

**MODULE 1
OPENING STATEMENT OF THE WELSH GOVERNMENT**

Introduction

1. The pandemic touched the lives of everyone, but none more so than those who lost loved ones. The bereaved, in particular, are seeking an answer to the question which lies at the heart of this module: were the governments of the UK, including the Welsh Government, adequately prepared for the Covid-19 pandemic?
2. The question will not be a straight-forward one to answer. There is no established benchmark in this country or elsewhere against which to judge an “adequate” state of preparedness for responding to a public health emergency the scale of which has not been seen for more than a century since the outbreak of “Spanish Flu” in 1918-1919 and which required the mobilisation of the state’s resources and the imposition of limitations on individuals’ rights to an extent not seen in the United Kingdom since the Second World War. One of the more complex issues with which the Inquiry will have to grapple is how best and against what standard to judge governments’ responses critically yet fairly at this early stage of its investigation.
3. An important (but certainly not the only) element of the answer will be the fact that Covid-19 presented the governments of the United Kingdom and across the world with uniquely demanding challenges. The nature of the virus was novel and in its initial stages, there was limited understanding of its science, its pattern of spread and its duration. In meeting those challenges, the Welsh Government was able to draw upon its experience of previous pandemics and outbreaks and its preparedness planning

(including exercises such as (but not confined to) Cygnus in 2016). Planning, testing and review of those plans provided the foundation for Wales’ response to the pandemic and from which the more dynamic decisions and policies could be made as knowledge and understanding of the virus developed.¹

4. Necessity requires the Inquiry to structure its investigation in modules. In assessing the adequacy of planning, it will be difficult to disentangle the scheme and substance of planning from the actual response of the four nations of the United Kingdom to Covid-19. A clear theme of the Welsh Government’s evidence is that its plans provided a good foundation for its response (especially in the early stages of the pandemic), but inevitably the unique and distinctive nature of Covid-19 required considerable flexibility and adaptability on the Welsh Government’s part, especially as knowledge and understanding of the virus, its transmission and longevity developed and the vaccination programme was introduced.²
5. In considering whether and, if so, what more could reasonably have been done by the governments of the United Kingdom to prepare the country for the pandemic, the Inquiry’s investigations will undoubtedly be informed by the very considerable demands placed upon those governments and the civil contingency community by Brexit. It is clear that the work of central government’s Pandemic Influenza Preparedness Board was “paused” due to the significant demands of preparing for the United Kingdom’s departure from the EU and, in particular, for the prospect of a “No Deal Brexit”. Although Brexit-related work undoubtedly provided some benefits in preparing the country for a significant emergency, the scale of those demands and their intensity in the years following the 2016 referendum should not be under-estimated. They will form an important, sometimes dominant, feature of the context in which preparedness should be evaluated.

¹ Goodall No. 2, para. 4 [INQ000184901_0002]; Drakeford, para. 17 [INQ000177804_0005].

² Drakeford, paras. 18-19 [INQ000177804_0005].

Preparedness in Wales

6. In addition to substantial disclosure, the detail of the preparedness arrangements in Wales (especially as they affected the NHS) are addressed in great detail in Dr Andrew Goodall's three statements³ and the evidence of the Right Honourable Mark Drakeford M.S. (the First Minister of Wales), the Right Honourable Professor Carwyn Jones (the former First Minister), Vaughan Gething M.S. (the then Health Minister),⁴ Rebecca Evans M.S. (Minister for Finance),⁵ Kenneth Skates M.S. (former Minister of Economy, Transport and North Wales),⁶ Dame Shan Morgan (then the Permanent Secretary),⁷ Sir Frank Atherton (the Chief Medical Officer of Wales),⁸ Dr Ruth Hussey (former Chief Medical Officer of Wales),⁹ Reg Kilpatrick (then Director for Local Government)¹⁰ and Dr Rob Orford (Chief Scientific Adviser, Health).¹¹

7. The substance of those arrangements will not be repeated here, but the Welsh Government would wish to bring the following particular points to the Inquiry's attention:

Devolution of responsibility for civil contingencies

- 7.1 Historically, civil contingencies were a reserved matter. Although only certain limited civil contingency-related matters were devolved to the Welsh Government in 2018 when the Welsh Ministers (Transfer of Functions) Order 2018 came into force,¹² since devolution the Welsh Government recognised that it had a *de facto* leadership role for civil contingencies and had in place a

³ Goodall No. 1 [INQ000130469]; Goodall No. 2 [INQ184901]; Goodall No. 3 [INQ000197979].

⁴ [INQ000187304].

⁵ [INQ000190666].

⁶ [INQ000190663].

⁷ [INQ000185340].

⁸ [INQ000184902].

⁹ [INQ000185186].

¹⁰ [INQ000190662].

¹¹ [INQ000190665].

¹² Kilpatrick, paras. 35-37 [INQ000190662_0010-0011].

resilience team which had developed, by early 2020, productive networks in the resilience community (in particular, the local resilience fora (**LRFs**)) in Wales.

- 7.2 Although there was no additional money from the UK Government following the entry into force of the 2018 Order, nonetheless the Welsh Government funded the expansion of its resilience team to include six additional staff members, an increase which provided created greater capacity for Brexit preparedness and, ultimately, the response to the pandemic.¹³

Pre-existing close and collaborative relationships

- 7.3 As was shown during the pandemic itself, a fundamental element of preparedness was the well-established and effective working relationships between the Welsh Government, local health boards and local authorities and others involved in responding to a health emergency. During the course of the pandemic, those relationships greatly assisted the response and that would not have been possible had there not been a pre-existing close and collaborative approach between the Welsh Government (at both Ministerial and official levels) and other stakeholders. This will be a theme that will undoubtedly be examined by the Inquiry.

Approach to risk of an infectious disease pandemic

- 7.4 The Welsh Government's planning with LRFs followed the assessment of the risks set out in the various iterations of the National Risk Register. The focus was on an influenza pandemic because of its potential widespread impact as experienced in previous pandemics and its proven ability to cause repeated pandemics with substantial mortality.¹⁴ The authorities had identified that the emergence of an infectious disease was a high risk and arrangements were in place to respond to infectious diseases such as Ebola, SARS and MERS, but the conclusion was that

¹³ Kilpatrick, paras. 35-37 [INQ000190662_0010-0011].

¹⁴ Whitty No. 2, paras. 5.16-5.21 [INQ000184638_0040-0041].

there was no, or at least, no sufficient evidence to suggest that they would spread as widely or have the same global impact as an influenza pandemic.¹⁵ That remains the conclusion of the 2020 edition of the National Risk Register.¹⁶ It will, of course, be for the Inquiry to decide whether that assessment was, on the basis of the then available evidence, reasonable.

Pan-Wales Response Plan and planning exercises

7.5 The Pan-Wales Response Plan was the basis of the Welsh Government’s response arrangements.¹⁷ It provides a framework for the management of an emergency affecting several or all areas of Wales.¹⁸ The plan has been tested in every major exercise since 2005 and it has been regularly reviewed in light of developing learning. It was most recently revised in 2019.¹⁹

7.6 The testing of the Pan-Wales Response Plan in emergency exercises helped the Welsh Government build close operational working relationships with partner agencies. Exercise Cygnus and Exercise Red Kite (both 2016), in particular, tested all aspects of the Welsh Government’s integrated response arrangements. As Mr Kilpatrick observed, the various pre-pandemic exercises reinforced the lesson that effective joint working was fundamental to an effective response, a point which was further emphasised by the prolonged preparation and three mobilisations that formed part of Operation Yellowhammer.²⁰

¹⁵ Whitty No. 2, paras. 5.22-5.27 [INQ000184638_0041-0042].

¹⁶ [INQ000023104]. The 2020 edition also concludes that in terms of likelihood and impact, the risk of a new infectious disease other than Covid-19 spreading across the United Kingdom is currently assessed to be lower than that of an influenza pandemic.

¹⁷ Kilpatrick, para. 61 [INQ000190662_0017].

¹⁸ Kilpatrick, para. 62 [INQ000190662_0017].

¹⁹ Kilpatrick, paras. 66-68 [INQ000190662_0018-0019].

²⁰ Kilpatrick, para. 67 [INQ000190662_0018-0019].

7.7 In 2019, in order further to strengthen the NHS in Wales, funding was ringfenced with Public Health Wales receiving additional resources; that led to increased capacity and capability within the system before Covid-19 emerged.²¹

Pandemic Influenza preparedness

7.8 Mr Kilpatrick’s statement sets out the arrangements, reviews and testing that were carried out as part of the Welsh Government’s preparedness for a pandemic influenza outbreak. In short, Exercise Cygnus in 2016 and the Welsh Government’s later involvement in the work of the UK Government’s Pandemic Flu Readiness Board (established in 2017) created a platform for further work on this threat, much of which proved to be useful in responding to Covid-19 with programmes focused on legislation, managing the consequences of excess deaths and developing surge plans were all important elements of the Welsh Government’s response to the pandemic.²²

Brexit’s impact on preparedness

7.9 Brexit formed a substantial element of the context in which preparedness should be considered and the Inquiry has rightly identified Brexit-related preparations for a “No Deal Brexit” as a relevant factor. Those preparations (under the name “Operation Yellowhammer”) absorbed very considerable time and effort, but the Welsh Government’s work (particularly with stakeholders) was not wasted. As Mr Kilpatrick observed, it made the Welsh Government better prepared to respond to a whole-system emergency. Brexit-related planning over the course of 18 months allowed the Welsh Government to focus on a number of matters including clarifying roles and responsibilities within the Pan-Wales response structures and establishing personal and professional relationships with those outside the Welsh Government and who were involved in preparing for Brexit.²³

²¹ Goodall No. 2, para. 139 [INQ000184901]; Sandifer, para. 78 [INQ000192266_0021].

²² Kilpatrick, paras. 47-56 [INQ000190662_0013-0016].

²³ Kilpatrick, paras. 38-46 [INQ000190662_0011-0013].

Themes emerging from the evidence

8. Before the first wave of the pandemic started to retreat, the Welsh Government carried out its own extensive reviews and audits of its decisions and processes to identify lessons that could be learned and to implement recommendations arising.²⁴ The Welsh Government's actions and systems have also been the subject of separate scrutiny²⁵ by committees of the Senedd; review by regulatory bodies and commissioners (such as the Estyn,²⁶ the Health Inspectorate Wales, the Care Inspectorate Wales and the Equality and Human Rights Commission); analysis by various Commissioners in Wales (Children's Commissioner for Wales, the Older Person's Commissioner for Wales, the Future Generations Commissioner for Wales and the Welsh Language Commissioner); and audit by Audit Wales.²⁷

9. The Inquiry will carry its own analysis of the evidence generally and the significant number of reviews, audits and reports, but it may consider that the following broad themes emerge from the evidence:
 - 9.1 Although the nature and scale of Covid-19 was unprecedented, the learning from previous analyses, outbreaks of infectious disease and exercises, coupled with the existing preparedness arrangements and effective collaborative working with Welsh public authorities and others, allowed the Welsh Government to adapt quickly to the challenges presented by the pandemic.²⁸ In particular, the foundations provided by the pe-pandemic preparedness arrangements provided

²⁴ See, for example, Goodall No. 2, paras. 226-232 [INQ000184901_0065-0068] in relation to specific measures relating to the NHS in Wales; Orford, paras. 28-49 [INQ000190665_0009-0016] in relation to the provision of scientific and technical information during a pandemic; Kilpatrick, paras. 72-91 [INQ000190662_00-20-0026] in relation to civil contingencies.

²⁵ Goodall No. 1, paras. 399-401 [INQ000130469_0101-0104], the summary table [INQ000066464] and the exhibits listed at para. 400 [INQ000130469_0103-0104]; Goodall No. 3, paras. 208-225 [INQ000197979_0055-0059].

²⁶ The inspectorate of education and training in Wales.

²⁷ "Audit Wales" is the trademark of two distinct public bodies, namely the Auditor General for Wales and the Wales Audit Office: Goodall No. 2, para. 84 [INQ000184901_0024].

²⁸ Goodall No. 1, paras. 402-403 [INQ000130469_0104]; Drakeford, paras. 16-23 [INQ000177804_0005-0006] and paras. 38-41 [INQ000177804_0009-0011].

a firm basis for dynamic decision-making by the Welsh Government as greater scientific understanding of the virus developed over time.²⁹

9.2 As set out above, in the particular context of Wales, the country’s size and the pre-existing statutory arrangements and working relationships between Welsh Government, local health boards, Welsh local and other public authorities provided well-established and generally effective collaborative working when the pandemic struck.³⁰ The weight of the evidence is that those existing arrangements greatly assisted the Welsh Government’s response to the pandemic and, in particular, the need to adapt the response to the scale demanded by Covid-19.³¹

9.3 The flexibility and adaptability of pre-pandemic preparedness arrangements was particularly useful in providing a basis for the Welsh Government’s response to an emergency.³²

9.4 Two important (but not exclusive) examples illustrate the Welsh Government’s flexibility in adapting existing plans to confront the particular challenges brought by Covid-19:

(a) First, the setting up of the Technical Advisory Group (**TAG**) as a source of independent scientific expert advice. The overarching arrangements under SAGE did not provide specific advice tailored to needs of the Welsh devolved settlement and the Welsh Government’s decision-making processes. In large part the problem arose from two factors: SAGE responded to requests for advice commissioned by the UK Government and at the start of the

²⁹ Goodall No. 2, para. 4 [INQ000184901_0002].

³⁰ Goodall No. 2, paras. 56-59 [INQ000184901_0017-0018] sets out the statutory duties requiring co-operation within the NHS in Wales, particularly in relation to the health protection regime. See also Goodall No. 2, para. 41 [INQ000184901_0012] on the “All Wales” approach to provision of NHS services in Wales.

³¹ Drakeford, paras. 38-41 [INQ000177804_0009-0011]; Gething, paras. 59-61 [INQ000187304_0014-0015].

³² Atherton, para. 55 [INQ000184901_0013].

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pandemic the Welsh Government had limited representation on SAGE. In order to provide the Welsh Government with independent, scientific advice and adapting a concept in SAGE’s terms of reference, the Welsh Government set up TAG together with the Technical Advisory Cell (**TAC**), an operational body to support and lead TAG; and³³

(b) Secondly, the Welsh Government’s Health and Social Services Group (**HSSG**) has a unique role in that it is responsible for exercising strategic leadership and oversight of the NHS in Wales and providing a link between local authorities’ social services directors and the Welsh Government.³⁴ HSSG set up its Covid-19 Planning and Response Group and the “Test, Trace and Protect” and national vaccination programmes.³⁵ Together with these initiatives, other groups and bodies were scaled up, or structured differently, to adapt to changing and developing requirements.³⁶

9.5 The Welsh Government welcomes the Inquiry’s commitment to investigating consideration of inequalities in all forms and the extent to which they were considered as part of preparedness. During the early stages of the pandemic, it became increasingly clear that people from Black, Asian and Minority Ethnic backgrounds were disproportionately affected by the virus. In April 2020, the First Minister convened the Black, Asian and Minority Ethnic Covid-19 Advisory Group to advise the Welsh Government on Covid-19’s impact on health outcomes affecting the Black, Asian and Minority Ethnic community, to identify immediately necessary measures to protect communities in Wales and to recommend longer-term measures to address inequalities. The socio-economic

³³ Goodall No. 3, para. 8 [INQ000197979_0003]; Orford, paras. 18-21 [INQ000190665_0006-0007].

³⁴ Goodall No. 2, paras. 64-65 [INQ000184901_0019].

³⁵ Generally, see Goodall No. 2, para. 237 [INQ000184901_0070]. See also Goodall’s M2B statement, paras. 78 and 98.

³⁶ Goodall No. 2, para. 237 [INQ000184902_0070].

sub-group was chaired by Professor Emmanuel Ogbonna who first reported in June 2020 and its recommendations will be considered in later modules.³⁷

Recommendations

10. A fundamental part of the Inquiry's work is the formulation of efficient and effective recommendations that put right any deficiencies or flaws that are found to exist. The Inquiry provides an invaluable forensic context in which to identify and analyse the merits of proposed measures. As the Chair will know better than most from her experience investigating the 7/7 bombings, some proposals may, at first blush, seem attractive or consistent with a perception of "common sense" but which, on analysis, are found to be unlikely to address the identified problem or transfer the risk to elsewhere in the system or, indeed, heighten that risk.
11. Consideration of recommendations may not, therefore, be a straight-forward exercise. For that reason, the Welsh Government would welcome some detail on how the Inquiry will identify and consider proposed recommendations and, in particular, how and when that process will take place bearing in mind the timetable both for M1 and later hearings.
12. At this stage, one matter which the Inquiry may wish to consider is whether and, if so, to what extent inter-governmental arrangements for the sharing and commissioning of expert advice may be improved. Some institutional reforms have already been implemented, primarily addressed at enhancing the nature and quality of

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<https://www.gov.wales/sites/default/files/publications/2020-06/first-ministers-bame-covid-19-advisory-group-report-of-the-socioeconomic-subgroup.pdf>. The group has published four reports, all of which can be found at <https://www.gov.wales/sites/default/files/publications/2020-06/first-ministers-bame-covid-19-advisory-group-report-of-the-socioeconomic-subgroup.pdf>: Black, Asian and Minority Ethnic Covid-19 socio-economic sub-group (22 June 2020); Covid-19 Black, Asian and Minority Ethnic Advisory Group: potential impact of Covid-19 (14 July 2020); First Minister's Black, Asian and Minority Ethnic Covid-19 Advisory Group: summary report (16 December 2021) and First Minister's Black, Asian and Minority Ethnic Covid-19 Advisory Group, Scientific sub-group: risk assessment (16 December 2021).

inter-governmental liaison between the heads of government of the four nations.³⁸ However, the clear and consistent evidence is that the Welsh Government was unable to draw more directly upon the UK Government's very considerable and comparatively greater expert scientific resources so as to better inform their own decision-making.³⁹

Conclusion

13. As set out at the opening of M1, the Welsh Government is fully committed to supporting the Inquiry's work, a promise which it has made good in the detail of the statements provided to this and other modules and the considerable volume of disclosure thus far submitted. The witnesses that the Inquiry has called from the Welsh Government are equally committed to co-operating fully with the investigation.

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³⁸ See, for example, Goodall, para. 47 [INQ000130469_0011].

³⁹ Goodall, para. 8 [INQ000197979_0003]; Gething, para. 40 [INQ000187304_0010].