

THE UK COVID-19 INQUIRY

TRADES UNION CONGRESS: CLOSING SUBMISSIONS IN MODULE 2

INTRODUCTION

1. This is the closing statement of the Trades Union Congress ('the TUC') in Module 2 of the UK Covid-19 Inquiry. The TUC is working in partnership with the Wales TUC ('WTUC'), the Scottish TUC ('STUC'), and the Northern Ireland Committee of the Irish Congress of Trade Unions ('NIC-ICTU'). The STUC and NIC-ICTU are separate organisations, but with shared aims and values. In Module 2, the Inquiry has heard from the Assistant General Secretary, Kate Bell, both in written and oral evidence as to the impact of the pandemic. The TUC has also submitted a supplementary witness statement setting out the individual and representative accounts of 47 workers and members of the TUC affiliated unions. The TUC and its sister organisations aim to provide a voice for working people, and to shine a light on the outcomes decision-making had upon safety and wellbeing in the workplace.
2. This written submission addresses:
 - a. Occupational exposure to covid and inequalities
 - b. 'Covid-(un)safe' workplaces
 - c. Deficiencies in workplace guidance and consultation
 - d. Sick pay and financial disincentives for self-isolation
 - e. Movement of staff between care homes
 - f. Decision-making in education
 - g. Co-operation with devolved administrations
 - h. Timing of lockdowns
 - i. Need for cultural change

3. We have had sight of the joint submissions of Covid Bereaved Families for Justice UK and Covid Bereaved Families for Justice Northern Ireland, which address the state of the UK coming into the pandemic. We endorse the submissions which set out: (a) that the response to the pandemic was undermined at its outset by pre-existing and known weaknesses; (b) that the lack of adequate planning, structures and capabilities meant that the UK entered into the pandemic in a state of poor resilience and preparedness; (c) that the impact of austerity and pre-existing inequality meant that the UK entered the pandemic unprepared for a virus even less virulent than Covid-19.

A. **OCCUPATIONAL EXPOSURE TO COVID AND INEQUALITIES**

4. This Inquiry has received significant evidence as to occupational exposure being a key risk factor both in the transmission of the virus, and its deadly effects.¹ At an early stage in the pandemic, the Public Health England report identified that *'early reports suggest that occupational exposure accounts for some infections (26), with healthcare workers (HCW) being particularly at risk of infection, but also individuals working in other people-facing occupations such as retail, hospitality, transport and security'*.² At a similarly early stage, a report commissioned by Transport for London into the disproportionate impact of the high transmission and mortality rate amongst bus drivers found occupational transmission to be a significant factor.³ The impact of occupational transmission was the subject of a February 2021 report of the Environmental Modelling Group ('EMG') – Transmission Group, which stated:

*'A person's occupation may have an important impact on the likelihood that they will be exposed to the SARS-CoV-2 virus and become infected. Occupational risks are also reflected in variations in hospitalisation and mortality rates in different occupations {high confidence}. [...] Occupations requiring higher qualifications and more experience were more likely to provide homeworking opportunities than elementary and manual occupations. [...] Occupations that are less likely to be able to work from home have higher COVID-19 mortality rates than those that can work from home {high confidence} [...] Occupations which involve a higher degree of physical proximity to others tend to have higher COVID-19 mortality rates {high confidence} [...] Occupations which involve a higher degree of physical proximity to others tend to have higher COVID-19 mortality rates {high confidence}'.*⁴

5. This is reflected in the data regarding mortality rates across sectors: *'Process, plant and machine operative occupations had the highest rate of mortality from COVID-19. Caring, leisure and other service occupations – the major group with the next highest rate of death*

¹ See, for example, Transcript [3/49/18 – 3/51/15].

² INQ000089740/50 (Policy document from Public Health England, titled 'Disparities in the risk and outcomes of COVID-19', undated).

³ INQ000118901/35 (Report from Institute of Health Equity titled Initial assessment of London bus driver mortality from Covid-19).

⁴ INQ000224407/6 (Paper titled COVID-19 Risk by Occupation and Workplace, dated 11/02/2021).

involving COVID-19 - had the largest number of deaths of all the major groups'.⁵ International comparators offer a similar picture.⁶

6. Early in the pandemic, there was a misapprehension within government as to the role of occupational exposure in transmission. Matt Hancock, for example, appears to have held the view that transmission in workplaces, particularly in offices, was low. On 30 July 2020, Sir Patrick Vallance sent a WhatsApp message to Mr Case stating: *'I am not so convinced as Matt Hancock that work places are not important in spread. I think they are underplaying the importance of work place transmission and if we encourage people back to workplace it is a very mixed message'*.⁷ The misunderstanding of Mr Hancock is likely to have been a misreading of the data. Professor Paul Hunter highlighted: *'If most office workers were still working at home until recently or are even still working at home, then of course office based transmission isn't going to feature in the statistics. [...] simply relying on data to date when many people have been working at home is not an adequate measure of risk'*.⁸ This view was supported by Sir Patrick, who highlighted in a further message to Simon Case, *'Household transmission comes from importation from work and other contacts'*.⁹
7. Of particular significance is the intersection between occupational exposure and socioeconomic inequalities. It is in that intersection that a significant part of the uneven impacts of the pandemic are to be found. Professor Neil Ferguson explained that the *'poorest in society had the least ability to comply with measures, to work from home, were most exposed to the virus in health settings, in service jobs, and I think that should be better reflected in analysis and modelling going forward'*.¹⁰ Independent SAGE reported in November 2020 that *'people in the lowest paid occupations are twice as likely as those in higher occupational groups (such as professionals and business leaders) to die from Covid-19'*.¹¹ This is echoed in the EMG – Transmission Group's report, which states: *'There is a clear interplay between occupational risk of SARS-CoV-2 transmission and socioeconomic inequities, which reflects the amplifying effects between the working environment, crowded housing, job insecurity and poverty'*.¹²
8. These features also intersected with the particular adverse impact on some ethnic groups. Professor James Nazroo and Professor Laia Becares describe: *'[...] the employment profile*

⁵ INQ000224407/8-9.

⁶ INQ000224407/9-10.

⁷ INQ000229450/2 (Sir Patrick Vallance's WhatsApp messages with Simon Case, dated 30/07/2020).

⁸ INQ000152705/3 (Emails between various recipients including Jonathan Van Tam and Jenny Harries regarding comments on facemasks in the office).

⁹ INQ000229450/2. See, similarly, Jonathan Van-Tam email to Chris Witty and Jenny Harries on 19 August 2020: INQ000152705/2.

¹⁰ Transcript [11/210/3-7]

¹¹ INQ000249688/3 (Report 21 from SAGE, titled 'COVID-19 and Health Inequality', dated 13/11/2020).

¹² INQ000224407/1 (Paper titled 'COVID-19 Risk by Occupation and Workplace').

*of ethnic minority people is somewhat different to that of White British, as they are more likely to be employed in sectors that increase their risk of exposure to an infectious agent, such as in transport and delivery jobs, or working as health care assistants, hospital cleaners, social care workers, and in nursing and medical jobs (ONS, 2020)’.*¹³ Kemi Badenoch, Former Minister of Equalities, acknowledged that occupational exposure ‘contribute[d] to the higher infection and mortality rates for ethnic minority groups’.¹⁴

9. Structural racism compounds these occupational inequalities. The TUC agrees with the observation of Dr Philip Banfield that BAME workers may be ‘less likely to seek out [...] their risk assessments, they are less likely to be forthright about saying, “I need to have appropriate respiratory protective equipment”’.¹⁵ Professor Nazroo and Professor Becares similarly explained: ‘Structural conditions of socio-economic disadvantage and interpersonal experiences of racism shape encounters with institutions that have policies and practices that lead to and amplify unequal outcomes – including in health and social care’.¹⁶
10. The importance of occupational transmission and the part it played in the disproportionate impact of the pandemic were predictable before the pandemic, and to a significant extent they were known during the pandemic. It is in that context that the decision making in the pandemic falls to be considered.

B. ‘COVID-(UN)SAFE’ WORKPLACES

11. In documents recording high level decision-making from March 2020 to September 2020 there is frequent reference to the disproportionate impact on people on lower incomes of not being able to work, and the benefit of reopening workplaces. For example, in the Cabinet Meeting minutes of 7 May 2020:

*‘those working in sectors like retail and hospitality could not work from home, were often the poorest paid and also the most vulnerable. The measures had a disproportionate impact on vulnerable groups. This would be the subject of upcoming litigation. Next steps in the coronavirus response would need to carefully consider the impact on vulnerable groups to minimise legal risk’.*¹⁷

The disproportionate impacts of closing certain sectors were an important consideration; jobs and livelihoods are key determinants of wellbeing. In his written and oral evidence, Rishi Sunak made repeated reference to the issue.¹⁸

¹³ INQ000280057/20 (Expert report titled ‘Ethnicity, Inequality and Structural Racism’ prepared by Professor James Nazroo and Professor Laia Becares), para. 63.

¹⁴ INQ000215534/10 (Statement of Kemi Badenoch, dated 26/06/2023), para. 22.

¹⁵ Transcript [3/114/23 – 3/115/6].

¹⁶ INQ000280057/17 (Expert report titled ‘Ethnicity, Inequality and Structural Racism’ prepared by Professor James Nazroo and Professor Laia Becares), para. 52.

¹⁷ INQ000183933/7 (Minutes of a Cabinet meeting held on 07/05/2020).

¹⁸ See, for example, Transcript [33/82/8-16].

12. There was not, however, the same focus on safety for those who were attending work. It was those attending work (many of whom faced socio-economic disadvantage) who faced increased occupational exposure and risk of death, rather than those who were not – and it is important to keep in mind that many workers attended their workplaces throughout the pandemic. As the Mayor of Greater Manchester, Andy Burnham, pointed out:

*‘a lot of people never left work. And in the less well-off parts of the country, people weren’t, by and large, sitting in their gardens doing whatever on Zoom. They were in work. And in boroughs in Greater Manchester, a high percentage of people were working in warehousing or in manufacturing or in other things’.*¹⁹

The issue of safety for those at work deserved more consideration, and more action.

13. It is right to acknowledge that some of the causes of unsafe workplaces are structural and pre-existing. As was explored in Module 1, stretched health services, and stretched and fragmented social care services, are a fault line.
14. More broadly, we have described before the relevance of a working population that has a growing proportion in low-income work, and in insecure work. The SAGE Ethnicity Subgroup reported, with high confidence, the impact that ‘risky workplaces’ may have upon transmission of the virus, identifying ‘risky working environments’ as including *‘precarious work in which it is difficult to negotiate safe working conditions or leaves of absence for sickness’*.²⁰ Precarious work is a key driver of the structural inequalities which were exposed during the Covid-19 pandemic, and which will be repeatedly exposed in future pandemics if more is not done to protect those in low income and insecure work. Whether and how to resolve the problem of insecure work is beyond the scope of this Inquiry; but the Inquiry must make findings as to the relevance of insecure work to the disparate impacts of the pandemic.
15. We also raise again the pre-existing paucity of health and safety enforcement. When the pandemic struck in 2020, years of underfunding of the Health and Safety Executive (‘HSE’) and of local authority enforcement meant that neither was in a position to rigorously inspect businesses and enforce Covid-19 workplace safety. The result was a dearth of in person inspections, as revealed by a letter from the Chief Executive of HSE, Sarah Albon, on 4 June 2020: in the first six months of the pandemic, the over 6,000 concerns raised with HSE resulted in 47 physical inspections and one prohibition notice.²¹ Over the course of the pandemic, HSE undertook ‘spot checks’ which were initially conducted by a telephone call. Unsurprisingly, the vast majority of telephone spot checks resulted in verbal reassurance

¹⁹ Transcript [26/123/3-10].

²⁰ INQ000273842/50 (Appendix to the Statement of Professor Kamlesh Khunti, dated 12/06/2023). See, similarly: INQ000280057/21 (Expert report titled ‘Ethnicity, Inequality and Structural Racism’ prepared by Professor James Nazroo and Professor Laia Becares), para. 71.

²¹ INQ000119164/3 (Letter to Stephen Timms from [Name Redacted] (Health and Safety Executive), dated 04/06/2020).

that the business had *'appropriate controls in place'* and were not followed up with any physical inspection.²² Further, the businesses inspected by HSE *'represent a subset of organisations'* and the inspections carried out did not cover all sectors.²³

16. The Inquiry has now heard evidence of the government grappling after the first lockdown with the difficult balance of returning to work within the 'R budget'. Safe workplaces would have made the aim of returning to work much more achievable. In the event, the return to work was managed against a vacuum of enforcement. The lack of in person inspections and robust enforcement undermined decision-making which took place in respect of workplaces, flexible working and shielding. The TUC remains of the view that enforcement of workplace health, safety and welfare is a fundamentally important issue for future modules in this Inquiry.
17. Issues relating to workplace safety that *have* been considered in Module 2 include workplace guidance and consultation, and financial support for self-isolation, both of which are considered hereafter.

C. DEFICIENCIES IN WORKPLACE GUIDANCE AND CONSULTATION

18. During the pandemic, the perception of the TUC and its affiliated unions had been that the government had failed to properly engage in open and meaningful dialogue. This appeared to be due in part to the lack of pre-existing structures to enable effective consultation. The evidence in Module 2 demonstrates that the government took a needlessly oppositional approach to consultation with unions.
19. For example:
 - a. On 3 March 2020, it was proposed (internally) to Mr Hancock that, *'we could introduce SSP day 1 for Coronavirus-related sick days; being clear it only applies to this (because unions have long argued for day 1)'*.²⁴
 - b. In minutes of a cabinet meeting on 30 April 2020 it was noted, *'It would be important not to give too much weight to the views of Trade Unions, which only represented a fraction of the workforce'*.²⁵
 - c. On 2 July 2021, Sir Patrick recorded: *'PM says [...] "We can't have the bollocks of consulting with employees and trade unions. They need to all come back to work"'*.²⁶ Unions were at that time advocating for an extension to the right to work flexibly. The Inquiry heard the (farcical) explanation of Boris Johnson that the instruction is *'not*

²² INQ000224407/20 (Paper titled 'COVID-19 Risk by Occupation and Workplace', dated 11/02/2021).

²³ INQ000074989/12 (Note titled 'Considerations in implementing long-term 'baseline' Non-Pharmaceutical Interventions (NPIs)').

²⁴ INQ000093190/3 (Matt Hancock WhatsApp messages from Top Team group, dated 03/03/2020).

²⁵ INQ000089093/6 (Minutes of a meeting of the Cabinet Office held on 30 April 2020).

²⁶ INQ000273901/478 (Extracts from Sir Patrick Vallance's Notebooks).

necessarily' that of a Prime Minister engendering a dismissive approach to consultation.²⁷ Mr Johnson's true position on the matter was revealed when he explained that his comments about consultation were because he didn't want *'a drag anchor put on people getting back into the workplace'*.²⁸

- d. On 26 August 2020, Dominic Cummings messaged Lee Cain and Mr Case asking for the *'true reason for the uturn on masks?'* Mr Case explained: *'weeks ago, we recommended to PM that we create permissive guidance around masks [...] Because at that stage it was Unions pressing for masks (no science back-up), Gavin was in "no surrender" mode and didn't want to give an inch to the unions'*.²⁹
- e. On 2 January 2021, Henry Cook suggested longer school days and shorter holidays later in the school year to make up for lost time, which will be a *'fight with the unions we can win as parents will be onside'*.³⁰

20. The quality of decision-making suffered as a result of this needlessly oppositional, point scoring approach. Often, the policies and safeguards which unions were advocating for subsequently proved to have been sensible and practical recommendations. There are striking examples in the context of education, which are considered below at paragraphs 96 to 100.

21. The TUC emphasises that unions did not act as 'drag anchors'; they were seeking to ensure that the workplace was as safe as possible during the pandemic. By law, employers must consult with employees on health and safety matters and must consult any safety representatives of recognised trade unions on matters affecting the employees they represent. That the Prime Minister was unable to recognise the value in the process is concerning.

22. The lack of consultation also had an impact upon the quality of workplace guidance. All too often, workplace guidance was late, lacking in understanding of the practical realities of workplaces, and too discretionary and generic to properly protect workers, particularly those in low-paid and insecure work, who were often not empowered to raise issues of workplace safety with their employers. Ms Bell explained in her oral evidence that:

'We met the government on numerous occasions and brought evidence [on] how the ability to follow social distancing and other measures to protect workers [...] was difficult due to the lack of guidance and we repeatedly pressed the government to clarify its guidance'.³¹

²⁷ Transcript [32/192/21].

²⁸ Transcript [32/193/12-13].

²⁹ INQ000048313/53 (Letter from Dominic Cummings, dated 11/11/2022).

³⁰ INQ000226332/13 (Henry Cook's WhatsApp messages with James Slack).

³¹ Transcript [4/65/11-17].

23. The TUC wrote to Alok Sharma on 3 May 2020, to highlight six primary concerns with draft guidance disclosed following hasty and ineffective consultation, which appeared to ignore all suggestions made by the TUC. The TUC was primarily concerned that *'the guidance is not binding on employers and suggested that where safe working practice cannot be achieved employers should continue to operate'*.³² The letter also noted that *'the proposed guidance in some cases appears weaker than existing legislative protections'*.
24. Similar concerns were raised by those in local government. In April 2020, Mr Burnham and Mayor of Liverpool City Region, Steve Rotheram, wrote to Alok Sharma, Secretary of State for Business, Energy and Industrial Strategy, to urge greater clarity on the guidance that businesses needed to follow in order to keep workers safe.³³ The letter highlighted that Cabinet Office guidance for businesses stated that guidelines needed to be followed only *'where possible'*. It went on to describe that social media was at that time:
- 'awash with stories and images from unsafe workplaces'* and Mr Burnham explained in oral evidence that *'we were inundated, actually, with complaints from distribution centres, warehouses across the northwest, both of us, people saying that their workplace wasn't safe'*.³⁴
25. The TUC considers that the Westminster government would be well-served by the setting up of formal mechanisms for consultation in advance of any future pandemic, such that dialogue with social partners is baked into the process of crisis-decision-making. It is noted that such mechanisms are more developed in Scotland and Wales and that this contributed to a more mature, collaborative approach to the response in those nations.
26. The resistance to consultation and dialogue, and an unwillingness to look outward for advice, recommendations, and collaboration, is reflected in the evidence given by third sector organisations, those in local government, those in the devolved administrations, and by the Children's Commissioner. This was also reflected in the survey responses which the Inquiry received from *'groups and organisations, bereaved, impact and voluntary organisations'*; as Counsel to the Inquiry described: *'Respondents highlighted in particular: the lack of consultation and involvement in decision-making, resulting in a lack of influence over the decisions that affected them'*.³⁵
27. In this regard, we would draw the Inquiry's attention to the range of similar concerns being raised in the evidence before the inquiry: Rebecca Goshawk, on behalf of Solace Women's Aid described a lack of consultation with the sector;³⁶ Mr Burnham described an approach

³² INQ000119247/2 (Letter from General Secretary, TUC to Alok Sharma, Secretary of State, BEIS, dated 03/05/2020).

³³ INQ000184695 (Letter from Andy Burnham, Mayor of Greater Manchester and Steve Rotheram, Mayor of Liverpool City Region to Matt Hancock, dated 01/04/2020).

³⁴ INQ000184695/1; Transcript [26/123/14-17].

³⁵ Transcript [1/120/9-24].

³⁶ Transcript [4/167/2-4].

that was ‘*overly top down and overly centralised*’ and a national response ‘*characterised by a lack of adequate consultation and poor communications*’;³⁷ Sadiq Khan described being excluded, as Mayor of London, from contingency planning and crisis decision-making and the consequent inability to ‘*give advice from the coalface that could have made a difference*’;³⁸ Mr Rotheram described learning about key changes to NPIs via the media and there being ‘*no role nationally but not even [being] consulted locally*’.³⁹ There is copious evidence as to the devolved administrations not being adequately consulted. Anne Longfield, the former Children’s Commissioner, highlighted the failure of government to consult her office on matters impacting upon the welfare of children, and similarly noted the differing approaches in Scotland and Wales. She highlighted in oral evidence that:

*‘The Children’s Commissioners [in Scotland and Wales] were consulted much more, especially in Wales when it’s hard to think a decision would have been made without that conversation taking place. And when it came down to making those decisions, that showed, because it showed in terms of the decision to exempt children from the rule of six and other restrictions, but also really understand the need for support for families, understand the need for support for families in poverty’.*⁴⁰

Precisely the same could be said in respect of union engagement across Scotland and Wales, and the extent to which practical issues in the workplace were really understood.

28. The failure to engage effectively and collaborate with external organisations, bodies, and government departments was a cultural failing which appears to have spread outwards from Number 10. As was observed in an internal review conducted by Helen MacNamara: ‘*Many [senior civil servants] felt there is a belief that ‘intellect will out’, implying that a small core of people is clever enough to think their way out of the problem without support. Diversity of thought was not recognised*’.⁴¹
29. The response to the pandemic would have been more effective had central government taken a more open and collaborative approach to working with key partners. Advice ‘*from the coalface*’ would have ameliorated some of the disproportionate impacts of the pandemic, as decision-makers would have better understood the practical realities for all groups and could have avoided the ‘*blind spots*’ which Mr Cain identified as arising as a result of the markedly homogenous profile of central government decision-makers.

³⁷ INQ000216991/8 (Statement of Andy Burnham, dated 29/06/2023), para. 23.

³⁸ Transcript [26/82/16-22].

³⁹ Transcript [26/165/13-17].

⁴⁰ Transcript [4/50/1-7].

⁴¹ INQ000137221/7 (Document titled ‘Proposed Model of Government to Manage COVID-19 in the UK’ dated 29/05/2020 from the Covid-19 Organisational Design Review).

D. SICK PAY AND FINANCIAL DISINCENTIVES TO SELF-ISOLATION

Context of inadequate sick pay

30. As the Chancellor was briefed by the Treasury, the UK has the lowest sick pay provision amongst all OECD countries.⁴² Mr Hancock said in oral evidence:

*'Sick pay in this country is far, far too low. It's far lower than the European average. It encourages people to go to work when they should be getting better. Having low sick pay encourages the spread of communicable diseases [...] having higher sick pay would encourage employers to do more to look after the health of their employees. Before the pandemic, I'd been on an internal government campaign to significantly increase sick pay. I'd double it [...]'.*⁴³

31. Not only is the level of statutory sick pay ('SSP') inadequate – at the outset of the pandemic only £94.25 per week – but an estimated 2 million workers did not qualify at all due to the lower earnings threshold.

Pre-pandemic awareness of the issue

32. The likely impact of inadequate SSP provision during a viral outbreak was known and recognised within academic literature. In an article titled '*Influenza in long-term care facilities*' published in 2017, of which the Deputy Chief Medical Officer, Professor Jonathan Van-Tam, was an author, it was noted:

*'Although the role of asymptomatic people and those with only mild symptoms in spreading influenza is uncertain, [healthcare workers] often continue to work despite having symptoms and may act as a source of infection to those in their care. Nursing home aides in particular have been shown in one Swedish study to be the occupational group at significantly greatest risk of continuing to work despite the feeling that, in the light of their perceived state of health, they should have taken sick leave. However, in reality the employment status of many LTCF staff is often precarious and taking unpaid sick leave may result in adverse economic consequences'.*⁴⁴

33. A number of witnesses gave powerful evidence about how clear and obvious an issue the lack of financial support for self-isolation appeared to be:

- a. Mr Khan described that: *'Early in the pandemic, it was clear from those Londoners who worked in the gig economy or on zero-hours contracts that many of them had no choice but to go to work to put food on the table and keep a roof over their head'.*⁴⁵
- b. Michael Gove *'believed that critical to contact tracing and critical to the effective management of the disease was making sure that there were appropriate isolation*

⁴² INQ000232105/7-8 (Submission from David Silk and other colleagues titled Self-isolation income support strategy, undated, Annex A).

⁴³ Transcript [30/106/7-14].

⁴⁴ INQ000269388/3 (Article titled, '*Influenza in long-term care facilities*', dated 27/06/2017).

⁴⁵ INQ000221436/58, para. 271 (Statement of Sadiq Khan, dated 16/06/2023).

payments for all those who needed to self-isolate, particularly, obviously, those who were the lower end of the income spectrum'.⁴⁶

- c. David Halpern explained: *'... for reasons that will be plain: ..., if you're an Uber ... driver and you're going to lose your income, that's a pretty big deal and difficult for you'* and agreed *'absolutely'* that lack of financial support for self-isolation is *'not just an absence of an incentive [but] actually a powerful disincentive'.⁴⁷*
- d. Professor Sir Christopher Whitty gave evidence that: *My view was that it was far easier to self-isolate, and indeed to self-isolate repeatedly, if people were contacts, if you were in a job which was in permanent employment -- a white collar job, academics, civil servants, various others -- than if you were in a self-employed environment, which many people, particularly on lower incomes, were, and it seemed to me therefore it was essential that we took account of that, particularly given that some of the highest incidence of Covid was in areas of relative deprivation, where there were higher rates of people who were not in continuous employment and therefore covered by ordinary sick leave measures'.⁴⁸*
- e. Mr Cummings explained: *'(a) I thought there was a reasonable argument, just in moral terms, that we should compensate people for staying home. (b) there was a practical question that, [...] if I think of my own position, if I had very little money [...] – and I was told: well, you've got to stay at home, but in doing that I wouldn't have the cash to actually look after my own family, then obviously I'm going to ignore a lot of rules and I'm going to go off and I'm going to work and try and keep getting paid. And that was a fundamental problem'.⁴⁹*
- f. Mr Hancock described self-isolation payments as *'the most important use of money'.⁵⁰*

34. It should be self-evident that the risk of losing over a week's wages, or only receiving £94.25 for a week in which one would usually be working, is a powerful disincentive to following self-isolation guidance and testing in the first place – particularly where one's income is such that it becomes a choice between self-isolating and paying bills or putting food on the table.

Repeated warnings during the pandemic

35. Thus, when self-isolation was implemented as a centrally important NPI, the inadequacy of sick pay provision provided the most obvious disincentive to compliance. It compounded the inequalities of the pandemic: cruelly, sectors that faced continued risk of occupational exposure, also were predominantly lower paid and had a high proportion of workers in

⁴⁶ Transcript [27/166/20-25].

⁴⁷ Transcript [16/202/1–10].

⁴⁸ Transcript [24/145/9-21].

⁴⁹ Transcript [15/252/14-24].

⁵⁰ Transcript [29/209/8].

insecure work, who were less likely to be able to access decent sick pay. The warnings to the government during the pandemic were numerous, and came from all sides. For example:

- a. In a February 2020 meeting with Mr Cummings, Professor James Rubin identified financial disadvantage as one of four factors associated with adherence to NPIs.⁵¹
- b. On 9 March 2020, the TUC released a press statement urging the government to fix the UK's sick pay rules so that every worker would have financial support.⁵² This was just one of numerous public statements, letters and reports which the TUC issued on this topic throughout the pandemic, as set out in the witness statement of Ms Bell at paragraphs 152 to 167.
- c. Lucy Yardley, of SPI-B, described that *'before lockdown we pointed out that it would be a problem, and we continued to point it out throughout'*.⁵³
- d. On 23 June 2020, Professor Rubin raised by email to Ben Warner that polling had shown a lack of adherence to self-isolation, and that he was *'very worried about this'*, describing the data as a *'pretty loud alarm bell'*.⁵⁴
- e. In July 2020, studies revealed that Covid case levels were lower in care homes that paid sick leave immediately.⁵⁵ Professor Whitty described these studies as *'reasonably clear, in a sense, direct evidence of the link between'* lack of adequate financial support for self-isolation and higher rates of Covid-19 transmission.⁵⁶
- f. On 10 August 2020, Mr Burnham and Mr Rotheram alongside the TUC launched a campaign backed by Unison, GMB, Usdaw, Unite and the CWU, called 'Time Out to Help Out'.⁵⁷ It highlighted that SSP amounted to little over 21% of the median weekly earnings of workers in Greater Manchester and Liverpool City Region. It emphasised that there were 90,000 ineligible employees in Greater Manchester and 47,000 in Liverpool – and that 186,000 and 84,000 self-employed people in the respective regions were left worse-off under current arrangements.
- g. SPI-B in September 2020 reported as 'key points' that *'Current rates of full self-isolation are likely very low (<20%)'. They are particularly low amongst the youngest and the poorest, thereby contributing to inequalities in the impact of COVID-19'* and *'These low rates would likely increase with the addition of [...] Financial Support.'* It concluded that *'Provision of financial support to safeguard*

⁵¹ INQ000250232/10 (Statement of Professor James Rubin, dated 21/08/2023), paras. 3.3 and 3.3(7).

⁵² INQ000119103 (Press release from TUC press office, titled 'TUC calls for emergency coronavirus Taskforce with unions and business').

⁵³ Transcript [12/141/2-4].

⁵⁴ INQ000250232/13, para. 3.7(4).

⁵⁵ INQ000188738/30 (Statement of David Halpern, dated 19/05/2023), para. 133.

⁵⁶ Transcript [24/146/6-8].

⁵⁷ INQ000180842/2 (Article from The Guide Liverpool titled Steve Rotheram launches new national campaign to pay workers fairly if they are requested to self-isolate).

incomes would likely have the single largest effect in achieving equitable self-isolation policies, in other words self-isolation that benefits the social groups with fewest material and other resources as well as those with the most.'

- h. On 18 September 2020, unions including UNISON, GMB and Unite wrote to Sir Gavin Williamson, raising the issue of the lack of financial support for self-isolation being a cause of the spread of Coronavirus in schools because many external companies offering services to schools, such as cleaning or catering, were known not to be offering full pay when their workers were required to self-isolate.⁵⁸
- i. On 26 October 2020, George Freeman, a conservative MP, wrote to Mr Hancock in response to 150 of 300 workers testing positive at Cranswick Country Foods plant in Norfolk. He stated: *'As we saw at Banham Poultry, the current Statutory Sick Pay doesn't provide enough to live on and without extra we will see again what happened at Banham, where staff with no incomes were forced to obtain employment in other food processing plants in order to make ends meet – thus spreading the virus. Probably to Cranswick, and Bernard Matthews which also has an outbreak'*.⁵⁹
- j. In November 2020, SPI-B noted that *'motivation to self-isolate is high in all groups; ability to self-isolate is lowest among the poorest sections of the population'*.⁶⁰
- k. On 24 November 2020, the SAGE consensus statement stated: *'it is important to provide positive economic support to promote adherence'* to NPIs.⁶¹
- l. The DHSC identified in its document on 'removing barriers to self-isolation and improving adherence' dated 19 January 2021, that four key barriers to self-isolation existed, one of which was 'financial concerns' given that lower socio-economic status is associated with lower compliance. The paper noted: *'To address those barriers, countries have adopted very different approaches to encourage self-isolation [...] the majority of countries that are considered to have performed well have adopted a multifaceted approach with targeted communications, financial compensation schemes, non-financial support and effective enforcement'*.⁶²
- m. On 22 January 2021, at a Covid-O meeting, it was recorded: *'self-isolation as a disincentive to get tested had been observed in the poorer boroughs of London where disease prevalence was high; this was no coincidence, and a solution was needed'*.⁶³ In the briefing note prepared for that meeting, it was stated: *'Nearly all countries that have been successful in containing or eliminating the virus provide*

⁵⁸ INQ000396875 (Letter to the Secretary of State, DfE, regarding support staff working in schools, dated 18/09/2020).

⁵⁹ INQ000094803/2 (Letter from George Freeman MP, dated 26/10/2020).

⁶⁰ INQ000196988/1 (Paper titled 'Increasing rates of self-isolation', dated 20/11/2020).

⁶¹ INQ000273842/77 (Appendix to the Statement of Professor Kamlesh Khunti, dated 12/06/2023).

⁶² INQ000119872/4 (Paper from the Department of Health and Social Care (DHSC) titled 'Removing Barriers to Self-Isolation and Improving Adherence for Covid-19 Operations Cabinet Committee (COVID-O) Meeting', dated 19/01/2021).

⁶³ INQ000092295/7 (Minutes of a Covid-O meeting on 22 January 2021).

*generous financial packages to their citizens who must self-isolate, whether through income guarantees, sick pay or targeted payments’.*⁶⁴

- n. In April 2021, the SAGE ethnicity subgroup reported a 'key finding': '[...] *adherence to self-isolation among groups who feel less able to do so given possible financial implications for themselves and their families should be incentivised*'.⁶⁵
- o. David Halpern described the Behavioural Insights Team as having '*strongly recommended producing more financial support to those who couldn't afford it*'.⁶⁶
- p. Mr Cummings recalled in oral evidence Sir Patrick and others trying to impress upon ministers in meetings that the issue of financial support for self-isolation was an important one and recalled Sir Patrick raising the issue with him directly.⁶⁷

Treasury resistance

- 36. Despite the weight of the evidence and the number of voices calling for proper financial support for periods of self-isolation, including through reform to SSP, this issue met with significant resistance. It is evident that there was a real roadblock, namely, the Treasury, and the Chancellor in particular.
- 37. Professor Whitty stated in oral evidence that this was '*an extremely important area*' which was '*quite heatedly debated in government in reality*'.⁶⁸ Professor Whitty recorded in his witness statement: '*The Treasury were generally not convinced by these arguments in favour of payments for working people who were self-isolating and who were not otherwise paid for that time*'.⁶⁹ Mr Cummings set out in his witness statement: '*There was resistance to thinking about how to compensate people for staying at home when they were told they had to*' which he ascribed to '*just normal Treasury official short-term thinking*'.⁷⁰ He described that Treasury as institutionally opposed, and '*there were certainly Treasury officials who were blocking, who were very hostile to the idea*'.⁷¹
- 38. Sir Patrick's evening diaries provide a contemporaneous record of how that resistance manifested in meetings between high-level decision-makers:

⁶⁴ INQ000119872/14 (Paper from the Department of Health and Social Care (DHSC) titled 'Removing Barriers to Self-Isolation and Improving Adherence for Covid-19 Operations Cabinet Committee (COVID-O) Meeting', dated 19/01/2021).

⁶⁵ INQ000273842/47 (Appendix to the Statement of Professor Kamlesh Khunti, dated 12/06/2023).

⁶⁶ Transcript [16/201/24–16/202/1].

⁶⁷ Transcript [15/253/12–17].

⁶⁸ Transcript [24/145/7–9].

⁶⁹ INQ000251645/172 (Fourth Statement of Professor Sir Christopher Whitty, dated 22/08/2023), para. 8.138.

⁷⁰ INQ000273872/85 (Statement of Dominic Cummings, dated 12/10/2023), para. 412; Transcript [15/253/10–11].

⁷¹ Transcript [15/254/4–8].

- a. On 27 July 2020, *'Dido pushed to get financial support for people to get tested in low socioeconomic groups. Rishi reacted strongly against that and said basically [...] "just stop the social interactions"'.⁷²*
 - b. On 7 September 2020: *'Cx blocking all notion of paying to get people to isolate despite all the evidence that this will be needed'.⁷³*
 - c. On 8 September 2020: *'I made the point about having to give incentives for self-isolation - PM agreed and said he would take it up with Cx afterwards. Chris and I were aligned and presented what needs to be done. I left the call. Apparently it descended into chaos and CMO not clear where it will land'.⁷⁴*
 - d. On 20 September 2020, in respect of a meeting with the Prime Minister in which it was noted that cases in care homes were rising, hospital admissions were beginning to increase and in-patients with Covid were up from 400 to 500 cases: *'I pushed hard on (i) self isolate incentives [...] PM said "yes we need to do that now now now" Dido argued this is like jury service. It is a civic duty. Simon Case said "you will need to persuade Rishi personally"'.⁷⁵*
 - e. On 28 April 2021: *'issue of sick pay for self isolation was stressed again. (but apparently HMT very opposed)'.⁷⁶*
39. In his witness statement, Mr Sunak attempted to justify the Treasury's resistance to providing financial support for self-isolation with reference to *'limited evidence to show that financial reasons were the main driver behind why people did not comply with self-isolation requirements'.⁷⁷* He suggested: *'ONS survey data showed that the main reasons for breaking self-isolation were to go to the shops (32%), to attend work, school or university (26%) or for medical reasons (21 %).⁷⁸* This appears to be a reference to surveys of persons who had tested positive for Covid-19. This is flawed analysis, given that persons who knew they could not afford to self-isolate were unlikely to be testing in the first place. Indeed, Cabinet Office polling from 14 September to 30 December 2020 indicated that only 16%-26% of people with symptoms were getting tested.⁷⁹
40. Moreover, breaking self-isolation in order to work was high consequence in terms of transmission of the virus, and particularly high consequence for low-income sectors with high vulnerability. Someone attending to a production line because they are worried about paying

⁷² INQ000273901/127 (Extracts from Sir Patrick Vallance's Notebooks).

⁷³ INQ000273901/164.

⁷⁴ INQ000273901/170.

⁷⁵ INQ000280061/153 (Transcription of handwritten notes made by Sir Patrick Vallance).

⁷⁶ INQ000273901/427.

⁷⁷ INQ000263374/99 (Statement of Rishi Sunak, dated 06/09/2023).

⁷⁸ INQ000263374/101.

⁷⁹ INQ000119872/3 (Paper from the Department of Health and Social Care (DHSC) titled Removing Barriers to Self-Isolation and Improving Adherence for Covid-19 Operations Cabinet Committee (COVID-O) Meeting, dated 19/01/2021).

the rent, carries a significant risk of transmitting the virus to others, potentially in large numbers, and the fact that some others may break self-isolation for some other reason is of limited relevance to the issue of the need for financial support. On analysis, the Treasury rationale is paper thin as against the factors pointing in favour of support. The real resistance of the Treasury, it is suggested, was simply ideological. As Sir Patrick recorded, for Mr Sunak it was *'all about personal responsibility and get the state out'*.⁸⁰

41. Furthermore, the Treasury was concerned that any scheme to address the issue of financial support for self-isolation would *'concede the point that Statutory Sick Pay or other existing benefits are perceived to be inadequate'*.⁸¹
42. Mr Sunak's oral evidence that financial support for self-isolation *'just wasn't relevant earlier because (a) we were in a national lockdown and (b) we didn't have test, track and trace up and running with the testing volumes to make this a kind of mass consideration'*, was revealing.⁸² For the many thousands in low paid high-risk jobs, who never stopped working, self-isolation was a crucially important safety measure from 16 March 2020, when the Prime Minister announced that anyone with symptoms should self-isolate for fourteen days – but a measure that was hugely difficult given the inadequacy of SSP.

Enforcement over incentives

43. There was a troubling focus on enforcement over support in respect of low rates of self-isolation adherence. Sir Patrick described: *'they always want to go for stick not carrot'*.⁸³ It is consistent with Mr Sunak's witness statement, in that he focused on the fact that from 28 September 2020, *'Regardless of any financial incentive, from this point it was a legal requirement for those who tested positive or were contacted by NHS Test and Trace to isolate'* and *'To promote compliance, NHS Test and Trace increased their contact with those self-isolating, and the police were engaged in checking compliance in high-incidence and high-risk areas'*.⁸⁴ The desire to punish rather than provide mechanisms of support is recorded in the diaries of Sir Patrick, For example, on 12 August 2020, he recorded: *'we suggested that more carrot and incentives required to make people take a test, self-isolate etc but they always want to go for stick not carrot'*.⁸⁵ On 25 September 2020, he also noted:

'I argued that low levels of isolation is the key They of course go straight to "enforcement" Hancock argues that it is all OK from Monday PM says "we must have known this wasn't working - we have been pretending it has been whereas secretly we know it hasn't

⁸⁰ INQ000273901/653 (Extracts from Sir Patrick Vallance's Notebooks).

⁸¹ INQ000203685/6 (Submission – Commencement of Polit, Financial Support for People on Low Incomes for Self-Isolation, to Secretary of State for Prevention, Public Health and Primary Care, dated 22/08/2020).

⁸² Transcript [33/212/9-13].

⁸³ INQ000273901/637.

⁸⁴ INQ000263374/99 (Statement of Rishi Sunak, dated 06/09/2023), para. 355.

⁸⁵ INQ000273901/637.

*been. Hancock lets out a big sigh [...] PM "Punish people who don't self-isolate" "Punish people who aren't doing the right thing" "Close some pubs and bars" "We need a lot more punishments and a lot more closing down" ** I put a message in chat that support and engagement very important to get adherence up.** [...] PM ends with "Massive fines massive fine".⁸⁶*

44. As Professor Rubin explained:

'For most people they were very motivated to protect themselves and to protect their loved ones and to do the right thing for society. The barrier was actually they didn't have the finances to do it, or they didn't have the support from their workplace to do it or they didn't understand what the rules were. That's what we mean by focusing on support, enabling people to carry out the behaviours that they want to do, rather than trying to scare them into doing it. It was the first we wanted, not the latter'.⁸⁷

For those without financial support to self-isolate, it is evident that increasing 'punishment' and fines was only likely to further disincentivise testing and encourage workers to remain ignorant of their Covid-19 status, so as to avoid being fined and punished for any failure to self-isolate.

45. This was a fundamental flaw in the approach given the advice that less than a quarter of people with symptoms were getting tested.⁸⁸ Moreover, this was a flaw appreciated within government, as minutes from a Covid-O meeting demonstrate: *'On the [...] issue of self isolation compliance, there was a danger that, if the Government employed strong-arm tactics, it would put more people off getting tested in the first place'.⁸⁹*

Test and trace support payment scheme

46. Some schemes were devised in response to the calls on government to address financial support for self-isolation. However, the schemes devised were simply too little, too late.
47. The Test and Trace Support Payment Scheme was introduced in September 2020, which enabled *'low-income workers on benefits who had been contacted by NHS Test and Trace and told to self-isolate for periods between September 2020 and 24 February 2022'* to apply to their local authority for a one-off payment of £500, to cover the full period of self-isolation (up to 14 days). As Ms Bell set out in oral evidence, the TUC was not consulted on the creation of this scheme.⁹⁰
48. Mr Sunak noted in his witness statement: *'The submission further pointed out that there had also been a "low take up of the £500 self-isolation support payments", representing only "20% of eligible people"'. He mentioned this data in support of the proposition that there was 'limited evidence to show that financial reasons were the main driver behind why people did*

⁸⁶ INQ000273901/198 (Extracts from Sir Patrick Vallance's Notebooks).

⁸⁷ Transcript [12/88/8-17].

⁸⁸ INQ000119872/3 (Paper from DHSC titled Removing Barriers to Self-Isolation and Improving Adherence for Covid-O Meeting, dated 19/01/2021).

⁸⁹ INQ000092295/2 (Minutes of a Covid-O meeting on 22 January 2021).

⁹⁰ Transcript [4/75/3-4].

not comply with self-isolation requirements'.⁹¹ This logic is flawed and the attempt to rely on the low uptake as demonstrative of a lack of need entirely disingenuous. The low uptake of the scheme was because it was, by design, a low-profile scheme with a low take up rate.

49. On 25 September, in an email between Treasury officials, seeking a decision on the 'urgent issue' of the level of funding available under the Test and Trace Support Payment Scheme because 'we understand #10 [Number 10] is pressing with CX's [Chancellor's] office to up this to £15m and announce asap', it was explained:

'On Sunday 20 September, the Government announced Test and Trace Support Payments [...] You (CST) agreed to cover the costs of the scheme (which we anticipate at £48-240m for core payments - depending on level of incidence - plus £20m for admin) with a £35m downpayment for local authorities to be topped up as needed. You also agreed to provide £5m for LAs to operate small discretionary pots [...] The quantum of discretionary funding has not yet been disclosed outside Government. [...] While increasing the discretionary funding risks heightening expectations without increasing uptake, it is important that the figure first announced is credible, to avoid expectations of a future uplift which could incentivise over-generosity by LAs in the short term. [...] If you agreed to increase discretionary funding to £15m, total upfront funding for Test and Trace Support Payments would rise to £50m (ROEL), with total expected liability for the scheme ranging £83m-275m ROEL (£99m-327m including Barnett consequentials). The £15m would be returned if unspent. At the upper end, even £15m in discretionary funding may be insufficient and there will be pressure to top up; as above, signalling this externally may create unwanted incentives. DHSC and MHCIG will monitor spending and will advise if the £15m is likely to be overextended. We recommend that you agree to increase discretionary funding for Test and Trace Support Payments to £15m, on the condition that this be presented externally as the final limit for the duration of the scheme' [bold emphasis added].⁹²

50. In response, on 28 September 2020, it was stated: 'CST [Chief Secretary to the Treasury] agreed to increase funding to £15m, on the condition you set out in the advice that it should be presented externally as the final limit'.⁹³ Local authorities were therefore told a lower budgeted figure than that actually available so as to depress expectation of the numbers of payments that may be made.
51. It was known that a lower level of funding would impact upon eligibility criteria and the effectiveness of the scheme. A submission to Mr Hancock on 25 September 2020 noted: 'The lower the size of the pot, the greater the risk that local authorities will either exhaust the funding before 31 January 2021 or set extremely tight eligibility criteria in order to avoid the risk of over-spending such that the scheme does not achieve its objectives'.⁹⁴ Both outcomes did indeed come to pass. As Ms Bell set out in oral evidence, 'some people were

⁹¹ INQ000263374/99 (Statement of Rishi Sunak, dated 6 September 2023).

⁹² INQ000232103/3 (Email from Assistant Private Secretary to the Chief Secretary to the Treasury, HM Treasury, to various recipients, between 25/09/2020 and 28/09/2020).

⁹³ INQ000232103/1,

⁹⁴ INQ000203728/5 (Submission titled Test and Trace Support Payments: Discretionary Hardship Funding).

applying and being told, you know, "There's no money left", [that] meant that we didn't think this was an adequate form of financial support'.⁹⁵

52. Furthermore, it was known and appreciated in advance that a local scheme administered in differing ways, with varying eligibility criteria, by a large number of local authorities would make it more difficult to access. On 17 September 2020, Mr Gove sent a WhatsApp message to Mr Sunak stating: *'On the Isolation Support Payment question I support the overall idea strongly I think the proposal to route money through LAs is a mistake'.⁹⁶* Mr Gove explained in oral evidence that he had concerns about TTSP being used *'Because I believed that it was a UK-government responsibility'.⁹⁷* Mr Gove appears to have recognised that over-stretched and under-resourced local authorities would struggle to administer the scheme effectively. Indeed, in a discussion paper prepared in March 2020 regarding the potential provision of self-isolation payments via local authorities, it was noted: *'We acknowledge the increasing burden on local authorities and we will ensure that any reporting requirements are kept to a minimum'.⁹⁸*
53. The communications around the scheme were also carefully designed to ensure take-up was low. Meeting minutes from a Covid-O meeting on 22 January 2021 state: *'It would be important to [...] be clear on how far the Government would go to publicise the offer so as not to artificially and unnecessarily stoke demand'.⁹⁹*
54. In the event, the scheme operated precisely as intended. TUC surveys found that only 21% of the public had heard about it, with awareness in target groups even lower: low paid workers (16%), those in insecure work (18%) and those who receive no sick pay (16%).¹⁰⁰ TUC Freedom of Information Act requests also found that for those who were aware of it and made an application, the system was not working, as only 30% of applications resulted in a payment.¹⁰¹ Similarly, a letter from Mr Rotheram to Mr Sunak, warned that, as at February 2021, *'Two-thirds of the applications from those who have applied for financial support to self-isolate and stay at home have been rejected'.¹⁰²* Furthermore, as government recognised in meetings on this topic: *'it was concerning that average payment time for TTSP was currently eight days when self isolation was only ten days long'.¹⁰³*

⁹⁵ Transcript [4/76/3-6].

⁹⁶ INQ000275453/1 (Michael Gove's WhatsApp messages with Rishi Sunak, dated between 04/09/2019 and 31/03/2022).

⁹⁷ Transcript [27/167/5-6].

⁹⁸ INQ000203676/4 (Submission cleared by Ben Dyson (Policy Director, Test and Trace) titled Practical Support for Self-Isolation: ringfencing LA Practical Support Funding, dated 17/03/2020).

⁹⁹ INQ000092295/5 (Minutes of a Covid-O meeting on 22 January 2021).

¹⁰⁰ INQ000192241/2 (Press release from TUC, titled Self-isolation support payments: the failing scheme barely anyone's heard of).

¹⁰¹ INQ000192241/2.

¹⁰² INQ000180840/54 (Table and letters with correspondence from Steve Rotheram, Metro Mayor of Liverpool City Region).

¹⁰³ INQ000092295/4.

55. Some of the difficulties in the scheme were accurately summarised by Lucy Yardley, who described that Spi-B, *'didn't consider it adequate and we continued to push throughout the pandemic for better financial support, because we had good evidence that people were finding it very difficult to access the support, that it was very limited, lots of people didn't qualify for it, people didn't know that they could qualify for it, they couldn't access it quickly enough, and so on. [...] it meant that the people that had the lowest incomes were less able to self-isolate'*.¹⁰⁴ Similarly, David Halpern of the Behavioural Insights Team said: 'A particular issue was ... how difficult it is to get [the money]. So if you are someone on a low income and we say "You need to self-isolate. By the way, here's a load of paperwork, you have to go to someone else, hopefully it will get sorted out", that's not great....'".¹⁰⁵
56. The difficulties were also privately acknowledged within government. Minutes from a Covid-O meeting in January 2021 describe: *'The Government currently supported people self isolating on low incomes with a £500 Test and Trace Support Payment (TTSP), however the means tested element was hard to assess, which meant that payment delivery was slow. This was resulting in individuals having uncertainty about whether or not they would receive the TTSP. Ensuring that people got tested and self isolated was key to exiting lockdown'*.¹⁰⁶ At that meeting, DHSC proposed that the eligibility criteria for payments be removed. However, it was decided to simply increase communications about the existing scheme and provide some further funding for the discretionary part of it. Ultimately, there was not appetite to make the drastic changes needed to improve the efficacy of the scheme.
57. The result was that most workers were not aware of the TTSP scheme; of those workers who were aware of it, they could not be sure whether they would qualify for a payment from the TTSP scheme due to the varying and complex eligibility criteria; if aware of the scheme and eligible, they could not be sure that they would receive a payment due to the low amounts allocated to individual local authorities and low rates of awards made under the discretionary scheme; and, finally, even if aware of the scheme, eligible, and within the small percentage of successful applications, payment would likely take over a week to be received, at which point it may have been too late to provide the required support.

Adult Social Care Infection Control Fund

58. The Adult Social Care Infection Control Fund was introduced in May 2020 and was intended to support adult social care providers to reduce the rate of COVID-19 transmission in and between care homes, including by providing funding to enable care workers to receive full wages when required to self-isolate. However, the operation of the scheme involved making

¹⁰⁴ Transcript [12/139/25 – 12/140/18].

¹⁰⁵ Transcript [16/206/21 – 16/207/1].

¹⁰⁶ INQ000092295/2 (Minutes of a Covid-O meeting on 22 January 2021).

payments to care homes and relying on individual homes to pay staff to self-isolate. The scheme was plagued by similar practical difficulties to those observed in the TTSP scheme: many employers simply did not pay their staff to self-isolate and the infrastructure and data collection elements of the scheme were not sufficiently developed.

59. In October 2020, the results of a survey conducted by UNISON showed that *'the majority of employers were not paying staff who needed to self-isolate their full wages'* and in fact only 25% were doing so.¹⁰⁷ Minutes from a DHSC testing meeting in October 2020 showed that care homes were avoiding registering for the scheme or administering it effectively because they were concerned about setting a precedent which would extend beyond the pandemic: *'To reinforce DHSC's lack of understanding of the sector the ADASS representative reported that some homes in his area have refused to sign up to the Infection Control Fund because they are worried it'll mean they have to accept the principle of paying staff in full for all future forms of sickness that lead to staff absences (not just COVID related) rather than just paying them statutory sick pay. There are providers who are worried that it'll set a worrying precedent for them and are concerned that the Infection Control Fund will only last until March'*.¹⁰⁸
60. Ironically, care homes had the same concern about temporary changes which may set a precedent beyond the pandemic as government had in respect of making temporary changes to the SSP system. This underlines the fact that the UK's low rates of SSP undermined efforts to tackle the Covid-19 pandemic effectively.
61. Furthermore, minutes from the same meeting showed that DHSC did not have the ability to check whether care home staff who tested positive in the weekly testing programme were being paid in full via the Infection Control Fund: *'the weekly testing programme and subsequent allocations of the Infection Control Fund to care workers who need to self-isolate? For instance, if they record that 800 care workers tested positive between the 1st and 8th of October can they then check that those 800 care workers had their salary paid in full via the Infection Control fund? DHSC said they have updated the conditions to the Infection Control Fund to ensure that employers pay staff in full when they need to self-isolate. The Infection Control Fund currently doesn't ask specific questions though which would allow them to know if this is happening'*.¹⁰⁹

Hardship fund

62. In response to a question put by Mr Jacobs on behalf of the Trades Union Congress, *'is it accurate to describe that the treasury was urged from all sides to take greater action on*

¹⁰⁷ INQ000119075/3 (Email between colleagues of the Covid Taskforce, dated 16 October 2020).

¹⁰⁸ INQ000119075/2.

¹⁰⁹ INQ000119075/2.

financial support for self-isolation?’, Mr Sunak responded: *‘we put in place a half a billion pounds hardship fund distributed to local authorities, particularly designed to pick up those hard cases and make sure that those who needed to could get extra support’*.¹¹⁰ The hardship scheme Mr Sunak refers to was not a scheme to provide support to those required to self-isolate. It was a scheme to provide council tax relief and really had nothing to do with self-isolation support. To the extent that local authorities may have used the scheme to provide payments to those who were facing financial hardship as a result of being required to self-isolate, there is no evidence before this Inquiry to suggest that is how the scheme was used, and it certainly cannot be said to have met the very real need for adequate, accessible and dependable support to those on the lowest incomes in order to aid compliance with self-isolation guidance. As was set out in the Local Government Association written evidence, *‘While councils welcomed the opportunity to support some low income households with reductions in their council tax liability, most identified that the funding was not sufficient to provide additional discretionary support’*.¹¹¹

An unresolved issue which contributed to the uneven impacts of the pandemic

63. Sir Patrick’s diaries record a meeting on Friday 25 September 2020 in which adherence to self-isolation was discussed: *‘Are people actually doing the self isolation ... Hancock argues that it is all OK from Monday PM says **“we must have known this wasn’t working - we have been pretending it has been whereas secretly we know it hasn’t been”** Hancock lets out a big sigh’* [emphasis added].¹¹² The reference to ‘it all being okay from Monday’ was a reference to the Test and Trace Support Payment scheme, which was introduced from Monday 28 September 2020. When this evidence was put to Mr Hancock in oral evidence, he responded *‘Yeah, I feel like giving it a big sigh now [...] I hadn’t been pretending to anybody, and I’d been making the argument as strongly as I could that we needed action such as we were taking that following Monday’*.¹¹³ Unfortunately, as is set out above, the Test and Trace Support Payment scheme was not the fix-all solution Mr Hancock may have hoped.
64. Lucy Yardley, in her evidence to this Inquiry, was asked: *‘Is that problem one which you consider the UK solved at any point during the pandemic?’* She responded: *‘Not at all. And it’s something that we pointed out over and over again [...] before lockdown we pointed out that this would be a problem, and we continued to point it out throughout’*.¹¹⁴

¹¹⁰ Transcript [33/209/6-10].

¹¹¹ INQ000115261/9-10 (Written Evidence submitted by Local Government Association, regarding inquiry into the UK Governments Responses to COVID-19, dated 29/06/2020), para. 5.5.

¹¹² INQ000273901/621 (Extracts from Sir Patrick Vallance’s Notebooks).

¹¹³ Transcript [30/109/13-22].

¹¹⁴ Transcript [12/140/23 – 12/141/4].

65. The failure to address the problem of inadequate financial support, inevitably, had a devastating impact both upon the unequal impact of the pandemic in terms of transmissions and deaths, but also upon the lasting legacy of the pandemic for the most vulnerable in society. It was noted by the SAGE ethnicity subgroup that: *“Financial support: Furlough, self-employment and business support schemes have helped thriving businesses and better-off self-employed people the most, rather than those in the most hard pressed situations (high confidence)”*.¹¹⁵ Anthony Costello also noted: *‘we were not generous with sick pay, we spent £54 million in 2020 on sick pay, and we ended up, as I said earlier, spending vast billions on a furlough scheme’*.¹¹⁶ Mr Cummings observed in his witness statement: *‘A lot of richer people had a happy time in spring-summer 2020 staying at home with family working via Zoom. Lots of poorer people had to go to work or lose money’*.¹¹⁷ Observers both internal and external to government noted an uneven focus on policies which benefitted those who were better off, as against those on lower incomes. The TUC is firmly of the view that financial support for self-isolation was equally as important and worthy of investment as the more generous schemes to support workers, such as the furlough scheme.
66. This is made evident in the longer-term economic consequences of the pandemic. In July 2021, The Resolution Foundation reported that wealth in the UK increased during the Covid-19 pandemic, but that this benefitted wealthier households far more than those on lower incomes and in poverty. The report goes on to explain that government devised schemes had an unequal impact: *‘Government support schemes – particularly the Coronavirus Job Retention Scheme – have been successful in largely insulating households from this colossal hit to the economy. But a minority of families still suffered income falls, for example as a result of lower wages under the furlough scheme, falling working hours, ineligibility for support schemes and outright job loss’* (p.6). It found: *‘the crisis has widened wealth gaps, particularly between those at the bottom of the wealth distribution and everybody else’*.¹¹⁸
67. Mr Sunak’s comment in oral evidence that *‘my overall approach during the pandemic was very much focused on those on the lowest incomes and as a result they rightly received disproportionately more help and benefitted the most’*, as against the background set out, rings hollow, and is not supported by the evidence this Inquiry has heard and received.¹¹⁹

¹¹⁵ INQ000273842/45 (Appendix to the Statement of Professor Kamlesh Khunti, dated 12/06/2023).

¹¹⁶ Transcript [10/168/24 – 10/169/2].

¹¹⁷ INQ000273872/84 (Statement of Dominic Cummings, dated 12/10/2023), para. 412.

¹¹⁸ See: <https://www.resolutionfoundation.org/app/uploads/2021/07/Wealth-gap-year.pdf>.

¹¹⁹ Transcript [33/188/21-24].

The solution for a future crisis

68. There is a need for accessible sick pay provided at adequate levels (as close to full wages as possible) that could act in any future pandemic to support self-isolation or other periods of leave from work due to exposure or possible exposure to the viral agent. Without such measures, it is clear that any system of testing and tracing the virus will be ineffectual and workplaces will be less safe for those on the lowest incomes and in insecure work.
69. As has been expressed in oral evidence to this Inquiry, it is clear that an effective system for financially supporting *everyone* to self-isolate when required will result in better compliance with NPIs and, resultantly, lower rates of transmission:
- a. Professor Hale in his evidence to this Inquiry confirmed that there were a number of studies which showed in general terms that when stronger, so more extensive, more generous, economic support policies were adopted, compliance with whatever social measure, for example self-isolation, that was in place was better.¹²⁰
 - b. Professor Anthony Costello in this evidence to this Inquiry stated: *'if you get the support right, as later happened in New York, where they were given generous support for self-isolation, you got 94% compliance, whereas in this country many poor people did not comply with self-isolation simply because they couldn't afford to do so, and our -- the -- we were not generous with sick pay, we spent £54 million in 2020 on sick pay, and we ended up, as I said earlier, spending vast billions on a furlough scheme'*.¹²¹
70. The TUC, alongside the mayors of Greater Manchester and the Liverpool City Region, and supported by unions including Unison, GMB, Usdaw, Unite and CWU and a number of businesses, called during the pandemic for the following to be implemented:
- 'Mayors Rotherham and Burnham are calling for employees to still be paid their full normal wage if they are requested to self-isolate and are unable to work from home. Employers should then be able to claim that payment back from the Government. Where the employee is receiving Statutory Sick Pay, the employer should be able to claim back the difference between Statutory Sick Pay and their normal wage from the Government. Where someone is self-employed and requested to self-isolate and is unable to work from home, they should be able to claim for loss of earnings in the same way as the payments which are made to people who are required to go on Jury Service or under the Self-Employed Income Support Scheme. Under the Jury Service process, people can claim for loss of earnings, up to a maximum daily amount'*.¹²²
71. This proposal would have functioned similarly to the furlough scheme, which the TUC was consulted on, and which has been heralded by government as one of the successes of the pandemic. The TUC recommends that the implementation of amendments to, or schemes

¹²⁰ Transcript [7/78/10 – 7/79/13], particularly at [7/79/8-13].

¹²¹ Transcript [10/168/19 – 10/169/2].

¹²² INQ000180842/2 (Article from The Guide Liverpool titled Steve Rotherham launches new national campaign to pay workers fairly if they are requested to self-isolate).

more closely mirroring, the existing infrastructure for paying people during periods of sick leave – the SSP system – would be most effective in combatting this issue, because this proposal would: not require entirely new schemes and infrastructure to be devised and created; not be impacted by issues of awareness or require significant media/communication strategy and the associated costs; be efficient in terms of administration costs; and, not be susceptible to fraud or ‘perverse incentives’ to catch Covid-19, which government presented in meetings as a significant concern in respect of the TTSP scheme.¹²³

72. Government itself knew it would be more efficient to use existing infrastructure. Indeed, it was stated in an Equality Impact Assessment conducted in advance of the August 2020 TTSP scheme pilots, that the scheme was separately administered ‘*To maintain the Government’s current policy position on welfare benefits*’.¹²⁴ The TUC considers that this is not an adequate reason to deny millions of people on low incomes adequate support during a pandemic which cost thousands of lives and had a markedly disproportionate impact upon many vulnerable groups.
73. The Treasury itself, in a briefing note to the Chancellor, recognised that the UK’s approach to SSP during the pandemic was ‘*restrained*’ and appeared to accept that reform is required:

*‘You should also note that Covid-19 has led to more permanent calls to reform SSP. DWP need to respond to a consultation they published last year on work and health, which committed to reforming SSP, including by removing the £ 120 Lower Earnings Limit (LEL), and enabling workers below the LEL to get SSP at 80% of their salary. We understand that DWP SoS wants to respond to this consultation before the end of 2020. Details of her proposals are still being finalised but it could include a commitment to removing the LEL and a commitment to more structural reform. There will clearly be careful handling required to square any changes with the relatively restrained SSP policy adopted by the government during the pandemic, and we will advise you in due course on the contents and timing of any response’.*¹²⁵

74. To date, however, no reforms have taken place. The lower earnings limit remains in place and no commitment has been made to more structural reform.
75. Ultimately, the oral evidence of Mr Hancock to this inquiry helpfully summarises the position: *‘the lesson for the future is that self-isolation payments, rapidly delivered, are a necessity when self-isolation or indeed mandatory isolation is required [...] a further lesson I would take for the future from this whole debate in government is that we should have higher statutory sick pay’.*¹²⁶

¹²³ INQ000092295/3-4 (Minutes of Covid-O, dated 22 January 2021, sub-paras (a) and (d).

¹²⁴ INQ000203685/8 (Submission - Commencement of Pilot, Financial Support for People on Low Incomes for Self-Isolation, to Secretary of State and Parliamentary Under Secretary of State for Prevention, Public Health and Primary Care, dated 22/08/2020).

¹²⁵ INQ000232105/7 (Submission from David Silk and other colleagues titled Self-isolation income support strategy), paras. 17-18.

¹²⁶ Transcript [30/110/4-11].

E. MOVEMENT OF STAFF BETWEEN CARE HOMES

76. Long before the Covid-19 pandemic struck, it was known that movement of staff between care homes was likely to be a critical issue in terms of infection control. In an article titled *'Influenza in long-term care facilities'* published in 2017, of which the Deputy Chief Medical Officer was an author, it was noted: *'spread of pathogens to other facilities through resident transfers and the movement of staff and visitors in and out of the home'*.¹²⁷ And: *'Other measures to control transmission will include [...] preventing unvaccinated staff from working in other healthcare facilities during the outbreak'*.¹²⁸
77. The impacts of this issue were significant: Carl Heneghan gave evidence that *'SARS-Cov-2 positivity identified as 3- fold higher in staff working across different care homes'*.¹²⁹ The failure to identify and grapple with this issue prior to, or at an early stage in the pandemic not only seeded the pandemic in the most vulnerable section of the population, but also contributed to the unequal impact of the pandemic, given the profile of the care sector workforce, amongst whom people of colour, women, disabled people, older people, and carers are disproportionately represented.¹³⁰
78. Mr Hancock emphasised on several occasions in his response to questioning by the TUC that the issue was not addressed more promptly due to the developing understanding of a-symptomatic transmission: *'Early on we did not know that. It all tied up with the asymptomatic transmission debate, and essentially when ... it became clear from early April that asymptomatic transmission was a serious problem, as opposed to being a suspected problem, which was the position earlier, then that has an obvious and immediate consequence in terms of staff movement being a vector of transmission'*.¹³¹
79. However, in *'Influenza in long-term care facilities'* it was noted that *'HCWs often continue to work despite having symptoms and may act as a source of infection to those in their care'*.¹³² Mr Hancock's response to this issue entirely failed to appreciate the practical reality for those on low incomes and in precarious work – that even with symptoms, they are likely to continue to attend work in order to pay bills and put food on the table. This is particularly the case for care staff moving between care homes, many of whom are likely to be agency workers on low wages and in insecure work. As Professor Andrew Hayward explained in his oral evidence to this Inquiry: *'we found that homes that had greater use of agency staff -- so these would be staff who might be working between nursing homes --had higher risk of outbreaks, from which we inferred that they would have been carrying infection from one*

¹²⁷ INQ000269388/2 ('Influenza in long-term care facilities', dated 27/06/2017).

¹²⁸ INQ000269388/6.

¹²⁹ INQ000280651/29 (Statement of Professor Carl Heneghan, dated 24/09/2023), para. 104.

¹³⁰ INQ000103561/5 (GMB Written Evidence to HSC Committee Inquiry, dated 09/06/2020).

¹³¹ Transcript [30/112/2-10].

¹³² INQ000269388/3 ('Influenza in long-term care facilities', dated 27/06/2017).

nursing home to another'.¹³³ Regardless of whether a-symptomatic transmission was taking place, movement of staff between care homes was an issue which ought to have been addressed at the outset of the pandemic.

80. The matter was never effectively addressed during the pandemic. In May 2020, DHSC issued voluntary guidance to care homes that staff work only in one care home. Attempts were made from September 2020 to bring in regulations to restrict the movement of staff, but these plans never came to fruition and, in January 2021, were abandoned due, it appears, in part to the Treasury's reluctance to provide funding to pay staff for foregone hours.¹³⁴
81. It is not clear that decision-makers appreciated that addressing the issue of the movement of workers between care homes would not only control the spread of the virus but would also be a way of mitigating the unequal impacts of the pandemic upon vulnerable and at risk groups, given the demographic of the workforce. Furthermore, the particular profile of the workers most likely to be moving between care homes – agency workers – is particularly vulnerable.
82. Mr Hancock accepted in evidence that the protections put in place in relation to the care sector did not form an unbroken ring.¹³⁵ The failure to address movement of staff between care homes forms a serious part of that, and one which must be more effectively addressed in advance of any future pandemic. We consider it is yet another symptom of: the systemic issues within the social care sector; central government's failure to understand the social care sector and to consult those with practical knowledge of the functioning of it; and the chaotic lack of synergy and trust between key government departments during the pandemic.
83. Mr Hancock, it appears, at least came to understand the gravity of the systemic issues in social care as a result of attempting to lead the sector through the challenges of the pandemic. Sir Patrick recorded in his diaries a question by Mr Hancock on 27 April 2020: *"should we nationalise the social care sector?"*.¹³⁶ It appears that Mr Hancock's experience during the pandemic of attempting to make high level decisions for a social care sector which was so fragmented led him to the conclusion that the sector needed to be nationalised in order for DHSC to have any meaningful leadership and oversight of it.
84. The TUC and affiliated unions have long called for the establishment of a new National Care Service which has parity of esteem with the National Health Service, and which has a formal structure for collectively-bargained workforce pay, conditions and career progression at its heart, for example through the negotiation of sectoral fair pay agreements. It would also

¹³³ Transcript [10/190/19-24].

¹³⁴ See: INQ000232194/121-122 (Statement of Matt Hancock, dated 03/08/2023), paras. 486-491.

¹³⁵ Transcript [29/196/11-20].

¹³⁶ INQ000273901/619 (Extracts from Sir Patrick Vallance's Notebooks).

include a National Partnership Forum in social care, bringing together a wider group including government, trade unions, employers, commissioners, and other key sector stakeholders. This sectoral body could support care service coordination as well as the development and implementation of national and local policy and strategy. For example, it could develop and negotiate a workforce strategy, be used to facilitate negotiation and consultation with government, and could be involved in contingency planning for any future pandemic, offering crucial expertise to complex matters such as the movement of staff between care homes.

F. DECISION MAKING IN EDUCATION

85. The outcomes of decision-making in education were undeniably poor. If a central aim was to keep schools open, the attempts to do so resulted, ultimately, in the very lengthy restrictions on attendance commencing in January 2021. NPIs within schools, such as year-wide 'bubbles' and discretionary guidance on the use of face masks, were ineffective. At the same time, NPIs that scientists urged would have been effective, such as improvements to ventilation and staggered attendance, were implemented either belatedly, or not at all. These matters will no doubt be considered in detail in a subsequent module on education. For the purposes of this module, it is evident that the poor outcomes were symptoms of significant flaws in the decision-making processes within central government.

No plan B

86. Coming out of the first lockdown, it was well understood that the R-rate was precarious and the scientific advice, very firmly, was that caution was required going into the winter months. That advice was given on numerous occasions, by both Professor Whitty and Sir Patrick. There was a need for careful thinking about how schools could be reopened whilst keeping the R-rate below 1.
87. In the face of that evident need for caution, the Prime Minister led an apparently unchecked enthusiasm for re-opening schools. On 19 June 2020, Sir Patrick recorded in his diary: *'Morning PM meeting [...] wants everything normal by September and only deal with things locally and regionally. He is now completely bullish about opening everything - as CW said it is so inconsistent. It is like "bipolar decision-making"'*.¹³⁷ Covid-S agreed that day that all children should return to school in September 2020, and that Sir Gavin should use his coercive powers if necessary.¹³⁸ Sir Gavin announced the plan for a full reopening to Parliament that afternoon.¹³⁹ Sir Patrick recorded over the following days that the Prime

¹³⁷ INQ000273901/96 (Extracts from Sir Patrick Vallance's Notebooks).

¹³⁸ INQ000273901/630.

¹³⁹ INQ000075718 (Web page from gov.uk regarding speech from Secretary of State for Education, Gavin Williamson (COVID-19), dated 22/06/2020).

Minister was continuing to express unchecked enthusiasm for reopening schools, saying ‘*what is wrong with this country, why won’t they go back to school*’, and ‘*why can’t we make it compulsory to go to school*’ and ‘*people need to have their spines stiffened*’.¹⁴⁰ On 1 July 2020, the Prime Minister was reported to say ‘*very clearly that nothing should be a barrier to full return in September, and that no one should get into the mentality of anything but full return*’.¹⁴¹ The following day, Sir Gavin made a statement that ‘*we will bring all children, in all year groups, back to school in September*’.¹⁴² To similar effect, on 13 July 2020, the Prime Minister said schoolchildren were ‘*just skiving and bludging*’.¹⁴³

88. The enthusiasm was such that steps that *were* taken by schools were privately deprecated. On 9 September 2020, Sir Patrick reported that the ‘*PM [had] heard from Williamson that Eton was testing all pupils before they came back. Pathetic. Head should be kicked in. Absolute outrage*’.¹⁴⁴
89. The growing focus on returning pupils to schools appears to have led to scientists’ advice being sidelined, for fear that they would counsel caution. On 23 June 2020 Sir Patrick noted a call with Jonathan Slater (of DfE) to the effect that DfE did not want to ask SAGE about schools because the minutes would be published.¹⁴⁵ Sir Patrick commented that this was the ‘*consequence of transparency!*’.¹⁴⁶ That very day, SAGE noted that there may need to be a change to plans to reopen schools in order to keep R below 1.¹⁴⁷ Sir Patrick expressed the view that SAGE had been able, in the event, to opine on matters relevant to education.¹⁴⁸
90. At a Covid-O meeting on 6 August 2020 DfE presented an options paper on return to school.¹⁴⁹ It should have been more ambitious, in particular, in respect of its consideration of NPIs within schools, but it did sensibly identify ‘*substantial operational risks requiring collaborative, cross-government solutions*’.¹⁵⁰ The considerations set out included:
 - a. Planning for local lockdowns and school closures, including a ‘tier 3’ and ‘tier 4’ envisaging restrictions on attendance at secondary schools, and primary and secondary schools, respectively. It also set out a ‘*framework for September to ensure we can collect local issues in real time and rapidly respond*’, including following up directly when schools report themselves closed.¹⁵¹

¹⁴⁰ INQ000273901/631.

¹⁴¹ INQ000075461/2 (Emails from Senior Private Secretary, dated 11/08/2020).

¹⁴² INQ000146054/63 (Witness Statement of Susan Acland-Hood, DfE, dated 29/03/2023).

¹⁴³ INQ000273901/632.

¹⁴⁴ INQ000273901/171.

¹⁴⁵ INQ000273901/100.

¹⁴⁶ INQ000273901/100.

¹⁴⁷ INQ000120530/2 (Minutes of SAGE Meeting 43, dated 23/06/2020).

¹⁴⁸ Transcript [22/85/25 – 22/87/9].

¹⁴⁹ INQ000088256 (Paper titled ‘September Return – Update’, dated 06/08/2020).

¹⁵⁰ INQ000088256/1.

¹⁵¹ INQ000088256/11-12.

- b. Providing a 'stronger steer' to schools about the potential use of rotas in secondary schools and colleges in some local lockdown scenarios. It was suggested that providers would need 3-4 weeks to operationalise such a system.
 - c. The extent to which test and trace capacity might be prioritised for education settings.
 - d. Implementing NPIs in other sectors in order to keep schools open within the 'R budget'. For example, an accompanying planning document considered a scenario of the R-rate rising nationally, and suggested actions not only of moving secondary schools to a rota system but taking other NPIs nationally (such as closing pubs and gyms) in order to keep schools open whilst keeping control of the R-rate.¹⁵²
91. The need to consider these contingencies should have been perfectly obvious. The Prime Minister's response was an emphatic rejection of them. Sir Patrick noted the Prime Minister's response was: *'Don't want to hear about plan B and C for failure. I just want all pupils back at school' [...]* *'We are no longer taking this Covid excuse stuff. Get back to school'*.¹⁵³ The formal minute of the meeting was to the same effect: it recorded the point being made that *'schools should not be told of a fallback plan as it would allow them to have an excuse not to open in September'*.¹⁵⁴ Further, in summing up the Prime Minister is recorded as saying *'Explicit contingency plan guidance for schools should not be shared in advance to avoid undermining momentum towards a full reopening'*.¹⁵⁵ It was an utterly hopeless approach, given the obvious need for caution going into the winter. It was also a callous way to treat teachers, support staff and school leaders, who were (purposefully) left guessing as to what any contingency planning might be, and leaving them to respond on the hoof, as and when late changes of the course of action were announced.
92. The approach led to a failure to prioritise schools, including NPIs to improve safety in schools whilst open, within the context of the overall R-budget: that is, if the primary aim is to keep schools open, other decisions about reopening, such as those on EOTHO, would need to be taken considering their effect on the R-rate. They do not seem to have been. SAGE had earlier discussed the proposed full return on 9 July 2020¹⁵⁶ and advised as to the need for enough 'room' in transmission rates to open schools. The following day, Sir Patrick also counselled caution, advising the Prime Minister not to *'do things that back you into a corner re school openings'*.¹⁵⁷ In the event, that is precisely what happened.

¹⁵² INQ000088294 (Paper titled 'Scenario 1: Schools are back, but the picture is challenging' presented at a meeting of the Covid-19 Strategy Committee (COVID-S) held on 6 August 2020, dated 06/08/2020).

¹⁵³ INQ000273901/139 (Extracts from Sir Patrick Vallance's Notebooks).

¹⁵⁴ INQ000088257/6 (Minutes of a meeting of COVID-S held on 6 August 2020).

¹⁵⁵ INQ000088257/7.

¹⁵⁶ INQ000075460 (Minutes of SAGE meeting 46, dated 09/07/2020).

¹⁵⁷ INQ000280061/86 (Transcription of handwritten notes made by Sir Patrick Vallance).

93. The ‘no plan B’ approach rapidly came unstuck. As early as September 2020 significant concerns were emerging as to losing control of the R rate. On 16 September, Sir Patrick noted *‘complete chaos over schools and what they should do. No one had any answers. The comms are shambolic’*.¹⁵⁸
94. The ramifications of the ‘no plan B’ approach were numerous and will no doubt be considered in the module on education. They included threatening local authorities with legal action over Christmas. In her statement, Helen McNamara described the situation as *‘particularly confusing’*, noting that *‘it was very obvious to those who had been round the course before that schools would be kept closed after the Christmas break given how the numbers were going’*.¹⁵⁹ Despite that, she says that the decision to issue a notice to RB Greenwich was due to a *‘sense that it was not ok for local areas to actually take their own decision and potentially embarrass the government’*.¹⁶⁰ Days after the direction was given, on 17 December 2020, SAGE advised with ‘high confidence’ that transmission was occurring when schools were open and,¹⁶¹ as predicted, by early January the government itself recognised that schools would need to apply attendance restrictions. There was, similarly, an unwillingness to consider starting the Christmas holidays early, which Sir Patrick felt made *‘total sense’*.¹⁶²
95. The ‘no plan B’ approach led to the chaotic returning of primary age children to school for a single day on 4 January 2021. In summary:
- a. Cases continued to surge in the lead-up to Christmas, partly due to the emergence of the Alpha variant.¹⁶³ On 22 December 2020, SAGE concluded that it was unlikely that measures then proposed were sufficient to keep R below 1, and suggested that schools, particularly secondary schools, needed to close.¹⁶⁴ That view was supported by Mr Gove and Mr Hancock.
 - b. Nevertheless, at a meeting on 28 December 2020, Sir Gavin *‘made a strong impassioned plea’* to keep schools open after the Christmas holidays.¹⁶⁵ The following day, Sir Gavin and Mr Hancock agreed to delay the phased return of secondary schools by one week, to 11 January 2021, except for students in exam years, vulnerable groups, and CCW.¹⁶⁶

¹⁵⁸ INQ000273901/183.

¹⁵⁹ INQ000273841/90-91 (Statement of Helen MacNamara, dated 09/10/2023), para. 184.

¹⁶⁰ INQ000273841/90-91, para 184.

¹⁶¹ INQ000146054/91 (Statement of Susan Acland-Hood, dated 29/03/2023), para. 19.2.4.

¹⁶² INQ000273901/305.

¹⁶³ INQ000075736 (Minutes of meeting between SAGE, dated 17/12/2020).

¹⁶⁴ INQ000075511 (Minutes of SAGE meeting 74, dated 22/12/2020).

¹⁶⁵ INQ000273901/335.

¹⁶⁶ INQ000146054/94.

- c. The plan was, apparently, to address rising case numbers by making school attendance contingent on testing. At a Covid-O meeting on 29 December 2020, Sir Patrick recorded that the Prime Minister had said: *'I have a dream where every school becomes a mini Slovakia with testing with totalitarian efficiency'*. He recorded that Sir Gavin said that he had a 'very high' level of confidence that he could do it, and that *'Williamson massively overplays the testing card. Says teachers will do the testing with the help of the army'*.¹⁶⁷ Dido Harding apparently noted that the government did not have the requisite numbers of tests to achieve that level of testing, and that attempting to conduct testing at that scale would divert tests from the NHS. This was (attempted) contingency planning conducted at the last moment, and on the back of a cigarette packet.
- d. On 4 January 2021, as children returned to schools, an 8am meeting with subgroup chairs considered new restrictions that had been 'cobbled together'. Sir Patrick noted that *'they have knives out for Williamson; and that 'DfE has been proved comprehensively wrong in every judgment over the past week'*.¹⁶⁸ That afternoon, Sir Gavin affirmed his view that schools should not close, but was overridden by Cabinet.
- e. The decision to finally close schools from 5 January 2021 was based on a Covid-19 Taskforce paper and SAGE advice from 22 December 2020.

Opposition to unions

96. The quality of decision making appears to have been further hampered by a relationship with the sector, and unions in particular, that not only lacked constructive collaboration, but was positively oppositional.
97. A striking example is in respect of face masks. Education unions considered that the precautionary approach favoured using them in schools. That was in part informed by the awareness of the education profession of the limitations within schools of other measures such as ventilation, social distancing and the face mask measures being adopted in other countries. It was also informed by the view that learning was much more inhibited by missing school for catching Covid-19, or by general restrictions on school attendance, than the use of masks. The DfE took a much more limited approach and even as of Autumn 2020 the DfE guidance simply advised that schools could choose whether to implement face coverings in communal areas.¹⁶⁹ That contrasted to the World Health Organisation ('WHO') advice at the time that children aged 12 and over should *'wear a mask under the same*

¹⁶⁷ INQ000273901/337 (Extracts from Sir Patrick Vallance's Notebooks).

¹⁶⁸ INQ000273901/342.

¹⁶⁹ INQ000075472/1 (Guidance from DfE, titled DfE update on face coverings, undated).

*conditions as adults, in particular where they cannot guarantee at least a 1 metre distance from others and there is widespread transmission in the area.*¹⁷⁰

98. The disclosure indicates that on 25 August 2020 the Prime Minister, in an exchange regarding the DfE, emailed his Chief Advisor describing that he was *'on a train trying to make sense of our totally fucked up face mask policy'*.¹⁷¹ The following day, in a WhatsApp group between Mr Case, Mr Cain, and Mr Cummings, the latter asked what is *"the true reason for the u-turn on masks"*.¹⁷² Mr Case offered the following explanations:

*[...] weeks ago we recommended to the PM that we create permissive guidance on masks, because we could foresee it was going to be a drama in Sept. Gavin discussed at a Covid cttee mtg. Because as that stage it was Unions pressing for masks (no science back-up), Gavin was in 'no-surrender' mode and didn't want to give an inch to the unions, so said we should hold firm. PM gave him full support in this approach. [...] -at every turn, PM backs bullshit 'no surrender' ideas from Hancock/Williamson/Shapps and then totally regrets it later'.*¹⁷³

99. The decision making appears to have been driven, or certainly influenced by, opposition to unions rather than careful, mature and open reflection. It was not until 16 October 2020 that the advice stating that face masks ought to be worn by staff and pupils in year 7 in communal spaces and corridors, but not in classrooms.¹⁷⁴ There was, however, no law or statutory guidance in place which made it difficult to challenge a setting not implementing the advice.
100. Similarly, restrictions on school attendance seemed to be approached as a confrontational battleground with the education profession. On 21 December 2020, Sir Patrick recorded in his diary that the Secretary of State was *'out there pounding the teaching unions who are saying they don't want to teach anyone anything anywhere – which is why they came into teaching of course'*.¹⁷⁵ The point made is an important one: teachers, support staff and school leaders, as much as anyone, recognised the importance of school to children: they also were not blind to the need to confront the practical realities of maintaining school attendance amidst a highly transmissible virus. The contingencies, to the extent that any in fact existed, had been purposefully concealed from them (as explained above). Those practicalities should have been addressed proactively, constructively and collaboratively.

¹⁷⁰ Quoted in INQ000075472/1.

¹⁷¹ INQ000283369/41 (Boris Johnson's WhatsApp messages from Fight Back, 25/05/2020 to 15/11/2020).

¹⁷² INQ000048313/53 (Letter from Dominic Cummings to the Inquiry titled 'Evidence of Dominic Cummings', dated 11/11/2022).

¹⁷³ INQ000048313/53.

¹⁷⁴ INQ000075765 (Website from gov.uk regarding Guidance from Department, titled Face coverings in education, to education and childcare, dated 16/10/2020).

¹⁷⁵ INQ000273901/644 (Extracts from Sir Patrick Vallance's Notebooks).

Confidence (or lack thereof) in the Secretary of State

101. The inquiry has heard much of the political infighting, and decision-making in education appears to have been impacted. This is considered further below. On 11 June 2020, as the phased reopening was underway, Sir Patrick noted: *'Slater basically described keeping Gavin Williamson away from policy development but give him some illusion of ownership.'* In a meeting of the same day, the Prime Minister was recorded to say: *'I don't know what Gavin's plan for schools is but probably pretty feeble'*.¹⁷⁶ Later, in a WhatsApp message from Mr Cummings to the Prime Minister, Mr Cummings said *'Don't think sustainable for GW to stay dfe. Think lee needs to brief reshuffle after SR ASAP'*.¹⁷⁷ Mr Gove (consistent with his apparent inclination to be more positive about colleagues than others) appears to have sought to garner some support and collaboration and is recorded in a meeting of 19 June 2020 as having *'challenge[d] people to back the Gavster'*.¹⁷⁸
102. This is more than intriguing gossip, when seen against the apparent lack of alignment between Sir Gavin and No.10 on issues such as school closures. Even by January 2021 the Prime Minister and Secretary of State for Education had not managed to reach any sort of aligned of approach, with the latter still taking an absolutist position against school closures. There was an obvious lack of collaboration and coherence in approach. When asked about the working relationship between Number 10 and the Cabinet Office with Sir Gavin, Sir Patrick said that *'It didn't seem to me that there was necessarily an alignment between what was going on at the political level, and there was attempts by the permanent secretary to try and draw some structure to what was happening in DfE around this area'*.¹⁷⁹ Sir Patrick remarked that it seemed 'unusual' for a person in Sir Gavin's position to be kept away from policy development, and that it *'didn't seem like a very good set up'*.¹⁸⁰

School attendance and transmission of the virus

103. It appears to have become appropriately understood in 2020 that fully open schools did drive community transmission upwards.¹⁸¹ That is encapsulated not least by Mr Johnson describing schools as *'terrific reservoirs of the virus'*.¹⁸² In her oral evidence, Dame Angela McLean observed that children played a more significant role in transmission than had been previously understood.¹⁸³

¹⁷⁶ INQ000273901/605.

¹⁷⁷ INQ000283369/38 (Boris Johnson's WhatsApp messages from Fight Back, dated 25/05/2020 to 15/11/2020).

¹⁷⁸ INQ000273901/630 (Extracts from Sir Patrick Vallance's Notebooks).

¹⁷⁹ Transcript [22/199/12-16].

¹⁸⁰ Transcript [22/200/18, 21-22].

¹⁸¹ Transcript [25/71/12-19]; [12/104/13-20].

¹⁸² Transcript [32/66/10].

¹⁸³ Transcript [25/123/15-20].

104. It also became clear that children in BAME households, which had higher rates of intergenerational living, were at risk of spreading Covid-19 to elderly relatives. In June 2020, for example, Public Health England was advising that *'BAME households are more likely to be intergenerational'* and *'there is a concern that socially active young people may be more likely to spread the virus [...] to the oldest population most at risk'*. It was indicated that *"30% of BAME groups live with a child under the age of 16 compared with only 11% of the white British population"*.¹⁸⁴ Although Kemi Badenoch MP said in her evidence that it was only discovered 'later on' that *'children living in multigenerational households [...] were actually passing the disease on to their elderly relatives'*, evidence about school attendance on transmission rates was available as early as June 2020.¹⁸⁵ Around that time, Sir Patrick recorded that it was *'very clear that the question of the impact of transmission in children and the consequences of school closures were of major importance for future waves'*.¹⁸⁶
105. On 3 September 2020, SAGE warned of a significant risk that higher education could amplify local and national transmission, and said it was *'highly likely'* that there would be significant outbreaks associated with higher education.¹⁸⁷ On 22 October 2020, SAGE observed that the seroprevalence in children was similar to that in adults at the time.¹⁸⁸ In November 2020, SAGE noted that *'there was evidence that school aged children, particularly older children, played some role in spreading it within and between households'*.¹⁸⁹ As case numbers rose in December 2020, it became clear that the increase in numbers in London was largely in school-aged children.¹⁹⁰ On 17 December 2020, SAGE advised with 'high confidence' that transmission was occurring when schools, particularly secondary schools, were open.¹⁹¹
106. It also evident that the whole premise of the DfE paper presented to the Covid-O meeting on 6 August 2020 was that attendance was linked to transmission: that is, that in order to maintain attendance that needed to be managed carefully within the R budget, and measures such as a rota of attendance and restrictions on attendance may be necessary. The link between transmission appears to have been acknowledged, at least internally within Government, but the difficulty was with a 'head in the sand' approach over planning when and what change in approach would be necessary. There also appears to have been an unacceptable reluctance to be frank with stakeholders, including staff, as to the link between school attendance and community transmission. This had serious consequences in terms of

¹⁸⁴ INQ000106482/21 (Report from PHE, 'Beyond the data: Understanding the impact of COVID-19 on BAME groups', June 2020)

¹⁸⁵ Transcript [25/147/-0 - 25/148/12]; INQ000106482 (Report from Public Health England titled Beyond the Data: Understanding the impact of Covid-19 on BAME groups, dated 01/06/2020).

¹⁸⁶ INQ000238826/109 (Second Statement of Sir Patrick Vallance, dated 14/08/2023).

¹⁸⁷ INQ000146054/71 (Statement of Susan Acland-Hood, dated 29/03/2023).

¹⁸⁸ INQ000087467 (Minutes of SAGE Meeting 63, dated 22/10/2020).

¹⁸⁹ INQ000238826/133.

¹⁹⁰ INQ000273901/303 (Extracts from Sir Patrick Vallance's Notebooks).

¹⁹¹ INQ000075736 (Minutes of meeting between SAGE, dated 17/12/2020).

the lack of sufficient NPIs in schools to reduce transmission, illness, and educational disruption.

G. CO-OPERATION WITH THE DEVOLVED ADMINISTRATIONS

107. A detailed analysis of Westminster's liaison with the Devolved Administrations ('DAs') is beyond the scope of this submission, and it will no doubt be considered further in modules 2A, 2B and 2C. In summary, and for the purposes of this module, it is submitted that:

- a. The narrative suggested by some (such as Mr Johnson) of the DAs cynically seeking difference for the sake of political advantage does not withstand scrutiny. Different approaches appear to have a sound basis rooted in public health, and reflect well under the scrutiny of hindsight, including: (a) Scotland banning large events at an earlier stage; (b) Scotland taking an approach to face mask guidance in schools consistent with the WHO, and (c) Wales deciding in October 2020 that firmer action was needed, and implementing a 'firebreak'.
- b. The often-better choices made by the DAs reflect governments less mired in infighting and being more open to consultation and mature reflection with key stakeholders.
- c. The problem of different approaches was caused by a lack of constructive liaison between Governments, not least with Mr Johnson being unwilling to have meetings with DAs for fear of it appearing to be a 'mini-EU'.¹⁹²
- d. It is also wrong to assume that difference in approach between DAs is necessarily disadvantageous. Different rules for different areas can also have its advantages, and DAs offer the opportunity to do that with a coherence and democratic legitimacy (cf. the regional tier system). Rather than Westminster seeing DAs as a battleground, the focus should be on (a) engagement which acknowledges the DAs as separate governments accountable to their own parliaments; (b) seeking agreement in approach where appropriate, and (c) clear and timely communications of decisions, particularly where divergence between the four nations is likely to arise.

H. TIMING OF LOCKDOWNS

108. There has, rightly, been a significant focus on the timing of lockdowns. The evidence is clear that undue delay can cost very many lives. The oral hearings during Module 2 have largely focused on events leading to the first lockdown. However, subsequent waves of the virus resulted in even higher numbers of excess deaths, and at the peak of the second wave, double the hospital admissions as those recorded in the peak of the first.¹⁹³ Arguably, balancing public health and economic considerations after the first wave is ever more difficult

¹⁹² INQ000255836/45 (Statement of Boris Johnson, dated 31/08/2023), para. 188.

¹⁹³ Transcript [1/14/1-12].

and, therefore, deserving of close scrutiny – and detailed findings and recommendations. We urge the Inquiry to focus on these issues in its analysis of the written evidence and in its report.

109. The evidence suggests that the Prime Minister became preoccupied in the summer of 2020 with the notion of Covid being over and returning the country to ‘business as usual’. As Sir Patrick’s diaries record on 19 June 2020: *‘Morning PM meeting, wants everything normal by September and only deal with things locally and regionally. He is now completely bullish about opening everything’*.¹⁹⁴ Similarly, Mr Sunak’s abiding message was that NPIs were damaging the economy and that ‘opening up’ would signal the start of economic recovery. The diaries of Sir Patrick record more than twenty instances in which Mr Sunak was emphasising the need to reduce NPIs, and the influence this appears to have had upon the PM at critical junctures in the decision-making.¹⁹⁵ They included:
- a. 9 June 2020: *‘PM is finding this all very difficult. [...] Had a shouty meeting with Cx who wants everything open’*.¹⁹⁶
 - b. 18 September 2020: *‘Cummings spoke persuasively on urgent and real action. Why wait and then do it? Do it now and get on top of it. Lee says "C&P have been saying all this for months. But what is the strategy for next 6 months" The whole meeting was about managing Rishi’*.¹⁹⁷
 - c. 7 October 2020: *‘Cummings wants to use that to open pubs etc -clear input from Cx. We were all a bit. Cummings talking about "optimising for dying vs optimising for economy" - Cx clearly got to Him’*.¹⁹⁸
 - d. 25 October 2020: *‘Ridley meeting - positioned PM meeting as ‘a chance to step back/ but avoid making a whole load of decisions that then get undone by Cx’. I asked what PM thinks objectives are "what he wants to achieve is a series of mutually incompatible options". He "owns the reality for a day and then is buffeted by a discussion with Cx”’*.¹⁹⁹
 - e. 25 January 2021: *‘Clear that the Cx has got to him. He has been gung ho about opening up all day’*.²⁰⁰
 - f. 29 January 2021: *‘Almost entirely for show with PM taking a "open it all up" approach for the benefit of Cx. But we managed to push data dependant (Gove helpful) & measure measure measure’*.²⁰¹

¹⁹⁴ INQ000273901/96 (Extracts from Sir Patrick Vallance’s Notebooks).

¹⁹⁵ INQ000273901/629, 633, 634, 635, 636, 638, 639, 640, 641, 642, 643, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654 (Extracts from Sir Patrick Vallance’s Notebooks).

¹⁹⁶ INQ000273901/87.

¹⁹⁷ INQ000273901/187.

¹⁹⁸ INQ000273901/640.

¹⁹⁹ INQ000273901/597.

²⁰⁰ INQ000273901/372.

²⁰¹ INQ000273901/647.

110. Yet the trajectory of the pandemic, as reliably predicted by the scientific advice, was directly towards a continued increase in the R-rate and a consequent need for further restrictions. At the SAGE meeting on 21 September 2020, it was advised:

*'A package of interventions will need to be adopted to reverse this exponential rise in cases. Single interventions by themselves are unlikely to be able to bring R below 1 (high confidence). The shortlist of non-pharmaceutical interventions (NPIs) that should be considered for immediate introduction includes: a. A circuit-breaker (short period of lockdown) to return incidence to low levels. b. Advice to work from home for all those that can. c. Banning all contact within the home with members of other households (except members of a support bubble) d. Closure of all bars, restaurants, cafes, indoor gyms, and personal services (e.g. hairdressers). All university and college teaching to be online unless face-to-face teaching is absolutely essential'.*²⁰²

Sir Patrick, in his statement and in oral evidence to this Inquiry, confirmed that SAGE was advising that in Autumn there needed to be a circuit breaker to slow the rate of transmission.²⁰³

111. This was an approach which was advocated by those within central and local government as well. Mr Khan and Mr Cain, among others, confirmed in oral evidence that they had supported the imposition of a short lockdown in Autumn.²⁰⁴ However, the Treasury advised in advance of the Covid-S strategy meeting on 21 September 2020, *'We suggest you push back strongly on the circuit breaker proposal. The economic impacts would be severe'.*²⁰⁵
112. On a realistic, and balanced, analysis, the question from later September 2020 was whether to take action earlier or later. It was also known that later would mean longer. As Professor Whitty set out in oral evidence, *'had there perhaps been a circuit breaker in September, had perhaps a tier level system been introduced earlier and had time to work over a longer period of time, there remains the possibility that that second lockdown might not have been necessary'.*²⁰⁶ Professor Hayward confirmed in oral evidence that his feeling at the time was that it was a *'conservative estimate'* that *'Number 10 could have saved thousands of lives if it followed SAGE advice and issued a circuit-breaker lockdown on September 21st'.*²⁰⁷ Professor Ferguson explained that the policy of acting incrementally and as late as possible had a significant impact on the number of deaths in the second wave.²⁰⁸
113. The lesson from the first lockdown had been to act as soon as it became clear that NPIs would be needed. The lesson was not, however, heeded and the approach taken was to delay. It cost lives and resulted in a lengthy lockdown.

²⁰² INQ000214073/1 (Minutes of fifty-eighth SAGE meeting on Covid-19, dated 21/09/2020), para. 2.

²⁰³ Transcript [22/129/1-6].

²⁰⁴ Transcript [26/74/10-17]; Transcript [15/64/5-8].

²⁰⁵ INQ000184589/2 (Briefing for Covid Strategy Committee (Covid-S) dated 21/09/2020).

²⁰⁶ Transcript [24/65/16-21].

²⁰⁷ Transcript [10/204/8-10].

²⁰⁸ INQ000263373/4 (Third Statement of Professor Neil Ferguson, dated 28/08/2023).

I. NEED FOR CULTURAL CHANGE

114. The shining of the light of an Inquiry can spark important cultural change. The Macpherson Inquiry carefully examined the culture of the Metropolitan police force, and how that culture influenced decision-making within the force. The powerful findings and conclusions of that Inquiry have shaped the way we think about structural racism in policing and contributed to cultural change. The same is required in respect of Westminster, and No.10 in particular.
115. There is a narrative pushed by some external to this Inquiry, that the infighting, coarse language and dysfunctional relationships in No.10 have provided titillating evidence, but are ultimately irrelevant. We disagree. On analysis, there are various ways in which the corrosive culture impaired and frustrated decision-making.
116. By way of example, a practice developed of excluding Mr Hancock from key meetings and aspects of decision-making. Whatever his merits, that was wholly dysfunctional as an approach. It was driven by the incessant back-stabbing of those close to Mr Johnson. It is striking that on 12 May 2020, Mr Cummings messaged Mr Johnson to say: *'If Hancock texts really coming to meetings in no10 pls just ignore. We urgently need to have meetings without him so we can ask people to tell the truth about the situation - his officials will not tell us truth if he's sitting here and we won't get to bottom of this PPE horror'*.²⁰⁹ The same can be observed in respect of Sir Gavin. On 11 June 2020, Sir Patrick's diaries record: *'Slater basically described keeping Gavin Williamson away from policy development but give him some illusion of ownership'*.²¹⁰ On 23 August 2020, a WhatsApp message from Mr Cummings to Mr Johnson stated: *'Don't think sustainable for GW to stay dfe. Think lee needs to brief reshuffle after SR [spending review] ASAP'*.²¹¹ Mr Johnson described in oral evidence that *'if you're Prime Minister, you are constantly being lobbied by somebody to sack somebody else. It's just what, I'm afraid, happens, and it's part of life'*.²¹² However, it goes beyond that: the internal views persistently, privately shared about other ministers contributed to dysfunction. It contributed to a shift, towards Autumn 2020, of policy increasingly being decided in private, bilateral meetings, between the Prime Minister and the Chancellor.
117. There are various other ways in which infighting contributed to the dysfunction. They included Mr Johnson being warned of an unwillingness of senior civil servants to step into key roles, views of senior people (particularly women) being sidelined, and so on.²¹³ A full analysis is beyond the scope (and permitted length) of this submission.

²⁰⁹ INQ000048313/17 (Letter from Dominic Cummings to the Inquiry, dated 11/11/2022).

²¹⁰ INQ000273901/630 (Extracts from Sir Patrick Vallance's Notebooks).

²¹¹ INQ000283369/38 (Boris Johnson's WhatsApp messages from Fight Back, dated 25/05/2020 to 15/11/2020).

²¹² Transcript [31/36/17-20].

²¹³ Transcript [16/71/2 – 16/72/15]; [16/80/8 - 16/83/1].

118. Ultimately, Mr Johnson appears to have presided over and either promoted or certainly acquiesced in that culture, until he finally complained to Mr Cummings of a *‘disgusting orgy of narcissism by a government that should be solving a national crisis’*.²¹⁴ It is, ultimately, appalling that the response to a public emergency with a death toll in the hundreds of thousands appears to have been hampered by behind-the-back name-calling and inter-personal wrangling. To some witnesses, it is ‘just Westminster’. We would suggest that resigned acceptance, by some, of such behaviour, simply underlines the need for this Inquiry to make strident findings on the issue, and, in doing so, to seek to effect much-needed cultural change.
119. The resistance which has developed in Westminster to consultation and dialogue, and the unwillingness to look outward for advice, recommendations, and expertise damaged pandemic response. We consider that one of the salutary lessons of this module in the Inquiry is the need for politics founded upon professionalism, which takes a more collaborative approach to working with partners and stakeholders and is open to challenge and advice.
120. There are also, of course, issues of lack of transparency that are relevant to culture, including the circumstances of the non-retention of WhatsApp messages by key decision makers, the number of informal meetings which took place for which there are no minutes, and the fact that decision-makers appear to have avoided discussion of some issues in SAGE because minutes of those meetings were published.

CONCLUSION

121. The TUC has been grateful for the opportunity to contribute to Module 2. The Inquiry is urged to be fearless in its findings, and to address those matters that are crucial to the safety in a future pandemic of those attending work.

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²¹⁴ INQ000283291/66 (Boris Johnson’s WhatsApp messages with Lee Cain).