

Witness Name: Katrina Godfrey

Statement No.: 1

Exhibits: 143

Dated: 5 May 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF KATRINA GODFREY

I, Katrina Godfrey, will say as follows: -

1. I am Katrina Godfrey the Permanent Secretary for the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland. I have been in post since 20 April 2022. Before that I was the Permanent Secretary for Department for Infrastructure from September 2018 - April 2022 and, prior to that, I held senior position levels at Deputy Secretary level in The Executive Office and the Department of Education.
2. In my statement I aim to set out the relevance of DAERA responsibilities for Module 1 of the Inquiry. DAERA has had a role in relation to the matters to which the Inquiry relates. In particular, I aim to set the context of DAERA's work and decision making. With that in mind however, I highlight to the Inquiry that Civil Servants work under the direction and control of Ministers. Our role is to help develop and advise on policy options, recognising that policy decisions are properly taken and owned by Ministers. Once Ministers decide on policy, our role becomes implementing it as effectively and efficiently as possible. As I joined DAERA in April 2022, the statement I provide is based on analysis of Departmental records, rather than from my own personal experience. In preparing this statement I have consulted DAERA colleagues and Dr Denis McMahon as former DAERA Permanent Secretary. A list of acronyms is included at Annex A.

Former Ministers and Permanent Secretaries

3. The Department had several Ministers in Office for the period covered within the scope of Module 1. Minister Michelle Gildernew MLA assumed Office on 8 May 2007 and remained

in Office until 4 May 2011. Minister Michelle O'Neill MLA assumed Office on 16 May 2011 and remained in Office until 30 March 2016. Minister Michelle McIlveen MLA assumed Office on 25 May 2016 and remained in office until 2 March 2017. The Department did not have a Minister in Office from 3 March 2017 to 10 January 2020 as there was no functioning Northern Ireland Executive.

4. Minister Edwin Poots MLA assumed office on 11 January 2020 and remained the DAERA Minister throughout the Covid-19 pandemic period, although he stepped down for several weeks from 2 February 2021 to 8 March 2021 due to personal health reasons. In that period his Party colleague Gordon Lyons MLA was appointed Minister. As with all departmental Ministers, Minister Poots MLA ceased his caretaking Minister role, on 28 October 2022. Following the First Minister's resignation on 4 February 2022, in the absence of an Executive, departmental ministers remained in post. Following the Assembly Election on 5 May 2022, The Northern Ireland Act 1998, as amended in February 2022, provided for departmental ministers to remain in post during the period of Executive formation which ended on 28 October 2022. While they were able to discharge many of their departmental functions during this period, their decision-making was constrained by the absence of an agreed Programme for Government and Budget and by the absence of an Executive and a sitting Assembly, resulting in some commentators adopting the term 'caretaker ministers'.
5. Sir Malcolm McKibbin was the Permanent Secretary until 18 August 2010. Mr Gerry Lavery was the Acting Permanent Secretary from 19 August 2010 to 29 February 2012. Mr Noel Lavery was the Permanent Secretary from 1 March 2013 to 18 February 2018. Dr Denis McMahon was DAERA's Permanent Secretary from 19 February 2018 to 25 July 2021, followed by Anthony Harbinson. Mr Harbinson took over from Dr McMahon on a temporary basis from 26 July 2021 to 30 April 2022 (I had a 10 day overlap with Mr Harbinson), and I was appointed Permanent Secretary (Accounting Officer) from 20 April 2022.

Reorganisation of NI government departments

6. In 2009, the functions and responsibilities referenced in my statement rested with the Department of Agriculture and Rural Development (DARD). In May 2016, NI Departments were reduced from 12 to 9 and renamed in accordance with the Departments Act (Northern Ireland) 2016. The functions and services delivered by the 12 former departments were transferred to the relevant new departments, including the new Department of Agriculture, Environment and Rural Affairs (DAERA).

7. DAERA retained most of the roles and responsibilities of the former DARD, excluding the functions of the former Rivers Agency which transferred to the new Department for Infrastructure (DfI). Inland fisheries was transferred to DAERA from the former Department of Culture, Arts and Leisure (DCAL). Environmental functions including marine, fisheries and the Northern Ireland Environment Agency (NIEA) were transferred to DAERA from the former Department of Environment (DOE). Policy responsibility for the Sustainability Strategy was transferred from the former Office of the First Minister and Deputy First Minister (OFMDFM). See Formation of DAERA - Staff Structure May 2016 (**Exhibit KG-01 INQ000104346**) and DARD Responsibilities 2015 (**Exhibit KG-02 INQ000104347**).
8. In relation to resourcing, for DARD and DAERA, resourcing fluctuated between 2009 to 2020. In 2009/10 DARD had an average staffing figure of 2,945 employees and a yearly Resource Budget of £242,960,000 Departmental Expenditure Limit (DEL). In 2015/16 DARD had an average staffing figure of 3,153 employees and a yearly Resource Budget of £226,239,000 Departmental Expenditure Limit (DEL). The Resource DEL Budget reduced from 2009/10 to 2015/16 as a result of the Executive deciding to reduce DARD's funding and allocate it to higher priorities in other departments.
9. In 2016/17 DAERA had an average staffing figure of 2,963 employees and a yearly Resource Budget of £216,023,000 Departmental Expenditure Limit (DEL). The Resource DEL Budget and staff numbers for DARD in 2015/16 and DAERA in 2016/17 are not directly comparable because of the much broader range of functions and responsibilities carried by DAERA, but, by way of context, it is important to note that an NICS-wide Voluntary Exit Scheme was launched on 2 March 2015 to address the significant budget pressures facing all departments in the context of the agreed 2015-16 Budget, by delivering an NICS paybill reduction. In 2019/20 DAERA had an average staffing figure of 3,167 employees and a yearly Resource Budget of £230,709,000 Departmental Expenditure Limit (DEL). The Resource DEL Budget increased from 2016/17 to 2019/20 because DAERA secured additional funding to take forward new EU Exit work. The additional funding was primarily required to fund additional staff to take forward this new work. A summary of budget and staffing figures for DARD and DAERA has been provided. (**Exhibit KG-03 INQ000104343**).

DAERA Structure and Remit

10. As noted above, DAERA was established in May 2016 and has responsibility for food, farming, environmental, fisheries, forestry and sustainability policy and the development of the rural sector in Northern Ireland. DAERA assists the sustainable development of the agri-food, environmental, fishing and forestry sectors of the Northern Ireland economy,

having regard for the needs of the consumers, the protection of human, animal and plant health, the welfare of animals and leads climate change to include the conservation and enhancement of the environment.

11. DAERA provides a business development service for farmers and growers and a veterinary service for the administration of animal health and welfare. DAERA's College of Agriculture, Food and Rural Enterprise (CAFRE) delivers training and further and higher education courses in the areas of agriculture, food, horticulture, equine, veterinary nursing and land-based engineering.

12. Following the United Kingdom's exit from the European Union (EU), DAERA assumed policy responsibility in Northern Ireland for relevant areas, within devolved competence, that previously operated under EU governance and funding arrangements, including the former Common Agricultural Policy and Common Fisheries Policy.

13. DAERA comprises six groups:

- a. Central Services & Contingency Planning Group (CSCPG);
- b. Environment, Marine and Fisheries Group (EMFG);
- c. Food and Farming Group (FFG);
- d. Rural Affairs, Forest Service (which is an Executive Agency), Estate Transformation (RAFSET), Brexit Operational Readiness and Food Security Group (BORFS);
- e. Veterinary Service Animal Health Group (VSAHG); and
- f. Northern Ireland Environment Agency (NIEA) (which is an Executive Agency).

14. For more information on DAERA's current organisational structure and key functions, see the organisation chart (**Exhibit KG-04 INQ000104344**).

15. DAERA has two executive agencies:

- a. Northern Ireland Environment Agency (NIEA); its Accounts are included in the Consolidated Accounts of the Department; and
- b. Forest Service, which operates as an executive agency, but now falls outside the Departmental Accounting Boundary since its reclassification to a Public Non-Financial Corporation by the Office of National Statistics (ONS) from 1 April 2020. Its Accounts are no longer consolidated in the Departmental Group.

16. DAERA also carries responsibility for a number of Arm's Length Bodies (ALBs):

- a. Agri-Food and Biosciences Institute (AFBI) – an executive non-departmental public body;
- b. Foyle, Carlingford and Irish Lights Commission (FCILC) – Loughs Agency, a North South Implementation Body;
- c. Northern Ireland Fishery Harbour Authority (NIFHA), an executive non-departmental public body;
- d. Livestock and Meat Commission (LMC), an executive non-departmental public body;
- e. Agricultural Wages Board (AWB), a statutory body; and
- f. Council for Nature Conservation and the Countryside (CNCC), a statutory advisory council.

17. AFBI came into existence on 1 April 2006. It was formed as a merger of the former DARD Science Service and the Agricultural Research Institute for Northern Ireland (ARINI). AFBI is an executive non-departmental public body (NDPB) set up under the powers of the Agriculture (NI) Order 2004. It is empowered under the Order to undertake scientific work in the fields of agriculture, animal health and welfare, food, fisheries, forestry, the natural environment and rural development and enterprise. AFBI is managed by a non-executive Board which has responsibility for providing strategic leadership for the organisation. Its organisational structure comprises four distinct divisions:

- a. Finance and Corporate Affairs Division;
- b. Environment and Marine Sciences Division;
- c. Sustainable Agri-Food Sciences Division; and
- d. Veterinary Sciences Division.

18. AFBI science underpins a wide range of DAERA work programmes and policies by providing statutory and analytical testing, monitoring and surveillance science, research and development work, emergency response capability and expert scientific advice. AFBI's work also contributes to DAERA's overall aim of sustainability at the heart of a living, working, active landscape valued by everyone.

19. AFBI provides the following to DAERA by way of Emergency Response Capability :

- have in place test methods appropriate to the range of (epizootic) pathogens that DAERA require to be tested locally;
- ensure the test methods in place are compliant with legislation (NI, UK, EU) and WOA (previously OIE) Terrestrial Manual;

- have in place trained personnel to deliver the testing envisaged by DAERA. This resource is involved with other "peacetime" testing activities;
- undertake in conjunction with DAERA an annual review of science capability to support the identification and effective response to current, emerging and improbable threats, including animal health;;
- have in place contingency plans for the range of (epizootic) pathogens that DAERA require to be tested, including undertaken locally or at UK/EU reference laboratories;
- ensure that appropriate laboratory accreditation is in place and maintained for the test methods in use during emergency response;
- undertake test method development for the range of (epizootic) pathogens that DAERA requires to be tested locally;
- engage and liaise with UK and EU national Reference Laboratories to ensure AFBI test methods are harmonised (as far as possible) with those in use within the NRLs;
- provide DAERA with scientific advice in respect of the pathogens. This includes test method technology, interpretation of test results, virus sequencing and interpretation of this data, liaison with UK and EU NRLs.

20. DAERA provides AFBI with grant-in-aid funding for statutory activities. On an annual basis, DAERA commissions from AFBI a wide-ranging programme of scientific work, known as the Assigned Work Programme (AWP). The AWP consists of three components: statutory and non-statutory science (primarily DAERA's regime of diagnostic and analytical scientific testing) advice and representation; research and development; and emergency response capability.

DAERA Major Emergency Response

21. Since February 2017, DAERA has had in place a Major Emergency Response Plan (MERP). The 2016 Cabinet Office Guidance was considered in the development of the Department's MERP. MERPs were also in place in the former DARD. In the MERP the term emergency is an event or situation which threatens serious damage to human welfare, the environment or the security of Northern Ireland or the UK as a whole. The purpose of the MERP is to set out the high-level framework for the Department's response to a major emergency. DAERA's MERP is designed to be flexible in order to provide direction to emergencies, depending on the impact on DAERA or the wider NI/UK situation. When activated, the MERP is a combination of emergency response plans from some or all of the Department's business areas.

22. The MERP is underpinned by Business Continuity Plans (BCP) and Operational Emergency Response Plans in place for each DAERA Business Area and Division. See Revised DARD MERP - 24 March 2010 (**Exhibit KG-05 INQ000104348**), Annex A - EMSG Terms of Reference (**Exhibit KG-06 INQ000104349**), Annex B - EMDP Action Plan 2009 – 2010 (**Exhibit KG-07 INQ000104350**), Annex C - List of Contingency Plans (**Exhibit KG-08 INQ000104351**), Annex D - DARD's Membership of Groups Within the Central Crisis Management Machinery (**Exhibit KG-09 INQ000104352**), Annex E - DARD Business Continuity Plan **Irrelevant & Sensitive** Annex F - Corporate Policy Division Links to Civil Contingency Sub Groups (**Exhibit KG-11 INQ000104355**), DAERA MERP V 1.0 - Final Version - 28 February 2017 (**Exhibit KG-12 INQ000104356**), DAERA Major Emergency Response Plan (MERP Version 1.7 March 2020) (**Exhibit KG-13 INQ000104359**). DAERA's MERP was also updated in July 2019 (Version 1.4) and in February 2020 (versions 1.5 and 1.6), I have included these versions in our disclosure documentation.

23. The key purpose of the MERP is in the creation and functioning of a three-tier crisis management operation: - Gold, Silver and Bronze Command. Gold Command provides strategic guidance and is chaired by the Permanent Secretary or a nominated deputy; Silver Command provides tactical planning; and Bronze Command manages operational delivery.

24. At January 2020, DAERA Gold Command comprised Permanent Secretary (Chair); Chief Veterinary Officer (CVO), VSAHG; Deputy Secretary, CSCPG; Deputy Secretary, EMFG; Deputy Secretary, RAFSET; Deputy Secretary, FFG; Director of Corporate Services Division; Director of Contingency Planning (Food Security); Director of Contingency Planning (Agri Food trade); and DAERA Principal Information Officer.

DAERA Zoonotic Diseases Remit

25. DAERA is responsible for the development of animal health and welfare policy for both farmed and non-farmed animals and the implementation of that policy in respect of farm animals. This includes policy and control strategies in relation to diseases that are naturally transmissible between animals and humans i.e. zoonotic (e.g. salmonella and rabies).

26. DAERA is the lead department in Northern Ireland for the control of animal diseases and for responding to epizootic disease outbreaks, led by VSAHG. Some of these epizootic diseases can also be zoonotic, for example Avian Influenza (AI). Maintaining high

biosecurity standards as part of DAERA's disease prevention and control strategies not only protects animals, plants, and the wider environment, but also provides important assurances to global trading partners that UK exports maintain the highest health status.

27. It is recognised that globally, at a conservative estimate, 60% of emerging human diseases are zoonotic. Consequently, the 'One Health' construct recognises the close inter-relationship between human health, animal health and the environment that underpinned the jointly chaired CMO/CVO zoonosis working group.
28. One Health, as defined by WHO, is an integrated, unifying approach to balance and optimise the health of people, animals and the environment. The approach mobilises multiple sectors, disciplines and communities at varying levels of society to work together, to develop new and better ideas that address root causes and create long-term, sustainable solutions. One Health involves the human public health, veterinary public health and environmental sectors. The One Health approach is particularly relevant for food and water safety, nutrition, the control of zoonoses, pollution management, and combatting antimicrobial resistance.
29. The NI five year anti-microbial resistance action plan is built on this 'One Health' concept and under DoH CMO lead was overseen by the Strategic Antimicrobial Resistance and Healthcare Associated Infection (SAMRHAI) group, which included DAERA Veterinary Service and the Food Standards Agency. It was therefore natural, that when Covid -19 response made it difficult for DoH to continue to lead on this important subject, the responsibility for taking the lead was passed to DAERA.
30. As biosecurity threats transcend administrative boundaries, DAERA collaborates with Defra and its counterparts in the Scottish, Irish and Welsh Governments, in planning for, and responding to, animal disease outbreaks. Collaborative working ensures sharing of expertise, knowledge and resources. Contingency plans are regularly tested at both local and national levels, to ensure they remain fit for purpose. Exercise Blackthorn, the 2018 national Foot and Mouth Disease exercise, tested the UK contingency plan at a national level as well as DAERA testing the NI contingency plan and local arrangements. For further information on local and national exercises that have taken place see **Exhibit KG-29 INQ000104406 and KG-30 INQ000104413** and paragraphs 111-122 for detail of exercises.

Legal Framework for Animal Disease Control

31. DAERA has overall responsibility for policy and regulation related to animal health controls in Northern Ireland.
32. There is extensive legislation and regulation governing animal health. The Diseases of Animals (Northern Ireland) Order 1981 (NI 22) (1981 Order) makes provision for a variety of matters concerning the eradication, prevention, and control of animal diseases. Part 2 of the 1981 Order confers powers and duties on DAERA (“the Department”) for the purpose of eradication and prevention of disease. These include: (a) an obligation on the Department to prepare guidance on biosecurity measures to be taken in relation to any disease specified by order of the Department (s.4A); (b) an obligation on owners and occupiers of premises on which animals are kept to comply with biosecurity guidance (s. 4B); (c) powers to make orders concerning cleansing and disinfection of places used for holding animals (s.5); and powers to make orders governing importation of animals for purpose of preventing the introduction or spreading disease (s.24).
33. Part II of the 1981 Order concerns “Diseases of Animals and Poultry” and confers a range of powers and obligations in relation to the outbreaks, infections, and risk to human health from zoonoses. These include emergency powers to respond to the outbreak of diseases and risk to human health through control of zoonoses. Diseases of significance (for example, bovine tuberculosis, brucellosis, anthrax, rabies, avian influenza) are listed under Part III and Part IV of Schedule 1 of the 1981 Order, supported by Orders providing rules and enforcement powers for specific diseases. A power under section 7 of the 1981 Order confers specific powers for controlling zoonoses. There are over 60 statutory rules made under the 1981 Order which deal with diseases, along with those which pose a zoonotic disease risk, including SARS-CoV-2 (Covid-19)¹. The legislative framework governing specific animal and zoonotic disease reflects policy developed through decades of research and development by DAERA (and its predecessor departments).
34. The Zoonoses Order (Northern Ireland) 1991 is one such legislative instrument made under the Disease of Animals (Northern Ireland) Order 1981 and is applied in relation to the designated organisms, such as Salmonella Chlamydia psittaci and Coxiella burnetti and covers poultry, livestock, and pets with a view to reducing the risk to human health

¹ The Zoonoses Order (Northern Ireland) 1991 as amended by the Zoonoses (Amendment) Order (Northern Ireland) 2021 No.44.

from those organisms. It includes the powers of entry, movement restrictions, slaughter and culling and seizing of goods.

35. The EU Official Controls Regulation 2017/625 ("the OCR") addresses controls governing imports, ensuring adherence to the strict health and welfare standards required for entry into the EU. Under the provisions of the EU Withdrawal Agreement which included the subsequent Protocol on Ireland / Northern Ireland and the Windsor Framework, the OCR applies to Northern Ireland. The Trade in Animals and Related Products Regulations 2011 (TARP) works in parallel to the OCR, implementing EU Directives on the intra-EU movement of live animals and animal products and contains enforcement powers to ensure that live animals and products of animal origin entering Northern Ireland from other countries meet the required import conditions set out in the OCR. DAERA Official Veterinarians, together with local authorities, are responsible for inspections of imported animals, germplasm, animal by-products and products of animal origin for human consumption at UK Border Control Posts.
36. Under the provisions of the EU Withdrawal Agreement and Annex 2 of the subsequent protocol on Ireland / Northern Ireland, the EU Animal Health Law (AHL) Regulation (2016/429) applies to Northern Ireland. The AHL sets out specific rules for the prevention and control of diseases for the protection of both human and animal health. It places a specified list of animal, avian and aquatic diseases into different categories dependant on level of control required to manage them and the species affected. The level of controls required by the AHL range from obligations to notify relevant authorities when diseases are detected to extensive surveillance and eradication measures.
37. The Aquatic Animal Health Regulations (Northern Ireland) 2009 sets out animal health requirements for aquaculture. Parallel legislation is in place in England, Wales and Scotland.
38. The Public Health Agency (PHA) Northern Ireland provides advice and guidance relating to zoonotic disease risk in Northern Ireland. PHA adopts the comprehensive framework for addressing zoonotic disease risks² published by Public Health England (PHE). This summarises the measures in place to prevent and eradicate zoonotic diseases emerging as well as how to respond in the event of an outbreak.

² PHE's Guidelines for the Investigation of Zoonotic Disease (non-foodborne) in England and Wales (July 2016)

39. During a zoonotic animal disease outbreak (e.g. avian influenza), PHA will be notified by DAERA of suspect and confirmed cases. PHA will be called to attend DAERA Emergency Command Group meetings and outbreak 'bird table' meetings, if a zoonotic disease is involved. DAERA will seek advice from PHA on the human health implications of the specific disease involved in the outbreak, and use this within DAERA communications, ensuring that public messages are aligned across the organisations. As part of DAERA's disease investigation procedures on an infected avian influenza site, DAERA will provide PHA with information on any members of the public potentially exposed to infectious agents, and PHA follow up with those individuals accordingly.
40. A number of public authorities and agencies, including DAERA, PHA, the Health and Safety Executive Northern Ireland (HSENI), the Food Standards Agency NI (FSA) and local authorities operate within the relevant legislative framework. In the event of an epizootic animal disease outbreak, involving a zoonotic agent, DAERA will co-ordinate engagement with other relevant public authorities and agencies as part of the outbreak response.

Laboratory Capability

Within Northern Ireland:

41. AFBI capability in animal health and welfare and food safety is concentrated in the Veterinary Sciences Division (VSD) of the organisation and located at two sites, Stormont and Omagh, with the bulk of the expertise and capability located at the Stormont site on the outskirts of Belfast. The Division comprises scientists, veterinarians, administrative and technical staff who are involved in statutory surveillance (passive and active), expert advice and representation and aligned research and development.
42. VSD is the Official Laboratory for DAERA for Food and Feed Controls under the Official Controls Regulation 2017/625 (OCR). In addition, the VSD holds UK National Reference Laboratory status for veterinary drug residues and marine biotoxins. Staff within the VSD are considered to be experts in their scientific fields at not only national but also international levels.
43. Science is commissioned by DAERA through an Assigned Work Programme (AWP) which is commissioned each year. DAERA is the primary recipient of AFBI science with both organisations working in partnership to deliver statutory, non-statutory, advice and representation, R&D across a wide remit of animal health and welfare, food safety, emergency response, environment, marine, plant health, livestock and horticulture.

Further details of the AFBI work programmes can be found in the AFBI Corporate Plan **(Exhibit KG-116 INQ000182214)**.

44. AFBI provides the following services and infrastructure:

- a. High containment laboratory facilities (ACDP Biocontainment levels 2 and 3);
- b. Animal experimental facilities (including high containment);
- c. Scientific expertise in microbiological and analytical chemistry disciplines;
- d. Expertise in delivery of laboratory testing, including high throughput workflows;
- e. Test method and reagent development;
- f. Research functions with alignment to statutory surveillance programmes;
- g. Emergency response, contingency and response to disease outbreaks.

45. Further details can be found in the AFBI science strategy 2014-2020 **(Exhibit KG-14 INQ000104376)** and the DAERA Science Strategy Framework 2020-2035 **(Exhibit KG-15 INQ000104401)**.

46. AFBI Contingency Planning covers the following:

- a. Exotic Pests and Diseases of Honey Bees Contingency Plan **(Exhibit KG-108 INQ000182207)**
- b. Epizootic Disease Contingency Plan **(Exhibit KG-109 INQ000182208)**
- c. Chemical Contaminants Contingency Plan **(Exhibit KG-110 INQ000182209)**
- d. Shellfish Contaminants Contingency Plan **(Exhibit KG-111 INQ000182210)**
- e. Shellfish Biotoxins Contingency Plan **(Exhibit KG-112 INQ000182211)**
- f. Plant Disease Contingency Plan **(Exhibit KG-113 INQ000182212)**
- g. Fish Disease Contingency Plan **(Exhibit KG-114 INQ000182213)**

47. These plans are reviewed and exercised (desktop) yearly. The epizootics plan is enacted during disease outbreaks including recent avian influenza events in NI over the past few years. AFBI animal disease Emergency Response stages overview is referenced in Paragraph 52.

Within the rest of the UK:

48. The UK has more than 25 International Reference Laboratories accredited by the World Organisation for Animal Health (OIE), World Health Organisation (WHO) and Food and Agriculture Organisation of the United Nations (FAO). The laboratories operate at the cutting edge of modern technology and the forefront of their fields. For example, the

Pirbright Institute is the World Reference Laboratory for foot and mouth disease (FMD) to support global surveillance and control of FMD.

49. The OIE Reference Laboratory at The Pirbright Institute, the Centre for Environment, Fisheries and Aquatic Science (CEFAS) and the Animal and Plant Health Agency (APHA) Weybridge, all keep international collections of animal pathogens for comparison against any new outbreaks.
50. The Animal and Plant Health Agency (APHA) is one of the world's leading research centres in the field of animal and veterinary public health. It provides the following services;
- a. high containment laboratory and animal facilities;
 - b. scientific expertise in a range of microbiological and analytical disciplines;
 - c. research and test development functions to diagnose known diseases;
 - d. develop tests and reagents to detect new diseases; and
 - e. support outbreak control measures.
51. Further details can be found in the APHA science strategy, 2021 to 2026 (**Exhibit KG-16 INQ000104381**) and the APHA science and evidence review 2021_ (**Exhibit KG-17 INQ000104380**).
52. AFBI works closely with the UK National Reference Laboratories for animal disease control (APHA and The Pirbright Institute) both in normal circumstances (sometimes referred to within departmental documentation as 'peacetime' i.e. when a live disease outbreak event is not occurring) and during outbreaks. For example, during seasonal avian influenza periods AFBI would liaise closely with APHA regarding testing (methodology and strategies) and interpretation of virus sequencing data. In the case of an avian influenza outbreak there are regular weekly or even daily virtual meetings between the AFBI and APHA teams delivering the laboratory testing. A similar arrangement exists with The Pirbright Institute, for example involving bluetongue virus testing which AFBI undertakes for DAERA.
53. AFBI and DAERA are members of the Disease Emergency Response Committee (DERC), which meets quarterly. DERC is chaired by APHA, and focuses on the UK laboratories' capacity and response to a disease outbreak. The main functions of DERC are to identify animal diseases posing high risk (probability and impact) to animal / or public health in UK; to agree prioritisation of these diseases with customer groups and to commission team

leaders to prepare harmonised laboratory contingency plans to meet diagnostic and surveillance requirements in the face of an outbreak of disease.

54. AFBI has had excellent relationships with European Reference Laboratories over the 2009-2020 period, being involved with collaborations, EU wide ring trials and participation in workshops/conferences. The following summarises EU Reference Lab meetings/conferences for animal disease that were held during the relevant dates for this Module:

- 2019 – AIV/ND EuRL meeting in Padova, 1st hosted by IZSve – attended by AFBI
- 2019 – BTV EuRL meeting in Madrid (MAPA) – attended by AFBI
- 2018 – BTV EuRL meeting in Madrid, 1st hosted by MAPA – attended by AFBI
- 2018 – AIV/ND EuRL (APHA) meeting in Windsor (UK), final APHA meeting – attended by AFBI
- 2017 – No information available for this year. We suspect AFBI may not have received an invite to attend
- 2016 – AIV/ND EuRL (APHA) meeting in Copenhagen – attended by AFBI
- 2015 – AIV/ND EuRL (APHA) meeting in Budapest – attended by AFBI
- 2014 – AIV/ND EuRL (APHA) meeting in Lelystad (Netherlands) – attended by AFBI
- 2013 – AIV/ND EuRL (APHA) meeting in Zagreb – attended by AFBI
- 2012 – AIV/ND EuRL (APHA) meeting in Helsinki – attended by AFBI

55. The following summarises conferences for chemical contaminants team that were held during the relevant dates for this Module:

- 2019 – Veterinary Drug Residue National Reference Laboratories in Berlin hosted by the EURL for Residues of Pharmacologically Active Substances.
- 2018 – 8th International Symposium on Hormone and Veterinary Drug Residue Analysis, Ghent, Belgium.
- 2017 – Recent Advances in Food Analysis Conference held in Prague, Czech Republic
- 2016 – EuroResidue VIII held in the Netherlands.
- 2015 – 7th International Symposium on Recent Advances in Food Analysis, Prague

56. Post EU Exit, DAERA is now the Competent Authority for Official Controls and as such nominates/assigns the national reference labs in the EU as required by the Protocol on Ireland / Northern Ireland, and compliance with OCR, by ensuring there are EU based laboratories with whom DAERA can liaise. AFBI, as the Official Laboratory, liaises with a

number of European National Reference Laboratories, which have been assigned by DAERA.

57. AFBI continues to participate in proficiency trials through the new EU National Reference Laboratories but also some higher level EU Reference Laboratories. These interactions with UK and EU Reference Laboratories enables AFBI to access latest information and protocols, participate in proficiency testing as well as harmonising testing methodologies. An example would be the latest version of the AFBI avian influenza PCR test method which is harmonised with APHA and the EU NRL. Essentially this harmonisation enables results from the three laboratories to be comparable as the laboratories use the same test method.

Contingency Planning

58. There are well defined procedures for responding to and investigating suspicion of exotic notifiable disease in animals and subsequently confirming presence of disease. The principles are the same across the UK to make sure there is a consistent and co-ordinated approach that meets the requirements of domestic legislation and international requirements. There are some differences in process in Northern Ireland compared to Great Britain due to the different administrative structures and reflecting the fact that the island of Ireland comprises a single epidemiological unit covered by two legislative jurisdictions.
59. The Contingency Plan for Epizootic Disease (**Exhibit KG-18 INQ000104400**) describes how DAERA will manage incidents of certain animal diseases occurring in Northern Ireland.
60. The Contingency Planning for Epizootic Disease Unit (CPED), within DAERA VSAHG, was established following the 2001 Foot and Mouth Disease outbreak. During peacetime, this unit is responsible for exercising and reviewing the contingency plan, including any relevant lessons identified from previous exercises, and ensuring that team roles, responsibilities and lines of communication are kept up to date. The Unit is also responsible for staff training and stakeholder engagement; maintenance and review of Memorandums of Understanding with other government departments and external organisations; and ensuring operational preparedness for epizootic disease incursion. During disease outbreaks, CPED co-ordinates the activation of the contingency plan and the initial response, and then undertakes specific roles within the command structures.

61. The Contingency Plan summarises DAERA's arrangements for controlling and eradicating epizootic disease in NI. It is based upon strategic, tactical, and operational command structures. It outlines the roles and responsibilities of the Northern Ireland CVO, the CEDCC, the LEDCC and operational partners. DAERA's strategic level arrangements and response to an epizootic disease outbreak are set out in DAERA's Major Emergency Response Plan (MERP).
62. DAERA's overall disease control strategy is to eradicate epizootic disease through control measures which:
- Ensure rapid identification of the disease, minimise risk of spread and enable early eradication;
 - give due consideration to the welfare of livestock affected; and
 - minimise the impact on international trade, the rural economy, sustainability of the industry and the environment.
63. The contingency plan outlines the mechanisms that are in place to ensure that the response to an outbreak of epizootic disease is implemented in a co-ordinated and consistent manner. It provides an overview of the process through which suspicion of disease will reach eventual confirmation, if appropriate. Upon confirmation of disease, various structures and groups will be activated to support the response. Processes are in place to ensure that the appropriate people are notified, briefed and engaged to respond upon confirmation of disease.
64. The contingency plan sets out the structures for dealing with an epizootic disease outbreak at the Central Epizootic Disease Control Centre (CEDCC), Local Epizootic Disease Control Centre (LEDCC) and the teams that make up these command centres, the daily "battle rhythm" for meetings of decision-making bodies and how DAERA links in and communicates with Defra, the other devolved administrations and the Department of Agriculture, Food and Marine (DAFM) (the relevant government department in Ireland) during a disease response. The control strategies describe the measures that would be applied in the event of an outbreak for a specific disease and describe the wider framework in place to prevent and limit a disease incursion.
65. AFBI maintains and exercises (through staged, e.g. Exercise Blackthorn or live incidents, avian influenza suspects/outbreaks occurring in NI) a series of contingency plans covering epizootic diseases, plant diseases and pests plus food contaminant issues. These contingency plans are updated regularly and the epizootic plan has been tested every year

as part of the Avian Influenza incursions. Following a major outbreak such as Avian Influenza, DAERA and AFBI look at lessons learned to improve contingency responses and update the plans. Confirmed outbreaks are particularly relevant to the contingency plan as these will initiate all of the phases of the plan i.e. dealing with the suspect, communications, confirming the result for the suspect, scale up testing for the outbreak and post outbreak testing for confirmation of official disease freedom. AFBI were involved in the 2001 FMDV outbreak undertaking high throughput serology testing to provide NI data on disease freedom.

66. In addition to the generic epizootic disease contingency plan, DAERA maintains control strategies for a number of specific notifiable diseases including:-
- a. Notifiable Epizootic Avian Disease control strategy_(**Exhibit KG-19 INQ000104408**)
 - b. African horse sickness control strategy_(**Exhibit KG-20 INQ000104377**)
 - c. African Swine Fever control strategy_(**Exhibit KG-21 INQ000104378**)
 - d. Bluetongue control strategy_(**Exhibit KG-22 INQ000104382**)
 - e. Classical Swine Fever control strategy_(**Exhibit KG-23 INQ000104399**)
 - f. Foot and mouth disease control strategy_(**Exhibit KG-24 INQ000104403**)
 - g. Rabies control strategy_(**Exhibit KG-25 INQ000104409**).

Suspicion of disease and alerts

67. In NI there is a legal duty on any person who suspects that an animal may have an exotic notifiable disease to report their suspicions to the appropriate authorities. Disease suspicion alerts are most likely to be received from private veterinary practitioners, livestock keepers or AFBI laboratory following submission of a carcass/samples with a suspicious clinical history and/or post-mortem findings. In Northern Ireland suspicion of disease will be investigated by the DAERA epizootics Divisional Veterinary Officer (DVO). A range of internal DAERA staff and relevant external agencies (e.g. GB administrations, FSA and PHA) are notified by email of suspect cases under investigation. DAFM is also alerted, particularly for any suspect cases located close to the border.

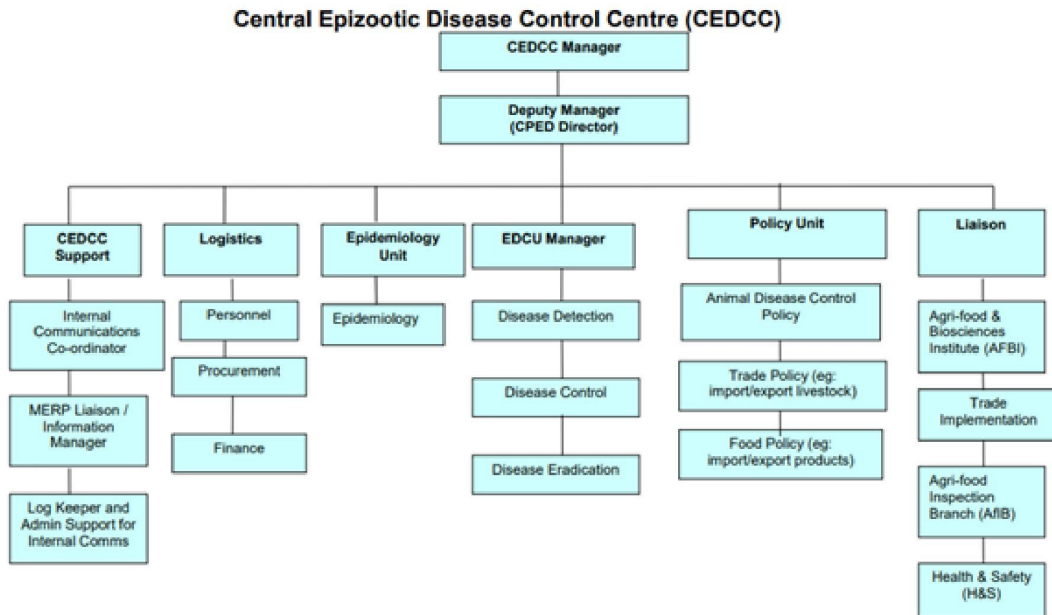
68. As outlined in the United Kingdom contingency plan for exotic notifiable diseases of animals_(**Exhibit KG-27 INQ000104412**), there may be a series of case conferences on suspicion of exotic notifiable disease in animals to discuss emerging issues. Attendees would usually comprise the four chief veterinary officers (CVOs) in the UK, supported by policy and veterinary officials from each administration. This meeting would determine whether circumstances warranted triggering an amber teleconference.

69. If suspicion of disease is strong and its presence cannot be ruled out on clinical grounds, an amber teleconference is held. This involves the CVOs, policy and veterinary officials from each administration together with a range of attendees who would have a role in a potential outbreak (if declared), including other government departments and agencies e.g. PHA, FSA. The purpose of the teleconference is to inform participants of the situation, to assess the risk and to agree on next steps. The meeting is chaired by the UK CVO and follows a standard agenda. During the teleconference the CVO of the country concerned may confirm disease or specify what further evidence, such as test results, would be needed. The teleconference would also agree plans for future actions and the necessary communications (including notifications to others) based on the emerging situation.
70. In Northern Ireland the Emergency Command Group (ECG) is established in advance of the amber teleconference. The ECG is an interim command group comprising of personnel from Veterinary Service, Animal Health and Welfare Policy Division, AFBI and relevant external agencies such as FSA and PHA. The ECG co-ordinates all aspects of initial response on suspicion of epizootic disease and provides updates to NI CVO. NI CVO will communicate with ROI CVO and keep them updated with any emerging epizootic disease situation.
71. Upon confirmation of an exotic notifiable disease in animals, the appropriate contingency plans for the affected administrations are invoked. For example, the UK wide contingency plan was invoked in winter 2020 for GB based avian influenza cases, and the NI contingency plan was subsequently invoked following confirmation of highly pathogenic avian influenza in NI in January 2021.

Outbreak Response

72. Once disease is confirmed the CVO will inform the Minister and the Permanent Secretary and, if appropriate, request activation of DAERA's MERP. The CVO will authorise activation of the CEDCC and LEDCC.
73. Within DAERA, the command structure during an outbreak is illustrated below:-
74. The CEDCC is responsible for the tactical management of disease control and eradication, and is made up of several teams with specific functions as outlined in diagram below. Its functions include: Provision of advice to counterparts in LEDCC; overall general

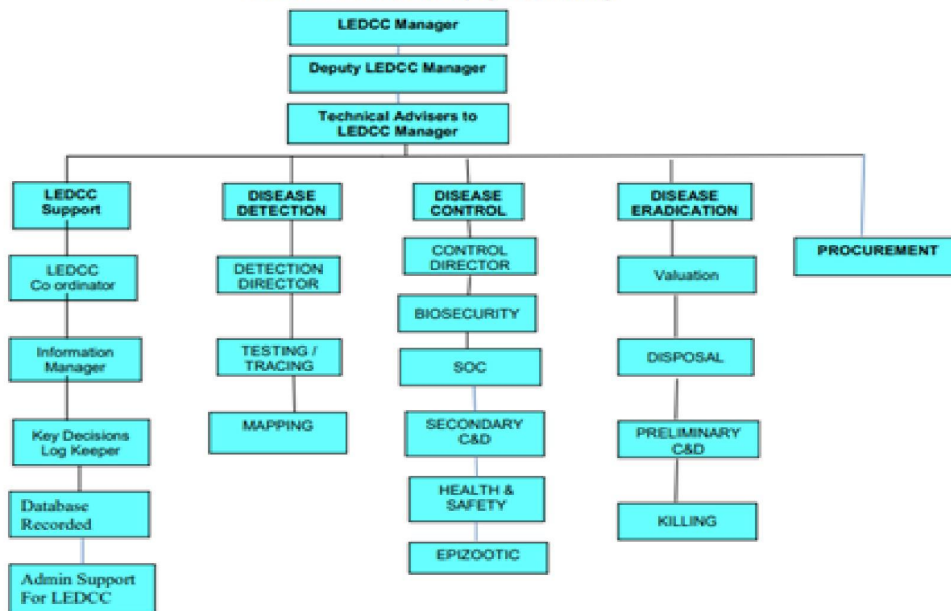
management of disease control; determining priorities in resource allocation; planning and co-ordinating the tasks allocated to the operational directors in bronze command; obtaining resources; obtaining emergency regulations / derogations.



75. Within CEDCC, the Policy Unit is staffed by VSAHG policy officials and is responsible for providing policy advice on animal disease control, internal movements, import / export of farm livestock and animal products. They also liaise with Legislation Branch and the Departmental Solicitors Office (DSO) to ensure that the appropriate legislation is in place. They work closely with colleagues in Defra and DAFM and are responsible for the collation of briefing material for Ministers and officials and engagement with stakeholders (core group).

76. The LEDCC is responsible for the operational delivery of the response and is made up of several teams with specific functions as outlined in diagram below. The LEDCC will implement tactical level advice in line with guidance set out in contingency plans and operational instructions. It will also report back to the CEDCC on the progress of the disease control operation. Its functions include: Deployment of resources (expertise, personnel and equipment); identifying tasks; undertaking field tasks and operations; information gathering and reporting; working with operational partners and communicating with affected stakeholders.

**Local Epizootic Disease Control Centre (LEDCC)
Bronze Command (Operational)**



77. The procedures for outbreaks at a national level are set out in the United Kingdom contingency plan for exotic notifiable diseases of animals **(Exhibit KG-27 INQ000104412)**. This outlines the role of Cabinet Office Briefing Rooms (COBR), the National Disease Control Centre (NDCC), the Scientific Advisory Group for Emergencies (SAGE), the APHA International Disease Monitoring team, the Global Animal Health team, and the UK Chief Veterinary Officer.

78. The NDCC brings together operational functions provided by APHA and other executive agencies and organisations, with policy input provided from individual administrations through the following mechanisms:

- England - appropriate parts of the Department for Environment, Food and Rural Affairs (Defra);
- Scotland - the Scottish Government's Disease Strategy Group (DSG);
- Wales - the Welsh Government Emergency Co-ordination Centre (Wales) (ECC(W));
- Northern Ireland - the Central Epizootic Disease Control Centre (CEDCC).

79. The policy on disease control of each administration may differ depending on the circumstances but will, insofar as is possible, be complementary. Where there are approaches that are, or may be, in conflict the relevant CVOs and senior officials will seek to arrive at a compromise. If that is not possible, the appropriate ministers will be invited to discuss the problem with a view to reaching a resolution.

80. The APHA International Disease Monitoring team monitors animal diseases across the world (particularly those affecting trading partners and countries within and bordering the EU), that would have a significant impact if introduced into the UK. It produces preliminary outbreak assessments or full qualitative risk assessments to assist decision-making by those responsible for biosecurity, surveillance, disease preparedness and enforcement. This is adapted by DAERA for NI when necessary.
81. The Defra Global Animal Health team is responsible for communications within the EU and internationally, ensuring effective representation of the UK's disease control activities.
82. In the event of an exotic notifiable disease outbreak in animals, there will be a co-ordinated approach to disease control and eradication across the UK, with close working between each country's administration, operational partners, and stakeholders. The Contingency Planning Division within Defra has responsibility for overall UK coordination when an outbreak occurs. The UK CVO, Dr Christine Middlemiss, works alongside her counterparts in Scotland, Wales and Northern Ireland, to ensure a co-ordinated response across the devolved administrations.
83. Within DAERA, the CVO, Dr Robert Huey, is responsible for confirming notifiable outbreaks in Northern Ireland. The CVOs for England, Scotland and Wales are responsible for confirmation of disease within their territories; the four administrations work closely together in the event of an animal disease emergency. The UK CVO is responsible for international relations. The Northern Ireland CVO and Ireland CVO also work closely together during animal disease outbreaks. Agriculture is also one of the six Areas of Co-operation that sit under the aegis of the North South Ministerial Council (NSMC) (see paragraphs 166 - 176 below for further information on the NSMC) and the agreed work programme includes animal and plant health which provides further focus for joint working between the CVO in Ireland and the Northern Ireland CVO.
84. In the event of an outbreak of epizootic disease in either Northern Ireland or Ireland, it is recognised by DAERA and DAFM that sustained co-operation between both administrations will be essential to reduce the further spread of disease. There are a number of areas where co-operation and agreement are of particular importance and benefit. The areas include: cross-border communication; tracings; trade; vaccination; and management of external communications. See paragraphs 92 – 110 for detail.

85. During the most recent avian influenza outbreaks in 2021 and 2022, a number of disease control zones crossed the border and had implications for both jurisdictions, which involved co-ordinated action and communications between DAERA and DAFM. DAERA have also provided resource to assist DAFM in culling processes at infected premises in Republic of Ireland during recent avian influenza outbreaks.
86. The Animal Health and Welfare Policy Team within DAERA VSAHG has policy responsibility for the control strategies for exotic notifiable animal diseases. The policy team (along with the CPED in VSAHG) will update and exercise the control strategies during peacetime (e.g. foot and mouth disease control strategy exercised during Exercise Blackthorn 2018 - see paragraphs 142 - 144, while during a disease outbreak, the policy team is responsible for enacting the policy itself. The contingency plan and individual control strategies detail the battle rhythm for actions and how the policy teams obtain stakeholder views and expert advice for decision making.
87. The VSAHG veterinary and technical teams support delivery of DAERA's animal disease control strategies and are responsible for the operational response to biosecurity threats to Northern Ireland. Policy teams collaborate with science, technical, field and veterinary teams to ensure delivery.
88. The Animal and Plant Health Agency (APHA) is the operational executive agency for Defra (as well as Welsh and Scottish government) in Great Britain.
89. The DAERA CEDCC links into the UK NDCC, and DAERA participate in the various Defra and/or APHA led decisions making groups (**Exhibit KG-115 INQ000182239, Exhibit KG-117 INQ000182215, Exhibit KG-139 INQ000182237 and Exhibit KG-140 INQ000182238**), as outlined in the contingency plans.
90. AFBI is a member of the DAERA CEDCC during disease outbreak events. The role of AFBI in this group is to provide reporting on laboratory testing and scientific advice. AFBI input to CEDCC includes: test results update; scheduling of samples for testing; science advice re. virology, test method technologies, results interpretation, virus sequencing and results obtained, and updates on results obtained from UK and EU NRLs. Food contaminant events are dealt with through the Residues Action Group (RAG) in conjunction with DAERA and FSANI.
91. AFBI also liaises closely with the National and European Reference laboratories relevant to the disease pathogen. Throughout the animal disease outbreak AFBI will be in direct

contact with the UK and EU NRLs to provide updates on sample transport to the NRLs, sample scheduling, timelines for results, discussion and interpretation of results, updates and discussion on any virus sequencing undertaken by AFBI or the relevant NRL.

Interaction with Key Partners and Stakeholders

Defra and the other devolved administrations

92. Responsibility for biosecurity is devolved to the government administrations of the UK. However, as biosecurity threats transcend administrative and geographic boundaries, all UK administrations co-operate closely to safeguard UK animal and plant health.

Other government departments and agencies

93. The management, control and eradication of epizootic disease requires a co-ordinated response by several organisations. In the event of zoonotic epizootic disease outbreaks, for example highly pathogenic avian influenza, the following groups are involved in assisting DAERA in its response:
94. The Department of Health's (DoH) role is to provide strategic advice and leadership on the human health implications of an animal disease outbreak. DoH works closely with Health and Social Care (HSC) organisations, in particular PHA which provides expert public health advice at an operational level, including advice on preventative medicine and treatment where necessary.
95. FSANI is responsible for providing policy and advice to the public concerning potential implications for food arising from an outbreak of epizootic disease. The agency will produce guidance on food safety based upon scientific evidence and is responsible for assessing the level of risk to the consumer.
96. PHA and FSANI are members of the DAERA Emergency Command Group and CEDCC, for zoonotic disease outbreaks, which ensures co-ordination of communications for the human health and food safety aspects of the incident.
97. The NICS Occupational Health Service (OHS) is responsible for co-ordinating the provision of protective measures to minimise any disease risk to DAERA staff affected by the incident. Specifically, in the event of an outbreak of Avian Influenza the OHS will:
- a. arrange follow-up surveillance of staff and liaise with the PHA in relation to members of the public;

- b. provide advice on minimising the impact of disease control measures on the health of DAERA staff; and
- c. arrange for screening of DAERA staff.

98. At a UK level, the UK Biological Security Strategy (**Exhibit KG-28 INQ000104375**) 2018 sets out the roles and responsibilities of government departments and agencies in responding to biological threats, including animal disease outbreaks. The strategy is focused on securing effective coordination across government no matter how these risks occur and no matter who or what they affect.

Industry

99. DAERA's work is supported by engagement with industry and stakeholder groups such as the Animal Health and Welfare Stakeholder Forum and species-specific core groups, for example, the poultry industry stakeholder group. This ensures that industry and stakeholders are involved in shaping government policies underpinning the approach to biosecurity and the delivery of measures to support them.

100. During a disease outbreak, and depending on the disease, the relevant stakeholder group meetings take place more frequently both at a Northern Ireland and UK level as required.

Public engagement

101. In relation to the provision of information to the public, Departments and agencies across Government concerned with public health and disease control publish extensive information concerning zoonoses. DAERA, PHA and the HSENI publish detailed information on their respective websites about the risks of transmission to humans and about specific diseases.

Other important relationships

102. **CVO to CVO** – the CVOs from the four administrations meet monthly to discuss animal health and welfare, trade, and the veterinary profession. Regular items for discussion include reports of the UK Surveillance Forum, the International Disease Monitoring team, and the Veterinary Risk Group.

103. **UK CVO to Ireland CVO** - meeting every 6 months, and the Northern Ireland CVO is also invited to attend this meeting. These are formal minuted meetings at which information is exchanged on issues of mutual interest from legislation and policy to matters of delivery. Issues such as joint exercises and sharing of staff would be discussed

(Exhibit KG-92 INQ000182191, Exhibit KG-93 INQ000182192, Exhibit KG-95 INQ000182194, Exhibit KG-98 INQ000182197 and Exhibit KG-100 INQ000182199).

104. **Northern Ireland CVO to Ireland CVO** meetings – these meetings are held every 6 months, between CVOs and policy officials, to discuss animal health and welfare issues of common interest. A record of action points agreed at each meeting is made and retained. The main purpose of these meetings is relationship building and they are frequently followed up by informal meetings as issues of mutual interest emerge. Hence, while the meetings of the two senior teams are planned to occur every six months, other discussions take place as required, on the back of the relationships developed, need being identified **(Exhibit KG-94 INQ000182193, Exhibit KG-96 INQ000182195. Exhibit KG-97 INQ000182196. Exhibit KG-101 INQ000182200).**
105. **Zoonosis Group Northern Ireland CVO to Northern Ireland CMO** meetings – prior to the pandemic, these were meetings once every 6 months to discuss issues of joint interest, for example, combating antimicrobial resistance.
106. **Chief Scientific Adviser (CSA) to CSA** meetings – The UK Government Chief Scientific Advisor (GCSA) arranged and usually chaired CSA network meetings. Membership included CSAs from across UK Government Departments along with the Scottish Government CSA and Welsh Government CSA. Regular meetings were held with no set agenda or formal minutes. In the absence of a Northern Ireland Government CSA, (the NI Executive does not have a general CSA, meaning a CSA unattached to any specific government department or policy brief with overall responsibility for Government Science), the DAERA CSA received invitations to these meetings and, whilst he did not attend, he reviewed copies of presentations / themes when provided and gave informal updates to the Department of Health (Northern Ireland) CSA, as appropriate.
107. **UK Science Partnership for Animal and Plant Health Science Partnership meetings.** The DAERA CSA has responsibilities for the commissioning and management of research to meet the evidence and innovation needs of the Department. In line with this role, the CSA was a member of the UK Science Partnership for animal and plant health which at quarterly intervals brought together all the relevant government funders of research across the UK at senior level, along with an independent chair and representatives **(Exhibit KG-26 INQ000104415).** The Terms of Reference for this group were:-

- develop, co-ordinate and monitor delivery of the UK-level Animal and Plant Health Science Strategy by the partners and the wider science community;
- drive a culture of coordination and collaboration, with key public funders engaging together, and with the private and third sectors, to jointly consider key questions and cross-cutting challenges; and
- to engage together to ensure the UK has the science capability to support the identification and effective response to new threats and challenges to animal and plant health.

DAERA and DAFM Relationship

108. In the event of an outbreak of epizootic disease in either Northern Ireland or Ireland, it is recognised by DAERA and DAFM that sustained co-operation between both administrations will be essential to reduce the further spread of disease.

109. The island of Ireland is considered to be a single epidemiological unit. Therefore, both Northern Ireland and Ireland adopt a similar approach to disease surveillance, prevention and control for certain animal diseases, particularly when disease control zones cross both jurisdictions.

110. DAERA and DAFM animal disease contingency planning teams have collaborated on several animal disease outbreak exercises and training events to explore cross-border issues. These have included:

Exercise Mirrormap – 2011 & 2012

111. The primary purpose of Exercise Mirrormap was to achieve a coordinated, consistent map (picture-file) of a cross-border zone, mutually agreed in advance by the representatives of DARD and the Department of Agriculture, Food and Fisheries (DAFF), DAFF is the former government department in Ireland that changed to DAFM in October 2011. In advance of the real-time exercise, a memorandum of understanding was signed which allowed DARD and DAFF to share raster and ortho mapping information in the event of an outbreak of epizootic disease (**Exhibit KG-118 INQ000182216**). An action plan was developed and recommendations implemented following the real-time exercise (**Exhibit KG-119 INQ000182217**).

Whole House Gassing Poultry Culling Training 2011

112. These were refresher training events for DAERA staff in the use of Whole House Gassing. An all-island whole house gassing contract was in place during this time, and the training was attended by representatives from DAFF/DAFM as an opportunity for shared

learning and collaboration by field staff. (**Exhibit KG-120 INQ000182218, Exhibit KG-121 INQ000182219, Exhibit KG-122 INQ000182220 and KG-123 INQ000182221.**)

Exercise Johann - 2014

113. Exercise Johann, (**Exhibit KG-124 INQ000182222**) was a FMD exercise that aimed to;
- exercise field staff plans and procedures when responding to a FMD report case;
 - train on-call veterinary officers in their response to a FMD report case;
 - test sample handling and transport to National Reference Laboratory; and
 - train Humane Slaughter Team (HST) members on setting up a safe site.
114. DAFM representatives were involved in this exercise as a joint learning event for cull site set up for the livestock killing teams (**Exhibit KG-125 INQ000182223 and Exhibit KG-126 INQ000182224**).

DAFM Pig premises depopulation exercise - 2015

115. DAERA attended (**Exhibit KG-127 INQ000182225**) this depopulation training event. Such exercises are used to reinforce the principles of the memorandum of understanding between DAERA and DAFM which facilitates the lending of each other's dedicated livestock killing teams for culling farm animals in an emergency situation.

Exercise Dexter – 2017

116. Exercise Dexter (**Exhibit KG-128 INQ000182226**) was a table-top exercise between DAERA and DAFM, the aim of which was to ensure preparedness for the earliest possible resumption of cross-border trade in bulk milk during a Foot and Mouth Disease outbreak in Northern Ireland. The key objectives were to:
- Examine the completeness of the DAERA contingency plans for licensing and movement of milk during an outbreak of FMD;
 - Exercise the interface between DAERA and DAFM response structures;
 - Refresh the knowledge and understanding of key staff involved in implementing the plans.
117. Ensuring clear lines of communication between DAERA and DAFM was a theme emerging from this exercise and as a result, improvements to ensure reference to liaison with DAFM was incorporated into the milk contingency plan.

Exercise Blackthorn, 2018

118. Although Exercise Blackthorn (**Exhibit KG-90 INQ000177833**) was a UK wide FMD exercise, Defra and DAERA recognised the importance of collaboration and shared learning with DAFM, and therefore, DAFM representatives were invited to and attended both the live play event in London and in Coleraine (where the NI live play event took place). Although testing the DAERA-DAFM interface was outside the scope of this exercise, DAFM contingency planning staff who attended the NI event, were able to provide their insight to the DAFM position at various stages of the scenario and take part in discussions.
119. DAERA and DAFM recognise that sustained co-operation between both administrations will be essential to reduce the further spread of disease in the event of a suspect of confirmed case of a serious epizootic disease. Therefore DAERA and DAFM have agreed common chapters, which set out the agreed approach that will be taken by both Departments, for the main epizootic diseases including Foot-and-Mouth Disease, Avian Influenza, African Horse Sickness and Bluetongue. (**Exhibit KG-73 INQ000177830; Exhibit KG-74 INQ000177828; Exhibit KG-75 INQ000177827; Exhibit KG-76 INQ000177829.**)
120. Common chapters set out an agreed approach where both DAFM and DAERA will work together prevent the further spread of disease and are of mutual benefit to either jurisdiction. These chapters supplement WOAHP (previously OIE) requirements in stressing the importance of effective cooperation between neighbouring countries with the view to preventing, controlling and eradicating any disease outbreak.
121. The common chapters cover a number of areas where co-operation and agreement will be of particular importance and mutual benefit during a suspected or confirmed outbreak of disease:
- a) Cross-border communication: The CVO of the jurisdiction in which there is a strong suspicion of a suspect outbreak will inform their counterpart as soon as is practicable and before any information is released publicly. This will enable the other jurisdiction to make necessary preparations before establishing disease control zones as required. In addition, regular communications are necessary to discuss any matters arising during the outbreak such as cross border animal movements and trade.
 - b) Tracings: In the event of a disease outbreak, the two Departments will co-operate in tracing animals dispatched from the disease control zones. Tracing of fresh meat, meat products, raw milk and milk products may also be required.

- c) Trade: The two Departments will work closely together to ensure minimal disruption in the trade of fresh meat, meat products, raw milk and milk products.
- d) Vaccination: The respective CVOs will ensure that their counterparts are kept informed of developments before decisions are taken in respect of either area.
- e) Management of External Communications: Where both jurisdictions are affected, the Departments will endeavour to maintain a co-ordinated, simultaneous public release of information in both.

122. While there were no outbreaks of these diseases in either jurisdiction during the timeframe under question, the two Departments have liaised very closely in managing communications during suspect cases of diseases, and more recently during the Avian Influenza outbreaks 2021-2023.

Planning and preparedness

123. UK Government regularly tests its contingency plans for dealing with animal disease outbreaks. In GB this is required by retained (EU) Directive 2003/85/EC and in NI by AHL 2016/429. Exercises of contingency plans must be undertaken on a regular basis at a cross-department, cross-devolved administration national level and also at lower regional or limited national levels.

124. Major national exercises are conducted over a period of months and include field exercises, table-top exercises and strategic response meetings, leading to live exercises. Exercises are on a large-scale, involving hundreds of representatives from government and industry. After each exercise, a UK-wide lessons identified / lessons learned report is completed. For example, Exercise Blackthorn 2018 national foot and mouth disease exercise lesson learned report (**Exhibit KG-90 INQ000177833**), see paragraph 142 – 144 for more information on Exercise Blackthorn.

125. The Major National Exercises 2009-2020 (**Exhibit KG-29 INQ000104406**) sets out the national exercises held since 2003, when the legal requirement for animal disease exercises was introduced, by virtue of (EU) Directive 2003/85/EC. When a serious outbreak of exotic notifiable animal disease occurs during the year, exercises can be delayed to avoid placing extra pressure on live disease response work.

126. DAERA's CPED unit also conducts local exercises (**Exhibit KG-30 INQ000104413**), to test local plans and arrangements to engage with Northern Ireland stakeholders and

agencies and, working with DAFM colleagues, to test all-island disease outbreak scenarios. Local exercises and training events take place throughout the year to maintain staff preparedness, to test lessons identified and actions implemented from previous exercises and/or to test plans specific to an emerging disease threat.

Lessons Identified examples

Exercise Shearwater - 2004

127. In June 2004 the Department undertook Exercise Shearwater, a structured rehearsal of the DARD Contingency Plan for an outbreak of FMD in Northern Ireland. The primary purpose of the exercise was to test the initial response of DARD to the introduction of FMD to Northern Ireland. Evolve business consultancy subsequently carried out an evaluation of the exercise and made 11 recommendations (**Exhibit KG-129 INQ000182227**). These recommendations were then incorporated into future exercises.

Exercise Chough - 2009

128. Exercise Chough was a test of strategic-level responses to an outbreak of Avian Influenza (AI) in Northern Ireland. In preparation for Exercise Chough, ten tactical-level desk-top exercises (Exercise Cygnet 1 to 10 inclusive) and two tactical-level exercises (Kestrel 1 & 2) were carried out. The latter were designed to assist individual Units of the Central Epizootic Disease Control Centre (CEDCC) to;

- become familiar with the tactical-level emergency response structures;
- to test communication processes within the CEDCC;
- to ratify draft staff instructions; and
- to identify areas for improvement in current procedures and structures.

129. Following Kestrel 1 & 2 (2007 and 2008 respectively), lessons Identified reports were compiled using feedback both from players and from DARD Internal Audit (**Exhibit KG-130 INQ000182228, Exhibit KG-131 INQ000182229 and Exhibit KG-132 INQ000182230**) who observed the exercise. All actions arising at tactical level were implemented. The main recommendations focussed on the need to improve internal communication processes, increase staffing within the Central Communications unit (CCU), and revise the command centre lay-out to facilitate improved communications between Units within Tactical Command (CEDCC).

130. The key objectives were:

- a. To familiarise Strategy Group with emergency response structures within DARD & NICS.

- b. To develop improved external coordination with other key government departments in an emergency.
- c. To test DARD Strategy Group's strategic decision-making capability (by external evaluation).

131. The main recommendations from Exercise Chough were:

- To consider providing "Lines to take" to Core Groups of Stakeholders as part of Communications Strategy already in place;.
- To consider providing early briefing from a nominee from Strategy Group and "Lines to take" to Core Groups of Operational Partners to achieve enhanced coordination of response.
- To clearly define communication structures and templates within DARD emergency response arrangements.
- To test multi-level communication structures and to include the DARD Minister.
- To consider putting in place a DARD-wide skills database for key emergency response posts.

The recommendations were incorporated into an Action Plan and addressed in Annex 2 in **(Exhibit KG-133 INQ000182231)**.

Exercise Yellowhammer – 2009

132. Yellowhammer was designed to test the capacity of reviewed structures within the LEDCC and media awareness and structures to deal with an outbreak of AI, thus leading to production of instructions for identified roles and procedures.

133. In preparation for Exercise Yellowhammer (LEDCC), three operational-level table-top exercises (Exercise Goldcrest 1 to 3 inclusive) and one training session were carried out. The Goldcrest table-tops were designed to assist individual Units of the Local Epizootic Disease Control Centre (LEDCC) to;

- become familiar with the operational-level emergency response structures;
- test communication processes within the LEDCC;
- ratify draft staff instructions;
- identify areas for improvement in current procedures and structures; and
- review "DARD Veterinary Service, IT/Telephony requirements for Epizootic Contingency Purposes" scoping document and produce a Service Level Agreement (SLA) for Veterinary Service and ITAssist.

134. The main recommendations from Exercise Yellowhammer were:
- Redesign and rename the Allocations unit to Testing Unit which will allocate tests and Visits Unit which will deal with “Clean & Dirty” staff;
 - Review and develop the LEDCC Communications Plan and Individual Staff Instructions; and
 - Move the role of Communications Liaison Officer to the LEDCC management unit.
135. The areas highlighted for improvement (**Exhibit KG-134 INQ000182232**) were revised and retested during 4 Desktop exercises, Goldfinch, during February and March 2010 and Exercise Yellowhammer 2 in May 2010.

Exercise Yellowhammer 2 – 2010

136. The primary aim of Yellowhammer 2, was to test the revised structures within the LEDCC following Yellowhammer 1.
137. In preparation for Exercise Yellowhammer 2, four operational-level table-top exercises (Exercise Goldfinch 1 to 4 inclusive) and one training session. The Goldfinch table-tops were designed to assist individual Units of the LEDCC to:-
- become familiar with the revised operational-level emergency response structures;
 - retest communication processes within the LEDCC;
 - ratify draft staff instructions; and
 - identify areas for improvement in current procedures and structures.
138. The remaining lessons identified relating to LEDCC structures were incorporated into subsequent LEDCC training (**Exhibit KG-135 INQ000182233**).

Exercise Walnut – 2013

139. Exercise Walnut was a national contingency exercise based on a Classical Swine Fever (CSF) scenario. The primary purpose of Exercise Walnut was to test the response of the DARD Strategy Group, the DARD Tactical Steering Group, Communication and Policy areas of the Central Epizootic Disease Control Centre (CEDCC) to an outbreak of CSF. The exercise explored the implementation of current policy and tested the lines of communication both internally and between NI and GB.
140. The key weaknesses identified in the exercise (**Exhibit KG-136 INQ000182234**, **Exhibit KG-137 INQ000182235** and **Exhibit KG-138 INQ000182236**) related to information and communications issues - the lack of effective communication both

internally between the Central Epizootic Disease Control Centre (CEDCC), the Strategy Group and the Tactical Steering Group (TSG) and externally between National Counterparts and Stakeholders impacted on the achievement of the majority of the key objectives being tested.

141. Management responses to audit recommendations were agreed and implemented.

Exercise Blackthorn – 2018

142. The purpose of Exercise Blackthorn was to test UKG contingency plans for a UK-wide, medium to large outbreak of FMD. It tested the response structures, disease confirmation and control processes, internal communications, cross-government collaboration, engagement with stakeholders, and outbreak recovery.

143. A number of the national objectives were specific to GB disease response structures and to the other devolved administrations, and therefore were not applicable to DAERA. CPED developed additional objectives that would test DAERA processes. The objectives were:

- a. To set up and exercise the Central Epizootic Disease Control Centre (CEDCC) in its new location of Ballykelly;
- b. To exercise plans for top management (Strategy Group meeting to take place during live play);
- c. To test DAERA interface with GB (particularly effectiveness of communications between CEDCC and the National Disease Control Centre and involvement in UK decision and policy making);
- d. To engage stakeholders (stakeholder meeting to take place during live play); and
- e. In addition, this exercise was to help familiarise staff on the Strategy Group and within the CEDCC with emergency response structures within DAERA. The exercise would also assist the CPED team to review and identify issues to be addressed and areas for improvement throughout the planning, implementation and evaluation stages of the exercise.

144. The objectives of the exercise were achieved. The exercise highlighted some key areas for improvement including, further improvements to communications within CEDCC (**Exhibit KG-90 INQ000177833**). These were incorporated into subsequent training and command centre structures.

Disease incidents

145. At a UK level, there have been several disease incidents during the 2009-2020 period which have informed contingency planning and disease preparedness. A number of these disease outbreaks have directly affected GB only; however through the collaborative approach to UK disease incursions, DAERA's disease preparedness has been informed by the actions and experiences of the other UK administrations. Additionally, the findings of and recommendations within independent reports produced following some major disease incidents have been incorporated into the exotic disease contingency plans:

- a. **1998 – Bovine Spongiform Encephalopathy.** –The BSE inquiry report **VOLUMES 1-16 (Exhibits KG-31 to KG-46 INQ000104383 to INQ000104398)** was published in 2000, highlighting the significance of zoonotic diseases. The government's formal response led to the creation of the Food Standards Agency, and the Human and Animal Infections and Risk Surveillance (HAIRS) group was also established to bring together the risk identification and risk assessment process for non-food-borne zoonoses.
- b. **2000 – Classical swine fever outbreak;** East Anglia, GB.
- c. **2001 – Foot and Mouth Disease outbreak.** The FMD 2001 outbreak led to over 2,800 infected premises, 2 million animals culled and costs to government estimated at £3 billion. The outbreak lasted 18 months. The outbreak highlighted that there was a clear need for improvements in rapid detection, movement controls, standstills and tracing which meant control plans were developed across governments and at international level by organisations such as the World Organisation for Animal Health, the European Commission and the Food and Agriculture Organisation of the UN. The GB FMD inquiry report **(Exhibit KG-47 INQ000104402)** was published in 2002. An independent review was also carried out for the outbreaks in Northern Ireland **(Exhibit KG-48 INQ000104405)**. DARD responded to the recommendations contained within the report **(Exhibit KG-49 INQ000104410)**.
- d. **2005 – “The Cellardyke Swan”** HPAI incident; Scotland. This incident emphasised the need to work with public health colleagues as part of a co-ordinated response, improving preparedness through joint exercises and regular meetings with disease experts.
- e. **2007 – Foot and Mouth Disease outbreak;** SE England.
- f. **2016-2017 – Avian Influenza outbreak – HPAI H5N8.** During this season, the UK reported 14 infected establishments, approximately half commercial and half small holdings/backyard premises. Although there were no infected establishments in Northern Ireland during this season, DAERA's collaborative involvement in the UK wide outbreak response groups, increased DAERA's knowledge and awareness of

issues arising, which assisted with planning for an Avian Influenza outbreak in Northern Ireland. This was particularly useful ahead of Northern Ireland's first HPAI case in January 2021, and further HPAI cases in the subsequent season December 2021 to February 2022.

Community impact of disease outbreaks

146. The Foot and Mouth Disease outbreak of 2001 greatly impacted farming and rural communities in Northern Ireland. There was evidence of distress within the rural community and the need for a support service was identified. Rural Support was formed as a charity in 2002 to provide this support service, starting initially with a helpline for distressed farmers and their families, and then extending its services to provide one-to-one business, financial, technical, and more recently counselling/trauma mentoring, with the core objective to reduce emotional distress and help alleviate poor mental health. DoH and DAERA collaborated on the establishment of Rural Support and both provided funds up until 2010. Subsequently DAERA have contracted with Rural Support to provide a range of services to support farmers and farm families.

147. The impact of outbreaks of animal disease on individuals, families and their farm businesses is recognised by DAERA veterinary staff working directly with affected livestock keepers. In cases of animal disease outbreaks on farm e.g. avian influenza and bovine tuberculosis, staff are aware to signpost affected keepers to Rural Support as an organisation that can provide support and assistance.

Expertise and advice

148. DAERA has access to a wide range of expertise and advice, through the DAERA veterinary epidemiologist unit (VEU), AFBI specialists, UK National Reference Laboratory disease experts and colleagues in Defra and APHA, as well as through membership of several UK wide forums. The VEU has particular expertise in field epidemiology, Veterinary Risk Assessment and spatial understanding of disease through mapping. These skills were made available, and used, by the Public Health Agency during the Covid-19 response. VEU developed a weekly reporting system summarising the data received from the sentinel General Practices within NI. A standard operating procedure was documented and the ongoing running of the report was handed over to PHA. VEU also took over production of NI COVID maps with respect to nursing home outbreaks. These were initially dot maps of outbreaks and VEU introduced the kernel density mapping system which was then utilised for individual cases and weekly maps of these were

produced. VEU developed this further to assist in identifying emerging COVID hotspots based on the 80 BT postcode areas. Once this was optimised, there was a hand over period to PHA before VEU finalised their involvement in this work.

149. The Human Animal Infections and Risk Surveillance (HAIRS) group (**Exhibit KG-50 INQ000104404**) is a multi-agency cross-government horizon scanning and risk assessment group. Its work cuts across several organisations, including UKHSA, Defra, Department for Health and Social Care (DHSC), APHA, the FSA, Public Health Wales (PHW), Public Health Scotland (PHS), Public Health Agency (PHA), DAERA, Welsh Government and Scottish Government. The group has met every month since February 2004 and acts as a forum to identify and discuss infections with potential for interspecies transfer (particularly zoonotic infections).

150. The UK Zoonoses, Animal Diseases and Infections (UKZADI) Group (**Exhibit KG-51 INQ000104411**) is an independent committee comprising experts from across the agricultural and public health departments. It advises, as appropriate, the CMO and CVO, Department of Health (DH) in England, Welsh government, Scottish government (SG), DAERA and FSA on important trends and observations which impact on animal and public health, including where necessary preventative and remedial action. UKZADI also provides a strategic overview to ensure overall co-ordination of public health action at the UK, national and local level regarding existing and emerging zoonotic infections and trends in antimicrobial resistance.

151. The **UK Surveillance Forum** (UKSF) coordinates and oversees surveillance systems across all administrations. It provides the structure and direction to develop a single view of the UK's animal health status (the status of the UK with respect to animal diseases), the evidence to assure this and the approach to the identification of new and emerging threats. Membership consists of the CVOs, their deputies and key surveillance and trade policy leads from England, Scotland, Wales, and Northern Ireland. The UKSF meets every month to discuss recent outputs of the surveillance programmes, issues arising and future programmes.

152. APHA's **Veterinary Risk Group** (VRG) was established in 2009 to monitor and rank emerging animal related threats and vulnerabilities and advise on action. The group consists of risk identification and risk management leads across all four devolved administrations, in animal health and food safety. It meets monthly and reports to the UK CVO and her colleagues in Scotland, Wales, and Northern Ireland.

153. The **National Emergency Epidemiology Group** (NEEG) is an APHA led group that is mobilised in the event of any disease outbreak affecting animals in the UK. The actions of this group are vitally important to ensure livestock, wildlife, and pets are protected from any escalating disease situations. This is necessary to manage the disease by limiting its spread through biosecurity actions and minimising the impacts on associated industries and the economy. The group's purpose is to provide the UK CVOs and both Defra and devolved administration policy teams with expert epidemiological opinion relevant to government policies designed to protect the UK from disease threats.

154. During an outbreak, the NEEG leads epidemiological investigations on farms and smallholdings to establish the facts about the outbreak and analyse how the disease may have spread. The NEEG also delivers mathematical modelling to understand how an outbreak might develop and look at ways of controlling it. Disease surveillance and tracing plans are prepared to investigate the possible source and spread of the disease which feed into the development of control strategies to prevent further spread.

155. The NEEG also leads on, and provides information and expertise that contributes to;

- a. National veterinary risk assessments;
- b. Final outbreak epidemiology reports (for example, high pathogenicity avian influenza H5N8 and H5N1 outbreaks in Great Britain);
- c. Guidance for industry and the public on GOV.UK; and
- d. Feedback to the World Organisation for Animal Health (OIE).

156. The Veterinary Epidemiology Unit (VEU) within VSAHG analyses available data and provides advice to the VSAHG Animal Health and Welfare policy team on current and potential disease threats. The VEU also provides epidemiological advice and qualitative risk assessments on the main exotic diseases. The unit produces the veterinary risk assessments for Northern Ireland, and the outbreak epidemiology reports for disease incursions in Northern Ireland.

Horizon Scanning and Risk Assessment

157. The main risk pathways for animal pathogens to arrive to the UK border are through imports of live animals, germinal products and products of animal origin, vectors or migratory wild birds, illegal imports (passenger luggage) or contaminated equipment, bedding, feed, or vehicles.

158. Since 2005, Defra has undertaken daily horizon scanning for disease outbreaks in trade partners and neighbouring countries and produces risk assessments which DAERA utilises (**Exhibit KG-69 INQ000104414**). APHA obtains data on global disease incidents using the World Organisation for Animal Health (WOAH) mapping data, and pre EU Exit, APHA also had access to the EU's Animal Disease Notification System (ADNS).

159. APHA produces regular risk assessments and horizon scanning reports (**Exhibit KG-52 INQ000104407**) provides an example of the report) to inform Defra and the devolved administration's policy and veterinary teams about the current global epizootic disease situation and the specific disease risks arising from imports of live animals, products of animal origin, movement of fomites, wildlife, vectors, and illegal traffic. When there is a significant increase in the risk level, these reports inform risk management actions to be taken by the administrations including DAERA. Action taken could include increased surveillance, targeted communications, or contingency exercises focussed on a specific disease due to increased risk. For example, the increasing risk of an incursion of African Swine Fever (ASF), as the disease spreads westward in Europe in recent years, has resulted in targeted communications to people returning from travels to at risk countries, increased engagement between DAERA and pig industry stakeholders on ASF and a joint DAERA-DAFM training exercise on pig culling.

160. DAERA's VEU utilises the information provided by APHA risk assessments and horizon scanning reports when producing veterinary risk assessments specific for Northern Ireland. Risk assessments produced by VEU provide an evidence base to inform decision making both in peacetime and during an outbreak. For example, the decision of, if and when an Avian Influenza Prevention Zone, or mandatory housing measures should be introduced in NI in order to mitigate against the risk of an avian influenza incursion in poultry.

Surveillance

161. AFBI undertakes an integrated programme of statutory testing, disease surveillance, emergency response and R&D work on the diseases of major animal and human health significance along with major programmes of work on the chemical and microbiological safety of food. The work of AFBI is critical in supporting government policy and trade guarantees particularly in the context of EU Exit, as well as disease eradication and control programmes in areas such as bovine tuberculosis, food-borne zoonotic infections and transboundary diseases. AFBI has been designated as the Official Laboratory for DAERA under the EU Official Controls Regulations.

162. AFBI provides a passive animal disease surveillance service for Northern Ireland on behalf of DAERA, along with the provision of associated specialist advice. A team of veterinary pathologists and diagnosticians operate from two AFBI locations at Stormont and at Omagh delivering post mortems and associated diagnostic testing either at the request of the private veterinary practitioner and/or the AFBI pathologists. This surveillance is particularly targeted at early warning of epizootic disease, endemic disease monitoring and new or emerging disease threats. Results from this passive surveillance programme are published yearly as part of an All Island Disease Surveillance Report in conjunction with DAFM (2020 Report) (**Exhibit KG-53 INQ000104379**).
163. Epizootic or trans-boundary diseases are monitored through AFBI surveillance programmes targeting indigenous animals, imported animals, post mortem cases, wild animal populations and more recently importations of Products of Animal Origin.
164. AFBI has capability to initiate monitoring for new and emerging infectious agents through mobilising new microbiological detection assays. A good example of this was the rapid deployment of histopathological and PCR testing within AFBI for Schmallenberg Virus in 2012, thereby supporting DAERA and NI industry.
165. APHA carries out both active surveillance (such as targeted surveillance for specific pathogens based on risk analysis) and scanning surveillance for new and emerging threats (such as to identify when a risk changes, through sampling and testing in response to reports from inspectors, vets, and farmers). The outcome of this surveillance activity is published on the APHA website, as quarterly and monthly reports for each species group APHA animal disease surveillance reports - GOV.UK (www.gov.uk).

North South Ministerial Council (NSMC)

Background

166. The North South Ministerial Council (NSMC) was established under the Northern Ireland Act 1998 following the Belfast/Good Friday Agreement, Strand 2. The North/South Ministerial Council brings together those with executive responsibilities in Northern Ireland and the Irish Government to develop consultation, co-operation and action within the island of Ireland. Through implementation on an all-island and cross-border basis - on matters of mutual interest and within the competence of each Administration, North and South. The Agreement identified a number of formal areas for co-operation and implementation. In

each of the areas of co-operation common policies and approaches are agreed in the North South Ministerial Council but implemented separately in each jurisdiction

Format of NSMC Meetings

167. The purpose of NSMC Meetings is to review progress on co-operation and action on matters of mutual interest within the subject areas for co-operation and implementation. The NSMC meets in 3 different formats:-

168. **Plenary** - where the NI Executive delegation is led by the First Minister and deputy First Minister and the Irish Government delegation led by the Taoiseach and the Tánaiste. At the Plenary meetings, each Administration agrees an outline Future Work Programme and schedule of proposed dates for Sectoral NSMC meetings;

169. **Institutional** - where the NSMC brings together the NI Executive represented by the First Minister and Deputy First Minister and the Irish Government represented by the Minister for Foreign Affairs. The task of the Institutional Meeting is to consider institutional and cross-sectoral issues, including issues relating to the European Union, and to resolve any disagreements.

170. **Sectoral** - where the NSMC oversees co-operation in the agreed areas of mutual interest. At these meetings the Irish Government is represented by the Minister responsible for the particular Sector, while the Northern Ireland Administration is represented by two Ministers, one Minister with Executive Responsibility for that area who will be accompanied by a Minister nominated by the First Minister and deputy First Minister.

171. DAERA is involved in the following key elements :-

- a) One of the six the North South implementation bodies, namely, "Foyle, Carlingford and Irish Lights Commission" (FCILC -consisting of the Loughs Agency);
- b) "Agriculture" as a formal area of co-operation; and
- c) "Environment" as a formal area of co-operation.

Sectoral Meetings with DAERA Involvement

172. The Council meets in the Environment Sector in order to make decisions on common policies and approaches in areas such as environmental protection, pollution, water quality management and waste management in a cross-border context. The agreed work programme includes: Environmental Research & Reporting; Environment Protection &

Sustainable Development; Water and Wastewater Management; Waste Management in a Cross-Border context and EU Funding.

173. The Agriculture Sector covers a wide range of activities cutting across the responsibilities of several DAERA business Groups. Topics discussed at Agriculture Sectoral meetings include Animal Health, Plant Health, Rural Development, EU Funding etc.
174. Agriculture and Environmental Sectoral Meetings were attended by DARD / DAERA Ministers and held up to twice a year from 2009 to 2016 (**Exhibit KG-77 INQ000177824, Exhibit KG-79 INQ000177823, Exhibit KG-91 INQ000177834 and Exhibit KG-143 INQ000183424**).
175. During the period without ministers (March 2017- January 2020), it was not possible to hold either plenary or sectoral meetings. However, departmental officials (North and South) met with NSMC officials in February and June 2017 and Departmental officials also attended North South meetings via video conference providing the NSMC Joint Secretariat with updates on the agreed sectoral work programmes for environment (**Exhibit KG-78 INQ000177822**) and agriculture (**Exhibit KG-80 INQ000177825**).
176. Whilst this was not in a decision making capacity, the purposes were to ensure relationships were maintained and lines of communication remained open, to discuss any developments and to share knowledge.

British Irish Intergovernmental Conference

177. The British Irish Intergovernmental Conference was established under Strand 3 of The Belfast/Good Friday Agreement bringing the British and Irish Governments together to promote bilateral co-operation on all matters of mutual interest within the competence of both Governments. The Conference is concerned with all non-devolved matters and between 2009 and January 2020, met on 2 November 2018 and 8 May 2019 with a primary focus upon dealing with the legacy of Northern Ireland's past, security and bi-lateral co-operation, as well as working together towards the effective operation of all of the institutions established by the Agreement with view to creating political stability. I have no record of any DAERA officials attending a Conference or any work undertaken in respect of health when the Northern Ireland Assembly was suspended.

British Irish Council

178. The British Irish Council, also established as part of Strand 3 is a Ministerial Council that brings together Ministers from eight Member Administrations. Membership of the Council comprises representatives of the Irish and UK governments, Northern Ireland Executive, Scotland, Wales, Guernsey, the Isle of Man and Jersey. There are eleven work sectors and each work sector is chaired by an official from the lead administration. DAERA is involved in the Environment Work Sector, led by the UK Government and established in 2009 in order to share expertise and learning across the eight BIC administrations and to make decisions on common policies and approaches. While the Environment Work Sector does not focus on contingency planning it has four sub-groups focusing on: climate adaptation; marine environment; marine litter; and invasive non-native species.

Planning for Future Pandemics

179. In July 2006, the DARD Departmental Board agreed to develop a department-wide Business Continuity Plan (BCP). A DARD Business Continuity Planning Project was established and which reported to the BCP Project Board throughout its duration as part of the governance requirements. The purpose of a BCP is to ensure that, if an emergency occurs or is likely to occur, the Department will be able to continue to perform its emergency prevention functions and take all such actions as necessary to reduce, control or mitigate its effects. Each plan activates different emergency response teams depending on the nature of the emergency. The outbreak of Swine Flu in 2009 provided DARD with an opportunity to test the organisational arrangements in place to deal with an emergency situation and led to several immediate amendments to the BCP. Although the BCP Project was stood down in September 2011, the former DARD and now DAERA continue to hold, maintain and test BCPs for each Branch/Division.

180. In 2009, the former DARD had an Emergency Management Development Programme (EMDP) which focused on developing resilience to emergency situations, which could have consequences for the wider public, the operation of Government NI infrastructure and the environment. An EMDP Action Plan was drawn up annually and set out a range of emergency planning development tasks that Business Areas identified for completion each year. An Emergency Management Steering Group (EMSG) which comprised of representatives from the then DARD's Business Areas involved in emergency planning activities and the Civil Contingencies Group (NI) met twice each year and the Group facilitated the implementation of DARD's EMDP Action Plan and considered current emergency planning issues. **(Exhibit KG-54 INQ000104360, Exhibit KG-55**

INQ000104361, Exhibit KG-56 INQ000104362, Exhibit KG-57 INQ000104363, Exhibit KG-58 INQ000104364, Exhibit KG-59 INQ000104365, Exhibit KG-60 INQ000104366, Exhibit KG-61 INQ000104367 and Exhibit KG-62 INQ000104368).

181. The former DARD and now DAERA is also a member of the Civil Contingencies Group NI (CCG (NI)), led by the Office of the First Minister and the Deputy First Minister (OFMDFM) / The Executive Office (TEO). CCG (NI) is the principal strategic emergency preparedness body for the public sector in Northern Ireland and up until 2021 was chaired by the Head of the Northern Ireland Civil Service. It is now chaired by a TEO Deputy Secretary. These meetings are used to deliver a range of core functions that include providing strategic leadership to civil contingencies preparedness, exercise corporate governance function for civil contingencies preparedness at regional level, oversee delivery of an agreed Work Programme to enhance resilience in NI and commission work/information to support the development of civil contingencies policy and arrangements etc.
182. CCG (NI) forum meets twice annually or can be convened at short notice during an incident. DAERA attended to maintain its awareness of Civil Contingency approaches in place across the NICS as well as partner organisations. Attendance also provided an opportunity to provide a broader DAERA perspective on civil contingency planning from our experiences in animal health and environmental disaster planning. Representatives from DAERA, including staff from Veterinary Service, Forest Service, NIEA, the Chief Scientific Adviser and the Corporate Service Director, attend this forum. The Corporate Service Director reports back to the Permanent Secretary and formal minutes are also issued to the Permanent Secretary (**Exhibit KG-81 INQ000177831**).
183. DARD was also a member of the OFMDFM Pandemic Influenza Sub-group. This sub-group focused on non-health impacts and following the outbreak of Swine Flu in April 2009, DARD provided input to the OFMDFM exercise to review and update the Pandemic Influenza Strategic Framework for Northern Ireland. This document described the Northern Ireland Executive's strategic approach to and preparations for responding to the non-health impacts of an influenza pandemic (**Exhibit KG-63 INQ000104369**). DAERA do not sit on the Department of Health led Pandemic Flu Sub Group formed in April 2018 or the Department of Justice led sub-group which prepared for the Pandemic Flu Bill.
184. In October 2016, as a member of CCG (NI), DAERA participated in the large scale UK multi-agency pandemic influenza exercise "Exercise Cygnus". The aim of the exercise was

to assess the UK's preparedness and responsiveness to an influenza pandemic. Notification of this exercise was provided to the Senior Civil Service Group on 17 October 2016 (**Exhibit KG-70 INQ000104416**). As this exercise was undertaken and managed by the CCG (NI), it holds all relevant documentation. Whilst DAERA did not receive any updates or the policy paper regarding the exercise, it is acknowledged that DAERA officials should have been proactive in following up on the exercise.

185. One of the recommendations of Operation Cygnus was the introduction of more legislation and this prompted the development of the UK-wide Pandemic Flu Bill in 2017. On 10 July 2018, the Department of Health wrote to all Permanent Secretaries to confirm: (i) that they were content to agree that NI should contribute to the development of a single UK-wide draft Bill which could be enacted in the event of an influenza pandemic; and (ii) that, if required, the Department will proceed with drafting the relevant policy instructions, aiming to have these completed by the end of August 2018 (**Exhibit KG-82 INQ000177832**).

186. In the absence of a DAERA Minister, Dr McMahon confirmed that he was content with the approach that Northern Ireland contributes to the preparation of a draft UK-wide free-standing Pandemic Influenza Bill. Dr McMahon also stated that DAERA would, if required to do so, draft any policy instructions by the end of August 2018 (**Exhibit KG-83 INQ000177826**). DAERA was not responsible for any areas of legislation within the Pandemic Flu Bill and did not therefore contribute to the drafting of any policy instructions.

187. As this was a major policy decision which was being made in the absence of Ministerial approval, Dr McMahon expected this decision to be revisited on the appointment of Ministers. The Bill passed through UK Parliament (19 - 22 March 2020) before the NI Health Minister had a chance to bring the motion to the NI Assembly (24 March 2020) seeking its agreement to the NI Clauses being included in the UK-wide Coronavirus Bill. A retrospective vote was taken at the NI Assembly with the Legislative Consent Motion being passed.

188. In 2017/2018, DAERA's Internal Audit Branch conducted an internal review of Central Management Branch (CMB) Civil Contingencies to provide an independent professional opinion on the adequacy and effectiveness of risk management, control and governance of the contingency plans and arrangements. The objective of the review was to establish if the Department has established plans and arrangements in line with the NI Civil Contingencies Framework and other related guidance. The final report was published on

16 April 2018 with a satisfactory rating. **(Exhibit KG-64 INQ000104370 and Exhibit KG-65 INQ000104371).**

189. Overall Internal Audit considered that controls were adequate however they could be enhanced by;

- completing horizon scanning and risk assessments for potential emergency situations;
- producing an annual report on civil contingencies for senior management;
- benchmarking business continuity management against industry best practice;
- developing Departmental guidance frameworks for the completion of business continuity and emergency response plans and completing central checks to ensure they remain up-to-date and validated; and
- ensuring that current civil contingency arrangements comply with Section 75 of the Northern Ireland Act 1998 (equality of opportunity).

190. CMB led on the planning and implementing of these recommendations and also reported of the progress to the DAERA Audit and Risk Assurance Committee and in June 2018, as a first step, DAERA established a Civil Contingencies Forum. This forum was chaired by the Corporate Services Director and was used to provide an opportunity for the owners of Emergency Response Plans to share knowledge, information and best practice on plan formulation and testing. The Forum was scheduled to meet twice a year and on such other occasions as deemed necessary by members but only held two meetings. DAERA then engaged in the EU Exit Operation Yellowhammer programme from December 2018, which was led by the UK Government and was created to manage 'No Deal' impacts. Paragraphs 207 – 210 below provide more detail on contingency planning staffing, Operation Yellowhammer and the impact within DAERA. The Internal Audit recommendations were taken forward with the exception of the "annual report of civil contingencies for senior management", but this has now been addressed with the recent MERP review exercise (paragraphs 226 – 227 below provide more detail on the MERP review exercise) and there is now a commitment to provide an annual assurance to the Departmental Board. **(Exhibit KG-66 INQ000104372, Exhibit KG-67 INQ000104373 and Exhibit KG-68 INQ000104374).**

Funding Civil Emergency Structures

191. The relevant teams within DAERA maintain the capability to respond to civil emergencies and carry out risk management as part of the department's overall governance. This funding is not discrete; rather it forms part of the normal costs of

providing DAERA's business. Other resources will then be prioritised and directed to respond to actual events as they arise and will be bid for as appropriate.

192. Additionally, on an annual basis, DAERA commissions from AFBI a wide-ranging programme of scientific work, the Assigned Work Programme (AWP), which includes emergency response capability. The AWP defines scientific activities which enable the provision of rapid, effective, local emergency responses and reducing threats to the agri-food industry.

193. The commissioning of an AWP allows AFBI to maintain appropriately skilled teams and resourced scientific platforms for DAERA to call upon when an emergency response is required. Staff and facilities concerned with providing emergency response undertake other activities relevant to DAERA Strategic Objectives until needed (e.g. research and development). Funding for emergency responses to deal with a disease outbreak or chemical contaminant situation is bid for via In Year Monitoring Rounds should the need arise.

Absence of a Minister

194. In the absence of a functioning Assembly, it was not possible for departments to bring forward primary legislation, although it was possible to make some subordinate legislation. In relation to the ability of senior officials to exercise other functions in the absence of ministers, the determining factors were the 'Buick' and JR80 judgments in the High Court and the Court of Appeal; and the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (the 'EFEF Act'). Officials could during the period for Executive formation, if necessary, in the absence of Ministers, seek to deploy the powers under the EFEF Act 2018.

195. The exercise of civil contingency planning by departments continued during the period 2017 – January 2020. Two civil contingency policy matters arose during that period. These were the proposed development of the UK-wide Pandemic Influenza Bill and preparing for a no deal exit from the EU. If Ministers had been in post, then the matter of the extension of the scope of the Bill to cover Northern Ireland would have been referred to Ministers and the Executive for consideration. In addition, the Northern Ireland Assembly would have been invited to approve a Legislative Consent Motion, reflecting the Sewell Convention.

196. In the absence of Ministers, Permanent Secretaries concluded that provisions covering Northern Ireland ought to be included in the Bill. As detailed in paragraph 186 in the

absence of a DAERA Minister, Dr McMahon confirmed that he was content with the approach that Northern Ireland contributes to the preparation of a draft UK-wide free-standing Pandemic Influenza Bill. DAERA was not responsible for any areas of legislation within the Pandemic Flu Bill and did not contribute to the drafting of any policy instructions

197. The Inquiry has asked whether, had there been a functioning Executive in place, this would have made a difference to the preparation (and response) to Covid-19. Whilst mindful of the obligation to assist the Inquiry, I am also mindful of the need to avoid speculation beyond the evidence provided in this section. However, a number of further observations can be made.

198. The civil contingencies planning arrangements that were in place immediately before the pandemic (including the structures, policies, procedures and guidance) had been developed and put in place by 2016, (i.e. when Ministers were in office). They did continue to operate in the period without ministers in response to emergency situations. As one example, the civil contingencies structures were stood up to prepare for and respond to the impact of Storm Ophelia in 2017, with CCG NI chaired by the Head of the Civil Service, Sir David Sterling.

199. In common with many functions across government, Ministers would not normally become involved in the day-to-day activity of civil contingencies planning, which is delegated to officials or with operational decisions (for example those required to prepare for and respond to severe weather events). Ministerial involvement would tend to be in matters of legislation, policy or strategy; or where decision-making or a particular function is reserved for Ministers in law; or where the custom and practice (or Ministers' express direction) is that a particular matter is to be referred to Ministers. In the absence of Ministers, the exercise of day-to-day civil contingencies planning functions continues uninterrupted. However, for seismic events such as pandemic flu planning and preparing for a no deal exit from the EU, Ministers would have been briefed and their views sought. It is therefore in my assessment most likely that Ministers would have provided direction on these matters had they been in office.

200. The absence of Ministers also had little impact on contingency planning for animal disease outbreaks which continued throughout the relevant period. As stated previously there is a legal requirement to carry out regular exercises for epizootic disease contingency plans, and the national FMD exercise Blackthorn took place in 2018, in the absence of Ministers. As evidenced through the statement, staff training continued, as did annual screening and preparations for the winter avian influenza risk period.

EU Exit

201. The UK's departure from the European Union had a significant impact on the Department as it faced considerable challenges, operational impacts and pressures of time imposed by the constraints of unprecedented constitutional change. It is not possible to determine with precision the extent of the impact that this had on civil contingency planning for other emergencies although the approach by DAERA to contingency planning for a no deal EU Exit detailed below arguably built the Department's emergency planning skills base and sharpened its emergency planning response. Following the UK's referendum on 23 June 2016 to leave the EU, a DAERA Brexit Board was established in August 2016. A Brexit Division was established in February 2017 to monitor and coordinate Brexit / EU Exit related activity across the Department - this included establishing suitable structures, systems and processes that were required to progress the programme of work required. The Brexit Project, and subsequent Brexit Programme, ensured there was full cognisance across the Department of the implications of the decision to leave the EU on its areas of responsibility and provided an evidence base and analysis of emerging policy options. The UK's decision in 2016 to leave the EU did not have an immediate impact on infrastructure or the resourcing of DAERA staff at NI ports.

202. DAERA was impacted by the decision to leave the EU, as it operated under a large volume of legislation across agri-food, fisheries and the environment that was derived from the EU. The impact on DAERA was significant as it had some 1,000 pieces of EU legislation in the form of EU Regulations, Directives and Decisions. Each had to be initially assessed in terms of its operability in light of the UK leaving the EU. Officials worked closely with the Departmental Solicitor's Office, TEO, the AERA Committee, UKG and Devolved Administration (DA) departments to establish baseline information on legislation, identify NI specific issues, and assess the scale of legislative changes required. This was a significant and resource intensive area of work.

203. By autumn 2018, DAERA had established a Brexit Contingency Planning Branch (BCPB) within CSCPG to work on two distinct work streams; Food Security and Agri-Food Trade. The DAERA Shadow Strategy Group was formed on 11 February 2019 to lead a decision making forum which addressed EU Exit and, in particular, critical issues in terms of contingency planning for EU Exit and day one readiness (**Exhibit KG-84 INQ000177820 & Exhibit KG-85 INQ000177821**). DAERA Shadow Strategy Group membership included

the Permanent Secretary, Group Heads and Brexit Directors. Key principles of the Group agreed by DAERA Permanent Secretary included;

- Support the flow of agri-food trade into and out of NI;
- support contingency planning by industry;
- protect public health, animal health and the environment from crime;
- operational delivery/readiness in advance of EU Exit;
- establish and staff a Departmental Operations Centre;
- provide appropriate resource plans commensurate with risk;
- co-ordination of cross-cutting activity;
- ensure there is a shared understanding of the needs and priorities of the Department;
and
- communications plans.

204. Working to the original EU Exit date of 31 March 2019, BCPB was led by two Grade 5s and the staffing resource increased to 12 across a range of grades. After extensions to the original EU Exit date the pace of work declined by May 2019 and the staffing complement was reduced to 9. In preparation for the 31 October 2019 EU Exit date, the branch had identified the need to build greater resilience within the branch through expertise and experience from staff in both the agricultural and veterinary / trade disciplines.

205. Within VSAHG, initial preparations during 2019 for 'No Deal' Brexit focused primarily around the development of contingency plans for the delivery of export health certification and proper disposal of Animal By-Products, with no noticeable impact felt on epizootic disease contingency planning / pandemic preparedness. A Task and Finish Group was established to review export health certificate requirements and prepare contingency plans for the disposal of Animal By-Products. The Department's focus on contingency planning for animal disease outbreaks continued during EU Exit preparations. Staff refresher training continued, as did annual screening and preparations for the winter avian influenza risk period. Over the winter 2019 - spring 2020 period, VSAHG successfully handled the eradication of an incursion of Low Pathogenic Influenza into the NI poultry sector, further evidence of a generally good state of preparedness. Similarly on 1 January 2021, NI had its first confirmed outbreak of highly pathogenic avian influenza (a total of two commercial premises), which was also successfully eradicated.

206. Further support was provided with the appointment of an additional Deputy Chief Veterinary Officer (Grade 5, Director) during 2019 in response to an ever increasing VSAHG workload and also to ensure adequate preparedness for EU Exit.
207. DAERA engaged in a significant programme of work which covered a range of issues arising as a consequence of the potential for the UK leaving the EU. EU Exit Operation Yellowhammer commenced in December 2018, it was led by the UK Government and was created to manage 'No Deal' impacts. It included a civil contingencies workstream known as C3 (Command, Control and Coordination) which was derived directly from the usual Emergency Management Framework used in the UK. The C3 structures had the ability to scale up/down as required and would be used to provide information to/from COBR (Cabinet Office Briefing Room).
208. TEO was the lead Department for Northern Ireland and established the NI Hub. Each NI Department, including DAERA, was tasked with setting-up a Departmental Operations Centre (DOC) which would be used to coordinate the flow of information on the sectors for which they had responsibility for, working with other DOCs to share information and, where possible, co-ordinate action across Departments to resolve issues. Any issues that could not be handled within Departments would be escalated to the NI Hub and COBR as required.
209. Preparations included an NICS call for volunteers and TEO provided basic induction training and role-specific training, some of which was provided by the Emergency Planning College.
210. Before Operation Yellowhammer, DAERA had a small team working on contingency planning (2/3 staff) and this resource was scaled up as the UK's departure from the EU had a significant impact on DAERA. This included appointing an additional Contingency Planning Grade 3 and three additional Grade 5's (Director of Contingency Planning (C3), Director of Contingency Planning (Food Security) and Director of Contingency Planning (Agri Food trade) and the day-to-day civil contingency work (for example reviewing BCPs & MERP) transferred across to the C3 team.
211. DAERA identified and trained six volunteer teams to provide 24/7 stand up if required, and developed Standard Operating Procedures, IT systems and set up a functioning DOC office. DAERA also participated in local, regional and national testing and the Resilience Direct platform was used to share information and to upload situational reports.

212. On 2 September 2019, DAERA took the decision to activate its Major Emergency Response Plan (MERP) to deal with the possibility of a 'No Deal' Brexit (**Exhibit KG-71 INQ000177814**). The MERP was stood up to enhance DAERA's response structures, provide the context for activating key roles in different parts of the Department, clearly prioritise work (including postponing key areas of work as necessary), streamline communications, and enable DAERA to respond to the changing environment as the 31 October approached, when the UK was scheduled to exit the EU.
213. The Gold Command team stood up and during this period the Department took the decision to prioritise 'No Deal' contingency planning. Gold Command met three times per week to discuss issues that may impact the Department and took a number of decisions that included staff prioritisation, additional resources, and prioritisation of work (**Exhibit KG-86 INQ000177816, Exhibit KG-87 INQ000177819, Exhibit KG-88 INQ000177818, Exhibit KG-89 INQ000177817 and Exhibit KG-99 INQ000182198**). On 29 October, when the UK Government had agreed the EU Exit extension to 31 January 2020, Gold Command made the decision to de-activate the MERP and a memo was issued to DAERA staff from the Permanent Secretary (**Exhibit KG-72 INQ000177815**). C3 teams were also stood up to coordinate the flow of information.
214. To assist businesses to prepare for the potential of a 'No Deal Exit' on 31 October 2019, Brexit Contingency Planning Branch arranged and held a series of information events. These events took place on 12 September 2019, 17 September 2019, 24 September 2019 and 1 October 2019 and were specifically aimed at agri-food businesses or traders who exported or imported (including plants or plant products).
215. Each event included a series of short presentations on issues pertinent to agri-food businesses and, in particular those businesses who exported agri-foods to the European Union (including Ireland). In addition, a number of information 'stands' were available throughout the day at each event which provided supplementary tailored advice. The stands available included DAERA VSAHG Exports/Imports, DAERA Plant Health, Northern Ireland Environment Agency, Food Standards Agency, INVEST NI, HMRC and Local Councils.
216. In January 2020, Brexit Division evolved into the Transition Policy Division and the DAERA Brexit Programme was formally closed. A new, DAERA Transition Programme, was established to steer the Department through the Transition Period (up to 31 December 2020) and guide the future strategic direction of the Department post EU Exit. A

Brexit/Transition Secondary Legislation Team was also established to progress, coordinate, report and monitor all the Department's EU Exit /Transition related secondary legislative activity. There were two secondary legislation work streams aimed at addressing the overall context: one related to UK-wide statutory instruments (SI) with devolved content, and the second related to the NI Executive's own legislative programme of statutory rules (SR) that had to be brought forward.

217. The aim of the DAERA secondary legislation programme was to ensure that DAERA had a fully functioning rule book, with some degree of risk, with clear oversight of all the secondary legislation that was required to address operability issues and deficiencies as a consequence of the UK's exit from the EU. The deadline to achieve a fully functioning rule book by the end of the transition period was 31 December 2020. There were significant risks, such as the volume of legislation that was required, the pressures that were on parliamentary time and the need for Westminster Departments to draft and share final copies of planned SIs with the devolved Administrations (DA) in a timely way. These risks were managed through constant engagement with Whitehall officials, the AERA Committee, UKG and DA Ministers via the EFRA inter-ministerial group and Senior Officials Programme Board. The legislation that was required encompassed categories that included:

- Inoperability fixes;
- Legislation that was made previously for a no-deal scenario;
- Legislation that was required to maintain pace with the EU during the transition period; legislation on the implementation of the withdrawal agreement, including aspects of the Ireland/Northern Ireland protocol; and
- Legislation that was required as a consequence of the UK/EU negotiations.

218. Due to the finite time and resource available and the limited time available in the NI Assembly, as the end of the Transition period neared, the DAERA Transition Programme Board decided that a legislative minimum acceptable product was required so that the Department would continue to have a functioning rulebook. As result, legislation was prioritised in discussion with the AERA Committee, and the Department's priority focus turned to SRs. This approach was adopted in acknowledgement of the fact that the approach adopted by Defra meant that the UK SI programme would progress even without NI consent. A list of 12 critically essential priority SRs were identified and successfully progressed by 31 December 2020.

219. Within VSAHG, preparations for the end of the EU Exit transition period began in earnest during the latter half of 2020. Working in conjunction with Brexit Operational Readiness Food Supply (BORFS), additional buildings at Northern Ireland Sea ports, workforce planning (resourcing & training) and development of operational procedures supported by bespoke IT infrastructure were taken forward to ensure readiness for 31 December 2020. Additional resource including Official Veterinarians were appointed during 2020 both to support preparations and in anticipation of 'going live' on 1 January 2021.
220. Keeping Food on Our Shelves was recognised as a key issue and vital objective for the Northern Ireland Executive. Accordingly, DAERA was assigned by the Executive on 1 May 2020 to lead on Food Supply Security. Food Supply is about the management of risk along the entire food chain, including: the import of raw materials such as animal feedstuffs; food processing; distribution and consumption, food availability, access, affordability, safety, nutrition and quality, resilience and confidence. It was recognised that security of our food supply lines during COVID-19 was a priority.
221. DAERA developed a Food Observatory Report that allowed for the continuous monitoring of the health of the food system on a weekly basis. The approach was used to identify and assist in the resolution of pressure on the haulage and ferry industries during Covid. Where pressures on the food supply chain from GB to NI were identified, DAERA worked closely with DfI, Defra and the Department of Transport to resolve emerging issues and provide resilience.
222. In January 2020, DAERA's implementation of its Brexit emergency response preparation represented an important aspect of its effective early response to Covid. The fact that Gold, Silver and Bronze Commands had been created and were familiar to staff teams, and the immediate operability of the Command, Control and Coordination (C3), including situation reports (sitreps) and liaison groups, meant a rapid establishment of effective working practices to respond to evolving Covid impacts. From the outset of the restrictions, DAERA officials had frequent meetings with representatives from across the food industry to ensure food production continued. DAERA teams were familiar and comfortable with remote technology due to long term development of dispersed/field working across a network of DAERA Direct offices, three Headquarters buildings and other operational locations.

Reviews for future pandemics

223. In terms of critical reflections, I can speak only to the facts of what happened during this time.
224. In April 2021, DAERA conducted several internal reviews on the Department's response to the Covid pandemic. The reviews were led by the DAERA C3 Lead who met with business areas and facilitators and focused on recording feedback and lessons learned (**Exhibits KG-102 – KG107 INQ000182201 – INQ000182206**).
225. As a result, DAERA's readiness for future pandemics requires contingency plans to be maintained and exercised. Periodic updating, training and exercising of co-ordination C3 structures (Gold, Silver, Bronze) should be carried out in an intentional manner:
- a. In July 2021, DAERA commissioned an exercise to review the Department's Major Emergency Response Plan (MERP) The review had two overarching objectives: To comprehensively review DAERA's MERP, to ensure a high level framework which aligns to the Northern Ireland Civil Contingences Framework and sets out DAERA's response to a major emergency/emergencies at a Strategic Level; and
 - b. To learn from outcomes of lessons identified as a result of the concurrent risks and associated situations that the Department had experienced during 2019-21 period and to incorporate these into future revisions of the MERP.
226. In preparation for this review, a significant collaborative effort took place to inform the comprehensive review of DAERA's MERP arrangements and the 'cover to cover' review of the MERP document:
- a. These included a 'Lessons Learned' Forum held in April 2021 to gather feedback from relevant staff within the Department's MERP activation and associated C3, and Departmental Operations Centre (DOC) structures.
 - b. A Working Group was established which included stakeholders from across DAERA's remit who are, or who have been, involved with emergency response.
 - c. The review team worked with The Executive Office's Civil Contingencies Policy Branch to ensure that the revised Civil Contingencies Framework was assimilated into the DAERA MERP. Also that DAERA's MERP was able to operate with and link into the NI multi-agency framework when activated.
 - d. Linking with DAERA's Digital Service Division to ensure their inclusion for planning and response should the Department experience a cyber-attack. This included

plans to get senior decision makers/managers back online as soon as possible should there be a network outage and the MERP activated.

227. The updated MERP was provided to the Departmental Board in April 2022 for consideration.
228. In January 2019, Internal Audit conducted a Review of Business Continuity Planning 2018/19. This was a special exercise requested by the Corporate Service Director to review the risk management, control and governance arrangements established by Management regarding business continuity planning. The review included the corporate and a selection of local Business Continuity Plans and an exercise was completed at the Departmental Board (DB) meeting held on 30 January 2019. The purpose of the exercise was to ensure that DAERA was best prepared in advance of EU Exit on 29 March 2019 and to provide DB members with assurance that all plans were “fit for purpose”. Internal Audit attended the exercise as an observer to provide insight from a risk and control perspective.
229. The final report was published on 30 April 2019 and found that the Department had developed adequate business continuity arrangements. However, based on audit work performed improvements were required to ensure controls were fit for purpose and able to operate effectively in the event of a business disruption. The report made nine recommendations in regard to the content and testing of BCPs (corporate and local) as well as supporting Business Impact Analysis and Risk Assessments. These included one Priority 1 recommendation (a Priority 1 recommendation is one where failure to implement is likely to result in a major failure of a key organisational objective, significant damage to the reputation of the organisation or the misuse of public funds and, within DAERA, the implementation of all Priority 1 recommendations is monitored by the Departmental Audit and Risk Assurance Committee). DAERA accepted the recommendations and undertook to take forward the recommendations (**Exhibit KG-141 INQ000183422**).
230. In March 2020, Internal Audit conducted a Follow Up Review of Business Continuity Planning. The purpose of the review was to determine if the priority 1 recommendation from the previous review had been implemented. Priority 1 recommendation - Management across the Department should ensure that all local BCPs are urgently benchmarked against the BCP checklist issued in the Corporate Business Continuity Plan, and ensure that these are fully tested. The final report was published on 18 May 2020 and found that the recommendations had been implemented in part, Internal Audit confirmed

that a review to benchmark local BCPs against the checklist issued in the Corporate BCP had been conducted but was unable to confirm that all local BCPs had been tested. **(Exhibit KG-142 INQ000 183423).**

231. The Internal Audit recommendations were also considered during the recent MERP review and, in December 2022 as part of the rolling review of BCPs, CMB commissioned an Assurance and Review exercise on the Department's BCPs. This exercise is ongoing.
232. A review of DAERA's C3/DOC arrangements is to commence in Summer 2023 and will include reviewing lessons learned feedback, DOC roles and structures, the Standard Operating Procedures and testing.
233. In response to the Covid pandemic and necessary changes to work practices, the NICS has rolled out 'New Ways of Working'; a NICS-wide model which has been developed to provide sufficient flexibility to allow individual departments tailor arrangements to meet their specific business needs. This new hybrid and evolved way of working will assist DAERA in realising its objectives and priorities whilst also providing staff flexibility in terms of workplace location, where possible. DAERA began a 12 week implementation of the underpinning Hybrid Working Policy on 5 September 2022. The implementation of the new Hybrid Working Policy will improve departmental agility while also assisting with our readiness for any future disruption due to pandemics.

Statement of Truth

234. 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: 5 May 2023

Annex A - Index of Acronyms

Acronym	Explanation
ACDP	Advisory Commission for Dangerous Pathogens
ADNS	Animal Disease Notification System
AERA	Agricultural, Environment, and Rural Affairs
AFBI	Agri-Food and Biosciences Institute
AHL	EU Animal Health Law
AI	Avian Influenza
AIV	Avian Influenza Virus
ALB	Arm's Length Body
APHA	Animal and Plant Health Agency
ARINI	Agricultural Research Institute for Northern Ireland
ASF	African Swine Fever
AWB	Agricultural Wages Board
AWP	Assigned Work Programme
BCP	Business Continuity Plan
BCPB	Brexit Contingency Planning Branch
BORFS	Brexit Operational Readiness and Food Security Group
BSE	Bovine Spongiform Encephalopathy
BT	Belfast (Postcode area)
BTV	Bluetongue Virus
BTB	Bovine Tuberculosis
C3	Command, Control and Coordination
CAFRE	Department's College of Agriculture, Food and Rural Enterprise
CCG	Civil Contingencies Group
CCPB	Civil Contingencies Policy Branch
CCU	Central Communications Unit
CEDCC	Central Epizootic Disease Control Centre
CEFAS	Centre for Environment, Fisheries and Aquatic Science
CMB	Central Management Branch
CMO	Chief Medical Officer
CNCC	Council for Nature Conservation and the Countryside
COBR	Cabinet Office Briefing Rooms
CPED	Contingency Planning for Epizootic Disease Unit
CSA	Chief Scientific Adviser
CSCPG	Central Services & Contingency Planning Group
CSF	Classical Swine Fever
CVO	Chief Veterinary Officer
DA	Devolved Administration
DAERA	Department of Agriculture, Environment and Rural Affairs

Acronym	Explanation
DAFF	Department of Agriculture, Food and Fisheries
DAFM	Department of Agriculture, Food and Marine
DARD	Departmental of Agriculture and Rural Development
DB	Departmental Board
DCAL	Department of Culture, Arts and Leisure
Defra	Department of the Environment, Food and Rural Affairs
DEL	Departmental Expenditure Limit
DERC	Disease Emergency Response Committee
DfC	Department for Communities
DfE	Department for the Economy
DfI	Department for Infrastructure
DH	Department of Health (England)
DHSC	Department for Health and Social Care
DOCs	Departmental Operations Centres
DOE	Department of the Environment
DoF	Department of Finance
DoH	Department of Health
DRD	Department for Regional Development
DSG	Disease Strategy Group
DSO	Departmental Solicitors Office
DVO	Divisional Veterinary Officer
ECC(W)	Emergency Co-ordination Centre (Wales)
ECG	Emergency Command Group
EFEF	Executive Formation and Exercise of Functions Act 2018
EFRA	Environment, Food and Rural Affairs
EMDP	Emergency Management Development Programme
EMFG	Environment, Marine and Fisheries Group
EMSG	Emergency Management Steering Group
EU	European Union
EURL	European Union Reference Lab
FAO	Food and Agriculture Organisation of the United Nations
FCILC	Foyle, Carlingford and Irish Lights Commission
FFG	Food and Farming Group
FMD	Foot and Mouth Disease
FMDV	Foot and Mouth Disease Virus
FSA	Food Standards Agency
FSANI	Forensic Science Agency Northern Ireland
GB	Great Britain
GCSA	UK Government Chief Scientific Advisor
HAIRS	Human and Animal Infections and Risk Surveillance
HMRC	His Majesty's Revenue & Customs
HPAI	Highly Pathogenic Avian Influenza

Acronym	Explanation
HSC	Health and Social Care
HSENI	Health and Safety Executive Northern Ireland
HST	Humane Slaughter Team
IT	Information Technology
IZSVe	The Istituto Zooprofilattico Sperimentale delle Venezie
LEDCC	Local Epizootic Disease Control Centre
LMC	Livestock and Meat Commission
MAPA	Ministerio De Agricultura, Pesca y Alimentacion
MERP	Major Emergency Response Plan
MLA	Members of the Legislative Assembly
ND	Newcastle Disease
NDCC	National Disease Control Centre
NDPB	Non-Departmental Public Body
NEEG	National Emergency Epidemiology Group
NI	Northern Ireland
NICS	Northern Ireland Civil Service
NIEA	Northern Ireland Environment Agency
NIFHA	Northern Ireland Fishery Harbour Authority
NILAA	Northern Ireland Livestock and Auctioneers' Association
NILGA	NI Councils, NI Local Government Association
NRL	National Reference Laboratory
NSMC	North South Ministerial Council
OCR	Official Controls Regulation
OECD	Organisation for Economic Co-operation and Development
OFMDFM	Office of the First Minister and the Deputy First Minister
OHS	NICS Occupational Health Service
OIE	World Organisation for Animal Health
ONS	Office of National Statistics
PCR	Polymerase Chain Reaction
PHA	Public Health Agency
PHE	Public Health England
PHS	Public Health Scotland
PHW	Public Health Wales
PPE	Personal Protective Equipment
PT	Proficiency Test
PVP	Private Veterinary Practitioner
RAFSET	Rural Affairs, Forest Service, Estate Transformation Group
RAG	Residues Action Group
ROI	Republic of Ireland
SAGE	Scientific Advisory Group for Emergencies
SAMRHAI	Strategic Antimicrobial Resistance and Healthcare Associated Infection

Acronym	Explanation
SARS	Severe Acute Respiratory Syndrome
SCSG	Senior Civil Service Group
SE	South East
SG	Scottish Government
SI	Statutory Instrument
SLA	Service Level Agreement
SPAD	Special Adviser
SPS	Sanitary and PhytoSanitary
TARP	Trade in Animals and Related Products Regulations
TEO	The Executive Office
TMT	Top Management Team
TRPSI	Tackling Rural Poverty and Social Isolation
TSG	Tactical Steering Group
UFU	Ulster Farmers' Union
UK	United Kingdom
UKG	United Kingdom Government
UKHSA	United Kingdom Health Security Agency
UKSF	United Kingdom Surveillance Forum
UKZADI	United Kingdom Zoonoses, Animal Diseases and Infections
UN	United Nations
VEU	Veterinary Epidemiology Unit
VRG	Veterinary Risk Group
VSAHG	Veterinary Service Animal Health Group
VSD	Veterinary Sciences Division
WHO	World Health Organisation
WOAH	World Organisation for Animal Health