

Witness Name: Dr Andrew Goodall
Statement No: 1
Exhibits: 319
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UK COVID-19 INQUIRY

WITNESS STATEMENT OF DR ANDREW GOODALL

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 4 November 2022.

I, Dr Andrew Goodall, will say as follows: -

Preface

1. It is important to me to acknowledge at the outset of this statement the unprecedented scale and circumstances of the pandemic, our response and the significant impact on Wales and the operation of the Welsh Government. Our day-to-day activities and ways of working were affected, our local communities were impacted by the many decisions necessary to keep Wales safe and our model for public service delivery, overseen by the Welsh Government, was inevitably disrupted by these extraordinary events.
2. From the first days of our response, we were guided by an expressed common purpose to protect the people of Wales. However, the scale and unprecedented nature

of the global pandemic did have an adverse impact on people and our communities. I would wish to personally express my deep sympathy to those affected and to all those who lost loved ones during the pandemic.

3. This was an unprecedented period for us all, not just as members of the Welsh Government and civil service, but as individuals. We all lived through this experience professionally and personally and there were impacts and consequences for family, friends and colleagues. I am grateful to my civil service colleagues for their contribution and support in delivering Welsh Government's functions and responsibilities. I would also wish to recognise the exceptional efforts and commitment of public services staff across Wales. Their dedication was the foundation of our response to the pandemic, and their commitment continues to deliver these services in this current recovery phase.

Introduction

4. I was appointed the Welsh Government Permanent Secretary in September 2021 and I took up the role in November 2021. I lead the Welsh Government Civil Service in delivering the priorities of the First Minister and his Ministerial team. I am also the Welsh Government's Principal Accounting Officer and principal adviser to the First Minister and the Cabinet.
5. Before November 2021, I was the Director General of Health and Social Services/Chief Executive NHS Wales, a position that I had held since June 2014.
6. Before being appointed as the Director General, I was an NHS Chief Executive in Wales for 9 years. I was the Chief Executive of Aneurin Bevan University Health Board, a position that I held from the Health Board's inception in October 2009 until 2014.
7. I have a law degree from Essex University and a PhD in Health Service Management from Cardiff Business School, Cardiff University.
8. My statement is intended to provide an overview of the Welsh Government's, preparedness and resilience functions, governance and decision-making processes, with particular focus on planning for a pandemic. My statement also summarises some

of the work the Welsh Government has undertaken, and continues to undertake, to learn lessons and refine and modify the plans and processes we have adopted to deal with a future pandemic.

9. In view of the limited available time, the content of this statement is not based on an examination of the thousands of documents that are relevant to the work of the Welsh Government during the period set out in the Rule 9 request (i.e. 2009-2020). The material that I have exhibited is not intended to provide a complete picture: rather it is produced to illustrate key aspects of the Welsh Government's governance and operations and the advice and information that was given to decision-makers.
10. I have set out below my responsibilities as Permanent Secretary. These are the same as those held by my predecessor, Dame Shan Morgan. In describing my responsibilities, I should emphasise that, in contrast to central government departments which have one specific area of responsibility (albeit significant), the Welsh Government is responsible for a broad range of policy, legislative and administrative areas.
11. Despite the range of responsibilities, the Welsh Government is, and in my experience always has been, a compact administration. Welsh Ministers and senior officials are "under one roof" and are frequently in the same room together. That enables the organisation to take advantage of being able to work in a highly integrated way and to make decisions at pace. It allows the preparation of Cabinet papers and advice to benefit from consolidated contributions from a range of policy officials and experts across the organisation to enable the Welsh Government's programme to be delivered in a joined-up way. This way of working, as well as the relatively small size of Wales, also means that we can work very closely with the wider Welsh public, private and third sectors, with the range of relationships and networks often in place.
12. Because of the breadth of the Welsh Government's responsibilities, in preparing this statement I have relied on advice and information from the following members of my senior civil service team:
 - 12.1. Reg Kilpatrick, Director General for Covid Recovery and Local Government, and Liz Lalley, Interim Director, Recovery and Restart, have assisted me in relation to preparations made by the Welsh Government to deal with civil contingencies in

general.

12.2. Andrew Slade, Director General for Economy, Treasury and Constitution, has provided advice about steps taken to deal with risks and contingencies to the economy at large with Andrew Jeffreys, Director Welsh Treasury, providing advice about fiscal and financial risks.

12.3. I have also been advised on preparedness and resilience work undertaken in relation to the provision of Health Services by Sioned Rees, Temporary Director for Public Health Protection.

13. Attached as **exhibit AG01M01WG01/001 - INQ000128964** is an index to this statement.

Devolution settlement in relation to Wales

14. I set out below a high-level overview of the Welsh devolution settlement. It includes the recent history of devolved law-making in Wales, and an explanation of the Senedd's legislative competence. I also outline the Welsh Ministers' role in making primary and subordinate legislation and the scrutiny to which the Welsh Government is subject by the Senedd. Finally, I cover the Welsh Government's relations with the UK Government, other devolved governments and the UK Parliament.

Establishment of the National Assembly for Wales

15. The National Assembly for Wales was established under the Government of Wales Act 1998 (s.1 GOWA 1998) as a single body corporate with elected Assembly Members meeting for the first time on 12 May 1999. There was an executive known as the Cabinet or 'Executive Committee' which comprised the Assembly First Secretary and Assembly Secretaries, all of whom were appointed from the Assembly Members.

16. The National Assembly's functions were either transferred to it, or made exercisable by it by GOWA 1998, or conferred or imposed on the Assembly by provisions of various Acts of the UK Parliament (including GOWA 1998).

17. In anticipation of the first ordinary election of Assembly Members which took place on 6 May 1999, the National Assembly for Wales (Transfer of Functions) Order 1999 was made on 10 March 1999, and it came into force on 1 July 1999. This Order was the

first of a series of Orders in Council. It transferred a broad range of functions, previously exercised by Ministers of Crown in relation to Wales, to the National Assembly in each of the fields specified in Schedule 2 GOWA 1998, including, for example, 'Health and Health Services'.

18. Amongst the functions transferred to the National Assembly, or, later, conferred on it through Acts of the UK Parliament, were functions of making subordinate legislation. For example, the Secretary of State's function of making regulations under section 13 of the Public Health (Control of Disease) Act 1984 was conferred upon the National Assembly.

19. In the period between its establishment in the late 1990s and 2007, the National Assembly, under GOWA 1998, had no powers to make primary legislation.

Establishment of Welsh Government as an executive and National Assembly for Wales as legislature – The Government of Wales Act 2006

20. The Government of Wales Act 2006 (GOWA 2006), received Royal Assent on 25 July 2006.

21. In May 2007, a newly constituted National Assembly was established (s.1 GOWA 2006) alongside a separate executive body, initially known as the 'Welsh Assembly Government' (Llywodraeth Cynulliad Cymru) (s.45 GOWA 2006) a name which was later changed to the 'Welsh Government' (Llywodraeth Cymru) (see Wales Act 2014). The members of the Welsh Assembly Government were the First Minister (y Prif Weinidog), the Welsh Ministers (Gweinidogion Cymru), the Counsel General to the Welsh Assembly Government (Cwnsler Cyffredinol Llywodraeth Cynulliad Cymru) and the Deputy Welsh Ministers (Dirprwy Weinidogion Cymru).

Appointment of the First Minister, Welsh Ministers, Counsel General and Deputy Welsh Ministers

22. The First Minister is appointed by the Sovereign (s.45 GOWA 2006) after nomination by Members of the Senedd. The First Minister appoints Welsh Ministers from amongst Members of the Senedd, with the approval of the Sovereign (s.48 GOWA 2006). The First Minister and the Welsh Ministers are referred to collectively as the Welsh Ministers.

23. Deputy Ministers may also be appointed by the First Minister with the approval of the Sovereign (s.50 GOWA 2006) to assist the First Minister, a Welsh Minister or the Counsel General in the exercise of functions.
24. The Counsel General is appointed by the Sovereign on the recommendation of the First Minister (s.49 GOWA 2006). The Counsel General need not be a Member of the Senedd, but he cannot also be a Welsh Minister (s.48 GOWA 2006), or a Deputy Minister (s.50 GOWA 2006).
25. Attached as **Exhibit AG01M01WG01/002 - INQ000116489** is a document setting out the Welsh Ministers, Deputy Ministers and Counsel General who have held office between June 2009 and January 2020. Also attached as **Exhibits AG01M01WG01/003 – INQ000116515, AG01M01WG01/004 – INQ000116571, AG01M01WG01/005 – INQ000116532, AG01M01WG01/006 – INQ000116562, AG01M01WG01/007 – INQ000116540, AG01M01WG01/008 – INQ000116480, AG01M01WG01/009 – INQ000116484, AG01M01WG01/010 – INQ000116559, AG01M01WG01/011 – INQ000116481, AG01M01WG01/012 – INQ000116560, AG01M01WG01/013 – INQ000116566, AG01M01WG01/014 – INQ000116587, AG01M01WG01/015 – INQ000116513, AG01M01WG01/016 – INQ000116557, AG01M01WG01/017 – INQ000116569, AG01M01WG01/018 – INQ000116483, AG01M01WG01/019 – INQ000116578, AG01M01WG01/020 – INQ000116556, AG01M01WG01/021 – INQ000116524, AG01M01WG01/022 – INQ000116586, AG01M01WG01/023 – INQ000116521, AG01M01WG01/024 – INQ000116522, AG01M01WG01/025 – INQ000116575, AG01M01WG01/026 – INQ000116510 and AG01M01WG01/027 - INQ000116580** are a selection of 25 organograms being examples of the composition of different Welsh Governments at various points in time between 2009 and 2022 as well as the senior officials leading the Welsh Government civil service at the time.

Functions of the Welsh Ministers, the First Minister and the Counsel General

26. Functions (mostly, powers and duties) are not generally given to the Welsh Government by that name. Functions are typically conferred on, or transferred to, the First Minister, the Welsh Ministers or the Counsel General, with the majority being conferred on, or transferred to the 'Welsh Ministers'. Functions of the Welsh Ministers, the First Minister and the Counsel General are exercisable on behalf of the Sovereign (s.57(2) GOWA 2006).

Conferring functions on, or transferring functions to, the Welsh Ministers

27. On 26 May 2007, 'relevant Assembly functions' were transferred to the Welsh Ministers (s.162 GOWA 2006 and Sch.11, para. 30). The "relevant functions" were comprised of the functions outlined below and included the functions of making subordinate legislation previously conferred on the National Assembly.
28. In addition to those that were transferred , functions were also conferred on the Welsh Ministers by GOWA 2006, including functions to promote well-being (s.60), to provide financial assistance (s.70) and supplementary powers (s.71) being powers to do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any of their other functions.

Functions of the First Minister, the Welsh Ministers and the Counsel General - the Wales Act 2017

29. The Wales Act 2017 (WA 2017) expanded the Welsh Ministers' powers and made related modifications (ss. 58A, 59A, 70, 71 of, and new Schedule 3A to, GOWA 2006). These changes took effect on 1 April 2018.

The National Assembly for Wales as legislature

30. Section 93 GOWA 2006 provided that the National Assembly could make its own primary legislation in a form known as "Measures of the National Assembly" or "Mesurau Cynulliad Cenedlaethol Cymru", within its 'legislative competence'. The scope of its legislative competence was specified in section 94 of, and Schedule 5 to, GOWA 2006. Section 94(2) GOWA 2006 provided that Assembly Measures could, subject to the provisions of Part 3 GOWA 2006, make any provision that could be made by an Act of Parliament.
31. Schedule 5 was later amended. Powers to make Measures were conferred on the National Assembly in relation to 'matters' within defined fields, for example Field 9 which was Health and Health Services.

National Assembly's powers to pass Acts of the Assembly

32. Section 107 GOWA 2006 allowed the National Assembly to make laws to be known as 'Acts of the National Assembly for Wales or Deddfau Cynulliad Cenedlaethol Cymru',

but only if the majority of voters in a referendum were in favour of the Assembly Act provisions coming into force (s.103(1) GOWA 2006).

33. After a referendum resulted in a majority of voters being in favour of the provisions coming into force in 2011, from 5 May 2011, the National Assembly gained the powers to pass Assembly Acts where it had legislative competence to do so (s. 108 of, and Schedule 7 to, GOWA 2006).
34. Although the subjects listed in Part 1 of Schedule 7 were broader than the legislative competence previously conferred on the National Assembly (s. 94 of, and Schedule 5 to, GOWA 2006), both arrangements were 'conferred powers' models of legislative competence for the National Assembly, setting out, in list form, the scope of the Assembly's legislative competence in terms of subject matter.

'Reserved powers' model for making devolved primary legislation – WA 2017

35. WA 2017 changed the basis on which the legislative competence of the National Assembly was determined. Rather than specify, by list, the range of subjects in relation to which the National Assembly could legislate, under the new 'reserved powers' model, the National Assembly could legislate on any matter unless it was expressly prevented from doing so. Therefore, so far as the other tests included in section 108A GOWA 2006 were met, a provision of an Assembly Act would be within the Assembly's legislative competence if it did not relate to reserved matters in Schedule 7A to GOWA 2006 or breach the restrictions in Part 1 of Schedule 7B to GOWA 2006.

Senedd Cymru – The Senedd and Elections (Wales) Act 2020

36. Under s. 2 of the Senedd and Elections (Wales) Act 2020 (2020 anaw 1), the name of the National Assembly for Wales was changed to Senedd Cymru or Welsh Parliament (the Senedd) and Acts of the Assembly are now known as Acts of Senedd Cymru or Deddfau Senedd Cymru.

Role of Welsh Ministers in the proposal and enactment of primary and subordinate legislation

Primary legislation - Acts of Senedd Cymru

37. The Senedd can only make laws within its powers, or 'legislative competence'. The tests for the Senedd's legislative competence are set out in section 108A GOWA 2006.

Making Primary legislation in relation to Wales other than by Acts of the Senedd

38. When legislating for Wales the core principle is that primary legislation in devolved areas should be enacted by the Senedd. However, there will be circumstances when it is necessary and desirable, if provision which would be within the Senedd's legislative competence, is sought for Wales in Bills of the UK Parliament, with the Senedd's consent.
39. Therefore, although the Senedd now has broad power to legislate in relation to Wales in devolved areas, UK Parliamentary Bills also remain of significance to the Welsh Government, as UK Acts of Parliament can, in certain circumstances, still impact on areas of devolved responsibility.

Subordinate legislation made by the Welsh Ministers

40. Subordinate legislation is generally made by, or under the authority of, the Welsh Ministers and is usually concerned with detailed changes to the law made under powers from an existing Act (or Measure). It is flexible enough to deal quickly with rapidly changing circumstances.
41. Subordinate legislation may be made by the Welsh Ministers (or by officials acting on behalf of the Welsh Ministers) where they are given powers to do so in primary legislation or, more rarely, in other forms of legislation. These powers conferred on the Welsh Ministers to make subordinate legislation are commonly referred to as 'enabling' powers, in effect enabling the Welsh Ministers to make, lawfully, subordinate legislation to change the existing law within the parameters set by the 'enabling' powers. The Act, or other legislation which contains the 'enabling' powers, will commonly be referred to as the 'parent Act', 'enabling Act' or the 'enabling legislation'. The procedure for making subordinate legislation will be set out in the enabling Act. For example, powers for the Welsh Ministers to make health protection regulations are contained in the Public Health (Control of Disease) Act 1984 (Part 2A (Public Health Protection)). The procedures for making the regulations under part 2A are set out in the 1984 Act (s.45Q (Parliamentary Control)) Alongside these powers sit provisions for making the regulations in cases of urgency (s.45R of the 1984 Act (Emergency Procedure)). Many of the statutory instruments made by the Welsh Ministers to deal

with the pandemic were made under Part 2A of the 1984 Act by emergency procedure, for example, The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

Decisions to make subordinate legislation

42. Individual Welsh Ministers are responsible for making statutory instruments, as well as most other subordinate legislation, within their portfolio. They will decide on the policy and whether to legislate. They will decide the method and length of some processes, such as consultation, where policy or other choices must be made, approve final versions of all documents and make (by signing) statutory instruments, at which point the statutory instrument becomes law even if it may not come into force at that time.

Scrutiny by the Senedd

43. Members of the Senedd are able to scrutinise and call to account the exercise of their functions by Welsh Ministers, the First Minister and the Counsel General. They can do so acting in Plenary session or in committee.

Powers of the Senedd to call for witnesses and documents

44. The Senedd can require any person to attend Senedd proceedings for the purpose of giving evidence, or to produce for the purposes of the Senedd, or a committee or sub-committee, documents in their possession or control concerning to include any matter relevant to the exercise the Welsh Ministers of any of their functions (s 37(1) GOWA 2006). There are limitations on this power, for example, the Senedd cannot require the attendance of a person who is, or has been, a Minister of the Crown or serves, or has served, in the department of a Minister of the Crown, in relation to the exercise of any functions of that Minister. The exceptions to these powers to compel attendance or the production of evidence do not prevent the Senedd from extending an invitation to persons who cannot be required to attend to Senedd proceedings to give evidence or produce documents.
45. Ministers will regularly be asked to attend Senedd committees to be scrutinised on the exercise of their functions and will normally be accompanied by senior officials.

Officials would not normally attend a Senedd subject committee without a Minister, but during the pandemic – and with the permission of the First Minister and other Welsh Ministers – officials would attend committees informally and formally to give briefings and respond to scrutiny, to enhance transparency.

Intergovernmental Arrangements - Established process of engagement across the four nations

46. The UK Government, the Scottish Ministers, the Welsh Ministers and the Northern Ireland Executive have agreed a Memorandum of Understanding (MOU) setting out the principles that underline relations between them. The memorandum was first agreed in 2001 and has been revised periodically thereafter, most recently in October 2013. The MOU and supporting agreements are not legally binding; the MOU is a statement of political intent. A copy of the Memorandum is enclosed as **Exhibit AG01M01WG01/028 – INQ000066063**.
47. The MOU also provided for a Joint Ministerial Committee (JMC), the detailed arrangements of which are set out in out in Part II of the MOU. The JMC was a consultative, rather than an executive body and was intended to provide central coordination of the overall relationship between the UK Government and the Devolved Governments. Following a review of intergovernmental relations which concluded in January 2022, the JMC was replaced with a new structure, consisting of forums established within a three-tier structure: portfolio engagement at official and ministerial level; engagement on cross-cutting issues, including an Inter-Ministerial Standing Committee; and a Prime Minister and Heads of Devolved Governments Council.
48. In addition to the MOU, there are a series of Devolution Guidance Notes, produced by the UK Government, which set out, for UK Government officials, advice on the working arrangements between the UK Government and the devolved governments of the UK, including the Welsh Government. **Exhibit AG01M01WG01/029 – INQ000066075** is a copy of Devolution Guidance Note 1 Common Working Arrangements.

Arrangements made with UK Government for the exercise of the Welsh Ministers' functions by Ministers of the Crown or a UK Government Department

49. The UK Government can also be asked to carry out functions to include delivering services, on behalf of the Welsh Ministers (s.83 GOWA 2006). S.83 permits the Welsh Ministers and any 'relevant authority' to enter into agency arrangements in relation to the exercise of their respective functions. A 'relevant authority' includes any Minister of the Crown or government department, any public authority (including local authority) in England and Wales or the holder of any public office in England and Wales.

Office of the Secretary of State for Wales

50. Wales, Scotland and Northern Ireland are each represented in the UK Government Cabinet by a territorial Secretary of State, who is responsible for overseeing the devolution settlements, and who plays a role in the relationship between the Devolved Governments and the UK Government.
51. The territorial Secretaries of State are responsible for addressing legislation as it affects the relevant nation and representing that nation's interest in UK Government Cabinet and Cabinet Committees. They also respond to parliamentary interests in the affairs of the relevant nation, transmit funding via the block grant to the Devolved Governments and support collaboration between UK Government and the Devolved Governments.

The Welsh Government

52. In this section I will outline how the Welsh Government works from day to day. It includes a description of its governance structures, how its budget is settled and allocated and how it makes decisions. I will set out how the Welsh Government prepares to deal with civil contingencies generally, as well as risks and disruption to the economy. I will also cover, in very broad terms, the Welsh Government's functions and its relationship with those who work alongside it to deliver public services in Wales. I will address the preparedness and resilience work undertaken by Welsh Government and its partners in the delivery to the public of health services and health protection in the statement I have prepared in response to Rule 9 request M01-

NHSWALES-01.

The Welsh Government – The First Minister, the Welsh Ministers and the Counsel General - The Cabinet

53. The Welsh Government is the “executive” and the Welsh Government Cabinet is the central decision-making body of the Welsh Government. It is a collective forum for Welsh Ministers to decide significant issues and to keep colleagues informed of important matters. The Cabinet reconciles Ministers’ individual responsibilities with their collective responsibility. Its business consists, in the main, of matters which significantly engage the collective responsibility of the Welsh Government, either because they raise significant issues of policy or because they are of critical importance to the public. The final decision as to whether an item should be discussed at Cabinet is made by the First Minister.
54. Cabinet meets once per week when the Senedd is sitting, although meetings can be convened more frequently, as required by the First Minister, to deal with urgent matters and when a collective decision by the cabinet is expedient. This was often the case during the pandemic. The Welsh Government’s Cabinet Office is primarily responsible for the identification and planning of Cabinet business, and Cabinet Secretariat is responsible for the organisation of Cabinet meetings, and the production of minutes.
55. Cabinet papers are commissioned by the Cabinet Secretariat from the relevant Welsh Government policy lead. Papers identify implications for policy development, outline budgets and the proposed outcomes. The impact of policy proposals and the financial, legal and governance implications are contained in an annex to the substantive paper.

Ministerial Advice (MA)

56. Not all decisions are made in Cabinet. The Ministerial Advice process provides a channel for Welsh Ministers to make decisions relevant to their portfolio which do not require a Cabinet collective discussion or decision. A Ministerial Advice document is a document submitted to relevant Welsh Ministers for the purpose of providing them with information advice and options, to enable them to make a Ministerial decision. An MA is submitted to Ministers when providing formal advice relating to a new decision,

relating to policy, operations, legislation or such other matter upon which a Welsh Minister is invited to make a decision. Each MA is allocated an MA number which is obtained from the Ministerial Advice Tracking System (MATS).

- 57.** A Decision Report is published on the Welsh Government's website for all MAs where a Minister has taken a substantive decision. A Decision Report is a short summary of the issue and the Minister's response to a recommendation.

- 58.** Impact Assessments are an important part of policy making, and the Welsh Government has either statutory obligations or has made commitments for the consideration of a number of areas of impact when developing policy. These include equality, the Welsh Language, biodiversity, children's rights, rural-proofing, data protection, justice, health, privacy and a range of environmental impacts. For decisions of a strategic nature, there is also a statutory duty to consider their socio-economic impact.

- 59.** Take as an example, the Public Sector Equality Duty (PSED). The Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which has three overarching aims. Those bodies which are subject to the duty (which include the First Minister, the Welsh Ministers and the Counsel General) must have due regard to the need to:
 - 59.1.** eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

 - 59.2.** advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

 - 59.3.** foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 60.** The aim of the PSED is to ensure that those subject to it consider advancement of equality when carrying out their day to day business. For the Welsh Government this includes shaping policy, delivery services and in relation to our employees

- 61.** In 2011, Welsh Ministers made The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. As a result, certain public bodies in Wales are also subject to

specific duties found in the those Regulations aimed at enabling better performance of the PSED. For example, those public bodies are required to publish equality objectives together with equality impact assessments, engagement requirements, progress reports, collection of data and more. The public bodies subject to the specific duties include the First Minister, the Welsh Ministers and the Counsel General to the Welsh Government, Local Health Boards and NHS Trusts, Community Health Councils, County and County Borough Councils.

62. Within the Welsh Government, since July 2018 the standard tool used to assess impact is the Integrated Impact Assessment (IIA) which brings together all impact assessments into one comprehensive document. The document also requires consideration of how the policy proposal is consistent with the Welsh Government's priorities, and how it contributes to the social, cultural, economic and environmental well-being of Wales.

Delegation of functions

63. The Welsh Ministers may appoint persons to be members of the staff of the Welsh Government (s.52 GOWA 2006). Section 52(9) provides that, without prejudice to any rule of law with respects to the carrying out of functions by members of the civil service of the state under authority, the Welsh Ministers, the First Minister or the Counsel General may authorise staff of the Welsh Government to carry out any function on their behalf. Staff of the Welsh Government includes such roles as the Chief Medical Officer for Wales and the Chief Scientific Adviser for Health.

The membership and organisation of the Welsh Government

64. Examples of the organisational structure of the Welsh Government including Ministerial portfolios and senior official responsibilities at different points between 2012 and 2020 are set out in the organograms exhibited as **AG01M01WG01/003 – INQ000116515, AG01M01WG01/004 – INQ000116571, AG01M01WG01/005 – INQ000116532, AG01M01WG01/006 – INQ000116562, AG01M01WG01/007 – INQ000116540, AG01M01WG01/008 – INQ000116480, AG01M01WG01/009 – INQ000116484, AG01M01WG01/010 – INQ000116559, AG01M01WG01/011 – INQ000116481, AG01M01WG01/012 – INQ000116560, AG01M01WG01/013 – INQ000116566, AG01M01WG01/014 – INQ000116587, AG01M01WG01/015 –**

INQ000116513, AG01M01WG01/016 – INQ000116557, AG01M01WG01/017 – INQ000116569, AG01M01WG01/018 – INQ000116483, AG01M01WG01/019 – INQ000116578, AG01M01WG01/020 – INQ000116556, AG01M01WG01/021 – INQ000116524, AG01M01WG01/022 – INQ000116586, AG01M01WG01/023 – INQ000116521, AG01M01WG01/024 – INQ000116522, AG01M01WG01/025 – INQ000116575, AG01M01WG01/026 – INQ000116510 and AG01M01WG01/027 - INQ000116580. Exhibit AG01M01WG01/002 – INQ000116489 encloses a document which has been compiled setting out a chronology of those who've held office in the Welsh Government including between June 2009 and the present day. **Exhibits AG01M01WG01/030 – INQ000116584, AG01M01WG01/031 – INQ000116493, AG01M01WG01/032 – INQ000116547, AG01M01WG01/033 – INQ000116546, AG01M01WG01/034 – INQ000116573, AG01M01WG01/035 – INQ000116498, AG01M01WG01/036 – INQ000116555, AG01M01WG01/037 – INQ000116565, AG01M01WG01/038 – INQ000116477, AG01M01WG01/039 – INQ000116485, AG01M01WG01/040 – INQ000066139, AG01M01WG01/041 – INQ000066140, AG01M01WG01/042 – INQ000066141, AG01M01WG01/043 – INQ000066053 and AG01M01WG01/044 – INQ000116520** comprise a collection of 15 documents entitled 'Ministerial Responsibilities' spanning the period May 2015 to September 2022 outlining in greater detail the scope of each Ministerial portfolio.

65. Between June 2009 and the end of the fourth term of the National Assembly for Wales in May 2016 and then again between mid-December 2018 and the present day, the Welsh Ministers have been referred to by the title 'Minister', with each Deputy Minister referred to as 'Deputy Minister'. Between mid-May 2016 and mid-December 2018, Welsh Ministers, other than the First Minister, were referred to as 'Cabinet Secretary' and Deputy Ministers were referred to as 'Minister'.
66. From June 2009 to date, the holders of the office of Counsel General for Wales have been referred to as Counsel General. It should be noted that between mid-December 2018 and May 2021, the Counsel General was known by the title of 'Counsel General and Minister for European Transition'. For completeness, between May 2021 and the present date, the Counsel General has been known by the title of 'Counsel General and Minister for the Constitution'. In both these cases, as the Counsel General was, or is, not a Welsh Minister appointed under section 48 GOWA 2006, the Counsel General could not exercise powers conferred on the Welsh Ministers. Therefore, any matter

requiring a formal decision under a statutory power would need to be exercised by the First Minister or a Welsh Minister appointed under section 48 GOWA 2006.

The First Minister

67. The First Minister (Welsh: Prif Weinidog Cymru) is the leader of the Welsh Government and keeper of the Welsh Seal. The First Minister chairs the Welsh Government Cabinet and is primarily responsible for the formulation, development and presentation of Welsh Government policy. Additional responsibilities of the First Minister include promoting and representing Wales in an official capacity, at home and abroad, and responsibility for constitutional affairs as they relate to devolution and the Welsh Government. The First Minister is a Member of the Senedd (MS) and is nominated by the Senedd before being officially appointed by the Sovereign. Members of the Welsh Cabinet and Ministers of the Welsh Government, as well as the Counsel General, are appointed by the First Minister. As head of the Welsh Government, the First Minister is directly accountable to the Senedd for the Welsh Government's actions.

Minister for Health and Social Services

68. The Minister for Health and Social Services (Welsh: Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol) (the MHSS) is a Cabinet position in the Welsh Government, held by Vaughan Gething MS between 2016 and 12 May 2021 when he was succeeded by Eluned Morgan MS, Baroness Morgan of Ely, following the Senedd elections in May 2021.
69. The MHSS is responsible for the NHS in Wales, for the policy in relation to (but not the delivery of) Social Services and Social Care, all aspects of public health and health protection in Wales, the Food Standards Agency in Wales, post-graduate medical education, and any charges for NHS services.

Other Ministers

70. Summarised below are those Welsh Ministers who held office between December 2018 and January 2020 and, in addition to the MHSS and the First Minister, were particularly involved in response to the pandemic:

- 70.1. Rebecca Evans MS, Minister for Finance and Trefnydd (Welsh: Y Gweinidog Cyllid a'r Trefnydd), the "Trefnydd" being the Welsh Minister who is responsible for organising government business in the Senedd;
- 70.2. Kirsty Williams MS, Minister for Education (Welsh; Y Gweinidog Addysg);
- 70.3. Julie James MS, Minister for Housing and Local Government (Welsh; Y Gweinidog Tai a Llywodraeth Leol);
- 70.4. Jeremy Miles MS, Counsel General and Minister for European Transition (Welsh; Cwnsler Cyffredinol a Gweinidog Pontio Ewropeaidd); and
- 70.5. Julie Morgan MS, Deputy Minister for Health and Social Services (Welsh; Dirprwy Gweinidog Iechyd a Gwasanaethau Cymdeithasol).

Accountability of the First Minister and the Welsh Ministers

71. All Welsh Ministers, including the First Minister, are accountable to the Senedd, which scrutinises Ministerial decisions, policy, government bills and subordinate legislation in its plenary proceedings and the work of its committees.
72. All Welsh Ministers, including the First Minister, are subject to the Ministerial Code (the Code) for Welsh Ministers, which is produced here as **Exhibit AG01M01WG01/045 – INQ000066055**.
73. The Code governs Ministerial conduct and requires Ministers to uphold the highest standards of propriety. The Code supplements the duties of Ministers to comply with the law and protect the integrity of public life. It is explicit that Ministers have a duty to account to the Senedd, and they are accountable for the policies, decisions and actions of their departments. The Code expects Ministers to uphold the "Seven Principles of Public Life".
74. The First Minister is the ultimate judge of the standards of behaviour expected of a Welsh Minister and the appropriate consequences of a breach. It is not my role as Permanent Secretary to enforce the Code. The First Minister will decide how complaints under the Code will be investigated and will usually refer significant

complaints to an Independent Adviser for consideration and advice, but he may also ask me as Permanent Secretary to consider the complaint and report to him. Welsh Ministers remain personally responsible for adhering to the Code's requirements and for the actions that they take.

75. The Civil Service Code sets out the values and standards of behaviour expected of civil servants. It is described in more detail at paragraph 88 below.

Accountability of the Permanent Secretary and other senior officials

76. As stated in paragraph 64 above, organisational charts are exhibited to this statement, which show the Welsh Ministers and senior officials who were in post at various points between 2009 and 2022 and to whom they reported.

The Role of Permanent Secretary

77. As Permanent Secretary, I am Principal Policy Adviser to the First Minister, Principal Accounting Officer and Head of the Welsh Government Civil Service. I lead the Welsh Government's civil service in supporting the First Minister and his Ministerial team to realise their policy and legislative objectives.

My Predecessors

78. My immediate predecessor as Permanent Secretary, Dame Shan Morgan, led the organisation from February 2017 to October 2021 until I became Permanent Secretary in November 2021.
79. Dame Shan's predecessor was Sir Derek Jones (who served between October 2012 and early February 2017) and Dame Gillian Morgan (who served between May 2008 and August 2012). Their responsibilities were substantially similar to those outlined above. Between Dame Gillian and Sir Derek's appointments, David Richards, currently Director of Propriety and Ethics, acted as Principal Accounting Officer (see paragraphs 85 and 86 below).

The Welsh Government Board

80. The Welsh Government Board provides strategic advice, challenge and assurance to me as Permanent Secretary in discharging my role. The Board is supported by non-Executive members. The current non-Executive members of the Board are Ellen Donovan, Gareth Lynn and Professor Meena Upadhyaya OBE and the Reverend Aled Edwards OBE.

Executive Committee (ExCo)

81. As Permanent Secretary, I chair the organisation's Executive Committee (ExCo) which is the operational and strategic decision-making forum that supports me. Successive Permanent Secretaries have had regular, agenda-driven meetings of their senior leadership team. The title, remit and exact membership of those meetings will have changed over the years, but ExCo, introduced by Dame Shan Morgan, is very much an evolution of earlier structures. ExCo's membership has changed over time, but principally includes the Permanent Secretary and Directors General and Senior staff leading corporate functions.
82. For completeness, between February 2020 and November 2021, the Welsh Government's response to Covid-19 at official level was overseen by ExCovid, which was an extension of the Welsh Government's executive committee, ExCo. Chaired by the Permanent Secretary, it was attended by the existing members of ExCo, together with the Chief Medical Officer, a representative of corporate communications, and Reg Kilpatrick. Non-Executive Board members attended on a rotational basis. The aim of ExCovid was to provide assurance to the Permanent Secretary on the Welsh civil service handling of the response to Covid-19 and during its life span remained the main governance mechanism for ensuring a joined up cross-government response to Covid-19; and for ensuring that emerging risks and issues are identified and managed at a strategic level. As of December 2021, ExCovid's role and remit were transferred to ExCo.

Audit and Risk Assurance Committee (ARAC)

83. ARAC (previously known as Corporate Governance Committee) supports and advises to me, in my capacity as the Welsh Government's Principal Accounting Officer, on risk management, control, governance and assurance. I attend the committee which is

chaired by a Non-Executive Director. An ARAC is also in place at Group level to support Directors General in their roles as Additional Accounting Officers, who in turn support me as the Principal Accounting Officer.

Principal Accounting Officer

84. I am the Welsh Government's Principal Accounting Officer. Under Section 133(2) GOWA 2006, the Permanent Secretary can appoint Additional Accounting Officers which I have done.

The Principal Accounting Officer's role and responsibilities

85. As the Principal Accounting Officer, I am responsible for the overall organisation, management and staffing of the Welsh Government, as well as its financial and other procedures. It is my responsibility to ensure that the organisation operates an effective and efficient system of internal control, including risk management, and that its effectiveness is regularly reviewed.
86. In that regard, I am responsible, as were my predecessors, for the regularity and propriety of relevant public finances; the keeping of proper accounts; prudent and economical administration; for the avoidance of waste and extravagance and the efficient and effective use of all available resources.

Accountability as Permanent Secretary

87. Civil servants in Wales are part of the UK Civil Service. As Permanent Secretary, I am subject to, line management oversight by the Cabinet Secretary. I am accountable to the First Minister, as his principal policy adviser (as were my predecessors), for my decisions and actions in leading the Welsh Government civil service and managing the organisation's resources.
88. Being part of the UK Civil Service means all civil servants in the Welsh Government (including myself) are subject to the Civil Service Code which sets out the standards of behaviour that are expected of officials. The Civil Service Code enshrines the core civil service values of integrity, honesty, objectivity and impartiality. I produce here as **AG01M01WG01/046 – INQ000066056**, a copy of the Civil Service Code.

Special Advisers

89. Special Advisers provide a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. They are appointed by the First Minister to help Welsh Ministers on matters where the work of the Welsh Government and the governing party overlap and where it would be inappropriate for permanent civil servants to become involved. **Exhibited at AG01M01WG01/047 – INQ000116525, AG01M01WG01/048 – INQ000116496, AG01M01WG01/049 – INQ000116509, AG01M01WG01/050 – INQ000116531, AG01M01WG01/051 – INQ000116528, AG01M01WG01/052 – INQ000116492, AG01M01WG01/053 – INQ000116478, AG01M01WG01/054 – INQ000116568, AG01M01WG01/055 – INQ000116474 and AG01M01WG01/056 – INQ000116564** are copies of a selection of Written Statements made by the First Minister in relation to the appointment of special advisers between 2012 and 2022.

Public Accounts and Public Administration Committee

90. As Permanent Secretary and the Principal Accounting Officer, I am scrutinised and held to account, as were my predecessors, by the Senedd's Public Accounts and Public Administration Committee (PAPAC) (and its forerunners). Its role is to ensure that proper and thorough scrutiny is given to Welsh Government expenditure. I regularly appear before PAPAC to provide evidence and answer questions. This is also applicable to Directors General as Additional Accounting Officers.
91. PAPAC considers reports, prepared by the Auditor General for Wales, on the accounts of the Welsh Government and other Welsh public bodies, and on the economy, efficiency and effectiveness with which resources were employed in the discharge of public functions.
92. The Auditor General for Wales is the statutory external auditor of the Welsh Government and most of the Welsh public sector.

Accountability of senior Officials

93. The organograms that I refer to above in paragraph 64 and which are exhibited to this statement set out the reporting lines for the senior officials in the organisation at relevant times. The Directors General of the various Groups within the organisation reported at that time directly to my predecessors. They now report to me. At the same time, they had then, as they do now, a direct and close working relationship with the relevant portfolio Ministers for their areas of responsibility.

Funding the Welsh Government

94. The Welsh Government had, immediately before the pandemic, four principal sources of funding:

- 94.1. Funds granted by the UK Government under the annual 'block grant'. That is the principal source of funding;
- 94.2. Funds raised in Wales by means of taxation and other charges;
- 94.3. Borrowing; and
- 94.4. EU funding.

The block grant

95. HM Treasury controls the overall level of public expenditure in the UK. A portion of the total funds raised throughout the UK and earmarked for public expenditure is allocated to Wales. That portion is known as the 'block grant' and it is the basis of the Welsh Government's annual budget. Adjustments to the block grant are determined using the Barnett Formula. That is used to calculate how much the block grant will change following an increase or decrease in the UK budget for public expenditure. The formula factors in the population in Wales compared to (usually) England, and the extent to which changes to the UK budget are made in areas where public service provision in Wales is comparable with that in (usually) England.
96. The block grant exceeds 80% of the Welsh Government's annual financial resource and it is the largest part of its annual budget.

Taxation

97. The second source of Welsh Government funding is made up of the receipts of devolved taxation. Devolved taxation comprises an element of Income Tax, Land Transaction Tax (which replaced Stamp Duty Land Tax) and Landfill Disposals Tax (which replaced Landfill Tax) (collectively referred to below as “Welsh taxes”). The Welsh Government is also responsible for Non-Domestic Rates (or business rates). When aggregated, these taxes represent roughly 20% of the Welsh Government’s overall annual budget.

98. In the case of Income Tax, the UK Government reduced, by 10p in every £1, the three rates (Basic, Higher and Additional) that are payable by Welsh residents. The Welsh Government then introduced its own rates, currently 10p in every £1 for each of the three rates. This maintains overall parity with UK Income Tax rates. It is now an annual decision within the prerogative of the Welsh Government as to whether it wishes to utilise its powers to vary the rates of Income Tax in Wales within the stated parameters.

99. The Welsh Rates of Income Tax (WRIT) must be approved annually by a resolution of the Senedd, and the rates for Landfill Disposals Tax (LDT) are set annually through regulations using the provisional affirmative procedure. Any changes to the rates and thresholds for Land Transaction Tax (LTT) must also be made and approved by made affirmative regulations. The rates for WRIT and LDT are set once a year, with the WRIT rates having effect from 6 April and (to date) the LDT rate changes applying from 1 April. LTT changes have to date been made both as part of the Draft Budget process, and outside of the Draft Budget process.

Borrowing

100. The Wales Act 2017 (which amended section 122A of the Government of Wales Act 2006), enables the Welsh Government to borrow up to a cumulative maximum of £1 billion for capital expenditure purposes. The annual borrowing limit for capital was increased to £150 million in April 2019. The Welsh Government is also able to borrow, up to a cumulative maximum of £500 million, for purposes other than capital expenditure. The Fiscal Framework sets out the conditions and limits for resource borrowing which is limited to taking action to mitigate circumstances where tax receipts

fall below forecasts and to provide a working balance or meet an in-year excess in expenditure over income within the Welsh Consolidated Fund. No sums were borrowed between 2019-20 and 2021-22. As at May 2022 the accumulated borrowing figure (not including interest) was £70m.

EU Funding

101. Immediately prior to the pandemic, the Welsh Government was responsible for the distribution in relation to Wales of a number of EU funds, chief amongst which were the European Agriculture Guarantee Fund and the EU Structural and Investment Funds.
102. For example, the 2014-20 EU Structural Fund Programmes in Wales provided £2.2bn of EU funds for investment over a nine-year period. Programme activity and expenditure will formally come to an end on 31 December 2023.
103. The Welsh European Funding Office (WEFO) - which is an administrative directorate of the Welsh Government - acts as a managing and paying agent of the European Commission with regard to EU Structural funding.
104. By the time the national lockdown commenced in March 2020 the European Structural Funds were almost 100% committed with funding continuing to be drawn down, in arrears, from the EC once spent by beneficiaries.

Bonds

105. In addition to the sources of funding outlined above, the Welsh Ministers have the power under section 121(1A) of GOWA 2006, with approval of the Treasury, to borrow by the issue of bonds, but has never done so.

Budget Process and allocation of funds

106. Funds allocated to the Welsh Government under the block grant and from other sources are available to be spent by the Welsh Ministers in accordance with their policy priorities and within any area of responsibility where they have statutory functions. Funds generated under the Barnett formula are not conditional on being

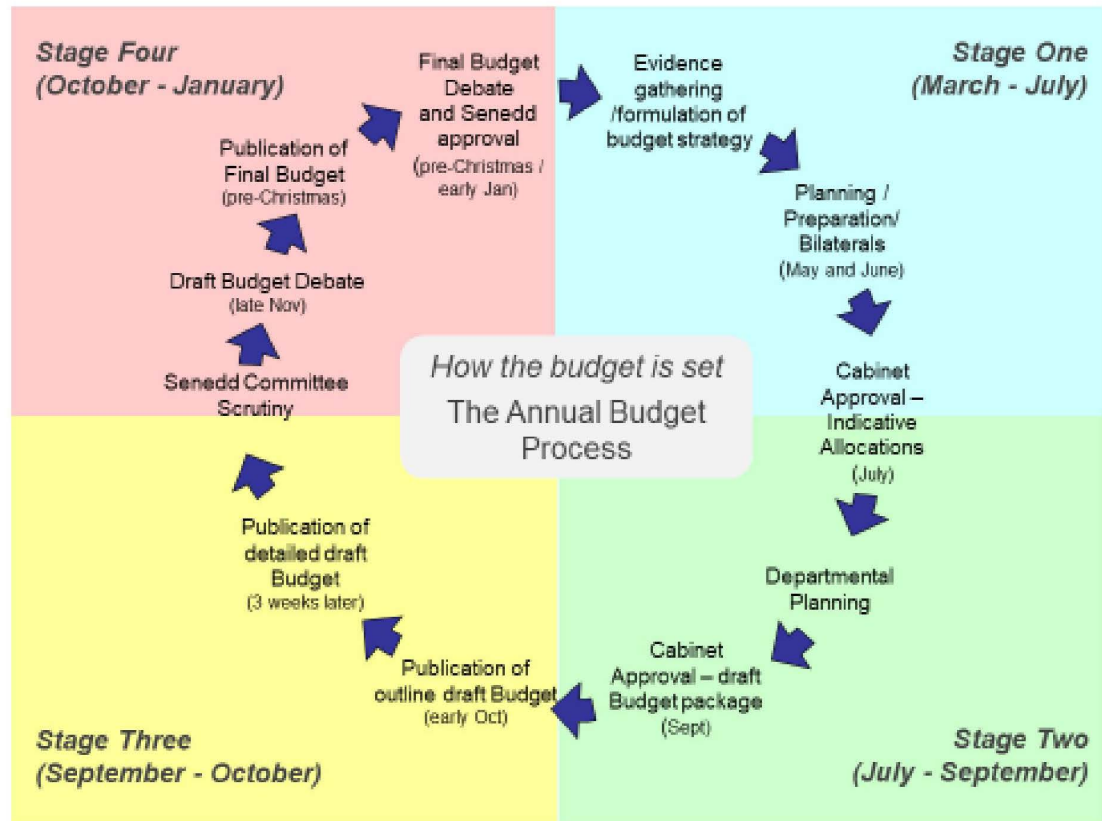
applied for the same purpose as that within the relevant UK Department that gave rise to the consequential.

107. Under Part 5 of GOWA 2006, the block grant is paid initially to the Secretary of State for Wales, who retains the funding needed to run the Wales Office. He then makes provision for the balance to be accessed, on demand, by the Welsh Government by the Welsh Consolidated Fund (essentially the Welsh Government's bank account). The Welsh Government must then prepare its draft Budget setting out how It will use the funds. Senedd committees and other interested parties scrutinise and comment on the draft Budget before it is finalised and approved by a vote of the Senedd in the annual Budget motion. The Budget may be varied "in year" through one or more Supplementary Budget motions which also require Senedd approval. I produce here copies of the **Welsh Government's Budgets (and associated Supplementary Budget motions) as Exhibits AG01M01WG01/057 – INQ000116530, AG01M01WG01/058 – INQ000116516, AG01M01WG01/059 – INQ000116577, AG01M01WG01/060 – INQ000116552, AG01M01WG01/061 – INQ000128965, AG01M01WG01/062 – INQ000116476, AG01M01WG01/063 – INQ000116548, AG01M01WG01/064 – INQ000116514, AG01M01WG01/065 – INQ000116582, AG01M01WG01/066 – INQ000116518, AG01M01WG01/067 – INQ000116554, AG01M01WG01/068 – INQ000116504, AG01M01WG01/069 – INQ000116543, AG01M01WG01/070 – INQ000116475, AG01M01WG01/071 – INQ000116519, AG01M01WG01/072 – INQ000116508, AG01M01WG01/073 – INQ000116517, AG01M01WG01/074 – INQ000116563, AG01M01WG01/075 – INQ000116585, AG01M01WG01/076 – INQ000116570, AG01M01WG01/077 – INQ000116536, AG01M01WG01/078 – INQ000116541, AG01M01WG01/079 – INQ000116511, AG01M01WG01/080 – INQ000116506, AG01M01WG01/081 – INQ000116579, AG01M01WG01/082 – INQ000116549, AG01M01WG01/083 – INQ000116462, AG01M01WG01/084 – INQ000116463, AG01M01WG01/085 – INQ000116464, AG01M01WG01/086 – INQ000116550, AG01M01WG01/087 – INQ000116544, AG01M01WG01/088 – INQ000116465, AG01M01WG01/089 – INQ000116466, AG01M01WG01/090 – INQ000116467, AG01M01WG01/091 – INQ000116487, and AG01M01WG01/092 – INQ000116469.**

The Budget setting process

108. Budget setting is informed by Comprehensive Spending Reviews undertaken by the UK Government, the last of which was in 2021. For a number of years before 2021, budget allocations had been set annually. However, for the current budget setting round of 2022/23 onwards, a three-year indicative settlement has been provided.
- 109.** The Welsh Government's budget funds vital public services, including hospitals; social services; schools, universities and colleges; roads; fire and ambulance services and other public services in Wales.
110. The Welsh Government's budget is organised by Main Expenditure Groups (MEGs), which broadly mirror Ministerial responsibilities. That provides clear lines of financial accountability at Cabinet and to the Senedd. The Minister with responsibility for finance is responsible for agreeing the MEG budget structure.
111. Each MEG represents a Minister's portfolio with the exception of the Central Services & Administration MEG. That falls under the responsibility of the First Minister, although it can include budgets which are the responsibility of other members of the Cabinet, where they do not have large policy portfolios (e.g. the Minister with responsibility for finance and the Leader of the House). Separate governance arrangements are in place within the Central Services & Administration MEG to ensure each Minister's budgets are properly managed and controlled. MEGs are divided into Spending Programme Areas, Actions and Budget Expenditure Lines (BELs) Each level of the budget provides greater detail about the use of resources.
112. MEGs' funding levels are set annually under a process overseen by the Minister of Finance.
113. Funding levels for specific spending programmes within MEGs are generally set by the relevant Minister although additional funding is sometimes allocated directly to specific spending programmes by the Minister for Finance. For example, funding for certain health functions (including public health capacity; public health bodies; precautionary stockpiling of essential resources in the event of economic and civil emergencies; emergency funding of public health services in the event of high-consequence infections and diseases; and systems, plans and arrangements to deal with such emergencies), are made by the Minister for Health and Social Services within an overall MEG allocated by the Minister of Finance.

114. The diagram below illustrates the stages of the annual process in a typical year.



115. Internal planning usually commences a year ahead of each financial year. The publication of the Draft Budget is the first formal stage in this process. The Draft Budget sets out the amounts of resources and cash that the Welsh Government proposes to use for the next financial year (and usually indicative amounts for subsequent years), including the rates and thresholds which will apply to Welsh taxes. The Senedd and external stakeholders scrutinise the plans proposed within this Draft Budget.

116. The Finance Committee, together with Subject Committees, also have the opportunity to scrutinise the Draft Budget, taking account of the views of external stakeholders where appropriate. The Finance Committee and Subject Committees then publish reports to the Senedd on the Welsh Government's Draft Budget.

117. Following consideration of the evidence and feedback on the Draft Budget, the Welsh Government then tables the Annual Budget Motion (Final Budget) for formal adoption

by the Senedd. The Welsh Government aims to complete the budget process before Christmas which then allows time for partner organisations to take account of any budgetary impacts within their own individual spending plans. It is worth noting that often the timetable illustrated in diagram does change due to the Welsh Government's dependence on the timing of UK fiscal events.

118. Welsh Government funding for local government is determined via the local government settlement. This is generally published in provisional form shortly after the Draft Budget and then in final form shortly after the Final Budget. The level of the settlement is generally decided by the Minister with responsibility for local government. However, because it is such a large element of the overall Welsh Government Budget (around 25%) and several other Ministers have a direct interest (i.e. have responsibilities relating to functions of local government), the level of the local government settlement is generally a decision taken by the Cabinet.
119. In view of the available time, I have not been able to fully examine and consider the many thousands of documents that are relevant to the preparations undertaken by the Welsh Government between June 2009 and January 2020, to include individual decisions taken in relation to allocation of the Welsh Government's budgets to various workstreams. I am not aware of any decisions taken between June 2009 and January 2020 by the Minister for Finance directly to allocate, or set aside reserves for:
- 119.1. civil emergencies, including whole system civil emergencies.
 - 119.2. high-consequence infectious diseases;
 - 119.3. epidemics;
 - 119.4. pandemics; or
 - 119.5. the Covid-19 pandemic (as it became) before 21 January 2020.

Risk management, fiscal risks, financial stability risks

120. The Welsh Government is to a large extent insulated from macro fiscal risks by the Fiscal Framework within which the Welsh Government operates. Exhibited at **AG01M01WG01/093 – INQ000116461** is a copy of the Fiscal Framework.

121. The Welsh Government is exposed to differential tax base growth risk. That is the risk that revenues from Welsh taxes grow more slowly than the revenue from comparable UK taxes. It is a relatively modest and slow-moving risk.
122. The Welsh Government does manage expenditure risk (the risk that spending exceeds budget) and tax forecast error risk (the risk that tax revenues are lower than forecast).
123. Expenditure risk is managed through the Welsh Government's financial management process which, although it is the Finance Department's responsibility, it involves officials across the Welsh Government, and it is overseen by the Finance and Corporate Service Sub-Committee of ExCo. Monthly reports are provided to ExCo, the Welsh Government Board and Welsh Ministers on the likely level of expenditure as against budgets. This is fundamental to identifying potential over-and under-spends to allow the Minister for Finance and the Cabinet to agree on remedial action and/or the re-allocation of funds.
124. Tax forecast error risk is managed by a rigorous process for forecasting revenues from each Welsh tax. The forecast is made by the independent Office for Budget Responsibility and is supported by a range of data, including in-year receipts data from HMRC and the Welsh Revenue Authority. The Welsh Revenue Authority is a non-ministerial department of the Welsh Government. Since 1 April 2018, it has collected and managed the LTT and the LDT on behalf of the Welsh Government.
125. Mechanisms used to manage expenditure and tax forecast error risk include:
- 125.1. use of an 'unallocated resource reserve', created during the Annual Budget and allocated by the Minister for Finance during the year as required. It is usually set at around 1% of the available funding (but can be lower or higher at any given point), for example, during the Covid pandemic, the Welsh Government generally operated with a much larger unallocated resource reserve;
- 125.2. use of the 'Wales Reserve', held by HM Treasury. That consists of Welsh Government underspends from previous years and can be carried forward from one year to the next. It can hold up to £350m in total, with annual limits on the amount that can be drawn down;

125.3. resource borrowing. Welsh Ministers can borrow up to £500m (from HM Treasury) to deal with unexpected deficits in tax revenues; and

125.4. access to the HM Treasury reserve.

126. Welsh Government departments are expected to live within their allocated budgets. Departments are not required to hold specific contingencies or reserves, but they are expected to manage their expenditure risks wherever possible.

Accounts & Audit

127. Accounts must be submitted to the Auditor General for Wales no later than 30 November in the following financial year.

128. The Auditor General is required to examine and certify the accounts and, no later than 4 months after the accounts are submitted, lay before the Senedd a copy as certified by the Auditor General, together with the Auditor General's report thereon. I produce here copies of the Welsh Government's Consolidated accounts (incorporating the Auditor General's certificate) as **Exhibit AG01M01WG01/094 – INQ000116470** for 2019-20; and as **Exhibit AG01M01WG01/095 – INQ000116471** for 2020-21. The consolidated accounts for 2021-22 were published in December 2022.

129. More generally in the context of financial management within the Welsh Government, I would also draw the Inquiry's attention to the publication "Managing Welsh Public Money" (January 2016) which I produce as **Exhibit AG01M01WG01/096 - INQ000116472**). This sets out the principles of financial management and governance that are to be applied in respect of resources falling within the limits of the Welsh Government's consolidated accounts.

Preparedness and resilience

130. I will describe below how the Welsh Government undertook its preparedness functions in relation to:

130.1. Planning for civil contingencies, generally;

- 130.2. Finance and the economy; and
- 130.3. Local government.

131. Preparedness and resilience measures in relation to the delivery of health services, to include the role of the Health and Social Services Group of Welsh Government and the NHS in Wales, including the role of the Welsh Government's Health Emergency Planning Unit, are addressed in my statement which I made in response to request for information (dated 23 November 2022) M01-NHSWALES-01.

Planning and supporting the Welsh Government's response to civil contingencies generally

132. The Covid Recovery & Local Government Group is responsible for developing policy and, in relation to civil contingencies and emergency planning, providing the Welsh Government's operational response to major incidents by establishing and supporting the Emergency Co-ordination Centre (Wales). It is also responsible for making sure local authorities are fairly funded and well governed.

Civil Contingencies and Incident Response

133. The Civil Contingencies and Incident Response Team supports the Welsh Government's capability to plan, prepare for, deal with and recover from, disruptive challenges at national, regional and local levels in Wales. The Team leads and facilitates the Welsh Government's response to civil emergencies. It fosters and maintains links with emergency planners in local authorities, emergency services, utilities companies and other responder agencies as well as other Government Departments and devolved governments in order to co-ordinate the planning for, responses to, emergencies in Wales. To maintain the Welsh Government's co-ordination role, the Team facilitates the Wales Resilience Forum and the Wales Resilience Partnership Team.

Civil Contingencies in Wales

134. Welsh Ministers have provided political leadership in emergency planning through the First Minister chairing the Wales Resilience Forum and have supported the emergency services and other responder agencies in Wales in developing and strengthening resilience. Throughout, the First Minister has held overall responsibility for Civil

Contingencies and Resilience within the Welsh Government with other Ministers responsible for the particular aspects of planning within their portfolios.

Legislative framework for civil contingencies in relation to Wales - Civil Contingencies Act 2004

135. Civil contingencies was not a field where, under the Government of Wales Act 1998, the functions of Ministers of the Crown were transferred to the National Assembly for Wales.
136. Following an extensive review, when the Civil Contingencies Act 2004 (CCA 2004) and its accompanying regulations and non-legislative measures came into force, they set a single framework for civil protection in England and Wales. The National Assembly for Wales had no direct functions under the CCA 2004, except for certain requirements that it be consulted, or that its consent be sought, before the Secretary of State could make regulations. Both statutory and non-statutory guidance was produced by the UK Government to support the application of the CCA across England and Wales.
137. The powers exercisable under Part 1 of the CCA 2004 are now exercised, variously, by Ministers of the Crown, the Welsh Ministers, the Scottish Ministers and the Department for Justice in Northern Ireland. Functions were transferred to the Welsh Ministers under the Transfer of Functions Order 2018/644 which came into force on 24 May 2018 (the TFO).
138. Emergency powers under Part 2 of the CCA 2004 are only exercisable by His Majesty by Order in Council or by a senior Minister of the Crown, which includes the Prime Minister, any of His Majesty's Principal Secretaries of State or the Commissioners of His Majesty's Treasury. The emergency powers are, therefore, strictly reserved to those named above and they are not extended to the Welsh Ministers. If such emergency powers are adopted by the named individuals, they are under a duty to consult the Welsh Ministers: s. 29 CCA 2004. That duty can be disapplied if the relevant senior Minister of the Crown thinks it necessary by reason of urgency.

Regulations made under the CCA 2004.

139. The Civil Contingency Act 2004 (Contingency Planning) Regulations 2005 (the CCA Regulations) came into force on 14 November 2005 and applied to England and

Wales. When they were implemented, Welsh Ministers had no transferred powers under the CCA 2004.

140. The CCA Regulations set out the extent of the duties on responders and how those duties are to be performed. The CCA Regulations require each relevant responder to cooperate with each other, which must include cooperation in the form of a Local Resilience Forum (LRF). Through cooperation, information is shared, and multi-agency plans and risk assessments are prepared and maintained to respond to an emergency situation. Multi-agency LRFs comprising category 1 and 2 responders operate within the four Police force areas in Wales (South Wales, North Wales, Dyfed Powys and Gwent). Category 1 responders are listed in Part 1, 2 or 2A of Schedule 1 to the CCA 2004 (for example, a county council in Wales) and category 2 responders are listed in Part 3, 4 or 5 of Schedule 1 (for example, a water undertaker or sewerage undertaker appointed under section 6 of the Water Industry Act 1991 for an area wholly or mainly in Wales).
141. The CCA Regulations are still in force and, under Article 47(1) of the TFO, they will remain in effect until immediately before the first regulations are made by the Welsh Ministers under the transferred powers in the CCA 2004. Where the Welsh Ministers exercise the power to make regulations under the CCA 2004, they are required to consult the Minister of the Crown before making the legislation (s.14B(2) CCA 2004). Likewise, Ministers of the Crown are required to consult the Welsh Ministers before making legislation which relates to a person or body that exercises functions in relation to Wales (s.14B(1) CCA 2004). To date, the Welsh Ministers have not prepared any regulations or an order under the CCA 2004 (see paragraphs 333 and 334 below).

Concordat

142. To support the Welsh Government's role responding to emergencies, and especially its role under the Emergency Powers part of the CCA 2004, a concordat, **Exhibit AG01M01WG01/097 – INQ000107106**, was agreed between the UK Government and the then Welsh Assembly Government which established an agreed framework of co-operation. Although the concordat is not legally binding, there is an expectation that the parties will cooperate to achieve its aims.

143. Although the concordat has not been updated since the TFO and so it reflects the CCA 2004 as it was enacted, its principal ethos remains the need for cooperation in an emergency response.

Civil contingencies planning in relation to Wales

144. The Welsh Government has built up a close working relationship with LRFs and the responder agencies in Wales. That relationship has developed significantly since devolution. The Welsh Government supports civil contingencies by leading on the coordination of all-Wales multi-agency planning, supporting local activity, and acting as a link between the LRFs and the UK Government on wider planning and response matters. Through this process, there is a fully integrated civil contingencies structure in Wales linking local activity to national initiatives and government. This relatively small civil contingencies community comes together in developing preparedness and, more importantly, acts as a single, cohesive body in responding to wide-reaching challenges. During emergencies, this coordination is undertaken by the Emergency Coordination Centre (Wales) (ECC(W)), which is a facility that is established during an emergency to gather and disseminate information on the development of the emergency so as to ensure effective communication between local, pan-Wales and UK levels.
145. Where an emergency occurs in Wales and the Welsh Ministers have the statutory powers to address the emergency, there will often be little, if any, involvement for UK Government. Where an emergency occurs in Wales and its scale and impact is more significant or far-reaching, some degree of UK Government coordination and support may be necessary. The level of UK Government involvement will vary and could range from a lead government department offering only advice and support, to the activation of the full-scale central government crisis management machinery. The UK Government's response to a significant or serious emergency is underpinned through use of COBR (the Cabinet Office Briefing Rooms), the physical location, usually in Westminster, from which the central response is activated, monitored and co-ordinated and which provides a focal point for the UK Government's response and an authoritative source of advice for local responders. The role and organisation of COBR is explained in "Responding to Emergencies – The UK Central Government Response - Concept of Operations" together with the liaison between COBR and others (see section 3). **Exhibited at AG01M01WG01/098 – INQ000116539** is a copy

of “Responding to Emergencies – The UK Central Government Response - Concept of Operations”.

146. In terms of planning for flu pandemics and because of its likely scale and impact, the Welsh Government has sought to work closely with the UK Government and other devolved governments to provide an integrated response to the threat. The Health and Social Services Group leads the Welsh Government’s participation in a formal four nations health resilience structure to support health emergency planning. This includes the UK Chief Medical Officers (CMOs) Group and specific UK Health Groups to address, for example, NHS Emergency Planning and Response arrangements and Pandemic Influenza.
147. The four nations approach was agreed in the UK Influenza Pandemic Preparedness Strategy 2011. It promoted mutual aid, the coordination and harmonisation of procedures and equipment and the maintenance of UK stockpiles. Since it was agreed, regular meetings have been held across the four nations for planning and response. Welsh Ministers have been consulted as part of the four nations approach to pandemics. This involved a number of COBR meetings, including Exercise Cygnus (2016).
148. ‘Emergency Response and Recovery’, the non-statutory guidance supporting the CCA 2004 sets out that the key principle governing the response to most emergencies is based on subsidiarity. Thus, generally, the most effective response is managed at the most local level where the clearest understanding of the situation exists. In such cases, it is the role of the Welsh Government to provide any assistance it can to support the local level response by drawing upon wider resources where required and linking in with the UK Government for broader national support where appropriate. However, in respect of pandemics, the threat emerges primarily from other parts of the world and its impact is more wide-reaching. In this situation, leadership and decision-making is provided by government with the local level implementing those decisions on the ground. On such occasions, the Welsh Government plays a coordination role by integrating the required response across the four LRF areas in Wales. Both scenarios are addressed in the Pan-Wales Response Plan (PWRP). A copy of the PWRP is **Exhibited at AG01M01WG01/099 – INQ000107119.**

The Constitutional Context

149. At the time of devolution in Wales in 1999, the majority (but not all) of Minister of the Crown functions in relation to healthcare were devolved. As set out above, powers relating to civil contingencies were not devolved.
150. When the CCA 2004 was brought into force, the National Assembly for Wales (as it was then constituted) was given only limited powers in respect of civil contingency planning. In the context of pandemic planning, although the Welsh Government from the end of May 2007 (and the National Assembly before that date) had been able to exercise a broad set of statutory powers in relation to public health planning, the NHS and the adoption of appropriate health counter-measures, until some functions under the CCA 2004 were transferred to it on 24 May 2018, the Welsh Government had limited powers to direct planning more broadly in terms of general civil contingencies. The development of national plans, structures and processes had to be undertaken without specific powers, or funding, to monitor compliance and to seek assurance of general preparedness across all agencies.
151. Although the CCA 2004 and its accompanying regulations provided a single framework for civil protection in the UK, there were fundamental differences in how these provisions were applied in Wales in terms of planning, response and recovery. These differences were reflected in the statutory and non-statutory guidance produced to support the Act by the UK Government to support the CCA 2004.
152. The statutory guidance entitled 'Emergency Preparedness' (**Exhibited at AG01M01WG01/100 – INQ000116497, AG01M01WG01/101 – INQ000116491, AG01M01WG01/102 – INQ000116501, AG01M01WG01/103 – INQ000116533, AG01M01WG01/104 – INQ000116572, AG01M01WG01/105 – INQ000116567, AG01M01WG01/106 – INQ000116538, AG01M01WG01/107 – INQ000116500, AG01M01WG01/108 – INQ000116490, AG01M01WG01/109 – INQ000116545, AG01M01WG01/110 – INQ000116507, AG01M01WG01/111 – INQ000116526, AG01M01WG01/112 – INQ000116534, AG01M01WG01/113 – INQ000116527, AG01M01WG01/114 – INQ000116583, AG01M01WG01/115 – INQ000116505, AG01M01WG01/116 – INQ000116551, AG01M01WG01/117 – INQ000116495, AG01M01WG01/118 – INQ000116494, AG01M01WG01/119 – INQ000116512, AG01M01WG01/120 – INQ000116499, AG01M01WG01/121 – INQ000116482 and**

AG01M01WG01/122 – INQ000116576) sets out what the duties contained in the CCA 2004 require and how they should be carried out. Chapter 11 is the guidance provided specifically for Wales. By the outbreak of the Covid-19 pandemic, Chapter 11 had not been updated since October 2011 and did not reflect the changes made to the CCA 2004 following the transfer of functions in 2018. In the same way, Chapter 11 on the arrangements in Wales contained in 'Emergency Response and Recovery' **Exhibited at AG01M01WG01/123 – INQ000116561**, the non-statutory guidance supporting the Act, had not been updated since October 2013.

153. After the entry into force of TFO, broadly speaking, Welsh Ministers were given the power to issue guidance in relation to the civil contingency duties, monitor compliance of the duties of Category 1 and 2 responders listed in parts 2A and 5, respectively, of Schedule 1 (the devolved Welsh responders), and to enforce duties of the devolved Welsh responders under the CCA 2004 by way of proceedings in court. Additionally, after consultation with the relevant Minister of the Crown, Welsh Ministers were able to make regulations, orders and directions, for the most part in relation to Category 1 devolved Welsh responders, but in some respects in relation to all devolved Welsh responders. The Welsh Ministers were able also to make an order amending the list of devolved Welsh responders (s. 13 CCA 2004). However, despite the requests of the Welsh Government, no additional funding from the UK Government was provided. **Exhibited at AG01M01WG01/124 – INQ000128966** is a copy of a letter from the First Minister to the Rt Hon Damian Green, First Secretary of State and Minister for the Cabinet Office dated 23 June 2017. That meant the cost of all civil contingencies work undertaken after the introduction of the TFO, including the wider pandemic planning, had to be met from existing Welsh Government budgets.

Assessing the Risk

154. Since 2005, the pandemic planning work undertaken in Wales, as in the UK as a whole, has been based on a national risk assessment produced by Cabinet Office. There is both a published summary, the National Risk Register (NRR), which provides public information on the risks, and a more detailed, classified version, the National Security Risk Assessment (NRSA), to assist practitioners to prepare for different risks.
155. Within the assessments produced by the UK Government, the seriousness of the risk is determined by the likelihood of its occurrence and the expected impact were it to

happen. Each iteration of the register has identified pandemic flu as the highest risk because of its potential high impact and reasonably high probability. However, while the assessments and planning assumptions draw on patterns of pandemics from the past, the versions of the registers in existence at the time of the Covid-19 outbreak did not envisage the longevity and impact of a non-influenza novel virus such as Covid-19.

156. The more detailed work of assessing the impact of the risk at local level, along with the associated and contingent risk arising from that work for communities in Wales, has been undertaken at the LRF level using the assessments and planning assumptions produced by the Cabinet Office. Under the CCA 2004, Category 1 responders in the LRFs have a statutory duty to produce and publish Community Risk Registers (CRRs).
157. At the national level in Wales, risk assessment has been coordinated since the introduction of the CCA by the Wales Risk Group comprising Welsh Government officials and multi-agency representatives from the four LRFs. The purpose of the Group has been to bring the risk planning leads together to share information and good practice and to ensure risk is undertaken on a consistent basis across the LRFs. The Group reviews the assessments and planning assumptions produced by the Cabinet Office and collectively agrees and monitors the implementation of consistent risk assessment arrangements by LRF Risk Groups in Wales; it uses the LRF Risk Registers to make recommendations on Wales-wide gaps in planning, training and exercises, and it risk assesses the multi-agency consequences of emerging Wales-wide hazards or threats.

Pandemic Influenza Risk Assessment

158. In 2009, in response to the emergence in the UK of the influenza virus known as H1N1, commonly referred to as Swine Flu, specific planning assumptions were issued by the UK Cabinet Office, DHSC and the Welsh Assembly Government, jointly, which provided a common agreed basis for planning across all public and private sector organisations. **Exhibited at AG01M01WG01/125 – INQ000116473** are copies of the planning assumptions issued together with the covering letter. These planning assumptions, which based on analysis and modelling of data from both inside and outside the UK, stressed that the response arrangements needed to be flexible enough to deal with the range of possible scenarios up to a possible reasonable worst-case and be capable of adjustment as they were implemented. These assumptions

were based on the early learning from the swine flu outbreak, which had demonstrated the unpredictability of flu pandemics and the requirement for flexible planning to address the risk. Swine flu was not as severe as that contemplated within the planned scenarios, nonetheless it highlighted the need for plans to cover the full range of possible impacts. This was subsequently reinforced in the UK Influenza Pandemic Preparedness Strategy 2011 (the 2011 flu strategy) where planners were advised, for example, to adopt a reasonably practical and precautionary approach in planning for between 210,000 and 315,000 excess deaths across the UK over a 15-week period. **Exhibited at AG01M01WG01/126 – INQ000116441** is a copy of the 2011 flu strategy.

159. The 2017 National Risk Register (**Exhibit AG01M01WG01/127 – INQ000116553**) provided a more varied assumption when it stated that the possible consequences of a flu pandemic could include up to 50% of the UK population experiencing symptoms, potentially leading to between 20,000 and 750,000 fatalities. There was also a change of terminology within the 2020 National Risk Register (**Exhibit AG01M01WG01/128 – INQ000116535**), with the consequences being seen as up to half the population falling ill to flu “or flu-like illness” potentially leading to “up to hundreds of thousands of deaths across the UK.” Additionally, the assessment refers to significant numbers of deaths across multiple waves during a future pandemic caused by another novel virus and not a flu or flu-like illness.
160. Overall, the assessment for a flu pandemic changed little over the previous decade before Covid-19. Whilst there were subtle changes in the assessments and planning assumptions, it remained the highest risk which required a high level of planning and exercising. The 2020 NRR reflected the change in circumstances from Covid-19 and the risk posed by other infectious diseases, but it still assesses the risk of a new infectious disease other than COVID-19 spreading across the UK as lower than that of a flu pandemic.

Welsh Government Corporate Risk

161. The Welsh Government recorded pandemic flu as a risk on its Corporate Risk Register from 2011 until 2015 [**Exhibit AG01M01WG01/148 – INQ000128968**] at which point it was included within the wider risk entitled ‘disruption events’ within the Corporate Risk Register for 2015. A more generic risk was considered appropriate because of the many emergencies that the Welsh Government potentially faced. To ensure the

Corporate Risk Register remained manageable and relevant, it focused more on highly likely risks and risks highly likely to impact negatively on those business areas falling within the Welsh Government's responsibilities. Specific pandemic events were scored as a one in 30 to 35 years event and so pandemic influenza was considered a relatively less probable risk to the functioning and role of the Welsh Government. Therefore, a more general emergency risk was introduced which reflected the additional responsibility and accountability the Welsh Government had from its new functions under the Part 1 of the CCA 2004.

162. Although the Corporate Risk Register had changed its focus on the pandemic flu risk ahead of the outbreak of Covid-19, the Health and Social Services Group still recorded and monitored specific control measures on the risk in its departmental risk register. This register includes health resilience to national risks and the measures taken to mitigate their impact, including pandemic influenza which is identified as the highest risk.
163. The Welsh Government's view of the risk of pandemic flu changed over the decade following the swine flu outbreak, from being identified within a high-level corporate risk to one being included on a list of potential emergencies classified as disruption events. However, over this time, the risk was assessed and monitored on a more detailed level by the Health Department within the overall disruption event risk, with a structure in place to determine the extent to which control measures needed to be implemented at the corporate level whenever the assessment changed. As with most of the risks assessed at the time, the focus of the corporate and departmental registers shifted in the years leading up to Covid-19 focusing on highly proximate risks and, in the case of the UK exiting the EU without a deal, a significant practical operational response (see paragraphs 262 to 270 below).

Development of Strategies and Guidance

164. Most of the early response plans and structures were set out in the National Framework for Responding to an Influenza Pandemic (2007) (the 2007 Framework) **Exhibited at AG01M01WG01/129 – INQ000116537**. The assumptions helped to determine the actions the Government should take against a pandemic influenza 'worst-case' scenario and how detailed plans had to be developed at the local and regional level. However, although tried and tested, the planning assumptions within the

2007 Framework were based on experiences of pandemic influenza and what was scientifically known at the time. They were, therefore, fundamentally different to the scale of Covid-19.

165. Following the Swine Flu pandemic, the recommendations made in the independent review of the UK response to the 2009 influenza pandemic conducted by Dame Deirdre Hine FFPH FRCP (the Hine Review) **Exhibited at AG01M01WG01/130 - INQ000116479** led to the UK agreeing the 2011 flu strategy (as above **Exhibit AG01M01WG01/126 – INQ000116441**) which superseded the 2007 framework. Although the strategy was not substantively different from the 2007 framework, it shifted the focus to rapid and accurate assessments of the virus and proportionate plans. The ‘reasonable worst-case scenario’ was no longer the focus and plans were to be more flexible and adaptable to include consideration of the impact of mitigating measures. The planning assumptions adopted by the strategy varied little from previous guidance, with little evidence to support the wearing of facemasks in public, no government plans to close borders or restrict mass gatherings, and a general policy of not closing schools.
166. The strategy was adopted by devolved governments and underpinned all planning undertaken on a UK-wide basis from that time and continued to act as the basis of national planning at the outbreak of Covid-19.
167. To supplement the Framework, the Cabinet Office published a ‘National Planning Assumptions Assessment Tool’ in March 2011 to assist local planners by facilitating the application of National Planning assumptions to the local setting. It also published a ‘Pandemic Influenza Checklist for Businesses’. This was followed in July 2013 by ‘Preparing for Pandemic Influenza Guidance for Local Planners’. The guidance advocated a more flexible approach being adopted by local planners, with the timing of introduction and cessation of response measures being determined by local indicators, rather than the WHO phases previously used.
168. The Wales Framework for Managing Major Infectious Diseases Emergencies was originally produced in 2005 (**Exhibit AG01M01WG01/131 – INQ000116558**) and updated in 2009 and then in 2012 (**Exhibit AG01M01WG01/132 – INQ000116523**). In 2014, alongside the guidance being published on an England and Wales basis by the UK Government, the Welsh Government updated the framework and produced the

'Wales Health and Social Care Influenza Pandemic Preparedness & Response Guidance'. **Exhibited at AG01M01WG01/133 – INQ000116503** is a copy of the Guidance. These documents built on the lessons learned from the Swine Flu pandemic and the emerging scientific evidence at the time. Both were aligned closely to the 2011 strategy.

169. Before this, in March 2011, the Welsh Government and Public Health Wales published jointly a Communicable Disease Outbreak Plan for Wales (**Exhibit AG01M01WG01/134 – INQ000128967**). This was a model outbreak plan which was used as a template for managing all communicable disease outbreaks with public health implications across Wales. This was updated in 2014 (**Exhibited at AG01M01WG01/135 – INQ000116459**) and published by the Welsh Government and updated and published again in July 2020 and in July 2022. **Exhibited at AG01M01WG01/136 – INQ000116458** and **AG01M01WG01/137 – INQ000116529** are copies of the plans as published in July 2020 and July 2022.
170. In addition to guidance produced specifically on pandemic flu preparedness, work was also undertaken throughout this time to further develop expert scientific advice to support senior decision makers in Wales deal effectively with the immediate and longer-term consequences of complex emergencies. 'The provision of scientific and technical advice in Wales', first produced in April 2010, aligned itself with the principles set out in the Scientific and Technical Advice Cell (STAC) developed by the UK Government in 2007. **Exhibited at AG1M01WG01/138 – INQ000107125** is a copy of 'The provision of scientific and technical advice in Wales' 2019.
171. The STAC is constructed to be flexible enough to cope with the differing circumstances and characteristics of each emergency and draws on the full range of expertise available. Coordinated in such a way to support timely decision making, it is established where there is a specific need for scientific advice locally to support a Strategic Coordinating Group (SCG) and, where necessary, link via the Welsh Government to the Scientific Advisory Group for Emergencies (SAGE) at the UK level.
172. In the 2010 arrangements, it was stated that where emergencies had national impact such as a flu pandemic, the required scientific and technical advice may be provided to Government from SAGE. This could be augmented by groups established by the Welsh Government to provide specific advice in areas of devolved responsibility. In the

updated document produced in July 2019, the interaction between STAC and SAGE was more clearly defined, with the concept of a Wales STAC for wide-impact emergencies being introduced. (see **Exhibit AG1M01WG01/138 – INQ000107125**).

173. These arrangements, while appropriate for providing rapid scientific and technical advice to SCGs on known science, for fast-moving, sudden impact events, did not provide a suitable mechanism for advice for the response to Covid-19. Neither did the overarching SAGE arrangements provide nuanced advice for the circumstances which existed in Wales. This was because SAGE operated on commissions it received specifically from the UK Government, leaving a gap in Welsh Ministers obtaining Wales-specific advice. It also had limited representation from the Welsh Government. Consequently, new arrangements needed to be established to provide advice to Welsh Ministers on decisions to be taken explicitly in Wales. Adapting a concept identified in the terms of reference for SAGE, the Welsh Government set up the Technical Advisory Group (TAG), as an independent expert scientific advice group, and a Technical Advisory Cell as an operational body to lead and support it.

174. In the 20 years before Covid-19, a number of guidance documents were produced on pandemic influenza preparedness. There was a pattern of guidance being reviewed ahead of major national exercises and then adapted from the lessons identified. As well as the lessons learnt, these changes also reflected the emerging science and the assessment of risk at the time, and this set the foundation for all planning activity and the direction taken by each plan. This was also the case for real events such as Swine Flu when the overall approach to pandemic flu planning was fully reviewed.

175. Although a similar pattern of reviewing and amending guidance was applied to Exercise Cygnus in 2016, and a UK Programme subsequently established to take work forward, the emergence of new guidance was delayed due to the very substantial operational preparations required to support the UK EU Exit preparations. For example, work had commenced in 2018 at the UK level to update 'Pandemic Influenza: Guidance on the management of death certification and cremation certification 2012', but this was delayed because those involved were re-deployed to Operation Yellowhammer. It was not until March 2020 that the 'Managing the Deceased During a Pandemic: Guidance for planners in England' was published and Wales published its own equivalent guidance.

176. While a more consistent approach to flu preparedness would have been preferable during this period, rather than the exercise driven surges in activity, the reality was that it had to compete with a range of other priorities and operational responses. The people involved in developing flu preparedness were largely those involved in planning and responding for all other risks in a small emergency planning community. There was never the opportunity or funding to have a team which could work permanently on wider pandemic flu preparedness given the competing priorities of having to plan for other risks with a greater proximity or likelihood.

Planning Structures

177. An organogram setting out the Wales Resilience Group Structure is **exhibited** as **AG01M01WG01/139 – INQ000116450**.

Governance Structure: Wales Level

178. The governance structure in Wales has been predicated on maintaining close working relationships across all agencies at all levels, with the Welsh Government providing leadership from the centre by coordinating and supporting capability development. The structure has allowed agencies to continually improve emergency planning at local, regional and national level.
179. As set out above, the Wales Resilience Forum (WRF) was created in advance of the introduction of the CCA 2004 and in recognition of the need for the Welsh Government to exercise de facto leadership in emergency planning. The aim of the WRF was to promote good communication and the enhancement of emergency planning across agencies and services in Wales by providing a forum for Chief Officers to discuss with Welsh Ministers strategic issues of emergency preparedness. The WRF now sits at the head of a broad, interlinking structure covering both civil contingencies and national security (CONTEST). Chaired by Welsh Ministers, currently the First Minister, the WRF is made up of senior leaders of partners who may have a role in any response [**Exhibit AG01M01WG01/149 – INQ000107116**].
180. Although the WRF met once during Covid-19, its purpose was to share information and provide assurance rather than as a strategic decision-making body. This is in keeping with the principle that the WRF is fundamentally a planning body with no specific response function under the PWRP.

181. The Wales Resilience Partnership Team (WRPT) supports the WRF by acting as a mechanism for assessing the implications for Wales of the resilience work produced through the UK Capabilities Programme by adapting this work into a programme of work for Wales. The team recommends to the WRF appropriate actions to be taken in Wales in the light of the assessments made and has set up a number of subgroups to take this work forward. Prior to Covid-19, a national task and finish group to coordinate planning for pandemic flu was included within this structure [**Exhibit AG01M01WG01/150 – INQ000107115**].
182. A key function of the WRPT is to produce a core framework for capability development in Wales and to advise the WRF on progress. In particular, it advises on arrangements for dealing with 'mass impact' challenges where appropriate (i.e. incidents with the potential to overwhelm the capacity of responders in a single LRF area) and, with approval from the WRF, to issue guidance to planners'. To achieve this, the WRPT horizon scans and risk assesses possible threats to Wales and advises the WRF. The WRPT manages a number of subgroups designed to build various capabilities against various threats. **Exhibited at AG01M01WG01/151 – INQ000107144** is the WRF Business Plan 2016-2019 (Draft version 1.1 June 2015).
183. The Joint Emergency Services Group (JESG) was formed shortly after the introduction of the CCA 2004. It brings together all the emergency services, the Welsh Government and armed forces in Wales at the most senior level to consider how to take forward their joint contribution to civil protection in Wales. Since 2019, the Chief Executive of the NHS in Wales has also been a member of the group. Although the focus of JESG has always been more on the delivery of operational services and the compliance with duties under the CCA 2004, it has also been a key strategic decision-making body on initiatives designed to continuously improve how resilience is developed in Wales. Although the group has no statutory role under the CCA 2004, it has the potential to add value while not usurping the authority of the LRFs in planning and the SCGs in response. Since its formation, JESG has broadened its remit beyond emergency planning to cover all aspects of cross-service cooperation [**Exhibit AG01M01WG01/152 – INQ000107109**].
184. During Covid-19, JESG met 25 times during 2020 and 16 times in 2021. These meetings were invaluable in terms of shared situational awareness provided by the

NHS Wales Chief Executive and also through agency updates which were an important tool in assessing the pressures across agencies. The meetings were supplemented by senior Welsh Government briefings to provide greater understanding of the trajectory of the pandemic and its likely impacts.

185. The Wales Local Authorities Civil Contingencies Manager's Group provides a forum to develop and progress collaborative working on civil contingency issues within local government across Wales [**Exhibit AG01M01WG01/153 – INQ000128969** and **Exhibit AG01M01WG01/154 – INQ000128970**]. While not a statutory body, the group shares information and delivers good practice in a consistent way across local government. In terms of pandemic flu preparedness, the group acts as a mechanism for assessing the implications on local government of emerging risks, and the adaptation of guidance for local government services such as social care and education.

Governance Structure: Local Level

186. Following the introduction of the CCA 2004, LRFs were established in Wales as they were in England. Under the Act, all Category 1 responders in Wales had a duty to cooperate with each other, and the LRF was the principal mechanism used to achieve this. The LRF is a statutory process rather than a statutory body, but it does have the role of bringing agencies together within police force areas to produce multi-agency plans.
187. Each area has a planning structure with the LRF acting as the senior level strategic group, supported by a tactical level coordinating group, and various subgroups whose purpose is to develop capabilities or produce response arrangements to addressing specific risks. Every LRF has a pandemic flu preparedness group, or a broader infectious diseases group, to develop local plans. In each case, either Public Health Wales or Health board officials will, generally, chair these groups based on the "lead responder" principle set out in the guidance "Emergency Preparedness" (see paragraph 152 above) as the subject matter expert best placed to manage the assessment of risk and coordinate multi-agency planning.

188. To facilitate cooperation, consistency and good practice across LRF areas in Wales, the LRFs not only participate as substantive members of all-Wales groups under the WRPT, influencing policy and the approach taken to various initiatives, but also work between themselves through the LRF Chairs Group and LRF Co-ordinators Group. Chaired by the JESG coordinator from its inception in around 2007, the LRF Co-ordinators Group provides support and shared knowledge across the LRF Co-ordinator community to enhance the delivery of civil protection in Wales. The group not only shares information and best practice, and encourages participation on resilience events between LRFs, it also looks at ways in which the pooling of resources and expertise, can be maximised at both local and pan-Wales levels. In the same way, the LRF Chairs Group provides a more strategic level approach on collaboration and co-operation across the LRFs.

Pandemic Influenza Planning Groups

189. In November 2011, by which time there had been a number of reviews into Swine Flu, it was agreed by the Wales Resilience Partnership Team that a Wales Pandemic Flu Task and Finish Group should be established to consider the recommendations arising from the 2009 Swine Flu pandemic with a view to developing an action plan to progress future planning for flu pandemics. The group was led and chaired by members of the Welsh Government's Health Department, and with membership representing the Welsh Government's Resilience Team, the LRFs, NHS Wales, Public Health Wales, the Police and JESG **[Exhibit AG01M01WG01/155 – INQ000107171]**. The work of the group culminated in the testing of the reviewed plans during Exercise Cygnus in Wales in 2014. It was also used as the basis of wider Exercise Cygnus in 2016, which tested not only the multi-agency response, but also the arrangements for the distribution of Wales' health countermeasures and the operation of the National Pandemic Flu Service.

190. Following these exercises, and in light of the lessons identified (see paragraphs 247 to 261 below), the WRPT delegated overall responsibility to the Wales Pandemic Flu Preparedness Group for taking forward the recommendations, and for liaison with the appropriate groups charged with specific tasks. This group reported to the WRPT and WRF on progress made against the recommendations **[Exhibit AG01M01WG01/156 – INQ000107112]**. During the following two years, the Group continued to work with the LRFs to implement the Cygnus report recommendations in local and all-Wales plans.

LRF plans were validated against a checklist prepared by the Welsh Government which was circulated to LRFs to inform their planning [**Exhibit AG01M01WG01/157 – INQ000128971**]. This work was ongoing at the time the UK Government established its Pandemic Flu Review Board to take forward recommendations from Exercise Cygnus nationally. The Welsh Government, represented by members of the Health Department, became a member of the board and actively engaged in its subgroups, keeping LRFs informed on the work being undertaken via the Wales Pandemic Preparedness Group. The key areas covered by the national board were:

190.1. Health Care Demand: A key issue during Exercise Cygnus was the surge in demand for critical care and the options available to Chief Medical Officers who met during the Exercise to agree the way forward. Subsequent to the Exercise, the UK Department of Health and Social Care and NHS England were tasked with providing information to assist potential decisions during an extreme pandemic influenza scenario in response to sustained pressure on the NHS. This work was being finalised at the beginning of 2018.

190.2. Social Care Demand: The outcomes of the work of this subgroup were closely monitored by the Welsh Government with consideration being given to reviewing and amending the Pandemic Influenza “Framework for Local Authorities and Social Services Providers” previously issued in Wales. The Wales Health and Social Care Pandemic Flu Planning and Response Guidance, agreed by Wales Directors of Social Services, also required a review. The Welsh Government pandemic health countermeasures arrangements also included making countermeasures available to front line social care staff through the local government structures.

190.3. Sector Resilience: Work was undertaken to examine the resilience of devolved sectors to a flu pandemic, the impact on staffing resources and the delivery of services that such an outbreak would entail. Directorates were asked to provide information on the work being undertaken specifically in the Education, Transport, Water, Fire and Rescue, Health, and central and local government sectors. In terms of health engagement, Local Health Boards and NHS trusts in Wales were consulted on their business continuity arrangements. These arrangements built on a range of UK wide health measures that supported NHS resilience, including NHS clinical networks and mutual aid, health counter

measures that help protect NHS staff, and the public, and the National Pandemic Flu Service.

190.4. Cross-Cutting Enablers (Legislative Vehicle) - During Exercise Cygnus, the Welsh Government worked with the Cabinet Office in identifying devolved and reserved areas of legislative asks. As part of the review, Welsh Government officials were fully involved in the work to establish a Pandemic Flu Bill that would be readily available to pass into legislation in the event of a pandemic.

190.5. Excess Deaths: The lowering of the target capacity on excess deaths following Swine Flu allowed local planners to conclude that the funeral industry would be flexible enough to cope. To supplement this, there were arrangements in place to increase crematoria capacity to deal with excess numbers and other plans in place to make the process more effective. Using Exercise Cygnus as a trigger, further work was commenced with the LRF Groups to reinvigorate the work on dealing with excess deaths at the local level.

190.6. Communications: Work was undertaken at the UK level to revise the UK Communications Plan in the light of the findings of Exercise Cygnus. Information relating to Wales in this plan was updated following further consultation with the Health Board Heads of Communications, Welsh Government Press Office, CMO and the Chief Executive of NHS Wales. This included considerations on how to address fast-moving areas of social media and the need for all public messaging to be bilingual.

191. The Wales Pandemic Flu Preparedness Group last met in January 2018 when commitment to Operation Yellowhammer took priority. The work of the Pandemic Flu Review Board at the UK level was affected in a similar way.

Welsh Government Coordination

192. The Welsh Government has a central coordinating role at the all-Wales level in response to emergencies. It continuously seeks to ensure it provides appropriate leadership on an all-Wales level in developing resilience and that it supports the response at the local level to any emergency where it can add value. It also supports

the consequence management of incidents, particularly in those areas which fall within devolved responsibility, as well as acting as a link with the UK Government.

193. To support the WRF, WRPT and the all-Wales sub-groups, the Welsh Government established a Resilience Team following devolution to coordinate resilience activity at the all-Wales level and to establish the links required between local responders and Whitehall. The Resilience Team provides representation at all LRF and LRF Coordinating Group meetings, as well as acting as a link with national capabilities groups established by Cabinet Office at the UK level.
194. From the outset, the Resilience Team facilitated cross-Departmental planning and response within the Welsh Government and actively engaged with the Civil Contingencies Secretariat, other UK Government Departments and the Scottish and Northern Irish governments. The Resilience Team represented the Welsh Government on a number of the UK Boards established to strengthen capabilities and acted as a link between these Boards and local planning for those capabilities in Wales.
195. When the Resilience Team was established following devolution, the staffing resources numbered no more than half a dozen, and it was located within the Community Safety Division throughout the pre-pandemic period. The resources allocated to the function reflected the fact that civil contingencies were not devolved. However, the First Minister at the time, Rhodri Morgan, recognised that even though no formal powers had been transferred, he had a de facto leadership role play in civil contingencies in Wales. It was therefore the role of the Team to support the First Minister in this function and to co-ordinate the all-Wales civil contingencies structures.
196. Prior to the Welsh Ministers (Transfer of Functions) Order 2018 (TFO), staffing resources for the Resilience Team stood at eight, and the Team continued to be located within the Community Safety Division under Deputy Director, Martin Swain, who was also responsible for Fire Policy, Crime, Justice, Policing, Prisons, Emergency Services Mobile Communications Programme, Cyber Resilience, Modern Slavery and Armed Forces. The Deputy Director role was taken over in 2019 by Karin Phillips and Gary Haggaty working on a job share basis.

197. The Internal Audit Services Report produced after the TFO recognised the challenges on the resources of the Team in carrying out the new duties and activities required to support Ministers' responsibilities. Despite the case for additional resources being made in an exchange of letters between the then First Minister, Carwyn Jones, and First Secretary of State and Minister for the Cabinet Office at this time [**Exhibit AG01M01WG01/124 – INQ000128966**], no funding was transferred to the Welsh Government to support the additional responsibilities.
198. Given the breadth of responsibilities falling to the Division and the associated operational activity, without an associated increase in resources there was a risk for Welsh Ministers which was escalated by the Director to the Welsh Government Audit and Risk Committee [**Exhibit AG01M01WG01/158 – INQ000128972** and **Exhibit AG01M01WG01/159 – INQ000128973**]. As a consequence, the Permanent Secretary found resources from within Welsh Government budgets to extend the Team to 14 staff members and it continued to be led by a Head of Unit, at Grade 6 level, who also had responsibility for cyber resilience and modern slavery in support of the Deputy Director.
199. In 2021, recognising the extreme and sustained pressures on the Team, as well as the need to learn early lessons for the Pandemic, the Resilience Team was expanded to become a self-standing Division. This new division – bringing together Civil Contingencies, National Security and Cyber Resilience to form the Civil Contingencies and National Security Division - was now led by a SCS grade Deputy Director for the first time in Ffion Thomas, and staffing resources totalled 25.
200. In 2022, following a wider reorganisation of senior structures by the new Permanent Secretary, Andrew Goodall, CCNS was brought together with the Community Safety Division and the Covid Recovery and Restart Division to form a new Directorate. Liz Lalley was appointed to lead that as Director for Risk, Resilience and Community Safety, working to support Reg Kilpatrick the Director General, Covid Recovery and Local Government. Prior to the reorganisation, between 2017 and 2020, the Community Safety Division had been within the Directorate for Local Government, Director Reg Kilpatrick, which formed part of the Education and Public Services Group, led by Director-General Tracey Burke. In May 2022, to reflect the steps being taken by the Welsh Government to the strengthen its overall approach to civil contingencies

and national security matters, the Minister for Finance and Local Government was asked to approve the transfer of budgets from Finance & Local Government to Corporate Services & Administration to support the work of CCNS Civil Contingencies and National Security Division in order to build resilience, look to improve the way we work and have access to the right experts [**Exhibit AG01M01WG01/160 – INQ000128974**].

201. Alongside the Resilience Team, the Welsh Government also established a Health Emergency Planning Unit (HEPU) which primarily coordinated planning across NHS Wales but also worked closely with the Resilience Team on wider planning commitments such as multi-agency pandemic flu preparedness (see the section entitled “The Health Emergency Planning Unit” in the statement provided by me to the Inquiry to address Request M01-NHSWALES-01). It also provided advice internally to the Health Group and Minister for Health. In conducting this work, the HEPU maintained an active Wales NHS Emergency Planning structure, involving a network of planning teams from the Health Boards, Ambulance Service and Public Health Wales and had other working links with Digital Health and Care Wales, NHS Wales Shared Service Partnership and the Welsh Blood Service. The HEPU operated an annual baseline budget (capital and revenue) of over £10.5m. This budget funded a range of emergency preparedness activities in NHS Wales. The work of HEPU now sits within the new Health Protection Directorate within the Health and Social Services Group that will link with the emergency planning work of the NHS through the NHS Executive from April 2023.
202. The HEPU worked very closely with the UK Government Department of Health and Social Care (DHSC) and other UK Health Departments on health resilience matters, including working with the Civil Contingencies Secretariat on Pandemic Influenza. The HEPU took part in the UK Four Countries Health Emergency Planning Policy Leads Group, chaired by the DHSC, which has met regularly over several years to discuss cross government and health resilience matters. Additionally, HEPU was also engaged on a number of UK health countermeasures and working groups to maintain the integrated approach advocated under the UK Pandemic Flu Strategy.
203. The HEPU and Resilience Team jointly chaired the all-Wales Pandemic Flu Groups and the HEPU led on engagement for Wales on the pandemic flu planning at the UK

level via the DHSC. I address HEPUs role and functions in relation to emergency planning during the period from 2009 to 2020 in in the statement I have prepared in response to request M01-NHSWALES-01.

204. To facilitate collaboration and ensure an effective emergency response across Welsh Government Departments, a Civil Contingencies Group (CCG) was established in around 2006 to bring together a focused grouping of senior policy officials to discuss strategic issues of emergency preparedness [**Exhibit AG01M01WG01/161 – INQ000128975**]. As well as giving strategic leadership to integrated planning across Departments, the CCG manages the internal response to emergencies and considers whether wider stakeholder attendance is required. Where this is agreed, the Group is reconstituted formally as the Wales Civil Contingencies Committee (WCCC) under the terms of the Pan-Wales Response Plan. The CCG also provides strategic direction to, and oversight of, a Resilience Steering Group that draws on representation from all Welsh Government departments and is focused on the operational aspects of emergency planning [**Exhibit AG01M01WG01/162 – INQ000107114**].

Governance Structure: UK Government Level

205. The Welsh Government has worked closely with Cabinet Office since the Civil Contingencies Secretariat (CCS) was established in 2001. Given the nature of the devolution settlement and the evident need for most planning to be undertaken on a UK-wide basis because of the impact and likely resources needed to respond to most emergencies, this relationship needed to be pragmatic, open and fully integrated. The Welsh Government worked in partnership with the CCS on the development of the CCA and on developing the Resilience Capabilities Programme to increase its capability to respond to, and recover from, civil contingency events in the UK. This was achieved by understanding what capabilities were needed to deal with the consequences of emergencies, regardless of whether those emergencies were caused by accidents, natural hazards or human-made threats. The programme then coordinated cross government efforts to build capabilities.
206. The Cabinet Office is a permanent member of the WRF and reports on initiatives being taken forward at the UK level at each meeting. This allows CCS to engage directly with senior representatives of responder agencies in Wales as well as Welsh Ministers.

207. In addition to Welsh Government officials being permanent members of the UK Resilience Capabilities Programme Board, and observers at the officials' level of the National Security Council, there have also been regular meetings between the Welsh Government, Cabinet Office and the other devolved governments. Officials engage with the UK Government through periodic senior officials' meetings and ad hoc engagement as required in a crisis, often addressing specific risks or issues. Welsh Ministers have been invited to join COBR meetings in relation to some national events, including preparations for exit from the EU, severe weather events and the early days of the pandemic. A senior Welsh Government official was invited to sit on the Threats, Hazards, Risks and Contingencies (THRC) officials' group, an officials' sub group of the National Security Council, which provided regular engagement around the UK strategic approach to these issues. However, despite the acknowledgement that threats, risks, hazards and the contingency response was to all intents and purposes a four-nation endeavour, Welsh ministers were not invited to the National Security Committee itself. The THRC structures have since been dismantled.
208. In the past, there were regular meetings with the Wales Office to join-up working on planning and response. The Welsh Government also has direct links with Lead Government Departments where the sector is not devolved and continues also to work closely with the DHSC on pandemic flu preparedness. The nature and extent of engagement is currently evolving as Welsh Government reviews its approach to civil contingencies in Wales and as the Civil Contingencies Secretariat in UKG moves into the implementation phase of the UK Government Resilience Framework

Structure Review

209. The emergency planning structures which existed in Wales before the outbreak of Covid-19 had been in place for a number of years and helped facilitate consistent, integrated planning locally, across the LRFs and on an all-Wales basis through bodies such as the WRF, JESG and the WRPT. The stability in these structures has helped develop and maintain flexible planning, with an emphasis on capability building, and the ability to adapt to changing risks and circumstances. Linked to the wider work undertaken at the UK level, this structure has been able to produce, validate, test and review plans based on an understanding of risks which existed at the time they were produced. Before Covid-19, the First Minister had already decided that the time was

right to take stock of these structures to assess whether they continue to remain fit for purpose to meet future challenges or whether a more effective, enduring structure should be created. In the wake of Covid-19, this review has become more critical in building a structure able to meet the challenges we may face in future, not only from novel, catastrophic infectious diseases, but other predicted changes to risk.

Plans

Pandemic Influenza Plans

210. In February 2011, following a review into Exercise Taliesin and the response to Swine Flu [**Exhibit AG01M01WG01/163 – INQ000128976**], the Swine Flu Task and Finish Group decided to rationalise the flu plans in Wales. It was felt that the 'Wales Pandemic Influenza Response Arrangements' and the PWRP covered virtually the same ground with the former building on the latter by adding flu-specific detail taken from the Wales Framework for Managing Major Infectious Disease Emergencies (WFMIDE). It was therefore decided to dispense with the flu plan and instead rely upon the PWRP and WFMIDE for future response at the all-Wales level. These would then integrate with the UK Framework at the national level, and the LRF Major Infectious Disease Emergency Plans at the regional level in Wales. Both the WFMIDE and the PWRP were reviewed and updated before Exercise Cygnus in Wales in 2014 and both tested during the exercise.

Pan-Wales Response Plan

211. The PWRP [**Exhibit AG01M01WG01/099 – INQ000107119**] was first approved by the WRF in September 2005 and is regularly updated, the last review being undertaken in 2019. It provides a framework for the management of an emergency affecting several or all areas of Wales, but it can also be implemented in response to a major incident in one LRF area where wider support is required. The framework provides the ability to analyse the impact on Wales of any emergency or incident, while also establishing a channel for advice and guidance, where necessary, to be cascaded from Welsh Government or in some cases the UK Government. Central to this is the operation of the Welsh Government's ECC(W) which acts as a conduit to, and from, the UK Government.

212. Activation of the plan can be triggered by either a 'Local Notification' received from an LRF in Wales requiring central co-ordination or support to a local incident, or a 'Central Notification', received from the UK Government requiring an operational response to be put in place at all levels in Wales.
213. There are three levels of response:
- 213.1. Level 1: in the phase prior to an emergency, the Welsh Government will convene the CCG to review the situation and update local stakeholders with a view to escalate to Level 2 if necessary.
 - 213.2. Level 2: after an emergency affecting or occurring in Wales has occurred, the ECC(W) is established and the WCCC is convened.
 - 213.3. Level 3: if the situation at Level 2 deteriorates further and it is deemed necessary, emergency powers are invoked and the Wales Emergency Coordinator is appointed.
214. As set out in the plan, the ECC(W)'s role is primarily one of information gathering in respect of the emergency, analysing the common recognised information picture and making links with existing policy. It keeps Welsh Ministers and the UK Government informed of the implications of emergencies in Wales whilst also keeping SCGs and individual agencies informed about developments at the UK level which will affect them.
215. The main role of the ECC(W) is to: coordinate the gathering and dissemination of information across Wales; ensure an effective flow of communication between local, pan-Wales and UK levels, including the coordination of reports to the UK level on the response and recovery effort; brief Welsh Ministers via the Lead Official and the CCG/WCCC; ensure that the UK input to the response is coordinated with the local and pan-Wales efforts; provide media and communications support through the Welsh Government Communications Division; and raise to a UK level any issues that cannot be resolved at a local or Wales level.
216. During an operational phase, the ECC(W) maintains a record of all actions it takes and all decisions it makes. A SCG Action Log is also maintained to record and monitor action against issues raised by the SCGs which require advice from Government.

217. Once implemented, the PWRP creates a structure whereby information from across Wales is assessed and analysed by the ECC(W). This structure may not be appropriate for all emergencies and will be activated only where it adds value to the response. If activated, it will provide a pan-Wales common operational picture of the impact of the emergency which, in turn, can be used to advise decisions on the strategic management of the situation in Wales and be reported basis to the UK Government. In the same way, the plan enables the cascading of information from central Government to agencies on the ground in Wales via the Information Cells established by each SCG. To support this process, Welsh Government Liaison Officers are appointed to attend each SCG meeting and act as a link with the ECC(W) and Welsh Government. Additionally, the Lead Welsh Government Official chairs meetings with the SCG Chair, or Chairs, to embed close strategic communication between the two levels. In essence, the plan sets out coordination arrangements rather than a pan-Wales command structure.
218. In emergencies where the ECC(W) has been activated, the Welsh Government Health & Social Services Group (HSSG) has established a Health Desk in the ECC(W) which has acted as a single point of contact for the HSSG, Wales NHS and partner agencies within the ECC(W). Depending on the circumstances, the Health Desk role included providing initial health co-ordination, establishing 24/7 contacts with key health organisations, liaising with other UK Health Departments and ensuring appropriate health national stockpiles and arrangements are employed to support Wales NHS.
219. Under the plan, Welsh Ministers represent Wales at COBR meetings and receive regular briefings from the ECC(W) and Welsh Government officials before attending these meetings. The First Minister, or a designated Welsh Minister, acts as a political spokesperson for the central Wales response and particularly on areas of devolved responsibility.

Wales Plans and Covid-19

220. While plans were produced, tested and reviewed for many years for pandemic influenza and other emerging infectious diseases, those plans did not recognise the scale, severity and prolonged impact of Covid-type diseases across the four nations. Plans were produced based on historical evidence of the patterns and impact of a novel influenza virus, lasting in waves of about 15 weeks, and there were

arrangements in place to deal with the smaller scale impact of emerging diseases such as SARS, MERS and Ebola, but nothing specifically to respond to an emerging disease of such scale and duration. While the tried and tested generic response structures were used as the foundation to respond to Covid-19, as they would be for pandemic flu, most of the measures needed in terms of shielding, lockdown, preventing mass gatherings, economic and employment support, and prolonged school closures, had to be devised and implemented as the Covid-19 pandemic developed. In this respect, Wales was no different to the other nations in the UK, or for that matter, nations across the world. Developing the response to Covid-19 began with the PWRP, but, by necessity, became a more rapid and dynamic decision-making process, which took account of changing circumstances and evolving scientific advice rather than being based on embedded risk assessed, validated and tested plans. To some extent, this is the case for most responses to emergencies where structures and plans need to be modified and adapted to meet the specific challenges of the emergency.

Exercises, Training and Real Events

221. Under the Regulations supporting the CCA 2004, all emergency plans produced by Category 1 responders, including multi-agency plans, must include a provision for the carrying out of exercises and for the training of staff or other persons. This means that relevant planning documents must contain a statement about the nature of the training and exercising to be provided and its frequency. These exercises are designed to ensure that the emergency plans are effective. It forms part of the continuous cycle of planning which begins with the risk assessment, then the development of guidance and plans, exercising and finally review, after which the cycle begins again. As with planning, this duty only applies to bodies identified as Category 1 responders under the Act. It does not apply to plans made at the Government level.

222. The majority of training and exercising is undertaken at the LRF level to test the multi-agency plans and to ensure the bodies concerned comply with the duties placed on them by the CCA. However, exercises are also run at the all-Wales and UK levels to test the Government level plans and to test how they integrate with the local level response. These Tier 1 plans not only test specific national plans, they also practice the generic “Responding to Emergencies – The UK Central Government Response -

Concept of Operations” **[Exhibit AG01M01WG01/098 – INQ000116539]** and the various decision-making and leadership roles of Ministers, both UK and Devolved.

Pandemic Flu Exercises

223. Given the risk, nature and impact of an influenza pandemic, it is more appropriate to test plans at the UK level. Consequently, there have been a number of Tier 1 pandemic flu exercises in which the Welsh Government and Welsh LRFs have fully participated. Welsh Government involvement in these exercises started with Exercise Shared Goal in 2006, a DHSC initiative designed to exercise and improve preparedness for pandemic influenza in the UK. This was followed by Exercise Iris in 2007 to test communications and then by the much larger, UK Tier 1 Exercise Winter Willow in the same year **[Exhibit AG01M01WG01/164 – INQ000128977]**. As well as testing the ECC(W) and the Wales Civil Contingencies Committee during Winter Willow, all 4 Local Resilience Forums in Wales established Strategic Co-ordinating Groups. Taking the learning from the exercises, Welsh Government then ran Exercise Taliesin in 2009 to test the PWRP once again, as well as the local pandemic flu plans across all four LRF areas **[Exhibit AG01M01WG01/163 – INQ000128976, Exhibit AG01M01WG01/165 – INQ000128978]**. This resulted in recommendations being made on how the Welsh Government and Category 1 responders manage the response to major incidents.
224. Exercise Cygnus was first held in Wales in 2014. As a result of the continuing high risk of an influenza pandemic, it was agreed that a Tier 1 UK exercise would be held in 2014 to assess preparedness at both a national and local level. Although the UK level exercise was ultimately postponed, the local level exercise continued in Wales, with meetings of the four SCGs and the Wales Civil Contingencies Committee **[Exhibit AG01M01WG01/166 – INQ000107136]**.
225. In 2016, Exercise Cygnus continued with full Welsh Ministerial participation at COBR **[Exhibit AG01M01WG01/167 – INQ000128979]**. In Wales, the Exercise began on 14 October with an NHS Wales workshop to consider the national and local arrangements for the storage and distribution of health countermeasures. The main exercise took place on 19th and 20th October 2016 with the Chief Medical Officer leading Welsh Government’s participation on the COBR Officials meetings and the Cabinet Secretary for Health, Well-being and Sport, and the Minister for Social Services and Public

Health, both participating in the COBR Ministerial meetings. In the absence of testing the four Nations Health Ministers meetings, these COBR meetings determined the course of action adopted by all four Nations in response to a pandemic situation, ensuring a joined-up approach in minimising the risk to the health of the UK.

226. As the response of the Welsh Government and the four Welsh SCGs had already been tested in 2014, these elements of the exercise were omitted in 2016 and replaced by workshops. Only the Government response and the links between Welsh Government and COBR were tested in the main exercise on 19 and 20 October.

Training

227. The training of staff, who fulfil critical roles in the response to emergencies, is a key part of the emergency planning process. Indeed, the Regulations supporting the CCA 2004 require plans to contain a provision for training not only key staff from the responder agencies, but also those from statutory and non-statutory partners who have a role to play in the response.
228. At the LRF level in Wales, training and exercising groups take forward training programmes on a multi-agency basis which are geared to risks and priorities in their areas. To supplement this, since October 2008, the Welsh Government and JESG have maintained a training and exercising budget each year to take forward a training programme at the all-Wales level which adds value to the training requirements at the local level. This budget is managed by the Wales Learning and Development Group which oversees an annual programme of training and exercising. This funding is specifically targeted at providing individual and collective training for those people from responder organisations who will work as key decision-makers in multi-agency groups established to respond to emergencies.

Exercise Wales Gold

229. Exercise Wales Gold, which is based on the Multi-Agency Gold Incident Command (MAGIC) course run by Cabinet Office in England, provides cost-free training for senior representatives from responder agencies who will represent their organisations at a multi-agency SCG during the response to an emergency. Geared specifically to the political landscape in Wales, the two-day course provides collective learning for

delegates against the kind of scenarios they are likely to face and the critical decisions they will be expected to make when they work together as part of an SCG. It builds upon individual learning within organisations and complements existing programme within LRF areas.

230. By scrutinising the decisions made and the rationale for the actions taken from a legal perspective, the course prepares delegates to work through the Joint Decision Model in setting the strategy and issuing directions. The examination of these decisions by peer review and legal scrutiny is critical to the learning process
231. In 2019 alone, a total of 122 delegates attended the course with delegates drawn from a total of 44 agencies. **Exhibited at AG01M01WG01/168 – INQ000128980** is a copy of the Debrief Report (Draft version 0.1).
232. Although the response to an influenza pandemic has not formed any of the scenarios run by the exercise since 2013, the collective responsibility, decision-making and legal scrutiny delivered as part of the exercise are transferrable to SCGs established during a pandemic and has allowed candidates to be fully trained in their roles. The course continued to be run virtually during Covid-19 with a further 294 senior officers being trained.

Strategic Coordinating Groups Chairs Course

233. Building on the success of Exercise Wales Gold, an SCG Chairs Course was introduced in 2019 specifically for strategic level partners who may be required to chair an SCG, a Recovery Co-ordinating Group (RCG) or a STAC. The course is designed to help develop the skills, knowledge and understanding required to undertake the role of chair, and provide a greater appreciation of collective responsibility, accurate record-keeping of decision rationale and legal requirements of the operation of the respective group. Delegates are encouraged to test their learning through Exercise Wales Gold. **[Exhibit AG01M01WG01/169 – INQ000128981]**

Exercise Wales Silver

234. The Exercise Wales Silver course was introduced in 2018 to prepare Tactical Commanders to work as part of a Tactical Co-ordinating Group (TCG), supporting the

SCG. Through focused inputs, the training provides an overview of legislation, statutory and non-statutory and guidance, an overview of the Joint Emergency Services Interoperability Programme (JESIP), roles and responsibilities of responder agencies and the Welsh Government structures for responding to emergencies.

235. Delegates are required to undertake pre-course reading and complete a pre-course assignment, to demonstrate understanding of key concepts aligned to the civil response to emergencies, including key legislative and non-legislative drivers.
236. Delegates have the opportunity to practise their role in a TCG through use of immersive learning environments that are designed to provide a realistic and safe learning environment. They are then assessed by observation, group work, live play scenarios and question and answer sessions.

Wales Civil Contingencies Conference

237. The Wales Civil Contingencies Conference is a national conference which has been held annually since 2008. It is an opportunity for the emergency planning community in Wales to come together to consider specific themes, learn from others and to take forward planning collectively against various risks.
238. The Chair of the Wales Risk Group advises on levels of preparedness against specific risks and threats in Wales to assist in selecting an appropriate theme for the conference. A planning team is then established to organise the event and evaluate the outcome and learning from experience is a key part of the conference.
239. Pandemic flu has not been the main theme of any national conferences, largely because the separate Health Emergency Planning Conference would cover that aspect of learning. However, in 2017, Public Health Wales and the Chairs of the four LRF Health Groups felt the time was right to hold a national training event to re-familiarise delegates on the response arrangements to a flu pandemic, and to examine and review these arrangements in detail. They submitted a bid to the Wales Learning and Development Group (WLDG) to fund the event to set out the anticipated pressures of a pandemic, and to explore the various roles and responsibilities of organisations and individuals in the command, control and co-ordination structure.

240. However, the increasing and immediate pressure from other priorities, most specifically, developing and operationalising the preparations for the UK leaving the EU without a deal diverted resource away.

Health Emergency Planning Conference

241. The HEPU also organised the annual Health Prepared Wales conferences to bring together Wales NHS managers, clinicians, and emergency planning staff, as well as representatives from partner agencies, to examine health and social care preparedness and response (see the section entitled “Health Emergency Planning Conference” in the statement provided by me to the Inquiry to address Request M01-NHSWALES-01). In 2013, the conference was dedicated to planning for an influenza pandemic. The conference came in the light of publication of the revised pandemic influenza guidance for health and social care organisations, and in preparation for Exercise Cygnus in 2014. Against that background, all health boards and NHS trusts and other partner organisations attended and benefitted from getting an overview of health and social care planning and the challenges that the different parts of the NHS and Social Care would face in responding to a pandemic.

Response to Infectious Disease Events

242. Although the incidence of pandemic flu is rare, there are other examples of infectious disease outbreaks which have occurred over the last 20 years which have required plans to be implemented, response structures and processes to be established, and key decisions to be made. Such outbreaks have included E.coli O157 in 2005, the H7N2 outbreak in North Wales in 2007, Swine Flu in 2009, measles in Wales in 2012 to 2013 and Ebola in 2014 to 2015 [**Exhibit AG01M01WG01/170 – INQ000128982**].
243. The response to these events is led by the Welsh Government Health Department with advice and support from Public Health Wales. Although these events have not resulted in the wide-scale impact on society we have seen with a flu pandemic or Covid-19, they have challenged existing arrangements and allowed lessons to be learnt.

Identifying and Learning Lessons

244. Debriefing and evaluation are critical to learning lessons. Although it is seen as good practice and an essential part of the planning and learning process, debriefing and planning is not a statutory duty under the CCA 2004 and it is not covered in any particular detail in the statutory and non-statutory guidance supporting the Act. That said, after any response to an incident, it is a well established and accepted practice for those involved to review what happened in order to improve planning and response to a similar event.
245. Maintaining accurate records of any exercise or incident and undertaking a formal debriefing process of those involved when information is still fresh in their minds, is crucial in providing evidence for future reviews or inquiries as well as to ensure lessons are learnt and applied.
246. The main purpose of emergency exercises is to validate plans and learn lessons to improve those plans. They provide a safe learning environment where plans can be tested against realistic scenarios and where plans and capabilities can be enhanced from that learning. It has always been widely accepted that lessons must be learnt from exercises to avoid the same mistakes being made in a live incident. Where lessons are identified from real events it is even more important that they are recognised and acted upon.

Debriefing and Identifying Lessons

247. Lessons learnt from exercises held prior to Swine Flu ultimately helped to prepare the Welsh Government and partner agencies for that pandemic. Some issues highlighted were the need for more active involvement of devolved governments at an early stage; clearer guidance on excess deaths; involvement of faith communities and the voluntary sector at all levels; plans for SCGs and individuals to work virtually during a pandemic; and improvements relating to government advice on the policies for social gatherings and school closures, as well as antiviral distribution arrangements and the identification and treatment of the vulnerable.
248. The Hine review into the response to Swine Flu [**Exhibit AG01M01WG01/130 – INQ000116479**], and later the Wales Lessons Identified Report [**Exhibit**

AG01M01WG01/171 – INQ000128976], explained the risk of a more severe pandemic and that lessons should continue to be learned and improvements made to avoid complacency.

249. Although a great deal of activity occurred following Swine Flu in 2010, the outcome of Exercise Cygnus held in Wales in 2014 [**Exhibit AG01M01WG01/166 – INQ000107136**] still retained many of the recurring themes from earlier exercises. Despite the publication of guidance from the DHSC in 2012 on the management of death certification and cremation certification during a flu pandemic, there was still a need for more central guidance on body storage and the collection and transportation of bodies as well a clear understanding on when mass burials would be an option. There continued to be a need for consistency in public messaging across the board, centralised through the Welsh Government including the use of social media, updated guidance for keeping schools open, and for care homes to have contingency plans that are validated and tested.
250. In response to the lessons identified, the WRPT tasked the Wales Pandemic Flu Task and Finish Group, the Welsh Government, the four LRFs and the Wales Fatalities Group to take forward a number of recommendations which the Flu Group would oversee. These recommendations included work on antiviral collection points for use under the National Pandemic Flu Service, staff movement between Health Boards, clarity on decision-making responsibility, updating guidance for schools, social services to address the issue of vulnerable people, development of community resilience in each LRF area, the drafting of a core script on public messages, and working with the UK Government to address the excess deaths issue.
251. The report produced by Public Health England into Exercise Cygnus held in 2016 identified four key learning outcomes [**Exhibit AG01M01WG01/172 – INQ000128983**]:
- 251.1. The development of a pandemic 'concept of operations' would assist in managing a cross-government and multi-agency response, i.e. how government works with responders;
- 251.2. The introduction of legislative easements would assist with the implementation of measures that might be employed during a pandemic;

- 251.3. Public reactions in response to a reasonable worst-case pandemic influenza need to be better understood; and
- 251.4. An effective response would require capability and capacity to surge services to meet demand.
252. Within the four key learning outcomes there were 22 recommendations, many of which were for the UK Government to take forward and some of which mirrored the outcome in Wales.
253. The operational debrief report for the exercise in Wales [**Exhibit AG01M01WG01/167 – INQ000128979**] contained 12 more recommendations. Many of these reflected those in the UK report, but they also reinforced some which had emerged from the Wales-only version of the exercise carried out two years before. This included work identified on the reviewing of pandemic plans regarding health countermeasures and the use of stockpiles and the distribution process. There were also suggested refinements to the PWRP, communications plans and the refining and testing of plans dealing with excess deaths. Other recommendations recognised the need for the UK Government to examine legislation which should be relaxed during a pandemic, the development of ways in which people at risk can be better identified and how resources across the public and voluntary sectors could be best used to address the risk.

The Principle of Learning Lessons

254. In October 2013, the Civil Contingencies Secretariat (Cabinet Office) commissioned Dr Kevin Pollock to write a paper reviewing persistent lessons identified from reviews or inquiries into emergencies and major incidents which occurred since 1986. Dr Pollock identified a number of common reasons for failures within these reports and they included the fact that there existed no system to ensure that lessons were learned and staff taught, no monitoring or auditing mechanism, and previous lessons and reports not being acted upon. Although targeted at the front-line emergency services as part of JESIP, the principles of the report applied equally to government and those organisations responding directly to these incidents.

255. In response to concerns raised within the Pollock review that lessons from emergencies and major events were not being translated into changes in policy and practice, the Civil Contingencies Secretariat, in partnership with JESIP, established a Joint Organisational Learning (JOL) Strategy to fully embed learning as part of the Joint Doctrine.
256. JOL online is a simple way to capture lessons identified that may impact specifically on multi-agency working and designed to continually improve working practices. The system, and its supporting governance and structures, provides emergency responder agencies with a clear and standardised national process for learning and supporting beneficial and sustainable change. It is effectively a single, national depository for lessons identified from real events, training or exercises, where the sharing of learning is deemed to be of national significance in line with JOL guidance.
257. The Cabinet Office also launched 'Lessons Direct' to help address the challenge faced by organisations in learning lessons and gathering notable practice from a wide range of partners. The system was designed to capture lessons and notable practice identified from all Category 1 and 2 responders, the voluntary sector and the military.
258. Having a repository for key lessons is an important step forward in ensuring lessons are identified but this needs to be supported by other processes to ensure those lessons are learnt and embedded. JOL online is focused on organisational or multi-agency learning at the local level but it does not establish a system which tracks progress on addressing these lessons and auditing the effectiveness of this work.
259. In order to address these issues, the Wales Learning and Development Group started work in around 2016 on finding a system for Wales which not only captured the lessons and notable practice identified under JOL and Lessons Direct but had the capability to track them to completion, with the necessary audit trail. In October 2018, the WLDG agreed to adapt a system developed by NHS Wales Training and Exercising Group to use for this purpose but there were differences of opinion over the continued use of JOL online and Lessons Direct against an additional layer of recording on an all-Wales basis, which went beyond these systems to track recommendations to their conclusions. Central to these arguments was the further administrative demands this would entail on limited staffing numbers and the increased

future demands and pressures anticipated. Work on developing the system was also interrupted with the preparations for leaving the EU. However, this has recently been reinvigorated with the response to Covid-19 and the pending review into resilience in Wales which will entail a full examination of the most effective delivery of training, exercising, debriefing and the learning of lessons.

Improving the Process

260. The response from Government to report recommendations, at both the UK and Welsh Government levels, has been to establish Boards or Working Groups to oversee the necessary work. These groups develop programmes of work to be undertaken, task actions and monitoring progress. Following Swine Flu, the Wales Pandemic Task and Finish Group (see paragraph 189 above) co-ordinated this work in Wales and, following Exercise Cygnus, a specific Wales Pandemic Flu Preparedness Group was established for this purpose (see paragraphs 190 and 191 above). At the UK level, a Pandemic Flu Readiness Board examined, in particular, improving resilience in healthcare demand, improving resilience in adult social care demand, improving critical sector resilience, managing excess deaths and looking at cross-cutting enablers. As part of this work, a draft Pandemic Influenza Bill was prepared, which became the basis for the Coronavirus Act 2020.

261. Although government has taken forward many lessons learned from actual incidents and simulation exercises, this process is not flawless, despite the initiatives introduced to address it such as JOL and Lessons Direct. The limited resource capacity across government and all agencies spread across the full spectrum of risks has meant it has always been a challenge to sustain the long-term focus on addressing recommendations.

262. Take the example of Operation Yellowhammer, the civil contingencies programme to prepare for the impact of an exit from the EU without a deal. The preparations were undertaken by Welsh Government for a sustained period of time – around 2 years - and across a significant cross-section of its operational activities. The preparations absorbed a substantial proportion of Welsh Government contingency professionals' time and attention, and that of other officials across all Ministerial portfolios. This necessary collective institutional effort and energy was prioritised to ensure the

production of comprehensive contingency plans and measures to mitigate the potential impact of a no-deal departure [**Exhibit AG01M01WG01/173 – INQ000128984** and **Exhibit AG01M01WG01/174 – INQ000128985**].

263. Throughout the preparations for a no-deal EU exit, there remained considerable uncertainty around its potential impact. Cabinet Office produced a range of Reasonable Worst Case Scenarios (RWCS) and made them available to the Welsh Government for its planning purposes. We commissioned LRFs in Wales to prepare regional RWCS and mitigations to understand in better detail the likely impact for Wales. Many of the key levers for actions arising from a potential EU exit without a deal rested with the UK Government, for example policy on UK borders, but Welsh Ministers were committed to co-operating as fully as we could, especially with arrangements for contingency and mitigation as part of a UK-wide effort [**Exhibit AG01M01WG01/175 – INQ000128986**].
264. The Welsh Government had to integrate its planning and response arrangements with the Cabinet Office led Operation Yellowhammer. The civil contingencies response arrangements and mitigations had to be planned and put in place in case a wide range of business as usual preparedness planning failed, or was unable to deal with the scale or seriousness of an event.
265. To co-ordinate the response, Welsh Government needed to divert significant staff resources to create and operate an integrated Wales response structure to concentrate on the potential Brexit impacts. To facilitate this, resources were found to operate the Emergency Co-ordination Centre (Wales) on a shift pattern basis, supported by staff on-call, over a period of around 6 months, recognising the 3 potential dates set for exit.
266. The planning for this was extensive, resource-intensive and time-consuming, drawing in staff from across the Welsh Government whilst simultaneously preparing the potential impacts on various sectors through policy Departments such as business, local government and transport. At the same time, resources and facilities were needed to deal with any other emergencies which may have occurred during the EU exit period.

267. To help facilitate the preparations, the Resilience Team ceased all general, non-essential civil contingencies and CONTEST-related planning work in order to focus on implementing the command, control and co-ordination arrangements. This meant that any policy or planning work which was not urgent was put on hold. This included the work to embed the recently devolved parts of Part 1 of the CCA 2004.
268. Civil contingencies plans and mitigations would only have been engaged as a last resort when wider, business as usual preparedness planning had failed, or was unable to deal with the scale or seriousness of an event. Civil contingencies planning did not therefore address every issue that could have arisen related to 'No Deal' Brexit. The response structure was specifically set up to manage the immediate Brexit related issues and the impacts felt where these impacts led, or could have potentially led, to a civil contingencies event.
269. Welsh Government guidance to health and social care providers was to prioritise their operational readiness activity towards being prepared for a potential no deal Brexit, and to use existing business continuity and resilience arrangements for preparedness planning, at a regional level, alongside key provider partners. Health Boards and Trusts were asked to review their resilience plans in the context of a no-deal Brexit and to do this in conjunction with local partners in their LRF. They were also asked to prepare to test these plans, as part of wider preparations spanning all public services.
270. With competing, and pressing demands of this nature, it has not been possible to create a dedicated resource on lessons learnt. Those with the experience and knowledge of these matters are often drawn away on other priorities, so being able to maintain a focus on embedding longer-term change in organisational culture has always proved difficult. This has been demonstrated by the fact that the work being taken forward in Wales, as well as the programme of work established by the Pandemic Flu Readiness Board at the UK level, were both delayed as a consequence of Operation Yellowhammer.
271. I should add that, whilst routine preparedness was put on hold, work on the preparations for the UK leaving the EU did allow the Welsh Government and partner agencies to enhance their planning, resilience and capability to deal with a whole range of different impacts which not only served to prepare all agencies for the potential impact of a no-deal Brexit but also, more widely, against the various risks and

threats which faced them. However, the need to find a more effective solution to sustain long-term focus has been recognised by the Welsh Government and one of the key outcomes from the root and branch review it has commissioned is to develop realistic and sustainable options to address it.

Monitoring, Auditing and Assurance

272. Outside of the use of internal auditing mechanisms to ensure Category 1 Responders comply with their duties under the CCA, there are no formal audits of preparedness used by LRFs or Government. Instead, Government has relied upon informal arrangements to gauge how well organisations are individually and collectively prepared.
273. Both the UK Government and the Welsh Government have used various means to assess the quality of resilience and state of preparedness over the years but none of these have had the ability to provide effective validation of the standards required or accountability of those failing to provide those standards. The UK Government's 2022 Post-Implementation Review of the CCA 2004 [**Exhibit AG01M01WG01/176 – INQ000128987**] recognised the need to go further than voluntary assessment and that there was a demonstrable gap in assurance of multiagency preparedness and interoperability. Future intentions to address this gap will be considered in the Resilience Strategy.

Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders

274. Last updated in 2013, the Cabinet Office published guidance to clarify what was expected of Category 1 and 2 responders in England and Wales in relation to meeting their duties under the CCA and other national programmes [**Exhibit AG01M01WG01/177 – INQ000128988**].
275. The document aimed to encourage and support responders in continuing to develop their capabilities in civil contingencies and emergency preparedness, and touched on some elements of response and recovery, where relevant, by highlighting indicators of good practice.

276. Accurate self-assessment was (and remains) important and the use of the Cabinet Office's 'Expectation Set' was encouraged. However, the Welsh Government did not have the formal powers under the Act to monitor the use, and conduct formal auditing of the implementation, of the expectation set. This process of self-assessment has been questioned and will be examined more closely in exercising the new executive functions and will form part of the review of civil contingencies, as will the development of consistent standards and competencies being applied across Wales.

National Resilience Standards for Local Resilience Forums

277. The 2015 National Security Strategy and Strategic Defence and Security Review committed to develop a new set of resilience standards. To achieve this, the UK Government set up a working group to deliver the standards. The Welsh Government and the other devolved governments were members of the working group which met for the first time in December 2016. The standards reflected a broadly-based and consensus view of 'what good looks like', and what LRFs should be looking to implement, achieve and be able to demonstrate **[Exhibit AG01M01WG01/178 – INQ000128989]**. The standards did not introduce any new duties on emergency responders. Instead, they set out expectations of good and leading practice which built on, and complemented, statutory duties under the CCA and other relevant legislation. They set out a consistent and progressive means for LRFs and their constituent local responder organisations to self-assure their capabilities and overall level of readiness, and to guide continuous improvement against good and leading practice.

278. Included in the standards is a section dedicated to Pandemic Influenza Preparedness. This section has the desired outcome of ensuring LRFs have "multi-agency pandemic influenza plans that are agreed, understood and validated, and that support joint preparedness and the response and recovery effort to a very severe influenza pandemic". Key to achieving this are plans which have an agreed governance structure and multi-agency plans which are proportionate to the risk, take account of emerging scientific advice, are scalable and flexible, and include specific arrangements to manage the response to vulnerable people, the distribution of antivirals, the expectations of stakeholders, schools, ethical decision-making, business continuity, excess deaths, public messaging, information sharing and concurrent incidents. To enhance these plans the standards recommend that LRFs should have

robust arrangements to validate and assure plans and keep data on vulnerable people up to date.

279. The latest version of the National Resilience Standards was published in August 2020 and continue to be followed on a voluntary basis. However, the recent Cabinet Office Post-Implementation Review of the CCA 2004 recommended placing the Resilience Standards on a statutory footing. This would require all Category 1 and 2 responders to have due regard to the standards whilst fulfilling their duties under the Act. This change would raise their profile and increase consistency.
280. Although the Welsh Government contributed to the production of the standards, a decision on the extent to which these are adapted and applied in Wales will be captured as part of the overall review of governance currently being undertaken.

Sector Security and Resilience Plans

281. At Cabinet on 3 July 2018, during a discussion on Emergency Planning, and in the light of the fact that the Executive Functions under Part 1 of the CCA 2004 had transferred to Welsh Ministers following the TFO, the then First Minister indicated that each Minister should seek assurances from senior officials that the relevant contingency planning was in place, within their portfolio area, to respond to civil emergencies.
282. The Sector Security and Resilience Plan (SSRP) process was seen as a means of providing such assurance which could be consolidated into a single high-level report. This was the first occasion this work had been commissioned and the process was expected to evolve and improve in time to complement other methods of assurance to be introduced in monitoring compliance by devolved services.
283. The production of these SSRPs was already a well-established part of the UK Government's work to improve security and resilience. They presented Ministers with an annual assessment of sector vulnerabilities and resilience to risks. The CCG commissioned this work to develop our understanding of resilience across devolved essential services sectors in Wales. Welsh Government departments were asked to work with devolved services, infrastructure owners and operators to identify the vulnerabilities and risks facing their critical sectors, setting out the findings and the

actions taken to address them in the SSRPs. Some departments were initially able to produce more detailed reports than others, but this was expected to improve with time [Exhibit AG01M01WG01/179 – INQ000128990].

284. The CCG also requested that departments operating in reserved sectors to produce summaries of their engagement in the overall work of key sectors. The SSRPs aimed to give assurance to Welsh Ministers of how prepared evolved sectors are for high risks such as pandemic influenza. This formed part of a more general piece of work undertaken by the UK Government in the wake of Exercise Cygnus.
285. As part of this work, the Welsh Government looked at the resilience of devolved sectors to a flu pandemic, the impact on staffing resources, and the delivery of services that such an outbreak entailed. Information was gathered on the business continuity arrangements for the NHS, ambulance service, fire and rescue services, transport and water sectors and whether there was a programme for the review of these arrangements against the national planning assumptions.
286. In reporting the outcome of the SSRPs to the First Minister in 2018, he was asked to note the fact that the internal CCG intended to evolve the SSRP process in future to provide a broader, more detailed annual assessment process to give assurance of sector resilience.

Delegated Authority

287. In response to the comments made by the First Minister at Cabinet, my predecessor as Permanent Secretary wrote to Heads of Group in 2018 (see **Exhibit AG1M01WG01/140 – INQ000116460**) about the collective responsibility of Departments to provide an Emergency Planning and Response (EPR) capability. The letter delegated responsibility at Director General level to ensure their Group complied fully with its civil contingencies functions and had appropriate resilience and resources in place against all risks.
288. The letter set out a requirement to prepare a concise plan that establishes clearly how each Group was prepared and organised to respond to events in their areas and how they engaged in the corporate planning and response functions. It also reinforced the commissioning of all Groups, which had Lead Government Department

responsibilities, to prepare annual Sector Security and Resilience Plans and demonstrate appropriate engagement with other Welsh Government Groups, partner agencies and Whitehall counterparts.

289. The Permanent Secretary stressed that the Welsh Government needed to provide clear leadership in shaping how Wales prepares to deal with the risks it faced and use its powers to protect its citizens. The Welsh Government, and Ministers, would be judged on their effectiveness to plan for, and to respond to, emergencies as well as on their ability to recover quickly. The importance of cross-Welsh Government engagement was not to be underestimated. Effective planning would be able to save lives and help mitigate the consequences for individual citizens, communities, economy and the well-being of the country. All Groups therefore needed clear, well understood and appropriate arrangements in place to provide the right operational support for the ongoing work on EPR.
290. The preparation of Group plans would help provide the assurance required by each of the Ministers. They would set out designated leads, engagement with corporate resilience planning, appropriate training of staff and the release of staff to support the corporate response.
291. The preparation of the plans was disrupted by the significant corporate response required to deal with the potential implications of the UK leaving the EU without a deal and since then a Gold, Silver and Bronze a structure has been put in place which provides a corporate focus on response focus and establishes ExCo as the oversight group for risk and response.

Welsh Government Auditing of Preparedness

292. Recognising resilience as a corporate risk, and with pandemic flu being regarded previously in the same way, the Welsh Government's Audit and Risk Committee has maintained a frequent auditing regime of Welsh Government's role in civil contingencies.
293. In 2010, the IAS conducted an internal review of the response to Swine Flu and provided 'Substantial Assurance' on the effectiveness of the Welsh Government's central coordinating role [Exhibit AG01M01WG01/180 – INQ000128991]. It

concluded that more could be done to ensure that key resources would be available to support the ECC(W) during a pan-Wales emergency, and that senior emergency leads within Welsh Government business functions are identified and aware of their responsibilities. These were addressed through the CCG, with wider support being provided for later incident, and with delegation letters being issued by the Permanent Secretary to Heads of Groups following the TFO in 2018.

294. The review on “Emergency Planning, Preparedness and Response” undertaken by IAS in 2018 provided “Reasonable Assurance” on arrangements. The report recognised the challenges on resources on the central team in carrying out the new duties and activities required to support Ministers’ responsibilities. It noted that the First Minister wrote to the UK Government on a number of occasions outlining the case for a transfer of resources associated with delivering the new functions, but this was declined (see **Exhibit AG01M01WG01/124 – INQ000128966**). Resources had to be found from within the Welsh Government. This led to the issue being raised at the Audit and Risk Committee on the risks associated with a tightly resourced team with new duties and more challenges. Ultimately, the case was made to expand the central team to meet these challenges and eventually to the creation of a new Deputy Director led division.

Monitoring Powers

295. Before the TFO, the Welsh Government had no specific powers under the original CCA 2004 to monitor compliance of devolved responders with their duties and no formal powers to ensure that plans, including pandemic plans, were audited. Neither did it have powers to manage any performance issues that arise with devolved responders. While it had general functional responsibilities for the activities of local authorities, health bodies and the fire and rescue service, those responsibilities did not specifically cover civil contingencies activities. Instead, the Act vested monitoring powers in the UK Government and, at the local level, provided for individual Category 1 responder agencies to use their organisation's own internal auditing mechanisms for this purpose [**Exhibit AG01M01WG01/181 – INQ000128992**].
296. The Welsh Government has been unable to locate evidence of regular audits being conducted in Wales in this context at the organisational, regional or national levels. As no single organisation is accountable for overseeing the implementation of the CCA 2004 in Wales, there is limited coordinated review and scrutiny of implementation.

Scrutiny of arrangements at a local level varies widely. There have been some peer reviews across LRFs in the past, but there is little evidence of each LRF “challenging” its members on their capability and compliance like the guidance suggests. On 6 December 2012, the Wales Audit Office report entitled ‘Civil Emergencies in Wales’ was presented by the Auditor General for Wales to the National Assembly for Wales. The WAO report stated that scrutiny and performance management of resilience activity was generally ineffective and concluded that the performance management framework in Wales was insufficiently robust because there was little scrutiny and self-assessment in place to evaluate the impact and outcomes of resilience activity across Wales. **Exhibit AG1M01WG01/141 – INQ000107113** is a copy of the WAO report entitled ‘Civil Emergencies in Wales’ and **Exhibit AG01M01WG01/182 – INQ000128993** is a copy of the Public Accounts Committee report.

297. This was not a position unique to Wales. A similar position was identified in England with the 2021 National Audit Office report into the Covid pandemic [**Exhibit AG01M01WG01/183 – INQ000128994**]. The report noted that the Civil Contingencies Secretariat did not have any remit to monitor and provide assurance of UK Government Department plans and that Regional Emergencies Division Advisers did not operate any formal assurance process for LRF plans in England. This latter point was reinforced by the findings of the Post-Implementation Review of the Act in 2022 [**Exhibit AG01M01WG01/184 – INQ000128987**] where it stated that there is currently no formal assurance of the activities undertaken by the LRF as a collective body. Individual frameworks by which established inspectorates and regulatory bodies assess sectors and organisations against their duties under the CCA 2004 do not necessarily cohere and so do not provide assurance of the way in which multiple stakeholders work together to build collective preparedness for risks.
298. Under the CCA 2004, UK Ministers not Welsh Ministers were given powers under ss. 9 and 10 to monitor compliance and to take responders to the High Court for non-compliance. Following the TFO in 2018, Welsh Ministers were given the power under s. 9 to monitor compliance and can now ask for information on compliance or an explanation on non-compliance. If Ministers are not satisfied with the explanation, s.11A (Enforcement: Wales) now extends the powers of Welsh Ministers to take devolved Welsh responders to the High Court for non-compliance with particular requirements.

299. The power to monitor performance is one of the most important changes under the TFO because it opens up possibilities for a new, more robust auditing mechanism to give greater assurance of preparedness. Welsh Ministers may now wish to exercise greater scrutiny and seek assurance under the UK Government arrangements. It will enable greater self-determination in Wales on its civil contingencies structures and legislation.
300. Going forward, in terms of pandemic planning, the Welsh Government can now look to establish a robust monitoring mechanism to scrutinise the planning, resourcing and effectiveness of preparedness plans among a whole range of risks and capabilities. In general, the informal auditing mechanisms previously used can be updated, improved and used as a basis for a more integrated formal auditing tool for Welsh Ministers to use to gain assurance of preparedness more substantially and more accurately.

Review and Development

301. Preparedness is only possible through a continuous process of evaluation and revision. Over the last 20 years, the civil contingencies community in Wales has been agile and evolved to meet the challenges of an ever-changing risk environment. After every incident or major exercise, the opportunity is taken to take stock of the lessons learnt, review plans and practices, and map out areas for change or development. Significant milestones such as Foot and Mouth, Flooding and Swine Flu have prompted such evaluation. The same can be said for major Tier 1 exercises covering such risks as pandemic flu, wide-scale power outages, fuel shortages or terrorist attacks. Added to this has been the momentum shift with new legislation, major reviews such as the Simpson Compact for Change, or important national audits, such as the Wales Audit Office report in 2012. Although the lessons from Covid-19, and the outcome of the Public Inquiry in particular, will undoubtedly prompt another major review into how prepared we are to respond to pandemics, work which had been commenced before 2019 to re-evaluate how we deliver civil contingencies more generally will also become an integral factor for change moving forward.

Review of Civil Contingencies in Wales

302. The decision at Cabinet in July 2018, prompted Welsh Ministers to seek assurances from their portfolio areas that the relevant contingency planning was in place to

respond to civil emergencies. Following this, in August 2018, the First Minister also wrote to the members of the WRF and to the chairs of the four LRFs, explaining that the exercising of the new functions transferred to Welsh Ministers under the CCA 2004 would be an evolving process, and he committed to working closely with them to understand where the new powers could add maximum value. He stressed that in exercising these functions, Welsh Ministers were now able to play a more influential role in setting the direction and delivery of civil contingencies in Wales. With greater responsibility and accountability falling to Welsh Ministers, a structure was now needed which would provide assurance that the duties were being carried out effectively, including around the response to emergencies.

303. Shortly after this, the First Minister agreed to proposals from officials that a comprehensive review should be conducted of the existing civil contingencies governance structure in Wales with a view to developing an appropriate platform to support the new Regulations which Welsh Ministers were now able to make **[Exhibit AG01M01WG01/185 – INQ000128995]**. While agreeing to the review, the new First Minister agreed that the work should only be undertaken if there was no adverse impact on the preparations for Brexit. This was then followed soon after by the outbreak of Covid-19 which delayed the commencement of the review further.
304. Officials wrote again to the First Minister in November 2021 securing his agreement to outsource the review to allow for independent scrutiny and support a wider programme of work 'Safe and Secure Wales' to be designed that will also consider the recommendations arising from the UKG Civil Contingency Act Review, National Resilience Framework, Integrated Review, and the UK Covid-19 Public Inquiry. The review will reflect Welsh responders' opinions on existing structures and legislation.
305. The review and 'Safe and Secure Wales' provide an opportunity not only for the lessons from the Covid-19 response to be fully implemented and embedded in structures, plans and practices in Wales, but also to develop appropriate regulations to support the changes. The outcome of the review combined with the wider programme of work under 'Safe and Secure Wales' will need to take every aspect of civil contingencies delivery into consideration, from the critical evaluation of existing structures and whether they remain fit for purpose, to recognising the changing risk environment and the new and unprecedented challenges that are likely to be faced in the future. The solution needs to be flexible and agile, able to adapt quickly to change

and be robust enough to cope with all manner of known and unknown challenges. Critical to this will be the creation of a meaningful, effective governance structure developed from leadership from Welsh Government working in close collaboration with partner agencies, and underpinned by an appropriately-funded, integrated planning, training and exercising programme, supported by effective review and development processes.

306. The review and 'Safe and Secure Wales' will also take into consideration other initiatives which commenced during the pre-pandemic planning years which either were used to good effect during the Covid-19 response or were deemed to be of important value in future development. The following sections are examples of such initiatives.

JIGSO

307. JIGSO is a digital solution designed to assist the Resilience Community to plan and respond to a significant event [**Exhibit AG01M01WG01/186 – INQ000128996**]. The prime business function of JIGSO is to identify at risk properties across Wales in order to provide a prioritised response. Since its proof of concept was completed in 2016, the Welsh Government and partner agencies have continued to develop a new and unique digital solution designed to assist the planning and response to a major incident or public health emergency. The JIGSO system has the potential to save lives and allow statutory services and communities to safeguard the most vulnerable people in our society. The JIGSO concept has sought to consider how information about an individuals' vulnerability, on an address-by-address basis, can be securely shared in order to respond to a major emergency. The JIGSO hypotheses has therefore sought to identify, via existing property address datasets, how information can be utilised by Wales' public services to be able to rapidly prioritise assistance to vulnerable individuals during emergencies with the aim of preventing loss of life.
308. In response to Covid-19, the JIGSO concept allowed Wales to run one of the largest and quickest UK operations in using property data to alert the responding services and provide a much quicker response to vulnerable people. Local Authorities were therefore able to overcome some of the challenges that needed to be tackled elsewhere. From the outset, the Welsh Government collaborated with the NHS Delivery Unit, GeoPlace and the Newport City Council Intelligence Hub, to add a

Unique Property Reference Number (UPRN) and other spatial data to the 'Shielded Citizen' list. While the Shielded Citizens letters were processed, the data was also being validated and improved then issued via a secure link to the Local Authorities across Wales.

309. When supermarkets agreed to provide additional delivery 'slots' to the shielding citizens in England a registration scheme was established. In Wales, we already had a structured digital dataset. We provided the information to the eight supermarkets in question to allow them to undertake an automated matching process. In addition to supermarkets, the data was also provided to the two water companies in Wales. The process was so efficient, a data match between the shielded citizen list and the vulnerability list held by Hafren Dyfrdwy (the water undertaker in north, east and mid-Wales) identified over a thousand properties on the shielded citizens list affected by the water outage in Wrexham. This whole exercise was completed in less than an hour.
310. The WRF has agreed to fast-track the development of the system in the light of the experience of Covid-19. The aspiration is that, in future pandemics, and all other emergencies, there will be near-live data available to those services which are key to providing support to the vulnerable.

Central Delivery Unit

311. For the current and future challenges facing Wales to be met, an effective, fit for purpose capability needs to be established to manage and deliver pan-Wales emergency preparedness training and exercising. The current practice is undertaken on a volunteer basis through the Wales Learning and Development Group, but a more sustainable solution needs to be created to meet the major challenges to be faced and to ensure that lessons identified are systematically assessed, tracked and implemented.
312. The JESG has recently consulted with key stakeholders to support the concept of a Central Delivery Unit which will coordinate training and the implementation of lessons learnt on a national basis. The Welsh Government has agreed to design a proof of concept Central Delivery Unit. The aim of this proof of concept is to create a full-time funded unit to address the risks highlighted and to provide Wales with an innovative

future-proofed solution, building upon the excellent foundations we already have around multi-agency training and exercising in Wales.

UK Wide Lessons Learnt Recording and Tracking System

313. JESIP was rolled out across the UK emergency services in 2013. Under the JESIP Joint Doctrine, the Interoperability Framework advised that to continually improve emergency response interoperability, all responder agencies must capture lessons identified from incidents, exercises and training and have the opportunity to submit them for consideration by the Interoperability Board. This led, in turn, to UK wide depositories for lessons identified for the Police, Fire and Rescue Services and Ambulance Service and to the creation of a single, national multi-agency depository, the JOL (Joint Organisational Learning).
314. In Wales, as in England, the LRFs take responsibility at the local level for capturing multi-agency lessons and monitoring the actions taken to their completion. This not only involves lessons learnt from local exercises and incidents but also any relevant lessons drawn from national reports or inquiries.

Wales Lessons Learnt Recording and Tracking System

315. The WLDG is responsible for the design, planning and delivery of the national training and exercising activities on an all-Wales basis. In October 2018, ahead of disruption from Operation Yellowhammer and then subsequently the response to Covid-19, the WLDG discussed the creation of a robust process to effectively manage any lessons identified or notable practice, drawn from local, all-Wales and UK-level reports and inquiries.
316. The proposed system goes further than the JOL process by not only identifying and recording lessons but also tracking those lessons to resolution. Building on a process developed by the Dyfed-Powys LRF, a Wales Lessons Learnt Recording and Tracking System would capture, record and manage lessons identified and notable practice in a consistent and reliable manner, with the necessary supporting governance in place to support this activity.

317. Discussions on adopting the system were put on hold in the light of response demands, but it will be considered under the concept of the Central Delivery Unit. By this means, all identified lessons will be centrally tracked including responsibility to assess any lessons that emerge from JOL and a range of other reliable sources in the UK.

Wales Risk Register

318. The Welsh Government has agreed to produce a Wales Risk Register to place greater emphasis on risk being assessed more on a Wales basis. The forthcoming register will identify risks which are either peculiar to Wales or have greater relevance to Wales, such as landslides in the South Wales coalfield.

319. This was previously considered during the initial stages of the risk assessment programme by the Wales Risk Group but, rather than replicating the UK risk assessment in a Wales-wide assessment, it was decided that the main focus should be on the detailed assessments made by the 4 LRFs and the publication of their CRRs. Instead, a summary document was published to capture the range of emergencies that would have a major impact on Wales [**Exhibit AG01M01WG01/187 – INQ000128997**]. The summary provided a snapshot of the main risks we faced and was designed to work alongside the NRR and the CRRs.

320. The experience of Covid-19 and the emergence of risks which are more applicable to Wales than the rest of the UK has resulted in a reassessment of this position and the Welsh Government now intends to produce a Wales Risk Register in future with greater granularity of detail on those risks which are more relevant to Wales and to Welsh civil contingencies priorities.

321. We have now engaged a Senior Risk and Preparedness Expert to join the Civil Contingencies Division to undertake this fundamental piece of work.

Covid-19 Pandemic Welsh Interim Operational Review

322. Under the principle of continuous learning and reflection, the JESG, working with the Welsh Government, commissioned an interim independent review of the operational response to Covid-19 in July 2020 to help inform future response arrangements

[Exhibit AG01M01WG01/188 – INQ000128998]. The report presented evidence and analysis from 150 participants from 67 organisations and provided priority recommendations to inform the ongoing response. It also included recommendations which were longer-term in nature, some of which were of such scale, complexity and depth that they needed an extensive programme of work to resolve.

323. A Covid-19 Lessons Management Project Board was established under a Welsh Government Director General to oversee the management of lessons identified arising not only from the report itself, but also from the various interim debriefs undertaken by LRF and others. The Board created a Lessons Management Register to provide a robust summary and audit trail of how multi-agency pan-Wales lessons identified through debriefing were being managed during the pandemic and how those lessons were being shared. The register provides a means for the Board to oversee the monitoring, implementation and progress of the recommendations, including providing a conduit to share those lessons, and progress made to address them, as widely as possible.
324. For the Project Board to sign off the Lessons Management Register, all recommendations will have to be agreed as complete and any supporting evidence gathered and stored appropriately. Where recommendations are not signed off as complete, and require further work, the Project Board will ensure that an appropriate owner is agreed and the necessary communication and assurances are recorded regarding transfer of ownership of specific recommendations. Furthermore, the archived material will be made accessible to support any subsequent legal processes.
325. The interim review and the evaluation, and monitoring process established to take forward recommendations, demonstrates the willingness of the civil contingencies community in Wales to engage early on identifying lessons from Covid-19 and to apply this learning to improving their individual and collective response both in the short-term and in the longer-term changes in doctrine and practices required more broadly to help evolve preparedness. The lessons learnt will not only feed into the UK Covid-19 Inquiry but also the general review of civil contingencies.

Civil Contingencies Act 2004 – Welsh Government Regulations

326. The outcomes and recommendations from the review into civil contingencies in Wales, together with the findings of the Public Inquiry into Covid-19 and all other national reviews, will help inform how the Welsh Government regulates under the CCA 2004.
327. Taking into consideration the critical outcomes of the reviews, Welsh Ministers will be able to exercise the powers they have to make regulations in relation to the Category 1 devolved Welsh responders about the extent of the assessment and planning duties imposed on them by the Act, and the manner in which they must perform those duties. In the same way, Welsh Ministers can make regulations and issue guidance about the extent and manner a local authority may provide advice and assistance on business continuity. They may also make regulations requiring or permitting devolved Welsh responders to disclose information on request to any other Category 1 or 2 responder and may issue guidance about the performance of functions under the regulations.
328. Welsh Ministers can also make regulations permitting devolved Welsh responders to co-operate with, and provide information to, other Category 1 responders. They may also issue guidance in this regard.
329. Outside of making regulations, Welsh Ministers may by direction require Category 1 devolved Welsh responders to perform a function for the purpose of preventing the occurrence of an emergency, reducing, controlling or mitigating the effects of an emergency or taking other action in connection with an emergency, including making a direction during times of urgency.
330. Welsh Ministers will be able to exercise the powers they have to issue guidance relating to changes that have been made and devolved Welsh responders must have regard to the new guidance as it applies to them. They will also be able to exercise powers they have to monitor and require information from devolved Welsh responders about action they have taken to comply with a duty under Part 1 of the CCA 2004 or to explain why they have not taken action to comply with such a duty. They will also be able to exercise the powers that have been transferred to them to bring enforcement proceedings against devolved Welsh responders.

331. In addition, Welsh Ministers are able to amend (i.e. add or remove) the list of devolved Welsh responders, to include adding an entry for a devolved Welsh authority.
332. However, it is important to note that, before the Welsh Ministers can make any orders or regulations under the CCA 2004, they have to first consult a Minister of the Crown (s.14B CCA2004).
333. The CCA Regulations confer a number of additional functions on UK Government Ministers (in respect of category 1 and 2 responders in England and Wales), none of which were transferred to the Welsh Ministers automatically via the TFO. This will continue until such time as the Welsh Ministers make amendments or new regulations in order to supersede the CCA Regulations. The UK Government included a transitory provision in the TFO which provides that the CCA Regulations will continue to apply to devolved Welsh responders until such time as the Welsh Ministers make a Welsh equivalent or the CCA Regulations: in reliance on the powers transferred via the TFO.
334. As it stands, therefore, the original CCA Regulations still apply in Wales and will remain in place until Welsh Ministers can examine the evidence provided from the various reviews and inquiries into Covid-19, as well as the outcomes of the review into civil contingencies in Wales, to help shape how the regulations in Wales should look. The reviews will help Welsh Ministers obtain a better understanding of how their powers can be best exercised to help Category 1 devolved Welsh responders comply with their duties.

Preparedness and resilience of the economy and management of financial risks.

335. The Economy, Treasury and Constitution Group (ETC Group) supports the First Minister and Cabinet in the delivery of the Programme for Government, with particular responsibilities for advising the Minister for Economy, Deputy Minister for Arts and Sport, Minister for Finance and Local Government, and the Counsel General and Minister for the Constitution.
336. Established in April 2022, ETC group's work spans a range of policy and operational areas including the Welsh Treasury, legal services and legislative counsel, international relations, economic policy and strategy, business support, operations and

regional investment, EU funding, constitution and justice, WEFO, R&D, science and innovation, and culture, sport and tourism.

337. The work of ETC Group includes responsibilities for the Welsh Government's budget, tax policy, the provision of economic advice and support for business to help grow the Welsh economy, developing innovation and science in Wales, promoting good working relationships between the four nations and internationally, and co-ordinating post-EU Exit. **Exhibited at AG1M01WG01/142 – INQ000116502** is a copy of the ETC Group organogram dated 23 January 2023.

Economy Ministers

338. Responsibility for macroeconomic policy lies with the UK Government. Monetary policy and the main levers of fiscal policy are not devolved. Neither is policy on international trade and on key regulations covering the goods and labour markets. The welfare system is not devolved.
339. Although the main levers of fiscal policy are not devolved, the Welsh Government does have some related powers, for example, varying the rates of income tax and for levying some other taxes. However, the revenues gained from devolved taxes represent only around twenty per cent of the Welsh Government's overall budget, with the remainder being provided in the form of a "block grant" from the UK Government. The Welsh Government's ability to borrow is also severely constrained by the fiscal framework, established by the UK Government, and within which it must operate.
340. In addition to the constraints set at the macroeconomic level, the UKG also controls the tax collection and associated data held by Her Majesty's Revenue and Customs (HMRC). This Welsh Government thus does not have access to data and systems required to operate direct intervention with employed citizens. This is relevant, for example, in relation to mechanisms such as the UK Government's Coronavirus Job Retention Schemes).
341. The majority of Welsh Government's economy-facing work relates to economic and trade development and investment activity rather than policy-making per se, although in the context of the developing devolution settlements and of EU Exit that is beginning to change.

342. Prior to the establishment of the ETC Group, support for Economy Ministers was provided by the Economy, Skills and Natural Resources Group led by Andrew Slade between January 2018 and March 2022, and by James Price between July 2015 and December 2017.
343. There is a confirmed set of accountabilities and delegations within the WG Economic portfolio to support Economy Ministers in delivering their priorities and managing risks. **Exhibit AG1M01WG01/143 – INQ000116574** is a copy of the 2020/2021 Director, Business and Regions delegations letter is attached.
344. The Director General, Andrew Slade, has overarching leadership, supported by Directors with thematic lead responsibilities with e.g. Director Business and Regions, Chief Operating Officer, Business Support, Director Culture, Sport and Tourism, Director International Relations and Trade to provide targeted deployment of policy and delivery resource. Directors, in turn, are supported by relevant Deputy Directors and Executive Band managers. Roles and responsibilities are clear and are supported by oversight management and control, and leaders in policy, governance, finance, delivery and evaluation. Similar arrangements applied in the antecedent structures (Business, Enterprise, Technology and Science Group, Economy Science and Transport Group, both led in sequence by James Price, and then Economy, Skills and Natural Resources Group (running from 2011 to 2022).

Before the Pandemic

345. Following the 2008 financial crisis, and during the era of the UK Government's austerity measures, a range of contingency plans were put in place focussed on priorities and a number of scenarios (e.g. significant redundancies), but these tended to be linked to places, particular localised regional events such as flooding, sectors or business clusters rather than anticipating a shut-down of the whole economy or whole sectors. When any sectors experienced a difficulty or companies were hit by local and global trends, the economic crisis of 2008 or Brexit impacts, Welsh Task Forces and/or bespoke programmes of delivery were established to deal with the consequences of job losses or to work with companies to assist them. Alongside this there was a team approach to share intelligence and data and underpinned by a core Customer

Relationship Management (CRM) system, enabling a culture of continuous improvement.

346. It is fair to say that, with the 2008 financial crisis, austerity, flooding and extreme weather and then Brexit, the Welsh Government's economic functions spent a considerable amount of time preparing for and dealing with contingencies of one sort or another. This work helped develop knowledge, core processes and support mechanisms (including digital infrastructure) resilience, networks and partnership information, that stood the organisation in good stead for responding with pace and agility when the pandemic struck. For example, **exhibited at AG01M01WG01/144 – INQ000116581** is a copy of the Welsh Government plan entitled "Preparing for a no deal Brexit" published 16 September 2019.
347. As described above in paragraphs 338 to 340, monetary and fiscal policy levers necessary to contend with significant economic shocks and requiring a pan economy intervention lie with the UK Government, particularly the Treasury, rather than the Welsh Government. For example, we do not hold necessary HMRC data to allow employee level intervention, nor have the fiscal powers, nor the financial firepower, nor the borrowing potential, to allow sustained or widespread economic interventions – or, because Welsh Government has no say over their use, even to plan for them in the context of pan economy closure of business via government action.
348. Following the financial crisis of 2008, Welsh Government conducted a Micro Business review and launched Business Wales in 2012, a one-stop-shop for SME and Start Up Business Support before going on to initiate an Access to Finance Review (announced in 2013). In 2015, a feasibility study was undertaken into the creation of a development bank for Wales. Ministers agreed and between 2015-2017, commissioned Finance Wales to produce a business case for such a bank. The Development Bank of Wales was launched in October 2017.
349. The Development Bank of Wales, operating alongside Business Wales and wider economic interventions, continues to play a key part of the Welsh Government's strategy to support the economy of Wales. Its primary role is to ensure businesses have access to finance where market failure exists. The Development Bank has worked closely with Business Wales and the Welsh Government to create a suite of advice, support and products that directly meets market needs through accessibility

and flexibility within the prevailing market conditions. The Bank specifically offers a portfolio of funds relevant to businesses in different sectors and at different stages of their development and growth.

350. The Wales Flexible Investment Fund, which has been investing since 2017, provides the Development Bank with its most flexible form of funding, supporting a range of deal types, equity, and debt and with no geographical restrictions. It is a critical source of funding at a time of economic downturn and where the continuing impacts of the Covid-19 pandemic, as well as Brexit, are still evolving and the market needs are wide and varying. The Welsh Government capitalisation of the funds held by the Development Bank since 2017, has been critical to ensuring continued stability and liquidity in times of market volatility and was a key factor in enabling a rapid response to the pandemic in April 2020.

Stakeholder Engagement

351. Policy and delivery experts were engaged through austerity and when economic shocks occurred to learn the lessons, better understand impacts, and conduct research. Ministerial Advisory Groups have also been used to ascertain better ways of approaching Wales' specific needs alongside the longer-term board structures of the Development Bank and Business Wales, for example. Resource and expertise were also available to Welsh Government from wider arm's length bodies such as Industry Wales, Innovation Advisory Council for Wales and from relevant academics.
352. The relationships within the economic context have been strengthened over time via social partnership arrangements. The Minister's officials maintained relationships with local authorities, business stakeholders, High Street Banks, representative bodies, such as Federation of Small Businesses, Unions and partners and Welsh Government Civil Contingency planning prior to the pandemic to understand threats to economic resilience.

Management of Risk

353. I am advised that while no specific conversations with successive Ministers for Economy about a national pandemic effectively closing and stopping the whole economy in its tracks can be recalled, there were regular conversations about responses to economic shocks or impacts such as potential closures of major

employers, flooding and weather impacts, supply chain blockages or localised power and health impacts. It is often impossible to distinguish the specific source of adverse economic outcomes due to multiplicities of factors. For example, the pandemic impacted upon an economy already significantly affected by Brexit, and during the latter phases the tensions and then war in Ukraine had also started to have effects.

354. Prior to the Covid-19 pandemic, advice emanating from the UK Government in relation to pandemic influenza had generally emphasised the need for businesses to make their own preparations for proportions of their workforce being absent. For example, **exhibited at AG1M01WG01/145 – INQ000116542** is a copy of “Preparing for Pandemic Influenza Guidance for Local Planners” issued by the Cabinet office of the UK Government in July 2013 which, at page 14 to 15 deals with ‘staff absenteeism’.
355. An economy-related risk register continues to be reviewed regularly within the economy-facing groups, and also within specific lead Directorates (e.g. Business and Regions, Tourism and Operations) of Welsh Government.
356. Welsh Government has also carried a general risk regarding civil emergencies, but emergency operations had hitherto centred around a natural emergency (snow, wind), or EU Exit impacts, or related to certain sectors and company related economic shocks. While this experience was directly relatable and scalable, and drove a number of mechanisms for emergency management, there was no discrete contingency planning for a national economic shutdown. And, as described above, such planning would automatically have pointed to UK Government as the lead player because of the levers held at the UK national level (see paragraphs 338 to 340 above). More generally, it is worth noting that forms of economic contingency planning can risk being either market-making or self-fulfilling, if not conducted with great care, and this necessarily impacts the nature of planning and how it is documented.

Finance Ministers

357. It is important to note from the outset that there has never been a Welsh Government ‘Ministry of Finance’ (either during the period since 2009 or prior to that). There have in fact been various organisational units (Directorates and/or Divisions) which have supported Ministers for Finance in their various functions:

358. In recent years, the main Directorates supporting Ministers for Finance in respect of fiscal functions have been the Welsh Treasury and the Finance Department

The Welsh Treasury

359. The Welsh Treasury is a Directorate within our ETC Group led by Andrew Slade. Andrew Jeffreys has held the position of Director, Welsh Treasury since 2014 (when the Welsh Treasury was first created). Since April 2022 he has reported to Andrew Slade, Director General of the Economy, Treasury and Constitution Group however, prior to that, he reported to Dame Shan Morgan, Permanent Secretary, until September 2021 and thereafter (until April 2022) to me.

360. The Welsh Treasury provides advice and support to the Welsh Ministers, broadly, in relation to the Budget and Government Business; Tax Strategy and Inter-Governmental Relations; Economic Advice; and Infrastructure Strategy and Assurance.

361. The main responsibilities of the Welsh Treasury are the allocation of the Welsh Government budget (paragraphs 106 to 119 above); advice on financial implications of Government policies; programmes and projects; investment strategy; planning and assurance; tax strategy and policy; liaison with HM Treasury and other Devolved Governments on fiscal matters and the provision advice and briefing on these matters (including economic matters), both to the Finance Minister and to Ministers generally.

Support to the Minister of Finance

362. The functions of the Minister for Finance have varied over time (e.g. at the moment, the Minister for Finance also has responsibility for Local Government but did not have this responsibility at the time the Covid pandemic began). However, the Minister for Finance has always had responsibility within the Welsh Government for fiscal matters (e.g. public spending, tax policy, financial management, etc).

Support to other Ministers and the Welsh Government generally

363. At paragraph 11 I have commented on the integrated nature of the Welsh Government administration, its policy development work and its decision-making processes. In particular, I have commented on the preparation of Ministerial Advice submissions (MAs) and Cabinet Papers. These documents, that are submitted to Ministers for

decisions, comprise consolidated and integrated policy and expert advice from officials across the organisation, including those within the Welsh Treasury. The Welsh Treasury, in addition to others, input into these documents prior to submission to Ministers; this is a routine feature of our governance arrangements. In order to discharge this role effectively it is necessary to establish and maintain relationships, at all levels, with policy and finance teams across the Welsh Government.

Contingency planning on the economic impact of unexpected shocks

364. The economy is subject to external and unpredictable shocks on a continuing basis, with the war in Ukraine and the associated effects on the cost of living being only the most recent example. Shocks often overlap and impact in combination. The effects of shocks on the economy typically comprise specific and generic features, with the mix depending on the nature of the shock in question.
365. Economists in the Welsh Treasury, led by Chief Economist Jonathan Price, continuously monitor developments affecting the economy and assess impacts. This includes assessing emerging risks. More specific assessments of the impact of shocks on particular sectors are made by officials in the responsible departments

Financial stability risks

366. Neither the Minister for Finance nor the Welsh Treasury have any responsibility in relation to the finance sector.

Governance and meetings structures

367. No specific structures were in place to work with other Welsh Government Departments, other public bodies, third sector or the private sector relating to fiscal matters (such as public spending policy) in respect of emergency, or specifically epidemic or pandemic risk preparedness, planning and/or management. Welsh Treasury and Finance officials were involved in wider Welsh Government and Welsh public sector preparedness and resilience structures as required.

Working with Local Government on preparedness and resilience measures

368. Local authorities in Wales are partners of the Welsh Government. Over a third of the Government's total budget is distributed to councils who provide a wide range of vital services, which include:

- 368.1. education;
- 368.2. social services;
- 368.3. housing;
- 368.4. planning and building control;
- 368.5. trading standards;
- 368.6. alcohol, entertainment and gambling licensing;
- 368.7. health and safety;
- 368.8. libraries, leisure and tourism;
- 368.9. refuse collection and recycling;
- 368.10. transport and highways; and
- 368.11. public health, environmental health.

369. While policy for these and other council services is dealt with by divisions across the Government (e.g public health functions) Local Government Directorate is concerned with making sure that councils are fairly funded, corporately strong and well governed.

Local authorities in Wales

370. The framework for local government in Wales is the Local Government Act 1972 (LGA 1972). This Act has been substantially amended since its enactment including, significantly, by the Local Government (Wales) Act 1994 which established the current system of principal local authorities. The Welsh Ministers now exercise the vast majority of the executive functions under LGA 1972 in relation to Wales. Further amendments were also enacted more recently by the Local Government and Elections (Wales) Act 2021.

371. There are two tiers of local government in Wales. There are 22 'principal' local government areas each of which has a locally elected council with powers and duties conferred or imposed by various statutes. All principal councils in Wales operate

executive arrangements under Part 2 of the Local Government Act 2000, meaning that many of the powers of the councils are exercised by Cabinets. The council elects the executive leader and the executive leader chooses cabinet members. All 22 principal councils in Wales have adopted a leader and cabinet executive model.

372. The 22 areas are further divided into community areas for which there may be a community council. There are currently over 730 community councils in Wales.
373. Councils for principal areas provide services such as education, social care, housing, planning, refuse and recycling, the setting and collection of council tax and the collection of non-domestic rates. Principal councils also act in the capacity of the local education authority, social services authority, licensing authority and planning authority.
374. The functions of community councils are set out in LGA 1972 and in other legislation.
375. The Welsh Ministers have a general supervisory role in relation to local government in Wales and determine and fund the majority of the annual revenue and capital settlements for local government. Under GOWA 2006 the Welsh Ministers must make a scheme setting out how they propose, in the exercise of their functions, to “sustain and promote local government in Wales”.

Funding Local authorities in Wales

376. Local government revenue spending for principal councils in Wales is funded from three major sources:
 - 376.1. Welsh Government – This accounts for around 80% of total local government net revenue expenditure. It is made up of the Revenue Support Grant, pooled non-domestic rates, and a large number of grants for specific purposes.
 - 376.2. Non-domestic rates –These are mainly collected from local ratepayers by local councils, although the tax-rate (multiplier) is set annually by the Welsh Government. Each council contributes the amount collected to a central pool managed by the Welsh Government, which then distributes the money together

with rates collected centrally, as a grant to councils as part of the annual settlement.

- 376.3. Council tax – This accounts for around 20% of total net revenue funding. The tax-rate is set annually by each council individually as part of its budget-setting process and is calculated on the basis of the Budget Requirement and number of Band D equivalent properties in the council's area. The Welsh Government has powers to limit (cap) council tax increases but its policy position is to allow local authorities the autonomy to set increases as they judge appropriate.
377. The UK Government also funds local authorities in Wales to deliver certain non-devolved functions. Community councils are mainly funded through a precept on their principal authority's council tax. Principal councils and community councils may also receive income from fees, charges and investments.
378. The Welsh Ministers set the framework in relation to local government finance. The law is contained in a number of acts including the Local Government Act 1972, the Local Government (Wales) Act 1994 and the Local Government Finance Acts of 1988 and 1992. The majority of the functions of the Secretary of State under these enactments have been transferred to the Welsh Ministers who therefore have a range of executive powers to set out how local government is funded and how finances must be administered.
379. Under the Local Government (Wales) Act 1994 each principal council is required to establish and maintain a fund, known as the Council Fund, into which all sums received and from which all payments, must be paid (apart from transactions relating to trust funds). Principal councils are required to keep accounts of all transactions involving their Council Fund.
380. Principal councils are required to conduct their financial affairs responsibly. Under the Accounts and Audit (Wales) Regulations 2014, councils are responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of their functions.
381. Non-domestic rates and council tax are the means by which principal councils raise funds from the owners or occupiers of domestic and non-domestic property in their

area. The non-domestic rating system was established by the Local Government Finance Act 1988 (LGFA 1988) and council tax by the Local Government Finance Act 1992 (LGFA 1992). The majority of the functions conferred on the Secretary of State under these Acts, so far as exercisable in relation to Wales, are now exercisable by the Welsh Ministers.

Public health functions of local authorities

- 382.** Local authorities have powers to require, request or take action for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents, or could present, significant harm to human health.
- 383.** These powers are primarily located under the Public Health (Control of Disease) Act 1984 (1984 Act) which was amended by the Health and Social Care Act 2008 incorporating a number of public health protection powers. The 1984 Act, and secondary legislation made under that Act, provide for local authorities and justices of the peace (JPs) to take certain actions to protect public health.

“One Welsh Public Service” and working in “Social Partnership”

- 384.** As part of the vision for ‘One Welsh Public Service’ there is a strong aspiration on the part of the Welsh Government for organisations in Wales to establish a strong collaborative partnership across organisational boundaries and across sectors.
- 385.** Complementing the ‘One Welsh Public Service’ vision is the Welsh Government’s commitment to Social Partnership as a way of working. This has developed since devolution and aims to support open communication and co-production. The Shadow Social Partnership Council (SSPC) sits at the top of this structure and was set up to discuss a range of strategic issues relating to fair work and social partnership. The SSPC is chaired by the First Minister, with other Ministers attending where necessary. In addition to Welsh Ministers, membership of the SSPC now consists of approximately 25 senior representatives from across the devolved public services, the private sector, the trade unions and the voluntary sector as well as the various Welsh Commissioners (for example the Children’s Commissioner for Wales).

386. The SSPC was a forum for sharing information and good practice and for influencing, including the consideration, challenge and enhancement of policy developed in response to the pandemic. Currently, the Social Partnership and Public Procurement (Wales) Bill, introduced by the Deputy Minister for Social Partnership, is proceeding through the Senedd and it provides for the establishment of a statutory Social Partnership Council.
387. Matters relating to public sector employment in Wales are dealt with in partnership through the Workforce Partnership Council (WPC) and its Joint Executive Committee. The WPC is recognised by each of the three partners as the key forum for cross-public services workforce matters in Wales. It seeks to reach agreement on matters which are cross-public service or relevant to the whole public service. It is a forum for sharing information and good practice and for influencing, including the consideration, challenge and enhancement of policy in development of cross-public service workforce related matters. It also supports collective practice, even where formal agreements cannot be secured.
388. Partnership working is strong in Wales and social partnership has become an important aspect of policy development and implementation. In addition to the structure described above, most partnership groups set up by the Welsh Government include representation from social partners. This provides the opportunity for a mutual exchange of ideas on a range of subjects, allowing social partners to play an active role in the work of the Welsh Government. This way of working and the networks and relationships that it has enabled were of significant benefit to the Welsh Government in working to manage the response to the pandemic.
389. I produce, as **Exhibit AG01M01WG01/146 – INQ000066057** a diagram that shows a number of the national-level partnerships which facilitate regular engagement between social partners (employers and/or trade unions) with which the Welsh Government has some involvement.

The Partnership Council

390. The Partnership Council for Wales, which was established under section 72 GOWA 2006, supports joint working between the Welsh Government and Local Government in Wales. The membership of the Partnership Council for Wales includes Welsh

Ministers, and representatives of local authorities in Wales. Local authorities in this context includes county borough councils, county councils and community councils; National Park Authorities; Police and Crime Commissioners; and Fire and Rescue Authorities.

Welsh Local Government Association

391. All the principal councils in Wales are members of the Welsh Local Government Association (WLGA). The WLGA represents their collective views and interests and advises and supports individual authorities. In addition to the 22 principal councils in Wales, the WLGA has associate members consisting of the three Fire and Rescue Authorities (FRAs) and the three National Park Authorities (NPA) in Wales. The WLGA is an observer but not a statutory member of the Partnership Council for Wales. The WLGA's Constitution sets out its aims, objectives, structure and conduct rules. The WLGA Chief Executive sits on the WRF alongside a political representative with responsibility for civil contingencies from the WLGA.

NHS in Wales

392. The basic structure of the public sector bodies involved in the delivery of healthcare in Wales is addressed in my second statement in connection with Module 1 in response to request reference M01-NHSWALES-01.

Third Sector in Wales

393. The Third Sector Scheme and Third Sector Partnership Council provide the framework and governance for the Third Sector in Wales. The Third Sector Partnership Council enables the Welsh Government to engage strategically with the sector, which is dominated by smaller scale organisations in Wales. During the pandemic the Wales Council for Voluntary Action, a membership organisation, worked closely with the Welsh Government to deliver funding support packages, engage volunteers and provide support to vulnerable people.
394. The Third Sector is represented on the WRF by the British Red Cross and the Wales Council for Voluntary Action. They also jointly chair the Wales Community Resilience Group.

395. Voluntary agencies in Wales are integrated into local emergency planning arrangements, primarily via local authorities. Category 1 responders, such as local authorities, as defined under the CCA 2004, must 'have regard' for the voluntary sector in emergency planning.
396. Whilst the Wales Council for Voluntary Action and the British Red Cross represent the sector on the Wales Resilience Forum, much of the engagement with the sector is at a more localised basis because of the volume of organisations concerned and the local nature of their work.
397. The Welsh Government established a Wales Community Resilience Group in March 2010, during Swine Flu, and continues to maintain this group with the Wales Council for Voluntary Action and the British Red Cross jointly chairing the group. Its main aim is to help community groups learn about the risks, and understand the likely impact, of emergencies on individuals and their wider communities, as well as providing advice to people on how they can look after themselves during emergencies. As with engagement with the voluntary sector as a whole, a single, national group can be too remote from communities, so groups were subsequently established in LRF areas and supported by the national group through the sharing of good practice.
398. Although I have listed here some of the principal examples of engagement with public bodies, this approach to partnership working extends to those organisations whose functions are not devolved to Wales, such as the Police and His Majesty's Prisons and Probation Service.

Lessons learnt

399. A significant amount of review, evaluation and lessons learnt activity has taken place both within Welsh Government and by relevant external bodies and organisations in response to the Covid-19 pandemic. This work broadly falls into six categories, as follows –
- 399.1. Strategic / organisational;
- 399.2. Senedd Cymru Committees;

399.3. Audit Wales;

399.4. Regulators, Inspectorates and Ombudsmen – for example Estyn, Health Inspectorate Wales, Care Inspectorate Wales and the Equality and Human Rights Commission;

399.5. Internal Audit;

399.6. Internal Lessons Learned, review and evaluation activity has been undertaken by policy teams and divisions, including documents created as part of the cross Government Stocktake and Lessons Learned exercise commissioned in the Autumn of 2020;

399.7. Commissioners in Wales, for example the Children’s Commissioner for Wales, the Older People’s Commissioner for Wales, the Future Generations Commissioner for Wales and the Welsh Language Commissioner.

400. I attach as **Exhibit AG01M01WG01/147 – INQ000066464** a table which sets out the reports, reviews and lessons learned exercises which have taken place in response to the Covid-19 pandemic. The table has been manually compiled. A review of the table will be undertaken once we have completed the review of our documents in relation to Module 1. Attached are also each of the reports referred to as **Exhibits AG01M01WG01/189 – INQ000066465, AG01M01WG01/190 – INQ000066466, AG01M01WG01/191 – INQ000066467, AG01M01WG01/192 – INQ000066468, AG01M01WG01/193 – INQ000066469, AG01M01WG01/194 – INQ000066470, AG01M01WG01/195 – INQ000066471, AG01M01WG01/196 – INQ000066472, AG01M01WG01/197 – INQ000066473, AG01M01WG01/198 – INQ000066474, AG01M01WG01/199 – INQ000066476, AG01M01WG01/200 – INQ000066477, AG01M01WG01/201 – INQ000066478, AG01M01WG01/202 – INQ000066479, AG01M01WG01/203 – INQ000066480, AG01M01WG01/204 – INQ000066481, AG01M01WG01/205 – INQ000066482, AG01M01WG01/206 – INQ000066483, AG01M01WG01/207 – INQ000128999, AG01M01WG01/208 – INQ000066484, AG01M01WG01/209 - INQ000066485, AG01M01WG01/210 – INQ000066487, AG01M01WG01/211 – INQ000066488, AG01M01WG01/212 – INQ000066489, AG01M01WG01/213 – INQ000066490, AG01M01WG01/214 – INQ000066491,**

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401. The process of learning from the pandemic is ongoing. This will allow the Welsh Government to learn valuable lessons for the future. Some of our initial reflections are set out below.

How our planning helped us prepare for Covid-19

402. While many outbreaks and pandemics which occurred prior to Covid-19 did not present the same challenges, as a result of the planning, testing and review of plans that was undertaken prior to the Covid-19 pandemic, Wales held in place a basis for the response which could be built upon and adapted in response to the challenges presented by Covid-19.
403. Where the existing measures needed modification to meet the challenges presented, the Welsh Government and other key bodies displayed the ability to adapt.

Aspects of pre-pandemic planning which require reviewing

404. While government and responder agencies have taken forward many lessons learned from actual incidents and simulation exercises over the years to further develop preparedness, there is evidence to show that this process is not flawless, despite the introduction of national depositories for lessons identified, such as Joint Organisational Learning and Resilience Direct. Having a repository for key lessons is an important step forward in ensuring lessons are identified, but this may need to be supplemented by a system which tracks progress on addressing these lessons and auditing the effectiveness of this work to ensure those lessons are learnt and fully embedded.
405. The limited resource capacity across government and all agencies and spread also across the full spectrum of risks may undermine the ability to sustain long-term focus on addressing recommendations. Those with the experience and knowledge of civil contingencies are often drawn away on other priorities, so being able to maintain a focus on embedding longer-term change in organisational culture has always proved difficult. This has been demonstrated by the fact that the work being taken forward in Wales, as well as the programme of work established by the Pandemic Flu Readiness Board at the UK level, were delayed because of the substantial demands of Operation Yellowhammer. The need to find a more effective solution to has been recognised by the Welsh Government which has been working with stakeholders to develop realistic and sustainable options balancing strategy and response.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 14 March 2023