



10 DOWNING STREET  
LONDON SW1A 2AA

10 March 2022

THE PRIME MINISTER

Dear Brecky Hallett,

I wrote to you on 4 February setting out my response to your representations on the inquiry's terms of reference and informing you that I had begun the process of consulting ministers from the devolved administrations. That process is now complete, and I attach revised draft terms of reference which I will now publish.

You will see that I have made a number of amendments in response to comments made by the devolved administrations. These include:

- ensuring there is greater clarity that the question of devolved and intergovernmental decision making is in scope;
- widening the reference to '*travel and borders*' so that it more clearly encompasses both international border controls and travel within the United Kingdom and Common Travel Area;
- including specific reference to the equality categories under the Northern Ireland Act 1998;
- providing greater clarity that the impact of the pandemic on non-COVID conditions is in scope, as is long-COVID;
- adding specific reference to immigration and asylum;
- including specific reference to the safeguarding of public funds and the management of financial risk.

In some cases, amendments were proposed which sought to add specificity rather than to meaningfully alter the inquiry's effective remit. I have accepted a number of these, in particular where it was clear that doing so would respond to particular matters of public concern. There is, however, a balance to be struck. Terms of

reference must in the end be to some degree high level, and to attempt to list every point of detail that the inquiry will eventually cover risks undermining the clarity of its remit and impeding your discretion as chair. In some cases, I have therefore confirmed that I consider points of detail to be within the inquiry's scope, but have set out that it will be for you to determine the precise details of your investigative approach. My officials will pass on full details for your information.

In her letter to me, the First Minister of Scotland suggested that the inquiry should "*take into account human rights*". In terms of remit, as you know, the terms of reference are broad and encompass a range of issues which touch on convention rights (for example, issues around protection of life, the balancing of freedoms and public health imperatives inherent in lockdown and other NPI decisions, as well as issues such as protection from discrimination and the right to education). In terms of process, the inquiry's approach and procedures are - under the Inquiries Act - matters for you to consider. I have therefore informed the First Minister that I have made you aware of her views on this matter.

The inquiry will play a key role in learning the lessons from this terrible pandemic and in informing our preparations for the future. It is therefore vital that we get its terms of reference right and that people can have their say - and so I am grateful to you for agreeing to take forward a process of public engagement and consultation, which I understand will begin imminently.

I look forward to seeing the results of that process in due course.

A handwritten signature in black ink, appearing to read 'Baroness Hallett', written in a cursive style. The signature is positioned above the typed name.

The Right Honourable The Baroness Hallett DBE