

IN THE MATTER OF THE INQUIRIES ACT 2005
AND IN THE MATTER OF THE INQUIRY RULES 2006

UK COVID-19 INQUIRY

FIFTH WITNESS STATEMENT OF CLARA SWINSON

**MODULE 2 SUPPLEMENTARY CORPORATE STATEMENT CONCERNING
CHALLENGE SESSIONS AND DISCUSSIONS CONCERNING A POTENTIAL
CIRCUIT BREAKER**

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1.1, Clara Swinson, Director General for Global Health and Health Protection at the Department of Health and Social Care, 39 Victoria Street, London SW1H 0EU, will say as follows:

INTRODUCTION

2. The UK COVID-19 Public Inquiry (the Inquiry) has asked for further detail in respect of two matters identified in Sir Christopher Wormald’s Fifth Witness Statement dated 28 July 2023 (referred to in this statement as the Second Witness Statement for Module

2), namely details of Red Challenge Sessions/Challenge Panels and the Department's involvement in discussions relating to a 'circuit breaker' in Autumn 2020 (from 1 September 2020). I use the terms defined in that statement here. In respect of 'circuit breakers' I cover policy work by the Department in the lead up to the second national lockdown in November having made searches of departmental records, including the correspondence of the Secretary of State, the Permanent Secretary, the Director of the Social Distancing Directorate, David Lamberti, and myself, for reference to a 'circuit breaker' between 1 September 2020 and 30 November 2020.

3.As set out above, I am the Director General for Global Health and Health Protection at the Department of Health and Social Care. I have been a civil servant since 1997 and a Senior Civil Servant since 2006, holding a number of roles in the Department. I have been a Director General covering international health and domestic public health issues, including Emergency Preparedness, Resilience and Response (EPRR) since November 2016. Since that appointment I have reported to the Permanent Secretary, Sir Chris Wormald, and I have been a member of the DHSC Executive Committee which oversees the management of the Department. I work closely with the CMO and DCMOs.

4.I have both international and domestic responsibilities. My responsibilities as Director General have changed slightly between 2016 and the pandemic, depending on government priorities and the organisation of work with the Department, as set out in paragraph 5 of my First Witness Statement.

5.As this is a supplementary corporate statement on behalf of the Department, it necessarily covers matters that are not within my own personal knowledge or recollection. This statement is to the best of my knowledge and belief accurate and complete at the time of signing. Notwithstanding this, it is the case that the Department continues to prepare for its involvement in the Inquiry. As part of these preparations, it is possible that additional material will be discovered. In this eventuality, the additional material will of course be provided to the Inquiry and a supplementary statement will be made if need be.

RED TEAM CHALLENGE SESSIONS/CHALLENGE PANELS (1 AUGUST 2020 – 31 JULY 2021)

6. Table 1 below sets out the dates, chairs and topics covered at Department-chaired Red Team Challenge Sessions/Challenge Panels and Star Chambers between 1 August 2020 – 31 July 2021. I have also included the paragraphs in which these meetings are mentioned in Module 2 Statement 2 and supporting exhibits.

| Date | Topic | Paragraph Reference from Module 2 Statement 2 | Exhibit IDs |
|------------------|--|--|---|
| 9 September 2020 | Star Chamber chaired by the Permanent Secretary: Covid-19 and Winter Planning To review and challenge the latest Battle Plan and ensure readiness for a potential second wave | 46-47 | CS5/1 [INQ000234474] CS5/2 [INQ000234908] CS5/3 [INQ000234962] CS5/4 [INQ000234961] CS5/5 [INQ000234497] |
| 30 November 2020 | Red Team Challenge Panel chaired by the Permanent Secretary: COVID-19 vaccine deployment | 52 | CS5/6 [INQ000234632] CS5/7 [INQ000234631] CS5/8 [INQ000234798] |
| 5 March 2021 | Red Team Challenge Panel chaired by me: COVID-19 vaccine deployment | 52 | CS5/9 [INQ000234795] CS5/10 [INQ000234800] |
| 29 April 2021 | Red Team Challenge Panel chaired by the Director General for Personal Protective Equipment and Public Health: Health inequalities and the impact of COVID-19 | 53 & 465 | CS5/11 [INQ000234883] CS5/12 [INQ000234904] |
| 28 May 2021 | Star Chamber chaired by the Permanent Secretary: COVID-19 Battle Plan To challenge and review Battle Plan plans out to March 2022 and ensure readiness for and discuss risks of a potential third wave | 46 & 48 | CS5/1 [INQ000234474] CS5/2 [INQ000234908] CS5/3 [INQ000234962] CS5/4 [INQ000234961] CS5/5 [INQ000234497] |

DEPARTMENT INVOLVEMENT IN DISCUSSIONS IN AUTUMN 2020 (FROM 1 SEPTEMBER 2020) CONCERNING A POTENTIAL CIRCUIT BREAKER

7. The Inquiry has asked about DHSC involvement in discussion about a 'circuit breaker'. Discussions concerning the Government response to rising COVID-19 rates, including a potential 'circuit breaker' were led by the Cabinet Office (CO) with input from SAGE and government departments. Policy options included discussions on Tiers, Local Alert Levels and regulations at either regional or national level. The Department worked with the CO at official level and advised the Secretary of State for his attendance at the relevant Ministerial meetings including COVID-O. Options put to Ministers at these meetings were prepared by the CO. This section covers SAGE meetings, Departmental policy development and advice, other meetings that records show refer to a circuit breaker, and the November lockdown.

SAGE meetings referencing a 'circuit breaker'

8. Departmental records show that four SAGE meetings between 1 September 2020 – 30 November 2020 referred to a 'circuit breaker'. SAGE is not a Departmental committee, and I understand that the corporate statement being prepared on behalf of GO-Science and the Scientific Advisory Group for Emergencies (SAGE) will address the detail of advice provided by SAGE to the Government on COVID-19.

9. In terms of DHSC involvement, SAGE meetings were usually attended by CMO, DCMO, PHE/UKHSA as experts, and DHSC officials as observers. This is set out for each meeting in the relevant SAGE minutes. Expert groups supported by the Department, including New and Emergency Respiratory Virus Threats Advisory Group (NERVTAG) and the Scientific Pandemic Infections Group on Modelling (SPI-M), will have contributed to SAGE through their scientific expertise, data and modelling.

10. On 17 September 2020, SAGE held their 57th meeting on COVID-19 and summarised that *"a 'circuit-breaker' type of approach, where more stringent restrictions are put in place for a shorter period could have a significant impact on transmission. Modelling indicates that a two-week period of restrictions similar to those in force in late May could delay the epidemic by approximately four weeks"* CS5/13 [INQ000234010].

11. On 21 September 2020, SAGE held their 58th meeting on COVID-19 and considered the effectiveness and harms of different non-pharmaceutical interventions. A 'circuit

breaker' (a short period of lockdown) was suggested in a shortlist of interventions that should be considered for immediate introduction CS5/14 [INQ000212102].

12.SAGE defined a 'circuit breaker' as a measure where *"a package of stringent non-pharmaceutical interventions is reintroduced for 2-3 weeks should act to reduce R below 1. Over a fortnight's 'break', two weeks of growth could be exchanged for two weeks of decay in transmission, assuming good adherence to measures, and no additional increase in contacts before or after the break"* CS5/14 [INQ000212102].

13.On 24 September 2020, SAGE held their 59th meeting on COVID-19 and reiterated their previous advice for the immediate introduction of a 2-week 'circuit breaker'. It was suggested that *"while a single circuit breaker has the potential to keep prevalence much lower than no intervention, it is not a long-term solution. Long-term control of the virus will likely require repeated circuit breaks, or for one to be followed by a longer-term period with measures in place to keep R at or below 1. Longer-term sustained measures will also be essential"* CS5/15 [INQ000215660].

14.On 22 October 2020, SAGE held their 63rd meeting on COVID-19 and noted the difficulty of estimating the conditions in which a circuit breaker would be most effective. SAGE suggested that *"the impact of a circuit breaker is critically dependant on how far R is reduced below 1, which partly depends on public adherence to measures. It is possible that adherence to national and regional circuit breakers would not be the same"* CS5/16 [INQ000087467].

Departmental policy development and advice

15.DHSC officials and Ministers in this period were regularly reviewing disease rates and considering how best to respond to the exponential growth of the virus. Policy work and advice was provided to our Ministers and as an input to the CO Covid-19 Taskforce. Whether rates could be held down in local areas, or regions, or nationally was one aspect of the discussion between central and local government; as was the levels of support that central government would provide to relevant Local Authorities. The Department worked on a 'tiers' proposal and implementation options which aimed to simplify levels of restrictions. It also contributed to CO led work on other policy options. This culminated in the decision for a November national lockdown, which was not dissimilar to a circuit breaker.

16. Following a commission from the Cabinet Secretariat on 1 September 2020, the COVID-19 Taskforce were asked to work with the Government Departments, including the Department, on approaches to increase compliance with, and enforcement of, COVID-19 rules and guidelines **CS5/17 [INQ000234463]** **CS5/18 [INQ000234462]**. At this time, the Department was working on the Local Alert Levels proposal, with advice submitted to the Secretary of State on 2, 3 and 5 September 2020 and a draft Departmental COVID-S paper on 15 September 2020 **CS5/19 [INQ000234465]** **CS5/20 [INQ000234466]** **CS5/21 [INQ000112197]** **CS5/22 [INQ000234468]**. After the Department submitted the paper, CO indicated that this would be taken to COVID-O on 18 September 2020.

17. On 17 September 2020, SAGE reported that *“Incidence across the UK continues to increase rapidly, and data now show clear increases in hospital and ICU admissions (high confidence). Transmission has changed from localised hotspots to a more generalised epidemic (high confidence). It is certain that increases in infections will lead to further increases in hospitalisations and deaths (high confidence)”*. As set out in paragraph 12 of this Witness Statement, SAGE summarised that a ‘circuit-breaker’ type of approach could have a significant impact on transmission **CS5/23 [INQ000120558]**.

18. On 18 September 2020, COVID-O agreed to create a three-Tiered framework for local interventions. The aim was to provide greater clarity to the public, greater certainty and consistency of decision making and, if successful, increase compliance. This change significantly increased the baseline of the response (Tier 1) as *“Tier 1 continued to adjust in line with the nationwide level of changes (increasing or decreasing in severity of measures depending on the agreed national response)”*. COVID-O suggested that *“Ministers may want to consider further strengthening to Tier 2 and Tier 3”* **CS5/24 [INQ000275966]**. Tiers were defined at paragraph 174 of the Permanent Secretary’s Fifth Witness Statement.

19. On 21 September 2020, during the development of Tiers policy, the Secretary of State’s Private Office suggested to Department officials that the package of measures for Tier 3 *“could look similar to a regional ‘circuit breaker’ with the aim of being a short, sharp intervention that dramatically reduces transmission over a defined, short time period”*. This description was then included in a COVID-O paper for discussion later that day **CS5/24: [INQ000275966]**

20. As set out at paragraphs 192-194 of Chris Wormald's Fifth Witness Statement, the Secretary of State engaged in writing with the PM on the Local Alert Level proposal between 22 September 2020 to 29 September 2020, in which Tier 3 was proposed as a 'circuit breaker' type intervention. In a note dated 29 September 2020, it states that *"it is expected that will only to be implemented in areas where transmission rates were high or rising exponentially and was expected to act as a 'circuit breaker', in place for a short period time (for example, two weeks)"* CS5/25 [INQ000275968] CS5/26 [INQ000275969] CS5/27 [INQ000275971] CS5/28 [INQ000275972]. The Secretary of State also engaged with the Chief Whip, Cabinet Secretary and officials from CO and No.10 on the handling of an announcement on Local Alert Level policy CS5/29 [INQ000234056].

21. On 30 September 2020, a meeting was organised between officials from No.10, CO and the Department to discuss the delivery of the Local Alert Level package CS5/30 [INQ000275973]. At this meeting, CO were asked to work with the Department on this package and the resultant regulations and on 4 October 2020, on as set out at paragraph 199 of Chris Wormald's Fifth Witness Statement, *"CO provided a paper to the [Department's] Secretary of State setting out that No.10's views on the Local Alert Levels policy differed from the Secretary of State's in some areas"*.

22. As set out at paragraph 199 of Chris Wormald's Fifth Witness Statement, the Secretary of State accepted No.10's views on the Local Alert Level policy and at the COVID-O on 5 October 2020, the substance for 'Medium' and 'High' Local Alert Levels (Local Alert Levels 1 and 2) were agreed. The paper for this meeting did not use the terminology of 'circuit breaker' for Local Alert Level 3, but it does say *"Any Level 3 restrictions are expected to be in place for a short period of time (for example, two weeks)"* CS5/31 [INQ000275975] CS5/32 [INQ000275977] CS5/33 [INQ000275976]

23. On 6 October 2020 the PM's Private Office contacted the Secretary of State's office to convey the PM's wish to review the approach being taking on areas of high incidence, including the interplay with NHS capacity, and the measures being considered for these areas. In response to this request, a member of my team suggested that we needed to agree the decision-making process with CO and No.10 and how the Department's work on Local Alert Levels may or may not fit with their separate 'circuit breaker' work. It was confirmed that the Department would continue to work on national and new local regulations (Tier 1 and Tier 2) and defining Tier 3; and that

recommendations from the Gold meeting would go to a PM-Chaired meeting CS5/34
[INQ000275978]

24. At the same time, CO were producing a Strategy Paper for the Cabinet Secretary with a proposition for what the Government should do next. The Paper considered the Department's Local Alert Level policy at local, regional and multi-regional level and a national intervention. It was suggested that the Government "*could employ a two-week 'circuit breaker', as proposed by SAGE*" or "*introduce measures which it intends to last for the duration of winter*" CS5/35 [INQ000275974]

25. Following the COVID-O decision on 5 October 2020 the Department and CO's policy focus shifted to the refinement of Tier 3. As set out at paragraph 202 of Chris Wormald's Second Witness Statement for this Module; on 9 October 2020, following an update on Local Alert Level 'Very High' (Tier 3), the Permanent Secretary, CMO and I submitted a short piece of advice to the Secretary of State on the latest Tier 3 position. Paragraph 202 set out that: "*this highlighted that the package was a step forward in that it had additional restrictions as a default package, with the opportunity to agree further measures with local leaders. The advice also highlighted that the package of measures was weaker than that discussed at the Gold meeting on 7 October 2020 and which local areas may have been expecting. It outlined that the Department would support more extensive measures as the default, highlighting that the public health view was that these measures were necessary but not sufficient if the intent was to suppress the virus in the most affected areas*". The Note also covered communications, and that setting out this Tier 3 "*default package as a 'circuit breaker' or something that could be expected to make a difference in four weeks' time is problematic. Numbers are unlikely to move and so it could in fact add to the argument that restrictions make no difference. We advise it should not be oversold as a package that on its own will suppress the virus. Nor will testing generally or new testing technologies on their own suppress the virus; for these tests to have impact they need to be deployed in areas of lower prevalence*" CS5/36 [INQ000234543] CS5/37
[INQ000234077]

26. As set out at paragraph 204 and 206 of Chris Wormald's Fifth Witness Statement, COVID-O discussed and agreed the package of restrictions for Local Alert Level 'Very High' on 11 October 2020 CS5/38 [INQ000234082] CS5/39 [INQ000234082] CS5/40 [INQ000234083] CS5/41 [INQ000234552] and on 12 October 2020 signing submissions were sent to the Secretary of State for the introduction of Local Alert

Levels 'Medium', 'High' and 'Very High'. The regulations were made on the same day and came into force on 14 October 2020.

27. Following a PM Dashboard meeting on 14 October 2020, the Secretary of State's Private Office fed back to officials that the PM wanted further decisions on areas and measures for Local Alert Level 3 to be made that day and was talking in "*circuit breaker terms*", regardless of local agreement **CS5/42** [INQ000275979]. A further update that day confirmed the PM allowed talks with local leaders to continue for another 24 hours with the aim of finalising decisions on areas and measures for Local Alert Level 3 by 16 October 2020.

28. On the evening of 14 October 2020, an NPI Report by the Joint Biosecurity Centre, assessing the effectiveness of NPIs, was submitted to the Secretary of State, the COVID-19 Taskforce and No.10 **CS5/43** [INQ000275980] **CS5/44** [INQ000275981] **CS5/45** [INQ000275982]. Concerns over publishing the report were raised by the Taskforce because they felt that the report could be used by those arguing for a 'circuit breaker' or wanting to critique Local Alert Level 2 **CS5/46** [INQ000275983]. The report was subsequently published on Monday 19 October 2020.

29. For additional information on the development of the Department's NPI policy during autumn 2020, please refer to paragraphs 183-235 of Chris Wormald's Fifth Statement.

Other engagement by the Secretary of State with reference to a 'circuit breaker'

30. On 22 October 2020, the Secretary of State held a Four Nations call where Vaughan Gething, then Welsh Government Minister for Health and Social Services, explained that it would be useful to have a meeting with the UK CMOs "*about the bigger picture*" once nations come towards the end of their 'circuit breaker' periods **CS5/47** [INQ000275985].

31. On 28 October 2020, the Secretary of State attended a meeting with Dr Chaand Nagpaul, the Chair of the British Medical Association. Dr Nagpaul expressed his desire to see reforms to Tier 1 as the baseline tier needed to be sensible and not require further 'circuit breakers' in quick succession **CS5/48** [INQ000275986].

November 2020 lockdown

32. As set out at paragraphs 219 – 220 of the Permanent Secretary's Second Witness Statement for this module:

“On 30 October 2020, the Secretary of State met the PM about the growing incidence rates, and pressures on the NHS CS5/49 [INQ000234132] CS5/50 [INQ000234133]. A No.10 paper was shared with the Secretary of State, which set out a proposal to introduce a national intervention to apply for four weeks, with a regional de-escalation approach. A Cabinet meeting was held on 31 October 2020, where a COVID-19 Taskforce paper on national lockdown was discussed CS5/51 [INQ000234588] CS5/52 [INQ000234589] CS5/53 [INQ000058812] The November 2020 lockdown was announced by the PM later that day, which confirmed the new measures would take effect from 5 November 2020 for four weeks CS5/54 [INQ000234586].

On 31 October 2020, the Secretary of State received advice with a proposed timeline for regulations to be made on 3 November 2020 (and debated on 4 November 2020, to come into force on 5 November 2020) that would introduce a second national lockdown, as agreed at the meeting the previous day and CS5/55 [INQ000234590] CS5/53 [INQ000058812] Further advice was submitted to the Secretary of State on 1 and 2 November 2020 on the substance of the policy for the proposed national lockdown CS5/57 [INQ000058813] CS5/58 [INQ000058814] CS5/59 [INQ000234592] CS5/60 [INQ000234593] CS5/61 [INQ000234594]. Decisions on outdoor sport and takeaway alcohol were made by No.10.”

33. The national lockdown implemented on 5 November 2020, which in some ways resembled a ‘circuit breaker’, was referred to as a ‘National Intervention’ in correspondence between the COVID-19 Taskforce, No.10 and the Department.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: _____

Personal Data

Dated: 12/09/2023
