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**UK COVID-19 INQUIRY
MODULE 2A**

**WITNESS STATEMENT OF THE DIRECTOR GENERAL STRATEGY AND EXTERNAL
AFFAIRS**

This statement is one of a suite provided for Module 2 and 2A of the UK Covid Inquiry and these should be considered collectively. In relation to the issues raised by the Rule 9 notice dated 24 July 2023 and served on the Scottish Government, in connection with Module 2A, the Director-General Strategy and External Affairs will say as follows: -

Introduction

1. This statement is provided to offer information additional to that already provided in the Module 2A Strategy and External Affairs (DG SEA) statement submitted to the Inquiry on 23 June 2023. The DG SEA statement offered an overview of several topics related to the response to Covid-19 by the Scottish Government, including how key decisions were made during the pandemic, inter-governmental working, resilience structures and the “four harms” approach. This additional statement provides more detailed information on specified topics. There is some limited repetition from the Module 2A DG SEA statement for contextual reasons. This statement was provided in draft by Ken Thomson but is being finalised by Joe Griffin who is now the Director General for Strategy and External Affairs.
2. Paragraph 72 onwards in the Module 2A DG SEA corporate statement shared with the Inquiry on 23 June 2023 provides an overview of the Scottish Government’s initial

strategic response to decision making in relation to Covid-19. As outlined, the publication of the *Framework for Decision Making* [JG5/001-INQ000131025] was an early statement of the Scottish Government's principles and approach to managing the pandemic. The document also defined the various harms of the pandemic, grouping them into four categories which would come to be known as the four harms.

3. These principles were reflected in a series of structural changes within the Scottish Government to support Scottish Government Ministers' response to dealing with the pandemic.
4. This statement offers further detail in response to questions specifically about the Outbreak Management Directorate and its successor, the Covid Co-ordination Directorate as well as a number of other key structures within the then Directorate General for Constitution and External Affairs (DG CEA). However, it may be helpful to explain that those Directorates were just parts – albeit important ones – of the structure for co-ordination of the Scottish Government's strategy and action in relation to the Covid-19 pandemic. It was only from May 2021, as the most intense phase of the pandemic had passed, that many of the covid policy co-ordination functions previously undertaken by several DG CEA directorates were concentrated in the Covid Co-ordination Directorate.
5. DG CEA itself was renamed as the Directorate General for Strategy and External Affairs (DG SEA) in February 2022 to reflect an adjustment of responsibilities unrelated to the pandemic.

DG CEA roles in the Scottish Government's response to the pandemic

6. The Scottish Government works on the basis that its structures and staff deployment can be flexed to take account of changing priorities. It became clear early in 2020 that the Covid-19 pandemic would require a government-wide response rather than one focused in the Health and Resilience functions. As part of that, the DG CEA Director General and the existing DG CEA Directors and their teams took on a range of responsibilities for aspects of the response, building on their core functions and the skills of their staff. This type of flexibility is standard practice across the Scottish Government, and not unique to DG CEA.

7. The table below summarises the main co-ordination functions performed by Directorates in DG CEA in the Scottish Government's response to Covid-19. Covid-19 primary legislation, Covid-19 regulations and Covid-19 guidance are all covered in more detail in the DG SEA Legislation statement provided on 23 June 2023 and subsequent addendum, while Cabinet, four nations liaison and travel regulations are all addressed in more detail in the DG SEA statement provided on 23 June 2023.

Cabinet and Constitution Directorate

Directors: David Rogers to June 2021; then David Rogers and James Hynd

- Cabinet: organisation and recording of Cabinet business
- Four Nations liaison (March to December 2020): co-ordination of liaison with Cabinet Office and the central Covid-19 policy co-ordination teams in the Welsh Government and the Northern Ireland Executive and of support for Scottish Ministers' participation in forums including the Ministerial Implementation Groups (MIGs) and subsequent four nations meetings with Mr Gove
- Covid-19 primary legislation: co-ordination of Coronavirus (Scotland) Act 2020; Coronavirus (Scotland) (No.2) Act 2020, Scottish General Election (Coronavirus) Act 2021 and Coronavirus (Recovery and Reform) (Scotland) Act 2022
- Covid-19 health protection regulations (April 2020 to June 2021): co-ordination of public health regulations, and impact assessments, including detailed policy design in collaboration with Exit Strategy and, later, also Outbreak Management and Covid Coordination Directorates
- Covid-19 guidance: (April 2020 to January 2021): coordination of guidance for the public
- Travel restrictions (October 2020 to June 2021): policy, guidance and regulations on travel within Scotland, the UK and the wider Common Travel Area

- Parliamentary liaison (April 2020 to June 2021): statutory reporting on use of Covid Acts powers and FOI performance; liaison with Scottish Parliament Covid Committee
- Elections: policy, guidance and legislation (including the 2021 Act mentioned above) to enable by-elections, the 2021 Scottish Parliament election, and preparation for the 2022 local elections to proceed in the context of NPIs including physical distancing

Organisational Readiness Directorate / Performance, Delivery and Resilience Directorate (renamed February 2022)

Director: Shirley Rogers

- Coronavirus Act 2020: coordination of policy (with inputs from across the government) for the Scottish provisions in the March 2020 Act; legislative consent process in the Scottish Parliament
- Regulations and guidance: initial “lockdown” regulations and public guidance in March 2020 were co-ordinated by a team drawn from other directorates. This included the development of guidance and communications on initial voluntary limits on public gatherings (though this was superseded quickly by lockdown)
- Volunteering: work undertaken in 2020 to prepare the initial public volunteering scheme
- Gatherings: policy development for guidance and restrictions on public and private gatherings (2020-21)
- Resilience Division: became part of this directorate in November 2021, moving from Safer Communities. Its role covered:
 - Scottish Government Resilience Room (SGoRR) secretariat: co-ordination of SGoRR (O) and SGoRR (M) meetings, production of Situation Reports (SitReps)
 - Cabinet Office Briefing Room (COBR): co-ordination of support for Scottish Ministers

<ul style="list-style-type: none"> ○ Categorised Responders – support for responders to undertake their duties under the Civil Contingencies Act. • <u>Covid-19 Analysis Division</u>: from November 2021 – see below.
<p>Covid-19 Modelling and Analysis Hub (C19-MAH) established March 2020, later developed into Covid-19 Analysis Division</p> <p>Heads: Audrey MacDougall, Chief Social Researcher, and Roger Halliday, Chief Statistician</p> <ul style="list-style-type: none"> • Established on 4 March 2020 by the Chief Social Researcher subsequently joined by the Chief Statistician who jointly headed up the Hub to provide 24/7 cover. In November 2021, the hub evolved to become the Covid-19 Analysis Division which was solely headed by the Chief Social Researcher. This hub provided core modelling, data, research and analysis to provide a central source of evidence on the pandemic to support the work of the other directorates in DG SEA and, in conjunction with local analytical teams, to support other DGs across the Scottish Government. • The C19-MAH and Covid-19 Analysis Division was responsible for the weekly production of internal analysis and advice to senior officials and Ministers and for weekly publications on the State of the Epidemic and Modelling the Epidemic. The Hub / Division also produced and published a range of evidence papers and reports covering topics including the four harms and vaccine certification.
<p>Exit Strategy Directorate established April 2020</p> <p>Director: Dominic Munro</p> <ul style="list-style-type: none"> • <u>Strategy publications</u>: <i>Framework for Decision Making</i>; <i>Route Map</i> series, <i>Strategic Framework</i> series. This is described in more detail in the DG SEA statement submitted on 23 June 2023.

- NPI strategy (April 2020 to April 2022): leadership on NPI strategy (set out in advice to Ministers and Cabinet Papers), including the four harms approach, the “Route Map” of conditional, staged easings of NPIs from May to October 2020, the “Levels” approach to geographically varying measures in place from November 2020 to August 2021, and close involvement in the development of the “baseline measures” in place from August 2021 to April 2022.

Outbreak Management Directorate, established June 2020 and originally referred to as **Outbreak Control Management**. Renamed **Covid Co-ordination Directorate** in May 2021

Directors: Paul Cackette (June to November 2020), then Penelope Cooper

- Outbreaks (June to October 2020) to provide assurance to Ministers that outbreaks were being managed effectively at a local level by health boards and other key bodies
- NPI design (October 2020 to April 2022): partnership with Exit Strategy Directorate and Cabinet and Constitution Directorates to co-ordinate detailed policy design
- Four Nations liaison (December 2020 to April 2022): co-ordination of liaison with Cabinet Office (and later DHLUC) and the central Covid-19 policy co-ordination teams in the Welsh Government and the Northern Ireland Executive, and of support for Scottish Ministers’ participation in four nations meetings with Mr Gove
- Covid regulations (June 2021 to April 2022): co-ordination of public health regulations. Further details are provided in the Module 2A DG Strategy and External Affairs (Legislation) statement provided to the Inquiry on 23 June 2023
- Covid guidance (January 2021 to April 2022): co-ordination of guidance for the general public in partnership with Cabinet and Constitution Directorate to June 2021. Further details are provided in the Module 2A DG Strategy and External Affairs (Legislation) statement provided to the Inquiry on 23 June 2023
- Travel restrictions (May 2021 to April 2022): policy, guidance and regulations on travel within Scotland, the UK and the wider Common Travel Area

- Parliamentary liaison (May 2021 to April 2022): statutory reporting on use of Covid Acts powers.

External Affairs Directorate

Director: Scott Wightman

- Repatriation: liaison with the Foreign Office in relation to individual cases of Scottish residents raised with Ministers
- Monitoring: reporting on the responses of other governments to the pandemic
- International travel: April 2020 to May 2021: policy, regulation and guidance on international travel restrictions; support for Ministers in four nations meetings; work with health on initial implementation of policy of Managed Isolation (known in England as quarantine hotels). Also from October 2020 to January 2021 (with Cabinet and Constitution Directorate), policy and regulation on travel to and from the Common Travel Area.

8. It is important once more to stress that the Scottish Government does not organise its work in rigid silos, but rather on the basis of flexible collaboration. In particular during times of heightened pressure or novel tasking, teams worked flexibly across organisational boundaries in order to supply timely advice to ministers. Much of the work above involved contributions from across DG CEA and beyond. This included substantive support and flexible loans of staff from other parts of DG CEA.
9. The Inquiry has asked particularly about SGoRR, the Outbreak Management Directorate and the Covid Co-ordination Directorate. Further detail of the roles of those units is set out below. The order adopted reflects the chronology of the involvement and evolution of the various elements of DG CEA, with the role of the Outbreak Management changing and the subsequent Covid Coordination Directorate being created in its final form relatively late in the pandemic. Taken as a whole, these structures were fundamental in developing the Scottish Government's approach to

managing Covid-19 and in seeking to ensure that this was robust, coherent and effective.

Scottish Government Resilience Room (SGoRR)

10. This information is provided in addition to previous references to the Scottish Government Resilience Room (SGoRR), in the DG SEA statement for Module 1 and Module 2/2A provided on 23 June 2023.
11. Within Resilience Division, the resilience response team co-ordinate and support the response when Scotland is faced with an emergency or major incident such as the Covid-19 pandemic, a storm, flu outbreak or terrorist attack. SGoRR is a structure used to support these responses. It exists only when activated in response to an event. It was first activated in relation to Covid-19 on 29 January 2020.
12. SGoRR can activate at any time of the day, all year round. The Response Team is the name of the small team of officials that look after SGoRR facilities, systems, and processes. In an activation, they take up roles within SGoRR supported by a cadre of volunteers drawn from across Scottish Government called the SGoRR Support Team (SST) who are similarly trained and rehearsed in fulfilling SGoRR roles. The team are not subject matter experts – they manage the administrative functions and information management processes that are common to all activations regardless of the cause.
13. When concurrent incidents occur, the team can be expanded if required with another team performing mirror roles in a second SGoRR activated in response to the second major incident.
14. How SGoRR facilitates decision making depends on the matter at hand but will usually involve:
 - ensuring that the right people are present
 - ensuring that the right information is in place
 - hosting meetings – at the right time and at the appropriate frequency
 - providing effective meeting facilitation
 - establishing clear roles and responsibilities

- allocating tasks and setting out clear timelines for their completion, as well as systematically following up on their completion
 - ensuring that connections are made across the organisation and beyond.
15. SGoRR primarily facilitates two forms of meetings – SGoRR (Officials) and SGoRR (Ministerial). A SGoRR (Officials), or SGoRR (O), is attended by officials who can contribute to the matter at issue. The officials meeting is chaired by a senior official - either the Head of SGoRR, the Deputy Director for Resilience or their Director. A SGoRR (Ministerial), or SGoRR (M), is supported and facilitated by one of the officials referred to above and chaired by the Deputy First Minister or the First Minister. If the First Minister is in attendance, they chair the meeting.
16. SGoRR does not have exclusive or shared responsibility for the areas of government policy which are discussed at SGoRR meetings. SGoRR provides a vehicle for high-level discussion and briefing. SGoRR does not assume the lead for policy areas' portfolio areas. SGoRR as an entity does not make decisions but enables relevant parties to come together to make decisions and coordinate their activity.

Activation for the response to the Covid-19 Pandemic

17. The activation of SGoRR on 29 January 2020 in response to Covid-19 was proposed by the Cabinet Secretary for Health and Sport and agreed by the First Minister and the Deputy First Minister. SGoRR was activated, or “stood up”, after this [JG5/002-INQ000257364]. Following this activation, the hours of operation and staffing resource grew as the situation deteriorated.
18. The SGoRR team also provided a monitoring function, however this posture was kept under continual review. Information sharing during this stage was delivered through daily SitReps with different versions for internal and external use (redacted and unredacted versions).
19. By the time of the first lockdown in March 2020, the activation involved two shifts per day, seven days a week, under a Head of SGoRR with each shift including a Team Leader, Briefing Manager, Information Officer, Technical Support Officer and a Staff Officer.

Establishment of the Hubs

20. In April 2020, as the response to the pandemic continued to have impacts and implications across all government business, SGoRR established a Concept of Operations (ConOps) Manual where it set out the hub structure which would be utilised during the response to Covid-19. It was designed to complement existing structures. A range of hubs were established across the Scottish Government including:

- Health
- Communities and Public Services
- Economy
- Government Business and International
- Exchequer and Finance
- Scottish Government Business Continuity
- Communications
- Resilience and Readiness.

21. Each of the areas above operated a “group hub” to become “SGoRR satellites”. The group hubs’ role was to facilitate rapid communications, co-ordinate briefing, develop situational awareness, escalate major issues via the SGoRR secretariat, and support a monitoring function.

22. Resilience Division, of which SGoRR is part, was able to adapt a group hub co-ordination structure that had been developed to deal with a No Deal EU Exit – creating eight Policy and Corporate Hubs operational 14 hours a day, seven days a week (plus out-of-hours cover).

23. This ensured good co-ordination of cross-cutting activity and liaison with stakeholders; streamlined briefing processes; and coherent interaction with the central SGoRR function. More information on that structure is available here [JG5/003-INQ000257365]. The C4 Group Hubs Manual also provides further detail on the hub structure established by SGoRR and wider arrangements [JG5/004-INQ000257366]. A paper on the future operation of group hubs and SGoRR was provided to Executive Team [JG5/005-INQ000257367].

24. In addition, SGoRR and the Organisational Readiness Team formed the Resilience and Readiness group hub to support SGoRR(M) meetings, SGoRR(O) meetings and Scottish Government participation in COBR meetings. More information on the Resilience and Readiness Hub is provided [JG5/006-INQ000257368]. A diagram of structures is also provided [JG5/007-INQ000257369].

Situation Reports (SitReps)

25. The SGoRR SitReps were compiled by the SGoRR team, who prepared these reports on the basis of information received from other policy areas or partners. The purpose of these reports was to create a shared situational awareness. Content was sourced from the Hubs in template fashion and provided to SGoRR by a deadline. The SGoRR team would chase replies if deadlines were missed. The SGoRR team would perform checks on quality and consistency of information, and reports would then be signed off by the Head of SGoRR on shift on that date prior to issue in two formats with strict handling instructions. The unredacted version was for internal Scottish Government use and situational awareness. The external version was redacted down to a level that could be shared with partners under strict handling instructions to enable them to plan and respond to the emergency.

26. The SitReps were issued to a wide audience of cross-Scottish Government colleagues, including Scottish Ministers and Scottish Government's Executive Team. A redacted version containing information of use to and required by Regional Resilience Partnership partners was shared at the same time. Both versions had strict handling instructions.

27. Information would be supplied by the relevant policy area through the hubs that were set up to represent that particular policy area. For example, DG Health and Social Care Directorate would provide information on the NHS.

28. The Head of SGoRR would authorise that the SitRep was in a fit state to be issued, for example that it was formatted correctly, represented the most up to date information, and did not provide conflicting information. The Head of SGoRR would not confirm the factual accuracy of the information - this responsibility remained with the relevant policy area.

Relationship between Head of SGoRR Authorising and SGoRR Secretariat

29. The Head of SGoRR is the strategic lead within SGoRR. The Head of SGoRR is responsible for ensuring it delivers its functions effectively and – for instance – chairs SGoRR (O) meetings which do not have participation of Ministers. (SGoRR (M) meetings are chaired by either the First Minister or the Minister who holds the Resilience portfolio (then: Deputy First Minister)).
30. More than one individual can perform the role of Head of SGoRR. The Head of SGoRR on shift at any given time will be referred to as the Head of SGoRR Authorising.
31. The SGoRR Secretariat – often referred to as the SGoRR team – will include policy and operations functions, including:
- production of the daily SitRep and any further information products that may be needed, for issue to Ministers, Group Hubs and Senior Officials
 - co-ordination of and agenda setting for SGoRR or senior official meetings (including briefing the Chair)
 - working with Group Hubs and Directorates to understand and help resolve issues at the appropriate level
 - liaison with the UKG's COBR secretariat in Cabinet Office Civil Contingencies Secretariat as relevant
 - regular and active liaison with the Police Scotland-led Multi Agency Coordination Centre (MACC) including the deployment of Scottish Government Liaison Officers
32. With regard to how often SGoRR(O) and SGoRR(M) meetings took place, who attended, how SGoRR situation reports were used at these meetings and details of actions flowing from SGoRR, all SGoRR meeting dates, papers and information have previously been provided to the Inquiry as part of general disclosure.
33. With regard to how SGoRR(M) and SGoRR(O) meetings fitted within the process of decision-making, SGoRR as an entity does not make decisions but enables relevant parties to come together to make decisions and coordinate their activity.
34. Information on the Command–Control–Coordination–Communication decision-making system is provided [JG5/008-INQ000257371].

Analytical Reports

35. In addition to daily reports, SGoRR Concurrent Risks Weekly Situation Analytical Reports were prepared to provide situational awareness and analysis of the various risks and issues that were ongoing, primarily Covid-19 and EU Exit. These were prepared from 31 December 2020 to 7 September 2021. These have been provided to the Inquiry.
36. The reports were issued to Ministers, Executive Team, and widely across Scottish Government. A second version was also prepared which was issued to key partners, including UK Government, local authorities, NHS boards, emergency services and others through the Resilience Partnership networks in Scotland.

Organisational Readiness Directorate

37. The Organisational Readiness Directorate (OR) was created in March 2020, building upon a pre-existing EU Exit Readiness function within DGCEA.
38. OR supported the Scottish Government's readiness and response activity for both Covid-19 and EU Exit. Sitting alongside and complementing the work of Resilience Division, as noted above, OR was part of the "Readiness and Resilience" Hub. The Directorate existed to ensure that prompt, coherent and well-connected action was taken across the Scottish Government on complex issues tasked to it by Ministers and senior management; and that Ministers were well advised and well supported in making decisions on these issues.
39. Part of the rationale for establishing the Directorate was to provide flexibility in allocating staff resource to new tasks and issues arising from the pandemic, which were not always covered by the responsibilities of existing Scottish Government teams. This process was particularly rapid in spring and summer of 2020, with changes in detailed functions from week to week and even day to day. OR retained this flexible character during 2020 and 2021.
40. The main function of the Directorate was to support and challenge policy leads as they prepared advice for ministers, and to support the practical and effective implementation of policies once in place, including highlighting any issues. This was used to support assurance for Ministers and others that the required progress was being made to implement their overarching strategy effectively. As a function designed to challenge

preparedness and support effective implementation, OR was usually not directly involved in the core decision-making processes and has thus not been described in detail in previous statements.

41. OR adapted to changing circumstances and demands over time, taking on new functions and transferring others elsewhere in the Scottish Government, and adapting its structure and staffing in consequence. While this description gives an indication of some of OR's key responsibilities and approaches at different times during that period, it is therefore a summary, rather than an exhaustive list, of the work done by the directorate. A commissioning email sent on 13 March 2020 by Shirley Rogers, Director of Organisational Readiness, describing the purpose of OR is provided[**JG5**]/009-INQ000257372].
42. From the early summer of 2020, the Directorate comprised three policy areas aligned to the harms associated with Covid-19 (Health, Social, Economic). The teams were supported by Military Planners and a Programme Management Office. The "Health" team also maintained a role in preparing for EU Exit (which had been the main focus of the Directorate before the Covid-19 pandemic).

Organisational Readiness approach

43. OR's approach to Covid-19 was similar to the work done to support EU Exit Readiness, bringing those two pieces of work together and considering how they impacted on each other in order to support planning and response.
44. A range of tools were used to identify dependencies and risk, and to assess the deliverability of policy options including through "Red Teaming", which brought together officials and policy leads from areas where there may have been related dependencies in order to consider a specific issue. Using established questions and criteria, the policy was then assessed and assured, to identify the key issues, risks and interdependencies with a focus on the deliverability of the policy.
45. A report was then produced which drew that together for policy teams to work through and address, with high scoring risks and planned mitigations reported and monitored via the Delivery Report.

46. Throughout 2020 and into 2021, Organisational Readiness provided Ministers and the Executive Team with regular delivery reports on Covid-19 and EU Exit preparedness. These provided an assessment of progress on the programmes of work, identified significant operational and concurrent risks and the actions being put in place to mitigate them. The regularity of these reports varied across the period - weekly, fortnightly or monthly depending on ministerial need.

Covid-19 Modelling and Analysis Hub (C-19 MAH); Covid-19 Analysis Division

47. The Covid-19 Modelling and Analysis Hub (C-19 MAH) was established on 4 March 2020. In November 2021 the hub evolved to become the Covid-19 Analysis Division and became the Central Analysis Division (CAD) in February 2022. The Covid-19 Hub and subsequent Division was established as a corporate function. This was by deliberate design to enable the division to respond to the convergence of the pandemic with a range of public health, social policy and economic risks. By sitting outwith the main public health response, the division was able to provide a cross-office perspective, to triangulate a wide range of data and evidence, to provide briefing, analysis, challenge and advice and become a single source of truth for the Scottish Government. Much of the work undertaken was developed early on in the pandemic and regularly updated and enhanced in response to changes in understanding of the virus. Throughout the pandemic, CAD analysts were fully committed to transparency and worked at pace with partners to release as much evidence and analysis as possible to support decision making and provide the latest insights. Balancing the need for timely data and evidence, whilst ensuring high quality was critical throughout.
48. Across the two-year period, engagement between CAD analysts, UK Government colleagues, Public Health Scotland (PHS), academics both individually and via groups such as the Scientific Pandemic Infections group on Modelling (SPI-M) was ongoing and much work was undertaken collaboratively. CAD analysts attended a wide range of internal, external and cross UK meetings on a regular basis. While the production of core data and modelling was developed at an early stage and continued throughout, evolving and improving, each phase of the pandemic brought its own particular challenges, for example, the development of the levels. Analytical work was continually revisited and revised to meet those challenges.

Four-nations liaison: UK Covid-19 co-ordination forum: role of the Cabinet and Constitution Directorate

49. The Module 2A DG Strategy and External Affairs statement provided to the Inquiry on 23 June 2023 summarised the evolution of the arrangements for liaison between the four governments in the UK during the pandemic. The Inquiry has asked about the official-level UK Co-ordination Forum and the role of the Director for Constitution and Cabinet and his team.
50. The introductory section of this statement explains that the Cabinet and Constitution Directorate was one of the directorates in the DG CEA that took on responsibility for aspects of the Scottish response to Covid-19. The Directorate's pre-pandemic responsibilities included co-ordinating the Scottish Government's relationship with the other governments in the UK and with the British-Irish Council. Building on that, and the working relationships with officials in the other governments that were in place as a result, the Directorate took on responsibility for co-ordination from March to December 2020 for liaison with the Cabinet Office and the central Covid-19 policy co-ordination teams in the Welsh Government and the Northern Ireland Executive. The directorate co-ordinated support for the General Public Sector Ministerial Implementation Group (GPS MIG), for Scottish Ministers' participation in the MIGs described in the DG SEA statement and the subsequent four nations meetings with Mr Gove for the period March to December 2020 and provided support for a range of other ministerial meetings.
51. The directorate had several divisions, of which one was the Constitution and UK Relations Division which includes a UK Relations Team. Staff from that team, plus others from the division, were involved in this work.
52. As explained in the DG SEA statement, officials in the four governments agreed in April 2020 to establish a UK-wide Covid-19 Coordination Forum, convened by the Cabinet Office, to supplement the existing co-operation forums. Its initial terms of reference [JG5/010-INQ000257373] reflect the role that it played through the pandemic, subject to changes such as the replacement of the MIGs. In September 2021, the UK Government team moved from the Cabinet Office to the Department for Levelling Up, Housing and Communities.

53. The forum met by video conference. The agenda for each meeting was agreed at the previous week's meeting or in discussion or emailing thereafter. Notes of actions were circulated by the Cabinet Office although not for meetings which were more informal.
54. As there were separate arrangements for liaison between health and finance officials, and topic-specific arrangements for communication on, for example, international travel and quarantine, Covid testing, PPE and medicines supply, and a wide range of other matters, the forum was used mainly for communication about the strategic approaches of the four governments to their responses to the pandemic, including the imposition and relaxation of NPIs. However, a range of other topics was discussed.
55. During 2020, Scottish Government participation in the forum was led by the Director for Cabinet and Constitution. Other officials from the directorate took part and fed back to relevant colleagues in the Scottish Government. Officials from elsewhere in the Scottish Government took part as necessary.
56. Beginning in November 2020 – as part of a rebalancing of workload – the Director for Outbreak Management began to lead on aspects of four nations liaison through this mechanism and in support for the meetings with Mr Gove, beginning with discussion about options for policy on travel and socialising over the Christmas period. In January 2021 that Director took over as lead Scottish Government representative on the Forum. From January 2021, Scottish Government participation was co-ordinated by Outbreak Management Directorate and that continued after the renaming of that Directorate as Covid Co-ordination from May 2021.
57. From Christmas 2020, a Small Working Group of Directors on the Forum, plus an official in support from the Cabinet Office, was formed. The purpose of the group was to allow rapid, informal and open communication between the four nations. This group met weekly to share updates on the state of the pandemic locally and any proposed responses. Where necessary, this group discussed topics that were expected to be raised, to ensure Ministers could be correctly briefed on these in advance of their regular joint meeting convened by the Chancellor of the Duchy of Lancaster.

Exit Strategy Directorate

58. The Exit Strategy Directorate was created in April 2020 in order to develop the Scottish Government's overall strategy for leading the country out of lockdown. In official terms, it

reported to the Director General for Constitution and External Affairs (Ken Thomson) and ministerially it reported to the First Minister and Deputy First Minister.

59. Exit Strategy led the production of the Scottish Government's key publications that set out its overall approach to responding to the pandemic. These publications began with the *Covid-19 Framework for Decision Making* in April 2020, then included the *Route Map* series of publications from May 2020 to October 2020, and finally the *Covid-19 Strategic Framework* series of publications from October 2020 to February 2022 – all of which are in the public domain.
60. In terms of the underlying strategy, Exit Strategy led the development of the four harms approach that became central to the Scottish Government's approach to considering NPIs. It also led the development of strategy set out in the "Route Map" that involved a series of conditional, staged easings of NPIs and was implemented (with modifications) from May 2020 to October 2020.
61. The Directorate for Exit Strategy also led the development of the "Levels" approach to geographically gradated NPIs across Scotland in place from November 2020 to August 2021. From May 2021, it incorporated the Strategy Division which had previously sat within the Directorate for Outbreak Management. Exit Strategy was also involved in developing the "baseline measures" (i.e. the limited number of NPIs) that continued from August 2021 until the last legal measure was lifted in April 2022.
62. In terms of its own organisation, Exit Strategy Directorate was a relatively small team, that was created in April 2020 and probably averaged around a dozen staff over its lifespan. It ceased to exist in May 2022, though many of its extant staff moved into the new Strategy Directorate of the Scottish Government.

Outbreak Control Management Directorate, renamed Outbreak Management (OMD)

63. Proposals for Compliance and Outbreak Management were sent to the Scottish Government Executive Team on 26 June 2020 by Ken Thomson [JG5/011-INQ000257374].
64. The Outbreak Control Management Directorate was established at the end of June 2020 (and was subsequently renamed Outbreak Management Directorate) as restrictions in Scotland and elsewhere in the UK were due to be significantly eased and the Scottish

Government was anticipating the need to respond to local outbreaks, which could potentially require planning around future local lockdowns. Recent Covid-19 local outbreaks in Leicester and Dumfries and Galloway were a key part of the experience from which the Scottish Government was learning and the establishment of a dedicated OMD was part of the increased levels of strategic co-ordination being established at this point.

65. OMD was initially structured into three divisions - Strategy, Policy and Response. Each division was established with key responsibilities but due to the nature and urgency of the work, divisions exhibited a degree of flexibility in terms of roles and tasks undertaken.

Strategy Division

66. From August 2020 up until May 2021, the role of the Strategy Division was to support outbreak management in Scotland by developing, maintaining and promoting effective strategies for combatting Covid-19, to suppress the virus to the lowest possible level and allow life in Scotland to return to normal.

67. Strategy Division's responsibilities included:

- develop and maintain strategies for combatting Covid-19 including input into the *Strategic Framework*, levels approach to NPIs and subsequent reviews
- engagement across other Scottish Government Directorates to ensure Ministers' strategic aims for handling the pandemic were clearly communicated and understood by colleagues including partners outwith the organisation
- monitoring, learning and sharing international best practice
- outreach to four nations partners to share good practice and feedback and coordinate approach where possible.

68. In May 2021 the Strategy Division became part of the Directorate for Exit Strategy but continued to work on most of the above.

Policy Division

69. When the division was formed, Covid-19 case numbers across Scotland were at a very low level. At that stage, it was expected that there would be a number of outbreaks, the majority of which would be managed by local Incident Management Teams (IMTs). Policy

Division was responsible for monitoring outbreaks and where appropriate considering whether intervention by Scottish Government was proportionate and necessary.

70. Its responsibilities included:

- providing advice on possible interventions to Ministers, informed by the latest advice and analytical data from colleagues across Scottish Government and Public Health Scotland
- engagement with Cabinet and Constitution Directorate officials on the form of any necessary restrictions, and sectoral leads on implementation
- updating Covid-19 guidance and coordination with different policy areas to support implementation of local restrictions to manage outbreaks
- providing inputs to briefing to support Ministerial events including the Covid-19 briefings that were often led by the First Minister, and other Ministerial engagements.

Response Division

71. In July 2020, a dedicated Outbreak Management Response Division for Covid-19 was established. It worked closely with PHS, Directors of Public Health and NHS board Health Protection teams who were responsible for managing local outbreaks of Covid-19 across Scotland.

72. The original objective of the division was to give reassurance to Ministers that health boards were receiving the necessary support from Scottish Government and that all local outbreaks were being managed effectively without the need to invoke the SGoRR process. The role of SGoRR is outlined in more detail earlier in this statement. The division also provided direct feedback from PHS, Directors of Public Health and the “on the ground” incident management teams to the Outbreak Management Strategy and policy divisions in order to assist with their thinking and development of future policy and strategic planning.

73. This ensured those groups of people had a direct line of communication into the Scottish Government for discussing changes and improvements and for escalation where necessary. It also helped develop a very close working relationship between the Scottish Government and its external partners.

74. Over the course of the pandemic, the Response Division's involvement in incident management evolved, including attendance at Problem Assessment Group (PAG) and/or Incident Management Team (IMT) meetings as observers. This enabled almost real-time direct reporting to Ministers, CMO's office and relevant sector-based policy officials about local outbreaks. At the start of the pandemic, only Senior Medical Officers from the CMO Directorate had been permitted to attend as observers. PAGs and IMTs could happen at any time, seven days a week so there was a need to have a sufficiently sized team to attend the meetings and be on-call out of hours and at weekends.
75. In addition to reporting directly from the individual PAGs and IMTs, a daily (Monday to Friday only excluding Public Holidays) Outbreak Management Incident Summary report was produced. This report captured the status of all outbreaks across Scotland of which the OMD Response Division had been made aware.
76. As mentioned above, the Outbreak Management Response Division started as part of the newly established Outbreak Management Directorate within DG Strategy and External Affairs, but in October 2020 it transferred to the Directorate for Covid Public Health within DG Health and Social Care. The reason for the move was part of the continuous improvement review of processes for managing the pandemic and it was felt that the incident management response function was principally of a public health nature and therefore fitted in better within the existing Community Surveillance Division.
77. The two other divisions (Strategy and Policy) remained in the Outbreak Management Directorate as their work was firmly focussed on the strategic steps in moving to a levels-based approach for pandemic planning.
78. As agreed with Ministers, the Outbreak Management Response Division was formally stood down and the last daily incident management summary was sent out on 11 March 2022 [JG5/012-INQ000257375].

Covid Co-ordination Directorate

79. OMD was formally renamed Covid Co-ordination Directorate (CCD) on 1 May 2021, to reflect how its role had changed since its creation the previous summer including the fact that this directorate no longer managed local outbreaks, as the Incident Management Response team had moved to Directorate for Covid Public Health in DG Health and Social Care.

80. In May and June 2021, the Directorate took over from the External Affairs Directorate and the Cabinet and Constitution Directorate the roles that they had played in co-ordinating Covid-19 regulations, public guidance, travel restrictions and parliamentary liaison.

81. CCD started with three divisions – Governance and Decision-Making, Implementation and Covid Travel Restrictions. This eventually increased to five divisions, with the addition of Covid International Passenger Co-ordination (created to respond to the need for passenger quarantine), and Covid Compliance (transferred from Safer Communities Directorate).

82. CCD was disbanded in May 2022. The majority of CCD functions ceased at that point, but some functions transferred to other teams within the Scottish Government.

Governance and Decision-Making Division

83. Governance and Decision-Making Division's responsibilities included:

- preparation of draft cabinet papers on Covid public health measures, particularly around the three-weekly reviews of the statutory protective measures
- as part of this process, preparation of material for consideration by the First Minister, Deputy First Minister and relevant Cabinet Secretaries
- providing the secretariat function for the Four Harms Group, on whose considerations draft Cabinet papers would be based
- co-ordinating any changes to Covid-19 Health Protection Regulations (as set out in the DG SEA (Legislation) corporate statement provided to the Inquiry on 23 June 2023) as necessitated by decisions of Cabinet in relation to Covid-19 public health measures, in liaison with legal advisers and relevant policy colleagues
- making and laying of regulations and any related impact assessments
- providing Ministerial briefing and support to the Deputy First Minister for his Parliamentary appearances in relation to the regulations
- production of the Scottish Government's two-monthly reports on the Coronavirus Acts
- liaison with the UK Government and other devolved administrations on the Coronavirus Act 2020, including attending regular four nations meetings with officials from the UK Government's Department for Health and Social Care, Welsh Government and Northern Ireland Assembly.

Implementation Division

84. The division was responsible for implementing and updating restrictions. As part of this, the division worked with colleagues across Scottish Government to consider the proportionality of any interference with fundamental rights. This formed part of the material prepared for the First Minister, Deputy First Minister and Cabinet by the Governance and Decision-Making Division.

85. Once decisions on restrictions were made by Cabinet, the division was responsible for implementation. These responsibilities included:

- working with communications and marketing colleagues on press releases, responses to press enquiries and public campaigns
- drafting and publishing guidance on the Scottish Government website
- working with policy colleagues across Scottish Government to ensure sector guidance was consistent with the updated central guidance
- responding to all correspondence received on Covid-19 restrictions.
- supporting Ministers with briefing on Covid-19 restrictions as required
- working with colleagues across Scottish Government to support and collate stakeholder engagement
- supporting four nations engagement.

Covid International Travel Restrictions Division

86. Covid International Travel Restrictions Division was responsible for the policy and regulations implementing international travel measures for those entering Scotland from abroad. Responsibilities included:

- ministerial briefing and support for attendance at COVID-O meetings
- liaison across the four nations and attendance at other meetings as required
- providing relevant briefing for Ministers, in liaison with Chief Medical Officer's office and other cross-government policy colleagues, on international travel
- ensuring regulations reflected policy intentions.

87. On the regulations side, the division made regulations to reflect ministerial decisions in relation to Covid-19 public health. This involved:

- working with legal advisers and policy colleagues to ensure the regulations reflected policy intention
- ensuring all arrangements were made for the making and laying of the regulations
- preparation and publication of all impact assessments relevant to the regulations
- liaison across the four nations as required.

88. In addition to regulations on international travel made under existing public health legislation, the policy team also assumed responsibility for the Common Travel Area restrictions within the local levels regulations. This involved:

- working with analytical teams to prepare regular reporting on the epidemiological position in the UK, Ireland, Channel Islands and Isle of Man, including tracking emergence or importation of variants of concern
- advising Ministers on an appropriate and proportionate response to limit risk of importation of cases and variants from within the Common Travel Area
- working with legal advisers in the Scottish Government Legal Directorate (SGLD) and regulations leads in Governance and Decision-Making Division to amend the local levels regulations as necessary.

Covid International Passenger Co-ordination Division

89. Hotel facilities contracted by the UK government were used to accommodate international travellers in accordance with travel restrictions in place during the pandemic.

90. The Covid International Passenger Co-ordination (CIPC) Division was responsible for dealing with the full Managed Quarantine process. Its responsibilities included:

- responding to enquiries from the public, members of the Scottish and UK Parliaments, regarding the operation of the Managed Isolation Programme, queries and exemption requests
- working closely with the Home Office, latterly Cabinet Office, to ensure that there was sufficient quarantine accommodation available through Corporate Travel Management
- providing advice to Ministers on approval of exemption applications
- where granted, working closely on management of the exemption process with clinical advisers, hotel management and hotel security

- engagement with the International Travel Restrictions Division and legal advisers around the legislative basis and associated regulations for Managed Quarantine, and engagement with associated impacted policy areas
- facilitating decision making in relation to operational procedures, based on differences in restrictions between Scotland and the rest of the UK
- briefing Ministers on operational issues.

Covid Compliance Division

91. This division was initially established in November 2020 within the Safer Communities Directorate under DG Education and Justice. It had responsibility for the Covid Safety and Compliance Programme (CSCP). It was created to provide a central focal point within the Scottish Government and to support public, business and organisation compliance with the regulations and guidance introduced as part of the response to the pandemic.

92. The division and programme initially sat within the Scottish Government's Safer Communities Directorate before moving into Covid Co-ordination Directorate in November 2021.

93. The programme was not established to, nor could it, co-ordinate work across the whole public sector and its remit did not extend to health or social care environments. Programme activity focused on five areas and included work across Scottish Government, local authorities and other government bodies:

- data and evidence
- communications and engagement
- self-isolation
- households and social settings
- workplaces and institutions.

94. A wider community of practice was developed to share evidence and good practice across the Scottish Government.

95. CSCP was supported by a Compliance Advisory Group (CAG). This brought together a range of representatives from across the public sector (NHS Scotland, Police Scotland, Convention of Scottish Local Authorities (COSLA) and Society of Local Authority Chief

Executives and Senior Managers (SOLACE)). There was also involvement from the third sector through Young Scot and poverty advocacy groups, as well as academia, behavioural experts and independent advisors.

Decision-making

96. Key decisions on which OMD / CCD provided advice were generally made by Cabinet (or on occasion, by the First Minister under a specific delegation from Cabinet). On each occasion, the Deputy First Minister would present a paper to Cabinet, setting out the issues and relevant analysis, and (usually, but not always) making specific recommendations. A draft of this paper would have been prepared by OMD / CCD and provided to the First Minister and Deputy First Minister for comment and / or approval.
97. Such a paper would normally include:
- evidence and analysis on the state of the epidemic and its impacts, on future modelling, the four harms analysis and advice from the National Incident Management Team
 - detailed advice on any measures proposed, and / or a review of existing measures
 - an account of any specific legal issues arising
 - an account of any Parliamentary proceedings (such as the introduction of new Regulations) which might be required.
98. To prepare a draft, OMD / CCD would commission and / or pull together relevant input from a wide range of contributors, including policy, clinical, analytical and legal advisers. Its recommendations would reflect exchanges between members of the Four Harms Group, and were on occasions discussed directly with Ministers in advance of a draft paper being provided. Typically, the Four Harms Group would meet on a Friday morning, and its discussions would inform the preparation of a Cabinet paper for decision the following Tuesday. Cabinet would also be advised of any salient developments since the Four Harms meeting,
99. Recommendations were also informed by separate internal stakeholder groups led by Covid Co-ordination Directorate / Exit Strategy to discuss matters, seek input, and inform wider Scottish Government and relevant stakeholders of relevant issues. Intelligence from National Incident Management Team would also be considered. Cabinet papers

have previously been provided to the Inquiry. These papers were the mechanism to inform any decisions subsequently made by Ministers.

100. Modelling was used to inform the advice and was always included as an Annex in the Cabinet papers. Detailed overviews on the outputs of Scottish Government analysts have been included in previous Module 2A statements. The use of high quality data produced by Scottish Government analysts ensured advice to Ministers was based on facts and allowed impacts of actions taken to be monitored as a result.
101. A lesson learned from the earlier phases was that reliance on one experienced individual to “hold the pen” on the drafting to ensure consistent quality created a single point of failure. To address this, there was a plan of coaching and shadowing so that the pool of people able to do this was widened, increasing the resilience of the individuals and the team.

Four Harms Group

102. Further to the information on four harms as set out in the DG SEA statement from paragraph 72 onwards, the *Framework for Decision Making* placed the many and various harms of the pandemic into four categories:
- direct Covid-19 harm
 - other health harm caused by the pandemic
 - societal harm
 - economic harm.
103. The four harms approach informed decision making concerning NPIs from April 2020 through to the lifting of the last legal measure in April 2022. In the phase of the pandemic between April 2020 to October 2020, the approach was incorporated into advice to support rational decision making on NPIs. In essence, the four harms approach provides a framework for considering options for NPIs based on the assessed impacts of those NPIs on a range of harms with the aim of minimising overall harm. It intentionally matched the number of health harms (two) with the number of non-health harms (two) to introduce greater balance into the *consideration* of harms, notwithstanding that one harm might be considered to dominate the others, as was the case with harm 1 (direct Covid-19 health harm) in the early stages of the pandemic.

104. From October 2020 through to April 2022 (and beyond), a Four Harms Group (the Group) was specifically convened as a forum for discussing the various harms and potential responses to inform advice for decision making. This supported Cabinet decision making through the consideration of the current and potential future state of the epidemic, and any measures proposed (including any legal restrictions or requirements).
105. The Group first met on 24 October 2020. Its terms of reference are provided: [JG5/013-INQ000257363]. As set out in the Module 2A DG SEA statement provided to the Inquiry on 23 June 2023, the Four Harms Group was not itself a decision-making group nor did it have responsibility for government policy: it existed to enable the development of well-rounded material to support Ministers' decision-making in Cabinet.
106. The purpose of the group, as set out in its terms of reference, was to support the Director-General for Constitution and External Affairs in his role supporting the First Minister and Deputy First Minister in leading collective decision-making through cross-government co-ordination:
- acting as the senior official forum supporting collective ministerial decision making in relation to Covid-19
 - considering proposed tightening, easing and changes of protective measures to support policy recommendations to the First Minister and Deputy First Minister and proposals to Cabinet
 - ensuring that proposals to Ministers took due account of the public health advice provided by the National Incident Management Team and the views of senior clinicians and senior advisors, and were assessed against the four harms on the basis of the available evidence
 - ensuring that Ministers received rounded and well-supported recommendations reflecting the principles in the *Framework for Decision Making*
 - exercising oversight of the ongoing and forward analytical work programme intended to provide the underpinning evidence base for decisions
 - taking an overview of activity across the Scottish Government and implementation on the ground of the other elements of the *Strategic Framework*, notably vaccination, testing and adherence in order to promote a fully integrated cross-Scottish Government approach
 - keeping under review the efficiency and effectiveness of the decision-making process, including arrangements for engagement with local authorities and others.

107. As noted in the terms of reference, the core membership of the group was formed from the key experts for each of the four harms (referred to as the “Harm Leads”), or their nominated substitutes. This enabled those individuals to ensure that any potential impacts on all four harms were considered appropriately in the group’s discussions, in line with the principles and purpose of the group.
108. The group also included the Chair of the Directors of Public Health, and representatives from local authorities (SOLACE and COSLA). The group did not engage directly with the UK Government (or the other devolved administrations), but UK Government (and devolved administrations) proposals and measures would be discussed at meetings of the group.
109. There was a core membership comprising:

Director-General for Constitution and External Affairs (Chair)

Harm One

National Incident Commander for the Covid Response

Chief Medical Officer or Chief Nursing Officer

Harm Two

Chief Performance Officer, NHS Scotland

or National Clinical Director

Harm Three

Chief Social Policy Advisor

Harm Four

Chief Economic Advisor

Core team

Head of COVID Analysis

Director of Exit Strategy

Director of Outbreak Management/Covid Coordination

Director of Covid Public Health

Director, Cabinet and Constitution

Director of Equalities, Inclusion and Human Rights

External Advisors

Chair of the Directors of Public Health

SOLACE representative

COSLA representative

110. In addition to the core membership, Harm Leads, at the discretion of the Chair, were also able to invite others to participate and speak or observe where this was considered necessary to the effective running of the meeting. This could include other Scottish Government officials, subject matter experts and external advisors.
111. The group provided an appropriate forum for discussion of how proposed emergency response measures could potentially affect the four harms. The Chair would use these discussions to summarise the situation. These discussions, including the Chair's summation, would then be utilised by OMD / CCD officials in the preparation of draft Cabinet Papers, in the name of the Deputy First Minister. Outbreak Management Directorate / Covid-Co-ordination Directorate also provided the secretariat for the Group.
112. Decisions on whether any legal restrictions or requirements should be applied were made by Cabinet – or on occasion, by the First Minister under a specific delegation from Cabinet. On each occasion, the Deputy First Minister would present a paper to Cabinet, setting out the issues and relevant analysis, and (usually, but not always) making specific recommendations.

“Gold” meetings

113. As set out in the DG SEA statement provided for Module 2A on 23 June 2023, the process of decision making was based around providing the then-First Minister and members of the Cabinet with the information they needed to make decisions related to the Covid-19 pandemic.
114. There was no “Gold Committee” as such and no specific terms of reference or membership were set for a Gold Committee. Meetings in which the First Minister and / or Deputy First Minister and occasionally other Cabinet Secretaries, would meet with senior policy advisers, became colloquially known within Scottish Government as “Gold” or “Gold-type” meetings.

115. These were part of a framework of meetings that supported the decision-making process by Ministers, as described earlier in this statement and in previous statements by DG Strategy and External Affairs. The frequency and format of these meetings varied with the urgency of issues requiring decisions and Ministers' preferences for receiving and discussing advice. A timeline of meetings known to have been referred to in this way is provided [JG5/014-INQ000257370].

116. These meetings typically took place for the following purposes:

- to consider updates on the state of the epidemic at key junctures
- to discuss current issues and options in relation to the developing response to the epidemic
- to provide a steer on issues to be brought to forthcoming meetings of Cabinet for consideration and decisions.

117. Meetings of this kind provided a flexible means of engagement with decision makers and helped to support effective decision making across the process as a whole.

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: 26 October 2023