in the home) were very significantly impacted. These customs are psychologically very important to Jewish people as they are the traditional way for the bereaved to come to terms with their loss, and so their impossibility caused additional distress. In addition, the significant increase in the number of deaths meant that a very large proportion of the Jewish community were affected.

16. Bar and Bat Mitzvah celebrations were brought to a halt until lockdown was over. Some were accommodated whilst other restrictions were still in place and several steps were taken to accommodate those. I recall one Bar Mitzvah in Giffnock Synagogue after lockdown was lifted but social distancing was still required. Despite the limited number attending, we used the large synagogue rather than the small one, and people were spread out in line with the guidance.
17. Even though this was possible, it was not the same and kids could not celebrate and have a big party the way that they normally would. We kept telling them that we would celebrate properly when we could. I did not keep track, but the restrictions went on for so long that I suspect that most of these delayed parties never actually came to fruition.

#### CHARITY AND ACCESS TO KOSHER FOOD

18. The initial lockdown was only a couple of weeks before Pesach (Passover), when there are additional restrictions on what can be eaten. People were completely trapped at the time of year when they are usually most likely to be going away and so had not made any arrangements to order food, either because they want to spend Pesach in a hotel, or because they are going to other members of their family.

People suddenly discovered that they were trapped in Scotland and the supply of food, particularly Passover food, was a practical problem. It would have been much worse if it had been a week later, though.

19. Jewish foodbanks and those people relying on help for the provision of kosher foods were affected. The Scottish Government gave us some money to assist welfare organisations helping their clients and to deal with the practicalities. JCoS itself does not do casework as such; we invited the relevant welfare organisations to apply to us for these funds and we then passed them on. It was not a huge amount of money; around £10,000 pounds right at the very beginning of the pandemic. These welfare organisations were dealing with housebound individuals and the like.
20. The Institute for Jewish Policy Research was keeping track of death figures because that was obviously in front of everybody's mind for quite a lot of that time. At one point, we thought that the Jewish community was disproportionately affected. I now think with hindsight that that is not true. There was one fortnight when there were eight deaths in Glasgow within ten days but in fact, all but one of the deceased were over 100 years old and the remaining one was over 90. I think their deaths were just a question of unfortunate timing.

## VACCINATION

21. I think the vaccine uptake rate in the Jewish community was likely to have been high. This is a largely middle class; middle-aged population who are very used to being called to have needles stuck in their arm several times a year. It is not something new. I think it likely that the Jewish community would have had a very high vaccine uptake rate, when compared to other minority communities. In my experience the Jewish community have fewer cultural hang ups than I hear from some other minority communities when it comes to engaging with the hospitals, police and other public authorities.

## SCOTTISH GOVERNMENT INTERFAITH ROUNDTABLE

22. In terms of contact with the JCoS, I would commend the Scottish Government. I am not sure whose initiative it was, but the team that we deal in the Scottish Government (within what used to be called the Equality Unit) put together a roundtable of faith representatives. They also set up a separate group for faith leaders, but the group I was part of comprised lay representatives of the communities themselves, to discuss common problems arising out of the pandemic and the regulations round it.
23. This was a very clever move because it provided a two-way channel of communication. It allowed them to convey information, including about the ever-changing regulations, and start a cascade through faith communities: based on what was discussed at that group, I would circulate a message to all the synagogues and Jewish care organisations. That was a useful way of transmitting, for example, changes in the emergency legislation that was sometimes changing twice a day – what the human rights lawyer Adam Wagner referred to in England as ‘abracadabra legislation’ because it took effect before Parliament approved it. We had less of that in Scotland, but it did still happen.
24. This round table was also used as a channel of communication in the opposite direction; every time we had a meeting, I asked them to put on the agenda an item for reports back from us - even if it was just horizon scanning, they needed to know from us what issues we were incurring and whether we were anticipating any problems before we met again. Of course, it also meant that the individuals concerned formed friendships, albeit online, so people knew who to contact about the concerns they had.
25. For example, without asking for it, I started getting messages from the Principal Clerk of the Church of Scotland every time they sent out a

bulletin to their presbyteries. This included, for example, that they need to change the signage in the church, or make sure that people are two metres apart instead of one metre. Whatever it might be, they would copy me into that and I would circulate the Church of Scotland advice to relevant organisations in the Jewish community in Scotland. That wouldn't have happened, and it might not even have crossed my mind to ask them to keep us informed like that, had it not been for the Scottish Government setting up that network.

26. This network continues to meet and has resulted in useful bilateral contacts. As an example, about six months ago, a Muslim Scot who was flying back from a holiday in the States, died on the plane. We got a phone call from a representative of the Shiite community saying they knew that we knew how to deal with death registration and so on, in order to facilitate speedy burial as both faiths require and asked us how they should sort things out. We contacted our contacts, who contacted the Shiite representative, who contacted the family, who provided sufficient information that a post mortem was not required, and the man was buried the next day in Pakistan. Now that those relationships have been established during COVID, we know that we can contact each other and share expertise. That has been a lasting positive outcome of pandemic.

#### ADVISING AND SUPPORTING THE JEWISH COMMUNITY

27. My organisation receives lots of calls and enquiries seeking guidance, and that occurred even more during the pandemic. We receive around fifty enquiry calls per week and we provide advice on everything from Jewish rituals to kosher food. These calls increased in number during the pandemic. We set up a special section on our website with information about support that was available and we also published a



series of 'do it yourself' guides in advance of each religious festival to help people observe the practices of that festival.

28. I remember that we received lots of calls a week before Pesach. Pesach (Passover) is one of the most important religious festivals in the Jewish year. People were asking for advice about how to observe the festival in this unprecedented situation when they had not been able to plan in advance. Unfortunately, many people also wanted advice on how to ensure a speedy burial and how to observe mourning practices given the restrictions in place. Our job is to act essentially as a Jewish directory. Unless the query involves dealing with government or a government agency, more often than not, our answer is *'there is an organisation in the Jewish community who deals with this. Here is their contact information...'*
29. We also get calls from local authorities asking about aspects of Judaism to help them deal with Jewish residents, and, equally, calls from Jewish residents asking what they should be expecting from the local authority.

#### CHILDREN AND EDUCATION

30. There is only one Jewish school in Scotland – Calderwood Lodge Primary in East Renfrewshire. This is a local authority school like any other and was closed like all other schools during the pandemic. Once things started to evolve, there were people trying to organise activities online for families. We were sending out packages with things for the children. For example, I recall boxes with Chanukah lamps and candles being sent out. This allowed families to continue educating children about Judaism and important Jewish artefacts at home. The youth groups obviously had to pause their activities and then when restrictions began to ease, there was a push to get these groups back up and running. Ten-year-olds do not drive themselves to groups, so whether they started to participate again depended on the parents, not

the children. I cannot speak with any real authority about that, but I understand that the obstacles for many of the children came from their parents' perceptions of whether it was yet safe to mix with others.

## ORTHODOX JEWS

31. As I have already touched on, the Orthodox Jewish community were impacted much more than the progressive communities. The Orthodox community is a small group of people in Scotland; there might be about 1000 people who are members of an Orthodox synagogue. The exact number of people who are particularly observant of Orthodox Judaism (for example attending daily services and only eating certified food products) is unclear, but it is only a couple of dozen. Those couple of dozen routinely practising Orthodox people may have had more trouble accessing kosher food. Supermarkets were still open and all supermarkets, certainly in areas with a sizeable Jewish community, sell some kosher food, so that helped minimise concerns. The main UK religious authority, the London Beth Din, produces a guide so that people know that they can buy things even if they do not have anything on the packaging to say so explicitly, which also helps.
32. There is only one kosher deli in Scotland, in Giffnock. This was open during the pandemic and was restricting access to three people at a time. The deli was delivering food and the food delivery chain continued to work as normal, albeit a bit slower.
33. Some people in the community felt a sense of social isolation because there were no synagogue services. There are a couple of dozen people in the Orthodox community who go to services every day, so the suspension of services must have had a huge impact on their daily routines. There are a lot of Jews who do not attend as regularly but still come to Shabbat services at least once per month. Those people reported that they missed the opportunity to come together and worship too. Again, this applied more to the Orthodox than the Reform

and Liberal communities because those were holding their services online as somewhat of a replacement.

34. The Mikveh was also affected. A Mikveh is a small pool used for ritual immersion to achieve ritual 'purity'. This is something routinely used, especially by Orthodox Jews. The woman who supervises the Mikveh in the Giffnock Synagogue told me that there are pre-immersion bathing facilities available at the Mikveh, and in normal circumstances ladies can prepare for immersion on the premises. It is usually quite a relaxed place, but with COVID restrictions they had to prepare as much as possible at home and forego the bath and/or shower in the premises – it was very much a case of prepare, go in, and come out as soon as possible. People could remove their masks as they went into the pool, but masks had to be worn before and after when moving around the other areas. There was also some kind of sterilisation product was added to the water – a kind of chlorine product used in swimming pools. I am not sure what this was, but I think it is still being used. Since then, ladies have continued to prepare at home and just get in and out as quickly as possible, though the facilities are there for however long they need. Although the restrictions are no longer in force, they have changed the way this facility is used.

#### POLICING OF COVID RESTRICTIONS

35. Separately from my role in the Jewish Community, I chair the National Independent Strategic Advisory Group (NISAG) which was established in 2013 to advise Police Scotland on matters relating to Equality and Diversity. Prior to the pandemic, we met around a table at police headquarters, but during the pandemic we could not meet around the table anymore. The situation with the police was much like the government – a lot of ongoing initiatives were simply shelved because they were concentrating entirely on matters arising from the pandemic, including the constantly changing lockdown regulations.

36. At the beginning of the pandemic, the SPA and Police Scotland set up a single-issue advisory group and they asked me to join it because I was chair of NISAG. This was a different kind of advisory group because NISAG is a group of people with experience and backgrounds in different aspects of equality and diversity; some of us have worked with representative or advocacy organisations, some are academics, etc. Our function was simply to act as 'critical friends'. We are all people who have worked with the police as community advisors or in other capacities and they are asking us for a general view on how policy initiatives or the like are likely to be received across our communities.
37. However this new single-issue advisory group had a different kind of function and membership, so I think it was mis-named as an independent advisory group when in fact it was an expert advisory group. Almost all the members were from formal human rights bodies: the Children's Commission, the Scottish Commission for Human Rights, the Scottish EHRC, etc.
38. They were all performing a different function. They were not advising the police about outcomes if they did certain things. They were not thinking laterally about whether there might be any disproportionate effect on this community or that community, which is what the NISAG group does. At its most general, they were almost marking the police's homework. I remember the very first meeting, the Children's Commissioner was concerned because one of the initial pieces of legislation defined a child as under 16 rather than under 18, and the group looked at things in that level of detail.
39. The documents show that the group provided an analysis of the constantly changing legislation relative to their own remit, as opposed to giving advice about how things would play out in society. I found it very interesting because my role was not like that of the statutory human rights bodies.

40. A lot of these rights are not absolute, my interest is in the proportionality aspect, rather than whether the behaviour ticks a box. Frankly I find the idea that if somebody does something half an hour before his or her 18th birthday, it's not an offence because they're a child, but an hour later it would be, irrational. So, as you can imagine, there was a bit of tension between the police's application of the rules and the group's interpretation.
41. The police were implementing regulations that had been made somewhere else. Parliament was not overseeing how the legislation was being enforced either. They did not seem to understand the impracticality of a lot of the guidance they were coming up with. We were in a position where to some extent, we were providing a degree of not oversight, but hindsight. One of the most interesting things that came out of the group for me was that there was a subgroup headed by Susan McVie, who is professor of Criminal Statistics at the University of Edinburgh. She was analysing, in real time, the data from the police about the fixed penalty notices they were issuing to see whether there were geographical disparities.
42. We met every week and we were regaled with the week's headline-grabbing stories about what real life people were up to that had attracted police attention, but interestingly, it was not surprising that there were disparities relating to deprivation. Frankly, if you live on the 13th floor of a multi-storey in an area of multiple deprivation, and don't have a car, you are far more likely to be out on the street despite the restrictions because that is how you get to the corner shop. If you live in one of the least deprived areas, have a back garden of your own, you can sit outdoors or walk around, and if you have car you can drive to the supermarket rather than walking. It is not surprising that the people the police run into are disproportionately the ones who live in more dense accommodation in the most deprived areas. Interestingly, that was not something that the representatives of the human rights

organisations noticed, whether because that was a matter of consequences rather than regulations, or because deprivation is not one of their tick boxes I can't say. So, there is a nice example of the differences in people being able to adhere to the rules that become apparent when lateral thinking rather than a preordained set of criteria is applied. Can we come up with a plausible explanation for the disparity and is there anything we can do, first, to test that it's not just a random effect? Is there anything we can do to help overcome it? These were some of the discussions that we were having.

43. It was an odd advisory group because it was not entirely clear whether we were answerable to Police Scotland or the Scottish Police Authority. We were told that the group had been set up by the Chief Constable, but in fact all our papers appear on the SPA website. Susan's reports are all there as well, and some of them have been published in academic journals.

#### LESSONS TO BE LEARNED

44. I am not sure if there was anything that could have been done differently or better for the Jewish community. There could have been a better regime for looking at targeted exemptions, for example, exemptions to allow people to continue conducting specific religious activities.
45. There is a tendency in society to think that a lot of cultural practices are in effect just a matter of choice, so entirely voluntary and it's no big deal to give them a miss, like taking time for a coffee break. Whereas in fact, they are very deeply psychologically embedded. Many religious people consider their practice as a strict obligation that they must adhere to as opposed to something that they do as and when they feel like it.

46. Whether you are religious or not, whether you belong to a different religion or no religion, at least you understand the obligation that I am locating myself within. A type of 'religious legal framework' which imposes obligations on me, and an obligation is an obligation. If I merely say my community does this kind of thing in this kind of way, then it sounds as though it is more voluntary, and there might be a tendency for the authorities to say, well you don't really *have* to, do you? People writing the rules did not really consider them through the eyes of a religious person who feels genuinely obliged to observe certain religious practices.
47. I do remember there was a point at which they began to relax some of the restrictions and I accused the Scottish Government, publicly, of prioritising pubs over prayer. That managed to get a headline or two. Both pubs and places of prayer are places of public assembly, and whether it is for religious reasons or whether it is for social reasons should not matter. The government certainly should not have prioritised one over the other. There was a bit of unhappiness about the fact that pubs were prioritised, but that was relatively short lived. The fact that we had regular roundtables with the relevant civil servants meant that the restrictions probably lasted for less time than they otherwise would have.
48. The pandemic, despite what people think, is not unprecedented. There was the flu pandemic 100 years earlier after the First World War, but I do not think anybody at any stage, in all the hundreds of meetings that I have been a part of, even mentioned it, far less said '*this is a lesson we learned from 100 years ago*'.
49. So if this is expected to happen once a century, either somebody needs to remember that it's happened before and make sure that they do look back at the lessons that we learned, or society will be so different in 100 years' time that it won't make any difference.

50. I do not expect every police officer to be an expert on every religion or every culture in our multicultural society. I do expect them to ask why, and to listen to the answer. So, if I go to a police officer and report what I regard as a hate crime, it is not acceptable for the police officer to say, 'don't be stupid, that's just a matter of opinion'. What they need to do is to ask, 'why do you feel that?' What's the explanation? Why do I take offence at that? And then record the explanation as well as the report of the offence. I then expect somebody more senior to get in touch with the relevant Community and say, is this somebody just being paranoid or is this a genuine thing?
51. There should be a mechanism just like the Scottish Government civil servant roundtable that feeds back into the legislative process so that there's room for people to say, hang on a moment, this does not work for us, can you tweak the legislation to make it work

Signed: E.J. Borowshi (*via email*)  
Date: 22 April 2025