

IN THE UK COVID-19 INQUIRY

Before the Right Honourable Baroness Hallett D.B.E.

**STATEMENT OF
THE RIGHT HONOURABLE MARK DRAKEFORD M.S.**

I, THE RIGHT HONOURABLE MARK DRAKEFORD M.S., will say as follows:

Introduction

1. I want to acknowledge at the outset of my statement, the unprecedented impact the pandemic has had on people across Wales.
2. The pandemic touched the lives of everyone in Wales: my own, my colleagues, our communities, but none more so than the many families who lost loved ones. I would like to take this opportunity to express my personal sympathies to those affected and to all who sadly lost loved ones.
3. I was and remain extremely grateful for, and very proud of, the efforts and commitment of the people of Wales in keeping Wales safe by following guidance and complying with the

unprecedented restrictions on our daily lives. I am also grateful for, and proud of, our Welsh public services: their efforts and commitment were unquestionable. I would like to give my particular thanks to all those who work in social care services, in the NHS in Wales and the volunteers who supported them throughout the course of the pandemic. Their professionalism, dedication and selflessness was humbling. I would also like to thank my civil service colleagues for their contribution and support in delivering the Welsh Government's functions and responsibilities.

4. I recognise that the difficult decisions I and my fellow Ministers took during the pandemic have undoubtedly disrupted and changed people's lives and livelihoods. Our communities and local services suffered, and we are still learning of the impacts not only on our health but also upon young people, communities and businesses. Those decisions were made to protect Welsh citizens at a time where we were dealing with a virus about which we knew very little, but where we needed to act quickly.
5. I believe that the approaches we took in Wales were designed to serve our nation as reasonably and safely as we could.
6. Sadly, too many families have lost loved ones. This cruel virus has stolen lives and it has left their loved ones with questions, which they rightly want answered. I, and the Welsh Government, are committed to this Inquiry and, of course, implementing any lessons that are learned as the Inquiry's investigation proceeds.

Introduction

7. I was born and brought up in Carmarthenshire and attended Queen Elizabeth Grammar School. I studied Latin at the University of Kent and graduated from the University of Exeter as a social worker. I moved to Cardiff in 1979 and worked as a probation officer, a youth justice worker and as a Barnardo's project leader.
8. Between 1991 and 1995, I was a lecturer in applied social studies at the University College of Swansea (now Swansea University). I then moved to the University of Wales, Cardiff, (now Cardiff University), as a lecturer in its School of Social and Administrative Studies. I was promoted to Senior Lecturer in 1999 and appointed as Professor of Social Policy and Applied Social Sciences in 2003. I continued in that post, alongside my political work, until my appointment as a Minister in 2013.
9. From 1985 to 1993 I was a councillor for South Glamorgan County Council and served as Vice-Chair of the Education Committee during that time. Following Rhodri Morgan's

appointment as First Minister in 2000, I became a special adviser on health and social policy and later served as the head of the First Minister's political office. I succeeded Mr Morgan as the Assembly Member for Cardiff West when he retired in 2011. Immediately after, I became the Chair of the Welsh Assembly's Health and Social Care Committee and of the All-Wales Programme Monitoring Committee for European Funds.

10. In 2013, I was appointed as Minister for Health and Social Services in the Welsh Government and served in that role until 2016. Following the May election of that year, I became Cabinet Secretary for Finance and Local Government. Later in 2016, I assumed responsibility for the Welsh Government's Brexit preparations. I became First Minister and Leader of Welsh Labour in 2018 and I was appointed a Privy Counsellor on 10 January 2019.

11. There are three points that I would like to make regarding the relevance of my background to preparedness and, later, decision-making during the Covid-19 pandemic:

(a) First, I have worked inside the Welsh Government, including a decade in the First Minister's office, since the outset of devolution in 2000. I consider that my accumulated knowledge from this lengthy period of time at the centre of Welsh Government greatly assisted my understanding of how devolved government and the machinery of government worked. That experience was particularly useful when decisions needed to be made very quickly and on limited amounts of hard data because I was able to draw on my experience in government in a large number of other areas of decision-making.

(b) Second, I was fortunate in that I have worked as both Health Minister and Minister for Local Government and was thus familiar with the work of the NHS and local government in Wales and how those bodies interacted with the Welsh Government. Personal relationships with many members across both these sectors had been developed over many years.

(c) Third, I also had the experience of working as Finance Minister, which helped me to be able to understand the complex issues of government and inter-government finance and thus respond during the pandemic to extraordinary funding issues that suddenly came our way. I was a regular visitor to HM Treasury as Finance Minister dealing with the Chief Secretary and I negotiated the current funding regime for Wales.

12. I have had some experience of planning for epidemics.

- (a) During my time as special adviser to the then First Minister, there was a SARS outbreak. I was present at meetings between the Health Ministers of Wales and Scotland and Andy Burnham MP, who was then the Secretary of State for Health, to discuss UK pandemic planning. I was involved in both the preparation and the planning of our anticipated response to this potential epidemic.
- (b) Then, during my time as Health Minister, there was an outbreak of Ebola in certain African countries, which threatened to be imported into the UK. Our planning discussions on that occasion were not limited to health, but covered other areas of government including the management of our borders and how to contain potential infections in people who entered the country from areas with the Ebola outbreak. I was more extensively involved in putting in place all the necessary arrangements on this occasion because, had there been a more widespread incidence, facilities for dealing with Ebola were not distributed in every UK nation.
- (c) Neither SARS nor the Ebola outbreak resulted in a serious pandemic within the UK, but I was involved in the preparation and planning and that experience was helpful when it came to Covid-19.

The r.9 request

13. I understand that a number of requests for information, under r. 9 of the Inquiries Rules 2006, have been made by the Inquiry in relation to Module 1. I also understand that the substance of the Welsh Government's preparedness arrangements has been set out in statements, provided by senior officials, in response to those requests.

14. This statement is prepared in response to a request (dated 10 February 2023) ("the request") that wishes to draw upon my experience as First Minister of Wales in the period between 2018 and today. I have drawn on support from my office in preparing this statement.

15. The request asks six questions which I shall answer in turn.

Systems, processes and structures for pandemic preparedness in Wales

16. I have been asked for my general views on the systems, processes and structures for pandemic preparedness in Wales. I have also been asked to what extent, and how, it was integrated with the UK's systems, processes and structures for pandemic preparedness and how, in my view, they could be improved.
17. My experience was that the systems, processes and structures for pandemic preparedness (in particular, the Pan-Wales Response Plan) provided a useful general guide for our response to Covid-19. The systems had developed over the years and had been informed by our experiences of previous events. That said, it is inevitable that preparedness plans, however well-considered, are to some extent geared towards "fighting the last war". It is not, therefore, surprising that the plans did not (and, indeed, could not) reasonably anticipate the very specific challenges presented by Covid-19.
18. To give an example of the flexibility that was required by Covid-19, there was an assumption that the response of the four Nations would be based on the provisions which existed for the introduction of emergency powers under the Civil Contingencies Act 2004 ("CCA"). Through participation in early COBR meetings, it became apparent to me that the UK Government had growing reservations about whether the CCA was best suited to provide the legal framework for responding to a long-term civil emergency. For example, the CCA required the UK Government to seek Parliamentary approval of the response measures every seven days which was, given the likely scale and duration of the pandemic, unlikely to be practical.
19. The UK Government therefore decided, and I agreed, that public health powers were better suited to responding to Covid-19. As health is devolved, that allowed the Welsh Government to respond to Wales' particular circumstances (and the Scottish Government to do likewise in Scotland). At the time, the Prime Minister appeared to understand that he needed the agreement of the Welsh and Scottish Governments to act in concert with the UK Government. That said, no-one, at the start of the pandemic, anticipated the differences in approach that would emerge later.
20. There are other practical examples of the flexibility that the response to the pandemic required. For instance, planning did not anticipate that relevant decision-makers and advisers could not meet in the same room. About one quarter of my Ministerial colleagues were caught by shielding guidance and could not leave their homes. We, therefore, had to

adapt our methods of working to make sure that those affected could attend meetings remotely. This had to be achieved by radical change, rapidly implemented.

21. In considering the flexibility that was required in responding to Covid-19, an important point to make is that although Welsh Ministers and senior officials received information quickly and the Welsh Government's Technical Advisory Cell was a valuable resource, there was never a time when there was a settled body of knowledge about Covid-19. This was especially the case in the earliest stages, but remains true even to the present day. The Chief Medical Officer (CMO) and the Chief Scientific Advisor for Health (CSA-Health) and their staffs relayed the best information available at any one time. There were times when I was concerned the ground rules about participation (at the very early stage) and what work (if any) that the Welsh Government could commission from SAGE were not as clear as I would have liked at the outset. That said, because of the good personal relationships between the Four Nations' CMOs and other senior officials, work-arounds were developed to make sure that the Welsh Government received up-to-date knowledge and advice, although it was obviously developing rapidly.
22. As I have indicated above, I found my previous experience of responding to public health events to be useful. I was the Health Minister when Ebola struck. Although the sheer scale of Covid-19 was very much greater, in terms of the issues that emerged there were some similarities between Ebola and Covid-19. For example, although in a far more modest way during Ebola, we had to consider how and to what extent an individual falling ill in Wales would need to be isolated, how many others who had been in contact with that person could be traced, contacted and their health protected, any necessary precautions (such as deep cleaning) and appropriate PPE. So, although the nature and scale of the challenge of Covid-19 was unique, as First Minister, I had some sense of what to do, and the Welsh Government, as an organisation, also had some sense of the issues that would arise.
23. Overall, the Welsh Government's systems provided us with the sound underpinnings for our response to Covid-19, but the nature of the virus meant that we had to build rapidly upon those foundations and to adapt speedily to re-fashion the way we responded.
24. In terms of integration of the Welsh Government's systems with those of the UK Government, at head of government level, they were improvised as the pandemic developed and, essentially, they were ad hoc arrangements throughout the course of the pandemic. Although there existed the machinery for heads of government meetings, provided by the Joint Ministerial Committee ("JMC"), it was not used during the pandemic.

Indeed, one of the problems was that, in reality, if the Prime Minister did not convene a heads of government meeting, it was practically impossible for the heads of the devolved governments to do so. In other words, if the Prime Minister did not want a meeting, it would not happen. However, towards the end of the pandemic new arrangements were established as a result of the Inter-governmental Review. Since January 2022, all four governments have agreed to use the package of reforms developed during the Inter-Governmental Relations Review as the basis for the conduct of inter-governmental relations. These arrangements seek to ensure mutual respect for the responsibilities of the governments and their shared role in the governance of the UK.

25. At Ministerial level, there were meetings although there was no pattern to their frequency and too often they were held at short notice and, sometimes, without any agenda or papers. The overall feeling of myself and other Welsh Ministers was that, in very many cases, the UK Government called these meetings with the devolved governments to inform them of decisions that had already been made and to allow the relevant UK Minister to say that the devolved nations had been consulted. In fact, the meetings were not a forum for joint decision-making; we were not involved in discussions at an early stage and, generally speaking, they provided for the form, rather than the substance, of engagement.
26. By contrast, at official level, many discussions were taking place between Welsh Government and UK Government officials. My impression was that the working relationships between officials worked well, often very well, up to, and including, the CMOs of the Four Nations.
27. Finally, although I have been asked for my views about the integration between the Welsh and UK Governments' respective systems, I should add that, at all levels of government, we worked well with our colleagues in the other two devolved governments.

The Pan-Wales Response Plan

28. I have been asked for my general views on the Pan-Wales Response Plan ("the Plan"). To a great extent, these views are set out above, but there is an important and overarching point that is relevant. Planning had taken place for a pandemic and, as First Minister, my experience was that the system generally responded well to the need to adapt quickly to the challenges presented by Covid-19. Plans set out responsibilities, decision making

hierarchies and so on. They cannot capture the more intangible, but formative, impact of the underlying ethos with which plans are translated into action.

29. The crucial point when considering the effectiveness of planning is the spirit of public service that is shown by those (such as those working in the NHS and other public services) on whom the practical burden of responding to the pandemic fell. That will not be expressly set out in the Plan or in any documents, but it is fundamental to how well the system responds, particularly to a whole-system civil emergency such as Covid-19.
30. Wales' relatively small size means that working relationships between the Welsh Government and, for example, Welsh NHS bodies or Welsh local authorities are generally well-established and work well. There are longstanding arrangements, enshrined through social partnership, which provide Welsh public bodies with the opportunity to tell us what we needed to know before Welsh Ministers made a decision.
31. Another practical factor that assisted during the pandemic was that Welsh Ministers, across the period, were likely to remain in post across a Senedd term. At the point after Covid-19 became a reality, for example, the Health Minister had been in post, as a Deputy and Cabinet Minister, for 6 years. The Local Government and Finance Ministers had discharged these responsibilities since 2018. That degree of stability allows a Minister to develop not only a knowledge of the brief, but also to develop the effective working relationships that proved to be fundamental when working at pace in highly pressurised situations.

Key policy decisions and the structure of public services

32. I have next been asked whether there are any key policy decisions, for example, on the funding and structure of public services, which should have been taken differently to better prepare Wales for a whole-system civil emergency such as a pandemic. If so, which ones and how? I have also been asked which important decisions on economic policy and the funding of public services, taken during my tenure in office, had a material effect on Wales's pandemic readiness and what effect did they have? I shall answer both questions together.

33. As a general point, when governments make decisions, they take account of all the relevant policy areas that may be affected by a particular decision. Understandably, the Inquiry is concentrating on preparedness in Module 1. Although that is important, it is only one of many factors that will be considered when taking decisions.
34. The policy decision that most affected preparedness was austerity, that is to say, the approach taken by the UK Government to the public finances from 2010 onwards. In the decade before the pandemic, the Welsh Government was faced with reducing real-terms budgets every year. Cumulatively, that had an effect on the resources available for all public services in Wales. In other words, we had to take decisions based on decreasing resources.
35. Nonetheless, as Covid-19 was pre-eminently a public health emergency, the Welsh Government's decision to maintain and, where possible, to increase NHS spending was an important factor in Wales's preparedness. In my view, an equally important consideration is the Welsh Government's unambiguous commitment to public services. If, for example, you work in homelessness services in Wales and you know that the Welsh Government believes in what you are doing and that responding to homelessness is a valuable public service then, those employees will respond in kind when faced with extraordinary circumstances such as the pandemic.
36. A fundamental, but often overlooked, policy decision was one by the Welsh Government to invest in up-to-date IT systems and infrastructure. That work was completed in 2019 and so when the pandemic required us to work remotely, the Welsh Government had the IT resources to allow it to do so.

What was done correctly?

37. The penultimate question was what, in general terms, do you consider was done correctly by the Welsh Government in relation to pandemic planning, preparedness and resilience during my tenure in office and the reasons for my view?
38. This question has, I think, been answered in the preceding sections, but there is one point to which I would like to draw the Inquiry's attention here. Part of the challenge of responding to Covid-19 was to make sure that all aspects of government were able to adapt to a very different environment. In other words, we had to ensure that the

government responded flexibly, responsively and quickly and in ways that may not have been anticipated by planning.

39. A good example of such flexibility was demonstrated through social partnership working in Wales. This is an arrangement which emerged from the 2008/10 financial crisis and is a fundamental part of the Welsh Government's way of working ensuring there is a set of regular, reliable arrangements for engagement between key partners, with each partner being able to bring forward items for discussion. The arrangements provide the structure where complex and challenging issues are discussed with the aim of reaching agreement.
40. Although not a formal part of the Plan, an important benefit of social partnership arrangements was that they were supported by a group of civil servants who were used to servicing the machinery which included the Welsh Government, Welsh NHS bodies, Welsh local authorities, trade unions and others. Before the pandemic, there were large scale meetings, held quarterly, supplemented by a considerable amount of preparation. That work informed my administration's economic and social policies, but it brought the additional benefit that a significant number of people from across the public sector, had worked together for some time. When the pandemic struck, we held weekly meetings, we expanded membership and meetings dealt with issues in real time.
41. In summary, the Welsh Government's Shadow Social Partnership Council ("SSPC"), established prior to the pandemic, provided a basis for Welsh Ministers to connect to social partners and wider stakeholders, creating a voluntary partnership which provided a voice and participation of social partners in response to the Covid-19 pandemic. The overarching SSPC became a very important vehicle during the pandemic. We expanded its remit and membership and radically altered its operations; rather than a formal quarterly meeting, it met much more frequently, sometimes weekly, for an hour, and focused on the most difficult decisions in front of us at the time. In addition to public and private sector employers and trade unions, the expanded council consisted of third sector partners, representatives of the faith community and the Future Generations, Welsh Language, Older People's and Children's Commissioners. It was an attempt to bring together a wider set of social partners whose daily lives were affected by the decisions we were making and who would have a view on how very finely balanced decisions should be calibrated. Every week we met all key partners, with access to same information. Each week they would hear from the CMO, the CSA Health and the head of the NHS in Wales. The partners knew what we knew and in same sort of timescale too. So, their advice to us about their

sectors was as well informed as possible in context of the disease. That would be a single thing that helped hugely during pandemic.

42. Another aspect of the response which worked well and which deserves attention is the contribution of the Armed Forces. Because defence and, in particular, the deployment of the Armed Forces is a reserved matter, the use of the military did not feature in the Plan. The Welsh Government can request the deployment of the Armed Forces under arrangements known as the Military Assistance to Civilian Authorities (“MACA”) process. In broad terms, where there is a threat to the safety or security of people, civil authorities may ask the Secretary of State for Defence for military assistance who must approve the deployment of the military.

43. The MACA process worked well. The Welsh Government was hugely helped by the leadership of the Armed Forces in Wales. They were always alert to the case for Wales to receive our fair share of help; their positive attitude and logistical expertise was invaluable. In the context of Covid-19, we were provided with very effective help by the military.

44. One aspect of the Welsh devolution settlement upon which we worked very hard was policing, an area that is reserved to the UK Government. There are four police services in Wales, together with four Police and Crime Commissioners, and we worked collaboratively and successfully to make sure that enforcement of the Welsh Covid-19 rules was effective. A number of factors helped achieve that success:

(a) The scale of Wales, for the reasons discussed above, certainly helped.

(b) Pre-existing administrative arrangements which brought the police and the Welsh Government together routinely were also a significant factor and could be readily adapted in the pandemic. For example, there are regular meetings, usually chaired by the Minister for Social Justice and once a year by the First Minister, to discuss policing and related matters. So, in short, we had a system to mobilise when Covid-19 struck.

(c) Senior officials had well-established and effective working relationships with senior police officers and the Police and Crime Commissioners put us in good stead. I also had long standing relationships with senior police officers and Police and Crime Commissioners. For example, during the course of the pandemic, in addition to other briefing, every week before making Statements, or taking questions in the

Senedd, I had a brief from the police as to how they were managing to implement the rules we were putting in place; how the rules could be improved and what issues needed to be addressed. On Tuesday mornings, I would have that account directly from the lead chief constable who collected the information from her colleagues.

45. In considering this question (and my statement more broadly), I have thought about what did not work well. I think my concerns are less about the internal structures in Wales, and more to do with the relationship with the UK Government in particular and elements of the Welsh devolution settlement. As discussed above, the arrangements for meeting at head of government and ministerial level did not measure up, in practice, to the purposes which arose during the pandemic.

The effect of exercises and simulations

46. Finally, I have been asked what I consider was the effect of exercises and simulations, in particular Winter Willow (in 2007) and Cygnus (in 2016), on Wales's pandemic planning, preparedness and resilience.

47. The conduct of exercises and simulations, the identification of lessons and the implementation of recommendations was carried out by officials (although there was some ministerial involvement with Exercise Cygnus in October 2016). Although I had no direct involvement in either exercise, my experience of the Welsh Government is that, if recommendations had been made, they would have been taken seriously, with a focus on implementation. I became First Minister in 2018. I do not recall any advice from officials that there were reservations about the state of Wales's pandemic preparedness, nor did I recall any concerns in the Senedd being raised with me.

48. One point that I should make is that, in the aftermath of the EU referendum in June 2016, Brexit (and, in particular, the prospect and consequences of leaving the EU without a deal) consumed an overwhelming amount of the UK Government's time and energy as well as that of the devolved governments. Brexit preparations (which concerned a whole set of potential civil contingency issues (food, medicine travel, healthcare, customs, ports etc) sensitised the system to the impact of large-scale disruption. Therefore, during the pandemic there was some background sense that, say, preserving food supplies, was not an issue we were thinking about for very first time.

Conclusion

49. If I had a general point about preparedness, it is that I believe proper understanding of resilience and preparedness should not be narrowly focused. The prime example would be the importance of good, professional working relationships between the relevant bodies (including in areas which are not devolved responsibilities); the fundamental importance of public service and the dedication of public servants in the NHS in Wales and other public services.

50. My experience was that our systems did prove markedly resilient to pressures and, crucially, they were able to adapt to the particular circumstances of the Covid-19 pandemic. The things that ultimately animated the system were not formal civil contingency matters or structures (for example, how much was spent on resilience or how and to what extent, lessons from Cygnus were learned). Of course, these matters are relevant, but if they receive an undue or exclusive focus, that will undervalue the significance of scale, responsiveness, relationships, collective efforts and a dedication to public service on which the Covid response in Wales was founded.

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 truth.

Personal Data

Signed:

Dated: _____ 21st April 2023 _____