

March 2020

(1) Make sure STURGEON and DAs stay locked in.

(2) Some of these measures may be useful in the future – but we should make the sunset point loud and clear.

126. Looking back, we should have thought much harder about the legal basis for the measures proposed. There is a respectable argument that we should have used civil contingencies legislation rather than public health legislation. By allowing for at least the appearance of a divergence in approach between the various parts of the UK, we were risking considerable public confusion and frustration – when clarity of message was crucial.

Press Conference: 9 March 2020

127. Later that day, we held a further press conference in which I explained that we remained in the ‘contain’ phase of the outbreak but were ‘*making extensive preparations for a move to the delay phase*’. I again recommended hand washing.

128. During the Q&A that followed, Chris gave a public explanation of the point he had made to me – that if and when you restrict people’s liberty, in order to stop the spread of a disease, you have to get the timing right. You can’t go too late, but there are also risks with going too early:

What we are moving now to is a phase where we will be having to ask members of the general public to do different things than they would normally do...it is not just a matter of what you do, it’s a matter of when you do it because anything we do, we have got to be able to sustain. Once we have started these things, we will have to continue them through the peak and that is for a period of time and there is a risk that if we go too early, people will understandably get fatigued and it will be difficult to sustain this over time so getting the timing right is absolutely critical to making this work.

129. On 10 March 2020, I read a Daily Update in my box which said:

Coronavirus/international: *To be aware, the number of cases in Italy has jumped dramatically today (10 March) – they now have 10,000 confirmed cases, and 631 deaths. In Lombardy, the epicentre of the epidemic, 8% of those diagnosed with the virus have died. The view is that this higher fatality rate is down to the fact that the population is on*

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151. At the close of the meeting, I said '*as far as possible, the Four Nations should try to stick together as one United Kingdom*'. One of the agreed actions was for the CMOs of all Four Nations, the DHSC and the Department for Digital, Culture, Media and Sport to prepare advice for consideration by COBR on the approach to mass gatherings.
152. After the meeting, Nicola Sturgeon was the first to brief the press and announced that mass gatherings of over 500 people should be cancelled from Monday. This naturally attracted widespread attention, and seemed to show the first split in the national (i.e., UK-wide) approach.
153. I in no way wish to criticise the First Minister of Scotland for doing this. It was her prerogative. She had to do what she thought best for the health of her electorate. But as I say, I believe that this occasionally divergent Four Nation approach became a growing presentational problem. It would perhaps have been better, in retrospect, if we had formed policy under the Civil Contingencies Act 2004 so as to bind the United Kingdom together. We should then have met regularly, UK Government and DAs, to decide the policy together and to stick to it. There were of course a large number of regular meetings – either COBRs or other meetings – in which we all discussed and agreed a way forward. We were, in reality, much more united than divided. But when public sentiment was at variance with what the scientists at the time were saying (as in the case of these mass gatherings), there was always a risk that the DAs would diverge and choose a more restrictive measure, or one that was perhaps different for the sake of being different.
154. On 12 March 2020, (after the COBR meeting I describe below) we announced that the UK was moving from the 'contain' to the 'delay' phase of our Covid-19 response. This was agreed by all the Four Nations.
155. Looking back, I think the arguments deployed against a pan-UK Civil Contingencies Act based approach are weak. For sheer scale, horror and urgency Covid-19 easily met the tests of the Act. I believe that it would have been useful, in retrospect, to have regular parliamentary review, as prescribed, and it would have saved a lot of argument later with MPs who wanted more scrutiny.
156. The fundamental point is that we had no other tool to fight Covid-19, for many, many months, except public messaging. It was vital to keep that messaging as simple and as united as possible. Many people were confused and frustrated

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political point-scoring, and to maximise UK cohesion. I thought regular meetings chaired by Michael Gove would be a good solution.

187. I did chair some of the Four Nation COBRs, but I was content to let Michael lead. There are two good reasons for this (apart from the workload), one of principle and one practical.
188. It is optically wrong, in the first place, for the UK Prime Minister to hold regular meetings with other DA First Ministers, as though the UK were a kind of mini EU of four nations and we were meeting as a 'council' in a federal structure. That is not, in my view, how devolution is meant to work.
189. More importantly I am afraid I was conscious that I tended to be a particular target of nationalist ire. Rather than provoking the SNP I wanted to mollify and gain consent. I believed Michael would do a good job.
190. In his role as the Chancellor of the Duchy of Lancaster ('CDL'), Michael Gove had been working closely with the DAs in the run up to Brexit. He had – I felt – developed a strong and effective working relationship with the DAs and I felt that he was very good at getting things done. Recognising the shared challenge presented by the pandemic, in order to support coordination between the DAs and the UK Government, Michael continued this liaison role and held regular meetings and calls with the First Ministers. I believe that these calls took place roughly weekly and included reviewing the data supported by the Dashboard and to considering the UK-wide response. Meetings such as these also took place in advance of significant announcements. These regular calls with the DAs were in addition to the regular calls between the four UK CMOs.
191. It is fair to say that it was not always easy – and I reflect on this more above – because, of course, the interests of the DAs did not always align with England's or the UK's interests. That is an inevitable part of a devolved system. Furthermore, sometimes decisions were urgent and needed to be made extremely quickly which could present a challenge: either we would need to convene COBR, invite the DAs to a Cabinet meeting or a UK Government Subcommittee meeting (at which their role was not always completely clear) or we would need to take a decision ourselves and then bring the DAs onboard. None of this was ideal.