

Witness Name: Anna-Louise Marsh-Rees

Statement No.: 1

Exhibits: 13

Dated: 28/04/2023

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**IN THE MATTER OF THE UK COVID-19 PUBLIC INQUIRY**

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**WITNESS STATEMENT OF ANNA-LOUISE MARSH-REES**

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I, Anna-Louise Marsh-Rees, co-leader of Covid-19 Bereaved Families for Justice Cymru ("CBFJ Cymru") make this statement on behalf of CBFJ Cymru. This statement is in response to the Covid-19 Public Inquiry's request for evidence under Rule 9 of the Inquiry Rules 2006 dated 3<sup>rd</sup> January 2023 in respect of Module 1. CBFJ Cymru has been granted Core Participant status by the Chair in respect of Module 1 of the Inquiry. The request sets out 12 questions which I have taken in turn below.

**Question 1: A brief overview of the history, legal status and aims of your organisation. Please explain whether your work is UK wide, or confined to England, Scotland, Wales or Northern Ireland only.**

1. CBFJ Cymru is comprised of a group of approximately 350 individuals, led by Anna-Louise Marsh-Rees, Sam Smith-Higgins and Liz Grant, who represent the full spectrum of families in Wales who are bereaved by Covid-19.
2. CBFJ Cymru originated as an autonomous group out of the Covid-19 Bereaved Families for Justice ("CBFJ") group. CBFJ Cymru was set up by Welsh members of CBFJ on the 15 July 2021. CBFJ Cymru is a Welsh focused group dedicated solely to campaigning for and giving a voice to those bereaved by Covid-19 in Wales. The group is dedicated to ensuring that there is proper scrutiny of all governmental decision-making relevant to Wales, including those decisions made in Westminster and by the devolved administration in Wales.

3. Since its establishment, CBFJ Cymru has become the most prominent organisation in Wales in the discourse surrounding the Covid-19 pandemic to ensure proper scrutiny of decision-making impacting on Wales in a UK Inquiry. CBFJ Cymru has also played a leading role in calling for a Welsh Inquiry. CBFJ Cymru has campaigned tirelessly for justice for families in Wales who are experiencing bereavement due to the Covid-19 pandemic.
4. CBFJ Cymru are acutely aware of the importance of full and proper scrutiny of decision-making in Wales in respect of Covid-19.
5. CBFJ Cymru is not a legal entity. It is a non-political, not for profit group set up by the Covid bereaved for the Covid bereaved in Wales.
6. CBFJ Cymru incorporate both primary and secondary aims which I have set out below:
  - a. CBFJ Cymru Primary aims:
    - i. to understand why decisions were made and for errors to be publicly acknowledged so lessons can be learned;
    - ii. to call for a Wales-specific Inquiry;
    - iii. to work with the Welsh Government to ensure Wales is fully represented in the UK Covid-19 Inquiry;
    - iv. to call for a Wales Covid-19 Inquiry special purposes committee that will investigate any potential gaps in the UK Covid-19 Inquiry.
  - b. CBFJ Cymru Secondary aims:
    - i. to call for an investigation into all nosocomial deaths in Wales;
    - ii. ensure changes to infection control in health care settings in Wales are implemented;
    - iii. to support members through the NHS Wales health board complaints process

- iv. ensuring bereavement support, both practical and psychological is in place following Covid-19 deaths in hospitals
- v. championing the rights of older people in Wales including human rights, ethical practices, DNACPR process, withdrawal of treatment, Frailty Score, dignity in death
- vi. promoting patient privacy and the right not to be photographed for books and PR purposes when dying/dead in NHS Wales hospitals
- vii. raising the awareness in Wales of why a public Covid-19 inquiry is needed

- 7. CBFJ Cymru is recognised by the Welsh Government and other political parties in Wales as the key group representing and campaigning for the rights of those who are bereaved in Wales as a result of Covid-19 and related issues.

**Question 2: A brief description of the people your organisation represents and an overview of the work conducted by the organisation.**

- 8. CBFJ Cymru represents those who have been bereaved by Covid in Wales. Individuals can join CBFJ Cymru either by signing up to the autonomous CBFJ Cymru Facebook Group, or by signing up with Harding Evans Solicitors.
- 9. Its purpose is to emphasise and protect the interests of the Welsh bereaved by ensuring that Welsh decision-making on fundamental devolved matters (most notably health, social care and education) is robustly scrutinised.
- 10. Many of CBFJ Cymru's members have professional experience working in sectors involved in or impacted by the UK and Devolved Government's risk management and civil emergency planning. They thus have valuable first-hand experience of how deficiencies in pandemic preparation subsequently contributed to the losses the group suffered as a whole.

11. Since its inception, CBFJ Cymru has lobbied for changes to the response to Covid-19 in Wales. CBFJ Cymru has worked with both the Welsh Government and UK Government in pursuit of its aims. The following work has been conducted by CBFJ Cymru:

- a. it gathered together, and subsequently represents, the collective experiences of the full spectrum of families in Wales, bereaved by Covid-19;
- b. it initially worked with the Welsh Government to campaign for a Wales Inquiry. This consisted of 7 meetings with the First Minister and the Welsh Government's Inquiry team. CBFJ Cymru also had input in the Covid-19 UK Inquiry's Terms of Reference;
- c. it has quarterly meetings with the Health Minister and Deputy Chief Medical Officer for Wales;
- d. it influenced the Welsh Government's £4.5m nosocomial investigation.
- e. it liaises with organisations within the Government, namely the Wales Covid Evidence Centre, National Bereavement Steering Group, Community Health Councils, to obtain a better understanding of Welsh Government decision making;
- f. it has campaigned for patient privacy and the right not to be photographed for books and PR purposes when dying/dead in NHS Wales hospitals;
- g. it has lobbied politicians, petitioned, made numerous visits to the Senedd and has carried out high profile media appearances including appearances on Question Time, BBC Politics Today, IPPO as well as many online and offline interviews;
- h. it is working towards establishing bereavement support working groups in health boards across Wales; and
- i. it has worked with the First Minister for Wales and UK Government to ensure Wales gets parity with UK/England in the UK Covid-19 Inquiry.

**Question 3: What are your organisation's views in relation to the state of the UK's pandemic planning, preparedness and resilience, at the time that the Covid-19 pandemic struck?**

12. CBFJ Cymru are firmly of the view that the pandemic planning, preparedness and resilience within Wales was wholly inadequate. Responsibility for health and social care has been devolved to the Welsh Government since 1999 following the Government of Wales Act 1998. Subsequently, the administrative organs of Wales were and remain responsible for making its own decisions in respect of those areas.
13. Worryingly, the Welsh Government were aware of reports and recommendations, which were in existence prior to the Covid-19 pandemic, which indicated that NHS Wales and Care Homes would not cope with a pandemic. A report produced by the Welsh Government in 2001, *'Managing the Estate of the National Health Service in Wales'*, noted the poor condition of much of the NHS estate and considered it unsatisfactory that accommodation categorised as "inoperable" or "unacceptable" should be used for patient care, exhibited as **"ALMR 1"** INQ000145724. A report produced by NHS Wales in 2002 titled, *'NHS Wales estates strategic framework'*, acknowledges the woeful inadequacies of the Welsh NHS and sets a vision, exhibited as **"ALMR 2"** INQ000145725. There are numerous independent reports from 2004- 2014 covering healthcare acquired infections in Wales which demonstrate the Welsh Government and NHS Wales were fully aware of best practise but chose to ignore the many recommendations made:
- a. Healthcare Associated Infections – A Strategy for Hospitals in Wales (2004) Exhibit **"ALMR 3"** INQ000145726
  - b. Health care associated infections a community strategy for Wales (2007) Exhibit **"ALMR 4"** INQ000145727
  - c. HTM 03 01 Specialised ventilation for healthcare premises Part A Design and validation.pdf Exhibit **"ALMR 5"** INQ000145728
  - d. Minimising Healthcare Associated Infections in NHS Trusts in Wales (2008) Exhibit **"ALMR 6"** INQ000145729
  - e. A Scoping Study into the Infection Control Standards in Care Homes for Older People in Wales (2009) Exhibit **"ALMR 7"** INQ000145730



- f. Commitment to Purpose: Eliminating preventable healthcare associated infections (HCAIs) 2011 Exhibit "**AMLR 8**" INQ000145731
- g. Code of Practice for the Prevention and Control of Healthcare Associated Infections (2014) Exhibit "**ALMR 9**" INQ000145732

The following reports are no longer accessible on the NHS Wales website:

- a. Isolation strategy for HAI in Wales (2005)<sup>1</sup>
- b. NHS Trusts Pandemic Influenza (2007)<sup>2</sup>
- c. Welsh Ambulance Services Trust pandemic preparedness (2009)<sup>3</sup>

14. It has recently come to light that a blueprint to deal with a coronavirus pandemic, drawn up by the UK Government in 2005, went missing in Whitehall over a decade ago. This blueprint was not acted upon or considered at any point during the Covid-19 pandemic. I refer you to Exhibit "**ALMR 10**" INQ000148445. This blueprint, amongst other things, warns of 'super-spreading events' and the need for good ventilation within healthcare settings in particular. The Welsh Government did not call off a Stereophonics concert which went ahead on the 14 and 15 March 2020, in Cardiff, after the World Health Organization had declared a pandemic on the 11 March 2020. It also delayed the decision to call off the Wales v Scotland International Rugby Union match which was due to take place in Cardiff on 14 March 2020 until just 24 hours before the match and after thousands of Scottish and Welsh fans had already travelled to Cardiff.

15. CBFJ Cymru are of the view that, despite the various exercises carried out by the UK Government in preparation for a pandemic, such as Exercise Winter Willow (2007), Exercise Alice (2016), Exercise Cygnus (2016) and Exercise Pika (2018); both the Welsh Government and UK Government failed to adequately implement the recommendations and lessons learnt from the exercises.

<sup>1</sup><http://www.wales.nhs.uk/sites3/Documents/254/HBN%204%20Supp1.pdf?fbclid=IwAR0Ov3JOyD2LC-TeVEmZPxb6aSqmak0LHeQj44zRzSK1JSYSqFaNNOmt5GQ>

<sup>2</sup> <http://www.wales.nhs.uk/documents/Pandemic-Influenza-guidance.pdf>

<sup>3</sup> <https://www.ambulance.wales.nhs.uk/assets/documents/fd611a61-2dc1-44b3-b0e8-527f91ad2adc633689098809008750.pdf>

16. I refer you to Exhibit "**ALMR 11**" INQ000148446 which highlights the Welsh Government's assertion that its pandemic influenza plans were tested during Exercise Cygnus in 2016. The Exercise Cygnus Report suggests that Wales' response plans were not examined during Exercise Cygnus and that *"the Devolved Administrations have their own response plans which were not examined at the local level during the exercise: Wales had already tested their local response arrangements following Exercise Cygnet held earlier in the year."* I refer you to Exhibit "**ALMR 12**" INQ000148447. A report in respect of any testing completed by Wales concerning the local response arrangements has not been sourced. In any event, Exercise Cygnus revealed that *"the UK's preparedness and response, in terms of its plans, policies and capability, is currently not sufficient to cope with the extreme demands of a severe pandemic that will have a nationwide impact across all sectors"*. It is unclear what the Welsh Government did (if anything) in response to the recommendations of Exercise Cygnus.
17. It has become apparent to CBFJ Cymru that the emphasis on influenza during the UK and Devolved Governments pandemic planning placed undue focus upon transmission in a pandemic scenario being fomite based. As the SARS-CoV-2 virus is known to be aerosol transmissible, CBFJ Cymru assert this undue focus prevented planning being effective at stopping the spread of COVID-19. We believe that had appropriate consideration been given during pandemic planning for a disease "x" scenario, more effective measures to stop the spread of the virus would have been prepared and ready to implement. For example, Exercise Alice 2016, was a pandemic preparedness exercise with a specific focus on an airborne respiratory virus. Exercise Alice, therefore, should have been utilised by the UK and Devolved Governments in their planning and response to a pandemic.
18. The Welsh Government failed to stockpile personal protective equipment, create testing infrastructure and create an infection control strategy and resource plan.
19. CBFJ Cymru also has great concern that on a macro scale, pandemic preparedness failed to account for acute health inequalities in Wales distinct from those of the rest of the UK. CBFJ Cymru believe that with the withdrawal of EU funding and subsidies following Brexit disproportionately impacting areas in Wales,

the inequality gap has increased. CBFJ Cymru state that these inequalities also exist within Wales itself with differing distributions of impactful characteristics across the country. In 2017 and 2018, in Wales, 75,000 operations had been cancelled due to non-clinical reasons: for example, due to staff shortages and lack of available beds. This amplifies the fact that the health care system in Wales was already mal-functioning in the years prior to the Covid-19 pandemic. CBFJ Cymru are concerned that preparedness by the UK and Welsh Governments failed to properly account for these inequalities, resulting in more severe consequences effecting vulnerable groups and communities in Wales than there would otherwise have been.

20. CBFJ Cymru note that whilst other Devolved administrations carried out their own pandemic preparedness Exercises; for example Exercises Silver Swan (2016) and Iris (2018) in Scotland, Wales failed to do the same.

21. Unlike many developed countries which publish and take positive steps to inform the public of emergency planning and responses measures in advance, the UK and Welsh Governments failed to clearly communicate pandemic planning, preparedness and resilience measures. As a result of this, the public were in turn not prepared for the Covid-19 Pandemic as they may otherwise have been. CBFJ Cymru believes that had the public been properly educated on pandemic planning, community behaviours would have been quicker to adapt and adopt actions which could have protected and saved lives.

**Question 4: What does your organisation consider was done adequately in relation to UK pandemic planning and preparedness?**

22. CBFJ Cymru has answered this question as part of Question 5.

**Question 5: What does your organisation consider could have been done better in relation to UK pandemic planning and emergency preparedness?**

23. The Welsh Government did very little adequately, if at all, in relation to pandemic planning and preparedness, thus, making it difficult to comment on its adequacy.



24. Despite the various preparedness reports and exercises being prepared from 2001 onwards in the lead up to 2020, despite the knowledge that the Welsh Governments had, nothing was done to address the concerns arising from the exercises referred to above.
25. We are aware that the Welsh Government funded research projects, gap analysis and reports in relation to pandemic preparedness since devolution. NHS Wales' real estate is still not fit for purpose despite the criticisms and recommendations being repeatedly made.
26. CBFJ Cymru believe that the UK and Welsh Governments could have taken heed of the various recommendations put forward. Had they done so, it is possible that less lives would have been lost.

**Question 6: To what extent did your organisation engage with the government regarding emergency preparedness and pandemic planning in the UK, during the relevant time frame?**

**Question 7: In relation to the requests made in Q6:**

- a. what correspondence did you send to the government;
- b. what (if any) was the response to this correspondence; and
- c. what documentation (if any) was brought to your organisation's attention by government? Please provide any related correspondence or documentation; and

**Question 8: Please provide a list of any articles or reports your organisation has published or contributed to, and/or evidence it has given (for example to Parliamentary Select Committees) regarding pandemic planning and emergency preparedness. Please include links to those documents where possible.**

27. CBFJ Cymru was established in July 2021 and therefore cannot answer these questions.

**Question 9: With the benefit of hindsight into the UK's response to the Covid-19 pandemic, which pre-pandemic decisions do you consider, the government should have made differently, and why?**

28. CBFJ Cymru has answered this question as part of Question 10.

**Question 10: What lessons can be learned for future pandemics?**

29. We believe that the Welsh Government should have implemented the recommendations which arose following the various research projects, exercises and reports. This in turn would have increased the probability of having the right RPE/PPE in place, appropriate testing capability and suitable ventilation in hospitals and schools which could minimize the spread of an airborne disease.

30. Buildings, such as hospitals and schools, should be designed and built in such a way that prevents the spread of a respiratory virus. At present, despite clear recommendations to the Welsh Government to do so, our hospitals and schools are not built or designed in a way that minimises the spread of a respiratory virus, thus, contributing to its transmission.

31. As CBFJ Cymru has experienced first-hand the prevalence of nosocomial infections throughout the pandemic, with many such cases of infections leading to the losses of family members and loved ones the above measures must be adopted to prevent a repeat in future pandemics.

32. CBFJ Cymru wish to understand why the Welsh Government and UK Government interpreted the science so differently in their decision making. We believe that a co-ordinated approach to pandemic planning should be implemented across the four UK nations and Governments. There should be communication and data sharing across all four Nations between the Westminster Government, Devolved Governments and Health Boards. The Westminster Government and Devolved Administrations should be communicating with one another in relation to pandemic modelling.

33. Further, given the fact that the Welsh Government did not have an agreed structure or plan in place with the UK Government it resulted in confusing and contradictory public communications.
34. There should be consistency in pandemic preparation in Wales ahead of any future pandemic. There must be a clear strategy in place ahead of a pandemic in relation to test and trace, mask wearing, infection control within hospitals and transmission control generally.
35. CBFJ Cymru believe that scientific advice should be integrated into the very top level of political decision taking; translating complex scientific advice and modelling, which includes large ranges of uncertainty, into the sort of definitive decisions that Ministers have to make and then communicate.
36. CBFJ Cymru believe that resilience should be built ahead of any future pandemic. This can be done in the following ways:
- a. ensuring the onshore production of Respiratory Protective Equipment/Protective Personal Equipment;
  - b. by training doctors and nurses;
  - c. through training and governance in respiratory viruses and infection control;
  - d. ensuring that there is adequate morgue capacity in any future pandemic.
  - e. Training in palliative and end of life care during a pandemic
37. CBFJ Cymru wants to ensure that there is improvement to and adequate interrogation between NHS Wales and social care. There should be a long-term policy for social care implemented as well as transparency and duty of candour in all areas.
38. The social impact of any future pandemic should be considered and scrutinised fully. We need to ensure that there is bereavement support to accommodate mass fatalities.

39. Welsh Government and NHS Wales IT systems must be upgraded so that key data can be accessed, shared and analysed. NHS Wales must be digitised. This in turn will allow decisions and key findings to be evidenced and implemented quickly.

40. The Welsh Government should have implemented the closing of venues sooner, lockdowns and firebreaks and ensured that people were following the rules.

**Question 11: Are there any other organisations which you believe may hold relevant information or material in relation to the questions asked above?**

41. We believe that the following organisations hold relevant information, or material, in relation to the questions asked above:

- a) Welsh Government
- b) Public Health Wales
- c) Each of the Welsh NHS Health boards, including Health Trusts:
  - Aneurin Bevan University Health Board;
  - Betsi Cadwaladr University Health Board;
  - Cardiff and Vale University Health Board;
  - Cwm Taf Morgannwg University Health Board;
  - Hywel Dda University Health Board;
  - Powys Teaching Health Board;
  - Swansea Bay University Health Board.
  - Velindre University NHS Trust
  - Welsh Ambulances Services NHS Trust
- d) Health Education and Improvement Wales (HEIW);
- e) Digital Health and Care Wales;
- f) NHS Wales Shared Services Partnership;
- g) Community Health Councils in Wales;
- h) Human Tissues Authority;
- i) Cygnus Reports - <https://cygnusreports.org/seven-reports>;
- j) Asthma + Lung UK;
- k) Medics for Masked up Wales;

- l) Fresh Air Wales - <http://www.freshair.wales> ;
- m) Fresh Air NHS - <https://www.freshairnhs.com>;
- n) Wales Covid-19 Evidence Centre  
<https://healthandcareresearchwales.org/about-research-community/wales-covid-19-evidence-centre>;
- o) National Bereavement Steering Group for Wales;
- p) Will Hayward/WalesOnline- author of Lockdown Wales which highlights the lack of preparedness in Wales;
- q) Churches Together Wales / Interfaith Wales;
- r) Audit Wales;
- s) Age Cymru;
- t) Community Health Councils in Wales;
- u) Race Alliance Wales
- v) National Association of Funeral Directors (Welsh chapter).<sup>4</sup>
- w) Hospice UK

**Question 12: With reference to the Module 1 Outline of Scope, do you have any other information to provide to the Inquiry which is relevant to the matters being examined in Module 1?**

42. CBFJ Cymru strongly believe that the scope of Module 1 undervalues the role of the Welsh Government and its decision-making powers. The preliminary scope of Module 1 does not set out in any detail the Welsh specific issues that ought to be investigated by this Public Inquiry.

43. Wales is a separate country, with a devolved government. Although Wales receives funding from the UK Government, responsibility for health and social care is devolved to the Welsh Government. Key decisions made in Wales in relation to the Covid-19 pandemic were largely separate to and quite often different from those taken by the UK Government. Clearly, Wales has strong links with the UK Government and the other devolved Governments, and it will obviously be necessary in Module 1 to unravel the links between these Governments and the

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<sup>4</sup> CBFJ Cymru believe that this organisation has relevant evidence to give the Inquiry on post death infection, lack of communication and preparation, key worker status and non-designation.



extent to which they influenced the Welsh Government, whether for good or bad but the Welsh Government were, in effect, 'masters of their own destiny.'

44. In November 2017, the Cabinet Office issued guidance in respect of pandemic flu planning information applicable for England and the devolved administrations, exhibited at **"ALMR 13"** INQ000148448. The guidance stipulates that the devolved administrations are responsible for the major areas of pandemic influenza planning and response in their respective countries. This emphasises the fact further that the responsibility lay with Wales.
45. CBFJ Cymru provide to the Inquiry the following areas of concern that the Inquiry must scrutinise in relation to Wales:
- a. the funding provided to Wales by the UK Government and whether the level of funding had an impact on the planning and preparedness in Wales for the Covid-19 pandemic;
  - b. intergovernmental political relations between Wales and the UK Government;
  - c. coordination between the UK Government and other devolved governments;
  - d. variation in standards in the approach to planning and preparation;
  - e. the capacity in NHS Wales for coping with and implementing infection control measures in the Welsh hospital estate, including segregation;
  - f. whether there was an understanding of and adequate resourcing for infection control measures in Welsh hospitals and Welsh care homes, including RPE/PPE stockpiling and distribution; and
  - g. whether there was adequate or any planning in relation to post-death procedures to protect dignity and to support the Welsh bereaved in the event of a pandemic.
46. The fact that the Welsh Government did not deliver on its unequivocal duty and responsibility to prepare and plan for a pandemic highlights the fact that significant consideration must be given to the Welsh Government's role and decision making concerning every aspect of the Covid-19 pandemic.

### 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.

Personal Data

Signed: A-L Marsh-Rees (Apr 28, 2023 15:09 GMT+1)

Dated: 28/04/23

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**INDEX OF EXHIBITS**

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<b>Exhibit ID</b>	<b>Title</b>	<b>Pages</b>	<b>Relativity Reference</b>
ALMR 1	Report produced by the Welsh Government in 2001 titled ' <i>Managing The Estate of the National Health Service in Wales</i> '	1-44	INQ000145724
ALMR 2	Report produced by NHS Wales in 2002 titled ' <i>NHS Wales estates strategic framework</i> '.	45 - 106	INQ000145725
ALMR 3	Healthcare Associated Infections – A Strategy for Hospitals in Wales (2004)	107 - 151	INQ000145726
ALMR 4	Healthcare Associated Infections: A Community Strategy for Wales (2007)	152 -227	INQ000145727
ALMR 5	HTM 03 01 Specialised Ventilation for Healthcare Premises: Part A Design and Validation	228 -364	INQ000145728
ALMR 6	Minimising Healthcare Associated Infections in NHS Trusts in Wales (2008)	365 - 426	INQ000145729
ALMR 7	A Scoping Study into the Infection Control Standards in Care Homes for Older People in Wales (2009)	427-475	INQ000145730
ALMR 8	Commitment to Purpose: Eliminating Preventable Healthcare Associated Infections (HCAIs) (2011)	476 - 504	INQ000145731

ALMR 9	Code of Practice for the Prevention and Control of Healthcare Associated Infections (2014)	505 - 525	INQ000145732
ALMR 10	Nation.Cymru Article "‘Damning’: Welsh GP blasts UK Gov for losing pandemic preparedness plan" (5/8/2021)	526- 529	INQ000148445
ALMR 11	Welsh Government Freedom of Information Act (2000) Response (7/2021)	530 - 532	INQ000148446
ALMR 12	PHE – Exercise Cygnus Report: Tier One Command Post Exercise Pandemic Influenza (18 to 20 October 2016)	533 - 589	INQ000148447
ALMR 13	GOV.UK Emergencies: preparation, response and recovery – Guidance – Pandemic flu (accessed 27/1/2023)	590 - 612	INQ000148448