

Witness Name: Michael Gove  
Statement No.: First  
Exhibits:  
Dated:

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF RT. HON. MICHAEL GOVE

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I, Michael Gove, will say as follows.

#### Introduction

1. I make this statement in response to the Inquiry's request for evidence dated 8 February 2023 in relation to civil contingency planning and preparedness<sup>1</sup>. I have, as requested, attempted to focus on my experience as Chancellor of the Duchy of Lancaster ('CDL') between July 2019 and September 2021 and as Minister for the Cabinet Office ('MCO') between February 2020 and September 2021.
2. I was a minister throughout the pandemic and every day since I have reflected on what we might have done better. Every life lost was a tragedy. And every life scarred by the consequences of the pandemic and our response weighs with me. I hope the Inquiry allows us to draw appropriate lessons about how to deal with similar crises. But I am also conscious that the decisions we took were made at speed, with imperfect information and the choices were always between lesser and greater evils. No-one knew at the start of the pandemic what we know now and the reflections I offer are made in a spirit of humility.
3. I am the Member of Parliament for Surrey Heath, having first been elected to Parliament in May 2005. Since that time, I have held a number of ministerial and

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<sup>1</sup> I have, separately, been asked to provide a statement in relation to central government decision-making during the course of the Covid-19 pandemic, for the purposes of Module 2.

shadow cabinet roles. I have been the Secretary of State for Levelling Up, Housing and Communities and the Minister for Intergovernmental Relations since October 2022, having previously held both positions from September 2021 to 6 July 2022. I have also previously served as Secretary of State for Education from May 2010 until July 2014, Chief Whip from July 2014 until May 2015, Lord Chancellor and Justice Secretary from May 2015 until July 2016, and Secretary of State for Environment, Food and Rural Affairs from June 2017 until July 2019.

4. As relevant to the Module 1 issues with which the Inquiry is concerned, I was Chancellor of the Duchy of Lancaster from 24 July 2019 to 15 September 2021. After 13 February 2020 and until 15 September 2021, I also served as Minister for the Cabinet Office. The evidence I am able to give the Inquiry in respect of its specific work on preparedness for Module 1 is primarily drawn from my role in the response to the pandemic between February 2020 and February 2022, and the opinions and perspectives I offer the Inquiry in Module 1 should therefore be understood through that lens. I was not, as is detailed below, in a position of ministerial responsibility for preparedness until after the time period which Module 1 is examining.
5. There is inevitably significant overlap between the issues I am asked to address in this statement and those I have been asked to address for the purposes of Module 2. In this statement I focus on preparedness and resilience issues that became apparent during the response to the pandemic. In my Module 2 statement I will address in greater detail my involvement in the pandemic response, the structures I was working within and, more generally, lessons learned from that time.

### **Ministerial Responsibilities**

6. As explained above, I was appointed Chancellor of the Duchy of Lancaster on 24 July 2019. On appointment the Prime Minister, and his senior officials and advisers, were clear that my primary and overarching responsibility was to coordinate preparations for EU Exit<sup>2</sup>, at the end of the Article 50 period, which at

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<sup>2</sup> [MG/1 - INQ000149078]

that point had been extended to 31 October 2019. It was subsequently extended again to 31 January 2020. The Government's overall 'mission' at that point was 'to deliver Brexit on 31st October'.<sup>3</sup> From the moment I was appointed I devoted myself to ensuring Government, businesses and citizens were prepared for our departure from the EU, deal or no deal. Our preparations for exit had been underpowered and I was determined to get the Government machine into a position where we could leave on time.

7. The heart of my day-to-day work was chairing the Exit Operations ('XO') cabinet sub-committee. XO brought together senior ministers and officials to focus on EU Exit preparedness. Unusually for most cabinet sub-committees, we met almost daily. While the pace of Government activity normally slows over the summer recess, we met throughout August and kept up a battle rhythm of daily meetings into the autumn. Although I was a minister in the Cabinet Office, the officials who worked with me on Brexit preparations were primarily those based in the Department for Exiting the EU, who nominally sat under the Secretary of State for Exiting the EU, Stephen Barclay. The XO committee, like all Cabinet committees, was supported by a secretariat drawn from the Cabinet Office. Those officials also supported the related Exit Strategy ('XS') committee, which the Prime Minister chaired. I also worked with a dedicated team of officials based in the Cabinet Office, some of whom joined us from HMRC, to ensure customs and trade preparedness. These officials became established as the Borders Delivery Group. The need to prioritise EU exit preparations meant that, for this period, I was not generally involved in the wider work of the Cabinet Office. I was, however, a member of the National Security Council to ensure work on Brexit preparations fitted with our broader foreign and security policies.
8. Until February 2020, my colleague Oliver Dowden served as Minister for the Cabinet Office with responsibility for wider Cabinet Office business, specifically his role was described as<sup>4</sup>:

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<sup>3</sup> [MG/2 – INQ000149079] - Ministerial Code 2019

<sup>4</sup> [MG/3 - INQ000149083] – List of ministerial responsibilities October 2019

- I. Oversight of all Cabinet Office policies other than cross-government work on Brexit;
  - II. Sat as Chair of the Cabinet Office Board;
  - III. Supporting the Prime Minister on implementation and delivery of non-Brexit Government policy;
  - IV. Oversight of constitutional affairs and efforts to maintain the integrity of the union and defend democracy;
  - V. Oversight of work on cross-government efficiency, transformation and resilience;
  - VI. Oversight of cross-government work on veterans issues;
  - VII. Oversight of the Cabinet Office Equalities Hub.
9. Therefore, during the period when I was solely Chancellor of the Duchy of Lancaster from July 2019 until February 2020, and not both Chancellor of the Duchy and Minister for the Cabinet Office, I was not responsible for the core business of the Cabinet Office. I had no locus within or oversight of its wider resilience or civil contingencies work. It was made clear to me by senior officials that I was not responsible for the operations of the domestic secretariats or the National Security Secretariat (NSS). It was also made clear to me that I was not responsible for the parts of the Cabinet Office which theoretically served the Prime Minister more directly – such as the Honours Secretariat or the Propriety and Ethics Team. Further, the Cabinet Office Board, which oversaw the department's work in the round, was chaired by the Minister for the Cabinet Office, who was responsible for wider cross-government efficiency, transformation and resilience work. Given the importance of securing our preparations for EU exit – and the hard deadline we faced – this division of labour seemed entirely sensible to me.
10. Following the December 2019 election, and our departure from the EU at the end of January 2020, the Prime Minister conducted a reshuffle of Government on 13 February 2020. Oliver Dowden became Secretary of State at DCMS. I became both CDL and MCO. At the same time my colleague Penny Mordaunt was appointed Paymaster General in the Cabinet Office. Her new responsibilities included supporting me on civil contingencies issues. This would later specifically include the response to Covid-19. It is therefore the case that Oliver Dowden had

ministerial oversight of civil contingencies issues until 13 February 2020, and from that date I assumed that responsibility, supported by Penny Mordaunt.

11. My evidence on pandemic planning correspondingly reflects what I found when the pandemic hit rather than any intimate knowledge of, or responsibility for, preparation for such an event beforehand. I was, however, involved in resilience planning in the context of EU exit, specifically in the exercise known as Operation Yellowhammer which I cover below.

### **Legislative Framework, National Risk Register and Pandemic Planning**

12. I am aware that detailed evidence about the emergency preparedness and resilience framework and structures has been provided in the Cabinet Office's corporate statements for Module 1. As mentioned above, prior to 13 February 2020, I was not ministerially responsible for the core Cabinet Office resilience work and therefore am unable to offer views on issues such as why the National Risk Register was delayed.
13. As I understood matters then, and as I understand them now, the CCS maintained a dossier of threats to the country's resilience, and a significant amount of work had been done to anticipate and plan for a flu pandemic, with some (albeit less) work also done to anticipate a SARS-style outbreak. What had not been anticipated – and my understanding was that this was generally true worldwide – was the impact of a virus with Covid-19's specific characteristics, which combines elements of both a flu pandemic and a SARS-style outbreak. I understand this point is addressed by various responders to Module 1.
14. I was personally most familiar with the way Government prepared for external shocks through my work at DEFRA where I was responsible for preparations for a variety of threats such as flooding or animal disease. I had also been responsible for the Government's response to the Salisbury poisonings including through a series of COBRA meetings.

15. In April 2020, Cabinet Office officials helped me prepare for a Public Administration and Constitutional Affairs Committee hearing at which I had been asked to give oral evidence. These preparations included providing me with a Ministerial briefing document<sup>5</sup>.
16. I was briefed on the relevant legal framework, including the Civil Contingencies Act 2004 (“CCA”) and the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (“the Regulations”), as well as the amendments in 2012, before giving evidence to Parliament in April 2020. I understand that Roger Hargreaves explains in his statement that the Cabinet Office regularly reviews the legislative scheme and assesses whether there is a need to reform the legislation. I am not well placed to explain how these assessments were undertaken. Any public discussions which I had in relation to civil contingencies legislation naturally reflected the advice of my officials. At a relatively early stage of the pandemic, the Government decided not to use the legal framework of the CCA and instead to propose and develop bespoke legislation.
17. What is, however, entirely clear to me is that the UK did not have suitably robust plans in place to respond to a virus such as Covid-19 – with high transmission rates, high mortality rates, and a lack of clarity in the early data – which demanded a whole-system response.
18. Indeed, whilst I understand that some plans were in place for a mass-fatality pandemic, these preparations missed some of the important things. In my view the cross-government structures that a whole-system response necessitates were not adequately planned for. Specifically, insufficient thought had been given to putting in place the structures necessary to give ministers the best chance of making good decisions, on the best available information, so that the worst-case scenario could be avoided. As the pandemic took hold and I became involved in meetings specific to our response, it appeared that the assumption had been that

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<sup>5</sup>[MG/4 - INQ000149082].

behaviours such as 'lockdown' would not be viable for more than a brief period (due to assumptions about levels of public support).<sup>6</sup>

19. There was some early criticism levelled at the Cabinet Office, such as in a message supposedly sent by Mr Cummings to the then Prime Minister. I did not agree with the full force of the criticism of the Cabinet Office, although I fully accept that there were issues with the structural response by the Cabinet Office – and Government more broadly – to the pandemic.

### **EU Exit and Operation Yellowhammer**

20. A central part of planning for “no-deal” Brexit was, as mentioned above, Operation Yellowhammer. Operation Yellowhammer was a cross-government civil contingency planning exercise developed by the Civil Contingencies Secretariat (“CCS”), within Cabinet Office, to test and improve resilience in the event of a “no-deal” Brexit. As was usual, the exercise was managed through the adoption of reasonable worst-case scenarios. This gave me insight into whole-system resilience issues, i.e. planning for civil contingencies, which impact upon the whole of government and beyond, and which require a whole-of-government response.

21. As set out above, throughout the period, I chaired the XO Cabinet subcommittee which met almost every weekday. Through this committee, a regular battle rhythm and collaborative, non-hierarchical structure helped ministers and officials to identify and address whole-system issues arising specifically in the context of “no-deal” Brexit. We also worked closely with Kent Local Resilience Forum (LRF) and in particular the leader of Kent County Council, given the importance of Dover and the Kent transport system. On occasion – roughly once a week – the XO meeting included ministers and officials from the Devolved Administrations.

22. As was identified through an internal lessons-learned exercise<sup>7</sup>, and by some external commentators, the XO committee offered a useful model for addressing

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<sup>6</sup> [MG/5 - INQ000056217]

<sup>7</sup> [MG/6 - INQ000149080]; [MG/7 - INQ000149081].

major systemic issues<sup>8</sup>. In particular, the committee was successful because of a variety of factors – regular attendance by nominated lead ministers (rather than a rotating cast list); strong No10 backing to ensure that decisions were enacted rapidly and that attendance at the committee was prioritised; officials and ministers working together and indeed sitting together at the table (rather than the ‘natural’ instinct of Cabinet committees to involve only ministers); a dedicated and extremely able secretariat of officials; decisions written up in ‘real time’ and circulated rapidly; a daily rhythm which ensured that issues could be continually worked through; and meetings focused on taking decisions rather than open-ended discussions. Meetings took place in the COBRA facility which (despite its limitations outlined below) helped lend a greater ‘gravity’ to the discussions.

23. Sitting above XO was the EU Exit Strategy Cabinet sub-committee (‘XS’) which met less frequently and was nearly always chaired by the Prime Minister. This meeting helped set the strategic framework within which XO operated.

24. These ‘lessons’ from our EU Exit preparations should have been translatable to other whole-system civil emergencies, and ultimately served us well when it came to the pandemic when they came to be implemented, although the initial response was to establish a series of MIGs. Many of the same factors identified above for XO’s success have been remarked on in other contexts by previous ministers – including by the Rt Hon Sir Oliver Letwin.

### **Decision-making structures**

25. I am aware that the Inquiry has received evidence in Module 2 which sets out detail of the evolving decision-making structures for the pandemic<sup>9</sup>.

26. In my opinion, one of the central lessons of the pandemic in terms of preparedness is that whole-system resilience issues should be planned for better. The initial

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<sup>8</sup> See a summary of the review provided online at [MG/8 – INQ000149084]: <https://www.instituteforgovernment.org.uk/article/comment/dominic-cummings-plan-shake-cabinet-committees-positive-not-without-problems>

<sup>9</sup> Cabinet Office Corporate Witness Statement of Simon Case



structures were simply not adequate for a civil contingency of this scale and nature. The pandemic required a truly cross-Government, whole-system response, with delivery structures on an integrated and coordinated basis engaging all relevant line departments and stakeholders, with ministers and officials working closely together. Of course, no Government could maintain a standing capacity ready to coordinate fully an emergency situation or a dedicated team of officials on hand to create the scale of intervention which lockdown ultimately required, but it is reasonable to expect the centre of Government to have tried and tested plans to be in place.

27. The physical structures of central Government were in some ways inadequate for a modern cross-government response of the type that was required. The COBR rooms, for instance, are designed to be highly secure, but this was a barrier to the technology and communications requirements where the flow of accurate and timely information, is particularly important. In organising XO meetings, we faced repeated technical problems establishing video links with ministers and officials in other parts of the UK or abroad. Equally, Government was not well equipped at the start of the pandemic with sufficient equipment to support remote working and secure virtual meetings.

28. The COVID-O and COVID-S model, based on the EU exit model of XO and XS, ultimately worked well as a decision-making structure when it was established a few months into the pandemic. But this format was not adopted initially and, although the MIG structure was useful in some respects, decision making and accountability in the centre of Government was too confused. For example, there was too much overlap between different MIGs – it could be argued that PPE was a matter for the Health MIG, the Public Services MIG (in relation to the wider public sector), or the International MIG (in relation to imports from say, China).

### **Pandemic response in the context of the current devolution settlements**

29. As Chancellor of the Duchy of Lancaster, I became responsible for coordination with the devolved administrations (DAs) and worked with DA ministers and officials in the course of Brexit preparations. As set out above, Scottish and Welsh

Government ministers and officials from the Northern Ireland Executive were occasionally asked to attend the XO committee and contributed to those discussions. Although the DA ministers were strongly opposed to EU Exit we were able to work collaboratively to address shared challenges, for example preparations to secure capacity for importing so-called Category One goods. My colleague in the Cabinet Office, the Rt Hon Chloe Smith MP, had also been working successfully with the DAs on Common Frameworks – joint approaches on legislation and regulation. While UK Government ministers and officials regularly engaged DA counterparts, it was our experience that this was not always entirely reciprocal.

30. I note the Inquiry has received Roger Hargreaves' statement which at [8.52] provides a high-level summary of how the Cabinet Office works with the DAs to inform emergency planning, and on the detail of the arrangements with Scotland, Wales, and Northern Ireland that follow.

31. At the time of the pandemic, we had been working effectively with the DAs in a variety of ways, but the broader matter of Intergovernmental Relations (IGR) was not clearly agreed. This was subsequently concluded in January 2022.

32. It is inherent in devolution that different parts of the UK will approach problems in different ways. The purpose is, in part, to allow different administrations in different parts of the UK to tailor their decisions to local need. I think it is fair to say, however, that the pandemic brought to the fore of the public's imagination just how extensive devolution was, and exposed new problems where different parts of the UK took entirely different and, in some cases, contradictory approaches. This produced problems both of communication and substance. These problems were most acute in the context of dealing with the Scottish Government, which at times seemed to have political interests in divergence from a wider UK position.

33. I do not believe these problems are unique to the UK and indeed my conversations during the pandemic with my counterpart in Germany revealed an equivalent difficulty. My readings about the different approaches taken by states within the United States or regions within Italy further confirm this view.

34. We did, however, face a problem as to how we could legitimately bring the DAs into decision making which needed to be taken on a UK-wide basis but where decisions needed to be taken urgently. This led to the unsatisfactory choice between either asking DA representatives to attend UK Government Cabinet sub-committees or decision-making bodies (with their status somewhat unclear) or reaching agreement first at UK-Government level and then working with the DAs (which inevitably appeared as if decisions were being 'imposed').
35. I do not believe there is a perfect system. The former option exposed intra-UK Government disagreement to the DAs, and meant DA ministers were involved in decisions that did not involve all UK Government colleagues (for those departments not represented in a relevant sub-committee). This was naturally resented by UK Government ministers, including the Territorial Offices which, not unreasonably, felt excluded from discussions. The latter option was equally heavily resisted by the DAs and it was hard to avoid a dynamic of the Scottish and Welsh Government resisting a decision the UK Government was keen to pursue with urgency. These problems are fundamentally exacerbated by the devolution settlement which, for example, devolves responsibility for health almost entirely but simultaneously – and rightly in my view – reserves responsibility for the UK's overall fiscal position. As is well documented, there were other areas where the nature of the devolution settlement exposed particular issues – travel advice and regulation being one obvious example.
35. Later in the pandemic, specific issues which engaged other local leaders emerged – for example the disagreement between the Scottish Government and the Metro Mayor of Greater Manchester on travel. I believe that in future we will need an emergency structure for Government to engage with local leaders both in the DAs and Mayoral Combined Authorities.
36. I have reflected since the pandemic and am convinced that in a future pandemic or equivalent emergency, the UK Government – through its responsibility to all of its citizens across all nations – must have the ability to act UK-wide. Of course, where possible, action should be through consultation across all UK public

authorities. I was and remain a strong supporter of devolution both across the UK and within England, but I also believe that we need to strengthen the backstop powers of the UK Government. It was a commonly accepted view by officials and ministers alike that the pandemic revealed the weakness of a devolution 'settlement' that failed to reserve key powers to the UK Government to act in an emergency. Officials also remarked that some of the issues which the pandemic exposed had been prefigured by previous crises – for example the attack at Glasgow airport in 2007. On that occasion, it was reported to me by officials that the response was complicated by the requirement to work in lockstep with the Scottish Government

### **Stockpiling**

37. It became clear during the pandemic that the stockpiles of necessary medical equipment, notably - but not only - PPE, were inadequate. I am not well placed to say whether this was a failure in planning: clearly stockpiles cannot be created to cater for every eventuality, but it is not clear to me whether the PPE needs could and should have been anticipated and planned for by DHSC or another body. As I have stated publicly, the stockpiles of PPE for a flu pandemic we had in place helped, but there were additional requirements (as recommended by NERVTAG) because of the specific nature of the virus.

38. From a systemic perspective, government must reflect on whether its procurement model, and the resilience of its operations and pipelines, can be improved.

### **Role of Local Resilience Forums in pandemic response**

39. I note the Inquiry has received Roger Hargreaves's statement which provides an overview of the operation and oversight of LRFs. Mr Hargreaves explains that at all material times the CCS and the Department for Communities and Local Government (subsequently the Ministry for Housing, Communities and Local Government) jointly shared responsibility for the local response capability. I also

note that the most recent UK Government Resilience Framework sets out three key pillars of reform to significantly strengthen LRFs in England<sup>10</sup>

40. My main insights at the time into the operation for LRFs came from my experience at DEFRA with the post-Salisbury clean-up operation, and my work with Kent in preparations for EU Exit. I was not convinced that the LRF model was right and had – while I was at DEFRA – commissioned some work which I believed could help improve it. I also formed a view during the course of the pandemic, that responsibility for LRFs or a successor structure should more naturally sit with CCS than the Local Government part of MHCLG or DLUHC.

### **Threats, Hazards, Resilience and Contingency Committee**

41. In my role as Secretary of State for the Department of Environment, Food and Rural Affairs, I was a member of the Threats, Hazards, Resilience and Contingency Committee (“THRCC”) from June 2017 until it was abolished in July 2019. I am not aware of why the THRCC was disbanded.

### **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:** 09/05/2023

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<sup>10</sup>[MG/9 - INQ000097685]

