

IN THE UK COVID-19 INQUIRY

Before the Right Honourable Baroness Hallett D.B.E

DRAFT STATEMENT OF THE RIGHT HONOURABLE CARWYN JONES

I, CARWYN JONES, will say as follows:

Introduction

1. This statement is prepared in response to a request dated 21st March 2023 (the request) that wishes to draw upon my experience as the First Minister of Wales in the period between 2009 and 2018. I have drawn on support from the Welsh Government in preparing this statement.

Background

2. I was born in Swansea and raised in Bridgend. I attended Brynteg Comprehensive School and graduated from University College of Wales, Aberystwyth (now Aberystwyth University) in 1988 with an LLB. I also hold a postgraduate diploma in Legal Aspects of Medical Practice from Cardiff University.

3. After graduating from Aberystwyth University, I trained to be a barrister at the Inns of Court School of Law and was called to the Bar by Gray's Inn in 1989. I undertook pupillage in Cardiff and subsequently practised from Gower Chambers, Swansea, for 10 years where I specialised in family, criminal and personal injury law. I later became a tutor on the Bar Vocational Course at Cardiff University for two years.
4. Between 1995 and 2000, I was a councillor in Bridgend. I became the Assembly Member for Bridgend in 1999 and I represented the constituency until 2021. In February 2000, I was appointed the Deputy Secretary for Agriculture, Local Government and Environment. In July 2000, I was appointed the Agriculture Secretary; however, my title was changed in October 2000 to the Minister for Rural Affairs. In 2002, I assumed the duties of Business Manager and was also appointed Minister for Open Government; the responsibilities of these roles ran concurrently. I became the Minister for Environment, Planning and Countryside in May 2003. After the National Assembly for Wales elections in 2007, I was appointed the Minister for Education, Culture and the Welsh Language. I was Counsel General between July 2007 and December 2009.
5. On 1 December 2009, I was elected the leader of Welsh Labour and I was formally sworn into office as the First Minister of Wales on 10 December 2009. I was appointed a Privy Counsellor on 9 June 2010. I remained in office as First Minister until 12 December 2018 when I was succeeded by Mark Drakeford.

The r. 9 request

6. I understand that a number of requests for information, under r. 9 of the Inquiries Rules 2006, have been made by the Inquiry in relation to Module 1. I also understand that the substance of the Welsh Government's preparedness arrangements has been set out in statements, provided by senior officials, in response to those requests.
7. The request asks six questions which I shall answer in turn.

Systems, processes and structures for pandemic preparedness in Wales

8. I have been asked for my general views on the systems, processes and structures for pandemic preparedness in Wales. I have also been asked to what extent, and how, it was integrated with the UK's systems, processes and structures for pandemic preparedness and how, in my view, they could be improved.

9. During my time as First Minister, I chaired the Wales Resilience Forum ("WRF") **[Exhibit CJ01 M1/JONES/01 – INQ000107116]**. This brought together organisations, both devolved and non-devolved to work through issues such as terrorist attacks, natural disasters and any event that would require a co-ordinated approach by a number of different bodies. At that time, up until May 2018, the Welsh Government had very limited powers under the Civil Contingencies Act 2004. However, despite these limited powers it had become customary for the First Minister to chair the body.

10. The WRF worked well in the main and those bodies which were non-devolved but operated in Wales were able to work well with others in the WRF. There were however issues that arose from time to time involving the Home Office. I note that at a meeting of the WRF on the 5th of October 2016 **[Exhibit CJ02 M1/JONES/01 – INQ000187536]**, I expressed concern at a lack of clarity over who would pay for Military Aid to Civilian Authority and the need for a Memorandum of Understanding on that issue. There also arose an issue surrounding the use of National Emergency Mortuary Arrangements, commonly referred to as "mobile morgues". These were to be utilised if an event occurred that caused widespread deaths. They could be requested by a local authority but there was no clarity over who would pay for them. I remember the Home Office taking the view that local authorities would be compensated via the Bellwin scheme, but that scheme did not operate in Wales. Whilst it is true that the Welsh Government had an equivalent scheme (the Emergency Financial Assistance Scheme), any money drawn from this scheme would have meant using Welsh Government funds to pay for a non-devolved cost. As a government, we always opposed such a situation on principle. On the 16th of October 2012 I raised the issue in a letter to the Prime Minister **[Exhibit CJ03 M1/JONES/01 – INQ000187575]**. In a letter dated the 11th of July 2013, I raised similar concerns with the Secretary of State for Wales **[Exhibit CJ04 M1/JONES/01 – INQ000187576]**. I felt it was

unreasonable for the Welsh Government to pay for a non-devolved matter and felt that there was a need for clarity at that time and not during a potential crisis.

11. This issue was raised again during Exercise Red Kite in June 2016. At that time the issue had still not been resolved. This exercise involved a simulated terrorist attack in South Wales and was run by the UK Government. The issue for who was to pay for mobile morgues arose during the exercise although it is correct to say that the Prime Minister confirmed that the UK government would pay for them in the course of the exercise. However, there was no long-term commitment to make that arrangement permanent. This issue was still unresolved when it was discussed at a meeting of the WRF on the 5th of October 2016 [**Exhibit CJ02 M1/JONES/01 – INQ000187536**].

12. Another issue arose during 2018 when a decision taken by the Home Office to exclude Wales from grant funding for non-devolved emergency matters. I raised this issue with the Home Secretary on the 21st of March 2018 via a letter [**Exhibit CJ05 M1/JONES/01 – INQ000187574**]. When some aspects of civil contingencies were devolved in 2018, no budget was transferred to accompany those powers despite a request to do so. [**Exhibit CJ06 M1/JONES/01 - INQ000187572 and Exhibit CJ07 M1/JONES/01 – INQ000187573**].

13. I believe that the WRF worked well. Most meetings were attended by a representative of the Cabinet Office Civil Contingencies Secretariat. I do not recall any difficulty with working with those representatives. More broadly, there is a need to restructure inter-governmental relations in the UK. There were no regular, frequent meetings between heads of government in the UK when I was First Minister. The Joint Ministerial Council (JMC) met quarterly, but the UK Prime Minister would only come once a year to those meetings. The JMC itself was largely ineffective as a body as it tended to become a place where grievances were aired rather than one where discussions took place and agreements made. Whilst this be wider than the Inquiry's remit, there is no question in my mind that a more formal and meaningful structure could be put in place.

The Pan-Wales Response Plan

14. I have been asked for my general views on the Pan-Wales Response Plan (the Plan).

15. I cannot comment on the latest version of the Pan Wales Response Plan as it was published after I had left the post of First Minister. I can say however that the earliest version of the Plan was agreed by the WRF in 2005 and I chaired a meeting of that body in March 2017 when the latest version at that time was listed as a paper to note on the agenda. No issues were identified with the Plan and it was subsequently used in exercises including Red Kite. However, I wish to make a more general point about responses to emergencies. Ministers are rarely experts in fields such as pandemic responses and will be very reliant on advice provided to them by experts, usually in the form of the appropriate Chief Medical Officer. It is extremely difficult and usually unwise for a Minister to take a decision that it not based on scientific evidence or advice. Such a decision would be difficult to justify if it were based on politics rather than science.

Key policy decisions and the structure of public services

16. I have next been asked whether there are any key policy decisions, for example, on the funding and structure of public services, which should have been taken differently to better prepare Wales for a whole-system civil emergency such as a pandemic and, if so, which ones and how.

17. I do not believe that any spending decisions taken by the Welsh Government affected the response to the pandemic. While I was First Minister we received declining budgets in real terms from the UK Treasury but despite that we always prioritised health and social care. At no time do I recall any concern regarding funding for pandemic responses being raised with me.

Economic policy (including public service funding) decisions

18. I have been asked which important decisions on economic policy and the funding of public services, taken during my tenure in office, had a material effect on Wales's pandemic readiness and the fact that they had.

19. I would respectfully refer to the answer given at para.17.

What was done correctly?

20. The penultimate question was what, in general terms, do you consider was done correctly by the Welsh Government in relation to pandemic planning, preparedness and resilience during my tenure in office and the reasons for my view.
21. It is fair to say that influenza preparedness was focussed primarily, though not entirely, on stockpiling anti-viral drugs. I was copied into a submission on the 1st of March 2011 from the Health Emergency Preparedness Unit, which sat within the Chief Medical Officer's directorate, where this issue was raised although the submission did mention other issues such as maintaining stockpiles of other consumables such as facemasks **[Exhibit CJ08 M1/JONES/01 – INQ000187476]**. The fear was that swine flu or bird flu would mutate into a virus that would be dangerous to humans and that was therefore a need to ensure that sufficient anti-virals were available. This issue would have been the primary responsibility of the Health Minister.
22. I believe that the system we had in place worked well. The WRF meetings were very useful for me to keep in touch with what was being done throughout Wales and to raise issues from time to time.

The effect of exercises and simulations

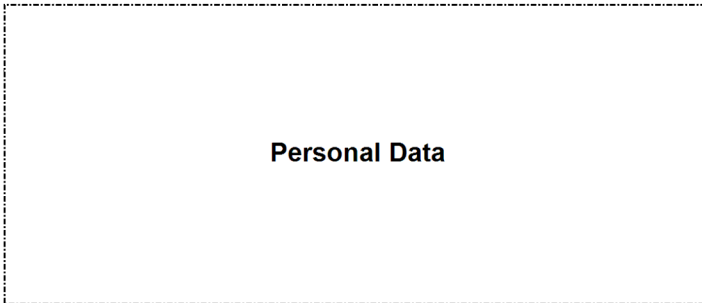
23. Finally, I have been asked what I consider was the effect of exercises and simulations, in particular Winter Willow (in 2007) and Cygnus (in 2016) on Wales's pandemic planning, preparedness and resilience.
24. I cannot comment on Exercise Winter Willow as it took place before I became First Minister. I would not have taken part in the exercises. However, there were two exercises called Cygnus. The first exercise, in 2014 was confined to Wales **[Exhibit CJ09 M1/JONES/01 – INQ000144660]**, and the second, in October 2016, was a UK-wide exercise **[Exhibit CJ10 M1/JONES/01 – INQ000128979]**. Although both Cygnus exercises took place during my time as First Minister, the Health Minister would have had primary responsibility for them. As to the first, in a meeting on the 23rd of October 2013

the WRF was informed of Cygnus and full participation was authorised by the Health Minister [Exhibit CJ11 M1/JONES/01 – INQ000187538]. At a meeting of the WRF on the 13th of November 2014 the results of Cygnus were reported back to the WRF and any work that needed to be done was actioned [Exhibit CJ12 M1/JONES/01 INQ000187537]. As to the second, in a meeting of the WRF on the 14th of March 2018 it was informed of the cross-government work following exercise Cygnus [Exhibit CJ13 M1/JONES/01 – INQ000187534].

25. I do not recall being informed that the UK government had paused work on pandemic responses, but I see that the WRF was told on the 14th of March 2018 that the devolved governments were fully involved [Exhibit CJ13 M1/JONES/01 – INQ000187534]. The WRF had also been informed of the UK Influenza Preparedness Strategy and its impending publication in a meeting on the 19th of October 2011. [Exhibit CJ14 M1/JONES/01 – INQ000187481 and Exhibit CJ15 M1/JONES/01 – INQ000187535].

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand the 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.

Signed:  Personal Data

Dated: 4/5/23