UK COVID-19 INQUIRY

MODULE 2/2A

STATEMENT BY DIRECTOR GENERAL CORPORATE

This statement is one of a suite provided for Module 2 and 2A of the UK Covid-19 Inquiry and these should be considered collectively.

In relation to the issues raised by the various Rule 9 requests served on the Scottish Government, in connection with Module 2/2A, the Director General Corporate will say as follows: -

1. Director General Corporate is responsible for the corporate services required by Scottish Government, and also provided on a shared service basis to around 35 public bodies in Scotland. Created in its current form in 2021, DG Corporate included digital and IT/digital services, communications and ministerial support, corporate transformation and workplace, people, financial management, corporate governance, property and procurement advice, legal, propriety and ethics and the Covid-19 Inquiry response directorate. This statement sets out in the context of these DG Corporate responsibilities an overview of the role of the Scottish Parliament, the Scottish Government, Scottish Ministers and their respective accountabilities; the relationship of the Scottish Government with the UK Civil Service in the context of people; and an overview of the history and structure of DG Corporate.

2. Prior to March 2021, DG Corporate was named DG Organisational Development and Operations. For simplicity throughout this document we refer to DG Corporate.

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The Scottish Parliament and the Scottish Government

3. The DG Strategy and External Affairs statement includes a description of the constitutional status of the Scottish Parliament and Scottish Government under devolution and its statutory basis which is not repeated here. The Scottish Government's overall accountability and governance framework is summarised in the document *Good Governance in the Scottish Government*, a copy of which is provided: [LF2/0001 - INQ000102900].

4. Scottish Ministers are accountable to the Scottish Parliament for the delivery of their government's programme and the proper use of the Scottish Budget in accordance with the *Scottish Ministerial Code*, provided: [LF2/0002 - INQ000102901]. Civil Servants in Scotland are in turn accountable to Scottish Ministers and have a duty to serve the government of the day to the best of their ability in accordance with the *Civil Service Management Code*, provided: [LF2/0003 - INQ000102902]. In addition, the Principal Accountable Officer (the Permanent Secretary) and Portfolio Accountable Officers (Directors General) have personal accountability to the Scottish Parliament for the regularity, propriety and value for money of the programmes that they oversee. These overarching points are covered in more detail below.

5. Information on the roles of ministers, the Permanent Secretary, Director Generals and Directors can be found in the Scottish Government's consolidated accounts. For example, the consolidated accounts for the year ended 31 March 2022 contain this information on pages 4-8. A copy of that document is provided: *The Scottish Government Consolidated Accounts for the year ended 31 March 2022* [LF2/0004 - INQ000102903].

6. The Annual Consolidated Accounts published by the Scottish Government and previously the Scottish Executive contain a statement (referred to in the accounts as a 'Governance Statement', 'Accountability Report' or 'Statement of Control') that sets out the governance of the organisation for the time period covered by those accounts. These statements are published annually and reflect the evolution of governance arrangements over the time periods noted. They provide a high-level summary of the roles of the Permanent Secretary, Director Generals, and the structure of the Scottish Government's governance and accountability framework, including diagrams and supporting explanation about its various boards and meetings. For example, the arrangements for the period April 2019 to 31 March 2020 are set out in the Accountability Report at

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Scottish Government consolidated accounts: annual report 2019 to 2020, a copy of which is provided: [LF2/0005 - INQ000102904].

7. The Scottish Government's 'Strategic Board' was developed into an Executive Board following a Review of Corporate Governance as detailed in the Scottish Government Consolidated Accounts 2015 to 2016. The change from an Executive Board to the Corporate Board from February 2018 is detailed in the Scottish Government Consolidated Accounts for the year ended 31 March 2018. The role and functions of Corporate Board and other forums is set out in the *Scottish Government consolidated accounts: annual report 2019 to 2020*, provided: [LF2/0005 - INQ000102904] and the *Scottish Government Consolidated Accounts: year ended 31 March 2021*, provided: [LF2/0006 - INQ000102905].

8. *The Scottish Government Consolidated Accounts for the year ended 31 March 2008* provided: [LF2/0007 - INQ000102906] summarise changes made to governance arrangements at that time, including the move from a department structure mirroring ministerial portfolios to a directorate structure intended to enable a more flexible organisational approach.

Accountability Framework: Roles and Responsibilities of Principal Accountable Officer and Accountable Officers

9. Part 2 of the Public Finance and Accountability (Scotland) Act 2000 (the "2000 Act") sets out the accountability of the Permanent Secretary and portfolio Accountable Officers (Directors General) to the Scottish Parliament. The Permanent Secretary of the Scottish Government is the Principal Accountable Officer for the Scottish Administration in terms of section 14 of the 2000 Act. An explanation of the basis of accountability in Scotland and its key components, including the role of the Principal Accountable Officer and Accountable Officers, is contained in the following document which is provided: *Basis of Accountability in Scotland* [LF2/0008 - INQ000102907].

10. Part 2 of the Public Finance and Accountability (Scotland) Act 2000 provides the basis for the Scottish Public Finance Manual (SPFM). The SPFM is issued by the Scottish Ministers to provide guidance on the proper handling and reporting of public funds. The accountability section of the SPFM section is provided [LF2/0009 - INQ000102908]. Annex 1 of this section of the SPFM addresses accountability of the Permanent

Secretary and Portfolio Accountable Officers (including Directors General), provided: [LF2/0010 - INQ000102909].

11. It should be noted that the SPFM operates as an online portal, and to keep this resource as active and relevant as possible, its pages are updated on an ongoing basis. The date of update is provided at the bottom of each page. The SPFM lists Finance Guidance notes issued on behalf of the Scottish Ministers as either stand-alone guidance or in order to announce substantive amendments.

12. Portfolio Accountable Officers delegate authority for budgets and associated strategic and financial management responsibilities to Directors (or equivalents) for further sub-delegation as they consider appropriate. The approach to delegation is explained in the following document which is provided: *"Delegated Authority"* [LF2/0011 - INQ000102910].

13. The Module 2A DG Scottish Exchequer corporate statement provided on 23 June 2023 should be considered in conjunction with this section of the statement, as it provides further detail on how budgets are set, and the processes by which the Scottish Parliament holds Ministers and Accountable Officers to account for the proper use of budgets.

The Accountability of the Scottish Government to the Scottish Parliament

14. An explanation of the core principles that underpin the accountability of the Scottish Government to the Scottish Parliament that were agreed on 1 November 2000 is set out in the following document which is provided: *Scottish Government Accountability to the Scottish Parliament* [LF2/0012 - INQ000102907].

15. There is a statutory relationship between Junior Ministers, Ministers (First Minister and Cabinet Secretaries) and Law Officers. Junior Ministers are appointed under section 49 of the Scotland Act 1998 (Chapter 46) the First Minister appointed under section 45, Cabinet Secretaries are appointed under section 47, and Scottish Law Officers are appointed under section 48. Junior Ministers support the First Minister and Cabinet Secretaries in the delivery of functions.

16. The First Minister may appoint Cabinet Secretaries and Ministers, but only with the agreement of the Scottish Parliament and approval of His Majesty the King. The Scottish

Parliament is required to vote on all nominations for Ministerial and Law Officer posts. This requirement is set out in chapter four of the Standing Orders of the Scottish Parliament.

17. Scottish Parliament has a role to hold Scottish Ministers and Accountable Officers to account. It scrutinises the activities and policies of the Scottish Government through debates, parliamentary questions and the work of committees. Parliamentary debates and questions provide an opportunity for members of the Scottish Parliament to question Scottish Ministers. As of February 2023, the Scottish Parliament currently has 17 committees each responsible for a specific topic. Each committee will look at the work of the Scottish Government which falls within its remit, they may ask Ministers and Accountable Officers to answer questions in person, as part of their investigations. Once they have completed their investigations, they publish reports with recommendations which the Scottish Government must respond to.

18. The SPFM accountability section, provided: [LF2/0009 - INQ000102908], addresses the accountability of the Principal Accountable Officer and Accountable Officers to the Scottish Parliament. The Module 2A DG Scottish Exchequer corporate statement provided on 23 June 2023 provides more information about how this process of accountability operates in relation to Parliament's scrutiny of the Scottish Budget.

Relationship with the UK Civil Service

19. The Constitutional Reform and Governance Act 2010 (Chapter 25) (the "2010 Act") put on a statutory footing various long-standing convention, protocols etc. including the Civil Service Code and the Civil Service Management Code. Civil servants working for the Scottish and Welsh Governments, and their agencies, have their own versions of the Civil Service code. Scottish Civil servants working in Non-Ministerial Offices are subject to the UK Civil Service code – *The Civil Service Code*. Section 3(1) of the 2010 Act provides that the Minister for the Civil Service has the power to manage the civil service (excluding the diplomatic service). The Prime Minister acts as the Minister with responsibility of the civil service in terms of the 2010 Act ("Minister for the Civil Service"). In accordance with section 1(2) of the Civil Service (Management Functions) Act 1992, by letter dated 11 November 2010 (the "2010 delegation letter"), the Minister for the Civil Service has delegated to the First Minister certain limited functions in relation to entry qualifications, number and grading of posts, and certain terms and conditions of employment of staff below Senior Civil Service level. It does not delegate any authority to

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determine wider policies and procedures that apply to civil servants. The First Minister has been given exactly the same delegation as other ministers and office holders in charge of departments and the Welsh First Minister. This is not a unique part of the Scottish devolution settlement; it is an administrative step by the minister for the civil service to push down certain limited management functions to ministers in charge of departments. Everything else is reserved to the Minister for the Civil Service which, for practical purposes, is the Cabinet Office. A copy of the 2010 delegation letter is provided: [LF2/0013 - INQ000102911].

20. Scottish Government civil servants remain Crown servants and part of the UK civil service. This is set out in appointment letters as follows:

"Your employer is the Scottish Ministers, as agent of, and acting on behalf of, the Crown. As a Crown employee you are part of the UK Civil Service. Scottish Ministers have delegated authority to exercise the statutory functions of an employer for staff in the Scottish Government."

21. The Scottish Government, as the employing entity of staff working for Scottish Ministers in the Scottish Government Main (SG Main) and Marine (SG Marine) bargaining units, exercises the functions of an employer in respect of the staff working in those parts of the Scottish Administration. Bargaining units are groupings of staff for the purposes of negotiations with the Scottish Government's recognised trade unions. All staff must be employed within the Scottish Government Main or Scottish Government Marine bargaining units to receive a pay award.

22. SG Main is comprised of core directorates which sit in director general families, agencies and non-ministerial offices as detailed in the table below:

Scottish Government Director General families	Agencies	Non-ministerial offices (NMOs)
Communities	Accountant in Bankruptcy	Community Justice Scotland
Corporate	Disclosure Scotland	Food Standards Scotland
Economy	Education Scotland	National Records of Scotland

Education and Justice	Scottish Public Pensions Agency	Office of the Scottish Charity Regulator
Health and Social Care	Social Security Scotland	Revenue Scotland
Net Zero	Student Awards Agency for Scotland	Scottish Fiscal Commission
Scottish Exchequer	Transport Scotland	Scottish Housing Regulator
Strategy and External Affairs		

23. The table above only shows those bodies who are part of SG Main. In addition to the agencies listed in the second column, there are a further three agencies who are part of the legal entity of Scottish Ministers: Scottish Forestry, Forestry and Land Scotland and Scottish Prison Service. In Scotland there are over 100 public bodies working for the people of Scotland.

24. SG Marine is comprised of:
   - Officers and crew of three Marine Protection Vessels
   - Officers and crew of two Marine Research Vessels
   - Marine, engineer and safety superintendents
   - Officers or ratings staff undertaking temporary shore-based assignments.

25. In practice, the Permanent Secretary to the Scottish Government is responsible for the day-to-day exercise of the employer function, authority having been delegated in terms of the scheme of delegation from the First Minister to the Permanent Secretary. This role is twofold; both in terms of exercising the employer function, but also in respect of exercising the day-to-day running of the Civil Service (and the appointed civil servants in the Scottish Government).

26. The employer of civil servants is the Scottish Ministers, as agent of, and acting on behalf of, the Crown. As such, civil servants are regarded as "Crown employees" rather than "employees". Civil servants are not caught by the definition of "employee" in employment legislation but are for all intents and purposes treated the same as employees and afforded the same rights and protections conferred through employment legislation to employees.

27. As Crown employees, civil servants in the Scottish Administration are part of the UK Civil Service.

28. Scottish Ministers have delegated authority to exercise the statutory functions of an employer for staff in the Scottish Government, and in doing so set out terms and conditions of appointment, such terms of appointment (and underlying policies) meeting both the requirements set out in employment legislation, the requirements for Civil Service appointment as set out in the Constitution Reform and Governance Act 2010 (which put the status of the UK Civil Service on a statutory footing) and the associated Civil Service guidance, including the Civil Service Management Code and Civil Service Code. As such the relationship between the Permanent Secretary and their staff has to account for Civil Service code requirements and employment law.

29. In addition to the paragraphs above the Permanent Secretary is the most senior civil servant in Scotland and head of the civil service. The role is the principal policy adviser to the First Minister and Secretary to the Scottish Cabinet. The Permanent Secretary leads more than 8,000 civil servants who serve Scottish Ministers and support the development, implementation and communication of Scottish Government policies. The Permanent Secretary is appointed by the First Minister of Scotland and the Cabinet Secretary of the UK Government.

30. As set out in more detail within the Module 2A DG Strategy and External Affairs corporate statement provided 23 June 2023, this includes working with the UK Government and other devolved administrations on relevant joint initiatives including sharing information and learning. The Scottish Government is part of the wider UK Civil Service. For example, the Scottish Government Permanent Secretary is part of the wider UK Civil Service Permanent Secretary network. In terms of staff development, for example, the Scottish Government aligns with the wider Civil Service approach to Capability and Professions including aligning with the Government Skills and Curriculum capability model. In that context, the Scottish Government accesses some learning offers provided by the UK Government as well as offering bespoke learning tailored to the Scottish context.

Communications during Covid-19 Pandemic

Public health messaging during the Covid-19 pandemic

31. Communications with the general public in Scotland was managed throughout the Covid-19 pandemic by the creation and execution of an evidence-led communication strategy. A skilled team was assembled to ensure messaging reached the public to prompt the desired actions.

32. From 23 March 2020, the Strategy and Insight team in DG Corporate developed an evolving communications strategy that informed people about the required protective behaviours needed at each stage of the pandemic (particularly as restrictions shifted over time). The communications strategy was shaped around a recognition that the general public in Scotland is highly motivated to act in the name of the collective best interests and provided ongoing support with wellbeing to build resilience and support positive mental health.

Campaigns, social media and other forms of communication

33. UK wide marketing was deployed by the UK Government throughout the pandemic to inform the general public about the necessary protective behaviours. On occasions, where the guidance and advice in each nation differed, Scotland specific activity would be deployed.

34. Communication campaigns were delivered by the Scottish Government throughout the pandemic to share public information and inform people of the required protective behaviours identified by Policy at each phase. Campaigns were delivered across a range of topics including: reducing virus transmission; informing people about the restrictions (including the Levels approach); testing and isolation; Protect Scotland proximity alert app; Covid Status app; vaccination; protective behaviours; mental health; building resilience and community support. Examples of TV advertising are published on the Scottish Government YouTube account.

35. From late January 2020, media managers in the News (press office) team in DG Corporate used a range of channels, working closely with news organisations as well as public sector communications partners (including Public Health Scotland, NHS Boards and Police Scotland) to promote online guidance on reducing the transmission risk and to

provide advice and support (health-related and economic). Messaging was largely aimed at the general public though some messaging targeted specific audiences such as key workers, people at higher risk of Covid-19, business owners, people from specific Minority Ethnic groups, and others.

36. The work undertaken within DG Corporate included arranging TV/radio broadcast interviews with Ministers and clinicians, and preparing news releases to communicate often rapidly developing and agreed clinical or legal decisions both to news media and directly to the public through Scottish Government social media channels. From the start of March 2020 until the end of 2021, regular news conferences (also known as 'daily briefings') were arranged, usually led by the First Minister. The frequency of these varied, depending on infection rates. They were scheduled to complement Covid-19 ministerial updates to Parliament. Scottish Government media managers liaised with key broadcasters to ensure these news conferences were televised live. Briefings were also streamed on Scottish Government social media channels and recordings posted subsequently. Written transcripts of the First Minister's opening remarks were also prepared and published shortly after each news conference.

37. In addition to the widely televised news conferences, Scottish Government media managers arranged a number of 'off camera' technical briefings that allowed journalists to be briefed by and ask questions of clinicians, public health experts, analysts and statisticians, on potentially complex issues or those generating a lot of media questions, for example, changes to the reporting of Covid-related deaths (April 2020), the 'R' number (May 2020) and the vaccination programme (January 2021).

38. Staff in the Digital team monitored comments on Scottish Government social media channels as well as feedback submitted to gov.scot (the Scottish Government website). Where possible, this insight was used to help inform the development of communications products to address dis/misinformation. The web guidance was continually developed and improved to help users find the most relevant and accurate information quickly when arriving on gov.scot.

Public health messaging – Scotland specific issues

39. Whilst Government advice was consistent across the devolved nations at the outset of the pandemic (23 March 2020), advice over the subsequent months often varied by nation for various reasons including different epidemiological conditions and different approaches to

non-pharmaceutical interventions. When policy interventions were available to all four nations, e.g. furlough scheme, Eat Out to Help Out, shared messaging was possible. However, other policy interventions (e.g. restrictions, vaccination programme) were delivered differently in Scotland from other devolved nations. In these instances, Scotland-specific public health messaging was necessary to ensure that the general public had the most up-to-date information.

40. Opinion polling on attitudes and behaviours in relation to the pandemic was carried out by the Strategy and Insight Team within DG Corporate and shared across the organisation to inform communications and policy decisions. Opinion polling fieldwork was carried out online by YouGov on Scottish Government's behalf: c.1000 interviews per wave with a representative sample of adults 18+ across Scotland – weekly from end of March 2020 to June 2021, then fortnightly to April 2022 and then monthly thereafter. Where referenced in this document fieldwork dates are as detailed. The opinion polling showed a significant difference in perceptions of the Scottish Government's response and that of the UK Government. For example, the proportion of adults (age 18 and above) across Scotland who said that they completely or mostly trusted the Scottish Government to provide information on coronavirus stood at 72% at the end of July 2020 (fieldwork 28-30 July 2020) compared to 28% for the UK Government. This difference was evident throughout the pandemic.

Dealing with misinformation

41. Mis- and disinformation was identified through weekly calls with the UK Government Cabinet Office and communication leads at Health Boards. Direct steps were not taken to refute disinformation to avoid increasing exposure. Instead, the Scottish Government used paid-for-advertising to clearly communicate the correct information. Learnings from mis- or disinformation were applied to campaign development. For example, Covid-19 vaccine explainer content was designed to address common areas of disinformation about the vaccine without repeating that incorrect information *per se*. An illustration of this is the video 'Covid-19 Vaccine: The Facts' which was placed on the Scottish Government YouTube channel.

42. The insight gathered from interactions on Scottish Government-owned social channels also helped inform digital content. Instead of repeating false information, content provided the facts and directed users to current, reliable information on gov.scot and NHS Inform.

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The web guidance was continually developed and improved to help users find the most relevant and accurate information quickly.

43. While degrees of understanding of official information varied throughout the pandemic, there was no disinformation identified in mainstream media news reporting. Any inaccuracies in news reporting relating to the Scottish Government would be corrected in the normal way.

Monitoring the effectiveness of communications

44. A number of different tools were used to monitor the effectiveness of communications. A Covid-19 campaign tracker was set up in April 2020 to evaluate performance of marketing campaigns. This ran at cost-effective intervals to obtain post-campaign metrics for recent campaigns. Each wave consisted of a sample of c.500 adults (age 16 and above) across Scotland, with fieldwork carried out via an online omnibus.

45. Where appropriate this was supplemented with other data such as relevant website or social media analytics (e.g. parentclub.scot, gov.scot), calls to helplines, vaccine uptake and / or app downloads. Claimed use of First Minister's briefings as a source of information was monitored via regular opinion polling. Public access of key public health information on Covid-19 was continuously tracked using an online dashboard tracker for the NHS Inform Coronavirus Hub pages in English and in all translated languages and accessible formats.

Assessing the success of public health messaging

46. The regular opinion polling via YouGov described above was used to monitor attitudes and reported behaviour from April 2020 onwards. It monitored key metrics over time, including:
- Trust in the Scottish Government to work in Scotland's best interests in relation to the coronavirus pandemic
- Agreement/disagreement that 'I believe that the best thing to do in the current situation is to follow the Government's advice'
- Agreement / disagreement that I trust the advice and guidance from the Scottish Government to…. Stay at home, protect the NHS and save lives / Stay safe, protect others and save lives

- Agreement / disagreement that I think the advice from the Scottish Government is clear and helpful
- Agreement /disagreement that I feel clear about what is required of people who live in Scotland as the restrictions change
- Importance of protective behaviours / how well doing protective behaviours.

47. The United Kingdom Government was asked to clear all paid-for-advertising activity with the Scottish Government before it could run in Scotland to avoid confusion around messaging. As certain media channels only offer UK-wide advertising, it was important that content of the United Kingdom Government advertising did not conflict or cause confusion with the Scottish position. For example, when England had different rules to Scotland about the size of group that meet outdoor for socialising purposes, the imagery used in United Kingdom Government advertising was amended to ensure the image was also correct for Scotland. A weekly call with Cabinet Office on advertising activity allowed any messaging issues to be highlighted.

Maintaining public confidence

48. The purpose of much of the communications activity produced by the Scottish Government was to ensure that the general public was provided with a credible rationale about the policy decisions taken at each stage to manage the spread of the virus. In some instances, advertising activity and messaging shared by News colleagues would be accompanied by 'talking head' style films from recognised experts explaining the reasoning behind the recommended protective behaviours. These interventions can also be seen on the Scottish Government's YouTube channel.

49. The participation of clinical professionals at the Covid-19 news conferences, alongside Minsters, ensured that the Scottish Government's public presentation of critical advice and guidance – directly and through news media – did not rest solely on the voice of politicians. Other senior non-government figures also participated in the briefings, at relevant points, for example, on several occasions, the Chief Constable of Police Scotland used these news conferences to set out the policing response to Covid-19, including the service's so-called 'four Es' (engage, explain, encourage and enforce) approach to restrictions and maintaining public safety.

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<u>Events impacting public confidence</u>

50. Research (*The Cummings effect: politics, trust, and behaviours during the Covid-19 pandemic* - published in the Lancet – 6 August 2020) indicated that the public were aware of alleged breaches of rules and standards by UK Government Ministers, Officials and advisers and felt that such behaviour by 'role models' who should know better, undermined the behaviours they were being asked to undertake.

51. However, trust in government / authority was only one of a number of factors influencing public confidence, attitudes and behaviour and therefore it is difficult to disentangle the impact of this. Other influencing factors include case numbers, hospitalisations, deaths, restrictions in place (and whether these were law or guidance) and variations between Scottish Government and the United Kingdom Government and availability of vaccination.

<u>Public health messaging for different religious or faith groups</u>

52. The Scottish Government works closely with stakeholders to amplify campaign messages and communicate effectively to the whole of Scotland, encompassing all geographies and minority communities. The team worked closely with NHS 24, Public Health Scotland and third sector partners to ensure key public health information on Covid-19 was available in multiple languages (17 languages) and accessible formats via the NHS Inform website. The Strategy and Insight and Partnerships teams co-created materials specific to Minority Ethnic communities. For example, the Communications team worked with the Scottish Public Health Network (ScotPHN) to create a bespoke, printed Easy Read Version of the Test and Protect information specifically for the Gypsy/Traveller community, provided: [LF2/0014 - INQ000348705 This was distributed by the Convention of Scottish Local Authorities (COSLA) to Gypsy/Traveller sites.

<u>Commissioning and use of behavioural science</u>

53. All communications activity created in response to the threat to posed by Covid-19 was informed by behavioural science. Vital sources included stakeholder groups, papers published by groups such as the Scientific Pandemic Insights Group on Behaviours (SPI-B) and on occasion, in consultation with leading experts including Stephen Reicher and Linda Bauld. The DG Corporate Strategy and Insight team attended a weekly four nations call of behavioural scientists to share latest thinking and best practice around encouraging adoption of protective behaviours in response to Covid-19.

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<u>The First Minister's public announcements and statements</u>

54. Coronavirus news releases (announcements) and statements/speeches were published on gov.scot have been made available to the UK Inquiry previously and are also available on the *Administrative and Communications timeline* provided [LF2/0015] - INQ000131057].

55. Copies of the First Minister's public announcements and statements made during the specified period (January 2020 – April 2022) are included within the document provided above.

<u>Scottish Government guidance issued to the public</u>

56. The Module 2A DG Strategy and External Affairs corporate statement and the Module 2A DG Strategy and External Affairs (Legislation) corporate statement, both provided on 23 June 2023, set out the Scottish Government's approach to restrictions and requirements to reduce the spread of the virus and their implementation through regulations and guidance. Guidance was published on gov.scot on specific coronavirus pages. To view historic versions of the guidance available on gov.scot on any given date, a public archive is available. Copies of all guidance issued to the public by the Scottish Government in relation to Covid-19 in the specified period are provided.

<u>Engagement with stakeholders, including industry</u>

57. Because of the multi-faceted nature of the Covid-19 crisis, the vast majority of stakeholder organisations (of which there are thousands in Scotland) would have been affected in some way both by the pandemic and by government responses.

58. In addition to the public communications set out above, many stakeholder organisations received more specific information concerning decisions affecting their particular interests through engagement with relevant contacts inside the Scottish Government. This would have happened in different ways for different groups of stakeholders.

59. For example, during periods of change, DG Economy or other senior civil servants within the DG Economy area, met on a weekly basis with the largest business representative organisations to provide information on any new or changed requirements, and to hear feedback from the business community on the actions taken by businesses to protect

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workers and customers, and on the impact of restrictions on business. As well as this regular engagement, Business Organisations, Unions, and Regulatory bodies were represented on various fora to address particular topics or concerns in specific sectors e.g. the Safer Workplaces Working Group; the Construction Leadership Forum; and the Hospitality Industry Group. The purpose of such groups was to provide a forum to discuss emerging issues; to share experience and best practice; and to develop and maintain support and guidance. Feedback from businesses and representative organisations was used to support 'four harms' decision-making within the Scottish Government. The *Coronavirus (COVID-19): framework for decision making* explains the four harms approach and is provided: [LF2/0016 – INQ000131056].

Preparedness for a pandemic

60. The *Scottish Government's Warning and Informing Guidance* was developed in partnership with responders and outlines the core principles of communications during civil emergencies, provided: [LF2/0017 - INQ000131058]. A *Scottish Government Communications Activation Plan for Pandemic Flu (December 2018)*, provided: [LF2/0018 - INQ000131059], sets out key structures and processes in the event of an imminent Flu pandemic, and a subsequent guidance note for Resilience Partnerships (December 2019), provided: [LF2/0019 - INQ000131060], outlined key aspects of a Pandemic Flu response including considerations for local or sectoral planning.

61. The Corporate Communications team had well-established protocols in place to guide its use of emergency internal communications channels to communicate with staff. The team also drew from a pre-prepared emergency communication plan (developed to respond to pandemic flu) to inform its initial communications response to the Covid-19 pandemic. This evolved into a series of bespoke Covid-19 internal communication plans developed in partnership with Scottish Government corporate stakeholders (including HR, IT, facilities and business continuity) to address various stages of the pandemic. These plans are provided: [LF2/0020 - INQ000131061], [LF2/0021 - INQ000131062], [LF2/0022 - INQ000131063], [LF2/0023 - INQ000131064], [LF2/0024 - INQ000131065], [LF2/0025 - INQ000131066].

Records management within the Scottish Government

62. The Scottish Government has well established records management practices demonstrating compliance with Public Records (Scotland) Act 2011 (PRSA), recognised

as some of the most robust legislation in Europe. As required under the PRSA, the *Scottish Government's Records Management Plan*, provided: [LF2/0026 - INQ000131067], is submitted to the National Records of Scotland Keeper of the Records and is reviewed annually, or sooner if changes to the law require it.

63. In accordance with the *Scottish Government's Record Management Plan* and *Information Management Principles*, decisions made by both Ministers and officials which form part of the Scottish Government corporate record are recorded. In addition, governance group meetings will normally have a formal minute taken and a note of any actions arising from the meeting. The minute will provide a collective summary of the discussion which took place at the meeting, and record key decisions and actions. Other types of meetings will not necessarily have a formal minute, if there are actions arising from the meeting or decisions taken at the meeting then it is usual for these to be recorded. In responding to the Covid-19 pandemic, the Scottish Government was acting at pace with many meetings convened at short notice and actions being commissioned in real time, a record may therefore not exist. Generally, meetings within Scottish Government are not recorded either verbatim or via digital recordings.

64. The *Scottish Governments Records Management Plan* is published online and was updated in September 2022.

65. A key means of communicating within Scottish Government is by email. Those working for the Scottish Government, including Scottish Ministers, are provided with a Scottish Government email account. Email is used for a range of purposes including, internal and external engagement with stakeholders, sharing information between policy teams and sending advice to Ministerial private offices. Emails which form part of the corporate record of Scottish Government business are required to be saved in the electronic record and document management system (eRDM). At the start of the pandemic users in Scottish Government had access to Skype, which operated as an instant messenger and means of holding audio and video calls. Messages were deleted at the end of each day. This was replaced in October 2020 by MS Teams. MS Teams offers in addition to audio and video calls the ability to instant message via chat and conversation. Chats are deleted after five days and conversations via a MS Teams channel are deleted after three years. Any information created in these systems which forms part of the corporate record is required to be saved in eRDM. The *interim MS Teams deletion policy for Scottish Government* is provided: [LF2/0027 - INQ000131068].

66. To support the delivery of business the use of messaging applications such as 'text' or 'WhatsApp' is permitted. These applications are used for the quick exchange of information. There is Scottish Government guidance on the use of such applications, which requires key points and any decision to be recorded in an email or text document and saved in eRDM. The Scottish Government *Mobile Messaging Apps Usage and Policy* document is provided: [LF2/0028 - INQ000131069].

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: 19/06/2023