

Wednesday, 8 November 2023

1
2 (10.00 am)
3 **LADY HALLETT:** Mr Keith.
4 **MR KEITH:** Good morning, my Lady. The first witness today
5 is Lord Sedwill.
6 **LORD MARK SEDWILL (sworn)**
7 **Questions from LEAD COUNSEL TO THE INQUIRY**
8 **MR KEITH:** Could you commence your evidence, please, by
9 providing your full name to the Inquiry.
10 **A.** Good morning, my Lady. Good morning, Mr Keith. I'm
11 Mark Philip Sedwill, Lord Sedwill as you've said.
12 **Q.** Lord Sedwill, thank you for your provision of your
13 witness statement, which is dated 18 August,
14 INQ000250229. I think it's 43 pages, and you've
15 provided the usual declaration.
16 I think you also provided a witness statement for
17 Module 1 as well --
18 **A.** Correct.
19 **Q.** -- for which we must thank you.
20 I want to ask you first about the system by which
21 you were provided with material to enable you to provide
22 the witness statement.
23 I think you were provided with a good many documents
24 by your legal advisers and by the persons responsible
25 for assisting the Inquiry with the provision of

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1 after I left office.
2 **Q.** But you have been provided with some WhatsApp material
3 relating to conversations to which you were party,
4 because the record of those conversations has been
5 retained by the other persons to whom you were speaking?
6 **A.** Indeed.
7 **Q.** You didn't keep a private diary at the time, but you
8 did, of course, as Cabinet Secretary, keep a notebook
9 which recorded notes of formal meetings, and that
10 of course would have been retained by the government?
11 **A.** That's correct, and I think a facsimile of some of the
12 relevant passages has been provided to the Inquiry.
13 **Q.** Indeed. Thank you.
14 Turning to your career and your professional
15 background, you served in the Foreign and Commonwealth
16 Office for many years, from 1989 to 2013, during which
17 time you were notably Her Majesty's ambassador and then
18 NATO senior civilian representative in Afghanistan?
19 **A.** Correct.
20 **Q.** You were then political director of the Foreign and
21 Commonwealth Office, but you became the
22 permanent secretary to the Home Office in 2013?
23 **A.** Correct.
24 **Q.** And was that under the then Home Secretary, Theresa May?
25 **A.** That's correct. I worked for her, and then after she

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1 evidence. You haven't had access to or sought to
2 replicate all the material which you would have seen
3 during your lengthy and impressive career to do with
4 Covid?
5 **A.** No, I've had access to a range of material, I think
6 there was something like 2 million documents that
7 referred to the Cabinet Secretary during the Covid
8 period, so obviously we had to try to identify the
9 crucial ones: Cabinet minutes, emails and so on. And as
10 you've heard, I think, Mr Keith, in other evidence
11 sessions, the record-keeping is not -- and the access to
12 records has been troublesome.
13 **Q.** You no longer have your mobile phone from the time when
14 you were Cabinet Secretary and dealing with the
15 coronavirus crisis. Is it correct that the messages
16 that would have been on your phone at that time were not
17 backed up, they would have been deleted, as part of
18 a normal policy?
19 **A.** That's correct. As -- I mean, essentially, really, as
20 National Security Adviser, I would regularly clean my
21 phone. I would usually, if I returned from a foreign
22 trip on which I'd been using it where there might have
23 been an espionage threat, it would generally be -- been
24 rebooted, for example, so I didn't have access to any
25 WhatsApps or other messages from my end, essentially

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1 became Prime Minister, Amber Rudd was then Home
2 Secretary for the remainder of my period.
3 **Q.** But you then became National Security Adviser in 2017?
4 **A.** Correct.
5 **Q.** Was that under Ms May's administration?
6 **A.** Yes.
7 **Q.** Then from June 2018 did you become Acting
8 Cabinet Secretary?
9 **A.** That's correct.
10 **Q.** When was that made permanent?
11 **A.** In October 2018. My predecessor, Jeremy Heywood, took
12 medical leave in June, I was asked to step in.
13 Tragically he didn't recover and had to retire on
14 medical grounds, died shortly afterwards, in October,
15 and the Prime Minister asked me to continue as
16 Cabinet Secretary in -- as you say, confirmed in the
17 formal role thereafter.
18 **Q.** Did you also become the head of the civil service and
19 was that combination of roles a long-standing
20 convention?
21 **A.** Yes, it had been -- they had been separate, I think, in
22 the 1970s, really since the mid-80s they had been
23 combined. There was a brief period after Lord O'Donnell
24 stepped down as Cabinet Secretary, head of the civil
25 service and indeed permanent secretary at the

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1 Cabinet Office, when those three roles were split, and
 2 Lord Kerslake, the late Lord Kerslake, took over as the
 3 head of the civil service for a couple of years,
 4 Jeremy Heywood, Lord Heywood, as Cabinet Secretary, and
 5 then, when Lord Kerslake retired, Jeremy Heywood
 6 recombined the two roles of Cabinet Secretary and head
 7 of the civil service, and I succeeded him in those.

8 **Q.** Lord Sedwill, that's very helpful. Could I just ask you
 9 to go a little bit slower, please?

10 **A.** Of course.

11 **Q.** Our stenographer, who is working remotely --

12 **A.** Of course.

13 **Q.** -- will find it difficult to keep up with that speed.

14 The Cabinet Secretary is head of the Cabinet
 15 secretariat, is by virtue of his or her role right at
 16 the top, at the apex of the civil service.

17 **A.** Correct.

18 **Q.** Is the role of the Cabinet Secretary one that is set
 19 down in writing? Is it constitutionally defined, or is
 20 the role of the Cabinet Secretary, whoever he or she may
 21 be, rather more an organic one, something that changes
 22 over time according to who the Prime Minister of the day
 23 might be?

24 **A.** It is written down in the Cabinet Manual, which is
 25 essentially a codification of many of the procedures of

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1 responsible for the overall management of the civil
 2 service, the central functions, HR, digital and so on.
 3 And that is overseen by the permanent secretary at the
 4 Cabinet Office, who, in my time, was first chief
 5 executive and then the chief operating officer for the
 6 civil service.

7 The direct responsibility really of the
 8 Cabinet Secretary is for the Cabinet secretariat. Of
 9 course, as Cabinet Secretary, one oversees all of it,
 10 and that's a few hundred people, essentially supporting
 11 the functions of Cabinet and of the Prime Minister.

12 **Q.** Are two of the most important functions of the
 13 Cabinet Secretary to advise the Prime Minister on the
 14 machinery of government, how that process at the very
 15 highest level works, and secondly, to give advice on the
 16 appointment of ministers?

17 **A.** That's correct, Mr Keith. The -- probably more the
 18 first. The Cabinet Secretary would typically provide
 19 the Prime Minister with formal advice on machinery of
 20 government, whether different departments might be
 21 reorganised, because prime ministers will make changes
 22 to the departmental structure, Cabinet committees and so
 23 on. The Prime Minister in the end makes the decision on
 24 a range of advice, not just from the Cabinet Secretary,
 25 about whom to appoint as ministers and so on. It would

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1 government. The formal role is as secretary of the
 2 Cabinet, in other words the person who is responsible
 3 for the proceedings of Cabinet, that the minutes are
 4 properly recorded, but in practice you're absolutely
 5 right, Mr Keith, the role is organic and the
 6 Cabinet Secretary balances a relationship with the
 7 Prime Minister, a relationship with Cabinet,
 8 a relationship with the permanent secretaries, and,
 9 indeed, a relationship with the palace, and one has to
 10 try and keep all of those relationships in balance and
 11 in good health.

12 **Q.** As well as being head of the civil service, and
 13 therefore responsible for it, and as well, is this
 14 correct, as carrying -- for carrying responsibility for
 15 ensuring the operations, in a general sense, of the
 16 Cabinet Office and its role in the centre of government
 17 and the role that it performs of liaising with other
 18 government departments and, to use a word we've heard
 19 a lot, synthesising the strategy, policy and operational
 20 facets of government?

21 **A.** That's correct. The Cabinet Office essentially, I'll
 22 simplify, is really in two groupings. There are several
 23 thousand people in the Cabinet Office. Most of that
 24 group are essentially performing the role of what one
 25 might describe as the civil service department

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1 be rare for a Cabinet Secretary, for example, at the
 2 beginning of a government or in a reshuffle, to say to
 3 a prime minister, "X should go to Y department"; that
 4 isn't typically how it would be. It would be more the
 5 case the Prime Minister would have a view and would
 6 perhaps ask the Cabinet Secretary's advice or, indeed,
 7 check whether there were any obstacle to a particular
 8 candidate being put in a Cabinet job.

9 **Q.** Is there any convention or long-standing principle
 10 governing the confidentiality of the conversations
 11 between Cabinet Secretary and Prime Minister over such
 12 matters?

13 **A.** Indeed, you put it very well, these have always been
 14 entirely private conversations. There might be other
 15 advisers of the Prime Minister in such conversations.
 16 It's fundamentally for the Prime Minister to judge.

17 But if there were a delicate matter about,
 18 for example, the conduct or competence of one of -- of
 19 a Cabinet Minister, for example, that would normally be
 20 in a private conversation between the Cabinet Secretary
 21 and the Prime Minister, or potentially the Deputy
 22 Cabinet Secretary, responsible for propriety and ethics,
 23 might be included in that as well.

24 **Q.** Presumably that convention, which governs the specific
 25 conversation between the Cabinet Secretary and

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1 Prime Minister, in no way precludes civil servants,
2 SPADs, other people, talking between themselves and with
3 others, perhaps even the press, about the merits of the
4 appointment of particular ministers or their enforced
5 resignation or sacking?

6 **A.** Indeed, Mr Keith, it's -- speculation about Cabinet
7 reshuffles, et cetera, is the lifeblood of much
8 commentary on government, and of course in the end
9 a Prime Minister is entitled to take advice from any
10 source, formal or informal, about whom to appoint to
11 their Cabinet.

12 **Q.** Coming back to your performance of the dual role of
13 National Security Adviser and Cabinet Secretary, did
14 that give rise to any concerns on your part as to your
15 personal capacity to be able to fulfil both demanding
16 roles?

17 **A.** Naturally there was a question of bandwidth, but that
18 would be true of either of these jobs in any event. In
19 either of those jobs, one is sitting at the heart of
20 a team, and so, in order to be able to perform that,
21 I delegated even more functions than I might have done
22 otherwise. For example, as National Security Adviser,
23 several of the key relationships with European allies
24 I delegated to the Prime Minister's international
25 affairs adviser. And I was -- it was never intended to

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1 **A.** I think it made sense in the circumstances of the time.
2 The government of both Theresa May and in the first
3 phase of Boris Johnson were going through the most
4 intense period on the Brexit negotiations, there were
5 elements of national security involved in that. As
6 I said, it was never intended to be a permanent
7 arrangement, that was clear with Theresa May when she
8 appointed me as Cabinet Secretary, and therefore it
9 wasn't a question of whether the jobs would be split, it
10 was a question of when.

11 **Q.** Turning to focus a little more on the role of Cabinet,
12 is the Cabinet the ultimate decision-making body in
13 His Majesty's government?

14 **A.** Yes, correct.

15 **Q.** But does it follow from that that Cabinet must decide or
16 take all decisions that are of significance or
17 particular import?

18 **A.** It's a matter of judgement, and so there are Cabinet
19 committees which also have that authority. Collective
20 responsibility also applies. The National Security
21 Council, for example, is one such committee. And it's
22 a matter of judgement for the Prime Minister and the
23 Cabinet Secretary about which decisions should be taken
24 at which level.

25 So if I may just to give a different example, when

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1 be a permanent arrangement. It seemed appropriate at
2 the time, and of course one is only replicating the span
3 of responsibilities of the Prime Minister, who covers
4 both sets of issues.

5 **Q.** In his evidence to this Inquiry, Mr Cummings said that
6 you had at one point, it's unclear when, expressed to
7 him doubts about the wisdom of the combination of the
8 Cabinet Secretary's job and the National Security
9 Adviser's job. Did you express concerns to him about
10 the wisdom of such a practice?

11 **A.** I don't recall it in quite those terms. Certainly, as
12 I said a moment ago, it was not intended to be
13 a permanent arrangement, and I was conscious that when
14 I stepped down it would almost certainly be the case
15 that the jobs would be split again. It arose really
16 because of the particular and tragic circumstances in
17 which I'd taken over as Cabinet Secretary.

18 I think I may well have pointed out to Mr Cummings
19 that my background had equipped me for being National
20 Security Adviser and Cabinet Secretary was not a role to
21 which I'd ever aspired.

22 **Q.** The split or the re-emerged split following your
23 departure may indicate, Lord Sedwill, that the
24 combination of the two jobs was perhaps not altogether
25 a wise one?

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1 the UK participated in military action after the use of
2 chemical weapons in Syria in 2018 with the US and
3 France, although that would normally have been
4 a decision for the National Security Council,
5 Jeremy Heywood and I concluded, for reasons which
6 probably needn't detain us, that it was of such
7 significance, relating to Parliamentary scrutiny and so
8 on, that it should be taken by the whole Cabinet.

9 **Q.** Covid-S and Covid-O were two Cabinet committees, the
10 institution of which you advised upon in May of 2020.
11 Were they full Cabinet committees and therefore
12 empowered to take decisions in the same way that the
13 full Cabinet may have been?

14 **A.** Yes. Well, in the same way that any other
15 Cabinet committee would be. In the end, as you've
16 mentioned already, Cabinet overall is the ultimate
17 decision-making body, but delegates, formally delegates
18 certain areas to Cabinet committees, and Covid-S and
19 Covid-O had that status.

20 **Q.** I ask because only yesterday, in fact, evidence was
21 given to the Inquiry to the effect that, in relation to
22 the second national lockdown, ultimately the decision to
23 impose that lockdown was taken by a meeting of Covid-O
24 in November of 2020. Constitutionally, was that
25 an appropriate position to be in by virtue of the fact

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1 that, as a Cabinet committee, it was vested with the
2 full power and authority of the Cabinet to make such
3 a decision?

4 **A.** That was after my time, so without knowing the full
5 detail, constitutionally, assuming the Prime Minister
6 and Cabinet Secretary are content, then
7 a Cabinet committee can take decisions on behalf of
8 Cabinet, and full collective responsibility, et cetera,
9 applies. So constitutionally appropriate. Of course,
10 a matter of judgement as to whether it was the right
11 forum.

12 **Q.** Evidence has been given to the Inquiry that throughout
13 2020, perhaps less so in 2021, there was a degree to
14 which Cabinet authority and Cabinet governance was
15 circumvented by virtue of important decisions being
16 taken outwith Cabinet, and also, I think, a process by
17 which the accountability of Cabinet to Parliament and to
18 the people was undermined by virtue of the attacks made
19 on Cabinet, the way in which it was described, the way
20 in which ministers were described. Would you agree
21 that, during the latter time of your role as
22 Cabinet Secretary, Cabinet governance was undermined to
23 a degree?

24 **A.** Attacks of that kind clearly undermine public confidence
25 in Cabinet governance. Actually, in terms of the formal

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1 where important decision-making took place and the
2 degree to which matters might be debated and resolved
3 within Number 10 before being put to Cabinet?

4 **A.** Yeah -- I wouldn't describe it as a tension between
5 them, in that Cabinet was formally involved, but, as
6 you'll have seen from some of my notes, minutes to the
7 Prime Minister, I did need to remind him of the
8 importance of involving his Cabinet colleagues, not just
9 in the formal decision but in the formulation of that
10 decision. It's quite normal for prime ministers, any
11 minister, to talk to their own teams about a key issue
12 before they go into a formal decision-making body. In
13 this case it was important just to remind the
14 Prime Minister of the need to ensure there was space for
15 his elected colleagues to be fully participative in
16 those decisions.

17 **Q.** It would seem that the formality of the process was
18 adhered to. Why did you feel there was a need to speak
19 to the Prime Minister about whether in substance, in
20 practice, Cabinet was as engaged as it was required to
21 be?

22 **A.** A pattern -- I think Helen MacNamara mentioned this in
23 her evidence last week, a pattern had arisen really
24 through the Brexit period, partly because of Cabinet
25 leaks and the sensitivity of the negotiations, where in

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1 procedures, the key decisions were taken either in
2 Cabinet or in the UK COBR with the devolved
3 First Ministers and their teams in attendance. So
4 I think in terms of formal decisions, the constitutional
5 position, we sought to follow it. And I know, Mr Keith,
6 you'll probably want to come back to the relationship
7 between the dialectic within Number 10 and the formal
8 procedures, so I won't dwell upon it now --

9 **Q.** Yes.

10 **A.** -- but I certainly sought to ensure that formal
11 decisions were taken by ministerial groups of the
12 appropriate nature, properly minuted, properly actioned,
13 and I think that procedure was followed.

14 **Q.** Is COBR another such committee, as with Covid-S and
15 Covid-O, in which full authority or authority is vested
16 to make decisions of this type?

17 **A.** A ministerial COBR, yes.

18 **Q.** Yes. Not an operational COBR?

19 **A.** Not an officials COBR. Officials can, of course, take
20 decisions that have been remitted to them on operational
21 matters. I chaired COBRs during various crises but
22 policy decisions requiring ministerial assent would be
23 taken in a ministerially chaired COBR.

24 **Q.** There was nevertheless a perpetual tension between
25 Number 10 and Cabinet, was there not, in relation to

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1 that period ministers would go into a Cabinet meeting
2 having not had the chance to consider papers the weekend
3 beforehand or with their advisers, but into a reading
4 room beforehand, in order to try to understand the
5 papers and then take their views into Cabinet. And that
6 had clearly been unsatisfactory for many of those
7 ministers in being able to take advice and formulate
8 their own view. But I think that practice had --
9 although we didn't have exactly that system during
10 Covid, that practice of the Prime Minister going into
11 Cabinet, particularly after the election, with a firm
12 position of his own, and that being set out at the
13 start, constrained the candour of Cabinet discussion.

14 **Q.** Nevertheless, you had concerns that Cabinet was not as
15 fully participative, to use your words, as it should
16 have been?

17 **A.** Correct. And I -- as you'll have seen, there are
18 minutes from me to the Prime Minister where I remind him
19 of the need for that.

20 **Q.** Helen MacNamara makes a second point in this context to
21 the effect that the full Cabinet tends to be better at
22 bringing a wider perspective. Putting aside the
23 democratic accountability, of course, vested in Cabinet
24 by virtue of being the Cabinet of the governing majority
25 party, her view was that Cabinet is rather more grounded

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1 in its perspective than perhaps -- I don't mean this
2 pejoratively -- a cabal of officials and civil servants,
3 advisers and the Prime Minister might be in Number 10.
4 Would you agree with that suggestion?

5 **A.** Yes. One of the points I would remind officials of was
6 that every minister, certainly every senior minister,
7 was also a constituency MP, and so they had essentially
8 a ground truth from that experience that officials
9 sitting in departments wouldn't have themselves, that
10 personal exposure to the public. It's one of the
11 strengths of our system, I think. And so I was always
12 keen to encourage Cabinet ministers to remember they
13 weren't just speaking from their departmental
14 perspective, but as constituency MPs with the grounding
15 in the views of the ordinary citizen.

16 **Q.** And particularly because this was a public health
17 emergency with whole country, societal and economic
18 consequences, that perspective, the perspective that
19 Cabinet could bring, was of additional value?

20 **A.** Indeed.

21 **Q.** SPADs, special political advisers. What are they?

22 **A.** How much time do we have, Mr Keith?

23 Special advisers, there have been special advisers,
24 I mean, back almost, I would guess, to Lloyd George's
25 time, but they've become -- there are more of them and

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1 which you made reference in your statement?

2 **A.** Indeed. So, for example, the policy unit would have
3 a mixture of special advisers, specialists and
4 officials. And that dates back to the 1970s, that kind
5 of structure.

6 **Q.** Are political advisers expected to restrict themselves
7 to advising on political and communication matters, or
8 may their brief stray across wider fields?

9 **A.** They're expected to bring the political and
10 communications and media perspective to policy matters
11 as well. So they aren't restricted in their advice,
12 it's that they bring that perspective, and most
13 ministers, most secretaries of state would want their
14 special advisers in the room in a department,
15 for example, when discussing major policy issues.

16 **Q.** The ability to bring perspective to policy matters
17 covers potentially a very wide area indeed. Is there
18 any governance or any code or manual which defines the
19 role of a political adviser, or is it very much a matter
20 for the individual adviser and his or her minister?

21 **A.** There is a special advisers' code, and it resembles but
22 isn't identical to the civil service code. Special
23 advisers are formally appointed as temporary civil
24 servants, and that's how their employment contracts,
25 et cetera, work. But rather, as we were discussing

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1 they're more prevalent across government in the modern
2 era than was the case in the past. They are essentially
3 personal appointees of ministers, they're formally
4 appointed by the Prime Minister, but these are people
5 who will bring political and communications support for
6 senior ministers. Some are, one might describe as
7 specialist advisers. There are one or two of those in
8 Number 10 now, I believe, and certainly we had some of
9 those at the Foreign Office in my time there. But
10 mostly they are people with a political alignment with
11 the Secretary of State and the government of the day,
12 who are providing them with personal, media
13 communications and political support.

14 **Q.** Can I pause you there?

15 **A.** Of course.

16 **Q.** Just in terms of the basics, do they exist in both
17 Number 10 and line departments, so other government
18 departments?

19 **A.** Yes, Mr Keith, so in departments there would normally be
20 two or three, each Secretary of State might have two or
21 three. There are many more in Number 10, and in
22 Number 10 they work in blended teams with officials and,
23 indeed, experts who might be brought in. So Number 10
24 is rather different in that sense to a line department.

25 **Q.** Are those teams the policy and communication teams to

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1 earlier, there's an organic element to it, and their
2 role will depend on the department, on their personal
3 relationship with the minister, in Number 10 their
4 personal relationship and authority with the
5 Prime Minister.

6 But there are -- there are rules and boundaries set
7 to those roles by the code and their employment.

8 **Q.** But they are very much not civil servants, and therefore
9 they are answerable ultimately only to the minister who
10 appoints them, governed by or constrained by the special
11 advisers' code to which they're subject?

12 **A.** Correct. Formally the Prime Minister actually appoints
13 all special advisers, even those who are attached to
14 ministers and often move with them. So their personal
15 affiliation is most likely to their own secretary of
16 state or minister, but in formal employment terms
17 actually it's the Prime Minister who signs off the
18 appointments.

19 **Q.** Now, I want to ask you, please, about the efficiency or
20 efficacy of Mr Johnson's administration on the cusp of
21 the pandemic in January and February 2020 following,
22 of course, the general election in December the previous
23 year.

24 As an administration, that is to say a body of
25 government coming into office and able to pick up the

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1 threads of government, or the handles of government, was
2 it a particularly experienced administration?

3 **A.** It was -- there were some very experienced senior
4 ministers. Michael Gove, who was Chancellor of the
5 Duchy of Lancaster, had served almost uninterrupted
6 since 2010, there was a brief period when he wasn't
7 a Cabinet Minister. Mr Hancock, the Health Secretary,
8 was -- had been in Cabinet for several years. There
9 were others -- there were others as well.

10 Overall, and I think Helen MacNamara touched on
11 this, in a sense it was though, overall, more like
12 an opposition party coming into power after
13 a general election than a government that had been in
14 power for ten years, because of the nature of the Brexit
15 process and the change -- the change in personalities
16 that Mr Johnson brought in when he became
17 Prime Minister.

18 **Q.** In terms of its ability to be able to focus upon and
19 deal with an emerging crisis, and one that, of course,
20 enveloped the entire country, how focused was that
21 administration in the early days on its own agenda or
22 other matters which it wished to pursue?

23 **A.** That was the primary focus. The general election, as
24 you said, had taken place in December 2019, the legal
25 deadline for Brexit was 31 January, and so that was the

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1 very strong vertical structures between departments that
2 can become siloed, and my strong view was, and remains,
3 that the Cabinet secretariat, whether a single
4 secretariat or the individual components, should provide
5 as much as possible of the horizontal connective tissue,
6 and so that was the thought behind that programme. We'd
7 developed it in the national security community, and
8 then I was seeking to extend that concept, when I became
9 Cabinet Secretary, into a unified Cabinet secretariat.

10 And there's a diagram, I think, Mr Keith, we've
11 provided which shows the responsibilities of my key
12 directors general that's rather deliberately designed to
13 look like the Olympic rings, to show there were
14 overlaps, because I felt it was necessary to have that
15 connective tissue in the centre to balance the very
16 strong vertical structures of departments of state.

17 **Q.** Were those changes to the machinery of the
18 Cabinet Office introduced in January and February?

19 **A.** We'd begun some of them beforehand. It was an ongoing
20 programme, but certainly to the broader Cabinet
21 secretariat, it was in its very earliest stages.

22 **Q.** The evidence from Alex Thomas, who was the expert,
23 I suppose, on governance or political science instructed
24 by the Inquiry, was to the effect that that programme
25 created some complexity and structural confusion,

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1 primary focus in January 2020. Because they had
2 a majority, they needed to change some of the
3 legislation that -- some of which they'd had to
4 compromise on when they -- when it was a minority
5 government before the general election, in order to see
6 through Brexit, and so that was very much the -- the
7 focus for January. And then once that was done, the
8 Prime Minister's focus was then on the manifesto and
9 essentially setting a five-year term, as he expected,
10 off on its course with a Cabinet reshuffle that didn't
11 take place until February, because of the Brexit
12 inflection point.

13 **Q.** Was that the reshuffle, I think, around 14 --

14 **A.** Correct.

15 **Q.** There has been reference, Lord Sedwill, in the evidence
16 to your introduction of a programme called the "fusion
17 programme" by which you sought to change some of the
18 mechanics underpinning the Cabinet Office, I think, in
19 relation to its secretariats in particular. When was
20 that programme introduced by you, and what impact do you
21 assess that it had?

22 **A.** We'd introduced it into the national security community
23 from 2018 onwards, and that's where we developed it.

24 Just very briefly, the underlying philosophy was to
25 deal with the fact -- Whitehall is essentially, it has

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1 certainly in its early days, by virtue -- necessary
2 virtue -- of the changes that you had sought to bring
3 about. Would you agree that there was a degree of
4 complexity and confusion brought about as a result of
5 that programme?

6 **A.** Certainly complexity, and in a sense that was
7 deliberate. Government is a complex set of
8 organisations and I wanted the Cabinet secretariat to be
9 the place that managed that complexity.

10 Clearly I would have -- I was seeking to avoid
11 confusion. I recognised that I was asking civil
12 servants to operate in a different way to the way that
13 they might have traditionally done so, operating across
14 boundaries rather than within defined responsibilities,
15 and that change of institutional culture and behaviour
16 takes time.

17 **Q.** Turning to your first understanding of the emergence of
18 the virus in China, your statement makes plain that this
19 issue was raised with you by Sir Patrick Vallance on
20 21 January, I think it was the same day that the World
21 Health Organisation published its first novel
22 coronavirus sitrep, situation report.

23 **A.** Correct.

24 **Q.** Did you receive around that time a formal request from
25 the DHSC, perhaps in the form of its Secretary of State,

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1 Mr Hancock, for a COBR meeting to be convened?
 2 **A.** Yes, I don't recall whether it was a formal request, but
 3 certainly I was asked whether a COBR could and should
 4 take place.
 5 **Q.** Did you accede to that request straightaway?
 6 **A.** Not straightaway, I wanted to ensure that a COBR, if it
 7 took place, was properly prepared. I was concerned that
 8 it might be communicated in a -- in a form that could be
 9 unnerving for public communications. At the time the
 10 government's approach was to try to maintain calm in its
 11 public communications and the fact of a COBR might have
 12 disrupted that. But actually I think two days later
 13 I was advised by the head of the Civil Contingencies
 14 Secretariat that there was enough of a cross-government
 15 requirement that it did make sense to go ahead, and
 16 I agreed that the -- agreed to the request.
 17 **Q.** Did you not in fact doubt to some extent the genuineness
 18 or the aim of the request from the DHSC for a COBR to be
 19 convened?
 20 **A.** There had been a practice, or a habit, I think,
 21 probably, which had stretched back several years, of
 22 COBRs being convened for communications purposes rather
 23 than primarily to make decisions that couldn't be made
 24 elsewhere. I was confident that this was a health
 25 issue, I was confident that with a very experienced team

25

1 expected it to be me, so in effect the decision was
 2 mine, even though formally I guess I was speaking on
 3 behalf of the Prime Minister's authority.
 4 **Q.** The first COBR took place on 24 January --
 5 **A.** Correct.
 6 **Q.** -- and it was chaired, as we all know, by Mr Hancock.
 7 There was then a second COBR on 29 January.
 8 Could we have that, please, on the screen,
 9 INQ000056226.
 10 We can see a number of ministers on that first page
 11 in attendance. If we go over to the second page, we can
 12 see a number of parliamentary undersecretaries of state,
 13 a number of ministers or members of devolved
 14 administration parliaments dialled in, and then a number
 15 of officials, including Chris Wormald, Chris Whitty,
 16 Sir Simon Stevens, Katharine Hammond. Many of these
 17 names are now familiar to the Inquiry.
 18 Just if we go over one further page to page 3, we
 19 can see the remainder of the officials who dialled in.
 20 There was, it would seem, no Cabinet Minister
 21 present at that COBR or Cabinet Office official other
 22 than, I think, the director of government
 23 communications, Alex Aiken, who may or may not have been
 24 in the Cabinet Office or Number 10.

25 Is the secretariat to COBR provided by the

27

1 there, they had all the authority they needed in order
 2 to be able to make the substantive decisions, and I felt
 3 that a COBR which might have been convened primarily for
 4 communications purposes wasn't wise. As I said,
 5 two days later, I was advised that there was a genuine
 6 cross-government basis for it and I agreed.
 7 **Q.** May we be plain, please, as to what you mean by
 8 "communication purposes". Were you concerned that the
 9 COBR was being called by the DHSC for presentational
 10 purposes, that is to say to make a splash about the role
 11 of the DHSC, perhaps its Secretary of State, and that is
 12 why you initially hesitated?
 13 **A.** That is a fair summary of my thinking, Mr Keith.
 14 **Q.** All right.
 15 You make plain in WhatsApp messages between yourself
 16 and Mr Hancock on 23 January that you had agreed
 17 a ministerial COBR. You used these words, "I've agreed
 18 a ministerial COBR tomorrow". Was that decision in fact
 19 one for the Cabinet Secretary or were you speaking there
 20 on behalf of the government as a whole in relation to
 21 this decision?
 22 **A.** Formally one would require the Prime Minister's consent,
 23 but of course there's always a shorthand in these
 24 matters, and I think the Prime Minister would have
 25 expected me to provide the advice, Mr Hancock would have

26

1 Cabinet Office?
 2 **A.** Yes. Mr Keith, if I may, I think you said no Cabinet
 3 Minister, whereas if you look at the first page --
 4 **Q.** Did I not say Cabinet Office --
 5 **A.** I think you said --
 6 **Q.** You're quite right, Lord Sedwill, I said "no Cabinet
 7 Minister". I meant to say no Cabinet Office minister or
 8 official attended.
 9 **A.** Indeed, so I think that is correct. The secretariat for
 10 COBR is the Civil Contingencies Secretariat, that's part
 11 of the Cabinet secretariat, and I know we'll be
 12 discussing that further, so they provide the secretariat
 13 for COBR in the normal way --
 14 **Q.** Is that --
 15 **A.** -- and -- sorry, as you see, it's minuted just as any
 16 other ministerial meeting is minuted.
 17 **Q.** So in practice, whatever actions are taken from a COBR
 18 meeting, whatever thinking or learning that has to be
 19 disseminated throughout government, comes to the
 20 Cabinet Office by virtue of the fact that it provides
 21 the secretariat?
 22 **A.** Correct.
 23 **Q.** All right.
 24 If we can look, please, at page 5, paragraph 3, we
 25 can see, and we've looked at this paragraph a fair few

28

1 times now:

2 "The [Chief Medical Officer] said that the UK
3 planning assumptions were based on the reasonable worst
4 case scenario. There were two scenarios to be
5 considered. The first was that the spread was confined
6 within China, the second was that the spread was not
7 limited to China and there would be a pandemic like
8 scenario, with the UK impacted."

9 Lord Sedwill, the Inquiry has asked a number of
10 witnesses about what they took from this information,
11 and in particular the fact that, under the second
12 scenario, there appears to be an assumption or
13 a recognition that if the spread is not limited to
14 China, if the virus leaks from China, then there would
15 be -- not there might be -- a pandemic-like scenario
16 with the UK impacted. So control of the virus is vital,
17 and if it leaves China there will be very serious
18 problems indeed.

19 I want, therefore, to ask you when the
20 Cabinet Office saw this paragraph, when it understood
21 what the Chief Medical Officer was saying, to what
22 extent did it appreciate at this early stage,
23 29 January, that once the virus left China, if it left
24 China, there would be an inevitable crisis as far as the
25 United Kingdom was concerned?

29

1 **Q.** Is this the nub of it: there is a reference there to
2 planning assumptions being based on the reasonable
3 worst-case scenario. But when the Chief Medical Officer
4 went on to say, essentially, in practice, in reality,
5 there are two scenarios to be considered, it wasn't
6 sufficiently understood that he wasn't there talking
7 about the reasonable worst-case scenario, he was talking
8 about the reality of what would happen, either the
9 spread is confined or it is not?

10 But the government thinking focused perhaps overmuch
11 on the doctrine of reasonable worst-case scenario and
12 the probability of that occurring rather than on what
13 the Chief Medical Officer was saying would happen?

14 Is that a fair summary?

15 **A.** I think that is a fair summary.

16 **Q.** By early February, it became apparent that Covid was
17 unlikely to be contained within Wuhan or Hubei Province.
18 As the Cabinet Secretary, what did you understand to be
19 the position in relation to the availability of
20 practical measures which could stop the spread of the
21 virus into the United Kingdom if it were to emerge
22 significantly from China?

23 **A.** I refer to this later on, and so I'm trying not to
24 impose a false memory --

25 **Q.** I'm asking you --

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1 **A.** I think we wouldn't have understood that to be
2 inevitable, in -- the scale of the crisis that we faced
3 a couple of months later, and that's partly because --
4 I think this is in other documents -- that this was
5 a discussion of the reasonable worst-case scenario and
6 in late January, early February, I think Cabinet,
7 for example, the Chief Medical Officer, gave that around
8 a 1 in 10 probability, and by the end of February
9 I think it was about 1 in 5.

10 So essentially, I don't want to jump ahead too much,
11 Mr Keith, because I know you'll want to go though some
12 of this, but essentially within February, the course of
13 February, there were two processes. One was in the
14 foreground, one in the background, at least from my
15 perspective.

16 In the foreground were the briefings to Cabinet,
17 et cetera, and I believe you may want to come back to
18 some of those, which was essentially talking about the
19 situation as it was, the probability that the UK would
20 have a severe impact.

21 And in the background, at that stage run through the
22 COBR process with the Health Secretary and his team in
23 the chair, was the planning should the reasonable
24 worst-case scenario manifest itself.

25 And those two were related, but they were distinct.

30

1 **A.** -- of what I believed at the time.

2 **Q.** The early February.

3 **A.** Yeah.

4 I wouldn't suggest I had a deep understanding of
5 what the practical measures might have been.
6 Essentially, as I said, what I was really seeing, partly
7 because I was dealing with many other issues, was
8 what -- the briefings into Cabinet, et cetera, from the
9 Chief Medical Officer, Health Secretary and so on. And
10 I presumed that in parallel, in the background if you
11 like, the planning, operational planning to put in place
12 the mechanisms we'd need to tackle a reasonable worst
13 case, should it no longer be a scenario but a fact, were
14 happening in parallel, and certainly that was my
15 presumption at the time.

16 I was aware from what the Chief Medical Officer was
17 saying of what some of those measures might be but only
18 in the most high-level terms.

19 **Q.** Did you understand at that high level that the control
20 measures such as they were would be effective in
21 preventing the spread of the virus throughout the
22 community in the United Kingdom or that there would be
23 very real practical difficulties with their efficacy,
24 with whether they would work?

25 **A.** At the time the -- my understanding from the briefings

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1 we had was that it might be possible to manage the
 2 spread of the virus, but that it was inevitable, because
 3 no one had immunity, that it would spread through the
 4 population.

5 **Q.** And that is the genesis, of course, of the mitigation
 6 herd immunity debate?

7 **A.** Exactly.

8 **Q.** I'll come back to that. Well, that's very clear.
 9 Coming back to Cabinet, you've made the point that
 10 of course, as Cabinet Secretary, you were necessarily
 11 guided to a very great degree by the information
 12 provided to Cabinet, to which you were the secretary,
 13 rather than perhaps the micro-level detail of COBR.
 14 In hindsight, so I make plain in hindsight, do you
 15 think that Cabinet was given in those meetings in
 16 February a proper understanding of the seriousness of
 17 the crisis, and in particular the realisation or the
 18 information that such levels of control as might be
 19 deployed to prevent the spread of the virus were
 20 unlikely to work?

21 **A.** I think on the latter point I would agree with the
 22 proposition you make, that if you look at the Cabinet
 23 minutes of that period, the first half of February,
 24 there was at a high level a good explanation of the
 25 nature of the virus to the extent the scientists

33

1 I presumed, but I don't think explicitly, but
 2 presumed that, for example, plans to protect, quarantine
 3 the most vulnerable, the most medically vulnerable,
 4 would have been part of that planning, but I didn't
 5 interrogate that at that time.

6 **Q.** There was indeed, of course, in the end, a very good
 7 shielding plan drawn up, drawn up, as we've heard, at
 8 pace --

9 **A.** Indeed.

10 **Q.** -- and notwithstanding considerable complexity, in
 11 middle to late March. There was obviously a plan for
 12 hand washing and there were plans for the dealing with
 13 the numbers of deaths which might be expected under the
 14 reasonable worst-case scenario, so, prosaically, body
 15 bags --

16 **A.** Yes.

17 **Q.** -- how to deal with bodies?
 18 And there were also plans to deal with the
 19 legislative underpinning of whatever public order powers
 20 the government might wish to take to itself to manage
 21 the crisis. But none of those plans in any way deal
 22 with the control, stopping the virus from entering the
 23 United Kingdom and then spreading throughout the
 24 community. Was that understood or appreciated at all?

25 **A.** No. So the kind of capability that would have been

35

1 understood it. Of course it was still very new. There
 2 was an explanation about the potential level of
 3 fatalities and casualties should the reasonable worst
 4 case manifest itself, and that was based, I think still
 5 at that stage, on a sort of flu pandemic paradigm. But
 6 there was an assurance that plans were in place to
 7 manage it, and in hindsight it would have, as you
 8 suggest -- those plans should have been interrogated
 9 more carefully by me and at the Cabinet level.

10 **Q.** There are, indeed, repeated references to plans to
 11 manage, and the Civil Contingencies Secretariat in
 12 particular produced papers saying "plans are under way
 13 to manage, we are taking steps to manage the activity,
 14 activities are being carried out in order to plan for
 15 this eventuality". What did you understand those plans
 16 to consist of, albeit at high level? What did you think
 17 in practice was being drawn up, was being done to meet
 18 the threat of a virus which was, as was generally
 19 understood, uncontrollable once it left China?

20 **A.** Some -- some of the plans I -- I recall that I would
 21 have been aware of, or was aware of, so I knew that one
 22 of the issues that had arisen from Exercise Cygnus, the
 23 flu pandemic exercise in 2016, was how to manage excess
 24 mortality, and so I was aware there were plans of
 25 that -- operational plans of that kind.

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1 required to do that, and I think you mentioned this in
 2 your own opening statement to this module, Mr Keith, is
 3 the kind of capability that East Asian nations had to be
 4 able to, for example, forward and backward contact trace
 5 people coming in through the border and imposing strict
 6 border controls in order to keep incidence at very low
 7 levels so that that is a practical proposition. That
 8 capability did not exist at that time.

9 I wouldn't claim to have had enough knowledge myself
 10 to know that that was a capability that was important or
 11 indeed that it was missing. But clearly that became
 12 apparent and it's that kind of thing that I'm referring
 13 to when I minute the Prime Minister later in the spring
 14 about the position we found ourselves in at the onset of
 15 the pandemic.

16 **Q.** So in summary, is this fair, the capability did not
 17 exist, and that of course is nothing that can -- there
 18 was nothing that could be done about that, at least in
 19 the very short time span between February and the full
 20 emergence of the virus, but that capability or absence
 21 of capability was simply not the subject of extensive
 22 debate. There wasn't a debate at the highest levels of
 23 government to the effect of: the virus is coming, we
 24 must have a means of stopping its spread, of controlling
 25 it significantly, but we don't have any means, what are

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1 we to do? That debate was absent.
 2 **A.** I think the first part of that debate certainly was
 3 absent, and I wouldn't have encouraged it, in the sense,
 4 as you imply in your question, it would have been
 5 bolting the stable door. That capability couldn't have
 6 been constructed in the time available.

7 There was extensive discussion about what the right
 8 strategy was for dealing with the spread of the virus,
 9 notoriously the squashing the sombrero, which I know
 10 you'll probably want to pursue in more detail. There
 11 was a lot of discussion of that.

12 **Q.** Was there too much focus on strategy, on strategising,
 13 rather than dealing rather more prosaically with the
 14 practical implications of the emerging virus?

15 **A.** We should have been able to do both.

16 **Q.** On 29 January, the Chief Medical Officer, Professor Sir
 17 Chris Whitty, emailed Professor Edmunds of the London
 18 School of Hygiene and Tropical Medicine, and
 19 Professor Ferguson of Imperial College London with
 20 a request to model what could be done to delay the
 21 upswing of an epidemic. Professor Edmunds says in the
 22 course of a fairly lengthy email:

23 "Given the apparent speed of spread, it seems
 24 unlikely that contact tracing and isolation is going to
 25 be effective at buying us much time."

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1 consequences of that knowledge were not fully thought
 2 through?

3 **A.** Or not fully understood, I think.

4 **Q.** Or not fully understood.

5 There was a stocktake meeting between the
 6 Prime Minister and the Secretary of State for Health and
 7 Social Care on 4 February, which you attended.

8 Could we have INQ000146558.

9 The letter from the private secretary to the
 10 Prime Minister, to the DHSC, deals with or sets out the
 11 issues which were debated at that meeting. The letter
 12 appears to indicate that coronavirus was only addressed
 13 by way of a "short update", at which or during which:

14 "... the Prime Minister stressed the need to
 15 continue to explain our stance to maintain public
 16 confidence in the plan. On further travel restrictions,
 17 [the] Secretary of State was engaging ... [overseas]
 18 colleagues ..."

19 And there was a request to "keep Number 10 closely
 20 involved".

21 By virtue of the matters under consideration, the
 22 maintenance of public confidence, what could be done
 23 about travel restrictions and proportionality, the
 24 seriousness of the crisis by 4 February doesn't appear
 25 to be reflected in that debate.

39

1 There was, of course, a basic system for contact
 2 tracing, the First Few 100 cases system, a system by
 3 which travellers and index cases could be tracked --

4 **A.** Indeed.

5 **Q.** -- and the virus suppressed in those particular cases.

6 Did you, as Cabinet Secretary, know, were you told, late
 7 January, early February, that the scientific advice was
 8 that it was unlikely that the existing system of contact
 9 tracing and isolation would buy any more than a short
 10 delay?

11 **A.** I don't recall in exactly those terms, although if that
 12 were contained, for example, in one of the daily
 13 situation reports, the CRIPs, as they became known, then
 14 I might have glanced at it. What I did understand,
 15 I think it was at that time, was the advice that closing
 16 the borders -- obviously there's more to it than that
 17 phrase -- would only have a short -- the effect would be
 18 only a fairly short delay in terms of the spread of the
 19 virus. I seem to recall five days was the number
 20 mentioned. But I wouldn't suggest, Mr Keith, I was
 21 aware of those additional layers to that question.

22 **Q.** And so the reality was, wasn't it, at the highest levels
 23 of government, that the fact of the absence of
 24 a capability, the absence of a practical means of
 25 control was known, but perhaps the ramifications, the

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1 **A.** I think it's the seriousness of the crisis that it
 2 became, but it wasn't apparent at that time. There had
 3 been a Cabinet meeting, I think, on 31 January in which,
 4 if I remember correctly, the Chief Medical Officer, as
 5 well as the Health Secretary, had briefed, certainly the
 6 Health Secretary did, and at that time the advice was
 7 that the probability of a worst case, reasonable worst
 8 case, was about 10%.

9 So I think what you see here is a good summary of
 10 a brief discussion. The purpose of the meeting was
 11 essentially a bilateral about the manifesto plans for
 12 healthcare, as you'll see from the remainder, and the
 13 focus at that time -- and I think this is reflected in
 14 the COBR minutes around that time -- was very much on
 15 travel restrictions and on essentially trying to impede
 16 the virus from reaching the United Kingdom.

17 **Q.** Following the meeting, you entered into a WhatsApp
 18 debate with Chris Wormald, the permanent secretary to
 19 the DHSC -- could we have INQ000292665 -- where you
 20 debate the accuracy of a figure for the deaths that
 21 would occur under the reasonable worst-case scenario.
 22 You say this:

23 "600k deaths? That's twice the number I was given
 24 yesterday. We almost ended up with stupid decisions
 25 being taken in an informal meeting."

40

1 What stupid decisions are you referring to there?

2 **A.** I don't recall exactly. I think my -- I genuinely
3 don't. My concern would have been numbers moving
4 around. 300,000 deaths is an extraordinary number, and
5 every single one of those is an individual tragedy, so
6 it wasn't a question in that sense that 300 was in any
7 sense less significant than 6. But it was that if
8 numbers kept moving around, how much confidence could we
9 have in what we were being told. I don't recall exactly
10 what the decision might have -- might have been.

11 **Q.** The impression that that observation gives,
12 Lord Sedwill, is that you were concerned with decisions
13 that you might construe as being an overreaction being
14 taken, or that there was a decision being taken to
15 respond to the crisis that you felt was inappropriate.

16 **A.** I don't know. I suspect it might have been frustration
17 at numbers moving around and the risk, therefore, that
18 decisions would not be taken in an orderly way if we
19 were being told different -- different things.
20 I don't -- I don't recall exactly what -- what it might
21 have been. I wouldn't -- sorry, I needed to slow down.

22 **Q.** Well --

23 **A.** I wouldn't have expected a substantive decision about
24 managing the virus to be different on the basis of
25 whether it was 300,000 or 600,000 in the reasonable

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1 National Security Adviser, you were extremely familiar,
2 was 820,000 deaths, that was the reasonable worst-case
3 scenario for the worst type of flu pandemic?

4 **A.** Correct.

5 **Q.** So why, given that fact, and given that the government
6 was aware that the infection fatality rate of
7 coronavirus was likely to be around 1%, and that the
8 majority of the population would be infected, were you
9 so sceptical concerning Mr Cummings' assertion that the
10 reasonable worst-case scenario for the number of deaths
11 was higher than that which you had yourself presumed it
12 to be?

13 **A.** I would have been sceptical at almost any random piece
14 of information entering into a meeting that I hadn't
15 seen properly analysed. So, as I said, I don't think
16 the -- that any significant decision would have been
17 different, whether the number were 300, 600 or the 820
18 to which you refer, because all of them require
19 extraordinary measures. As I say, I genuinely can't
20 remember the basis for this, but looking at -- looking
21 at that and knowing the kind of conversation I might
22 have had with Chris Wormald, I would have been worried
23 that a sudden change of number would have triggered
24 a ... a -- you know, an ill considered decision.

25 **Q.** As it happened, and as of course the government knew,

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1 worst case. It was -- it would have been more
2 a question of knowing, frankly, whether we had any
3 confidence about what we were being told.

4 **Q.** May I press you on this --

5 **A.** Please.

6 **Q.** -- Lord Sedwill. You yourself draw a clear distinction
7 between the substantive decision-making process, which
8 you describe as "stupid decisions being taken", and the
9 issue about the correctness of the figures themselves.
10 So this -- the reference to decisions on the face of
11 this communication is not a reference to the validity of
12 the figures, it is to do with the decisions that may be
13 taken as a result of the figures which the government
14 was being provided with?

15 **A.** It's possible, Mr Keith, as I -- this is a very brief
16 WhatsApp exchange where I'm clearly expressing some
17 frustration. I genuinely have no recollection of what
18 the decisions might have been, so --

19 **Q.** All right.

20 **A.** -- it might -- these might have been significant
21 decisions, they might have been insignificant decisions,
22 I simply don't know.

23 **Q.** In relation to the figures, the reasonable worst-case
24 scenario under the government's own National Security
25 Risk Assessment process, with which of course, as the

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1 the infection fatality rate was around 1%. With the
2 population of the United Kingdom being what it is, the
3 absence of control, community spread, and assuming that
4 between 50% to 80% of the population become infected, 1%
5 of that infected part of the population is indeed in the
6 ballpark of the figures that Mr Cummings was referring
7 to. So why -- well, was there a basis -- what was the
8 mathematical basis for questioning his approach? Did
9 you sit down and work out what the figures might be
10 based on the infection fatality rate and the infection
11 rate?

12 **A.** No. As the first message says, "That's twice the number
13 I was given yesterday", so presumably someone doing all
14 of that analysis would have given me the number of 300
15 and, as you see in the response, the Chief Medical
16 Officer, according to the response, thought the
17 reasonable worst case was 1 to 300,000, and I wouldn't
18 have felt qualified to make a simple arithmetic
19 calculation, because a lot, of course, would have
20 depended on -- I know we'll come back to this -- which
21 cohort of the population was infected by the virus and
22 whether it was possible to protect -- quarantine and
23 protect those most at risk.

24 **Q.** Yes.

25 **A.** But that would have been --

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1 Q. This, of course, is a reasonable worst-case scenario --
 2 A. Yeah.
 3 Q. -- based upon population figures as well.
 4 A. Yes.
 5 Q. On the --
 6 A. Certainly that was the -- clearly, from this, that was
 7 a number I was given, presumably from the expert.
 8 Q. On 5 February, the next day, there was a COBR.
 9 INQ000056215.
 10 There were a number of ministers in attendance and
 11 there were a number of officials from Number 10. If we
 12 go over the page I think we can see two officials from
 13 Number 10, Imran Shafi and Sir Ed Lister, as he then
 14 was.
 15 A. Yeah.
 16 Q. Page 5, paragraph 2, provides the update given by the
 17 Chief Medical Officer:
 18 "On average, individuals who had died as a result of
 19 the novel coronavirus had spent between seven to
 20 ten days in hospital before dying ...
 21 "The two most high-risk groups appeared to be the
 22 elderly and those with pre-existing illnesses."
 23 Then this, the fourth bullet point:
 24 "The fatality rate estimate remained at
 25 2-3 per cent."

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1 travel.
 2 Q. At a Cabinet meeting on 6 February -- INQ000056137 --
 3 the Prime Minister cautioned against economic damage
 4 that would be caused by a political overreaction to the
 5 crisis. We can see the attendees on the first page.
 6 A. Yep.
 7 Q. "Summing-up ..."
 8 I am afraid I can't recall which page it is on.
 9 "... THE PRIME MINISTER said that confidence was ...
 10 contagious [as well as a virus], and it was important
 11 that the Government remained measured in its response."
 12 There we go, thank you very much:
 13 "... THE PRIME MINISTER said that confidence was
 14 also contagious, and it was important that the
 15 Government remain measured in its response. The
 16 Secretary of State for Health and Social Care had taken
 17 the right tone. Often the significant economic damage
 18 of a crisis came from political overreaction rather than
 19 the problem itself. This had been true of Bovine
 20 spongiform encephalopathy (BSE)."
 21 The tenor of that Cabinet meeting, therefore,
 22 Lord Sedwill, appears to have been: it's all right, we
 23 mustn't overreact, play it cautious, we mustn't damage
 24 confidence and we mustn't cause economic damage, rather
 25 than focusing on the seriousness of the virus itself.

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1 So in fact quite high, although it doesn't say
 2 whether that is the infection fatality rate or the case
 3 fatality rate, and they're different because it depends
 4 on whether you're drawing a ratio against --
 5 A. Indeed.
 6 Q. -- the population as a whole or just those persons who
 7 happen already to be infected.
 8 This COBR meeting again is notable for the absence
 9 of any sophisticated debate about the absence of
 10 control, control mechanisms to stop the spread of the
 11 virus from the United Kingdom, once it leaves China.
 12 You would say presumably that level of information was
 13 simply not provided by the experts who were providing
 14 the information to COBR?
 15 A. I don't know. I think the experts would have provided
 16 quite extensive information, these COBRs tended to have
 17 quite an extensive pack as part of the reading for them,
 18 the CRIP, the situation update, et cetera, and that
 19 would contain SAGE, the latest SAGE advice and analysis.
 20 I recall those were quite extensive documents, and
 21 I think some of them have been referenced by
 22 the Inquiry. So my presumption is not that the
 23 information was there, but that the focus of the COBR
 24 was on the immediate measures to be taken, and at that
 25 stage, in early February, it was still very much on

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1 A. Well, you see how the Prime Minister summed that up
 2 following a Cabinet discussion. I think again this goes
 3 to the point I made earlier, I'm just trying to explain
 4 it really, is this foreground/background point, that if
 5 you look earlier in that Cabinet minute it is still the
 6 case that the scientific advice is essentially
 7 suggesting that the worst-case scenario is unlikely, is
 8 indeed very unlikely, and so that undoubtedly will have
 9 informed the way ministers were thinking about this.
 10 And the Prime Minister, in that summary, is trying to
 11 balance the tensions.
 12 MR KEITH: My Lady, is that a ...
 13 LADY HALLETT: You say that the members of the Cabinet were
 14 focusing on the worst case, but if the worst case is
 15 800,000 deaths, a bad case, which isn't the worst case,
 16 could be 500,000 deaths, so I'm not understanding why
 17 there's always this focus always on the reasonable
 18 worst-case scenario, how about a fairly predictable
 19 scenario --
 20 A. I think that is right --
 21 LADY HALLETT: -- where lots of people will, sadly, die?
 22 A. I think that is right, my Lady, and I think there is
 23 a question here about -- I think as Mr Keith touched on
 24 earlier, about whether focusing on reasonable worst case
 25 skews the analysis and discussion.

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1 One of the things we tried to do in the national
2 security arena was to look at a range of scenarios. You
3 can't do too many because it becomes unmanageable, but
4 we'd look at reasonable worst case, essentially a best
5 case, and then a sort of a minimum acceptable, if you
6 like, in order to do that. And I think we do need to
7 look at the way that we address some of these kind of
8 crises.

9 I don't think Cabinet -- the point I was making,
10 my Lady, was not that Cabinet was focused on the
11 reasonable worst case, the COBR process clearly was, and
12 in terms of the measures that might need to be taken.
13 Cabinet was essentially being briefed not on a scenario,
14 but on what the situation was at that time, and the
15 probability that something like the reasonable worst
16 case was still very unlikely.

17 As you say, had that briefing suggested that the
18 probability of a quarter of the number of casualties was
19 significantly higher, I think that would have changed
20 the way that ministers thought about it.

21 **LADY HALLETT:** But no one put to ministers: don't think
22 about the reasonable worst-case scenario, think about
23 asking me, if I'm the adviser, say, what is the
24 probability of this virus coming to the UK and causing
25 an awful lot of unnecessary deaths? Isn't that the

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1 **LADY HALLETT:** Mr Keith.

2 **MR KEITH:** Lord Sedwill, the Inquiry has received evidence
3 that between 14 February and 24 February the
4 Prime Minister was, for part of that time, in Chevening,
5 and returned to Downing Street on two or three
6 occasions; he continued to receive boxes, notes and the
7 like, but that there were no emails or notes relating to
8 coronavirus provided to him during that time, that
9 ten-day period; there were certainly no COBRs convened
10 to do with coronavirus, there was no Cabinet meeting and
11 no strategy meeting.

12 Were you conscious at that time of the drop in the
13 tempo of government relating to the coronavirus crisis?

14 **A.** Not the absence of a -- of COBR meetings, for example.
15 I would have expected that to continue. That would have
16 been a Parliamentary recess. It was -- it would have
17 been natural for other business, as you say, the tempo
18 to drop, but I would have expected the work to continue.

19 **Q.** It does rather appear as if the rate of work dropped.
20 There don't appear to have been many strategy papers
21 produced in that time, if any, any notes from the Civil
22 Contingencies Secretariat. SAGE continued, but there
23 doesn't appear, at the higher level of government, to
24 have been much by way of a throughput of work on
25 coronavirus for those ten days. That's rather

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1 probability factor one should be looking at, not the
2 reasonable worst-case scenario probability?

3 **A.** Exactly, you put it very well, I think. I think we're
4 making the same point, that the -- there was too much
5 focus, including in the briefings to Cabinet, on the
6 reasonable worst case rather than from the deep experts,
7 "Here's what I think will happen".

8 **LADY HALLETT:** Yes, exactly.

9 **MR KEITH:** And it's the same dichotomy, isn't it, reflected
10 in that briefing in the second COBR from the Chief
11 Medical Officer? He says:

12 "This is the reasonable worst-case scenario, however
13 in reality the real scenarios are the following ..."

14 And that dividing line blurred throughout the course
15 of this time.

16 **A.** Indeed, Mr Keith, and if you look at -- it was set out
17 in that meeting, but not in those terms in some of the
18 Cabinet and other meetings of that ilk.

19 **LADY HALLETT:** Thank you very much. We'll break now.

20 I hope you were warned that we take regular breaks.

21 **THE WITNESS:** Indeed.

22 **LADY HALLETT:** I shall return at 11.30.

23 **(11.15 am)**

(A short break)

24 **(11.30 am)**

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1 regrettable?

2 **A.** I would have expected it to continue, yes.

3 **Q.** On 28 February, the Civil Contingencies Secretariat
4 produced a paper.

5 INQ000182331.

6 It's a paper to the Prime Minister from the head of
7 the Civil Contingencies Secretariat, Katharine Hammond.
8 In paragraph 1 she said:

9 "Covid-19 looks increasingly likely to become
10 a global pandemic, although this is not yet certain."

11 Certainty of a global pandemic was not really the
12 threshold, though, was it?

13 **A.** No, I presume that reflected the expert advice she was
14 receiving.

15 **Q.** The approach in the United Kingdom is "currently to
16 contain the small number of cases here and reassure the
17 public".

18 The approach may have been that, but the practical
19 means to do so were, as you have agreed, absent, were
20 they not?

21 **A.** The kind of measures that were available to East Asian
22 countries, as we've discussed, were not available.

23 I think -- so this was essentially reflecting the
24 overall approach, as you see the underlying -- the
25 underlinings there of "contain, delay, mitigate", so

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1 I presume she's reflecting there the overall -- what one
 2 might call the overall "contain" framework for that
 3 phase of dealing with the pandemic.

4 **Q.** There is there, is there not, an acceptance that the
 5 virus cannot be stopped from entering the
 6 United Kingdom, that it will spread, and that all that
 7 can be done is to delay the onset of the peak and
 8 mitigate the worst aspects of it?

9 **A.** Indeed.

10 **Q.** Paragraph 6, and this goes back to my Lady's point
 11 concerning the reasonable worst-case scenario debate,
 12 quite detailed information is given about what the
 13 reasonable worst-case scenario is, and the detail of
 14 that information makes absolutely plain that, whilst it
 15 is still described as the reasonable worst-case
 16 scenario, this is what is going to happen.

17 **A.** I don't think it was completely clear that this was what
 18 was going to happen at that point. I think at the same
 19 time, I think it is in one of the two witness
 20 statements, there's a conversation between the Chief
 21 Scientific Adviser and the Health Secretary which still
 22 says the probability of the reasonable worst case is
 23 about 1 in 5.

24 But to go to the point you've made, and my Lady made
 25 just before the break, I think one of the lessons of

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1 So the numbers that might die would depend on the
 2 policy response.

3 **Q.** But the whole point behind the mitigation strategy was
 4 to squash the sombrero, to squash the peak, to delay the
 5 peak, to level it off. Whichever way you cut it, there
 6 were going to be vast numbers of dead.

7 **A.** It was -- that was what the scientific advice told us,
 8 and the question about flattening out the peak was
 9 partly about seeking to push that into the summer months
 10 when the virus would be -- the advice was the virus
 11 would be less deadly, and to ensure that those who had
 12 a serious case could be managed, the NHS had the
 13 capacity to manage those who had a serious case, and
 14 thus minimise the number of deaths through treatment,
 15 et cetera.

16 **Q.** The fatal sombrero would still be there, it would only
 17 be squashed?

18 **A.** Indeed, Mr Keith, the -- it was -- the scientific advice
 19 was, as we've, I think, both said, that not that the
 20 virus could be stopped, but that its spread and serious
 21 incidence could only be managed.

22 **Q.** That therefore being the case, Lord Sedwill, why at this
 23 date, on 28 February, were not levels of alarm raised
 24 higher than they were?

25 **A.** They should have been.

55

1 this is that we shouldn't be overfocused on reasonable
 2 worst case, we should be focused on the range of cases
 3 and the likelihood of impact.

4 **Q.** But it's more stark than that, Lord Sedwill. If the
 5 author of this report is recognising that all that can
 6 be done is that the peak will be delayed and the worst
 7 part, the worst aspects, the worst impact of the
 8 pandemic mitigated, then there is, is there not,
 9 a recognition that large parts of the population will
 10 indeed be infected and a huge number of people will die?

11 **A.** The first part is clearly true, and that reflected the
 12 scientific advice at the time. No one had immunity;
 13 there was therefore, as I think I mentioned earlier,
 14 a presumption that it would spread through the
 15 population and, as this says, infect 80%.

16 Whether -- the number of deaths, of course, would
 17 depend on how we managed it, and that brings us to
 18 questions around alternative strategies, to lockdowns
 19 and so on, because what was also clear by this point was
 20 the differential impact on different cohorts. We
 21 touched on that earlier, but I think, if I remember
 22 rightly, the -- for example, the mortality among those
 23 infected who were over 80 was 8% or more, the mortality
 24 among children infected was still at 0%, that doesn't
 25 mean zero, but 0%.

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1 **Q.** Right.

2 Was it, as some witnesses have suggested, just that
 3 elements of the government just believed it wasn't going
 4 to happen, that there was optimism bias?

5 **A.** That is a fair point. I think it's hard, looking back,
 6 to recall quite how extraordinary were the measures we
 7 later took. They were unconscionable at the time. And
 8 therefore I think your point about the instinctive human
 9 reaction is true. I think it's also the case -- sorry,
 10 I'm probably going too fast, I apologise.

11 I keep trying to remember to slow down.

12 I think it was also the case at the end of February,
 13 the number of cases in the UK was, on the data
 14 available, still very small, I think 19 on the 28th,
 15 although I believe it was actually about four times
 16 that, but at the time they believed that.

17 So one can understand how non-experts not familiar
 18 with exponential movement might have misunderstood the
 19 pace at which the disease was moving.

20 **Q.** Did you speak to the Prime Minister directly in the
 21 first week of March about the level, the necessary level
 22 of alarm that was required to be raised, about how
 23 serious this problem was?

24 **A.** I don't recall any specific discussion, but I -- but
 25 there were meetings in the first week of March.

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1 I would -- I was certainly in those meetings with the
2 Prime Minister, and so we would have discussed all of
3 that. I can't -- I couldn't tell you exactly what
4 comment I might have made. I would normally leave that
5 to the Chief Medical Officer, the Chief Scientific
6 Adviser, to set that out, but I might well have done so.

7 **Q.** In terms of his general response, evidence has been
8 received by the Inquiry to the effect that he expressed
9 the view that he didn't think it was a big deal, he
10 wasn't sure anything could be done, it might be like
11 swine flu. Regardless of the individual words
12 purportedly used, what was the general tenor of his
13 reaction?

14 **A.** I think that's he is an optimistic person, I think that
15 optimism bias you mentioned a moment ago probably did
16 reflect his overall stance at that point.

17 **Q.** On 3 March the government published its sole action plan
18 for the handling of Covid, called the Covid action plan,
19 INQ000182380.

20 We know from paragraph 3.9, the page for which
21 I regret to say I can't recall, that it provided for
22 a series of steps or stages: contain, delay, mitigate.

23 Helen MacNamara in her witness statement says:

24 "In retrospect this is an extraordinary document,
25 given that so many of the assertions about how well

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1 from text messages or WhatsApp messages he sent, it's
2 clear that the Civil Contingencies Secretariat had not
3 been able to, firstly, provide a central plan other than
4 this action document, or been able to obtain plans from
5 the other line departments and provide them to
6 Number 10.

7 That was a serious error or serious flaw, was it
8 not?

9 **A.** The CCS, the secretariat, wasn't resourced to hold all
10 of these plans across many departments, the -- the
11 governing concept was of lead government departments who
12 were responsible not only for their own plans but for
13 ensuring that other departments who would be supporting
14 them on a risk area for which they were responsible had
15 plans in place.

16 The fact that CCS were asking for plans and they
17 were not being received was a -- clearly an indication,
18 as Helen MacNamara set out, that the operational plans
19 sitting behind this published plan were not in the right
20 shape.

21 **Q.** Line departments had plans for their own internal
22 governance, how their own departments should be
23 reorganised or recalibrated to deal with those parts of
24 government which, in the face of the crisis, would need
25 to be managed. But there were no central overall plans

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1 prepared we were would turn out to be wrong only weeks
2 later."

3 Would you agree?

4 **A.** Yes.

5 **Q.** Would you also agree that by the date of 3 March control
6 had, in reality, already been lost?

7 **A.** We didn't understand that at the time, but -- and indeed
8 that wasn't the advice I think SAGE gave us at the
9 time -- but, given what we discovered only ten days --
10 less than ten days later, then the disease must have
11 been moving faster and was more widespread than we knew
12 at that time, yes.

13 **Q.** SPI-M-O had on the day before, 2 March, formally
14 confirmed that there was sustained community
15 transmission in the United Kingdom. So it was known.
16 Why wasn't the government aware when it published this
17 document that control had been lost by virtue of the
18 sustained community transmission?

19 **A.** That message can't have been communicated through the
20 system properly to the top of government.

21 **Q.** Evidence has been given also to the Inquiry that around
22 this time the Cabinet Office and Number 10 in particular
23 tried to ascertain what there was by way of planning
24 from line departments, from other government
25 departments, and the emails sent from Mr Cummings, and

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1 held by the Cabinet Office or Number 10 or anywhere else
2 saying, "This is what we need to do, this is what we
3 should do to address this emerging crisis"?

4 **A.** No, that's correct. Departments would have to have --
5 would be required to have two sets of plans. My letter
6 to heads of departments is essentially a reminder to
7 them -- a few days later, was a reminder to them of
8 that.

9 First is their own business continuity plans,
10 managing their own operations, ensuring they can still
11 provide the public services for which they're
12 responsible, notwithstanding the impact of the crisis,
13 so being able to operate with 20% staff absences,
14 et cetera. But they're also required to have plans for
15 their sectors. And of course those aren't operational
16 in quite the same way, but in support of the lead
17 department, which is required to hold the overall plan.

18 **Q.** The DHSC had no plans sectorally for those areas of the
19 country and those areas of government for which it was
20 responsible, and the Cabinet Office had no plans or
21 documents which co-ordinated the plans from the line
22 departments, brought them together or refined them, did
23 they?

24 **A.** No. And that is one of the lessons, I think, of this
25 period of the crisis.

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1 **LADY HALLETT:** Can you explain, Mr Keith, what you mean by
2 "no plans sector equally".

3 **MR KEITH:** Lord Sedwill, you will do it far better than I.
4 Is this the position, that a department might,
5 for example, say, "Well, in a crisis we need to have
6 a plan for how we recalibrate our staff, our working
7 arrangements, how we set up a crisis response machinery
8 inside our department, and this is how we, the
9 department, operate", but it is also responsible,
10 sectorally, for, in the case of the DHSC, the NHS or the
11 care sector, ie there is an additional responsibility to
12 draw up plans across the wider parts of government in
13 those areas sectorally for which that department is
14 responsible?

15 **A.** Correct, Mr Keith, and I think your example of the
16 social care sector is particularly pertinent because of
17 the fragmented nature of that sector. DHSC had
18 oversight of it but no direct control, and it's provided
19 through a mixture of public and private, national,
20 local, third sector, et cetera. So a complex sector.
21 I suspect we may come back to this point. But the
22 contingency planning should have covered that sector,
23 even though it wasn't directly within the department's
24 responsibility.

Department for Work and Pensions, to take

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1 If we then go down to page 2, we can see that
2 Mr Sweeney says in the last line of that email:
3 "PRIVATELY, Mark has called this meeting because he
4 is concerned about (a)."

5 Are you Mark?

6 **A.** Yes.

7 **Q.** What was your concern about the absence of a proper
8 means by which these various threads could be drawn
9 together for the benefit of the decision-makers?

10 **A.** I was conscious by that point that -- and perhaps,
11 I think, almost certainly should have been earlier --
12 that the CCS and COBR machinery couldn't bear the weight
13 of the whole-of-government effort that this now
14 required, and therefore wanted the whole Cabinet
15 secretariat essentially to, putting it bluntly, drop
16 everything or drop nearly everything else and get on to
17 this. So that's why I would have called that meeting
18 and I think that's what Mark Sweeney is referring to.

19 **Q.** The CCS and COBR are, of course, within the
20 Cabinet Office?

21 **A.** Indeed, they're part of the secretariat, but there's
22 much -- there's a lot else too.

23 **Q.** Their failings were failings of the Cabinet Office, were
24 they not?

25 **A.** I wouldn't describe their -- their failures, they

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1 a different example, would have a plan for continuing to
2 be able to pay benefits.

3 **Q.** In terms of the civil contingencies obligations upon
4 that government, the complete absence of
5 whole-government plans dealing with the various parts of
6 the country that would be impacted by this virus was
7 a very serious flaw indeed, was it not?

8 **A.** Indeed. And when we realised that about a week later,
9 as you've said already, Mr Keith, we had to take
10 extraordinary action to ensure that plans and programmes
11 of that kind were put in place and at speed.

12 **Q.** In an email dated 5 March -- INQ000285989, page 1 and
13 then 2 -- Mark Sweeney, who was a director general in
14 the Cabinet Office, says at (a):

15 "- I think Secretariat role here beyond CCS has
16 three aspects:

17 "(a) making sure that the various social, domestic
18 and economic policy decisions flowing from Covid-19 are
19 prepped and taken in a sensible way."

20 So Mr Sweeney appears to be saying, basically, there
21 are a large number of extremely complex moving parts to
22 this crisis and there has to be some way of preparing
23 for bringing them together and enabling the
24 decision-makers to draw the threads together to make the
25 best possible decisions.

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1 were -- they did not have the capability and capacity to
2 do what by then was required. And of course that's part
3 of the Cabinet Office and its overall response, I accept
4 that.

5 **Q.** Their very function was to be able to respond
6 effectively, speedily, to whatever crisis might befall
7 the nation, they are the government's primary crisis
8 machinery elements. They could not cope with the crisis
9 that they were confronted with?

10 **A.** They could not cope with a crisis that -- of this scale,
11 by that point. This was a once in a century event.
12 They had -- they were essentially designed, as I think
13 you've heard from other witnesses, to deal with more
14 limited, more time-bound crises, whether those were
15 national security issues or floods, et cetera, and by
16 this stage it was clear that this was of a wholly
17 different magnitude and beyond CCS's capacity and
18 capability.

19 **Q.** You know -- and you were, of course, the National
20 Security Adviser -- that the Tier 1 risk in the
21 government's own National Security Risk Assessment
22 process is a serious pandemic causing a reasonable
23 worst-case scenario of 820,000 deaths. They knew that
24 the most important, the most serious risk of all was
25 this risk. Why were they not ready?

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1 A. They didn't -- they didn't have the capacity to deal
2 with this on their own at this scale, and so if I think
3 about other issues that CCS have dealt with, it is
4 normal that they will support the government through the
5 initial phase of a crisis. For example, the Grenfell
6 fire, a much, much more limited issue, that was dealt
7 with in COBR by CCS, but the response was then handed
8 over to the Department for Communities and Local
9 Government, as the lead department for issues of that
10 kind, fairly swiftly.

11 A crisis of this scale, one would expect the same to
12 happen, because CCS need to retain capacity in case
13 there's a concurrent crisis. So it isn't the case that
14 CCS would be expected to run this all the way through,
15 one would normally expect it to move to a lead
16 department. And of course COBR was chaired by the lead
17 secretary of state. By this stage it became clear and
18 should have become clear to me as well as others
19 earlier, and in the end this is my responsibility, that
20 we needed to reinforce the machinery at the centre of
21 government in order to deal with a crisis of this scale
22 and speed.

23 Q. Lord Sedwill, with respect, it wasn't an issue of the
24 CCS and COBR not being able to run the whole crisis or
25 run it all the way through. In the beginning stages of

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1 services, economic and business response, and
2 international?

3 A. Yes.

4 Q. There is an email between, I think, yourself and
5 Mr Lidington, the deputy principal private secretary to
6 you.

7 INQ000285996, page 2.

8 We can see there an email from Mr Cummings saying:

9 "We need 815 no10 meeting in CAB room [in the
10 Cabinet Office room], chaired by me or lee
11 [Lee Cain] ..."

12 And then he goes on to say --

13 A. Yeah.

14 Q. -- that that morning's meeting had involved a lot of
15 people "baffled about POLICY and unable to make
16 decisions or even knowing who is in charge of key policy
17 areas".

18 You respond to this suggestion from Mr Cummings as
19 to who is going to chair this meeting on page 1:

20 "Mark Sedwill [middle of the page]: OK. Fine for
21 Mark S ..."

22 That must be Mark Sweeney?

23 A. Indeed.

24 Q. "... etc to go, but we are not running a dictatorship
25 here and the PM is not taking nationally significant

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1 the crisis, the machinery of government dealing with
2 crises was unable to cope with the very Tier 1 risk
3 which it had been enjoined for years to be able to
4 address. It had no real whole-government plans. It
5 failed to understand that there was an absence of
6 control, that the virus would inevitably come, and there
7 were no practical means of stopping it. None of those
8 issues were addressed by the very crisis machinery
9 designed to address them.

10 A. The crisis machinery would not have realised -- at the
11 time the people involved would not have realised that at
12 that time. And I think -- I don't know whether you want
13 to come on this, I think you may want to come on to
14 lessons learned later, but I would draw some of those,
15 I would draw some other lessons as well, about
16 preparedness going into this crisis and capability going
17 into this crisis, which certainly I -- and, I don't
18 think, the government as a whole -- didn't appreciate at
19 the time.

20 Q. On 13 March you submitted advice to the Prime Minister
21 recommending changes to the machinery of government.
22 Was that the advice which recommended the institution of
23 meetings daily at 9.15 and also the setting up of what
24 we've heard are the ministerial implementation groups,
25 the four groups dealing with health, general public

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1 decisions with a bunch of No10 SpAds and no ministers,
2 no operational experts and no scientists. If necessary,
3 I will take over the 8:15 slot and chair a daily meeting
4 myself."

5 Might your concern have been generated more by
6 issues of process and form rather than substance?
7 Mr Cummings was plainly concerned that there needed to
8 be a properly run, properly managed and effective
9 meeting to get on top of this terrible crisis.

10 A. No, it wasn't about process, it was about making sure
11 that decisions taken were taken with the right input,
12 and as you see -- I'd completely forgotten I'd written
13 this email, Mr Keith, but it expresses pretty pungently,
14 I accept, my view about collective government.

15 Q. Was it in your mind when you recommended this change of
16 machinery of government to the Prime Minister that the
17 devolved administrations could play a proper role in the
18 crisis response and engage with the United Kingdom
19 Government at these meetings, or at least part or some
20 of these meetings?

21 A. That was very important to me. One of the things I'd
22 made a priority as Cabinet Secretary was strong
23 relationships, both institutional and personal, with the
24 devolved administrations. I'd spent time with each of
25 their First Ministers, always told them I was their

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1 Cabinet Secretary as well, they should think of me as
 2 supporting them as well. And so I did want to ensure
 3 that the MIGs, for example, contained the devolved
 4 administrations, recognising that different decisions
 5 were taken in different jurisdictions, but clearly the
 6 more collaboration and co-ordination the better.

7 **Q.** And so that the Inquiry may understand the position
 8 correctly: the devolved administrations were invited to
 9 attend the ministerial implementation groups; was that
 10 a right or was that an invitation?

11 **A.** It would be an invitation. Cabinet committees do not
 12 normally involve devolved administrations, for obvious
 13 reasons. They weren't included routinely in the
 14 international one because that's an entirely reserved
 15 matter, but they were asked to join the others. And the
 16 expectation was that they were included, it wasn't just
 17 they would be invited ad hoc, they were part of that
 18 process, that's -- that was very much the intention.

19 **Q.** After 13 March, COBR still continued to convene, did it
 20 not, therefore may we presume that the devolved
 21 administrations continued to attend COBR whenever it sat
 22 thereafter?

23 **A.** Indeed. That -- by then COBR was taking place -- was
 24 being hosted, from the Cabinet Room usually, on Zoom or
 25 Teams, and the devolved administrations would routinely

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1 striking. It became paradoxically more difficult later
 2 when the difficulty of the decisions was considerably
 3 less acute than it was at that phase going into the
 4 first lockdown. And the point I was making was these
 5 were rival political parties, a Conservative government
 6 in London, a Labour administration in Cardiff, Scottish
 7 Nationalists in Edinburgh and, of course, a coalition in
 8 Northern Ireland, with very different perspectives and,
 9 as I knew from my experience with them, very different
 10 personal governance styles by the First Ministers.

11 So actually I think in that phase of it, the
 12 alignment and willingness to align was striking. It
 13 became higher friction later.

14 **Q.** There were obviously a wide range of decisions that
 15 the United Kingdom Government had to take, ranging from,
 16 as it transpired, the decision to impose the first
 17 national lockdown, but also, in the week beforehand,
 18 a decision about the closure of schools, the social
 19 restrictions short of a lockdown, and there were also
 20 issues about public communications.

21 The evidence appears to indicate that there were
 22 particular frictions revolving around public
 23 communications, because of course the United Kingdom
 24 Prime Minister, when he addresses the nation, is bound
 25 to have an impact on all parts of the nation. And

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1 be there. And in fact, although the shorthand we've
 2 used for it is COBR, actually if you look at the minutes
 3 of it we called it the "C-19 Ministerial", I think, and
 4 we'd essentially created the Cabinet committee structure
 5 around it.

6 **Q.** Was there also a third process by which the Chancellor
 7 of the Duchy of Lancaster would meet with members of the
 8 devolved administrations periodically?

9 **A.** Yes. It was one of his ministerial responsibilities and
 10 he'd also developed political relationships with the
 11 devolved administrations and so that was something he
 12 took on.

13 **Q.** Your statement recognises that there were occasional
 14 frictions in the relationship between the United Kingdom
 15 Government and the devolved administrations, due firstly
 16 to the structures and styles of governance within the
 17 United Kingdom and, secondly, what you describe as the
 18 differing perspectives of the individual devolved
 19 administrations.

20 What is the Inquiry to make of that degree of
 21 tension? Ultimately, did the United Kingdom and the
 22 devolved administrations speak from a relatively uniform
 23 position? Were they broadly in alignment? How much did
 24 that degree of tension or friction matter ultimately?

25 **A.** I think in that phase of the crisis the alignment was

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1 secondly, there was an issue about the closure of
 2 schools, because of course schooling is a devolved
 3 matter.

4 But in relation to the heart of the decision-making
 5 that the government had to engage in, the lockdown
 6 decision, was there any significant or any degree of
 7 divergence?

8 **A.** I don't recall any degree of divergence. I think the
 9 points you make about communications and schools are
 10 correct, and it's worth just recalling that we didn't
 11 call it "lockdown" at that time. What we've now come to
 12 know as lockdown essentially came in two tranches, one
 13 on 16 March, which was largely voluntary and advisory,
 14 about isolation, social distancing, working from home,
 15 and then subsequently the full stay-at-home message,
 16 which we then came to know as lockdown, about a week
 17 later. And the devolved administrations and government
 18 in London essentially all moved in lockstep through
 19 that, through those two decisions.

20 **Q.** The Inquiry is aware that of course the 23 March
 21 decision was a decision requesting the country to stay
 22 at home, but it was of course one that was backed by
 23 force of law.

24 **A.** Indeed.

25 **Q.** That is why it's the lockdown decision.

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1 A. Yeah. Exactly. All I'm saying, Mr Keith, is we
 2 didn't -- I don't think at the time, if you look at the
 3 papers at the time, we didn't use the word "lockdown" --
 4 Q. No, indeed.
 5 A. -- until afterwards, when all of these had come
 6 together.
 7 Q. Indeed you did not.
 8 Without going into the detail of the change in
 9 strategy, the evidence shows that there was an emerging
 10 understanding that the mitigation strategy would lead to
 11 the NHS being overwhelmed, and an emerging understanding
 12 that the squashing of the sombrero, the levelling off of
 13 the highest part of the peak, an attempt to delay the
 14 peak, would lead the country into the abyss, and it was
 15 necessary to apply much harsher, more stringent
 16 suppression measures to really get on top of the virus
 17 and to control it.
 18 Would it be fair to say that you were concerned
 19 about the change in strategy?
 20 A. Yes, I didn't see it at the time as a switch, as we've
 21 heard, from plan A to plan B. That SAGE had essentially
 22 said a week or so before, I think, that certain
 23 measures, those taken on 16 March, would be necessary.
 24 Their own data coming up through the formal system said
 25 in that first week of March that the disease was wider

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1 A. There was a change. As I say, I understood it at the
 2 time as an acceleration and intensification of measures
 3 that SAGE had already alerted us would be necessary
 4 rather than a switch from plan A to plan B, but there
 5 was -- yes, there was, of course, a change, it's whether
 6 it was a complete change or, as I say, an acceleration,
 7 et cetera.
 8 Q. Was it in the context of that change, Lord Sedwill, that
 9 you made your reference to chickenpox parties? Which,
 10 out of fairness, I must ask you about --
 11 A. Of course.
 12 Q. -- because you've heard the evidence about it. It's
 13 important that you have the opportunity of saying
 14 whatever you want to say about the context in which that
 15 remark was made.
 16 A. Well, that remark was made before the meetings of 13 to
 17 16 March and the change of approach, the ... and
 18 I should say at no point did I believe that coronavirus
 19 was only of the same seriousness as chickenpox, I knew
 20 it was a much more serious disease. That was not the
 21 point I was trying to make. And as soon as I realised,
 22 I think, from Ben Warner's reaction, that that's what he
 23 thought I was suggesting, I dropped it because
 24 I realised the analogy was causing confusion.
 25 Q. Were you seeking to make a different point, which is

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1 spread and accelerating faster than they believed, and
 2 so through that process there was essentially -- what
 3 I understood to be the case was -- apologies if
 4 I haven't quite remembered the word you used, but
 5 essentially an acceleration, an intensification of the
 6 measures to stamp down harder on the progression of the
 7 disease to keep serious incidents within the NHS's
 8 capacity to cope.
 9 In parallel, the team in Number 10 reached the same
 10 conclusion and essentially took the Prime Minister
 11 through to that, but the formal decisions were taken on
 12 the basis of the SAGE evidence, et cetera, in a UK COBR
 13 I think on the evening of 15 March.
 14 Q. But there was a change, was there not? There was
 15 an understanding that herd immunity, which was
 16 a necessary part of a mitigation strategy, could not,
 17 would not work because it failed to apply the necessary
 18 degree of control?
 19 A. By that stage, clearly, because the disease was so much
 20 more widespread through the population, the question of
 21 alternative approaches, whether suppression and control,
 22 that we've talked about, or a segmentation approach,
 23 were no longer practicable, even if they had been, and
 24 so therefore that was the only option available.
 25 Q. So there was a change?

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1 that: were people to be allowed to become infected with
 2 chickenpox, they would therefore be allowing themselves
 3 to become vulnerable to a virus, and -- that particular
 4 virus -- and in the context of coronavirus if the policy
 5 being pursued is one of herd immunity, whereby putting
 6 aside those people who were necessarily shielded or
 7 segmented, the remainder of the population would
 8 necessarily be infected, that that was simply
 9 a recognition of the reality of that strategy?
 10 A. That's a fair summary, Mr Keith, I was essentially
 11 trying to address this question we've touched on several
 12 times, which was the judgement that it was inevitable
 13 that the virus would spread through the population, and
 14 what I was trying to examine was: was there a way of
 15 managing that, given its highly differential impact,
 16 that ensured that it spread through those for whom the
 17 disease was likely to be unpleasant rather than
 18 dangerous, and that we could quarantine and shield those
 19 for whom it would be dangerous?
 20 If I may, though, there's a point I might just make
 21 to the families. These were private exchanges, and
 22 I certainly had not expected this to become public, and
 23 I understand how, and in particular the interpretation
 24 that's been put on it, that it must have come across
 25 that someone in my role was both sort of heartless and

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1 thoughtless about this, and I genuinely am neither, but
 2 I do understand the distress that must have caused and
 3 I apologise for that, because it certainly wouldn't have
 4 been my intention, and of course I wasn't the one who
 5 made it public.

6 **Q.** During this change, as I have suggested to you, or
 7 acceleration, as I think you would prefer to put it,
 8 there were two particular WhatsApp messages sent by
 9 Mr Cummings to Mr Johnson -- we won't put them up but
 10 they're dated 12 and 14 March, you know which ones they
 11 are -- in which they debate and appear to agree that the
 12 Cabinet Office and you personally were off the pace.
 13 The context in which those emails arise is plainly
 14 a debate about whether or not you personally had
 15 understood the seriousness of the crisis.

16 So against the context, against the background, or
 17 in the context or against the background that there was
 18 an acceleration of understanding or a change in
 19 strategy, however you put it, might it have been the
 20 position, Lord Sedwill, that you were slower to
 21 appreciate the seriousness, the terrible predicament
 22 that the country was in than some others in
 23 Downing Street and the Cabinet Office?

24 **A.** It is possible. It is also possible that I would
 25 have -- I might have created that impression. I think

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1 and I needed to try to lead those people through this
 2 extraordinary and terrifying moment.

3 I can understand, therefore, to some who were not
 4 taking that approach, it might have seemed I was off the
 5 pace.

6 **Q.** In any event, it is a poor reflection of the resilience
 7 of the system at the heart of government that the
 8 Prime Minister and his chief adviser should have made
 9 such claims at all against the Cabinet Secretary. He is
 10 the Prime Minister's Cabinet Secretary.

11 **A.** The government's Cabinet Secretary.

12 **Q.** The government's Cabinet Secretary.

13 **A.** I'm not sure it's a poor reflection on the resilience or
 14 whether it's just a reflection of the stress that those
 15 key players were under. You'd have to ask them.

16 **Q.** Does what you have said about the fact that you wanted
 17 to try to lead and perhaps reduce the level of tension
 18 and pressure and try to keep a grip on the system, does
 19 that all explain why Sir Patrick Vallance had said
 20 repeatedly in his dairies that at a meeting, which we
 21 assess must have been one of the meetings on Sunday
 22 15 March, that you were furious, alternatively gave him
 23 a very sour look, alternatively gave him an evil eye,
 24 when Sir Patrick Vallance advocated strongly the change
 25 in strategy or, as you would say, the acceleration?

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1 the -- the WhatsApps you refer to came after a telephone
 2 call I had with the Prime Minister over that weekend,
 3 and after he'd had a session, which I hadn't attended,
 4 with his inner circle, of which they had discussed this
 5 switch from what they called plan A to plan B, and of
 6 course I hadn't caught up with that because I wasn't
 7 aware of it, and so I guess that might have been behind
 8 some of that.

9 But I think there's another point here I think it's
 10 just worth noting about how I saw my role particularly
 11 at that time. I felt I had to provide leadership to
 12 a system that was on the edge of panic at that point,
 13 and I didn't have the luxury of, even in private,
 14 saying, "We're doomed, the system's broken, everyone is
 15 useless", because even if I'd said that in private it
 16 would have spread across the system and risked causing
 17 panic. So what I saw my job as was to provide -- to
 18 stay calm, no matter -- notwithstanding my own
 19 anxieties, but to stay calm and to project confidence --
 20 not overconfidence, but confidence -- in the people who
 21 were working their way through this that we would find
 22 a way through. Because I was very conscious that even
 23 the most resilient people would be facing pressure at
 24 home and pressure at work, and if those two things come
 25 together even the most resilient people can struggle,

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1 **A.** I certainly don't remember being furious, and I can't
 2 speak for -- of course he didn't tell me at the time
 3 that I pulled a face, so I can't really speak for that.
 4 I'm a diplomat so we try to maintain some control over
 5 our facial expressions. And I wasn't furious, I think
 6 I did -- I probably did feel -- I was worried about
 7 confusion. We had essentially two things coming
 8 together on that Sunday, as we've touched on already.
 9 First was this sense from the Prime Minister's own team,
 10 and it's to their credit they realised this, you heard
 11 from Ben Warner a few days ago, that the disease was
 12 moving faster and was more widespread than we had
 13 believed, and they took the Prime Minister through that
 14 in private in the normal way, and talked about
 15 a complete change of strategy, and then the formal
 16 process, as I've said, the SAGE process coming up
 17 through the Chief Scientific Adviser, was really talking
 18 about bringing forward measures that they had already
 19 said would be needed within a matter of weeks.

20 I guess I would be -- I was worried as we went into
 21 the formal meetings that we needed to impose some order
 22 on that. So if it looked disorderly, I guess I might
 23 well have pulled a face.

24 **Q.** Might it have been that you were unimpressed by the
 25 clear attack on the strategy, the herd immunity strategy

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1 to which you yourself were personally, as we've seen
 2 from the email, quite wedded?
 3 **A.** I wasn't wedded to it. I think my -- I realised by then
 4 that there was no alternative, it was reluctant -- and
 5 by the way, it's really important that -- you asked in
 6 my Rule 9 request about red teams, I don't know whether
 7 you want to pursue that in more detail, but it is really
 8 important that policy is challenged and that
 9 alternatives are considered, whether the suppression
 10 approach you've discussed already or this segmentation
 11 approach that I was talking about.

12 But it was clear by that weekend that none of those
 13 other options was viable, we didn't have the
 14 capabilities in place that would be necessary to even
 15 make them viable, a shielding programme for example,
 16 critical to either of those alternatives, let alone the
 17 test and trace programme that we've touched on already.
 18 And therefore I was quite clear that the government had
 19 no choice but to accelerate into these measures. And
 20 fundamentally the job of the Cabinet Secretary is to
 21 advise, but then to step back and let ministers take
 22 decisions. I'm -- I have been in government -- I was in
 23 government a long time. Governments did not always take
 24 decisions that I might have taken if I were in their
 25 shoes, but on this occasion they did.

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1 the nation in the evening, and of course he did so
 2 address the nation. It's therefore apparent that the
 3 decision to impose the lockdown for which he would be
 4 required to address the nation had been taken before
 5 that prep time, at 14.05. But the COBR meeting at which
 6 the decision to impose the national lockdown did not
 7 take place until 5 o'clock, after he had prepared his
 8 evening address, and the Cabinet meeting, which as you
 9 yourself confirmed is the ultimate decision-making body
 10 in His Majesty or then Her Majesty's government, did not
 11 take place until 10.30 the following day.

12 In terms of the constitutional propriety of that
 13 course, it does appear as if the practical decision to
 14 impose a lockdown was effectively taken and resolved on
 15 that Sunday, and it was therefore not a decision which
 16 was taken by COBR or Cabinet, they merely served to
 17 endorse a decision which had already been taken.

18 **A.** I think that is largely correct. I presume that
 19 parallel processes were happening in Edinburgh, Cardiff
 20 and Belfast, there was a lot of communication between
 21 them, so the COBR was, if I recall correctly, again
 22 a UK-wide COBR at which all of that was discussed, and
 23 as you've said the practical decision was taken in
 24 a Covid-S meeting earlier that day, and that was --
 25 I think that was appropriate, it was

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1 **Q.** Of course on 23 March the national measures with which
 2 we're all too familiar were announced. I'm not going to
 3 ask you about the run-up to that. It's clear from the
 4 evidence the Inquiry's heard that over the weekend of 21
 5 and 22 March it became apparent that compliance was not
 6 what it should be, that the measures instituted on
 7 16 March were proving to be inadequate to stem the
 8 spread of the virus.

9 But I want to ask you instead about the process,
 10 given that you were Cabinet Secretary, by which the
 11 decision to impose that lockdown, if we may use that
 12 word, was made.

13 On Sunday 22 March there were two strategy meetings
 14 in Number 10, there was a meeting at 3 o'clock on
 15 shielding, there was then a meeting at 6.15, Covid-19
 16 strategy, three-month healthcare strategy and Covid-19
 17 Bill debate. There was then another meeting at 19.40,
 18 a post-Covid strategy meeting.

19 Evidence has been received by the Inquiry to the
 20 effect that in practice the debate which took place on
 21 that Sunday culminated in a decision or a recognition
 22 that the current measures were inadequate and the full
 23 lockdown had to be imposed.

24 It's clear from the chronology that on the Monday
 25 the Prime Minister set aside preparation time to address

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1 a Cabinet committee, it had collective responsibility
 2 rights, other ministers attended. It wouldn't, I think,
 3 have been practical, given the pace required by that
 4 point, to intensify the measures, to have tried to
 5 convene all the wider formal structures, but I was
 6 comfortable at the time it was constitutionally proper.
 7 And the COBR was essentially a co-ordination meeting
 8 rather than a decision meeting because all four
 9 governments had reached essentially the same conclusion.

10 **Q.** Do you accept that the government should have
 11 appreciated sooner than it did that the NHS would be
 12 overwhelmed, which of course was the trigger for the
 13 decision to impose the national lockdown, and the
 14 measures the week before?

15 **A.** I think I would -- I'd go further, I would accept that
 16 in almost all of these cases we should have realised
 17 earlier.

18 **Q.** Had the risk to the NHS been appreciated sooner, it
 19 would have been open to the government, would it not, to
 20 introduce the measures that it did introduce on 16 March
 21 at an earlier stage, when the incidence of virus was
 22 lower; correct?

23 **A.** Yes. That wasn't the scientific advice, of course, but
 24 of course, you're right, the government could have done
 25 so.

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1 **Q.** And had it done so, although we will never know, there
 2 must therefore remain the possibility that those
 3 measures, if introduced earlier, would have avoided the
 4 need for the national lockdown?

5 **A.** It's possible, but I think, Mr Keith, what I would
 6 recommend there is that we really should ask -- I don't
 7 know whether the Inquiry is intending to do so, my Lady,
 8 but we would need really deep academic research to make
 9 those judgements around the counterfactuals. I think
 10 it's a reasonable supposition, I've read a lot of the
 11 other witness statements. I don't know whether it would
 12 have been -- I'm highly sceptical that it would have
 13 been possible to avoid the lockdown altogether. It
 14 might well have been possible for it to have been less
 15 prolonged and, of course, what we don't know is the
 16 effect on the overall number of deaths. But my
 17 presumption, having read other witness statements --
 18 it's not something which I've ever felt qualified to
 19 judge independently -- is that earlier would have been
 20 better.

21 **Q.** We're not looking for your epidemiological answer. The
 22 question presumes that there will only ever be the
 23 possibility and that it can never be known. But as the
 24 Cabinet Secretary at that time, as a person intimately
 25 involved in these momentous decisions, how could you not

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1 21 and 22 March, and on the Monday, as to how much time
 2 should be given further to see what behavioural changes
 3 might occur in the population at large so as to reduce
 4 the need for a mandatory stay-at-home order, to obviate
 5 the need for the ultimate sanction?

6 **A.** I don't recall much debate at all, but there may be
 7 documents, Mr Keith, that correct that recollection. My
 8 recollection is that -- and I think I refer to this in
 9 my witness statement -- is that when the 16 March
 10 measures were taken, there was an explicit recognition
 11 that they would need to be assessed and I think we were
 12 warned that that would take some time. 21 days I think
 13 we were told at the time, but I might not be correct
 14 about that.

15 What was -- the advice was very clear, as I recall,
 16 from the Chief Medical Officer and the Chief Scientific
 17 Adviser by the end of that week that we needed to go
 18 further. It wasn't just compliance, I don't think they
 19 were just looking at compliance, the evidence of that
 20 was -- it was apocryphal as well as data, it was --
 21 actually they could just see that the numbers were not
 22 changing as fast as they would wish and R was not
 23 dropping below 1, and so I don't think there was much
 24 debate, they essentially said "It isn't working, we need
 25 to go further".

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1 have a view as to whether or not, if those earlier steps
 2 had been taken earlier, a different course might have
 3 been open to the government?

4 **A.** As I've said, I agree. I've looked at the other
 5 statements, I'm -- all I'm trying to do is suggest --
 6 I'm -- I'm not -- I don't want to try to impose
 7 a judgement now, as a non-expert, on the decisions we
 8 took at the time. The decisions that the government
 9 took at the time were based on the scientific advice
 10 they were getting. Clearly, and you've heard this from
 11 people much more expert than I, had those decisions been
 12 taken earlier, then the -- particularly given we didn't
 13 know how fast the disease was moving, it would have had
 14 a greater impact on that accelerating curve earlier and,
 15 one presumes, a positive effect on lockdown, casualties,
 16 et cetera.

17 Whether we would have been able to avoid a lockdown,
 18 which I think was the initial premise of your question,
 19 I'm much more sceptical about that. I think it's much
 20 more likely to have been about its duration.

21 **Q.** It is obvious from the chronology that the ultimate
 22 decision was taken on that Sunday and endorsed on the
 23 Monday and Tuesday, once it became clear that the
 24 measures of 16 March were proving to be inadequate.
 25 What debate was there on that Sunday, the weekend of

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1 **Q.** The measures weren't working, that is clear, and you
 2 will recall of course that that weekend there were press
 3 reports of people attending parks --

4 **A.** Exactly.

5 **Q.** -- and large numbers of people spending the weekend in
 6 public. To what extent was it understood that the
 7 population had already taken upon itself to change its
 8 behaviour?

9 **A.** It was clear that groups of the population, cohorts of
 10 the population were changing behaviour and others
 11 weren't. And in a different approach the
 12 advisory-targeted approach that we've discussed already
 13 that I was earlier on keen to explore, that might have
 14 been okay, but by that stage, given how widespread the
 15 disease had become, it was clear that that essentially
 16 voluntary approach where people made their own
 17 judgements wasn't adequate and the lockdown had to be
 18 imposed.

19 **Q.** But the only difference between a voluntary restriction
 20 and a mandatory one is the force of law applied to the
 21 latter. If the population was changing its behaviour,
 22 then those social restrictions would be taking effect
 23 and would be applicable by virtue of that behavioural
 24 change, why did no one say, or perhaps they did, "Let's
 25 wait three or four more days, perhaps get closer to the

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1 21-day expiry period from 16 March and see whether or
 2 not those behavioural changes will gather pace, will
 3 develop, and therefore obviate the need for a mandatory
 4 order"?

5 **A.** It's the -- it's almost the mirror image of the
 6 conversation we were having earlier. Having realised as
 7 we came into the weekend of 13 and 16 March that the
 8 government had not reacted quickly enough because the
 9 disease was further advanced than the government
 10 believed and we believed, there was no appetite to take
 11 any further risk. And so of course in theory it would
 12 have been possible to have delivered the stay-at-home
 13 message as an advisory rather than as a mandatory
 14 message, but there was some evidence -- some evidence
 15 emerging, again much of it -- some of it anecdotal,
 16 that, having advised people to stay away from crowded
 17 indoor spaces like pubs and so on, that they weren't.
 18 And I don't know whether it was a focus group, I seem to
 19 remember one of the Number 10 team saying, "What we're
 20 hearing is: if you meant us to stay away from the pubs,
 21 you close the pubs". So there was a sense that it was
 22 necessary to actually impose mandatory measures given
 23 how quickly the disease was moving in order to minimise
 24 that risk.

25 **Q.** Lord Sedwill, to use your words, was it not a mirror

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1 government couldn't be confident were going to be enough
 2 to bring R below 1.

3 **Q.** You have, if I may say so, very fairly identified the
 4 flaws, if flaws they were, in the decision-making
 5 process in early March. You identify in your statement
 6 an additional issue which is that the DHSC was neither
 7 structured nor resourced for a public health crisis of
 8 this magnitude, and you also refer, of course, to the
 9 arguably inadequate critical care capacity for public
 10 health in this country.

11 Would you agree the proposition that had the DHSC
 12 been better structured and resourced for a public health
 13 crisis and had the United Kingdom's critical care
 14 capacity been better, the government would have had more
 15 options open to it, or at least one alternative option
 16 to a lockdown open to it in early March?

17 **A.** Yes. And I would add the point we were discussing
 18 earlier about contact tracing, et cetera, I think there
 19 was a range of capabilities and capacity that would have
 20 provided more options at the early stage of the
 21 pandemic, agreed.

22 **Q.** Now, following the lockdown decision, the
 23 Prime Minister, as is very well known, fell ill, fell
 24 gravely ill, and Dominic Raab MP, the First Secretary,
 25 deputised for the Prime Minister.

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1 image of what had taken place before? The government,
 2 having underreacted in early March by failing to
 3 implement measures short of a lockdown at an earlier
 4 stage, when the incidence was lower and they may be
 5 thought to have had more effect, overreacted on the 23rd
 6 and went the whole way, as opposed to allowing the data
 7 and the information about the behavioural changes
 8 brought by the 16 March measures to develop?

9 **A.** Governments were making an invidious risk judgement
 10 throughout that -- or series of risk judgements
 11 throughout that period, and were, of course, following
 12 scientific advice.

13 The advice going into the 23 March decision was
 14 clear that the disease was still exponential, R was
 15 still above 1, and therefore it's difficult to see how
 16 the government could have done anything else than take
 17 measures recommended by the experts, stay at home,
 18 et cetera, necessary to bring R below 1. And you will
 19 be aware, I think, Mr Keith, that there is I think --
 20 I can't recall whether it was in a Cabinet or -- I think
 21 it might have been in the Cabinet the day after that
 22 where the Chief Medical Officer says he doesn't know
 23 whether even those measures will be sufficient and
 24 cautions against releasing them too quickly. So even
 25 those most extreme measures we couldn't be confident --

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1 The evidence from Mr Raab's statement, and of course
 2 he will be giving evidence in due course in the Inquiry,
 3 and also from Helen MacNamara's statement, is that the
 4 arrangements for Mr Raab to deputise were simply
 5 a reflection of an oral agreement reached between him
 6 and Mr Johnson; is that correct?

7 **A.** I think for him that was the case. He understood that
 8 he was the stand-in, but actually there was more to it
 9 than that in at least my own understanding of it, yes.

10 **Q.** And what was that?

11 **A.** Well, we have in the national security area a more
 12 formal system of deputies for the Prime Minister in
 13 a national security crisis so that it's possible to
 14 maintain what's known as positive political control of
 15 things like the nuclear deterrent or decisions about
 16 incipient terrorist threats and so on, and it's one of
 17 the first conversations the National Security Adviser
 18 and actually often the Cabinet Secretary as well, when
 19 whose jobs are separate, has with an incoming
 20 Prime Minister. Indeed I brief leaders of the
 21 opposition on it during election campaigns: they need to
 22 have decided who those people will be.

23 And as First Secretary, Dominic Raab was the primary
 24 deputy for the Prime Minister in cases of that kind.

25 **Q.** So are you saying -- I apologise for interrupting.

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- 1 **A.** No, sorry.
- 2 **Q.** -- that in that manual or guidance, it specifically
3 provides that the First Secretary will deputise or may
4 deputise, as opposed to simply being a guidance that
5 deals with the functions of whoever it is that does
6 deputise?
- 7 **A.** The guidance was not, for example, contained within the
8 Cabinet Manual at that stage, the one that had been
9 drafted about a decade earlier, and I recall
10 Helen MacNamara and I having a discussion months before
11 saying we really must put it into the next version.
- 12 The decisions -- it doesn't go the office of First
13 Secretary. There hasn't always been a First Secretary,
14 sometimes there is a Deputy Prime Minister, sometimes
15 the Chancellor of the Duchy of Lancaster is the --
16 essentially the designated most senior minister, and in
17 national security it isn't just one person it's usually
18 three or four. But in this case it was clear that
19 Dominic Raab was the alternate if the Prime Minister
20 were incommunicado or incapacitated.
- 21 **Q.** In April 2020 did that guidance provide that in the
22 event of illness of the Prime Minister it was the First
23 Secretary who would deputise?
- 24 **A.** I was very clear that was the case, yes.
- 25 **Q.** When the Prime Minister returned from his illness and

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- 1 **Q.** -- to a long way below 1.
- 2 You produced a letter for the Prime Minister dated
3 23 April.
4 INQ000182367.
- 5 We can see that it comes from you, the
6 Cabinet Secretary, addressed to the Prime Minister,
7 "C19: NEXT STEPS". You set out a summary of papers
8 which had been produced for the Prime Minister by the
9 Cabinet Office Covid-19 strategy unit, and if we go to
10 paragraph 5 on page 2, we can see that you say:
11 "So far, we have segmented the population into the
12 shielded 1 [and a half million] and everyone else, and,
13 in practice, since everyone has locked down, the
14 distinction has been more about support than behaviour."
15 So two points. Firstly, the reference to the
16 distinction being more about support than behaviour, is
17 that a reflection of the fact that because the whole
18 population was under a lockdown, there was less of
19 a need to shield those who were being shielded because
20 they were being necessarily shielded by virtue of the
21 reduction in the overall incidence rate of the virus?
- 22 **A.** Not quite, if I may. It was more about the support,
23 food parcels, et cetera, for the -- those who were most
24 vulnerable to the disease, who really needed, as well as
25 the stay at home, only go out for provisions once

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- 1 took up the reins of government again, to what extent do
2 you assess that he was affected by his illness?
- 3 You, in the course of a lengthy WhatsApp debate
4 about his propensity to change his mind and to back and
5 veer when making decisions, quite charitably ask whether
6 or not indeed he might have been affected by his illness
7 when making government decisions in May -- April, May,
8 June.
- 9 **A.** Yes, his -- there are two points here, I think. There
10 is the broader question -- I don't know whether you want
11 to come back to it with me, but you have touched on with
12 others -- about his decision-making style and --
- 13 **Q.** We'll come back to that.
- 14 **A.** Okay, so I'll leave that aside.
- 15 I was concerned. It took him a long time to
16 recover. He'd had a very serious bout of this. I was
17 lucky, I had a mild bout, and even I had some Long Covid
18 symptoms, respiratory symptoms, later. So I wasn't
19 concerned so much about his decision-making style,
20 separate question, it was about stamina really.
- 21 **Q.** By late April it had become clear that the lockdown was
22 working, it was effective in reducing the spread of the
23 virus, and the R basic number had been reduced
24 below 1 --
- 25 **A.** Yes.

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- 1 a week, you know, one hour's exercise, et cetera,
2 actually were in a more stringent version of that. So
3 what I was talking about, that -- that essentially we'd
4 quarantined the entire country.
- 5 **Q.** So behaviourally --
- 6 **A.** Everyone --
- 7 **Q.** -- there's less distinction between --
- 8 **A.** Exactly.
- 9 **Q.** -- shielded and non-shielded?
- 10 **A.** The shielded, whom we might in a different strategy have
11 quarantined and shielded, were getting that support of
12 necessities, et cetera. That was really the point I was
13 driving at.
- 14 **Q.** Secondly, in the same sentence you used the words
15 "segmented" and "shielded". Is there a difference? Is
16 shielding perhaps the, I don't know, the word that
17 better reflects the practicalities of a segmentation
18 process, that is to say physically shielding people, and
19 segmentation is the doctrinal word?
- 20 **A.** It's -- it's almost verb and adjective, that we are --
21 a complete sentence might have said: we've segmented the
22 population into the shielded 1.5 million and the
23 unshielded rest. Shielding was about the programmes
24 that we were providing to take care of the vulnerable,
25 and segmentation was just a description of the

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1 distinction, I guess, between the two.

2 **Q.** All right.

3 On 7 May Cabinet endorsed the phased release aspect

4 of the lockdown.

5 **A.** Yeah.

6 **Q.** There had obviously been published a roadmap and there

7 was a course which the government was resolved to take

8 in terms of sequentially and gradually releasing the

9 constraints of the lockdown.

10 In her statement, Helen MacNamara suggests that that

11 roadmap was published without any real Cabinet

12 collective agreement process. In your own statement you

13 say ministers endorsed the phased release of the

14 lockdown. To what extent was that roadmap and release

15 actually debated and decided by Cabinet?

16 **A.** It had been developed through the course of April, when

17 the Prime Minister was away, under the leadership of the

18 First Secretary in a series of ministerial meetings

19 known as the quad, the chairs of the MIGs, with some

20 input from other ministers. My recollection is it was

21 discussed in the Cabinet meetings he'd chaired at the

22 same time, but I don't have that evidence to hand.

23 And the -- again, to the best of my recollection,

24 essentially there was an agreement in principle that

25 that roadmap -- among that group of ministers, that that

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1 were higher than broadly comparable countries, and

2 I think it was probably a reflection of that. And

3 I think there was a lot of media coverage of that at

4 that time.

5 **Q.** Page 2 at paragraphs 3 to 6, you outline some of the

6 areas in which, in your assessment, the system of

7 government, particularly with reference to the DHSC and

8 Public Health England, had failed the country. Is this

9 section reflective of what you have subsequently

10 described as the way in which the DHSC was

11 under-resourced, under-structured and incapable of

12 dealing with the fragmented nature of the provision of

13 healthcare and social care in this country?

14 **A.** Yes, in effect that sentence was a summary of this

15 thinking. And the point I'm making, I think it's really

16 important to note this, I know it's more a Module 1

17 point, was this was the result of decisions taken by

18 several governments over many years. I think the

19 House of Lords report refers to a real terms cut over

20 about the previous five years in public health budgets

21 across England of about 10%, for example. But that was

22 just a single example of a broader ... the outcome of

23 a series of decisions all essentially sensible in their

24 own terms but that had resulted in this position going

25 into the pandemic.

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1 roadmap would proceed, subject to endorsement by the

2 Prime Minister and Cabinet when he returned.

3 So there was a sense in which it was conditional but

4 the roadmap had essentially been worked through by the

5 First Secretary and that group of ministers.

6 **Q.** You would say the degree of debate was appropriate?

7 **A.** It was intensive.

8 **Q.** INQ000136756 is the further note for the Prime Minister

9 dated 10 May, "C19 Campaign: Next Phase":

10 "For a while [this is paragraph 1], we thought the

11 UK was doing better than other countries. Now we fear

12 we are going worse ... there will likely have been

13 significant demographic and cultural reasons for the

14 differential impact."

15 Briefly, what was it, in your opinion, that we had

16 done worse?

17 **A.** It was really a reflection of the emergent data about

18 excess deaths, and we of course were warned by the Chief

19 Medical Officer and others that we wouldn't know until

20 later, given the differential counting methods,

21 et cetera, but there had been a sense, and you've heard

22 this in other evidence, in the early spring that that

23 the UK was in better shape, we'd been told our pandemic

24 plans were excellent, et cetera, and that emergent data

25 by that stage suggested that excess deaths in the UK

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1 **Q.** All right.

2 In late May, the government was obliged to make

3 decisions about the degree to which the lockdown would

4 be released and how fast it would go through --

5 **A.** Yes.

6 **Q.** -- the successive phases, and on 22 May you communicated

7 with Simon Case, then a permanent secretary in

8 Number 10 -- INQ000303245, at page 2 -- and you respond

9 to a WhatsApp from Simon Case. He says:

10 "Away from more Dom drama, we had a good meeting

11 earlier with [the Prime Minister]. He and Rishi readily

12 agreed a package, quite quickly. Your call [he is

13 referring to you there] about not including Patrick and

14 Chris was genius -- it removed that dynamic."

15 Lord Sedwill, is that reference to the plan,

16 suggested apparently by you to Simon Case, that

17 Sir Patrick Vallance and Sir Chris Whitty should not be

18 present at a meeting at which a package for lockdown

19 release would be debated, because you and Simon Case

20 didn't want the Prime Minister to feel the full force of

21 scientific advice which was very well known, in the case

22 of Sir Patrick and Sir Chris, to lean towards applying

23 the maximum degree of care and caution when releasing

24 the country from the lockdown measures?

25 **A.** No, it wasn't. And if you look at the last sentence of

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1 Simon Case's WhatsApp to me, he says:
 2 "Patrick V [Vallance] happy with it ..."
 3 So I can't recall the exact sequence, but my
 4 presumption is that we would have done a lot of --
 5 probably Simon would have done a lot of work in advance
 6 of the meeting between the Prime Minister and Chancellor
 7 to make sure that whatever was on the table was
 8 acceptable to the experts, and this was just a question
 9 of managing a meeting of that kind where the
 10 Prime Minister and Chancellor were in different -- came
 11 to it in different positions, and so it was just about
 12 managing the dynamics of an informal meeting. But if
 13 you look at the actual substance of it, the substance
 14 was something that the scientists supported.
 15 **Q.** Patrick Vallance was happy with the outcome, with
 16 whatever was agreed. The reference to "dynamic" and
 17 Simon Case's praise for your suggestion that the meeting
 18 not include Patrick and Chris, and he describes it as
 19 being "genius", again was that because you simply didn't
 20 wish Patrick Vallance and Chris Whitty to directly
 21 engage with the Prime Minister, to speak to him
 22 directly, lest their approach to the necessary caution
 23 that had to be applied might prevail, might win the day?
 24 **LADY HALLETT:** I'm sure that's a fair question, Mr Keith.
 25 But you tell me, Lord Sedwill, is that a fair
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1 faster, that the Prime Minister had whatever advice he
 2 needed from Patrick Vallance firmly in his mind.
 3 I think that is probably about as far as I can go,
 4 Mr Keith.
 5 **MR KEITH:** All right, well, I'm not going to harry you
 6 further on that.
 7 INQ000303245 --
 8 **LADY HALLETT:** Are you moving to a different matter or the
 9 same --
 10 **MR KEITH:** A different document. So, my Lady, that's
 11 a convenient point.
 12 **LADY HALLETT:** I hope you're all right to come back this
 13 afternoon, Lord Sedwill, I'm afraid it looks like,
 14 because there are also some questions from the
 15 core participants.
 16 **THE WITNESS:** So I understand, my Lady, of course.
 17 **LADY HALLETT:** Thank you.
 18 1.50, please.
 19 **(12.50 pm)**
 20 **(The short adjournment)**
 21 **(1.50 pm)**
 22 **LADY HALLETT:** Yes, Mr Keith.
 23 **MR KEITH:** On 22 July, Lord Sedwill, you had a WhatsApp
 24 conversation with Simon Case in which you debated what
 25 you've described as a cunning route into segmentation.
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1 question?
 2 **A.** I will have a go, thank you, my Lady, but let me have
 3 a go at answering it within that boundary that you've
 4 implied.
 5 I suspect, I don't recall exactly -- this is --
 6 you know, this was clearly a conversation I'd had with
 7 him earlier. You've heard from others that the
 8 Prime Minister was often at his best in small meetings.
 9 There would have been a difference of view between him
 10 and the Chancellor at this point. I think the
 11 Prime Minister actually had already been briefed
 12 extensively by the -- Patrick Vallance and Chris Whitty.
 13 It wasn't that they didn't have access to the
 14 Prime Minister. They had plenty of access to him. This
 15 would have simply been about handling the meeting and
 16 presumably trying to ensure that the dynamics of that
 17 meeting were more productive. That the Chancellor
 18 wasn't coming into a meeting feeling that his
 19 perspective was going to be overwhelmed by essentially
 20 a cohort of people sitting the other side of the table,
 21 that they could have a genuine one-to-one discussion.
 22 I'm comforted, as I said, that Patrick Vallance's
 23 being content with what they agreed, it must have been
 24 the case, therefore, given the Chancellor would have
 25 presumably been pushing for some -- to go further
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1 Could we have up INQ000303245 at page 10.
 2 Where you refer to, at 16.24:
 3 "The only answer I can see beyond the existing
 4 mitigations ... is Stalinist segmentation. The virus
 5 kills the old and sick. The lockdown hits the young and
 6 healthy. We have to confront that brutal truth and
 7 organise for it, notwithstanding CW's ..."
 8 Is that Chris Whitty on this occasion?
 9 **A.** I presume so.
 10 **Q.** "... scepticism about the practicalities."
 11 If we go forward to page 11 to set the context, we
 12 can see at 11.21, in the middle of the page:
 13 "Mark Sedwill: I had a good session with the data
 14 people while in Oxford. There might be a cunning route
 15 into segmentation if you want to discuss."
 16 And then Simon Case says this, at 11.24:
 17 "We agreed with [the Prime Minister] and [the
 18 Chancellor] yesterday to set up a little cell in the
 19 taskforce to draw up a plan for segmentation ... they
 20 said they were up for it ..."
 21 Then at 11.29, at the end of your WhatsApp, having
 22 described the sort of rating process or the system which
 23 might be considered:
 24 "I don't but ..."
 25 But I think you mean "buy":
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1 "... the SAGE argument that it's all too difficult."
 2 Simon Case:
 3 "Neither PM nor [the Chancellor of the Exchequer]
 4 buy SAGE argument either. And I am just not sure this
 5 is a SAGE issue. This is about political will and
 6 implementation of policy (and then personal behaviour)
 7 not science."

8 Mark Sedwill:

9 "Exactly."

10 Two questions. Firstly, the Inquiry has heard
 11 evidence about how in August and September the
 12 Covid Taskforce looked specifically at the issue of
 13 segmentation and whether it was practically possible,
 14 as, of course, an alternative to the more stringent
 15 sort of intervention which might otherwise be utilised.
 16 Is this the genesis, do you think, of that policy work
 17 done by the Covid Taskforce?

18 **A.** I wouldn't necessarily claim the genesis, but
 19 a contribution to it I would hope.

20 **Q.** Secondly, it is clear from Mr Case's observation, with
 21 which you agree with the use of the word "exactly", that
 22 to the extent that Mr Case was describing the
 23 government's decision to investigate segmentation,
 24 describing it as "political will and implementation of
 25 policy", the government really wasn't following the

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1 was there a way of taking on that -- taking on that
 2 different approach. And I think it is right that is
 3 fundamentally a policy question rather than a scientific
 4 one. The scientists would have to advise, but you would
 5 have to take that advice into account whilst working
 6 out: is there a policy route through this?

7 **Q.** The fact that SAGE had advanced an argument at all is
 8 evidence, is it not, that the government had asked SAGE
 9 for its view? You were opining upon the fact that, in
 10 your opinion, SAGE's argument was that it was too
 11 difficult, so you had asked SAGE to address this issue?

12 **A.** I can't recall whether there was -- the nature of the
 13 commission to SAGE. I just -- I just don't know. It
 14 would probably have been through the CMO and the Chief
 15 Scientific Adviser. My recollection is that SAGE
 16 produced some formal advice in early September, I think,
 17 I think it came almost at the time of my final Cabinet,
 18 on exactly this question. So there must have been
 19 a commission to SAGE. I can't -- I don't know whether
 20 that followed from this discussion or whether I was
 21 simply inferring from what I knew from SAGE that --
 22 their position at this point.

23 **LADY HALLETT:** When you say "on this question", do you mean
 24 the question of segmentation?

25 **A.** Yes, my Lady, yeah.

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1 science here at all. SAGE plainly advises and did
 2 advise on the need for shielding, on the epidemiological
 3 necessity and on the epidemiological consequences of
 4 shielding. Why were you trying to -- or why were you
 5 agreeing that SAGE and its position and its arguments
 6 should be dismissed in this way?

7 **A.** Not so much dismissed, but not necessarily accepted
 8 without challenge. Shielding, as we discussed earlier,
 9 effective shielding would be a crucial element of any
 10 segmentation approach, essentially quarantining and
 11 protecting those for whom the disease was dangerous,
 12 whilst managing its spread, as we've discussed before,
 13 through those for whom it was unpleasant. And the
 14 differential impact of the disease was even more
 15 striking -- striking by this point. I think the number
 16 of under 50s who had been hospitalised was even smaller
 17 than had been expected, et cetera.

18 That doesn't, of course, mean younger people,
 19 particularly those with comorbidities, weren't at risk,
 20 but with sufficient critical care capacity, et cetera,
 21 they could be properly treated, and so that was the
 22 question.

23 The reason -- the reason here was essentially it was
 24 again testing whether, now we had better knowledge of
 25 the disease, more capabilities in place, was there a --

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1 **MR KEITH:** But having asked SAGE for its view, however it
 2 was commissioned, SAGE having proffered its view, having
 3 also declared that the government was in a general
 4 sense -- and I appreciate it's a general sense only --
 5 following the science, it is rather curious that by
 6 characterising this debate as a policy or a political
 7 issue, SAGE's opinion was in principle simply rejected
 8 as being, well, just too difficult.

9 **A.** I don't think -- I don't think rejected, but I think by
 10 that stage the government had actually said, I think in
 11 a Cabinet meeting in a discussion about 2 metres versus
 12 1 metre distancing, et cetera, that -- I think there was
 13 more recognition -- and of course we were in much calmer
 14 waters by this stage, at least temporarily -- there was
 15 a recognition by ministers that scientific expertise was
 16 an input but wasn't -- unlike going into the first
 17 lockdown, wasn't necessarily the only determinant of
 18 government policy.

19 **Q.** All right.

20 Moving on to another topic, the WhatsApps between
 21 yourself and Simon Case in another regard demonstrated
 22 a debate that you had about the process by which
 23 Leicester and other places were placed under local
 24 restrictions following the exit from the national
 25 lockdown. So that is to say in June and July of 2020.

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1 If we could have up, please, INQ000303245, at
 2 page 7, at 21.24 -- I can't -- yes, thank you very much.
 3 Towards the top of the page, Simon Case:
 4 "... local leaders were refusing to accept
 5 legitimacy of PHE data. Chris Whitty has to argue with
 6 Mayor and others earlier today ... The legitimacy of the
 7 gov't to be accepted has been so dangerously eroded it
 8 seems (for fairly obvious reasons)."
 9 Shortly, in what way did you understand Mr Case to
 10 be suggesting that the legitimacy of the government had
 11 been eroded? In what way did you understand him to be
 12 saying it had been eroded?
 13 **A.** I presume that related to the Barnard Castle incident
 14 and the government's response to it.
 15 **Q.** So the Barnard Castle incident, comprising the whole
 16 affair and the press conference, was having an impact on
 17 29 June in relation to the government's dealings with
 18 local mayors?
 19 **A.** Yes. And that -- I presume that's what we were
 20 referring to there.
 21 And just on the Barnard Castle incident, I don't --
 22 I think it isn't fair just to focus on the incident and
 23 indeed Mr Cummings' own press conference. In some ways
 24 that was the -- that was contained and managed. I don't
 25 know whether we're going to come back to this, but I was

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1 the local mayor.
 2 **A.** Yeah.
 3 **Q.** I'm referring specifically to you posing the question:
 4 who do you believe? You are putting the candour or the
 5 honesty or the reasonableness of the belief in the local
 6 mayor or Mr Hancock into issue. One of them was your
 7 colleague, a Secretary of State, a Minister of the
 8 Crown. That is rather a surprising, is it not?
 9 **A.** Yes. But one was also a senior local government figure,
 10 and of course all of these, if you're the
 11 Cabinet Secretary, are important.
 12 **Q.** Further down the page, we can see at 22.17, you say:
 13 "Be careful of trusting CW's judgement on this."
 14 Is that Chris Whitty or Chris Wormald?
 15 **A.** I presume Chris Wormald, and I don't quite know why
 16 I would have said that, but I presume that's who I'm
 17 referring to.
 18 **Q.** "The big problem is Hancock."
 19 Then further down the page, at 22.21.53:
 20 "But I mostly blame Hancock. Deja vu. That was how
 21 we spent the early Spring?"
 22 Then Mr Case says at 22.46:
 23 "I have only just realised that we have no senior
 24 DHSC officials anywhere near this. Where was Matt's
 25 Perm Sec or lead DG? We are engaging with PHE, the

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1 particularly concerned about the reaction of the
 2 Health Secretary and the Attorney General, afterwards,
 3 to it, where I felt they were undermining the legal
 4 framework in some of their communications, and we had to
 5 get that under control. But I felt --
 6 **Q.** We'll come back to that.
 7 **A.** Right. But it would have been the whole Barnard Castle
 8 incident, not just the incident itself and Mr Cummings'
 9 press conference, it was a broader question, I think.
 10 **Q.** At 22.02.27, you say:
 11 "Mayor actually a class act. Hancock trying to
 12 scapegoat him. Who do you believe?"
 13 Lord Sedwill, why did you not believe the
 14 Secretary of State, himself a Minister of the Crown?
 15 **A.** I felt, and I know we may come back to this, it felt to
 16 me by that point that, rather than treating the mayor as
 17 essentially a partner in governance, he was being
 18 treated as a political opponent and there was
 19 a politicised approach, and this is obviously a very
 20 shorthand discussion of the kind one might have on the
 21 phone -- it's important to remember that, it is only
 22 a WhatsApp exchange -- and, as you see, I'm asking
 23 Simon Case, who was obviously on this full-time by this
 24 stage, what was behind all of that.
 25 **Q.** I'm not concerned with the debate between Mr Hancock and

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1 Clinicians, etc. But there is no one around driving the
 2 policy side of operational lockdown on Matt's behalf.
 3 Weird absence."
 4 And you say:
 5 "Welcome to the last six months."
 6 So two points, please. Firstly, the process by
 7 which Mr Hancock's truthfulness or candour or lack of
 8 candour or general approach, however one describes it,
 9 and it's obviously a matter for the Inquiry, was not
 10 an issue that was confined to perhaps one or two
 11 individuals or, notably, Mr Cummings; there was
 12 a general issue, a general problem surrounding
 13 Mr Hancock; is that a fair summary?
 14 **A.** Yes, and you heard from Helen MacNamara on that last
 15 week.
 16 **Q.** And secondly, this issue of: "where was Matt's
 17 perm secretary", there's a "weird absence". Was there
 18 at the same time a problem functionally with the
 19 operation of the DHSC insofar as, on the civil service
 20 side of things, there were failures to produce policy or
 21 to stand up and be counted when it came to negotiating
 22 policy or producing material that central government and
 23 the Cabinet Office and Number 10 requested?
 24 **A.** It looks from what Simon Case is saying in that text
 25 that that -- that's the case. He's clearly concerned

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1 that DHSC at an official and expert level is not on top
2 of the Leicester -- the Leicester question.

3 I think that was probably the first time that
4 element of it had been drawn to my attention. By then
5 we had the Covid Taskforce, as you've -- as you said.

6 And I think what this exchange is revealing is just
7 how challenging it was for them as well in dealing with
8 a situation when their secretary of state is essentially
9 in quite a high profile political row with the local
10 mayor.

11 **Q.** Another topic. You proposed in late May the
12 establishment of Covid-O and Covid-S. We know that
13 because Helen MacNamara and Simon Case produced
14 an advice dated 22 May which recommended the
15 establishment of those committees., and a great deal of
16 evidence has been received by the Inquiry in relation to
17 their operation.

18 Why did you propose that there be this division
19 between Covid-S and Covid-O, Covid strategy, Covid
20 operational, and to the extent that Covid-O was
21 concerned with the drawing up of policy and operational
22 matters and everything short of strategising, was that
23 not duplicative of the Covid Taskforce, as to which
24 we've heard considerable evidence from Mr Ridley as to
25 the broad range of its functions?

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1 dealing with the preparation for a no-deal Brexit.

2 **A.** No. No. There were echoes, though.

3 **Q.** There were overlaps, and of course you took the Covid-O,
4 Covid-S structure from XO and XS. Did you find in
5 reality that there was a degree of duplication between O
6 and S and, in terms of the non-ministerial officials who
7 attended Covid-O and the CTF, that there was a degree of
8 overlap?

9 **A.** I imagine there was some. I don't recall anyone
10 bringing it to my attention as a problem that needed to
11 be resolved. The taskforce would have supported both
12 those Cabinet committees.

13 **Q.** All right.

14 May the Inquiry presume that, from the need to
15 rearrange the arrangements in the heart of the
16 Cabinet Office in May, from what of course we now know
17 to be the report produced by Helen MacNamara in relation
18 to the working practices and the toxicity of the
19 atmosphere and so on and so forth, that there were
20 matters that were fundamentally wrong with the operation
21 of the Cabinet Office between February and May?

22 **A.** I think it's important to look at the sequence there.
23 The taskforce, Covid-O, Covid-S, were established when
24 we were in calmer waters, we were coming out of the
25 first lockdown, had a much better understanding,

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1 **A.** Covid-O and Covid-S were Cabinet committees, so
2 essentially ministerial committees with officials
3 attending to support. The taskforce was the official
4 group essentially combining teams who had hitherto been
5 in Number 10 and the Cabinet Office, the
6 C-19 Secretariat, et cetera, into a single official
7 group. So they were distinct. The taskforce was the
8 group of officials led by Simon Case and Covid-O and
9 Covid-S were Cabinet committees.

10 There was obvious risk of duplication between S
11 and O. I wouldn't necessarily -- although we called
12 them strategy and operations, in some ways it was the
13 big decisions the Prime Minister needed to be personally
14 involved in in Covid-S, and Covid-O, those that he could
15 leave to a wider group of ministers, chaired by
16 Michael Gove as Chancellor of the Duchy of Lancaster.
17 And essentially it replicated the model that we'd
18 applied to Brexit the previous year where Brexit --
19 overall Brexit policy was driven in a group chaired by
20 the Prime Minister, XS, and no-deal planning, et cetera,
21 was led in a group chaired by Michael Gove as CDL, XO.
22 So it was a straight replica of a model we knew worked
23 for that Prime Minister.

24 **Q.** The Covid response machinery was not, of course, the
25 same as the machinery dealing -- in its entirety,

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1 et cetera, and they were planning the future. Whereas
2 when we established the MIGs we were going into the --
3 into the storm, if you like, of the first lockdown and
4 of course seeking to accelerate preparations that
5 weren't ready for that lockdown. And so we've got to be
6 careful not to overdo the distinctions between them,
7 they were operating in different circumstances.

8 In terms of the officials and the institutional
9 culture, the first point I should make is the report
10 that Helen MacNamara and Martin Reynolds did was
11 triggered by me, and I think the phrase "superhero
12 bunfight" was actually used by my private secretary with
13 me and I essentially said, "Right, we'd better get on to
14 this".

15 I think the reason that -- the reason -- there were
16 some reasons for that. Going into the lockdown, into
17 that intense phase, I was conscious that we would lose
18 people, there'd be people off sick, isolating, mental
19 health issues and so on, and therefore I deliberately
20 over-resourced, I deliberately ensured that each DG had
21 a primary function and a sort of understudy function as
22 well, so that when someone became ill, if they weren't
23 able to operate from home, they would be -- there
24 wouldn't be a break in service, if you like.

25 As people returned to work, there were clearly some

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1 tensions around that, some people had been there
2 throughout, some people were new, some people returned
3 after illness, and it was necessary by that stage to
4 restore a more normal way of operating. But I think it
5 was right to over-resource going in. That was certainly
6 my experience of other crises: worry about -- worry less
7 about overlaps and more about gaps.

8 **Q.** The Prime Minister's own chief adviser has described, as
9 you know well, the Cabinet Office, for which you bore
10 ultimate responsibility, as a "dumpster fire", as being
11 bloated, with too many senior levels, too many director
12 generals, duplication, confusion, huge numbers of
13 communication and engagement staff, and, on the
14 functional side, as essentially failing in its core
15 function, which was to synthesise data, information,
16 policy from other government departments, to liaise with
17 them, to broker between them and to hold the heart of
18 government together.

19 What do you say?

20 **A.** Some of that, but not most of it, is fair. As -- I've
21 explained why there was deliberately some duplication
22 going in: I felt it was necessary to over-resource.
23 I've also heard him say we had the wrong people in the
24 wrong jobs, and yet in particular the key directors
25 general who worked on Covid clearly had the confidence

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1 **A.** Yes, and we sought to address them as soon as we
2 realised that we had those issues.

3 **Q.** Turning to the Prime Minister, you will be aware,
4 of course, of the evidence received by the Inquiry
5 that -- given by his director of communications -- this
6 was the wrong crisis for this Prime Minister's skillset,
7 and, to summarise the criticisms from Mr Cummings, for
8 all his undoubted political skills, Mr Johnson's
9 propensity to oscillate, to be unable to manage
10 a cohesive team, and to direct government machinery
11 consistently and effectively. Are those opinions with
12 which you agree?

13 **A.** I recognise them, but I wouldn't express it that way
14 myself, and indeed I think there's a separate point
15 here, which is essentially, you know, in essence
16 a question -- a question for me, which is: as I said in
17 my witness statement, Mr Keith, part of my job was to
18 build around any Prime Minister a mechanism or a set of
19 mechanisms that enabled them to both make decisions and
20 then those decisions to be enacted effectively, and
21 I certainly didn't think, you know, it was -- it would
22 have been responsible to say, "Oh, well, the
23 Prime Minister's way of working isn't effective in these
24 circumstances", and then throw my hands up. It was my
25 job to make it work. I can --

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1 of the Number 10 machine because they were either
2 retained or in some cases promoted into other roles for
3 them.

4 The Cabinet Office, the wider Cabinet Office,
5 outside the Cabinet secretariat, I don't know whether he
6 was referring to -- to some of that, but we sought -- we
7 sought to clarify that as we went, it was necessary --
8 we had to set up three dozen programmes across
9 government to try to ensure the government was able to
10 respond to the crisis as it moved at pace in March.
11 Inevitably there was quite a lot of friction around
12 that, and we sought to knock that into shape through the
13 course of March and into April.

14 **Q.** We have -- you have given evidence in relation to the
15 failure at the heart of government to appreciate that
16 there was an absence of cross-government planning, to
17 bring the departmental planning such as it was into
18 shape and into the centre. There was a failure to
19 appreciate, to become aware, in sufficient time, of the
20 scale of the crisis, there was only a dawning
21 realisation of the systemic problems at the heart of the
22 DHSC, the primary lead government department at the
23 heart of this public health crisis.

24 Those were all failures which occurred within the
25 Cabinet Office and on your watch. Do you agree?

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1 **Q.** No one is suggesting otherwise.

2 **A.** No, indeed. No -- thank you.

3 So, just briefly, one of the reasons I sought to
4 create forcing mechanisms, collective governance
5 mechanisms, was that I knew that the process in
6 Number 10 was a dialectic. I'd seen this with
7 the Prime Minister before -- of course notoriously in
8 2016, but actually in the autumn of 2019: he would be
9 gung-ho for no-deal Brexit in one moment and much more
10 reflective and trying to identify the landing zone for
11 a deal, particularly in private, say with me, in another
12 moment, and I recognise that was -- Lord Lister touched
13 on this -- how he -- that dialectic is how he got to big
14 decisions.

15 It's exhausting for the people in his inner circle,
16 but my job was to try to ensure that we had a mechanism
17 around that which I used, essentially the collective
18 governance mechanisms, which would force a decision and,
19 once that decision was made, ensure that the government
20 stuck to it.

21 **Q.** You recognise, of course, that there is a considerable
22 amount of evidence from the evening notes from
23 Sir Patrick Vallance, from Mr Cummings' evidence, from
24 the evidence of officials and advisers in Downing Street
25 and the Cabinet Office that there were problems

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1 concerning Mr Johnson's leadership, his oscillation, his
 2 ability to build an effective and cohesive team. To the
 3 extent that your obligation was to build a system around
 4 him that would enable proper decision-making, facilitate
 5 his job as Prime Minister, doesn't the fact that these
 6 complaints and these concerns continued throughout
 7 February, March, April, May, all the way through to the
 8 end of 2020, show that your attempts to build
 9 a corrective system failed?

10 **A.** No, I don't agree with that. They're complaining about
 11 how he got to decisions, and how he operated with his
 12 inner circle, and I didn't think there was any way
 13 I could change that, this was the way he operated. My
 14 job was essentially to create a system which insulated
 15 the rest of Whitehall and turned whatever process of
 16 getting to a decision in the centre of government into
 17 regular government decisions and business, and the main
 18 mechanisms I used for that, as I said, was trying to
 19 ensure the last group of people from whom he would hear
 20 would be his Cabinet colleagues and in collective
 21 agreement. I didn't think I could address the
 22 underlying question, that was just going to happen. My
 23 job was to take that and try to make sure that the rest
 24 of the system worked nonetheless.

25 **Q.** The very fact that the Cabinet Secretary has to insulate
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1 yourself and Mr Case in May 2020, page 1.
 2 We don't need to go through them all in detail, but
 3 if you look at, by way of example, 08.29.32, Mr Case and
 4 you are debating whether or not he is prepared to do
 5 a job in Downing Street. He says:
 6 "... I am not willing to agree to do any job back in
 7 this version of the centre without guarantees/honest
 8 conversations with the PM about behaviours. I will work
 9 for you and the PM. I will not work [for] Dom."
 10 There are then repeated references to you saying:
 11 "Reinforcing my conversation with the PM about
 12 behaviours [very] helpful."
 13 Simon Case:
 14 "... there are ... guarantees about behaviour ..."
 15 At 22.25 he says:
 16 "... I am ... appalled that the PM has done all this
 17 and caused all of this damage ..."
 18 That's at 22.25.32.
 19 Thank you.
 20 Then on pages 2, 6 and 9 of this group, there are
 21 further references to the behaviour in Downing Street,
 22 the people that the Prime Minister has surrounded
 23 himself with, references to them being:
 24 "... so mad ... they are ... madly self-defeating.
 25 I've never seen a bunch of people less well equipped to
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1 his own Prime Minister, the Prime Minister, from the
 2 rest of Whitehall is a sorry reflection of the workings
 3 of government at that level.

4 **A.** It was a very challenging period. But, as I said, my
 5 job was not to judge the way a Prime Minister makes
 6 a decision, they're democratically elected, it was to
 7 try to ensure that however they got to the decisions and
 8 however much stray voltage there was at the centre, and
 9 there was an awful lot, that the system of government
 10 worked. And I sought to try to achieve that
 11 particularly on the big decisions the government took
 12 going into and coming out of the lockdowns.

13 **Q.** My suggestion to you, Lord Sedwill, is that to a large
 14 extent your worthy efforts failed. Notably, in
 15 August 2020, Sir Patrick Vallance records in his evening
 16 notes these words:
 17 "Sedwill came back saying 'this administration is
 18 brutal and useless'.
 19 Did you say those words?

20 **A.** I don't recall doing so, and I don't -- I can't actually
 21 recall what might have prompted it, but I have no
 22 doubt -- I don't doubt Sir Patrick's memory. It must
 23 have been a moment of acute frustration with something,
 24 I don't know what.

25 **Q.** INQ000303245, some further WhatsApp messages between
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1 run the country".
 2 Who, when you said "these people" were you and
 3 Mr Case referring to?

4 **A.** I don't -- did I say "these people"? I'm not sure.
 5 I think, anyway --

6 **Q.** "The PM and the people he chooses to surround himself
 7 with are basically feral."
 8 You say:
 9 "I have the bite marks."
 10 **A.** Yeah.
 11 **Q.** Who were those people?
 12 **A.** As you will see, Mr Keith, there is sometimes some
 13 gallows humour in some of these --
 14 **Q.** Well, indeed.
 15 **A.** -- WhatsApps. I think -- so these -- that first
 16 exchange came after a point where -- there had been very
 17 severe friction between me and the Prime Minister and
 18 his immediate team. Martin Reynolds' witness statement
 19 refers to it, although the Prime Minister at no point
 20 expressed a loss of confidence. This is a little later.
 21 I think this is the Prime Minister and some of his
 22 immediate team. I don't -- and --
 23 **Q.** We can take the document off the screen, I think.
 24 **A.** -- and Lord Lister referred to some of this yesterday.
 25 **Q.** It is apparent from Mr Case's hesitation at taking the
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1 job of being permanent secretary in Number 10, and
 2 ultimately Cabinet Secretary, that the behaviour, as he
 3 perceived it and as you perceived it, of people in
 4 Downing Street, was positively affecting his willingness
 5 to take that role. You were aware that the behaviour,
 6 whatever it was and from whomsoever it was coming, was
 7 affecting the stability of the working arrangements in
 8 Number 10 and the Cabinet Office. You were aware that
 9 it was affecting the stability of the civil service at
 10 the highest point of government.

11 **A.** Correct.

12 **Q.** Yes. Those were very serious matters indeed, given
 13 particularly that the government was in the maw of the
 14 beast facing this crisis?

15 **A.** Correct. And I think you put to Lord Lister yesterday
 16 a remark from me in another WhatsApp with Simon Case in
 17 which I think I say something like "It is difficult to
 18 get people to march to the sound of gunfire if you shoot
 19 them in the back". That is a strong statement about the
 20 institutional culture.

21 **Q.** I want to be clear about this, this pervasive
 22 atmosphere, the behaviour, the working practices, they
 23 were having, were they not, a direct impact on the
 24 efficacy, efficiency of the system, the ability of the
 25 government to make proper, timely and appropriate

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1 Helen MacNamara in her evidence, or rather in her
 2 written statement, has noted that there was in
 3 government, in Number 10, a striking absence of humanity
 4 or perspective about people or families or how people
 5 actually lived.

6 Would you agree?

7 **A.** Yes, and in a -- I did bring this up in one of the -- it
 8 may even be, Mr Keith, in one of the documents we've
 9 already looked at. I recall commenting about lockdowns,
 10 that the experience of lockdown for those lucky enough
 11 to have a garden, a laptop, Ocado, et cetera, was wholly
 12 different to that of a single mother living in a bedsit
 13 with a cleaning job across town. I was acutely
 14 concerned about that.

15 **Q.** Turning lastly in this context to Mr Hancock himself, as
 16 I promised I would, Mr Cummings says that at one point
 17 you said to him, "The British system does not work if
 18 ministers lie", and the -- document INQ000303245 --
 19 WhatsApp messages between you and Simon Case, again, at
 20 page 3, shows that you and he discussed -- 19.11.04, you
 21 say:

22 "Totally incompetent. They don't even understand
 23 the [regulations] they authorise."

24 At page 5, you refer to the "DHSC's laissez faire
 25 attitude". This is 11.01.

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1 decisions?

2 **A.** We sought to minimise the real effect on the big
 3 decisions, and we discussed that a few moments ago,
 4 I thought that was my job to do that. So there was no
 5 doubt, it was a very stressful issue, the institutional
 6 behaviour at the centre, the stray voltage, et cetera.

7 I think broadly speaking, in terms of the really big
 8 decisions and the timeliness of them, given that that
 9 government and other governments who didn't have that
 10 behaviour right at the centre made decisions broadly
 11 speaking at the same time, I think there is a question
 12 as to whether we were not successful in ensuring that
 13 actually the right decisions were taken at the right
 14 time notwithstanding the particular challenges of that
 15 regime.

16 **Q.** Another issue was the absence of female perspective.
 17 INQ000303245, page 10.

18 Mark Sedwill:

19 "PP's interjection ..."

20 Is that a reference to Priti Patel?

21 **A.** Yes.

22 **Q.** "... a reminder that we need more of the female
 23 perspective."

24 That's at 16.24.28, just before the gap. Thank you
 25 very much.

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1 11.08:

2 "It's been [quite] a pattern. Matt overpromising,
 3 underdelivering and Chris on the touch line. I had
 4 hoped we'd corrected it."

5 And on page 7 there are references by you to
 6 "Hancock all over the place" and to questions about his
 7 candour and his grip as well as his tendency to
 8 overpromise.

9 Give us, please, an understanding of how damaging,
 10 how destructive this loss of confidence in Mr Hancock
 11 was in the context of the United Kingdom Government
 12 facing a health crisis of this magnitude, and there
 13 being a fundamental lack of confidence in the ability of
 14 the Secretary of State for Health to do what was
 15 required?

16 **A.** Clearly damaging, and I did raise -- I don't remember
 17 the exact terms, I didn't keep contemporaneous notes,
 18 I did raise really three questions with the
 19 Prime Minister throughout those months. One was about
 20 Mr Hancock's candour, and you heard from Chris Wormald,
 21 you've just referenced it, overpromising, overconfident,
 22 over-assurance, we had to use the programme management
 23 office to double-check what we were being told, to -- so
 24 that we could try to make sure there wasn't an effect in
 25 terms of -- we did understand what the programmes were,

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1 actually on track as they -- as we were hearing,
2 for example. And some of that continued.

3 The second issue was this question of --
4 particularly after the Barnard Castle incident, of
5 politicising, where I was -- I expressed myself at
6 a time when my own relations with the Prime Minister
7 were quite strained, as you have seen, quite sharply
8 about the risk to the legal framework that public
9 statements from -- the Health Secretary and indeed the
10 then Attorney General were making. And I felt we saw
11 some more of that in the Leicester affair.

12 And then I did have a conversation with the
13 Prime Minister in the summer. These are very normal
14 and, except in the circumstances of this Inquiry,
15 entirely private conversations between the
16 Prime Minister and the Cabinet Secretary and, in this
17 case, the Number 10 permanent secretary, but obviously
18 I understand the unique circumstances of the Inquiry,
19 about whether he was the right person to lead the next
20 phase, whatever the PM's judgement about him, on the
21 basis that I'd already said I felt structural reform of
22 Health and Social Care was necessary.

23 **Q.** You told the Prime Minister to sack Mr Hancock?

24 **A.** I don't think I used that word with him, but I did use
25 it in a WhatsApp with Simon Case.

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1 performance of any Cabinet Minister, including
2 Matt Hancock. I do not think that I received any advice
3 from Sir Mark Sedwill that Matt should be removed."

4 What do you say to that?

5 **A.** I can see how he might remember it that way. I did not
6 provide formal advice to the Prime Minister. So there
7 are occasions when a Cabinet Secretary has to give
8 advice to a Prime Minister about the status of
9 a minister, particularly if there has been a breach of
10 the Ministerial Code, and I did have to give both prime
11 ministers I served advice in that way. So that's formal
12 advice, written, et cetera.

13 These were, as I've just expressed, conversations
14 about Mr Hancock. I don't think I would have used the
15 word "sack" with the Prime Minister himself, although
16 I acknowledge I said it to Mr Case, but he would have
17 been under no illusions as to my view about what was
18 best for moving forward.

19 **Q.** You left him under no doubt whatsoever that he would be
20 better advised to replace Mr Hancock with another
21 minister as Secretary of State for Health?

22 **A.** Indeed.

23 **Q.** A different topic, almost there, Lord Sedwill.
24 Legislation.

25 The Inquiry understands that the Civil Contingencies

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1 **Q.** And you described it thus "to save lives and protect the
2 NHS"?

3 **A.** That was a -- that was gallows humour. That's an echo,
4 I mean, in a -- and I realise -- you know, I realise
5 of course inappropriate even in a private exchange, not
6 something I would have ever expected to be public.
7 I was echoing the -- it was gallows humour echoing the
8 slogan, the communications --

9 **Q.** Of course.

10 **A.** -- of earlier on, so that is not to be over-interpreted.

11 **Q.** No, but the words "I told the Prime Minister to sack
12 Mr Hancock" reflect the seriousness of the position and
13 the grave position in which the government had found
14 itself, of being unable to have confidence in its
15 Secretary of State?

16 **A.** That would have followed the conversation I would have
17 had with the Prime Minister about whether a change would
18 be right for the next phase. Of course, as I said,
19 I had raised my concerns with the Prime Minister. That
20 was not intended for him to remove Mr Hancock but to
21 take a grip on the issue. In the end the Prime Minister
22 has to make these judgements.

23 **Q.** As it happens, in his witness statement to this Inquiry,
24 at paragraph 699, Mr Johnson says:

25 "I did not have any concerns regarding the

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1 Act 2004 was not used as a basis for the Covid
2 legislation or regulations. As it happened, the main
3 Coronavirus Act was passed by Parliament on 25 March and
4 received Royal Assent the same day. It had been through
5 every stage in the House of Commons and the
6 House of Lords on a single day, 23 March.

7 In the event, the government used, in England at any
8 rate, the Public Health (Control of Disease) Act 1984 as
9 the overarching legislation under which to promulgate
10 the statutory instrument, the secondary legislation,
11 that was the coronavirus regulations.

12 So, firstly, having passed the Coronavirus Bill and
13 it having passed into law as the Act, why was a 1964 Act
14 used as the overarching legislation for the main
15 coronavirus legislation -- regulations?

16 **A.** The Coronavirus Act went beyond that, so there were
17 other provisions in it.

18 **Q.** There were.

19 **A.** In that specific case, I think at the time it was
20 because the -- we were already essentially more familiar
21 with the Public Health Act. There was a need to move
22 extremely quickly to put those into law and create the
23 legal certainty, in particular the police needed to
24 enforce the regulations. So a judgement was just made
25 that it would be simpler and give better legal clarity

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1 to use existing rather than brand new legislation that
2 hadn't yet essentially been fully implemented.

3 **Q.** The Inquiry is curious, because it's received evidence
4 in Module 1 of course that a great deal of time and
5 energy was devoted to a pandemic --

6 **A.** Yes.

7 **Q.** -- flu Bill that then became the Coronavirus Bill --

8 **A.** Yeah.

9 **Q.** -- which then became the Act, but in the actuality, in
10 the event, if wasn't even used for the primary
11 regulations in those first few days?

12 **A.** No, the Public Health Act wasn't, and on reflection it
13 may have been possible to have drafted a different
14 version of the Coronavirus Bill so that the powers
15 didn't overlap between the two pieces of legislation.

16 **Q.** And the Civil Contingencies Act wasn't used, was it,
17 because of the very unusual and draconian nature of the
18 powers in part 2 of that Act which require ministers, if
19 they use that Act to issue regulations, to appoint
20 emergency coordinators for each part of the
21 United Kingdom, and obviously there are very real
22 concerns about the civil liberties aspects of such
23 a step.

24 Was that what caused ministers to shy from using the
25 Civil Contingencies Act and instead then to use

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1 no need to go through all of the toing and froing, a lot
2 of it is in the WhatsApps and other messages. The final
3 decision, which I took, was in early June.

4 **Q.** Right.

5 **A.** With his agreement. And that goes to the point you've
6 raised. I was conscious that the departure of
7 a Cabinet Secretary particularly -- although we were in
8 a calmer period, but particularly in these
9 circumstances, would undoubtedly be destabilising, and
10 many of my colleagues urged me to stay on, fight through
11 the next, you know, set of pressure and stick it out.
12 I was also conscious, however, having had over a year of
13 it, that it was also destabilising for the system to
14 have constant hostile attacks on the Cabinet Secretary
15 and also the office of the Cabinet Secretary, and that
16 pre-dated Mr Johnson but it was particularly his
17 government, but it had become particularly acute.
18 Distortions, leaks, some cases just things that were
19 simply untrue. There was a story put out that in his
20 absence I had conspired with I don't know who to
21 postpone the implementation of Brexit. I mean,
22 completely untrue. Completely untrue.

23 And so I was conscious that that was also
24 destabilising for the civil service and this -- First
25 Division Association and others talked about that. In

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1 the Coronavirus Act and the Public Health Act?

2 **A.** It would have been a factor. Another factor, though,
3 and probably the more important, was that the Civil
4 Contingencies Act is only to be used if there is no
5 legislative alternative, in a sense if there is simply
6 no time, because it allows ministers to make --
7 essentially make law by decree. And then of course that
8 has to be reviewed by Parliament at a very regular --
9 very regular intervals. But the underlying premise is
10 that that can only happen if there simply isn't the time
11 or opportunity to create an alternative vehicle and, for
12 the reasons you set out, there was in this case.

13 **Q.** Finally, you had of course, as you have indicated,
14 a most difficult conversation with Mr Johnson on or
15 around 14 May 2020, when you agreed to move on later in
16 the year to end being Cabinet Secretary, in September.

17 Regardless of the whys and wherefores of how you
18 came to agree to such a move or why it happened, do you
19 think that the means of your departure, the nature of
20 that decision and that meeting, and the way in which you
21 came to leave, affected the stability of the civil
22 service and the higher echelons of government?

23 **A.** I should just note just for the record the decision
24 wasn't taken in that meeting, there was a discussion in
25 that meeting. For the reasons you said, I think there's

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1 the end, there were -- it was personally wearing as
2 well. There only so much lightning any lightning
3 conductor can take. But in the end I concluded that
4 a fresh Cabinet Secretary appointed by that
5 Prime Minister and his team, they'd have to stop that,
6 those anonymous attacks, et cetera, would have to stop,
7 and therefore I might be the opportunity for a fresh
8 start. And so on balance I concluded, for both
9 professional as well as personal reasons, that it was
10 the right time to go.

11 **Q.** But those attacks were internecine, they were coming
12 from your own side?

13 **A.** Yes.

14 **Q.** Helen MacNamara says in her statement, and perhaps we
15 should give her the final word:

16 "It made those in the Civil Service in the centre
17 less confident about challenging: no one was safe if the
18 Cabinet Secretary was not, and dealing with the
19 unravelling preoccupied a number of us for
20 critical weeks."

21 Mr Cummings says it was a bomb:

22 "From a government level it kind of kicked week
23 after week after week of debilitating argument across
24 the system."

25 Putting aside the issue of whether or not he was

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1 entitled to express that view at all, would you agree
2 with the sentiments of both those witnesses?

3 **A.** I would, but, as I said, there was the countervailing
4 factor of what -- the destabilising behaviour already,
5 and that's why I made the judgement I did that it was
6 the right time to go.

7 **MR KEITH:** Thank you very much.

8 **THE WITNESS:** Thanks, Mr Keith.

9 **Questions from THE CHAIR**

10 **LADY HALLETT:** There are some questions from the core
11 participants, but just before, at the risk of indulging
12 in another seminar as we nearly did with Lord Lister
13 yesterday.

14 In times of national emergency -- I am afraid
15 I think I probably speak on behalf of the average
16 citizen -- I just assumed that there would be structures
17 in place that suddenly you would have a -- whether it's
18 COBR for a national emergency, but there would be other
19 structures beneath the main structure that would just
20 slip into place. But I'm not getting the feeling that
21 that's what happened. You ended up with the ministerial
22 implementation groups, and then they got replaced by the
23 taskforce, Covid-O, Covid-S.

24 Should there be a system whereby there is in the
25 Cabinet Manual, "In times of national emergency, this is
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1 example of the MIGs, it's obviously a matter for you,
2 but if we were faced by another crisis of this scale,
3 having a group looking at the issue itself, in this case
4 health, having a group looking at public services and
5 their impact and continuity of public services, having
6 a group looking at the economy, having a group looking
7 at the international, those would be sensible ways to
8 organise ourselves, frankly, whatever we call them. And
9 making sure the devolved administrations are properly
10 engaged I think the same is true as well. Obviously one
11 needs to make those things work effectively and we had
12 to amend as we went, but I agree that this is something
13 that government I hope has already learnt some lessons
14 ahead of your own, my Lady, about this, and I hope some
15 of that work is in hand.

16 **LADY HALLETT:** But when you have those different committees,
17 I mean, there is so much overlap. And having got used
18 to having meetings involving, dare I say it, officials,
19 I know that before any meeting takes place there's
20 probably an officials' meeting and there's a probably
21 pre-briefing meeting and a briefing meeting. And if you
22 have all these different committees -- so public
23 services is one MIG, and then Health is another -- well,
24 isn't Health a public service? I mean, they overlap in
25 so many different ways, don't they, and therefore
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1 what's going to happen", so that everybody knows where
2 they're going and what they're going to be doing?

3 **A.** Yes, I think there should. I think it's important,
4 my Lady, just to remember the scale of this crisis.
5 This was the biggest crisis the country had faced since
6 World War II, and government is reshaped by crises of
7 that scale. It's inevitable that it will be. And for
8 the most part the crisis management machinery for --
9 whether it's for floods or terrorist attacks or foot and
10 mouth et cetera works reasonably well, and there's very
11 big questions for governments about how much resource
12 they're prepared to devote to contingent capability, and
13 we discussed --

14 **LADY HALLETT:** Buying insurance?

15 **A.** Yeah, exactly. But we discussed the type of
16 capabilities that did not exist in health and social
17 care, those are not trivial capabilities in which to
18 invest, and of course in many cases those capabilities
19 are still not there, if we were hit by another pandemic
20 today for example. So those are big choices.

21 I do think, though, my Lady, there is -- your point
22 is a good one, that I think the Cabinet Manual should
23 have more material on this, so that it's more familiar
24 to the whole of government, not just the crisis experts,
25 if you like. And I think, for example, if we take the
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1 involve duplication?

2 **A.** We drew up the terms of reference so that there were
3 fairly clear boundaries between them, and in truth the
4 move from the MIGs to Covid-O in particular, there was
5 slightly less to that than has sometimes been apparent,
6 in that the international one was wrapped back into the
7 National Security Council, which hadn't really met, and
8 the economic one was wrapped into the government's
9 existing economic committee, Cabinet committee, which
10 also hadn't met. Regrettably that meant that the DAs
11 were no longer directly involved in the same way, so in
12 some ways it was a merger of the health and public
13 services MIGs was really what happened with the creation
14 of the Covid-O structure.

15 And I think there's just a judgement about the
16 phasing of this. I think going into the lockdown there
17 was so much work to do across government. Because we
18 didn't have all the plans and programmes we needed --
19 there were three dozen programmes, of which a minority
20 were in health across the whole of government. If it
21 had been a single ministerial committee trying to deal
22 with all of that, they would have been in constant
23 session. But you're right, my Lady, it's a judgement
24 about how you divvy things up, when you put them
25 together, and obviously trying to make sure that the
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1 culture is of collaboration and high trust and so on, so
2 that the boundary issues -- boundaries are interfaces,
3 not barriers.

4 **LADY HALLETT:** And when you divided -- I think I might have
5 said my final question, but anyway, my Inquiry, I'll
6 change the rules.

7 When you have different bodies doing different
8 aspects, how do you make sure that the final
9 decision-makers on obviously the most important, the key
10 decisions, which is what Module 2 is all about, that
11 they do have all the factors there that they can
12 balance, so that you have the -- obviously the SAGE
13 advice, the economic advice, the socioeconomic advice,
14 the health advice -- how do you, as Cabinet Secretary
15 ensure that your ultimate decision-maker, Prime Minister
16 and Cabinet, or decision-makers, get all those balancing
17 factors and that weight is paid to all of them?

18 **A.** The key to that, my Lady, is that it is Cabinet or at
19 least a Cabinet committee at which the key departments
20 involved are represented, so that -- for example, the
21 impact of any decision on the provision of benefits,
22 it's really important the Secretary of State for Work
23 and Pensions is in the room, at the table, and he or she
24 will have been briefed by their department, not just on
25 what they think about the main crisis but on what the

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1 sought to build strong relationships between the
2 devolved administrations, both institutional and
3 personal, and you indicated that you had conversations,
4 for example, with Nicola Sturgeon, the First Minister.

5 What I would like to know is: was there then or is
6 there now any formal structure or forum for you, as
7 Cabinet Secretary, to liaise with the heads of the civil
8 service of the devolved administrations?

9 **A.** Yes, they -- there's, at the governmental level, as
10 you'll be very familiar, the Joint Ministerial Committee
11 that brings them all together. The
12 permanent secretaries for the Scottish, Welsh
13 governments and Northern Ireland were all part of the
14 permanent -- the wider permanent secretaries group. So
15 it's known as "Wednesday morning colleagues" for reasons
16 that are obvious, it just meets on a Wednesday, and
17 I would always include them in -- they were always, as
18 of right, included in those meetings. It wasn't
19 something I'd decided. I would also have sort of
20 informal get-togethers with the permanent secretaries of
21 the devolved administrations because there were
22 particular -- in smaller groups, just the three or four
23 of us -- because there were obviously particular issues
24 of concern to them. So there was the overarching
25 structure which almost replicated Cabinet plus DAs, and

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1 impact would be for them and how they're going to manage
2 it. The same with the Treasury, obviously, and others.

3 So the departmental structure means that ministers
4 should be coming both as members of the Cabinet but
5 advocates for the sector or sectors for which they are
6 responsible, and that all of that -- all of that input
7 is brought into a collective decision. That's why
8 collective decision-making is generally better than
9 decisions being made by a small cohort right at the very
10 centre.

11 **LADY HALLETT:** You've pre-empted what will be my final
12 comment, not question, which is: but that does depend on
13 the collective decision-making taking place.

14 **A.** Indeed.

15 **LADY HALLETT:** Right. Sorry to have pre-empted some of our
16 questions.

17 Ms Mitchell, I think you're going next.

Questions from MS MITCHELL KC

19 **MS MITCHELL:** Lord Sedwill, I appear as instructed by
20 Aamer Anwar & Company for the Scottish Covid Bereaved.

21 I too wish to ask some questions about structures in
22 place and making sure that the devolved administrations
23 are properly engaged, which is what you've just
24 reflected on.

25 You've identified in your evidence so far that you

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1 then informal meetings as well.

2 **Q.** Well, I think you've probably pre-empted my next
3 question because my next question was about whether or
4 not there were structures that you would like to have
5 been in place during the first period, the most,
6 I suppose, difficult and fast-moving period of Covid
7 striking our shores.

8 I ask that in particular because we're aware that
9 the joint ministerial committees were not being used.

10 **A.** No, they weren't, but the ministerial COBRs I think
11 almost all, I think maybe even all, in that phase
12 included devolved administration ministers, and the
13 staff work behind that at official level will certainly
14 have done so.

15 So I think in that phase the liaison with the
16 devolved administrations recognising that we were trying
17 to move in lockstep in many areas which were devolved
18 but maintain co-ordination. I think that worked pretty
19 well. And of course they had their own chief medical
20 officers and other -- and they would meet as a group as
21 well.

22 So I think the connective tissue in that first phase
23 was pretty strong, at official level, at Chief Medical
24 Officer level. And, as I said, the COBRs were UK COBRs.

25 **Q.** Can I ask, did that happen by happenstance or was there

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1 formal decision taken to form it that way?
 2 **A.** I think it wouldn't have occurred to me to do it any
 3 other way. I don't recall anyone challenging it,
 4 certainly at that stage, and had they done so I would
 5 have replied robustly that this was necessary.
 6 **Q.** If I can move on to another topic now, and that's in
 7 relation to communications between the devolved
 8 administrations and the UK Government.
 9 If I could have up on the screen INQ000250229, and
 10 that's paragraph 147, page 39.
 11 What you say, in just that first paragraph, was:
 12 "I was conscious that, notwithstanding their
 13 divergent political agenda and differing styles of
 14 governance, the Prime Minister and the [devolved
 15 administrations] First Ministers had reached the same
 16 conclusions about the timing and nature of the first
 17 lockdown, its socioeconomic mitigations, and its
 18 release."
 19 Now, also you gave evidence this morning where you
 20 were being asked about when the decision for lockdown
 21 had been taken, and you were asked when that had been
 22 and you responded by agreeing to a proposition that my
 23 learned friend had put to you and said:
 24 "I presume that parallel processes were happening in
 25 Edinburgh, Cardiff and Belfast, there was a lot of
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1 then it was brought together in the ministerial UK COBRs
 2 which made the formal decisions and where the heads of
 3 all of the administrations were able to liaise. But
 4 there would have been intensive official contact
 5 beforehand.
 6 **Q.** Indeed, thank you.
 7 Were you aware of any representations from the
 8 Scottish Government to introduce a mandatory lockdown
 9 prior to the date of lockdown, 23 March 2020?
 10 **A.** No, and nor indeed from anyone else.
 11 **MS MITCHELL:** I've got no further questions, my Lady.
 12 **LADY HALLETT:** Thank you very much, Ms Mitchell.
 13 Mr Dayle, I think you're going next.
 14 Don't worry about -- Mr Dayle understands if you
 15 don't face him. You'll take your face away from the
 16 microphone if you turn around.
 17 **THE WITNESS:** Maybe I'll turn for the question, my Lady, if
 18 that's okay.

Questions from MR DAYLE

20 **MR DAYLE:** Thank you, my Lady.
 21 Lord Sedwill, I ask questions on behalf of FEHMO,
 22 the Federation of Ethnic Minority Healthcare
 23 Organisations. I have three short sets of questions.
 24 As you may know, there were press reports of
 25 a disproportionate death rate for Covid within black,
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1 communication between them ..."
 2 What I'm just wanting to check is: is it the
 3 communication between the devolved administrations
 4 themselves or communications between the devolved
 5 administrations and the UK Government?
 6 **A.** Both.
 7 **Q.** Right.
 8 **A.** I would have imagined that they might be talking among
 9 the three about their -- all of their relationships with
 10 the UK Government, just given the obvious disparity.
 11 But there were certainly extensive and I think almost
 12 constant communication between officials in supporting
 13 ministers going into those meetings. They each -- when
 14 I said "parallel processes", I think we were talking
 15 about the decisions the Prime Minister reached over some
 16 of those crucial --
 17 **Q.** Indeed.
 18 **A.** -- days. What I meant by that was that I assumed that,
 19 for example, the First Minister in Scotland would be
 20 with her team saying, "Right, what do we need to do?
 21 What's the situation in Scotland?"
 22 London was further ahead than the rest of the
 23 country; she probably asked whether Scotland was a bit
 24 behind and did she have more time, I don't know, but
 25 that's the kind of thing I would have expected. And
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1 Asian and ethnic minority communities during the early
 2 stages of the pandemic. For example, The Guardian of
 3 April 10 reported that the first ten doctors to die were
 4 from BAME background.
 5 So my first question is: how seriously was this
 6 issue taken at the Cabinet Office, if there was indeed
 7 awareness of this issue, during the months of March and
 8 April 2020?
 9 **A.** Thank you. I think going into the first lockdown
 10 of course it was country and society wide, so in a sense
 11 there was no discussion about whether there would be
 12 different kinds of measures taken for different groups
 13 on ethnic or, indeed, other grounds. It was certainly
 14 a feature in considering the mitigations for the
 15 lockdown. So as we were developing programmes to deal
 16 with the consequences of lockdown for different groups
 17 we were certainly conscious of it. And, as you say,
 18 their -- evidence did start to be made available quite
 19 early about differential impact.
 20 It was quite challenging to understand whether that
 21 evidence was telling us something about the -- about
 22 whether the virus had a purely ethnic differential
 23 impact, to do with ethnicity, or the degree to which
 24 that was overlain by social factors such as
 25 multigenerational households, denser living, and so on.
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1 But certainly in mitigating the lockdown and in
2 considering measures to come out we were conscious of
3 those factors, and we were particularly conscious of the
4 enforcement mechanisms. I recall in early April seeing
5 some quite sobering data that suggested I think in
6 London, for example -- I -- it was one of the ethnic
7 minority communities, I can't remember exactly which,
8 had a much higher incidence of enforcement from
9 the Metropolitan Police than the population as a whole,
10 and that was clearly a concern, and of course not for
11 the first time had one heard that kind of certain about
12 the relations between police and certain communities.
13 So we were conscious of all of these things.

14 **Q.** Very well.

15 My second question, which I hope is not too much of
16 a tutorial question, is: what were the mechanisms,
17 formal and informal, for issues affecting certain
18 population groups being raised with senior
19 decision-makers?

20 **A.** In normal circumstances for a major policy decision
21 there would have to be an equality impact assessment,
22 and that is a standard process that involves
23 consultation, interaction with community groups,
24 academic research, et cetera, in order to make sure that
25 a final decision by ministers on a policy matter

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1 answer to one of Mr Keith's questions earlier, I think,
2 the role of Cabinet ministers as constituency MPs as
3 well as ministers, and that's a mechanism by which they
4 can bring that perspective. But the policy process
5 itself is designed to include those factors and
6 therefore decisions coming to Cabinet or the
7 Prime Minister or ministers should encompass all of
8 those factors. That's what a good policy process is
9 designed to do.

10 **MR DAYLE:** Thank you, my Lady. Thank you --

11 **LADY HALLETT:** Thank you, Mr Dayle.

12 Mr Friedman is just there.

13 **Questions from MR FRIEDMAN KC**

14 **MR FRIEDMAN:** Good afternoon. I'm going to ask questions
15 for four national disabled people's organisations.

16 In July 2020, before leaving post, you gave a final
17 valedictory lecture at Oxford University, and it's
18 exhibited at paragraph 150 of your statement, in which
19 you endorsed the need to build back better, especially
20 given Covid's adverse effect on what you called the
21 poorest and most vulnerable in society.

22 I can see you nodding, so you recall.

23 On that, we want to ask you, firstly, about
24 consultation with groups from outside government and,
25 secondly, about the way that government is internally

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1 properly understands and encompasses the potential
2 impact on ethnic minorities but also other protected --
3 other protected groups, whether for gender, sexuality or
4 whatever it might be.

5 Going into the lockdown, of course, there was no
6 time to be able to do any of that, and formal equality
7 impact assessments are quite an involved process. So
8 even as we were coming out it wouldn't have been
9 possible to do them on -- in a timely way in the -- what
10 one might call the full fat version of an equality
11 impact assessment. But I certainly would have expected
12 the policy work, and I believe this was the case, to
13 take account of those factors as choices were being put
14 to ministers about, for example, that release of that
15 first lockdown, which would have covered social,
16 economic, ethnic and other factors, so that there was
17 essentially an intelligent consideration of those.

18 **Q.** Thank you.

19 My third and final question, which hopes for
20 a clarification on a point of fact: how did the issue of
21 disparate impacts on black, Asian and ethnic minority
22 communities reach senior decision-makers, if it did?

23 **A.** It would be through the policy process. So one wouldn't
24 have a parallel process for this. I mean, of course
25 there would be informal feedback. I mentioned to -- in

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1 organised when it comes to considering inequalities.

2 So first on outside consultation. There is a report
3 from the Institute for Government that was in your
4 evidence pack, and it's titled *Decision making in*
5 *a crisis, First responses to the coronavirus pandemic.*

6 It's up there, and can we go to page 50, please.

7 I want to look at the top paragraph first and the
8 recommendation, as to "Bringing representatives of those
9 affected by a decision into the room compensates for
10 imperfect information":

11 "It is inevitable in a crisis that decision making
12 is centralised to some degree, as ministers want to act
13 quickly and take control. But bringing non-government
14 partners inside the tent helps compensate for the
15 uncertainty created by imperfect information in
16 a crisis, as well as building trust and creating allies
17 to explain and defend [policies] ... "

18 Then just down into the next paragraph, examples are
19 then given as to those who would benefit from, in its
20 words, being "brought into the tent", and they're things
21 and organisations like business groups and unions, with
22 regard to decisions.

23 That creates a benefit of knowing about ground
24 intelligence and goodwill and trust.

25 So firstly, do you agree with that recommendation,

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1 and, as you said in your own final lecture in
2 particular, that governments should work much more to,
3 I'm going to use your words, co-design its policies with
4 those affected by them.

5 **A.** The short answer is yes, and I think the IFG report sets
6 it out very well.

7 We didn't touch on it in detail in my earlier
8 evidence but as we were planning the release from the
9 first lockdown a major part of that was engagement --
10 sorry I won't look around from the microphone -- was
11 engagement with businesses and other representative
12 groups to create the safer workplaces programme. That
13 was one of that three dozen programmes I referred to.

14 And of course that should, as I said earlier, to the
15 earlier question, in any good policy process involve
16 engagement with other representative groups, including,
17 of course, of different and, particularly in these
18 circumstances, different groups of the most vulnerable
19 in society. But co-design, absolutely, I believe better
20 policy results from that.

21 **Q.** And you have effectively pre-empted my second question,
22 but just to make clear to my Lady, because, in a sense,
23 the reference to business groups and unions might be
24 described as old-style corporatist references. I mean,
25 all policies presumably speak to business groups and

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1 minorities and violence against women and girls -- can
2 point to variants of the same problem.

3 In terms of building back better, would the future
4 solution lie in the creation of an equality department
5 with a secretary of state, or would you suggest some
6 other structure and change of approach?

7 **A.** I think I would leave the decisions on departments of
8 state for governments to take. It is -- they reflect
9 the priorities and the way that a Prime Minister wishes
10 to organise government, the manifesto on which they're
11 elected, and I think I shouldn't presume to second guess
12 that, because that would be something that would be, as
13 I say, subject to a manifesto and an election.

14 The reason for having ministers not necessarily
15 co-located in a department with, for example, the units,
16 and you mentioned the disabled unit, is because the
17 responsibility moves between ministers regrettably too
18 quickly, but that's been a feature of our system
19 recently, and what we didn't want to do was move
20 departmental units around. So there was a decision
21 taken some years ago to essentially create some
22 stability in the units responsible for these various
23 issues whilst allowing prime ministers to appoint
24 a minister for the disabled, a minister for women,
25 a minister for other groups, and support them wherever

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1 unions. But I think -- well, you've made a face, maybe
2 they don't enough. That's another set of questions.
3 But I think you're making clear, are you not, that
4 especially in what we are looking at in this Inquiry, it
5 is now high time to develop those kind of enhanced
6 approaches to the consultation and engagement with
7 representatives from civil society, social groups such
8 as disabled peoples and of course others that are
9 represented in this Inquiry; do you agree with that?

10 **A.** Absolutely, and I would hope with modern technology it
11 is easier perhaps to do that in a more dynamic way than
12 perhaps would have been through traditional methods, but
13 the fundamental point is one I agree with.

14 **Q.** Can I then turn to internal government -- I'm going to
15 say again -- structures, back to that, but a more
16 particular question. The Inquiry is aware of how the
17 machinery of government divides responsibilities for
18 categories of inequality across a range of ministerial
19 portfolios with no dedicated department of state. So,
20 for instance, we are just about to hear from
21 Mr Tomlinson, the previous Minister for Disabled People,
22 who was located in a junior position in the Department
23 of Work and Pensions with no direct leadership of the
24 Cabinet Disability Unit, and other core participants
25 who -- for instance, that for children, race and ethnic

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1 they might be located.

2 Again, it's a judgement call, one can make a case
3 for doing it differently. There's clearly a case, as
4 you suggest, for a department of equality, but I'm
5 afraid I will punt that one into the political level of
6 decision-making because it must reflect the priorities
7 of an incoming government.

8 **Q.** Last question on that. If that's your stance, and we
9 understand why you would take that stance, is it fair to
10 say that the nature of the system as it was in Covid did
11 pose some challenges for holistic views, for instance to
12 those who were socially vulnerable and the likes of the
13 matters that we raised in the first set of questions?

14 **A.** Undoubtedly it posed challenges, but I think if you look
15 at the material exhibited alongside my witness
16 statement, I think every Cabinet discussion,
17 for example, of Covid referenced the impact on
18 vulnerable groups. And we weren't just thinking about
19 the medically vulnerable to Covid itself -- actually the
20 reason Simon Case, I brought Simon Case in -- the first
21 job I asked him to do when he came in from the royal
22 household was to set up a programme of support for the
23 group -- groups we called essentially the "socially
24 vulnerable", in other words not those who are medically
25 vulnerable to Covid but who were socially vulnerable to

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1 the impact of lockdown, and we wanted to make sure we
2 had programmes in place to support them as well.

3 So I think it was -- it ran through the work we were
4 doing but of course it will be for my Lady to judge,
5 I think maybe in the course of a later module, about its
6 effectiveness, but certainly there was an attempt
7 throughout, at least my period that first lockdown
8 et cetera, to ensure we were considering and supporting
9 the most vulnerable groups in society.

10 **Q.** So just so we can be clear, though, your concerted work
11 on that started with Simon Case coming in to partner on
12 that?

13 **A.** No, that was -- that was when he -- he came in to
14 essentially give some additional heft to a programme we
15 had already begun. We set up, I think almost in
16 parallel, programmes -- we've discussed the shielding
17 programme earlier, but programmes to support, provide
18 necessities, et cetera, to the medically vulnerable, who
19 needed a particularly stringent form of lockdown,
20 quarantine, in effect quarantine, but we also recognised
21 there were many people, people with complex needs, for
22 whom lockdown generally would be challenging and we set
23 up a separate programme for that. Simon took that on,
24 but it pre-dated him.

25 **MR FRIEDMAN:** Thank you, my Lady.
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1 the Inquiry with its investigations.

2 Just a few things before we start. If we both can
3 keep our voices up. Secondly, avoid overspeaking
4 because there is a note being kept of your evidence.
5 And pace, pace of answers, if we could try to monitor
6 that pace and not speak too fast, I think it will assist
7 the record, which is being kept.

8 The statement you see before us, and thank you for
9 providing that. It's dated 7 August 2023, with
10 67 exhibits, and you have had an opportunity to see that
11 and you've signed that statement with a declaration that
12 it's true to the best of your knowledge belief; is that
13 correct?

14 **A.** Yes, that's right.

15 **Q.** In relation to why you are here to assist the Inquiry,
16 it's regarding your role as Minister for Disabled
17 People, Health and Work, and you held that role between
18 January 2020 and 16 September 2021, so the three
19 lockdowns was during the period when you held that
20 position.

21 To assist you, I want to outline how we're going to
22 deal with your oral evidence today, building upon your
23 written evidence. Two parts. The first part is
24 structural, dealing with your role as a minister of
25 state, the Disability Unit, which we'll discuss in

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1 **LADY HALLETT:** Thank you, Mr Friedman.

2 That completes the questions?

3 **MR KEITH:** It does.

4 **LADY HALLETT:** Thank you very much indeed, Lord Sedwill.
5 Thank you very much for staying as long as you have and
6 for your patience, I hope we haven't trespassed upon it
7 too much.

8 **THE WITNESS:** Thank you, my Lady.

9 **(The witness withdrew)**

10 **LADY HALLETT:** Right, we need to break now. I shall return
11 at 3.20.

12 **(3.07 pm)**

13 **(A short break)**

14 **(3.20 pm)**

15 **LADY HALLETT:** Sorry to keep you waiting.

16 **MR KEATING:** My Lady, can we call Justin Tomlinson, please.

17 **MR JUSTIN TOMLINSON (sworn)**

18 **Questions from COUNSEL TO THE INQUIRY**

19 **LADY HALLETT:** I undertake we will complete your evidence
20 today, having kept you waiting.

21 **MR KEATING:** That's a promise, a guarantee we will finish
22 today.

23 Thank you so much for making yourself available
24 today, thank you for your patience this morning and
25 waiting, and thank you for your statement and assisting

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1 a moment, and how that fits into governmental
2 decision-making. It shouldn't take us too much time.
3 That's the first part.

4 The second part I want to explore some key events
5 with you, and we'll deal with them in chronological
6 order, and there is three broad themes I want you to
7 consider, and then we will cover them as we go through
8 that time period.

9 Firstly, visibility, was there sufficient visibility
10 insight and data regarding the needs of disabled people
11 during the pandemic.

12 Secondly, engagement. Was the engagement that was
13 undertaken -- and there was engagement which was
14 undertaken -- was that sufficient and did that fit into
15 decision-making?

16 Lastly, delay. Were the needs of disabled people
17 sufficiently and promptly considered during the
18 pandemic?

19 So there are three areas I would like us to cover in
20 part 2. I know your statement covers the other areas.

21 And the last promise today, you have had one
22 already, is that at the end I'll give you the
23 opportunity to add anything you think which is
24 significant to assist the Inquiry with its
25 investigations, and we'll deal with lessons learnt.

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1 Okay?

2 Briefly, your professional background we see at
3 paragraph 5 of your statement. You became an MP in
4 2010, Member of Parliament. In 2015 you were appointed
5 by the then Prime Minister, David Cameron, to serve as
6 the Parliamentary Undersecretary of State for Disabled
7 People. It's at paragraph 6.

8 Then at paragraph 7 we know that you rejoined
9 Government as a minister within the Department for Work
10 and Pensions, first as an undersecretary and then later
11 as a minister of state, a Minister for Disabled People,
12 Health -- in April 2019, and that's the role we're going
13 to ask you about.

14 Before the pandemic took place. So against that
15 background, part 1, structure.

16 So the role of minister, firstly the Minister for
17 Disabled People, Health and Work, it's within the
18 Department for Work and Pensions. I think you were
19 described -- you may not have heard -- as having junior
20 position, a short time ago, but it was the second most
21 senior ministerial position within the DWP; is that
22 correct?

23 **A.** That's right. So the first time I served as the
24 Minister for Disabled People, I was a parliamentary
25 undersecretary. When I returned the second time the
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1 precise we have to be, by that do you mean England,
2 Wales, Scotland or just England?

3 **A.** Yes, yes.

4 **MR KEATING:** It's my terminology, I think we should say the
5 United Kingdom. I was quoting --

6 **LADY HALLETT:** So it is the United Kingdom, it includes
7 Northern Ireland?

8 **A.** There is variations, so there's a greater prevalence in
9 Wales and possibly Scotland, I can't really remember,
10 but certainly 21 -- one in five was the stat that we
11 would generally use.

12 **MR KEATING:** We may see, and we may touch upon that document
13 in a moment, but on any basis, as you say, one in five,
14 a substantial proportion of the population.

15 **A.** Yeah.

16 **Q.** In terms of your role as that minister, if we have a --
17 if you could bring up paragraph 2(a), so go back to
18 page 1, please, thank you very much. Thank you.

19 Your responsibilities as minister of state, it says:
20 "some specific disability policy and
21 cross-government responsibility for disabled people."

22 Can I focus on that just for a moment. When you say
23 "some specific disability" responsibility, what do you
24 mean -- why the qualification?

25 **A.** So for example I was solely responsible for disability
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1 role had been upgraded to minister of state, so I was,
2 in effect, number two in the Department of Work and
3 Pensions.

4 **Q.** And the Secretary of State, the most senior minister
5 within that department, and at Cabinet level, was
6 Thérèse Coffey at that stage?

7 **A.** Yeah.

8 **Q.** In terms of the size of the group, disabled people, that
9 interests you were seeking to represent is huge?

10 **A.** Yes.

11 **Q.** I'm just going to draw upon a document which is within
12 your exhibits but 21% of people in Britain are disabled?
13 That's 14.1 million people. Of that, 8% are children,
14 and 19% of the working age population and 44% of the
15 pension age adults --

16 **A.** Yeah.

17 **Q.** -- category.

18 **A.** Just to be clear, that's disabled or those with
19 long-term health conditions, and it's predominantly our
20 bodies and minds can't quite keep up with us with age,
21 because what surprises a lot of people is the prevalence
22 later in age rather than necessarily born with either of
23 those.

24 **Q.** Yes?

25 **LADY HALLETT:** You said 21% in Britain, I don't know how
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1 benefits. At that time that would amount to about
2 £13.6 billion worth of government expenditure. That was
3 predominantly through my DWP role.

4 **Q.** Yes.

5 **A.** But in other areas I would make representations on
6 behalf of disabled people to other responsible
7 departments. So, for example, if I'd had a stakeholder
8 meeting and they raised accessible train stations, then
9 I would relay that to the Department for Transport, who
10 are ultimately responsible for how accessible stations
11 are or aren't.

12 **Q.** So to use your terminology in the statement, you, in
13 effect, were the champion of disability rights within
14 government?

15 **A.** Yeah, yeah.

16 **Q.** The second part of your role I want to touch upon is
17 oversight of the DU, that's the Disability Unit. We'll
18 touch upon that in a moment and perhaps we can -- I can
19 deal with that now. It's at paragraph 9 of your
20 statement and you describe the Disability Unit. And
21 this is actually quite a relevant part structurally of
22 how the interests of disabled people are represented
23 within government. This was formed in November 2019
24 and:

25 "It brought together the Office for Disability
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1 Issues ..."

2 In relation to the Office for Disability Issues,

3 that was within DWP?

4 **A.** Yeah.

5 **Q.** And that's when you were in your ministerial post, and

6 then that became the Disability Unit and migrated over

7 into the Cabinet Office?

8 **A.** Yeah.

9 **Q.** And at the beginning of the pandemic it was the

10 Disability Unit and then by September 2020, if

11 I understand your written evidence --

12 **A.** Yeah.

13 **Q.** -- it became part of the Equality Hub?

14 **A.** Yes.

15 **Q.** Is that a fair summary?

16 **A.** Yes, yes, it is.

17 **Q.** And the Equality Hub, as an umbrella, covered

18 Disability Unit --

19 **A.** Yeah.

20 **Q.** -- the Race Disparity Unit, and also the Government

21 Equalities Office?

22 **A.** Yeah.

23 **Q.** And there is, of course, a Minister for Equalities. And

24 your role was to assist with that migration?

25 **A.** Yeah.

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1 **A.** Yeah.

2 **Q.** -- of the Disability Unit. Did you have direct

3 responsibility for the Disability Unit?

4 **A.** Yes, though it did sit within -- ultimately within the

5 Equality Hub, which was the responsibility of

6 a different secretary of state to my own, so I wouldn't

7 have done the operational day-to-day things, but I would

8 have -- certainly in any stakeholder engagement the

9 Disability Unit would have been present and they would

10 have taken the responsibility of chasing that up with

11 the relevant departments, relevant ministers.

12 And I have to say they were an impressive unit who

13 were very, very efficient at taking up any of the

14 challenges and issues that were raised.

15 **Q.** The last aspect of this part 1 of your evidence is, with

16 two hats on, you are now outside government --

17 **A.** Yeah.

18 **Q.** -- and with lessons learned or how we can improve things

19 going forward, with that mindset, was there, do you

20 think, at the time, or looking back, a drawback that you

21 were a minister, not a minister of state, in the DWP and

22 not a minister within the Cabinet Office?

23 **A.** And I think that's fair to dig into because I've looked

24 at many of the submissions that have come in and this

25 has been raised, and it's a difficult -- I can't give

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1 **Q.** Perhaps you may have not heard but Lord Sedwill perhaps

2 touch upon the rationale why the Disability Unit was

3 brought into existence and brought into the

4 Cabinet Office, and see if you agree with this, the

5 rationale was to bring some stability to coverage of

6 those interests, to counterbalance ministerial change or

7 churn, not his word. That's the context we've had.

8 Perhaps you could tell me your understanding --

9 **A.** So my understanding and my recollection is Cabinet

10 Office is the eyes and ears of the machinery of

11 government, and whilst I was based in DWP, any

12 stakeholder engagement would invariably bring up issues

13 that were beyond DWP's scope and responsibility, and it

14 was more efficient, from a Cabinet Office angle, to then

15 go and chase up the relevant departments to either flag

16 the issue, seek resolution, et cetera. And so it was

17 a move I was very supportive of. And then it sort of --

18 being part of the Equality Hub also made sense because

19 there was a lot of co-working, particularly around data

20 and sharing that. So it made sense.

21 It was -- it was a different building, so as

22 a minister it was the inconvenience of being spread

23 across two, but I absolutely understood the decision

24 behind that and it was one I supported.

25 **Q.** In terms of your role, you had oversight --

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1 a definitive answer because there is advantages and

2 disadvantages.

3 Disability benefits is £13.6 billion at the time of

4 Covid, it's greater now, 2.1 million people, and so for

5 many people with disabilities and long-term health

6 conditions that would be the absolute priority for

7 a minister, because if financial stability wasn't in

8 place the consequences could be catastrophic.

9 But counter to that, Cabinet Office is better placed

10 for cross-government work, because it is the eyes and

11 engines. So I can't give a definitive answer because

12 there is advantages and disadvantages to both. Both can

13 work, but, having stepped out, I think probably

14 a disability minister probably would be better placed in

15 Cabinet Office, and I think the disability benefits can

16 run -- be run still from DWP as part of the wider

17 benefits, but there would be some downside to that

18 because there would be less focus.

19 **Q.** So what we would have in this alternative structure

20 would be a minister for equalities?

21 **A.** Yeah.

22 **Q.** Which ideally would be somebody who was

23 a secretary of state, so at Cabinet Office level, and

24 then underneath that the minister for disabilities, and

25 then with liaison between the minister of disabilities

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1 and the DWP to ensure the important financial support
2 remains?
3 **A.** Yeah.
4 **Q.** Last point in terms of your involvement during the Covid
5 response, as a minister of state but not a Cabinet --
6 a secretary of state, it's right, isn't it, that you --
7 on the whole, there is some exceptions which we will
8 turn to, you did not attend COBR or Cabinet or the
9 ministerial implementation groups or the Covid-O groups,
10 as -- overall that was the position?

11 **A.** Yeah, that's right.

12 **Q.** There is exceptions, which we'll turn to.

13 In terms of the interests of disabled people, how
14 were they represented and raised at COBR --

15 **A.** Yeah.

16 **Q.** -- at the relative MIG --

17 **A.** Yeah.

18 **Q.** -- or Covid-O?

19 **A.** So there are a number of strands. So, first of all, my
20 Secretary of State, Thérèse Coffey, was exceptionally
21 hard working, took her role very seriously, so she was
22 keen to attend COBR as the senior member of the
23 department. She would have daily meetings, so all
24 ministers within DWP could flag issues. She was very
25 receptive to issues being raised, which she would then

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1 That's correct, isn't it?

2 **A.** Yeah.

3 **Q.** And we've heard already evidence regarding the shielding
4 programme which was set up at pace, and that was not
5 something that you or the Disability Unit was involved
6 in or had input in relation to?

7 **A.** Not that I recall, no.

8 **Q.** No.

9 In the narrative I'd like to pick up and turn to
10 a document, INQ000187670.

11 This is a statement issued -- a joint statement by
12 you and other ministers on 31 March 2020.

13 Perhaps if we could turn to page 2, please. And
14 again, turn over. Lovely, thank you.

15 That may be a rogue reference, so we can take that
16 off the screen.

17 But it's touched upon in your statement at
18 paragraph 71, in a joint statement, late March 2020, and
19 in that it starts off with the following text, that the
20 government:

21 "... hugely values disabled people and is committed
22 to ensuring that disabled people are supported during
23 this challenging and worrying time."

24 It may chime with your recollection, and you have
25 had a chance to see these documents beforehand:

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1 take up if they needed to be. There were occasions
2 where I attended where there were specific
3 disability-related issues.

4 And then the way that government works is the civil
5 servants take those issues up, try to get them resolved,
6 and generally either if they have been resolved they
7 were flagged back to ministers, so we knew for future
8 stakeholder engagement, or if there were issues they
9 would be brought back to ministers who could then either
10 escalate them to other ministers who were responsible,
11 and that would generally work.

12 And again, I have to pay tribute that the civil
13 servants -- and I know there has been a lot of scrutiny
14 around this -- the civil servants always served me well
15 in all the roles. Whether it was the Disability Unit or
16 DWP, things were taken very seriously.

17 **Q.** Thank you.

18 Well, let's move on to part 2, and we can touch upon
19 the application of that in a little bit more detail.

20 The first heading is around the time of lockdown or
21 the lead-up to lockdown in March 2020, and you set out
22 in your statement, we don't need to turn to it, that you
23 were not directly involved in the UK Government's
24 initial strategy in the period from January to
25 March 2020, including the decision to use lockdown.

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1 "We will do everything in our power to ensure the
2 needs of disabled people are addressed."

3 It's with that -- words of reassurance, it reflects
4 upon the legislation which had just been implemented
5 which had removed -- and we're not going to go into the
6 pros or cons today, but had removed certain safeguards
7 in relation to disabled people. Do you recall that?

8 **A.** In what respect?

9 **Q.** Well, in relation to the Coronavirus Act, there was
10 certain provisions which had been lessened, safeguards
11 which had been lessened because of the public emergency
12 we were about to go -- experience.

13 **A.** Yeah, but -- and I'm conscious we're not debating merits
14 and demerits of things, but it was all about balance of
15 limited resources in terms of workforce and making sure
16 you prioritise the most vulnerable in society, because
17 this was around social care if --

18 **Q.** That's correct, that's exactly, yes.

19 **A.** Not in my realm, but that was my recollection of that.

20 **Q.** It was a joint statement with you and the permanent
21 Undersecretary of State for children and families, but
22 the reassurance, which was the core message of this
23 public statement, was that you were going to take
24 decisive action to save as many lives as possible?

25 **A.** Yeah.

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1 Q. And also ensure the highest levels of support for
2 disabled people --
3 A. Yeah.
4 Q. -- their carers and their families --
5 A. Yeah.
6 Q. -- during this challenging time?
7 A. Yeah.
8 Q. So that's the context we have.
9 A. Yeah.
10 Q. So that was the statement of intent.
11 A. Yeah.
12 Q. If we can move on now, around that time, the Equality
13 Hub and the Disability Unit were reacting to events as
14 they emerged, and isn't it right around that time
15 a decision was made to move -- redeploy 51 members from
16 the Disability Unit to assist with the overall response
17 to the pandemic?
18 A. Yeah, I mean, right across all of the areas I was
19 responsible for.
20 Q. Yes.
21 A. If you -- disability benefits, the vast majority of our
22 frontline staff were from a medical background, so they
23 were in huge numbers seconded to support the NHS, the
24 vaccine roll-out, bearing in mind the benefits -- the
25 disability benefits system was predicated on frontline

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1 a paper which was prepared for the general public sector
2 ministerial implementation group, the MIG.
3 It's at INQ000083584, please. This one works, which
4 is helpful.
5 This was entitled "The impact of COVID-19 on
6 disabled people."
7 If we could turn to page 3, please, so this is the
8 documentation which was before the committee and there
9 to assist you, and we see there that at page 3
10 "Findings", top left:
11 "Further data on the impact of COVID-19 on disabled
12 people will be key in guiding our response, eg health
13 and employment."
14 In terms -- if we could scroll out, please, if
15 that's okay -- one of the actions is to start to build
16 the data picture that measures are impacting disabled
17 people --
18 A. Yeah.
19 Q. -- disproportionately. So we see reference there, is
20 that there is a need for greater data.
21 A. Yeah.
22 LADY HALLETT: What's the date of this?
23 MR KEATING: This is May 2020, my Lady.
24 LADY HALLETT: Thank you.
25 MR KEATING: We see the far right is:

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1 physical assessments --
2 Q. Yes.
3 A. -- so that presented immediate challenges. But actually
4 within the Equality Hub a relatively small number
5 compared to other areas of the Disability Unit were
6 seconded and it certainly from my recollection didn't
7 impact on our ability to carry out engagement and
8 stakeholder work. What it will have done is perhaps
9 some of the longer-term work -- beyond Covid, once we
10 returned to normality -- will have had to have been
11 paused, but certainly for the immediate challenges of
12 Covid I didn't feel the Disability Unit were not in
13 a position to serve out what they were --
14 Q. That wasn't in your experience --
15 A. -- wasn't an issue.
16 Q. In fairness to you and the evidence we have elsewhere,
17 there was a redeployment of staff initially, but then --
18 A. Yeah, came back.
19 Q. -- the Disability Unit were re-categorised as essential
20 staff?
21 A. Yeah, and certainly the cohort of staff who would join
22 me to support in stakeholder engagement, they were
23 certainly kept.
24 Q. Yes.
25 I'm going to move on now to 21 May 2020, and this is

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1 "DHSC is exploring existing datasets to gain greater
2 insights into, eg, health impacts and deaths, and
3 extending the scope of a PHE review into the risk of
4 an outcomes of COVID-19 to cover disabled people."
5 A. Yeah.
6 Q. Which we'll touch upon in a moment.
7 At page 5 of this document, please, "Findings":
8 "Accessible communications is vital ..."
9 Something which is a feature of your statement, you
10 recognise.
11 A. Yeah.
12 Q. A need for impact assessments, and to get further
13 insight from lived experiences.
14 We see here, because engagement is another theme
15 which we have in our evidence today, and something
16 within your statement, feedback from stakeholders, some
17 disability groups have expressed concern about
18 particular cohorts not being helped through the
19 shielding programme and that members are disadvantaged
20 because the supermarkets are offering prioritised
21 delivery slots for shielding individuals.
22 That's the feedback, and we see the action there.
23 We've got the questions in relation to that, because
24 I know you touch upon how you were one of the
25 individuals which, in your role, liaised with DEFRA to

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1 help this.

2 Was there an issue around that time that those who
3 were classified clinically extremely vulnerable, it
4 omitted a significant amount of people who were also
5 disabled and had significant vulnerabilities as well?

6 **A.** Is this in relation specifically to -- just in general?

7 **Q.** In general but also that was a difficulty, was it not,
8 in relation to shielding, how there was support for
9 those who were shielding --

10 **A.** Yeah.

11 **Q.** -- but also there was others who were not within the
12 category of shielding --

13 **A.** Yeah.

14 **Q.** -- and had been originally --

15 **A.** So there was an absolute understanding across government
16 that those with underlying health conditions and
17 disabilities were the most likely to be impacted by
18 Covid in -- from a health perspective, the wider impacts
19 of the changes in terms of lockdowns, et cetera, so
20 across government were supportive of that principle. We
21 were reminding people that the better quality data the
22 more accurate they can be. And as stakeholder
23 engagement flagged issues, generally departments were
24 very receptive to then take that up and then adjust. At
25 no point were things like the list, the prioritisation

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1 **A.** Yeah, can I just add one quick thing there?

2 **Q.** Of course.

3 **A.** The Disability Unit would flag three things. One,
4 issues that had been raised through their meetings,
5 stakeholder engagement including with myself. Secondly
6 where they offered solutions themselves and could
7 therefore help speed up the response. An example I set
8 out in my written statement was the DEFRA's access to
9 work -- sorry, access to food --

10 **Q.** Yes.

11 **A.** -- for which a number of the Disability Charities
12 Consortium actually joined the taskforce, and they were
13 able to utilise what they were getting on their
14 telephone and online forums from their members and give
15 that valuable insight that sped up the ability for them
16 to come up with a response. And thirdly, to test out
17 things because of their extra knowledge. And -- and
18 sorry, and finally, to then utilise their communications
19 because not everybody was tuning in at the 6 o'clock
20 daily news briefings, and many of these organisations
21 had reach to groups of people who otherwise wouldn't
22 have been getting the government messages. And they
23 were seen as trusted sources.

24 **Q.** Well, I'm going to take this even more shortly in
25 relation to engagement because it's set out in your

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1 list, ever set in stone and will never be moved, they
2 were always evolving. I certainly recall when we first
3 saw sight of the vaccination priority list the DHSC were
4 very keen to take areas that may have been missed from
5 their initial assumptions, and work with the stakeholder
6 groups that we had already met with, and we could then
7 signpost to the relevant people.

8 In fact, in that case, Minister Zahawi actually met
9 with the Disability Charities Consortium and they were
10 the -- predominantly the leading health and disability
11 charities, with many millions reach of members --

12 **Q.** Well, that may be an opportunity to deal with the topic
13 of engagement.

14 **A.** Yeah.

15 **Q.** You mention in your statement that this was, in your
16 view, an important part of your role --

17 **A.** Yeah.

18 **Q.** -- and that the Disability Unit worked within
19 government --

20 **A.** Yeah.

21 **Q.** -- and with disabled people and organisations and
22 charities, to use your words, to gain insight and
23 encourage engagement with the government, and you set
24 out four categories of stakeholders, which I'm going to
25 summarise and then give you the opportunity --

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1 statement the four different categories and
2 organisations which you and the Disability Unit engaged
3 with during that period of time.

4 In terms of the evaluation of that, first of all,
5 did you, in your view, find that that level of
6 engagement to be beneficial and feed through in the
7 decision-making?

8 **A.** Hugely. Every minister is different about how they
9 conduct themselves. I've always enjoyed stakeholder
10 engagement, I've found it makes for better policy
11 development, it provides you with insight that even the
12 most academic policymakers, unless they've got that
13 lived experience, would not necessarily appreciate.
14 They road test things. There is nothing worse for
15 a minister than spending 18 months developing what
16 ultimately becomes legislation for somebody to then
17 point out something that should have been noticed at the
18 beginning and therefore you have wasted 18 months. And
19 in the case as I gave with the access to food taskforce,
20 it speeds up the process, because they bring that extra
21 level of expertise.

22 Now, not all stakeholders agree, and stakeholders
23 are critical, and ultimately as the minister you have to
24 make a judgement, that's why you're in that role, and
25 not all stakeholders will agree with that, but I think

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1 it made for a better -- makes for better policy
2 development. And it's something that I passionately
3 wanted to see not just for myself as a minister, but to
4 be embedded as a given across government.

5 And again, you look at all of the instances where
6 I'm on cross-government things, I'm always pushing for
7 better data, because you -- more accurate decisions,
8 pushing for that engagement. Because why would you not
9 want to have that insight, that level of challenge, that
10 level of ideas? So it's something that I was very
11 passionate about. And separately that then links
12 through to the theme of the National Disability
13 Strategy.

14 **Q.** We will loop back towards -- at the end.

15 So in relation -- obviously a passion and a value
16 placed on engagement and wish for that to be successful.

17 **A.** Yeah.

18 **Q.** Looking back now, do you consider that there was any
19 deficiencies or areas for improvement with that
20 engagement in terms of including other people or was it
21 more reactive than proactive?

22 **A.** There are always challenges. There is -- as a minister,
23 there is one of you, and I genuinely think you would be
24 hard pressed to find a minister who probably did more
25 stakeholder meetings. But there are thousands and

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1 time".

2 **Q.** Thank you.

3 So we were on 20 May, 21 May at this meeting and we
4 have looked at documents. I'm not going to invite you
5 to turn to the minutes of the meeting but I can
6 summarise the minutes of that meeting once we've seen
7 the supporting documentation. And one of the minutes
8 was that all departments support you, the Minister for
9 Disabled People and the Disability Unit, to ensure that
10 their communications are fully accessible?

11 **A.** Yeah.

12 **Q.** And secondly, all departments to consider data gaps and
13 the impacts of Covid-19 on disabled people.

14 So the need for more data recognised from that.

15 I'd like us to move on now in the timeline, please,
16 to the summer of 2020, and in relation to the Office of
17 National Statistics, ONS, you refer to the work they
18 were doing --

19 **A.** Yeah.

20 **Q.** -- in your statements -- we don't need to turn to
21 that -- but you were not directly involved with the
22 Disability Unit's engagement with ONS during the summer?

23 **A.** No, that's operational.

24 **Q.** I'm going to ask you a little bit more about how sighted
25 you were on that work at that time. It may be

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1 thousands of disability charities, organisations,
2 individuals, welfare advisers -- and also staff on the
3 frontline, they often have very valuable insight to be
4 shared. I can't, as an individual minister, be
5 everywhere all of the time, because you also have your
6 parliamentary business, and so we were always trying to
7 evolve how we could meet with a diverse range.

8 When I first became a minister, it's fair to say --
9 this isn't my first time as a junior minister --
10 predominantly London-based organisations would get the
11 lion's share because they could logistically come in to
12 Westminster. And so that was the thinking behind the
13 regional stakeholder network that we set up, because
14 that gave an opportunity for organisations in all
15 corners of the United Kingdom, particularly through
16 Teams and Zoom meetings, to be able to then feed in, and
17 you wanted to just try to get a very, very good mix.

18 There are never enough hours in the day to meet
19 everybody, and some stakeholders are better than others
20 at utilising the time that they have, and where we could
21 see particularly good insight, particularly good
22 suggestions, we then, through the Disability Unit, would
23 then flag that up to the ministers and say, "These are
24 people who can help you be better departments, better
25 design policy, and policy that will stand the test of

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1 operational but obviously you need to know the data and
2 how that may impact policy.

3 How sighted were you as to data from ONS and how it
4 impacted on disabled people?

5 **A.** So that would have been part of the -- so I would
6 regularly meet with my officials, whether that's within
7 DWP or the Disability Unit, and things were discussed.
8 It was a given, not just for myself but everybody across
9 government, that those with disabilities or long-term
10 health conditions or any health -- underlying health
11 conditions would be at greater risk of the impacts of
12 Covid.

13 Whilst the data -- we were seeking better quality
14 data to evidence base that, that was the working
15 assumption across government. I do not recall a single
16 meeting where somebody pushed back and said, "I think
17 you're asking too much because of that". That was
18 a presumption that was a given. It is always helpful to
19 have more data as quickly as possible, that's what the
20 ONS do, and we supported calls -- and we reminded
21 government colleagues to use that as evidence based.
22 Particularly when you are lobbying Treasury for extra
23 money, lesson number 1 is: have evidence to support your
24 bid.

25 **Q.** So we have the meeting in May, the need for greater

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1 data, something as a working assumption you were mindful
 2 of the --
 3 **A.** Yeah.
 4 **Q.** -- adverse impacts the pandemic would have on disabled
 5 people, and we know that on 19 June ONS released data
 6 which, in broad terms, was an indicator of greater
 7 incidence of death in both male and female disability
 8 groups?
 9 **A.** Yeah.
 10 **Q.** And it says, set out in very short term, that the causes
 11 are still being identified?
 12 **A.** Yeah.
 13 **Q.** So there was a degree of uncertainty --
 14 **A.** Yeah.
 15 **Q.** -- at that stage?
 16 **A.** Yeah.
 17 **Q.** Let's move on in the timeline now, please, to
 18 24 September 2020 and there is a Covid-O meeting. And
 19 in relation to that we could perhaps turn to one of the
 20 papers which has been prepared that's INQ000090046,
 21 I think it's right in front of us, thank you, and this
 22 is a paper in relation to disproportionately impacted
 23 groups that was presented at this Covid-O meeting.
 24 And we see the first part and I anticipate we will
 25 see this again, so I'm going to deal with that material
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1 complement the work led by the Minister for Equalities
 2 in relation to COVID-19 disparities for BAME groups
 3 (commissioned following the [PHE] report published in
 4 early June), and address issues outside the remit of
 5 that work."
 6 You will recall the PHE report that -- there was
 7 reference to that in a document we saw back in May.
 8 I want to ask you this: we know that Ms Badenoch was
 9 doing work in relation to the impact --
 10 **A.** Yeah.
 11 **Q.** -- in terms of ethnic minorities --
 12 **A.** Yeah.
 13 **Q.** -- and that that was prompted by a PHE report in June,
 14 and we have heard evidence that was updated in
 15 August 2020.
 16 Was it the case that, as identified here, that
 17 disabled people generally, which of course would include
 18 some --
 19 **A.** Yeah.
 20 **Q.** -- those who are within ethnic minority groups, but was
 21 it the case that disabled people were outside that work
 22 which had been done by the Minister for Equalities at
 23 that stage?
 24 **A.** No, I mean, this was predominantly looking around the
 25 lower take-up of vaccinations within certain cohorts of
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1 shortly but not wishing to minimise its importance, it
 2 sets out the significant impact on BAME groups --
 3 **A.** Yeah.
 4 **Q.** -- in relation to Covid, and includes older people and
 5 disabled people there?
 6 **A.** Yeah.
 7 **Q.** And it talks about that these are communities at
 8 increased risk?
 9 **A.** Yeah.
 10 **Q.** And next it refers to:
 11 "Urgent action is needed to prevent the same issues
 12 being replicated that we are facing a second wave in
 13 infections."
 14 And that bold is not by us, that was within the
 15 document itself.
 16 So clearly --
 17 **A.** Yeah.
 18 **Q.** -- urgent, pressing and the need for more information.
 19 It says at number 2, please -- thank you -- on the
 20 same page:
 21 "The recommendations in this paper would
 22 augment ..."
 23 Actually it's page 2, not paragraph 2, thank you so
 24 much, if you could turn overleaf:
 25 "The recommendations in this paper would augment and
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1 society --
 2 **Q.** Just pausing there, because I don't want you to go
 3 on a --
 4 **A.** Yeah.
 5 **Q.** -- for us to be at cross-purposes. This is
 6 September 2020. Are we -- we're not really in vaccine
 7 territory.
 8 **A.** No, in terms of the messaging getting out -- my
 9 apologies, yeah. And so this ultimately led on to
 10 identifying that the initial 6 o'clock briefings were
 11 not necessarily reaching as effectively certain cohorts
 12 of society, and this would then ultimately look at more
 13 bespoke ways, through community leaders, different ways
 14 of communicating.
 15 And from a disability-specific perspective it was
 16 an opportunity for me to remind colleagues that --
 17 particularly through the DCC, the Disability Charities
 18 Consortium -- their reach to their membership was many
 19 millions, and actually we should be utilising, across
 20 government, that reach to get specific messages to
 21 different groups.
 22 **Q.** Was it the case that the workstream for disabled people
 23 and finding out more information, more data, was in fact
 24 falling behind the work which was ongoing in relation to
 25 the adverse impacts on ethnic minority groups?
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1 A. So my recollection is that it was the other way round,
 2 because that was already embedded into the thinking of
 3 DHSC. As I said, I don't recall ever having a meeting
 4 where people pushed back on the assumption that those
 5 with underlying health conditions or disabilities were
 6 at greater risk of the impact of Covid.
 7 Q. This is where we have your working assumption which --
 8 A. When I say "we", the government, society --
 9 Q. Of course.
 10 A. That was never in question as far as I'm aware.
 11 Q. Just to finish the question, the working assumption you
 12 referred to, but was it the case that there was a lack
 13 of further data to assist policymakers address the needs
 14 of disabled people at that stage, in September 2020?
 15 A. I don't recall a specific in that.
 16 Q. It's hard. Let's work through the documents.
 17 A. I absolutely accept the point that you will always want
 18 the very best possible data. Data takes time to
 19 collect, so I'm not saying we had magical
 20 all-encompassing data at our disposal. But the fact we
 21 didn't, didn't in my mind lower the urgency that society
 22 and government, cross-government, understood around the
 23 areas of disability and health conditions.
 24 Q. We've got four more date points we're going to touch
 25 upon, I'm going to do those briefly, but if we go to the
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1 And that's something that you were aware of and it
 2 was influencing your work --
 3 A. Yeah, because -- I don't profess to be a medical expert
 4 but if you have an underlying health condition you are
 5 more likely to suffer the impacts of Covid, and that's
 6 seen with age, and the prevalence of disability and
 7 health conditions increases with age.
 8 Q. If we turn to 12 November 2020, and this is where there
 9 was more work being done ahead of the next Covid-O
 10 discussion on this topic.
 11 And if we could turn to INQ000083918, please, it
 12 sets out the context of the meeting on 27 November.
 13 The recommendations we see:
 14 "Data commission to understand factors driving
 15 increased mortality risk ..."
 16 Engagement is touched upon, a national centre for
 17 digital access to assist making things more accessible
 18 as well.
 19 If we turn to page 2, please, we see in the box:
 20 "Available data and analysis on the question of
 21 disproportionate impacts of covid on disabled people has
 22 significant gaps ... ONS data on social impact of covid
 23 is broken down by impairment, their current mortality
 24 data does not tell us what types of disabilities
 25 (impairments) are associated with an increased risk of
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1 minutes of this meeting, which is INQ000090183, this is
 2 a -- we see, I understand, I think you were -- you
 3 are -- you are present at that meeting. We can see your
 4 name there, Mr Tomlinson, on page 1.
 5 And the stark toll of Covid was highlighted at that
 6 meeting.
 7 If we turn to page 5, please.
 8 We can see that at the second paragraph there is
 9 a reference to -- you use the phraseology here:
 10 "A BAME person was still more likely to die from
 11 coronavirus ..."
 12 It sets that out there.
 13 Then if we come back out, please, just scroll out,
 14 thank you, further down, the third paragraph, it says
 15 this:
 16 "... 60% of those who had died from coronavirus
 17 identified as disabled and, even once accounting for
 18 other risk factors, disabled people were 1.6 times more
 19 likely to die from coronavirus. Individuals were 70
 20 times more likely to die if over the age of 80, compared
 21 to those under the age of 40 ... men were twice as
 22 likely to die from coronavirus compared to women."
 23 So breathtaking numbers but how disabled people,
 24 that large cohort, was being disproportionately impacted
 25 by coronavirus.
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1 death from COVID-19."
 2 And it says at the bottom of that paragraph:
 3 "We are currently not clear what is driving the
 4 increased risk."
 5 And it says this, is that:
 6 "These gaps mean:
 7 "- we have insufficient information to inform
 8 COVID-19 policymaking for people with disabilities."
 9 And:
 10 "... if this is not addressed at pace, HMG faces
 11 a wider reputation risk of being too slow to act in
 12 spite of several credible reports of significant
 13 differential impacts."
 14 We can see that being the third bottom bullet point.
 15 So in this paper, real concerns being expressed
 16 within government regarding these significant gaps and
 17 talking about reputational harm, but of course, as you
 18 would say, the interests of disabled people are
 19 paramount.
 20 What was the concern at that stage and what was
 21 being done by government in relation to trying to get
 22 more data to address this?
 23 A. So everybody accepted that better quality data allowed
 24 better quality targeting. Now, whether that is the
 25 prioritisation of services, access to vaccinations, from
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1 a DWP perspective at the very beginning, to make sure
2 that financial stability was in place, there was
3 an extra £500 million injected into the welfare system.
4 With improved data were all the right people being
5 targeted? Would you have chosen smaller cohorts but
6 offered them more of that money?

7 And that's what was underlying that.

8 The balance of that is, in the absence of absolute
9 accurate data, there was a working assumption that those
10 with underlying health conditions and disabilities
11 absolutely would need that. And as time went on and
12 data caught up, that provided more evidence to give more
13 targeted support going forward.

14 **Q.** The big question is: were you, was the government fast
15 enough in commissioning that data and seeking out that
16 data for disabled people? Or were they being forgotten
17 or their interests not as progressed as other groups?

18 **A.** So, as I -- as it's not me who commissions the data --
19 I can't give you an absolute answer, but what I can say,
20 in the absence of where absolute accurate perfect
21 gold-plated data existed, it did not hold me back as
22 a minister pushing for our share of additional support,
23 additional prioritisation, because there was that
24 working assumption.

25 And I've repeated this several times because I've

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1 **Q.** -- and we have lockdown 3, as we now know, on the
2 horizon.

3 **A.** Yeah.

4 **Q.** The recommendation at Covid-O is more data --

5 **A.** Yeah.

6 **Q.** -- more testing and to help disabled people's access to
7 use digital technology, a concern that a number --
8 a significant amount of disabled people were isolated
9 and needed to be included.

10 In relation to that, that may be an opportunity to
11 very briefly deal with communications.

12 **A.** Yeah.

13 **Q.** A lot in your statement regarding accessible, and you
14 say this, that the Equality Hub and the Disability Unit
15 worked to support Cabinet Office communications to
16 use -- your phraseology -- stakeholder knowledge to
17 improve government communications. And you give
18 an example about the British Sign Language, BSL,
19 interpreter for press conferences. And in your
20 statement, at paragraph 67(a), you recall that the
21 product of this engagement was it was flagged to you
22 that the British Government -- I think probably it would
23 be the UK Government, I'm citing your statement --

24 **A.** Yeah.

25 **Q.** -- daily press conferences did not have the benefit of

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1 also been a minister when it hasn't been Covid, and I've
2 gone with what I think are perfectly robust and very
3 good, positive, tangible asks to government, Treasury,
4 and have been turned away because I don't have the
5 evidence to back up my assumption.

6 In terms of asking for things, there was a very big
7 difference between during the challenges of Covid for
8 our asks and outside of Covid.

9 **Q.** This is in the lead-up to a meeting on 8 December 2020,
10 a Covid-O meeting, and you were present at that, and I'm
11 going to summarise it. We don't need to turn to the
12 document, but it mirrors what we've seen: concerns
13 regarding data and mortality, for understandable
14 reasons, one could see in relation to that, and it
15 touches upon also the indirect impacts of Covid as well,
16 in terms of financial and mental health, which was seen
17 as another impact on disabled people.

18 And does that accord with your understanding and
19 your engagement that those were the indirect impacts as
20 well?

21 **A.** Yes, absolutely.

22 **Q.** In terms of the recommendations, and as we -- at this
23 stage in our timeline we've left lockdown 2, we are
24 accelerating towards Christmas --

25 **A.** Yeah.

194

1 the BSL interpreter, whereas the Scottish press
2 conference did.

3 What did you do when that was raised with you?

4 **A.** This was hugely frustrating. So I've highlighted many
5 areas where the cross-government flagging of issues,
6 quick resolutions, positive outcomes, this was on the
7 other end of the spectrum. This was -- right from the
8 beginning of the stakeholder engagement this was one of
9 the first issues that was flagged. It was flagged
10 repeatedly not just by organisations like RNIB, though
11 they would understandably -- it was a key issue there,
12 but the wider stakeholder, it was very topical, it was
13 in the national news, in Parliamentary questions, in
14 debates, this was being issued. And for me sometimes
15 when you're given an ask you know they're going to be
16 difficult, they come with a big financial cost, they're
17 complex cross-government -- this was one of those which
18 was an easy fix and it took far too long and I to this
19 day still do not understand why we couldn't have
20 resolved that much quicker. It was done in the
21 devolved --

22 **Q.** Yes.

23 **A.** -- areas. And also eventually Lord Bethell sent
24 a reply, I believe it was to RNIB, I believe --

25 **Q.** There was correspondence --

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1 A. -- and he in effect said for social distancing reasons,
2 but -- I get that, but it could have been done in
3 another room and then being done -- which it was
4 ultimately done for the online and the feeds that were
5 provided to other news channels.

6 It was one of those -- it could and should have been
7 better, no doubt about it.

8 And for me, hugely frustrating, because in that
9 stakeholder engagement you've got limited time and it
10 was one we didn't need to have to keep going over
11 because it should have been just fixed as a given
12 absolutely.

13 Q. So drawing it together, the starting point, there wasn't
14 a BSL signer at the outset at the press conferences,
15 which were a very important mode of communication?

16 A. Yeah.

17 Q. After it was raised with you --

18 A. Yeah.

19 Q. -- it wasn't raised within government, it was raised by
20 you that there wasn't a BSL --

21 A. Yeah.

22 Q. -- interpreter, the solution was a sort of hybrid
23 where --

24 A. Yeah.

25 Q. -- a BSL interpreter was on BBC News --
197

1 I think a qualified recognition that there was
2 an improvement. Does that --
3 A. Yeah, and they were fantastic. Government, at times,
4 some of the communication that went out wasn't fully
5 accessible, and organisations like RNIB and many of the
6 others, predominantly in the Disability Charities
7 Consortium, have fantastic policy teams, expertise,
8 because day-to-day they're communicating with their own
9 members in a format that is accessible to their members.
10 And it was doubly frustrating because I would raise this
11 at meetings and say, "Please make sure your accessible
12 communic -- your communications are accessible". Nobody
13 ever said, "No, minister, we want to deliberately make
14 them unaccessible". Nobody got up in a morning to
15 deliberately to do that. But they don't necessarily
16 have either the expertise, and they were working at
17 speed. And so we pushed, first of all to raise
18 awareness, we offered the stakeholders as experts, let
19 them check it over before it goes out, look at their
20 guidelines, and, ultimately we managed to get a senior
21 person inside the Cabinet Office to own this as
22 an issue, who was well regarded by the wider
23 stakeholders, she'd been chief executive of -- a member
24 of the Disability Charity Consortium, and that formed
25 the rapid accessibility contact team. Because, again,
199

1 A. Yeah.

2 Q. -- rather than on the main --

3 A. Yeah.

4 Q. -- BBC channel --

5 A. Yeah.

6 Q. -- at 6 o'clock, for example?

7 A. Yeah. Should have been quicker and should have been
8 an easy fix.

9 Q. And the frustration which was conveyed to you was it
10 felt that the needs of disabled people were not
11 considered or were an afterthought; was that something
12 that was conveyed to you?

13 A. On that specific area?

14 Q. Yes.

15 A. It was a frustration and I -- believe me, I shared it.

16 Q. Second point, and last point in relation to
17 communications, you had engagement with the Royal
18 National Institute of Blind People --

19 A. Yeah.

20 Q. -- in relation to problems as to accessibility of
21 shielding letters --

22 A. Yeah.

23 Q. -- and information, and they raised that with you and
24 government in April 2020. That resulted in revised
25 guidance, and it says that it led to some improvements,
200

1 there's a balance between the urgency to get information
2 out, and you don't want a six-week lead time to check
3 it, the exact font size and things like that. But
4 I wanted to make sure that that would be a given, not
5 just during Covid, but forever more, because to me it is
6 an area that should be a given and, again, not as much
7 as the BSL but it was up there in frustrations of
8 relatively easy things to fix that we could and should
9 have done better.

10 Q. Two more areas I'd like your assistance upon. We're
11 going to be about five minutes, and then there is going
12 to be questions from core participants to you.

13 We were, in this second part, dealing with the
14 timeline, working through the need for data, we have
15 gone through from May to summer, to September, November,
16 December, and we have the publication of the
17 cross-government Covid-19 disability measures which
18 takes place on 28 January 2021. It's touched upon in
19 your statement at paragraph 61, but perhaps we could
20 turn to the document itself. It's INQ000083896.

21 This is a document which is there which references
22 to publishing a package of cross-government measures.
23 So INQ000083896. Thank you. So it's addressed to you,
24 we see the dates, which I've read already, and it wants
25 a decision by 3 February:
200

1 "... which would allow us [you] to publish in
2 advance of the next updated estimates of Covid-19
3 related deaths by disability status on 11 February."
4 That's referring to the ONS data which took place in
5 February 2020.
6 If we just scroll down a little bit more and we can
7 see paragraph 2, and this is a good way to convey the
8 concerns expressed externally but recognised internally
9 within the note from your department to you.
10 "There was growing stakeholder driven narrative that
11 disabled people are being forgotten and left behind
12 throughout the pandemic."
13 It cites a letter to a number of ministers from
14 SCOPE, a national organisation, in January 2020, how
15 their work shows that "disabled people have routinely
16 told us they have felt forgotten during the pandemic",
17 and it talks about and refers to how a significant
18 amount of disabled people have died of Covid.
19 If we scroll out a bit, please. Thank you. What it
20 says later on in that document is this feeds into media
21 criticism such as the "We won't be forgotten" campaign,
22 which states one in four disabled people feel forgotten
23 by the government, and Census, another national
24 organisation, "Forgotten Families" campaign, which
25 highlights the difficulties for families with children
201

1 during Covid and beyond Covid, and there were
2 outstanding issues, and there it highlights the impact
3 of that slowness to have the BSL interpreters as a given
4 as part of the daily conference, and the impact of that
5 was greater than just the people that it was directly
6 impacting on, and it was useful at all cross-government
7 meetings for me to then remind ministers -- that
8 wouldn't necessarily deal with disability issues on
9 a day-to-day basis -- that there were cohorts of the
10 people that they would be impacting, and that there was
11 a resource predominantly from that Disability Charities
12 Consortium, SCOPE being highlighted, fantastic policy
13 team, fully engaged chief executive. I met with them
14 time and time again at different levels, so did our
15 policy teams, and we were advocating their use. So if
16 you were the Children's Minister, that they could bring
17 that extra level of expertise beyond your own
18 department's policy team, who wouldn't necessarily
19 appreciate the knock-on impacts of wider decisions that
20 were taken, and finally to utilise their comms network
21 of their own so that they could present changes,
22 particularly where there's additional support,
23 particularly where there's opportunities to be
24 prioritised, et cetera, through their network to make
25 sure those messages reached. Because it is clear in
203

1 with complex needs.
2 Talking a lot here and just trying to draw out the
3 recognition within the party -- within the government of
4 the concerns regarding this, and if we move on, please,
5 to paragraph 11, further down in that document, please,
6 and in suggesting that -- the recommendations, it
7 recognises the current media and stakeholder landscape
8 on disability, and there has been a strong narrative
9 from stakeholders echoed by the media that people feel
10 left behind.
11 If we could turn overleaf, please, and it says there
12 that there's concern about this is too little too late.
13 We can see in the third line:
14 "If ministers do decide to announce, there may be
15 some criticism in some quarters for doing too little too
16 late."
17 In relation to that suggestion in the paper, were
18 you mindful that there was concerns externally, from
19 national disability organisations and from other
20 stakeholder engagements, that disabled people felt
21 behind and what was done -- and what was done was too
22 little too late?
23 **A.** So in part, through the regular stakeholder engagement,
24 issues were flagged, some were relatively
25 straightforward to resolve, some shaped responses, both
202

1 a 6 o'clock briefing you can't fit everything in, and
2 utilising those individual organisations to get very
3 bespoke messages would then help to turn that dial on
4 the underlying point that some people felt that they had
5 been forgotten.
6 **Q.** The final data point is we know in February 2021 the ONS
7 data was announced, and we'll touch upon it in a moment,
8 but significant higher rate of mortality for disabled
9 people. It really goes back to the final point on this
10 is: were you satisfied -- looking back now, and
11 recognising the best efforts you and your colleagues in
12 civil service were trying to do, was there sufficient
13 visibility and insight about the impact of Covid on
14 disabled people during the pandemic, in your view?
15 **A.** In most areas. My role -- the main -- if you speak to
16 the majority of disability stakeholders, the focus is
17 invariably around disability benefits, at the time
18 £13.6 billion, the logistical challenges to keep that
19 system open, and we did that through automatic
20 extension. So anybody who was at risk of coming off the
21 benefit were automatically extended, providing financial
22 stability, leaving our very finite resources to focus on
23 new claimants, so nobody was left out, and claimants
24 whose health condition had deteriorated so would be
25 entitled to a higher level of financial support. And
204

1 bearing in mind that this was a system predicated on
 2 physical assessments where people had to travel to
 3 a physical --
 4 **Q.** Yes.
 5 **A.** -- assessment to bring forward initially telephone
 6 assessments and then video assessments, and that was --
 7 the stakeholder network were absolutely fantastic in
 8 giving me fast information about whether that was
 9 working, whether we were missing people, whether there
 10 were issues, and then ultimately they then wanted it to
 11 become a permanent feature, which it did, beyond Covid.
 12 And those areas, had they gone wrong, would have been
 13 absolutely catastrophic; the same as if Universal Credit
 14 had tripped over. These were systems that took
 15 a significant chunk of our focus because of the
 16 implications were unthinkable --
 17 **Q.** Just pausing there.
 18 **A.** Yep.
 19 **Q.** I need to break it up and give our stenographer a brief
 20 rest.
 21 So in terms of your answer, you said in most
 22 places --
 23 **A.** Yes.
 24 **Q.** -- there was visibility, and you --
 25 **A.** Yeah.

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1 terms of lessons learned. Do you consider that there is
 2 a matter, additional matter, you want to mention which
 3 you consider is an area for recommendations or where
 4 the Inquiry can learn lessons?
 5 **A.** Despite all of the challenges, there were benefits that
 6 came out in terms of, particularly around engagement,
 7 that ability for us to set up a regional stakeholder
 8 network, to get voices that weren't just London's --
 9 nothing against people from London, but perhaps issues
 10 that are faced in the northeast or Wales can sometimes
 11 be different -- does genuinely make for better insight,
 12 speed up policy development, improve policy, and it was
 13 a message that I want government -- of which I'm no
 14 longer a minister -- I want the new versions of me to
 15 take as a given, to see it as an opportunity to be
 16 better ministers, to be a better government and produce
 17 better policies. And we saw that with the National
 18 Disability Strategy, we saw that with the health and
 19 disability green paper that was running alongside
 20 throughout Covid -- and in the stakeholder meetings we
 21 would invariably cover all three topics -- and also to
 22 never be precious about the agendas. It was very much,
 23 if I met with a stakeholder group it was for them to
 24 choose how they wanted to use that time, and many of the
 25 stakeholder groups would clearly put a lot of thought in

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1 **Q.** -- emphasised the importance of financial support.
 2 **A.** Yes.
 3 **Q.** And that was one of the indirect impacts --
 4 **A.** Yeah.
 5 **Q.** -- which was identified at a Covid-O meeting?
 6 **A.** Yeah.
 7 **Q.** Visibility in most parts; where did you -- looking back
 8 now, with a view to lessons learned, where was there
 9 a lack of visibility?
 10 **A.** So the two areas around accessible communications,
 11 because for many departments a focus on disability would
 12 be a relatively small part of their bigger packages,
 13 which was why we then pushed so hard that they utilised
 14 particularly the Disability Charities Consortium, their
 15 policy teams, their research, their live updates,
 16 feedback from their members, to make sure there weren't
 17 groups missed, things weren't designed well, and to make
 18 sure that communications were accessible. Because, as
 19 I said, that -- that was personally frustrating because,
 20 if I'm doing questions in the House, if I'm appearing at
 21 select committees, stakeholder meetings, you don't want
 22 to have to deal with things that should just be a given.
 23 You don't want to do it.
 24 **Q.** I'm going to follow through on my promise to give you
 25 the final opportunity to add, to assist her Ladyship in

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1 and utilised that team very well, particularly around
 2 their offers, offers of, "We have an expertise in that
 3 area, disability employment for example, we can help you
 4 co-design something that will be much better", and
 5 ministers need to be receptive of that. That's why
 6 I enjoyed it, because it benefited myself as a minister
 7 and the wider government. People accepted that during
 8 Covid, and I hope that isn't being lost as we've
 9 returned to normality.

10 **MR KEATING:** Thank you.

11 They're all my questions, my Lady.

12 **LADY HALLETT:** Right.

13 **MR KEATING:** My Lady has given permission --

14 **LADY HALLETT:** Yes, I have, and I think Mr Friedman and
 15 Ms Davies have moved so you don't get a stiff neck.

16 Mr Friedman is going to ask some questions.

17 **Questions from MR FRIEDMAN KC**

18 **MR FRIEDMAN:** Thank you, Mr Tomlinson. I'm asking questions
 19 for four national disabled people's organisations.

20 We start with the outset of the pandemic, please.

21 You have told the chair that neither you or the
 22 Disability Unit were involved in decision-making,
 23 including around the shielding programme, from January
 24 to March. So at the outset of the pandemic, did you
 25 establish personally whether there was an existing

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1 emergency plan for disabled people?
 2 **A.** Not that I recall.
 3 **Q.** Did there come a time when you realised what I think we
 4 know from the evidence, that there was none?
 5 **A.** Not that I recall.
 6 **Q.** We've heard about the possible statement that was made
 7 by you and colleagues on 31 March. Just for reference,
 8 it's at paragraph 79 of your statement. We don't need
 9 to go there. I think the correct reference for the
 10 record is INQ000187624. But the essence of that was to
 11 provide reassurance to disabled people and perhaps
 12 others that were caring for them that, notwithstanding
 13 the easements and the like in the Care Act that had been
 14 brought in as a result of the coronavirus legislation,
 15 that ministers were poised to protect disabled people;
 16 that's the essence of it, isn't it?
 17 **A.** Yeah.
 18 **Q.** On that basis, and following on from some questioning of
 19 Lord Sedwill, why did it take until 21 May 2020 for
 20 a ministerial implementation group meeting, in this case
 21 the general public sector one, to have the impact of
 22 Covid-19 on disabled people as an agenda item?
 23 **A.** Because that is not the only work in isolation. So,
 24 for example, disability benefits which, in the early
 25 evidence I've given, that was done straightaway, with
 209

1 looking at the impact on disabled people to wait until
 2 21 May?
 3 **A.** No, I don't think so, because you're working on the
 4 assumption nothing was done until that point. As issues
 5 are raised, issues are fed in at speed, the whole
 6 process in responding was all done at speed across
 7 government. It is wrong to say nothing happens until
 8 a particular meeting. A meeting is a point in time
 9 where things are recorded, but issues -- and I gave the
 10 DWP examples around the disability benefits because
 11 I don't want to give you three hours' worth of
 12 evidence -- things happened before that and they were
 13 done at pace. That doesn't mean everything happened,
 14 which is why you have these meetings, to hold different
 15 departments account and to formally put in writing
 16 agreed actions, and an opportunity to challenge other
 17 departments to up their game.
 18 **Q.** Well, let's look quickly at that May document again and
 19 one last page of it, it's INQ000083584 at page 7.
 20 Bottom of page 7. Is it up? No. Sorry, we're just
 21 waiting. INQ000 -- yes.
 22 Just at the bottom of page 7:
 23 "Next steps are that each department develops a plan
 24 for addressing key evidence gaps and agrees to meet the
 25 Disability Unit to discuss these plans for a further
 211

1 2.1 million people relying on either DLA, the legacy
 2 benefit, or personal independence, £13.6 billion worth
 3 of expenditure, that was done immediately alongside the
 4 changes to Universal Credit, the changes to access to
 5 work, the changes to access to carers' allowance, with
 6 the many millions of carers in this country, changing
 7 the easements. So these sorts of meetings are flagging
 8 then topical issues, outstanding issues of the time,
 9 rather than an opportunity to list things that are
 10 already in train as a given, and there were many areas
 11 across government where that was the place. Things come
 12 forward in these meetings and it's decided which is the
 13 relevant minister to represent their respective
 14 departments.
 15 **Q.** Well, I'm not going to go back on the evidence that
 16 you've given, quite thoroughly, about a satisfactory
 17 element is how everybody stood up, including you in your
 18 core job, at least the Department for Work and Pensions,
 19 and others around you to deal with benefits, and we've
 20 heard your evidence about that. But, broadly speaking,
 21 if there was a working assumption that everybody in
 22 government would know that disabled people would be at
 23 risk of both the virus itself but also the provisions
 24 brought in in response to the virus, was it too late for
 25 the key ministerial implementation group meeting to be
 210

1 meeting in about six weeks."
 2 We have been through the rest of that document with
 3 the Chair. This is in May 2020.
 4 Is this fair: this also is not a plan being
 5 presented to this ministerial group, it's essentially
 6 a situational summary -- I'm taking the whole document
 7 that we went through -- and at its height it's a plan to
 8 talk to departments about a plan to address key evidence
 9 gaps and in about six weeks?
 10 **A.** No, I don't accept that.
 11 **Q.** You don't?
 12 **A.** At six weeks you report back, but that doesn't mean you
 13 sit -- you agree an idea you want to do and then you sit
 14 on it for six weeks. Actions start straightaway.
 15 **Q.** No, I'm not asking you about what you're doing, I'm
 16 asking you about a plan.
 17 **A.** Right.
 18 **Q.** And --
 19 **A.** Same thing.
 20 **Q.** First of all, are we right, we shouldn't take this
 21 document of May 2020 as a whole, and suggest this is
 22 a plan? We can use different words, but it's
 23 essentially a means to give this ministerial group
 24 meeting situational awareness -- we have been through it
 25 already with Mr Keating -- and then it ends by saying
 212

1 that "In about six weeks we'll come back, and in the
2 meantime we'll get to departments to plan to address key
3 gaps"?

4 **A.** I don't see it that -- that's a report back, but issues
5 will have been covered in other meetings in between
6 where they were particularly prevalent at the time.
7 That's just not how government works.

8 **Q.** Right.

9 Can I look, please, with you, briefly at your
10 contribution to the ministerial implementation group on
11 21 May 2020. The reference is INQ000083626. This is
12 the note of the meeting, and can we go to page 5,
13 please, where we see in the bottom section what should
14 be the summary of your part in the meeting.

15 Can I just draw out some aspects of what is recorded
16 there:

17 "Engagement with stakeholders suggests there is
18 a positive view of the Covid-19 response, especially the
19 pace at which new initiatives had been put in place.

20 "However, this work has highlighted the lack of data
21 across government on disability issues, an example being
22 the DEFRA food supply work, which is subject to a data
23 lag.

24 "The minister affirmed that the Covid response
25 presents both risks and opportunities for disabled

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1 of people that they want to support. That's the reason
2 behind highlighting around the risks and opportunities,
3 how some of the emergency changes that we would have
4 made during Covid actually, through stakeholder
5 feedback, becomes clear that they're welcome changes and
6 actually, once we return to normality, let's keep those
7 in place. Again, a good example of that was almost
8 unheard of, work from home. That obviously came through
9 in Covid, and that then opened the door to a new cohort
10 of people who had previously not had a realistic
11 expectation of being able to work -- this is from
12 a disability employment perspective -- and we then
13 wanted to then explore whether we would need to
14 legislate to protect that going forward. But, as it
15 turned out, in most cases employers saw that as
16 a beneficial -- and it stayed in place. So --

17 **Q.** I just want to interrupt, because you're talking about
18 actions. I want to just make clear: is there
19 a cross-government plan for disabled people in relation
20 to the pandemic as of this time? We're in 21 May 2020.
21 Plan, not set of actions.

22 **A.** Well, it's included in all of the wider government
23 actions.

24 **Q.** Right.

25 Can we then go forward to October and November in

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1 people -- some changes that would have taken years to
2 implement in 'normal times' have been made possible very
3 quickly.

4 "In terms of next steps -- the minister said more
5 work was needed from departments to go further on
6 evidence, and that the Disability Unit will be in touch
7 about this."

8 Mr Tomlinson, our questions are along these lines:
9 given at the outset of the pandemic there was no plan,
10 in the sense of a coherent plan for disabled people, is
11 this too sanguine a picture, at least in the way in
12 which it summarised this committee? Because what is not
13 said there is, "We have no comprehensive plan. We have
14 been delayed in getting one. Whatever actions and
15 successes we may have had, we absolutely need to have
16 a plan and a package of measures now".

17 **A.** Well, again you're working on the assumption that
18 nothing has happened at this point. So, many things
19 were able to be done at pace at the beginning, again
20 going back to the changes to the disability benefits,
21 changes to access to work, changes to access the carers'
22 allowance, but it's then putting into place the work
23 beyond this point. Nobody disagrees that's
24 cross-government, that's departments that are maybe not
25 used to having to think of wider or more bespoke cohorts

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1 2020, and we've already gone through the chronology.
2 The ONS has gone through its summer work, and then there
3 has been that meeting in September that we looked at
4 with Mr Keating, with that breathtaking numbers of the
5 60% fatalities.

6 Can you look at the briefing for a meeting entitled
7 "Disproportionate impacts of Covid on disabled people"
8 prepared by the DU for you, and it's dated 30 October.
9 It's INQ000083956.

10 Just on page 1, looking at paragraphs 3 and 4:

11 "The purpose is to discuss (i) data HMG has on
12 disability ... and then to (ii) consider interventions
13 that HMG could seek to implement xGovernment to tackle
14 the disproportionate impacts that COVID-19 has on
15 disabled people."

16 And this follows -- this is paragraph 4 -- a steer
17 from the Prime Minister for much greater ambition from
18 this work and subsequent commissions from Emran Mian --
19 the Chair knows about him -- from the Covid Taskforce,
20 and a letter from the Chancellor of the Duchy of
21 Lancaster, and they're in the annexes A and B.

22 Can we go to annex B and Mr Gove's letter. This is
23 page 8, and this is in the briefing to you.

24 Now, second paragraph, it says:

25 "It will not now be possible to announce

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1 an ambitious package of interventions in the Minister
2 for Equalities' oral statement, scheduled for next week,
3 in which she will announce publication of her first
4 quarterly report ... [on] disparities ..."

5 That's a reference to the work that
6 Minister Badenoch was doing. Then it says, "This is
7 a terrible missed opportunity", in Mr Gove's view.

8 Just down the bottom of the page, still page 8,
9 internal page 7, there's the reference to the 59.2% of
10 those who have died from Covid as being disabled.

11 Across to the page 9, just after the bullet points,
12 on disproportionate impacts there's a reference to:

13 "Time is running out to mitigate risk for these
14 groups in the second wave."

15 Then last main paragraph:

16 "In addition to his headline ask for more ambition,
17 [I think that's the Prime Minister] I want you to draw
18 your attention to his request to departments to consider
19 options for improving outcomes for those with
20 disabilities, ahead of a future COVID-O discussion.
21 This is also extremely important work. I expect
22 Secretaries of State to work with their departments to
23 bring much more ambitious and far-reaching proposals to
24 that discussion, as per the Prime Minister's steer."

25 Is it right that, in spite of that very strong steer
217

1 that a helpful statement, and it goes back to my earlier
2 answer that you misunderstand how governments work. It
3 isn't a case that you have a meeting, you discuss things
4 and do nothing until the next meeting. It is a point in
5 time, and work was always ongoing, and I found different
6 government departments receptive to do things where they
7 could, with exceptions, for example, the frustration
8 over accessible communications, the BSL, and other
9 things I will have highlighted in my evidence statement.
10 So you and I --

11 Q. Okay. We are disagreeing, that's fine, but let's take
12 it further forward. The senior figures in government
13 asked for a more ambitious package. Let's go to
14 5 November 2020. INQ0000839137.

15 This is, at the top of it, page 1,
16 "Disproportionately impacted groups (focus on disabled
17 people) - 27th November". It is from Emran Mian, who we
18 know about, 5 November. We see the subject. It's
19 copied to, amongst others, HMT, you as the Minister for
20 Disabled People, Sarah Baker, who leads in
21 Disability Unit matters on this, Marcus Bell, Mr Gove
22 himself, principal secretaries to Number 10 and
23 Cabinet Office.

24 I just want to show you the section on page 2, under
25 the words "Context":
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1 attributed to the Prime Minister, in effect we have
2 a situation where we're now not six weeks on from
3 May 2021, we're several months on from May 2021 --
4 sorry, 2020, I apologise.

5 We're not six weeks on from May 2020, we're several
6 months on from May 2020, there's been the very important
7 issues arising for black, Asian and ethnic minority
8 workers Minister Badenoch and Public Health England has
9 talked about, and here we have, in this briefing to you,
10 the Chancellor of the Duchy of Lancaster and the
11 Prime Minister -- and it's not a criticism obviously of
12 you, we're looking at the system -- saying, "We just
13 need a far more ambitious package in relation to
14 disabled people".

15 Is that the best way to read what is being asked for
16 by those two key figures as of this date, 30 October?

17 A. Well, I see it differently. I see it that the
18 Prime Minister, the then Prime Minister, took this area
19 very seriously and, as a minister who worked
20 cross-government, having the Prime Minister's interest
21 was a very powerful way to encourage other departments
22 to act at pace and take it seriously. That underpinned
23 the whole of the National Disability Strategy, that work
24 that went alongside during Covid, in the sense that that
25 really does focus other departments' minds. I found
218

1 "At the 29 [November] meeting of COVID-O, the
2 committee agreed to an ambitious package of measures to
3 prevent transmission to and within groups that have been
4 disproportionately impacted by COVID-19, focusing in
5 particular on ethnic minority communities. The
6 Prime Minister and [Chancellor of the Duchy of
7 Lancaster] also asked departments, in slower time, for
8 a more ambitious package that can prevent
9 disproportionate impacts from COVID-19 for people with
10 disabilities."

11 I'm not asking about actions, I'm asking for a plan
12 to produce a broad coherent cross-government package,
13 notwithstanding the terrible data about black, Asian and
14 ethnic minority deaths required, what is meant here by
15 delayed planning for disabled people for a more
16 ambitious package to work on slower time?

17 A. So you've got two things. You've got the here and now,
18 the immediate decisions that need to be taken, whether
19 within our direct control or cross-government; and then
20 the wider things, for example -- again, using DWP as
21 an example -- where we've introduced telephone and video
22 assessments as an emergency measure, to look at whether
23 that could then become a permanent feature, the changes
24 to statutory sick pay, the information given to
25 employers around working from home, the changes we've
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1 made to access to the carers' allowance. Are these
 2 features that we can then at a later date announce as
 3 ongoing permanent features? Because that goes back to
 4 my earlier point, or the earlier point that was raised
 5 around risks and opportunities, because there were --
 6 telephone and video assessments were a part of the
 7 health and disability green paper with a realistic
 8 timeline of probably five to ten years before it could
 9 have been implemented. We had to do them as part of the
 10 emergency response to Covid. That was happening, and
 11 that would continue to happen during Covid, but then at
 12 a separate pace there was then the discussion: well,
 13 actually, this seems to be well received by
 14 stakeholders, should this now remain a permanent
 15 feature? And in some of those cases, that was easy to
 16 do because they're operation -- you carry them on;
 17 others we would then need to bring legislation forward.

18 And you saw, post-Covid, as we returned to
 19 normality, there was various tidying-up pieces of
 20 legislation that turned emergency government actions
 21 into permanent features --

22 **Q.** Well --

23 **A.** -- and then this would have been -- a lot of this
 24 would've been shaped by --

25 **Q.** Mr Tomlinson --

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1 **Q.** Yes. Is it right that 3.2 and 3.3, for whatever reason,
 2 did not go through?

3 **A.** So 3.2 ultimately went beyond my time as the minister.
 4 I actually, when I was going through all the evidence
 5 packs, it's a question I have outstanding. I'm
 6 interested to know what did happen with that. So
 7 I can't answer that --

8 **Q.** I think you can take it from me that it didn't.

9 **A.** Fine. And then, thirdly, the national centre for
 10 digital access, my recollection was that did not offer
 11 an immediate assistance and therefore would be part of
 12 normal departmental bidding for normal business. But,
 13 again, you are taking these things -- this very narrow
 14 area in isolation, ignoring the wider work, for example
 15 the continuation of the £500 million cash injection into
 16 the welfare system. That in itself would be a big
 17 announcement, but it was a given, because we understood
 18 the urgency of doing it and did it at the start.

19 **Q.** I understand.

20 **A.** You're taking things in a very narrow -- and not quite
 21 following how governments work.

22 **Q.** Well, you've said it to me several times, and you've
 23 told me about what the DWP did. But let me then finish
 24 with this: the Badenoch investigation on disparities.

25 First of all, what is your answer, in terms of your

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1 **A.** Hang on, hang on. A lot of this would've been shaped by
 2 the wonderful work of the various stakeholders who
 3 worked with us to give insight.

4 **Q.** Mr Tomlinson, I'm asking you questions about what
 5 happened with the ambitious --

6 **LADY HALLETT:** I'm afraid, Mr Friedman, I'm afraid you're
 7 running out of time --

8 **MR FRIEDMAN:** I understand.

9 **LADY HALLETT:** There's also problems with the stenographers.

10 **MR FRIEDMAN:** I understand.

11 Let me then take you to 12 November 2020. I'm
 12 asking about the ambitious package that was called for.
 13 This is back to INQ000083918. This was -- I'll take it
 14 quickly -- at paragraph 3, the package suggested:

15 "3.1. Data commission to understand factors driving
 16 increased mortality ...

17 "... a National Panel of disabled people ..."

18 To formally structure the point, and:

19 "A National Centre for Digital Access ..."

20 Now, is it right -- to take it quickly -- 3.1 was
 21 not an actual organisation, it was to commission better
 22 data? How did you understand 3.1?

23 **A.** Yeah, fine.

24 **Q.** Pardon?

25 **A.** Yes.

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1 understanding in real time, why disabled people were not
 2 included in Minister Badenoch's investigation and what
 3 would be published reports across 2020?

4 **A.** I don't know.

5 **Q.** On that, in December 2021, in her final report -- I can
 6 just read it out -- footnote 62, at INQ000089747 at
 7 page 32, says this:

8 "The impact of Covid-19 on disabled people continues
 9 to be monitored across government as part of a separate
 10 strand of work to ensure the needs of disabled people
 11 are considered in the government's response to and the
 12 recovery from Covid-19."

13 This is December 2021, essentially going into the
 14 second wave, when the footnote was published. Is that
 15 not too late, in December 2021, to say publicly to be
 16 monitoring disproportionate impact on disabled people
 17 without a plan?

18 **A.** So we've already extensively covered that in my initial
 19 set of evidence, that that -- it takes time to collate
 20 data, but it was data that was given as a working
 21 presumption across government and across society that
 22 those with underlying health conditions and disabilities
 23 would be at greater risk of the impacts of Covid. That
 24 was a given.

25 **LADY HALLETT:** That's it, Mr Friedman, I'm sorry.

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1 **MR FRIEDMAN:** Thank you.
 2 **LADY HALLETT:** You've had substantially over the time
 3 allotted.
 4 **MR FRIEDMAN:** Thank you, my Lady.
 5 Thank you, Mr Tomlinson.
 6 **LADY HALLETT:** Sorry.
 7 **MR FRIEDMAN:** No, no. Thank you.
 8 **LADY HALLETT:** Ms Davies.
 9 **Questions from MS DAVIES KC**
 10 **MS DAVIES:** My Lady, I hope the stenographer will bear with
 11 us for five minutes.
 12 Mr Tomlinson, I'm asking questions on behalf of
 13 Southall Black Sisters and Solace Women's Aid and, as
 14 you probably know, they're part of the broader violence
 15 against women and girls sector, and so my questions are
 16 on domestic abuse and disabled people.
 17 The Inquiry has heard expert evidence, both written
 18 and oral, that disabled adults are around three times
 19 more likely to be subject to domestic abuse than
 20 non-disabled adults are; that women, disabled women are
 21 about twice as likely to have experienced sexual
 22 violence as non-disabled women; and in oral evidence
 23 Professors Shakespeare and Watson said that the
 24 stay-at-home orders would certainly have increased the
 25 vulnerability of disabled people to domestic abuse.

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1 works, they can go back and look at that. I would be
 2 surprised if it hadn't, and I certainly know it came
 3 from Women's Aid and Refuge and other organisations on
 4 the wider point about domestic violence, so I'm not
 5 surprised by what you're saying.
 6 **Q.** And do you have any personal recollection -- it sounds
 7 as though you don't -- of that relaying happening to the
 8 Home Office?
 9 **A.** No --
 10 **Q.** No.
 11 **A.** -- but a huge amount will have happened through the
 12 regional(?) stakeholder network, the policy teams
 13 talking to the charities and organisations' policy
 14 teams. So there's many opportunities where something
 15 could do. If it is, there's absolutely no reason why
 16 that issue would then not have been shared and flagged.
 17 Absolutely not. That's bread and butter, exactly the
 18 sorts of issues that get taken up and then transferred
 19 to the relevant department.
 20 **Q.** But you don't remember that happening?
 21 **A.** Not in the meetings that I was present, sorry.
 22 **MS DAVIES:** No. Thank you very much.
 23 Thank you, my Lady.
 24 **LADY HALLETT:** Thank you very much, Ms Davies.
 25 That completes the evidence for today, I think --

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1 Given that, in the course of your attending the
 2 different stakeholders meetings that you've told us
 3 about, talking to the stakeholders, were you ever
 4 provided with information relating to disabled women
 5 being at more risk of domestic abuse?
 6 **A.** Not specifically, but DWP as a collective around
 7 Universal Credit, other things, Women's Aid, Refuge,
 8 other organisations had highlighted that broader point.
 9 So I would -- I'm not surprised you've said that in the
 10 sense, if it was a given for the wider population that
 11 would then include one in five people who have
 12 a disability. But that, again, would be an example of
 13 where, had that come up, had you brought that to me in
 14 a stakeholder meeting, we(?) would've then relayed that
 15 to the equivalent of myself in the Home Office and said,
 16 "There's a specific area of work to look at, if you feel
 17 that isn't already being covered by the wider work
 18 around domestic abuse". But that would have been a good
 19 example of where the Disability Unit would have then
 20 taken that and flagged that.
 21 **Q.** You said "had it come up"; do you have any recollection
 22 of it coming up?
 23 **A.** I don't, but remember in all of the wider stakeholder
 24 meetings, I'm not present in every one of the meetings,
 25 so it could have done. I don't know how the mechanism

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1 **MR KEATING:** It does, my Lady.
 2 **LADY HALLETT:** -- Mr Keating?
 3 **MR KEATING:** Thank you.
 4 **LADY HALLETT:** Thank you very much indeed, Mr Tomlinson.
 5 Sorry to keep you until --
 6 **THE WITNESS:** Of course.
 7 **LADY HALLETT:** -- quite a late stage in these proceedings.
 8 **(The witness withdrew)**
 9 **LADY HALLETT:** Very well, 10 o'clock tomorrow, please.
 10 **MR KEATING:** Thank you, my Lady.

11 (4.50 pm)

12 **(The hearing adjourned until 10 am**
 13 **on Thursday, 9 November 2023)**
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