

Witness Name: Reg Kilpatrick

Statement No: 1st in M2B

Exhibits: 174

Dated: 14 December 2023

**UK COVID-19 PUBLIC INQUIRY
WITNESS STATEMENT OF REG KILPATRICK**

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 addressed to me, and dated 17 May 2023 and referenced M2B/WG/RK/01. I, Reg Kilpatrick, will say as follows: -

PREFACE

1. I would like to express my sympathies to those who have suffered loss or experienced hardship as a result of the Covid-19 pandemic.
2. This statement relates to the period 21 January 2020 to 30 May 2022, which I will refer to as “the specified period”.

BACKGROUND AND QUALIFICATIONS

3. This is the second statement I have provided to the Inquiry relating to Module 2B. My first is dated 5 May 2023 and referenced M2B/WG/LGD/01. I have also provided a statement in response to a request received for Module 1, referenced M01-Kilpatrick–01.
4. I have previously provided a detailed account of my background, including the positions that I have held in the Welsh Government. These are set out in paragraphs 2-8 of my statement M2B/WG/LGD/01. I have included a brief summary again below.
5. I have worked in the Welsh Government since 1989 in a range of financial and policy roles.

6. In 2003, I moved into the Senior Civil Service (“SCS”) as Deputy Director for the Budget, Planning and Management Division of the Welsh Government, and then moved across to act as Deputy Director of the Local Government Policy Division of the Local Government Directorate in 2007.
7. In 2011, I became Director of the Local Government Directorate (“LGD”) with responsibility for local government corporate and financial policy, performance and improvement.
8. In 2013, following a restructuring of Ministerial portfolios by the then First Minister, I became additionally responsible for the Welsh Government civil contingencies and emergency planning function, community safety policy, and the Welsh Fire Service.
9. I am an accredited Wales Gold Commander and have led teams (often including colleagues from external organisations as well as Welsh Government officials) in a number of civil contingency exercises, including those relating to marauding terrorist firearms incidents.
10. In September 2020, I became Director General for Covid Crisis Coordination and Director of LGD, which involved continuing to manage LGD as well as assuming responsibility for the emergency preparedness and response function of the Welsh Government during the pandemic. During the specified period, the Local Government Directorate sat within the Education and Public Services Group (“EPS”), which was led by Tracey Burke as Director General until February 2022, when there was a restructure of the Directorates.
11. In February 2022, as part of that restructure, a new Group, called the Covid Recovery and Local Government Group (“CRLG”), was formed. I sat and continue to sit as Director General of CRLG. The remit of LGD was transferred to CRLG, along with ongoing non-health work in relation to Covid-19, including Covid Recovery work. It is in my capacity as Director General of CRLG (from February 2022), and as former Director General for Covid Crisis Coordination and Local Government (from September 2020), and prior to that as Director of Local Government Directorate from the beginning of the specified period, that I make this statement.

12. During the specified period I was accountable to the Permanent Secretary, Dame Shan Morgan, and then to Andrew Goodall, following his appointment as Permanent Secretary in September 2021.

OUTLINE OF MY ROLE DURING THE SPECIFIED PERIOD

13. My role during the pandemic evolved over time in response to different circumstances and demands, as dictated by the different stages of the pandemic. In particular, my role was to lead the emergency preparedness structures and the immediate, urgent operational response of the Welsh Government to Covid-19 in the period before the first lockdown was implemented on 23 March 2020. This then evolved, as the pandemic continued, into my broader role as the person responsible for overseeing the coordination of the Welsh Government's ongoing operational response to Covid

19, which was reflected in my formal appointment as Director General for Covid Crisis Coordination in September 2020. I address in detail in the course of this statement the specific aspects of the Welsh Government response in which I was involved, but to assist the Inquiry, I set out immediately below a broad overview of my core responsibilities throughout the specified period.

14. In the initial stages, my job was to lead and coordinate the emergency preparedness and response capacity of the public sector in Wales. As I explain below, to a certain extent this mirrored the role that I had during Brexit, where I created and coordinated the Welsh Government response structures, following our established emergency planning protocols. Before the first lockdown, my role was to lead the collaboration of 'category 1' responders across Wales to plan for and deal with the Reasonable Worst Case Scenarios as defined by the UK Government. This involved regular contact with colleagues from responding organisations (by which I mean, those organisations that are external to the Welsh Government, such as the emergency services and local authorities), as well as contributing to and chairing meetings to set the national direction of the response and then to monitor progress.

15. Within the Welsh Government, I established and directed our internal response structures – such as the ECC(W) and the Covid-19 Project Team, both of which I

explain in more detail below. As well as designing and managing the implementation of these response structures, I was in regular communication with Ministers to keep them informed as to the steps being taken and to provide them with assurance as to

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the robustness of these governance measures. I also provided advice on how to further develop and improve them as matters progressed.

16. With the introduction of the regulatory regime and NPIs in March 2020, I set up the team that oversaw the development of the 21 Day Review procedure. During the early reviews, my role focused on establishing a process and coordinating colleagues to build the necessary evidence base so that the impact of measures and proposed measures could be considered by Ministers. This required the full range of policy areas from across the Welsh Government to be coordinated, and for their input to be integrated with information from other sources such as the Scottish and UK Governments. I directed, organised and oversaw the production of the output of the 21 Day Reviews, including the advice that was provided to Cabinet, though the detailed work that went into the production of that material was carried out by the individuals to whom I had delegated that responsibility and who sought the necessary input from the appropriate policy experts across the organisation. My role was to provide final sign off of the advice, assurance that all available evidence was included, and assurance that the advice reflected our cross-Government position.

17. Responsibility for the 21 Day Reviews passed to Simon Brindle in June 2020, in order to allow me to focus on coordinating the Wales emergency response, and specifically my work with the Strategic Coordinating Groups and other category 1 partners external to the Welsh Government. Given that interaction with external agencies has long been my area of experience and expertise as a result of my civil contingencies role, it made sense for this to remain my key area of focus during the response to Covid-19. I also continued in my role as Director of Local Government, which meant that I had a lot of ongoing contact with the 21 Day Review team in that capacity, as there was regular engagement and consultation with local authorities regarding the restrictions throughout the period. At around this time (so June 2020), I also took the lead for the Welsh Government in relation to the Joint Biosecurity Centre, securing the necessary ministerial commitment to membership and then taking a role on the JBC Officials Steering Group. Again, I address my involvement in the work of the JBC in more detail later on in this statement.

18. As Director General of Covid Coordination from September 2020, my role focused on leading and setting the approach for our ongoing Wales emergency response. I was not involved in the policy of operational matters within other Directorates or Director General led Groups or able to overrule the operational decisions of colleagues within

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those areas. The core function of my Director General role was to manage and oversee the appropriate structures and governance arrangements to create better alignment of activity across the Welsh Government, and a clearer direction. In this role, I also made final decisions on how, when and what form of advice we might put to Ministers, although the technical details and specific policy implications of such advice were worked out by the team who provided advice to me.

19. Throughout the period, I was in regular communication with the Permanent Secretary to provide updates and assurance about our corporate readiness and resilience regarding our response to Covid-19.

INITIAL RESPONSE TO COVID-19, JANUARY TO MARCH 2020

20. I will outline my involvement in key meetings and groups during the initial stages of the pandemic; that is, between January 2020 and March 2020.

21. By way of background, I should say that, during December 2019, the Welsh Government, the Local Resilience Forums (LRFs) in Wales, and Wales' wider emergency preparedness and response structures had been mobilised as part of Operation Yellowhammer. Operation Yellowhammer was the name given to the contingency planning that was taking place in readiness for the potential of the UK leaving the EU without a deal at the end of December 2019. This prospect had required significant preparations for the previous two years and a full mobilisation of emergency planning and response structures across the Welsh public sector to contribute to the UK Government operation on three occasions. Consequently, my focus and that of the Resilience Team (who supported me in my civil contingencies role) was almost exclusively on that work at that time.

22. In the years immediately preceding the pandemic, the Resilience Team was part of the Community Safety Division that sat within the Local Government Directorate. The Resilience Team reported directly to me and was line managed by the Deputy Director for Community Safety. Its role, in summary, was to co-ordinate the civil

contingencies structures (within Wales and through engagement with the UK and Devolved Governments), and to lead the response to civil emergencies in Wales, when required. The Team originally had a modest staff of around six; in around 2017, the Team was expanded by six posts, creating a greater capacity and a foundation for the work that would be undertaken on Brexit preparedness, which in turn provided the basis for our

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subsequent response to Covid-19. As at December 2019, the core team was still augmented by a number of secondees from elsewhere within Welsh Government, and numbered around 25 individuals.

23. In January 2020, and after the UK departure from the EU, my own focus and the efforts of the Resilience Team were directed back towards re-establishing business as usual. This included planning to stand down colleagues who had been transferred into the Resilience Team as extra resources that had been required for Operation Yellowhammer, enabling them to return to their normal roles. It also involved carrying out work to identify lessons learned from Operation Yellowhammer, and re-starting normal business. For me personally, this also meant a shift in the emphasis of my leadership back towards local government matters as part of my function as the then Director of the Local Government Directorate.

My awareness of Covid-19 and the first meeting of the Civil Contingencies Group, 4 February 2020

24. Given the growing concern about events in Wuhan and the associated media coverage, it is difficult to be precise as to the date on which I first learned about Covid in my professional capacity. In any case, the media reporting began to suggest that the virus could become an issue for the UK. Clearly, that would mean very significant implications for Wales and so, in line with the procedures set out in the Pan Wales Response Plan ("PWRP") (which, in summary, is the plan that Wales has developed to serve as our model response to emergency situations), I convened and chaired a meeting of the Civil Contingencies Group (CCG) on the morning of 4 February 2020 (I exhibit my email as **M2B-WG-RK-01/02-INQ000383584**). As Section 1 of the PWRP provides ("Trigger and Activation Arrangements"), following the identification of a potential emergency affecting Wales, the Welsh Government will convene a meeting of the CCG for the purpose of assessing the situation and considering what needs to be done in terms of the response. The meeting of the CCG on 4 February

2020 therefore provided the first opportunity for an informed discussion to take place at senior official level about the official information that was then available and the potential risks of Covid-19 as they might materialise for the Welsh Government. I exhibit the note of this meeting as **M2B-WG-RK-01/03-INQ000321239**. It was agreed at the meeting that the CCG should continue to meet on a weekly basis.

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25. The CCG establishes itself in the early stages of an emergency response, and its purpose is to bring together a focused grouping of senior officials to discuss strategic issues of emergency preparedness in order to ensure an effective emergency response across Welsh Assembly Government Departments. The terms of reference for the CCG are exhibited as **M2B-WG-RK-01/04-INQ000128975**.

26. As is reflected in the note of the CCG meeting on 4 February 2020, which I exhibited above, work on the health-related response to the pandemic was already underway at the time of that meeting. In line with normal emergency preparedness protocols within the Welsh Government, health-related preparations were managed by the Health Emergency Planning Unit (“HEPU”), involving wider health policy colleagues and expert input from Public Health Wales as necessary.

27. HEPU is responsible for (amongst other functions) planning for and co-ordinating the health aspects of an emergency response, including the operation of NHS Wales during an emergency. HEPU operates separately from the Resilience Team, although it is represented on the CCG. HEPU would normally work with the Resilience Team on corporate contingency planning, and it contributes to many of the working groups that support the Wales Resilience Forum (“WRF”). If the scale of any emergency becomes too significant for HEPU to manage (for example, the emergency creates a wider society impact) then HEPU and the Resilience Team should start operating as one unit, which as I describe below is what happened fairly quickly in the case of the Covid-19 pandemic. In the very early stages of the pandemic, though, given that Covid-19 was principally a health issue, it was HEPU that took the lead on matters including the provision of support for the COBR meetings that took place during January and February 2020, chaired by the Secretary of State for Health for the UK Government. At that time, I was not aware of or involved in those discussions, or any actions arising as a result.

28. In the week that followed the first meeting of the CCG, I recall attending a telephone meeting with Cabinet Office and the other Devolved Governments regarding the draft legislation on Monday 10 February 2020: a brief email note of this meeting is exhibited as **M2B-WG-RK-01/04a-INQ000383586**. During the rest of this week, there was increasing email discussion about issues relating to the virus. This included an exchange between me and David Goulding, who led HEPU, on 13 February 2020

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which I exhibit as **M2B-WG-RK-01/05-INQ000320721**. This was the first time that I became aware of the extent of activity among my colleagues in the Welsh Government's Health and Social Services Group relating to Covid-19, and it was a significant moment for me. As is shown on the exhibited email thread, David Goulding forwarded to me, the CMO, and two other colleagues in Public Health Wales and the Health and Social Service Group, an email that he had received from Cabinet Office which had attached two documents: the UK Government's draft Communications Plan exhibited as **M2B-WG-RK-01/06-INQ000320720** and SAGE's planning assumptions, dated 10 February 2020, exhibited as **M2B-WG-RK-01/07-INQ000320718**. David Goulding noted in his cover email that he was passing this information on in confidence, and that he did not intend to share it any more widely at that time.

29. This was the first material that I had seen which made clear the level of concern within the UK Government regarding the likely impact of the virus. I was very concerned by the material, in particular the Reasonable Worst Case Scenario that was outlined in the SAGE planning assumptions document. I believed we needed to rapidly engage our emergency preparedness structures on the basis of those assumptions. Similarly, colleagues in the Welsh Government's communications team would need to see the Communication Plan paper and consider its implications. It was clear to me that we faced a potentially very serious situation and that the information should be circulated with urgency to those who needed to understand it within Welsh Government. This was essential in order to make rapid progress in developing our own response as well as being able to contribute fully to the UK response.

30. For this reason, when I replied to David Goulding, I copied in a number of other senior officials, including the then Permanent Secretary, Dame Shan Morgan; Tracey

Burke (then Director General for the Education and Public Services Group, to whom I reported); Andrew Goodall (then Director General of the Health and Social Services Group); Toby Mason (Head of Communications); and Bon Westcott (who led the Resilience Team). In my view, Ministers (and senior officials) needed confidence that the arrangements for HEPU and the Resilience Team to work together were sufficiently robust and would ensure that both sides were made aware of all information and emerging issues as they occurred, and that we should begin to plan for merging the units. Therefore, I proposed that going forward, there should be joint leadership at senior level between both teams. Bon Westcott then began to work with David Goulding to put the necessary arrangements into place.

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Establishment of weekly meetings with the Local Resilience Fora (“LRF”), from 10 February 2020

31. From 10 February 2020, the Resilience Team held weekly meetings with the LRF chairs and LRF co-ordinators. The purpose of these meetings were for the Resilience Team to update the LRFs with the latest information about the incidence of Covid-19, as well as any changes to planning scenarios or any other information that had been received by Welsh Government which might help local preparedness. I exhibit, by way of example, a paper that was circulated on 13 February 2020 **M2B-WG-RK-01/08- INQ000321240**.

Establishment of ExCovid, 12 February 2020

32. It was around this time that the Permanent Secretary established a senior oversight group that would provide governance and accountability for matters relating to the Welsh Government’s organisational management of any response to the virus. This group, which later became ExCovid, met on 12 February 2020 and then formally for the first time as ExCovid on the afternoon of 18 February 2020 and continued to meet regularly throughout the pandemic period, very often on a weekly basis, until it was formally stood down in May 2022. I was a regular attendee of and contributor to ExCovid meetings. I exhibit the agenda for the first meeting on the afternoon of 18 February 2020 as **M2B-WG-RK-01/09-INQ000321115** and the minutes of that meeting as **M2B-WG-RK-01/10-INQ000320966**. I understand that a sample of ExCovid minutes have been exhibited to the witness statement of Dame Shan Morgan, M2/WG/SM/01, and so I do not exhibit those documents again here.

CCG meeting on 18 February 2020

33. A further CCG took place on the morning of 18 February 2020. I exhibit the meeting agenda and minutes as **M2B-WG-RK-01/11-INQ000321228**. The CCG continued to meet on a weekly basis until 13 March 2020, at which time it was renamed the Covid Preparedness Group, as I address later on in this statement.

My first attendance at Ministerial meeting relating to Covid-19, 24 February 2020

34. I attended my first Ministerial meeting concerning Covid-19 on 24 February 2020. In attendance was Vaughan Gething MS, Minister for Health and Social Services; Julie

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James MS, Minister for Housing and Local Government; and Frank Atherton, CMO. To the best of my knowledge, this meeting was an informal meeting and not minuted. I and the team assisting me with documents for this statement have carried out searches for any notes or related documents, and I confirm that none have been located. I am aware that there was a meeting of Cabinet the following day, on 25 February 2020, at which Covid was discussed, and it is likely that the meeting on 24 February 2020 was in order to discuss the update that was to be provided to Cabinet. I did not attend the Cabinet meeting on 25 February 2020, but to assist the Inquiry I exhibit the minutes as **M2B-WG-RK-01/11a-INQ000129852**.

35. My own recollection of the meeting on 24 February 2020 is that the CMO provided an update on the epidemiological position. I reported that the Resilience Team was now operating the Emergency Coordination Centre (Wales) ("ECC(W)") and was working with LRFs to discuss preparedness plans. We were keeping under consideration the need for a formal mobilisation of our response structures, that is, invoking the PWRP and requiring Category 1 responders to establish local multi-agency Strategic Coordinating Groups. I understand that the role of the ECC(W) is addressed in more detail in the witness statement of Andrew Goodall, M2B-WG-01, and I do not repeat that information here. I would simply add, in the interests of clarity, that the ECC(W) is, strictly speaking, the physical location that is set up as required during an emergency and out of which the Resilience Team (including co-opted colleagues), and Category 1 responder partners operate in such periods. It is also usually the location for the CCG. To the best of my recollection, HEPU had also been brought within the ECC(W) by this time.

Essential Services, Society and Infrastructure Group (ESSIG), late February 2020

36. I was also involved in a limited number of meetings with colleagues in other Governments, in late February and early March, which were referred to as ESSIG (Essential Service, Society and Infrastructure Group) meetings and attended by representatives from across UK Government Departments as well as the Devolved Governments. As I understand it, ESSIG was established as a sub-group of COBR(O)

(the COBR group for policy officials). The purpose of these meetings was to collate information and evidence from UK departments and Devolved Governments on the likely impact of Non-Pharmaceutical Interventions ("NPIs"), to inform papers to be presented to Ministers at COBR(M) meetings. The ESSIG meetings were convened and chaired by Mark Sweeney, Director General of the Cabinet Secretariat in the

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Cabinet Office. I did not receive any formal minutes of the meetings from the Secretariat, but I exhibit below the emails circulated immediately after the meetings which outlined what was discussed and actions to be carried out.

37. The first meeting took place on 26 February 2020, and was attended by Bon Westcott on behalf of Welsh Government. I exhibit two email chains relating to this meeting and the request made by Cabinet Office for Welsh Government to provide input in relation to areas of confidence, risk and/ or particular concern:

M2B-WG-RK-01/11b

INQ000383603 and **M2B-WG-RK-01/11c-INQ000383647**. I also exhibit the draft return that was prepared within Welsh Government in response to this request, **M2B WG-RK-01/11d-INQ000388280**. Neither I nor the team assisting me with documents for this witness statement have been able to locate the final version that was submitted to Cabinet Office.

38. The second ESSIG meeting took place on 4 March 2020. I do not recall specifically who attended this meeting on behalf of Welsh Government, but it is likely to have been either Bon Westcott again, or Gary Haggaty, who was Deputy Director of the Community Safety Division in the Local Government Directorate. I would have received a report back from either Gary or Bon after the meeting. I exhibit as **M2B WG-RK-01/11e-INQ000383669** an email that was circulated by Cabinet Office in advance of this meeting, requesting that UK Government Departments and the

Devolved Governments complete a template table setting out the various proposed NPIs then under consideration by SAGE, with any information or evidence on the likely impact of those NPIs. I exhibit a copy of the template table as **M2B-WG-RK-01/11f**

INQ000383671 and a copy of the SAGE table, which was then still in draft form, on which the template was based, as **M2B-WG-RK-01/11g-INQ000383670**. It has not been possible to locate the final, composite completed version that we submitted to Cabinet Office, but I exhibit for illustrative purposes some of the draft versions that were produced within Welsh Government, containing input from different Directorates, as **M2B-WG-RK-01/11h-INQ000383673** and **M2B-WG-RK-01/11i-INQ000388282**.

39. The documents indicate that there was a further meeting of ESSIG on the morning of 6 March 2020, which I believe was the final meeting that took place. Again, it is likely that either Bon Westcott or Gary Haggaty attended from Welsh Government and reported back to me. I exhibit an email sent shortly after the meeting on 6 March 2020, requesting input from the Departments and Governments in relation to the likely impact of three specific proposed interventions (self-isolation; household isolation; social

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distancing for the elderly and susceptible) as **M2B-WG-RK-01/11j-INQ000309745**. I led on the production of the Welsh Government response to this request, and exhibit my email exchange with Cabinet Office on 7 March 2020 as **M2B-WG-RK-01/11k INQ000352954** and the submission document as **M2B-WG-RK-01/11l INQ000352955**. I also exhibit a further exchange that I had with Cabinet Office, which requested further detail on our submission, also on 7 March 2020, as **M2B-WG-RK 01/11m-INQ000352956**; and my responses to those requests as **M2B-WG-RK 01/11n-INQ000352957, and M2B-WG-RK-01/11o-INQ000352959**. This information was relied on in the preparation of the two papers that were discussed at the COBR meeting on 9 March 2020 under item 2; namely, the paper on NPIs which I exhibit as **M2B-WG-RK-01/12-INQ000056179**, and the paper setting out a business impact assessment which I exhibit as **M2B-WG-RK-01/13-INQ000056191**.

COBR meeting on 2 March 2020

40. I was present at the COBR meeting about Covid-19 on 2 March 2020 and I exhibit the minutes as **M2B-WG-RK-01/14-INQ000056217**, though I understand that I am

not listed as an attendee. At this meeting, we received briefings from the UK CMO and the Government Chief Scientific Adviser. There was also a discussion about LRF

preparedness. The Coronavirus Bill was also discussed, specifically whether the UK Government would wish to use the Civil Contingencies Act 2004 (CCA) as part of the legislative basis for responding to the extraordinary challenges that Covid-19 could pose for the country. It was agreed that the urgency test for using the CCA as set out in Part 2, Section 21, would not be met, given that the Coronavirus Bill was in process and that it could be brought into law within a reasonable timescale. I was further present with Ministers for each COBR during that month.

My letter to LRFs regarding the ECC(W), 10 March 2020

41. On 10 March 2020, I wrote to LRF Chairs with an update on the contingency arrangements that were in place for dealing with Covid-19, including the establishment of the ECC(W) which by that time was fully operational. As recorded in the letter, the ECC(W) began to operate from 08.00 to 19.00, Monday to Friday, from 11 March 2020.

I exhibit this letter as **M2B-WG-RK-01/15-INQ000321241**. From 20 March 2020, that was changed to 08.00 to 22.00, seven days a week, as was announced in the First Minister's letter to LRFs which I exhibit as **M2B-WG-RK-01/16-INQ000321237**. The

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First Minister also requested that the four Strategic Co-ordination Groups (SCGs) be established in all areas at that time.

Establishment of the Covid-19 Project Team, March 2020

42. Following sight of SAGE's Reasonable Worst Case Scenario in the email from David Goulding on 13 February 2020, I had been developing, with the Resilience Team, plans for the Government response to the challenges posed by Covid-19. Our established response model was the PWRP, which I referred to earlier in this statement. The PWRP relied on the ECC(W) as the coordinating hub for the responding organisations across Wales, such as local government, the NHS, the police, fire, and ambulance services. While the Resilience Team was very well prepared to manage single issue contingencies through ECC(W), it was my firm view that it would likely be quickly overwhelmed by the level of work required to undertake

the necessary coordination of external entities, as well as the significant coordination that was required within the Welsh Government, in the context of a potential global pandemic. It was clear to me that we needed to quickly create new internal administrative structures to help support the external facing work of the ECC(W), such as liaising with LRFs, sharing planning scenarios, collecting situational awareness, providing advice and guidance, and disseminating the latest epidemiological information. While the Permanent Secretary chaired ExCovid group provided high level governance, I worked with Gary Haggaty, the Deputy Director for Community Safety Division (part of the Local Government Directorate) and colleagues in Human Resources to create that additional internal capacity and capability.

43. For that reason, during March 2020, I established the Covid-19 Project Team that would sit alongside the Resilience Team and the ECC(W). The plans for the Project Team had been discussed with ExCovid on 3 March 2020, and briefed to Ministers at a special meeting of Cabinet on 4 March 2020. I exhibit the minutes for that Cabinet meeting as **M2B-WG-RK-01/16a-INQ000048789**; the update that I provided to Ministers is recorded under Item 3, including a reference to the Welsh Government Covid 19 operating model (paragraph 3.5), which included the Project Team. I also exhibit the diagram that was provided as part of the Cabinet papers, which depicted the operating model and showed how the different groups and teams, including the new Project Team, related to one another: **M2B-WG-RK-01/16b-INQ000048808**. The Project team was intended to coordinate the Welsh Government policy response to Covid-19, assuring Ministers that our collective activities were effective and, critically,

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making productive links with the UK Government and the other Devolved Governments. It would also provide secretariat functions to the significant number of Wales level and UK Ministerial Groups that were put in place, such as the daily Ministerial Implementation Groups (MIGs), which I address in more detail later on in this statement. The Project Team would also coordinate communications within Welsh Government itself, for example by running daily 'birdtable' meetings which colleagues from across government would attend both to receive the latest situational updates, and to be briefed on likely work that would be required (for example, the preparation of advice and guidance on how to implement the NPIs for their sectors), as well as to update colleagues on their own activity.

44. In addition to myself, a second Director, Tim Render, was appointed by the Permanent Secretary principally to oversee the Welsh Government Covid-19 Project

Team as well as providing additional management resilience. The Covid Project Team was formally operational from 23 March 2020, although colleagues had been in place and working before that date. I exhibit as **M2B-WG-RK-01/17-INQ000321242** the Terms of Reference for the Covid Project Team. I also exhibit as **M2B-WG-RK-01/18- INQ000320845** a copy of an organogram depicting the Welsh Government's Covid-19 crisis response coordination governance structure, which shows where the Covid-19 Project team sat in relation to the other relevant teams. I understand that the role and function of the Covid-19 Project Team has been addressed in more detail in the witness statement that is being provided to the Inquiry by Jo Trott M2B/WG/JT/01, who led the Team under the direction of Tim Render and me from February 2020 until late May 2020. I do not repeat that information here.

45. The organogram, which I exhibit as **M2B-WG-RK-01/19-INQ000321238**, sets out the structure of the Covid-19 Project Team at that point. Including senior staff, there were 18 people in the Team, which was split into two sub-teams: the Policy Team and the Operational Team. The structure of the Policy Team broadly mirrored the key MIGs, and was responsible for dealing with policy questions around legislation. The Operational Team was responsible for liaising with the Resilience Team and ECC(W), essentially making the connections between the external and internal operations; that is, the external working with the LRFs and SCGs; and the internal cross-Welsh Government communication and programme coordination. I exhibit a presentation on this process as **M2B-WG-RK-01/20-INQ000321245**.

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46. The organogram shows that the Policy Team and the Operational Team were managed by Jo Trott and Liz Lalley, both of whom provided significant support to Ministers and participated in a range of regular officials' meetings. Peter McDonald was responsible for strategic policy on Covid Recovery and Exit strategy.

47. The Covid-19 Project Team proved to be an essential component of the Welsh Government's internal arrangements throughout our response to the pandemic. It was a dynamic structure, flexing, growing and reformulating as the pandemic evolved. Over the specified period almost all staff rotated through the Team, although some colleagues, notably Liz Lalley, Jo Trott and Tom Smithson, remained key elements of the Team throughout.

Core Covid-19 Cabinet Group, 11 March 2020

48. Returning to the chronology: on 11 March 2020, the First Minister had established the Core Covid-19 Cabinet Group which met weekly until September 2020, and included all Cabinet Ministers, the Leader of the WLGA, Councillor Andrew Morgan, and, later, Ruth Marks, the Chief Executive of the Welsh Council for Voluntary Action (WCVA). Others were included on an invited basis, including the lead Chief Constable and Brigadier of 160 Brigade. These meetings were not decision-making meetings and were led by Ministers, with senior officials (including me) in attendance. The Core Covid-19 Cabinet Group brought together a range of different policy areas and parts of the public service at strategic level to share information and to strengthen relationships across Welsh Government and with key external agencies. I exhibit, as examples, copies of the minutes of this group that met on 25 March 2020 as **M2B-WG RK-01/21-INQ000215173**, 22 April 2020 as **M2B-WG-RK-01/22-INQ000311833**, 29 April 2020 as **M2B-WG-RK-01/23-INQ000311831**, 6 May 2020 as **M2B-WG-RK 01/24-INQ000222753**, and 13 May 2020 as **M2B-WG-RK-01/25-INQ000221186**. I understand all notes of this meeting have been exhibited to the inquiry. I also understand that further detail about the Core Covid-19 Cabinet Group has been set out in the CMO's Module 2B witness statement M2B-CMO-01.

Meeting of the Policing Partnership Board for Wales, 12 March 2020

49. On 12 March 2020, a meeting of the Policing Partnership Board for Wales took place. The Policing Partnership Board is an important means of engagement with the police services in Wales, and the UK Government is also invited to attend these meetings.

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The group usually meets Quarterly and is coordinated via the Crime and Justice Team within Welsh Government. Its Terms of Reference are exhibited as **M2B-WG-RK 01/26-INQ000321233**.

50. These meetings would normally be chaired by the First Minister, but on this occasion, the Deputy Minister and Chief Whip chaired. I would normally attend these meetings as the Director of Local Government Directorate, but on this occasion, I sent apologies. To my knowledge this was the first time that the seriousness of the emerging Covid

19 situation was discussed with the four Police and Crime Commissioners (PCCs) and Chief Constables. The Health and Social Services Ministers attended the meeting to brief and to underline the need for the police forces to maintain their close and productive relationships with Ministers and officials in the coming months. Minutes of the meeting are exhibited as **M2B-WG-RK-01/27-INQ000321232**.

Meeting with Local Authority Leaders, 12 March 2020

51. Regular and open engagement with local government was a central principle of the Welsh Government Covid-19 response. This built on an already strong and productive relationship established by successive Welsh Ministers supported by integrated working at official level with individual authorities and the Welsh Local Government Association (WLGA). The Minister for Local Government met all local authority Leaders on the afternoon of 12 March 2020 to brief on the emerging situation and to discuss some of the issues around the reasonable worst case scenario. I exhibit the note of the meeting as **M2B-WG-RK-01/29-INQ000321234**.

Covid-19 Preparedness Group, from 13 March 2020

52. The following day, 13 March 2020, I chaired the inaugural Covid-19 Preparedness Group which replaced the CCG, as I explained earlier in this statement. The change in name reflected the single issue with which we were engaging, and differentiated this group from other emergency responses for which we might need to mobilise, for example, weather related events. The First Minister attended this meeting and provided some opening remarks to underline the importance of the work of the group and the significant challenges that lay ahead. We agreed our Terms of Reference and operating model, and received an update from the CMO, Rob Orford (the Chief Scientific Adviser for Health ("CSAH")), and Andrew Jeffreys (Director of the Welsh Treasury). This Group effectively took on the role of the CCG going forward and met

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weekly. I exhibit the Group's Terms of Reference as **M2B-WG-RK-01/30-INQ000281648** and minutes of its meeting on 13 March 2020 as **M2B-WG-RK-01/31- INQ000321150**.

Meeting with the First Minister and Minister for Health and Social Services, 13 March 2020

53. As I have outlined earlier in this statement, by this time, HEPU had been brought into

the EEC(W) structure. As a result, I began to get more engaged with issues relating to the NHS. For example, I was present at a meeting between the First Minister and the Minister for Health and Social Services on 13 March 2020 which considered the operational readiness of the NHS, and the range of measures that might need to be taken in order to prepare to treat the potential number of Covid-19 cases, including the suspension of non-urgent outpatient appointments and surgical admissions. It was as a result of this meeting that the Minister for Health and Social Services issued the written statement later that day which I exhibit as **M2B-WG-RK-01/32-INQ000320751**.

COBR meetings 16 March, 18 March and 20 March 2020

54. During the week beginning 16 March 2020, I was present at two COBR meetings. The first on 16 March 2020 discussed and agreed (for England) a package of social distancing measures. Following that COBR meeting, the First Minister requested a meeting with senior Welsh Government officials the next day, on 17 March 2020, to discuss what steps Welsh Ministers ought to take next in terms of introducing similar restrictions.

55. The COBR meeting on 18 March 2020 discussed social distancing and other measures in schools, and a list of key workers. There was also a briefing by the UK CMO.

56. I understand that there was another COBR meeting on the afternoon of 20 March 2020. I do not believe that I attended this meeting, but I was included on the list of recipients of the list of actions arising from the Prime Minister's Covid-19 strategy meeting which had taken place that morning **M2B-WG-RK-01/11m (as noted above)** and **M2B-WG RK-01/32a-INQ000256809**.

Events in the period 19 to 23 March 2020

57. On the afternoon of 19 March 2020 the First Minister convened a meeting, which was

a follow-up to the COBR meeting that had taken place the previous day, on 18 March 2020. I exhibit the email exchange arranging the meeting on 19 March 2020 as **M2B-WG-RK-01/32b-INQ000383931**. Ahead of that meeting, the Covid-19 Project Team prepared an initial analysis of lockdown measures that had at that point been implemented in different countries across the world. I exhibit a copy of that paper as **M2B-WG-RK-01/32c-INQ000361404**.

58. This was an important paper which brought together some key statistics of the incidence of Covid-19 and the type of measures which had been put in place in different countries by that time. The paper had been compiled from open sources as there did not seem to be readily available data from UK Government. The paper was presented to the meeting on 19 March 2020, which was chaired by the First Minister and included a number of other Ministers, such as the Local Government Minister, the Minister for Health and Social Services, and the Education Minister, as well as Welsh Government officials. I cannot be precise about the full attendance and neither I nor the team assisting me have been able to locate any note of the meeting.
59. Following that meeting, the Private Secretary to the First Minister requested that the Permanent Secretary commission a paper setting out the options that were available to Welsh Ministers if the UK Government was to announce a lockdown in London, and the potential benefits and drawbacks of different measures. The Covid-19 Project Team led on the production of that paper, with input from the Welsh Government's legal department. The paper was circulated on the evening of Friday 20 March 2020. I exhibit the paper as **M2B-WG-RK-01/32d-INQ000361424** and the relevant email exchange as **M2B-WG-RK-01/32e-INQ000361423**.
60. Although I cannot be certain, given that the paper was circulated on the Friday evening, I would say that it is likely that the note was used to inform the meeting of Ministers and officials that took place on Sunday 22 March 2020, to discuss the potential of and preparatory action for moving Wales to a state of lockdown. I exhibit the email circulated by Carys Evans shortly after that meeting on 22 March 2020, which set out the matters discussed and the actions agreed, as **M2B-WG-RK-01/32f-INQ000336319**. I did not attend this meeting. As that email shows, the meeting generated a number of actions for which I and other officials were responsible. The

actions reflected what was essentially the beginnings of engagement with partners (including local authorities and the police) on the assumption that Wales would be

moving into lockdown, if not immediately then within a very short period of time.

61. One of the actions agreed at the meeting of 22 March 2020 was for the Covid-19 Project Team, overseen by me, to produce a first draft of a “lockdown plan” for Wales. As recorded on Carys Evans’ email, the purpose of the plan was *“so that we are ready either to respond to UKG or move separately”*. At this time, no decision had been taken as to whether, when or how the Welsh Government might implement some form of social distancing measures but, in the circumstances, it was essential that we made some preparations for the eventuality. Welsh Government policy officials across Ministerial portfolios were engaged in their own preparatory work for this. We were also working on the basis that the UK Government was likely to move to a significant escalation of social distancing measures (albeit not a full lockdown) at the COBR meeting that was scheduled for 23 March 2020, though we did not know exactly what those new measures might be or where they might be applied to.
62. I do not recall when exactly we began work on the Wales lockdown plan document, but it is likely that this was the following morning, on Monday 23 March 2020, at a meeting that was convened by Jo Trott. My recollection is that two individuals who were part of the Covid Project Team led on the drafting of the plan. A second meeting of officials took place on the afternoon of 23 March 2020, at 2pm, in advance of which the working draft plan was circulated to the Team. I exhibit the relevant email as **M2B WG-RK-01/32g-INQ000349203** and the draft plan as **M2B-WG-RK-01/32h INQ000349204**. It has not been possible to locate any minutes of either of these meetings and it is unlikely that any were taken, given the urgency of the task and that all attendees were focussed on producing the plan. The plan was then finalised over the course of that afternoon, and the final version was circulated that evening, just after 6pm. I exhibit the relevant email **M2B-WG-RK-01/32i-INQ000383974** and the final version **M2B-WG-RK-01/32j-INQ000383975**. I would have approved the plan before it was finalised. While I do not have any specific recollection as to whether the document was provided to Ministers in advance of the COBR meeting that took place at 5pm on 23 March 2020, I would say that it is likely that a draft version would have been shared during the course of that afternoon. It is not unusual in very rapidly moving situations for Ministers to be provided with briefings (and updated briefings) in draft and for those drafts to form the basis for discussions.

63. In the meantime, Welsh Government Cabinet met on the morning of 23 March 2020.

I attended this meeting, at which the targeted measures that had already been put in place were considered, as well as the deteriorating situation in London. I exhibit the minutes as **M2B-WG-RK-01/33-INQ000048923**.

64. COBR was due to meet at 5pm on 23 March 2020. We were only provided with the final material for the COBR meeting an hour or so before the meeting; in line with standard government security protocol, I have not retained this material. Senior officials (including myself, the CMO, the CSAH, special advisers and others) considered the material in a pre-meeting with the First Minister and the Minister for Health and Social Services. Until this point, I had not been aware that the UK Government had plans for implementing a national lockdown on this date. There had been no time to prepare detailed advice for Ministers to support a discussion on the matter at COBR, or to be able to give a considered view on our readiness beyond the emergency preparedness structures or advise on the risks and benefits to Wales.

65. I attended the COBR meeting at 5pm on 23 March 2020, alongside the First Minister. The Prime Minister explained the UK Government's plans for a national lockdown, including the fact that he would be making an announcement on television later that afternoon in respect of England. In practice, the three Devolved Administrations were presented with a fait accompli. That said, it is unlikely that any of the First Ministers would have rejected the idea of locking down at the same time as England, regardless of the absence of formal advice in advance.

66. My recollection is that there was a Welsh Government post COBR discussion on 23 March 2020, which I attended. It has not been possible to locate a note of this meeting and I think it is unlikely that any was taken.

67. Otherwise, work continued during the week of 23 March 2020 to mobilise the emergency response in Wales. As noted earlier in this statement, by this time the four Strategic Coordination Groups ("SCG") across Wales had been fully mobilised. Each LRF must have arrangements to establish SCGs, which are responsible for overseeing

the local response to an emergency situation. The SCG comprises senior representatives from each of the key organisations involved in the local response, as well as the military. The SCG will provide strategic direction in an emergency situation, agreeing strategic priorities for the area and setting the direction for other layers of command and its constituent organisations. The group itself does not have any authority to issue commands or orders to the constituent organisations; its

function is

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to coordinate the individual organisational responses. As outlined in the PWRP, there are operational links between each SCG and the ECC(W), which enables questions, guidance and situational information to be shared between local and central level. This exchange is enabled by each SCG having a Welsh Government Liaison Officer as a member.

68. Also during this week, I asked Claire Germain, a Deputy Director in the LGD, to take the lead in the Welsh Government's role in overseeing and supporting the LRF arrangements for managing the anticipated excess deaths as a result of the virus. Claire worked closely with the military logistical experts, LRFs and emergency planners across Wales to ensure that there was effective practice in transport, storage, burials and cremations of the deceased. I exhibit as **M2B-WG-RK-01/34-INQ000321235** the National Debrief Report on the local death management process during Covid-19, which was produced in July 2020, to reflect on the management of excess deaths as at that time, including the role of the Welsh Government in providing support to LRFs.

69. The information collated through this exercise was subsequently used to inform more detailed reflections and actions at a local and national level to support improved planning and guidance ahead of the second wave of Covid-19, and to inform future pandemic planning and response working through the SCGs and the LRF planners responsible for Excess Death Planning.

Establishment of the Ministerial Implementation Groups

70. The Ministerial Implementation Groups (MIGs) were established from 16 March 2020 by the UK Government. The MIGs were used as discussion forums for different policy and operational areas concerned with Covid-19 response activity. There were four groups: General Public Sector (GPS); Health and Social Care; Economy and Business Response; and International. Welsh Ministers were involved in and attended meetings of all the MIGs save for the International MIG (because this is an area that is largely reserved to the UK Government), with support being provided within Welsh Government by the Covid-19 Project Team. Senior policy officials from across Welsh Government also attended the MIGs that were relevant to their policy areas, often on an ad hoc basis depending on the topics that were due to be

discussed.

71. I attended the GPS MIG in my capacity as Director of LGD, given the focus on local government and emergency planning matters. In the beginning, the MIG meetings

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involved Ministers from the Devolved Governments, although in time they became increasingly concerned with issues that related solely to the UK Government and therefore less relevant to the Welsh Government. Nonetheless, Welsh Ministers and officials continued to attend, until the MIGs were wound up around June 2020.

My appointment to the role of Director General, Covid Crisis Coordination, September 2020

72. Throughout 2020, the then Permanent Secretary drastically re-prioritised resources to ensure that the Welsh Government Civil Service responded to the staffing challenges of Covid-19 and the need to support those Ministerial priorities which were still being progressed. This included, for example, senior officials taking on a wide range of responsibilities beyond their day-to-day duties and outside of their usual remit, as part of the Welsh Government's response to the pandemic. I understand that the Permanent Secretary had some concerns about her senior team being stretched in this way. As I understand it, the Permanent Secretary concluded that the scale and pace of decision making was such that a temporary addition to the Senior Team (which had been originally put in place in 2015 and comprised four Director Generals with responsibility for four distinct policy Groups) was required. As a result, after appropriate correspondence with the Cabinet Office, a new temporary Director General role was created to include lead responsibility for Covid-19 crisis coordination, taking on responsibility for the Recovery and Restart Directorate which included the Covid-19 Project Team and the 21 Day Review, then headed at Director level by Simon Brindle. I was invited to, and did, take on this new role, which became effective, on a temporary basis, from September 2020. My job description is exhibited as **M2B-WG-RK-01/36- INQ000321054**.

Understanding of the risk of Covid-19 in the initial period

73. I have been asked to comment on whether the Welsh Government properly appreciated the seriousness of the threat of Covid-19 in the initial stages of the pandemic. It is my view that the Welsh Government certainly appreciated the seriousness of the growing threat of Covid-19. As has been explained in the witness statement of Andrew Goodall, M2B-WG-01, Welsh Government officials were

attending and participating in frequent SAGE meetings from 11 February 2020 onwards, and subsequently in SAGE sub-groups as well. There was also consistent engagement by the CMOs of the Four Nations, with their first meeting taking place on 24 January 2020 and continuing on a frequent basis from that date. This meant that

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Ministers had access to the UK data that was being provided by SAGE and channelled through the CMO network, setting out the latest assessment of the virulence and lethality of the virus.

74. From the point where the SAGE Reasonable Worst Case Scenario was shared with me on 13 February 2020, the Resilience Team, under my direction, rapidly began to prepare response plans. However, if the conditions described by the Reasonable Worst Case Scenario were to transpire, having discussed the possibility with the Deputy Director and the Resilience Team, it was clear even at that very early stage that the Resilience Team working in the ECC(W) on its own would be unlikely to be able to manage the breadth and scale of the issues that the Welsh Government would have to deal with. I will explain the reasons for this.

75. The ECC(W) was designed as a universal operating model that could be applied to any emergency response situation. It had been thoroughly tested on many occasions previously, both through exercises and live incidents. The challenge posed by Covid 19 was of a different order. For example, responding to an adverse weather event – such as Storm Dennis – would typically last for 48 hours to 72 hours. It might involve one or possibly two SCGs being mobilised and would generally engage the Ministerial and policy interests of one or two departments within the Welsh Government. The nature of the Reasonable Worst Case Scenario for Covid-19 was such that the response period was likely to be 15 weeks at least, as we understood the situation at that time. In addition, all policy departments and Ministers would be closely engaged with the general response, as well as with formulating their own decisions and actions. There would also be very significant demands for data, information and situational awareness, and sustained political and official engagement with the UK Government. For all these reasons, it was clear that the Resilience Team and the ECC(W) model response needed augmenting. This was the role that the Covid-19 Project Team was intended to fill. The team was assembled and operational by 24 March 2020.

76. Ministers were also being fully briefed by health officials on the SAGE Reasonable

Worst Case Scenario. This information was shared within the Welsh Government Cabinet and with relevant officials through, initially, the CCG and then the specially established Covid-19 Preparedness Group.

77. New arrangements for briefing and working with local authorities and the police were also put in place, including regular meetings between Ministers and the Council

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Leaders, Police and Crime Commissioners, and Chairs of Fire Authorities. These meetings enabled regular and rapid briefings on developments to be provided, as well as providing, in due course, a route for consultation on the planned NPIs. The meetings were replicated at official level, including, as well as the formal 21 Day Review process, ad hoc meetings that could be held as and when required. The use of Microsoft Teams enabled these meetings to be called at very short notice and to engage a wide membership. Finally, Ministers also established a team to develop support and food supply (the Protect and Vulnerable People team) for those who had begun to shield. I mention this team specifically, because I am aware that it was put in place and became operational extremely quickly. It was also an example of Welsh Government and local government working in close and effective partnership. The speed at which the programme got up and running was a clear reflection of Ministers' appreciation of the seriousness of the threat posed by the virus at that early stage.

International travel during the initial stages of the pandemic

78. I have been asked to comment on my involvement in matters relating to international travel during the specified period. I did not have any direct input in this area, as the lead was with the Health Department.

Alignment with the UK Government during the initial stages of the pandemic

79. Throughout the pandemic the First Minister was consistent and clear in his view that wherever possible the UK should address the virus on a four nations basis. As I have already referred to, during the first three months there was a regular cadence of COBR meetings, chaired first by the Secretary of State for Health, then by the Prime Minister. These meetings were supported by officials in a number of Welsh Government departments, for example the HSC department, my own directorate, education, and economy, and their counterparts in the UK Government, as well as, of course, attendance by the First Minister and other Welsh Ministers and senior

officials as appropriate. The UK Government shared critical information through these meetings although it was difficult to be confident that we consistently received the full picture as the information flow was often late, sporadic and always tightly controlled.

80. The CMO network also provided a vital and independent structure under which timely, common and accurate data could be provided to the three devolved Governments.

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There was regular communication between the four CMOs throughout the specified period.

81. During the first three months, most of the development of the intervention measures and the assessment of their impact was undertaken by the UK Government. It was a challenge for the three Devolved Governments to replicate the very significant resources available in Whitehall. As a consequence, in relation to the first lockdown, Ministers did not diverge from the options put to COBR on 23 March 2020. After that point, I do not recall any decision to diverge from the approach in England simply for the sake of it. Instead, in deciding whether to implement or remove measures and the timings thereof, Ministers would carefully consider, among other things, the available epidemiological information, data on incidence, the capacity of the NHS, the inputs from the range of partners and stakeholders, and the impact of the four harms before coming to decisions which they considered right for Wales.

The Welsh Government's initial strategy

82. The four nations published their initial strategy for responding to the Coronavirus outbreak on 3 March 2020, which I exhibit as **M2B-WG-RK-01/39-INQ000298976**. The Action Plan was agreed at the COBR meeting on 2 March 2020, as recorded in the Welsh Government notes of that meeting which I exhibit as **M2B-WG-RK-01/40-INQ000320806**. The Action Plan outlined what had been done so far and what the four nations planned to do in the future. It also made clear that the response to Covid 19 would be further developed and revised as more information became available about the scale, nature and location of the threat in the UK; and explained the Contain, Delay, Research and Mitigate approach methodology. I was not involved with the preparation or clearance of that document although it is likely that it would

have been advised on by colleagues in Health and the CMO. My understanding is that the strategy, and in particular the methodology, reflected established pandemic flu planning. In my view, at that time, with small numbers of cases in the UK, this seemed to be a rational initial response, especially as case numbers in Wales were lagging behind England, although it was unlikely to be sustainable in the long term.

The Pan-Wales Response Plan (PWRP)

83. I have explained that we mobilised the PWRP and combined the ECC(W) with the HEPU in accordance with our established protocols early on in the pandemic. This

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created links between SCGs and Welsh Government, in order to deliver stable and detailed situational awareness of the local, multi-agency response. This information was in turn passed on to the UK Government Cabinet Office, to inform the UK situational awareness. These arrangements, along with the additional Covid-19 Project Team, served to monitor developments as best we could in the first three months.

84. Subsequently, and as would be expected during a prolonged response phase in any emergency situation, the structures and processes provided for in the PWRP were adjusted to accommodate the specific demands of the pandemic, including the initial rapid growth in incidence; the need for frequent real time epidemiological data; and the breadth of policy and practical implications of implementing and relaxing NPIs, while providing Ministers and Cabinet with frequent, short notice advice. For example, there was no reference to the Health Protection Advisory Group (HPAG) in the emergency response structures that were provided for in the PWRP, but as I explain in more detail later on in this statement, HPAG and its Outbreak Sub-group took on a crucial role in the Welsh Government's Covid-19 response. To be clear, when making these adjustments to the emergency response structures, we did not revise or update the PWRP itself.

Herd Immunity

85. I have been asked about my involvement in any discussions regarding herd immunity, and my understanding of what herd immunity means. I do not recall any detailed discussion of herd immunity as a strategy with which to manage the pandemic.

86. My non-expert understanding of herd immunity was that it was a strategy that required a significant proportion of a population to become immune to a particular infectious disease, either through vaccination or prior exposure. When sufficient people have been infected or vaccinated and are therefore immune, the spread of the disease is naturally constrained and it becomes less likely that those who are not immune or unable to be vaccinated will get infected. There was no indication of the threshold at which herd immunity might have been achieved for Covid-19, given the lack of detailed epidemiological knowledge about the virus. It was clear to me that, given that Covid 19 was novel and that there was no vaccine at that time or any realistic prospect of one being developed in the short term, it followed that prior exposure would be the only means through which herd immunity might be secured for the UK.

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87. Welsh Ministers were acutely aware of the significant challenge to the NHS to respond to the Reasonable Worst Case Scenario as produced by SAGE and considered by COBR. The capacity of Intensive Care Units and the limited ability to expand that capacity quickly was a key factor that Ministers considered. The prevailing discussion put forward by SAGE focused on managing the number of infections (also referred to as the curve) so that the NHS would not be overwhelmed – meaning, flattening the curve to better match NHS capacity with the numbers requiring treatment; or pushing the curve back to enable sufficient capacity to be developed before the peak. Neither approach relied on herd immunity, but instead depended on the range of social and individual measures, or non-pharmaceutical interventions, along with capacity building in the health services.

INTERACTION AND COMMUNICATION WITH THE WELSH GOVERNMENT

88. In respect of core decision making, during Covid-19 I had frequent contact with Ministers, initially in my Director role relating to the emergency preparedness function, in which capacity I provided Ministerial support for meetings of COBR, MIGs, Cabinet Core Group, and Cabinet. I would also meet to brief Ministers ahead of those meetings and carry out debriefs afterwards. Often, I would attend meetings with Ministers alongside colleagues in different departments within the Welsh Government; for example, in relation to the shielding programme, or in relation to issues with local government (which I have addressed in the statement that I have provided on local government issues, M2B/LGD/WG/01). In the initial stages of the

pandemic, the focus of my role was to operationalise the Welsh Government's emergency response. In the period before the COBR meeting on 23 March 2020, at which it was agreed to implement the UK lockdown, I provided Welsh Ministers with assurances that civil contingencies structures were in place, functioning and would be able to manage the likely demands that would be placed on them as a result of, for example, the social isolation policies. Those assurances were provided often through papers to Cabinet or oral updates to meetings. For example, at a Cabinet meeting on 4 March 2020, I provided an update as to UK Government mobilisation, and internal governance structures within Welsh Government that would shape our own pandemic response. I exhibit the minutes of that meeting as **M2B-WG-RK-01/37-INQ000048789** and the document setting out the ECC(W) Communications Operating Model which was provided to Cabinet for this meeting as **M2B-WG-RK-01/38-INQ000048806**.

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89. Once the 21 Day Review process was put in place, I was present at the regular cycle of official, Ministerial and Cabinet meetings that took place as part of that process. These meetings involved consideration of a range of material, including the latest epidemiological data and trends; information regarding the functioning of public service organisations; information regarding proposals for changing the regulatory regime; and any other issues raised by internal colleagues from legal, policy and scientific departments.

Health Protection Advisory Group (HPAG) and its Outbreaks Sub-Group (HPAG OSG)

90. I was invited to attend the Health Protection Advisory Group (HPAG) meeting on 7 July 2020. HPAG was chaired by the CMO and had been set up in 2018. HPAG's membership included representatives of the Welsh Government, local health boards, Welsh local authorities and Public Health Wales, among others. Its aim was to secure the effective implementation of health protection policies. During the specified period, it was the responsibility of HPAG to receive and assess the available information as to the behaviour of the Covid-19 virus, including the nature and scale of any local outbreaks, and, on the basis of that information, to make recommendations to Ministers as to any necessary intervention, as part of the 21 day review process. The information that was received by HPAG came principally from the Covid Intelligence Cell (CIC), which reported directly to HPAG and which I understand has been addressed in the witness statement of Andrew Goodall M2B-WG-01. The

membership of the CIC comprised Welsh Government officials as well as Public Health Wales and other public health experts, and its function was to carry out surveillance and monitoring of the transmission and incidence of the virus across Wales, drawing on a range of sources. I was not a member of the CIC, but I was familiar with the reports that it provided to Welsh Government throughout the specified period as a result of my role on HPAG.

91. The information provided to HPAG by the CIC in the first six months or so of the pandemic was also supplemented by the information provided by HPAG's Outbreaks and Incidents Sub-group, which was chaired by Dr Marion Lyons and which reported to HPAG. During this relatively early period in the pandemic, the Outbreaks and Incidents Sub-group met on a weekly basis and reported to HPAG, providing evidence relating to transmission rates and localised outbreaks of the virus. I did not sit on the Outbreaks and Incidents Sub-group.

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92. In early September 2020, HPAG agreed to establish an Outbreaks Sub-Group (HPAG OSG). This was separate from the existing Outbreaks and Incidents Sub-group. I chaired HPAG OSG and its membership included policy officials as well as the CMO, the CSA, and the two co-chairs of the TAC. I discuss the background to and reasons for the establishment of HPAG OSG in more detail below, in relation to the Caerphilly outbreak and the implementation of Local Health Protection Areas. In brief, it was the role of HPAG OSG to meet on a daily basis to monitor, in particular, local outbreaks of the virus and to consider whether localised measures needed to be implemented to deal with any such outbreaks. HPAG OSG fed information back to HPAG, but it also reported directly to Ministers as and when required, including the provision of advice as to recommended measures. This was a key difference between the operation of HPAG OSG and HPAG's existing Outbreaks and Incidents Sub-group. The HPAG OSG became a crucial part of the Welsh Government's Covid-19 response governance structure.

TAC and TAG

93. I did not engage directly with the Technical Advisory Cell (TAC) or the Technical Advisory Group (TAG), or its structures of subject-specific subgroups. TAC was chaired jointly by Dr Rob Orford and Fliss Bennee who shared the CSAH role, and

who were also members of HPAG OSG as I have noted above. I understand that the role and function of TAC and TAG has been addressed in some detail in Rob Orford's Module 2B witness statement to the Inquiry, M2B-TAG-01, M2B-TAC-01, as well as in Andrew Goodall's Module 2B witness statement, M2B-WG-01, and I do not repeat that information here. I was not involved in either TAC or TAG.

94. Commissioning advice from the TAG was fairly straightforward, with requests being made directly to the CSAH as part of the business of HPAG OSG meetings. Those requests might have sought advice across the remit of the TAG subgroups and included, for example, questions on projections of case rates into the future, analyses of the impact of a particular set of NPIs that was in development, or an appraisal of international practice on the use of social distancing. Equally, it was not uncommon for requests to be made for TAC to provide advice outside these fora, in order to augment or answer questions that would have arisen from other sources, for example, colleagues in education wanting to explore different approaches to organising the physical environment of schools in order to minimise the risk of transmission of the virus. These mechanisms were effective in securing the necessary data. They also

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ensured that we had sufficient access to Wales data and modelling and, indeed, the mechanisms were enhanced and strengthened through links with Swansea University to develop our modelling capacity, access to the waste water programme, and to wider sources of advice through the Wales Covid Evidence Centre located in Cardiff University.

95. The CSAH, alongside the CMO, also had direct access to Ministers and were present at all key meetings to verbally brief or assist with questions on the documents they submitted.

96. It became clear in early 2021 that the demands principally on the TAC but also on the supporting TAG were becoming challenging. The requirement for TAC to continue providing regular, timely and detailed briefings on the general Covid-19 situation to Ministers, other public sector organisations and the public, as well as maintaining statistical models setting out the short, medium and long scenarios for Covid-19, together with the demands from policy colleagues for advice on the impact of existing or new NPIs, placed a considerable strain on the small TAC team and the sub-groups.

97. In response to these concerns, the TAC/TAG Steering Group was established in March 2021 to assist both groups with planning their work programme by providing some senior oversight that was external to the teams. I exhibit the Terms of Reference for the TAC/TAG Steering Group as **M2B-WG-RK-01/41-INQ000068514**. I co-chaired the TAC/TAG Steering Group along with Andrew Goodall in his role as Director General of the Health and Social Care Department (later replaced by Judith Paget) and Frank Atherton, the CMO. The Director of Workforce (Health), Helen Arthur, also sat on the Steering Group. We met fortnightly throughout the specified period. I exhibit, by way of example, minutes of the meetings of the Steering Group on 10 June 2021 **M2B-WG RK-01/42-INQ000321058**; 24 June 2021 **M2B-WG-RK-01/43-INQ000321063**; 8 July 2021 **M2B-WG-RK-01/44-INQ000321072**; and 12 August 2021 **M2B-WG-RK-01/45-INQ000220934**.

The border with England

98. I have been asked to comment on any advice I provided in relation to the land border between Wales and England.

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99. The Wales/England land border is particularly porous. That is to say, there are many settlements along, and very often divided by, the border, and travel between the two countries is easy and very often a necessary part of many people's daily lives. For as long as the Welsh Government and the UK Government maintained similar NPI regimes, the border was factor - but not necessarily a material factor - which needed to be taken into account as part of our decision making. However, as the regimes became different in each country, or when the timing at which measures were put in place or relaxed differed, the border became more important in a number of respects. The reasonable excuses defined in the Wales Covid-19 regulations provided some flexibility to enable people to cross the border in certain circumstances, however it was necessary to consider the impact of people crossing the border to take advantage where measures were less restrictive in the other country; for example, the availability of hospitality or non-essential retail being open in one or other country. Ministers were very aware of this when the balance of measures may have attracted people into Wales. It was also necessary to recognise, in particular, the

inevitable dominance of the UK Government messaging on Covid-19 through the national media. This meant that the Welsh Government needed to give very careful consideration to how it explained and justified its approach to NPIs to the public, while retaining a clear narrative and focus on what was happening in Wales and why.

100. Nonetheless, there were periods when it was not lawful to cross the border into or out of Wales without a reasonable excuse, such as attending a workplace or education setting. Although it was not practically possible for the police to close the border in its entirety, at appropriate times the forces provided a visible and active presence on main roads as a deterrent to those wishing to cross the border. Welsh Government messaging also sought to discourage cross border travel whenever relevant and possible.

101. These issues were especially pertinent during the Autumn of 2020 where infection rates were increasing more rapidly in some areas between the local authorities in Wales and the UK nations. As I refer to later on in this statement in relation to the approach to the firebreak lockdown in Wales that began on 23 October 2020, and the second lockdown in England that was announced on 31 October 2020 to begin on 5 November 2020, border issues were explicitly dealt with in regulations with the aim of preventing travel from areas of high prevalence to those with lower prevalence. This aimed to slow community transfer and delay growth in the numbers of cases.

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102. Generally, the advice provided to Ministers on the design and implementation of most NPIs (in particular, in relation to any NPIs that were different from restrictions in place at the same time in England) included some comment on the challenges posed by the border and the ability of the public to travel across it. That advice reflected issues raised by, for example, those local authorities that were adjacent to the border, as well as the police forces in Wales, and members of the public, whose views were obtained through focus groups and Ministerial correspondence. Ensuring that Welsh citizens understood the regulatory regime to which they were subject, and discouraging behaviours which might increase the transmission of Covid-19 from areas of high incidence to those where the virus was less prevalent (whether that involved cross-border transmission or not), were recognised challenges and ongoing themes which underpinned the rigour of the NPIs themselves and the Welsh Government communication strategy.

103. There is one specific example of difficulties caused as a result of differences

between the regimes across the border of England and Wales which I would refer to, which was a situation that arose with Chester Football Club in December 2021 and January 2022. This was somewhat of an exceptional matter: on the whole, the differences in the NPI regimes between England and Wales – when they occurred – did not provide a definable practical problem for the enforcement of the regulations, but the issues with Chester did cause some difficulties, as I will explain.

104. In December 2021, the combination of cases of the Delta variant and the rapidly emerging Omicron variant of Covid-19 created a severe and rapidly worsening public health situation, with potentially significant challenges for the NHS in Wales. Ministers were monitoring the situation very closely and keeping the Regulations under review.

105. As case numbers were projected to grow rapidly, a Written Statement was issued by the First Minister on 22 December 2021 stating that Wales would move to Alert Level 2 from Boxing Day, 26 December 2021. I exhibit the Written Statement as **M2B-WG-RK-01/45a**; **INQ000023307**. Among other things, this change imposed measures on regulated premises when they re-opened after the festive period, including that large events would not be allowed indoors or outdoors. The amendments to the Regulations provided that the maximum number of people who could gather outdoors would be 50.

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106. Given the pace of change in incidence Ministers moved to a formal weekly review of regulations, which was announced in a Written Statement by the First Minister on 30 December 2021, exhibited as **M2B-WG-RK-01/45b-INQ000387995**.

107. At this time, there were no limits on the number of people who could gather at outdoor events in England.

108. For most businesses located within Wales this difference did not create a problem. However, the Chester Football Club stadium straddled the Wales/England border, with the pitch and stands located in Wales and the entrance and car parking located in England. Thus, the premises of the Club were subject to two different regulatory regimes. The Club itself considered it to be subject to the English regulations. It had played in the English league and been affiliated with the English Football Association for many years; its office was registered in England; and the safety certificate for the ground is issued by Cheshire West council which also owns the land. The Club therefore asserted it was subject to English regulations which meant it could

continue playing fixtures.

109. The situation first came to my attention on 22 December 2021 in an email exchange which I exhibit as **M2B-WG-RK-01/45c-INQ000388030**. This made clear that the Club was intending to play matches in its ground on 28 December 2021 despite the First Minister's announcement that day of the tighter measures that would apply from Boxing Day.

110. Advice from Welsh Government lawyers was clear that that enforcement was a matter for North Wales Police and the local authority, Flintshire, and that the Welsh Government regulations would apply within the Welsh border. It followed that any gathering of more than 50 people and the holding of an organised sporting event within the Chester ground would be unlawful.

111. The Club played another match following the Boxing Day change in Alert Level, on 2 January 2022. It planned to play further matches in the ground during January, starting with a youth match on 12 January and a league match with Brackley Town on 15 January. If they went ahead, both matches would be unlawful under the Welsh regulations.

112. North Wales Police was working with Flintshire County Council to try to resolve the situation and wrote a joint letter to the Club on 7 January 2022 which I exhibit as **M2B-WG-RK-01/45d-INQ000388033**. The Police forwarded to me their summary of

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the meeting that had taken place that day between the Police, the County Council and the Club, at which the Club had expressed its position that it was not subject to Welsh regulations and would be taking legal advice. I exhibit that email as **M2B-WG-RK 01/45e-INQ000388032**.

113. Also on 7 January 2022, I was passed an email by Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd and the Senedd Member for Wrexham. The Minister had been contacted by a Director of the Club expressing the Club's position that it had always been policed by Cheshire police and was subject to English law, not Welsh. I exhibit a copy of that email exchange as **M2B-WG-RK-01/45f INQ000388034**.

114. By 8 January 2022, there was considerable media interest including on BBC Wales. I provided Ministers with a briefing note on the background to the issue, including the views of the police and local authority, and possible next steps, which I

exhibit as **M2B-WG-RK-01/45g-INQ000388036**. The First Minister appeared on Sky News on Sunday 9 January 2022 and explained that his officials were pursuing a solution to the issue with those involved.

115. By the evening of that day, I had spoken to the Chief Executive of Cheshire Council, had further discussion with colleagues in the Welsh Government's Sport division and spoken further to Jim Green, Chief Executive of the Club. The proposal was that under existing Covid-19 financial support schemes it might be possible to provide some funding for the Club in line with that available to other Welsh football clubs when matches were suspended as a result of regulations. I exhibit a copy of the email update I circulated within Welsh Government as **M2B-WG-RK-01/45h INQ000388038**.

116. Jim Green had advised us that a Board meeting of the football club had been arranged for 7.30pm on Monday 10 January 2022. The Board intended to consider the Club's options with regard to continuing to play matches: should it continue with the matches; not play them, play them at another ground; or as was still possible, play behind closed doors.

117. Legal advice on Ministers' options to enable the matches to go ahead was provided by the Welsh Government's Legal Services on Monday 10 January 2022, which I exhibit as **M2B-WG-RK-01/45i-INQ000388043**. These options were being considered because it was recognised that the financial implications for the Club if the

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matches did not to go ahead were significant, and the view within Welsh Government was that we wanted to avoid that financial impact if possible.

118. I convened a meeting with the representatives of the Club for the afternoon of Monday 10 January 2022, chaired by Vaughan Gething, Minister for the Economy. The Police, Cheshire West and Chester Council, and Flintshire County Council also attended. I exhibit my briefing note for that meeting as **M2B-WG-RK-01/45j INQ000388045**. The purpose of the meeting was to allow everyone to outline their position, to identify and understand the constraints and options around continuing with the fixture, and to develop a collective understanding that would enable the Club to consider its position in possession of all the facts.

119. The Club's Board meeting that took place that evening agreed to postpone the

youth game and agreed that the Saturday fixture with Brackley Town would be played as an away match at St James' Park. Chester FC issued a statement to this effect on 11 January 2022, which I exhibit as **M2B-WG-RK-01/45k-INQ000388055**.

120. The situation was resolved shortly afterwards. The weekly review of regulations noted the changed and improving health situation and a Written Statement was issued by the First Minister on 14 January 2022 noting the improving public health situation and signalling that from 21 January 2022 all outdoor activities would be moved to Alert level zero. This enabled Chester to return to its normal schedule of home fixtures. I exhibit the statement as **M2B-WG-RK-01/45I-INQ000023309**.

Use of statistics and data

121. A number of sources of statistical information supported the preparation of Ministerial advice for the 21 Day Reviews. This included the TAC Modelling updates (the edition of 7 May 2020 is exhibited as **M2B-WG-RK-01/46-INQ000066276** by way of example); the TAC Advice summary documents (version of 16 October 2020 is exhibited as **M2B-WG-RK-01/47-INQ000066386** by way of example); the daily summary data published by PHW (example exhibited as **M2B-WG-RK-01/48- INQ000320973**); and the Welsh and UK Government statistical dashboards (an example of the England Summary is exhibited as **M2B-WG-RK-01/49-INQ000321243** and an example of the Welsh Government Data Monitor of 24 August 2020 is exhibited as **M2B-WG-RK-01/50-INQ000299564**). This was in addition, of course, to the information derived from SAGE. At a day-to-day level, the Public Health Wales circular

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Summary of all Confirmed Cases of Covid-19 was an important set of data, summarising the incidence data for Wales, along with changes over the past seven days; whether local authority areas were exceeding the green, amber and red threshold; and relevant information on the rates of testing. These summary documents were scrutinised daily by Ministers and officials, including me. Alongside this, daily statistics were provided by the Welsh Government Health and Social Care department about the pressure on the NHS and projections of demand against capacity.

122. HPAG and HPAG OSG also considered the weekly SBAR (Situation, Background, Assessment, Recommendation) reports which presented data collected through the Directors of Public Health Protection. I exhibit examples of the SBAR reports as

M2B-WG-RK-01/51-INQ000321088 and M2B-WG-RK-01/52-INQ000321171.

123. At a time of very significant pressure on colleagues across the public sector to manage the Covid-19 response, the collection of data was inevitably a challenge for individuals and organisations. However, the colleagues across the public services who provided the data understood very clearly that an effective and well targeted response to Covid-19 was reliant on timely and accurate information. It is my recollection that requests for information and statistics were responded to with appropriate priority.

Informal communications with colleagues in Welsh Government

124. I have been asked whether I used WhatsApp, text messaging or any other informal means of communication to communicate with anyone in Welsh Government. I did use WhatsApp and text messaging during the specified period. My use of WhatsApp and text messaging during the specified period was limited to communicating with Welsh Government Ministers and policy officials. The WhatsApp communications took place on my private phone as my Welsh Government device did not support the use of WhatsApp. The text messages also took place on my personal phone. These exchanges were mostly about arrangements for meetings, exchanging comments within meetings and, on occasion, about issues that had arisen at short notice. At no stage were these messages part of any formal decision making process. I have provided copies of the relevant WhatsApp groups and text exchanges that I was involved in.

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NON-PHARMACEUTICAL INTERVENTIONS

125. Others' statements have described in detail the mechanism of the 21 Day Review and I do not repeat that information here. It is, though, worth restating that the approach to the 21 Day Review process was established during April 2020 and that this remained the consistent model throughout the specified period. Regulations could only be made where there was an evidenced need to do so and, therefore, a robust and workable process was required to ensure that decisions were made using the right information and in a way that properly reflected Ministers' objectives and

reasoning.

126. My role in the 21 Day Review process evolved throughout the specified period. As I have outlined above, during the first three months, my role in relation to the Welsh Government's response to the emergence of Covid-19 was shaped by leading the emergency planning and preparedness function. As part of that, I also brought together the team which undertook the first 21 Day Review process which took place on 16 April 2020 and was followed by the second on 7 May 2020. At this stage, I had gathered three colleagues who designed the model process that shaped the approach which the review relied on for the rest of the specified period.

127. Under the direction of Debra Carter, then Deputy Director for Local Government Finance Reform in the Local Government Directorate, and with the support of two non senior civil service colleagues, Tom Smithson carried out the first 21 Day Review on 16 April 2020. I understand that further information about that first review is included in Tom Smithson's witness statement to the Inquiry, M2B-WG-TS-01. My intention in forming a team that took on responsibility for managing the 21 Day Review process was to ensure that we had an efficient process to enable officials to develop policy advice for Ministers and Cabinet at great pace and in a way that would provide high quality, regular, consistent and understandable advice on which properly informed decisions could be made about the implementation or relaxation of NPIs, and other measures to manage the pandemic. It was my view that this unprecedented pace required a new and tailored approach.

128. Tom Smithson subsequently took over from Debra Carter towards the end of June 2020 after the third 21 Day Review, and the work moved into the Covid-19 Project Team. I chaired a weekly meeting of colleagues from policy departments across the Welsh Government to help inform, shape and test the advice that we would put to Ministers. I understand that a chronological summary of the process followed by the

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team throughout the specified period is addressed in more detail in Tom Smithson's witness statement, M2B-WG-TS-01.

129. It was my responsibility to oversee the development of the advice that was presented to Ministers as part of the 21 Day Reviews. This included responsibility for ensuring any measures that were recommended met the relevant tests (that is, they were evidence-based and proportionate, taking into account an assessment of the

balance of harms). I was also responsible for ensuring that any such advice drew on input from a sufficiently wide range of colleagues from different policy areas across the Welsh Government. In addition, I was able to make appropriate links with local authorities, and the fire and police services, to ensure that our advice took account of as many external views as possible. Normally, a member of the Project Team would be in attendance at 21 Day Review meetings, and therefore able to feed the information back into the review work. I exhibit an example of the Ministerial advice and supporting documentation that would be prepared in each review as **M2B-WG-RK-01/53-INQ000321147, M2B-WG-RK-01/53a-INQ000320916, M2B-WG-RK-01/53b-INQ000349768, M2B-WG-RK-01/53c-INQ000321117, M2B-WG-RK-01/53d-INQ000227443, M2B-WG-RK-01/53e-INQ000321157, M2B-WG-RK-01/53f-INQ000321119, and M2B-WG-RK-01/53g-INQ000321118.**

130. In addition, where case numbers were moving quickly, it was occasionally necessary to provide interim advice to Ministers in case they wished to act sooner than the next formal review point. These decisions were often necessary given the pace at which the virus would spread, requiring immediate tightening of the restrictions then in place. These interim decisions were also an important way in which Ministers discharged their responsibility – as well as their strong wish – to lift measures should they no longer be proportionate.

131. Many restrictions or measures were considered on more than one occasion or indeed on a continual basis, such as working from home, which was itself aligned with the wider measures around self-isolation and minimising social contact. In relation to some restrictions or measures, policy departments provided their own advice which was informed by work they had carried out with stakeholders and TAC; for example, the closure and re-opening of schools. Health colleagues would also often develop their own advice on specific measures that required technical, expert input, such as the use of face coverings. All this material was fed back to Cabinet alongside the

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composite advice to the First Minister that set out the recommended measures and which it was my responsibility to coordinate and sign off on.

132. As I noted earlier, the Permanent Secretary appointed Tim Render as Programme Director for the Welsh Government's Covid-19 response, in around March 2020. Although the arrangement created more resilience at senior leadership level and

some deputising capacity, Tim's role was quite different to mine, which was focused on the emergency response and local government engagement. His role was to develop a programme of work for ExCovid, including the compilation of corporate risk registers, logs of issues to be considered by ExCovid, and cross-government communication and coordination arrangements. He did not have any responsibility for the 21 Day Reviews. Tim Render moved to a new role in June 2020 and was replaced by Simon Brindle, who was appointed by the then Permanent Secretary as Director of the Restart and Recovery Directorate to take forward Ministers' planning for recovery from Covid-19. It was at this point that overall responsibility for the 21 Day Review process transferred from me to Simon Brindle, as well as aspects of international travel in respect of the Covid-19 response.

133. Thus, overall responsibility for the 21 Day Review moved away from me in June 2020, but I remained closely involved with the ongoing reviews as part of my emergency preparedness function, as well as in my capacity as Director of the Local Government Directorate with responsibility for local government policy, finance and the Welsh Government's relationship with local authorities, all of which was directly relevant to the 21 Day Reviews.

134. In summary, therefore, Director-level responsibility for the 21 Day Review process over the specific period lay with me from the first review in April 2020 until June 2020 (though as I have explained above, I relied heavily on Tom Smithson and Debra Carter and the team that was formed under them to deal with the day-to-day management of the process). From June 2020, overall responsibility passed to Simon Brindle, when he was appointed Director of Recovery and Restart (with, I understand, Tom Smithson continuing to lead on the day-to-day management). From July 2021, Liz Lalley took over from Simon Brindle as interim Director of Recovery and Restart and became responsible for oversight of the 21 Day Review process at that time (and again, Tom Smithson continued to manage the process day-to-day, until January 2022, when Tom's role was taken over by Christopher Warner). From the time that I became Director General for Covid Crisis Coordination in September 2020, both Simon

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Brindle and then Liz Lalley reported directly to me, including in relation to the 21 Day Reviews, but I had very little direct involvement in the process.

Autumn 2020: Firebreak and Christmas

135. Following the reduction in the number of cases of Covid-19 during the summer of 2020, the incidence of the virus began to increase rapidly in the south east of England. The UK Government was concerned and had already taken action to impose local restrictions in certain areas of England since earlier in the summer of 2020. In Wales, we were of course aware of the situation in England, and we continued to monitor developments there as well as the infection rates within Wales, although the rates of increase were, at that stage, slower than in England. However, it was not unusual for incidence in Wales to be two to three weeks behind that in the south of England, and therefore we were confident that we would experience similar growth in due course, and were planning on that basis.

136. Ministers were acutely aware of the range of social and economic impacts that a return to a strict universal lockdown across Wales would bring. In their view, it was necessary to manage this wave of the virus by taking precautionary measures to slow the spread, while minimising the curtailment of individuals' freedoms and economic harm. It was considered that dealing with outbreaks at a local level would help to reduce the risk of individuals contracting the virus, while limiting the number of people subject to restrictions.

137. Matters in Wales developed in early September 2020, when there was a significant cluster of Covid-19 cases in Caerphilly County Borough Council (CBC) shown by the Public Health Wales daily publication of its data summary of all confirmed cases of COVID-19 by Local Authority area, an example of which is exhibited as **M2B WG-RK-01/54-INQ000220703**. I recall that I and my colleagues were aware of this issue in the week of 31 August 2020, through HPAG's outbreaks and incidents sub group (to which I referred earlier in this statement) and through informal discussions with colleagues in local government. Public Health Wales suggested that the increase was the result of people not following social distancing rules in place at the time and that view was reported in the media.

138. On the evening of Thursday 3 September 2020, I received a call from the Chief Executive of Caerphilly CBC, who wanted to discuss her concerns about the rising

numbers in the area, prompted, I understand, by the Leader of her Council. She wished to consider with me what measures could be taken to try to bring the growing incidence under control. I exhibit an email that I sent to the CMO, Simon Brindle (then

Director with responsibility for the 21 Day Review), and the CSAH on the morning of 4 September 2020, outlining the need to clarify what the escalation processes from local level were, and my discussion with the Caerphilly Chief Executive **M2B-WG-RK-01/55- INQ000320919**. I also exhibit a press release dated 4 September 2020 that was issued jointly by Public Health Wales, the Aneurin Bevan University Health Board, and the CBC, urging people to observe social distancing as **M2B-WG-RK-01/56- INQ000320920**.

139. Following this email exchange, I understand there were discussions between the Leader of the Council and Ministers over that weekend. I do not believe officials were involved and I was not present for these discussions. On the morning of Monday 7 September 2020, I met with representatives of Caerphilly CBC, the Chief Executive of Aneurin Bevan University Health Board, Public Health Wales, and other Welsh Government officials, to discuss our next steps. At this meeting, it was agreed that Caerphilly would compile, in conjunction with Public Health Wales, a list of additional measures that it wanted to implement in the County Borough, and that these proposed measures would then be further discussed within Welsh Government before advice went to Ministers. Neither I nor the team assisting me have been able to locate a formal note of this meeting and I think it is unlikely, given the urgency of the situation and the speed with which we were operating, that one was taken. To assist the Inquiry, I exhibit two email updates circulated within the Welsh Government's Health Policy Directorate both during and shortly after the meeting on 7 September 2020, which provide a brief summary of the discussion **M2B-WG-RK-01/56a-INQ000376525** and **M2B-WG-RK-01/56b-INQ000385545**. I was not included on these emails though they were likely passed on to me at the time.

140. My recollection of that day is that there was continued informal discussion between Welsh Government officials and representatives of Caerphilly and the other entities involved, regarding the proposed measures. Later the same day, 7 September 2020, I met, along with Ministers and other local authority Chief Executives to inform them of the developments with Caerphilly. There was then a further meeting at the end of the day, at 5pm, attended by Ministers and key Welsh Government officials, by which time there was a final proposed list of measures that was agreed between Caerphilly, the health advisers, and policy officials, which we would be asking Ministers

in August 2020 (and the development of which I understand is addressed in more detail in the witness statement of Tom Smithson, M2B-WG-TS-01). Those proposed measures are set out, alongside the measures that were not agreed and which were therefore not recommended to Ministers, in the note dated 7 September 2020 which I exhibit as **M2B-WG-RK-01/57-INQ000320925**. The recommended measures were approved by Ministers at that meeting, and at 5.30pm, the Health Minister issued a press notice informing the public of the range of new measures that would come into force with effect from 6pm on Tuesday 8 September 2020, as well as a Written Ministerial Statement. I exhibit a copy of that press notice as **M2B-WG-RK-01/58-INQ000221214** and the Written Ministerial Statement as **M2B-WG-RK-01/59-INQ000321041**.

141. Work was then carried out by the Office of the Legislative Counsel to draft the necessary amendments to the Regulations that were put into force to introduce the concept of a Local Health Protection Area, meaning an area that is made subject to additional measures beyond those that were in place nationally at any given time. The additional measures that were imposed in relation to Caerphilly prohibited households in the area from forming extended households; prohibited residents of the area from leaving or remaining away from the area without reasonable excuse; prohibited people outside of the area from entering the area without reasonable excuse; and required people in the area to wear face coverings at open premises, subject to some exceptions. The measures were to be reviewed on or before 24 September 2020 and at least every seven days after that. I exhibit the Ministerial Advice MA/FM/2952/20 that was presented to the First Minister on 8 September 2020 recommending those legislative amendments **M2B-WG-RK-01/60-INQ000116696**.

142. Also on 8 September 2020, there was a meeting of HPAG, the minutes of which I exhibit as **M2B-WG-RK-01/61-INQ000320985**. As is recorded in the minutes, there was a discussion at that meeting about the current situation in Caerphilly, and more generally about localised outbreaks that were happening across Wales. The point was made that, with transmission rates increasing as rapidly as we were then seeing, the then two-weekly meetings of HPAG did not provide an effective means by which urgent discussions regarding potential emergency measures could take place. In the case of Caerphilly, as I have outlined, the discussions that led to the imposition of additional measures took place on a less formalised, more ad hoc basis, and outside of the HPAG meetings schedule – by the time of the meeting on 8 September 2020, the measures

had already been implemented. It was therefore agreed at this meeting that we would establish a HPAG sub-group which would meet on a daily basis to advise Ministers (directly and without needing to go through HPAG) on rapidly developing localised situations that might require urgent action to be taken, including the implementation of further Local Health Protection Areas. It was as a result of these discussions that the HPAG Outbreak Sub-Group (HPAG OSG), which I chaired, was established. HPAG OSG met for the first time on 10 September 2020, and I exhibit the minutes as **M2B WG-RK-01/62-INQ000321129** and the draft Terms of Reference as **M2B-WG-RK**

01/63-INQ000320969. HPAG OSG continued to meet daily throughout the working week, and very often at weekends as well, until 1 April 2022. By way of background, I note that there had in fact been an earlier discussion, in July 2020, within HPAG regarding the need for a more focussed sub-group to be established, with more regular meetings, to address the localised outbreaks that were then beginning to occur. I exhibit as **M2B-WG-RK-01/64-INQ000320903** a paper that I submitted to HPAG in advance of the meeting on 7 July 2020 making proposals for such a sub-group. As recorded in the minutes of that meeting (para 5.4), which I exhibit as **M2B-WG-RK 01/65-INQ000320912**, it was agreed that a sub-group would be established and would meet weekly to monitor localised outbreaks. In the event, this sub-group was then superseded by the HPAG OSG.

143. The UK Government had taken a rather more directive approach to local restrictions in England, and this had been the subject of much debate and commentary by affected local authority leaders in England at the time. By contrast, and as I have outlined in my first statement to the Inquiry on local government matters **M2B/WG/LGD/01**, the approach of Welsh Ministers to these significant decisions affecting local areas was to establish, in collaboration with local authority leaders, a common understanding of the evidence base and an agreed solution as to the measures required. The Caerphilly CBC measures, and implementation of Local Health Protection Areas in Wales generally from then on, reflects that collaborative approach.

144. In addition, and again reflecting the Welsh Government's collaborative relationship with local government, throughout the period that the Caerphilly situation was under consideration I remained in communication with senior officials in local authorities to

keep them apprised of developments, and also with the police. This communication included the weekly Strategic Coordination Group (CCG) Chairs' meeting, which I attended, as well as my more day-to-day engagement with the Police

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Liaison Unit, which represents Chief Constables and Commissioners in their interaction with the Welsh Government. Although a unit of the police, the PLU was accommodated within the Community Safety Division of the Welsh Government's Local Government Directorate. At the SCG meetings, the epidemiological evidence was presented by colleagues from TAC and on occasion PHW, and the proposed actions, including the NPIs that would be put in place, were set out by me or, more often, a member of the 21 Day Review Team.

145. Following the implementation of the Caerphilly CBC Local Health Protection Area, community transmission continued to grow. This was reflected in TAC's Summary Brief of 11 September 2020, a copy of which I exhibit as **M2B-WG-RK 01/66-INQ000066383**. The Summary Brief also recorded that there was significant uncertainty at this time as to the actual growth rate, which was likely to have been higher than the then current R number in Wales suggested.
146. In an attempt to address these continued localised outbreaks, towards the end of September 2020 and during the beginning of October 2020, new Local Health Protection Areas were put in place in Rhonda Cynon Taf, Merthyr Tydfil, Newport, Bridgend and Blaenau Gwent, Swansea, Cardiff, Llanelli, Neath Port Talbot, the City of Bangor and the Vale of Glamorgan, following similar discussions with those councils. I exhibit the available Ministerial Advices for some of those decisions as **M2B-WG-RK 01/67-INQ000116805**, **M2B-WG-RK-01/68-INQ000321149**, **M2B-WG-RK-01/69-INQ000116774** and **M2B-WG-RK-01/70-INQ000145507**. All these measures were reviewed on a weekly basis, alongside the general 21 Day Review process.
147. The implementation of Local Health Protection Areas appeared to have an impact on slowing the growth in case numbers locally, but the epidemiological evidence indicated that this was not an effective approach in the face of accelerating community transmission across all areas of Wales, as was observed to be happening by early October 2020. I was present for a COBR meeting on 12 October 2020 at which the tiered approach that was about to commence in England was discussed, and at which the First Minister asked whether a circuit-breaker, or firebreak, lockdown would be considered, as had been advised by SAGE. I exhibit the minutes of that

COBR meeting as **M2B-WG-RK-01/71-INQ000083851**.

148. Unlike the tiered approach being adopted in England, in Wales, TAC, with the support of the CMO, made proposals for a limited period of simple, strict national restrictions that would be put in place quickly, with the aim of significantly reducing the

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prevalence of the virus. TAC's Firebreak advice was published on 19 October 2020 **M2B-WG-RK-01/71a-INQ000300208** but I was involved in discussions much earlier than that regarding the possibility of a firebreak being implemented in Wales (see for example the email chain on 13 October 2020 **M2B-WG-RK-01/71b-INQ000385723**). In order to focus on this potential, on 13 October 2020, I convened the Firebreak Implementation Group, which consisted of senior policy officials across Welsh Government, and arranged a meeting to take place the following morning, on 14 October 2020. I exhibit as **M2B-WG-RK-01/72-INQ000320989** the email that I sent to the members of the Group, notifying them that the First Minister was considering the possibility of a firebreak lockdown, and explaining that it would be the responsibility of the Group to manage the implementation of the firebreak, if it were approved, and to provide ongoing support to Ministers.

149. On 15 October 2020, there was a meeting of Cabinet at which the First Minister sought Ministers' agreement in principle to proceed with a firebreak lockdown, with further work to be undertaken to firm up the proposals as to what exactly the restrictions would be. Ministers were provided with a briefing paper authored by Tom Smithson, who led on the policy work that was carried out in relation to the firebreak lockdown. The briefing paper explained the current situation and the potential measures. I exhibit the briefing paper and its Annexes as **M2B-WG-RK-01/73-INQ000048876**, **M2B-WG-RK-01/73a-INQ000048873**, **M2B-WG-RK-01/73b-INQ000048874** and **M2B-WG-RK-01/73c-INQ000048875**, and the minutes of the Cabinet meeting, which I attended, on 15 October 2020 as **M2B-WG-RK-01/74-INQ000022499**.

150. Meanwhile, there were further meetings of the Firebreak Implementation Group on 15 October and 16 October 2020, which I chaired. I met again with the First Minister on 17 October 2020, in preparation for the Cabinet meeting that then took place on 18 October 2020, when the First Minister sought approval of the substantive proposals for the restrictions to be imposed. I exhibit the minutes of the Cabinet meeting on 18 October 2020 as **M2B-WG-RK-01/75-INQ000022500**, and the papers

that were provided for the purpose of that meeting as **M2B-WG-RK-01/76-INQ000048887**, **M2B WG-RK-01/76a-INQ000048877**, **M2B-WG-RK-01/76b-INQ000048880**, **M2B-WG-RK-01/76c-INQ000048879**, **M2B-WG-RK-01/76d-INQ000048878**, **M2B-WG-RK-01/76e-INQ000048885**, **M2B-WG-RK-01/76f-INQ000048884**, **M2B-WG-RK-01/76g-INQ000048882**, **M2B-WG-RK-01/76h-INQ000048881** and **M2B-WG-RK-01/76i-INQ000048883**.

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151. Cabinet met again on the morning of 19 October 2020 when there was a further discussion about the substantive proposals, and it was agreed that the firebreak would take effect from 6pm on Friday 23 October 2020 until Monday 9 November 2020. I exhibit the minutes of that meeting of Cabinet as **M2B-WG-RK-01/77-INQ000048802**. On the same day, a Ministerial Advice MA/FM/342820 was presented for approval of the new set of restrictions, which I exhibit as **M2B-WG-RK-01/78-INQ000176863** as well as an accompanying summary document of NPIs as **M2B-WG-RK-01/79- INQ000321236**. I did not have any involvement in the production of that MA but I exhibit it in order to assist the Inquiry.
152. The aim of the firebreak was to significantly reduce the prevalence of the virus across all areas of Wales concurrently, so as to protect the health of individuals and to ease the pressure on the NHS.
153. A significant factor in Ministers' consideration of the length of the firebreak was the availability of economic support through the Coronavirus Job Retention Scheme (CJRS). The scheme, which was provided on a UK basis by HM Treasury, was due to close at the end of October 2020. I am aware that, around the same time that the possibility of a firebreak lockdown was being considered within Welsh Government, there were discussions between HM Treasury and Welsh Government officials with responsibility for finance policy, during which assurance was sought that the CJRS would continue beyond the end of October 2020. I am aware that there was also correspondence at Ministerial level. I did not play a direct role in that correspondence but I was aware it was taking place and I had a close interest in the outcome. The future of the CJRS was directly relevant to the advice we were providing to Ministers as to the different options for implementing the firebreak, and the likely impact of such options, in particular the financial impact on business and working members of the public.
154. If the UK Government was to continue the CJRS beyond the end of October 2020,

then the possibility of implementing the firebreak for three weeks rather than two – in line with the advice that the Welsh Government had received from TAC, as outlined in the Cabinet minutes that I exhibited earlier – would have been a realistic option. In all probability, that is the approach we would have recommended to Ministers. However, HM Treasury continued to assert that the scheme would finish at the end of October 2020, meaning that the economic harm to businesses, individuals and families in Wales created by a period with no CJRS support in place would obviously have

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been significant. This was the position when Cabinet was considering the firebreak decision.

155. The decision to implement the firebreak lockdown balanced all the available epidemiological, social and economic factors. On the one hand, there was the accelerating trend in case numbers and the potential for the direct and indirect health harms as a result of those rising numbers. On the other, the economic impact of not having the CJRS in place for part of the firebreak was very significant. The Cabinet agreed that the firebreak should be set to two weeks, rather than the three as suggested by TAC. This was finally agreed at the Cabinet meeting on 19 October 2020 as I have referred to above, and the public announcement was made that evening. It was surprising when, on 5 November 2020, alongside the announcement of new lockdown measures in England, the Chancellor of the Exchequer announced that the CJRS would be extended until December 2020 (and, subsequently again, until March 2021). This lack of openness by the UK Government and its unwillingness to engage constructively with the fundamental principles underpinning critical national decisions for Wales prevented the Welsh Government from implementing measures which were recommended by the scientific experts.

156. Within Welsh Government, it was accepted that case numbers would be unlikely to fall during the firebreak period as the measures would take a couple of weeks to have an impact on the growth in infection rates.

157. During the firebreak period, I was aware that there was work underway, led by Liz Lalley, regarding preparation for the Christmas period and potential options for families to be able to mix and for people to be able to travel. The aim was to agree a common approach between the four nations and I understand that there was communication between policy officials from the four nations for that purpose. I was not directly involved in this work but I was aware that it was happening, as I recall,

from around early November 2020.

158. The issue was formally raised in a COBR meeting on 24 November 2020 and I exhibit the minutes as **M2B-WG-RK-01/80-INQ000083850**. I was present for this meeting of COBR and so I was aware of the discussions that took place, but this work continued to be led by Liz Lalley for Welsh Government. A joint statement was agreed and issued later that day which I exhibit as **M2B-WG-RK-01/81-INQ000321231**. It was felt that allowing limited travel and contact over the Christmas period would mitigate the potential of people ignoring the measures then in place altogether and thereby

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normalising non-compliance. Welsh Government was provided with a paper in advance of the COBR meeting which explained that advice had been taken from a range of sources to understand and minimise the risk of driving transmission upwards, while managing the health risk that increased social mixing would create. In line with government security practice, I did not retain a copy of this paper and so am not able to exhibit it.

159. Arrangements for Christmas were also discussed during the weekly meetings between the Chancellor of the Duchy of Lancaster, Michael Gove, and the three First Ministers, Mark Drakeford, Nicola Sturgeon and Arlene Foster. I attended these meetings as well. I exhibit the notes of the calls that took place on 11 November 2020, during which the subject of Christmas was referred to briefly for the first time, and on 18 November 2020, 21 November 2020, 2 December 2020, and 9 December 2020 as **M2B-WG-RK-01/82-INQ000216557**, **M2B-WG-RK-01/83-INQ000256881**, **M2B-WG-RK-01/84-INQ000216559**, and **M2B-WG-RK-01/85-INQ000256886**.

160. Also around the same period, a new Covid variant had been identified which was spreading quickly through the south of England. A meeting of the four First Ministers was called by the CDL on 19 December 2020, which as usual I attended. I exhibit the notes of that meeting as **M2B-WG-RK-01/86-INQ000216563**. CDL explained that in view of the virulence of the new strain of Covid-19, a decision of the UK Cabinet was likely which would suspend the agreed Christmas arrangements and to put many local authority areas in the south and east of England into the English Tier 4 measures (effectively lockdown). I recall that the formal decision was to be taken later that afternoon and announced by the Prime Minister that evening.

161. The First Minister called a Cabinet meeting immediately and I prepared a short

Cabinet paper setting out a number of options which I exhibit as **M2B-WG-RK-01/87-INQ000321025**. I also exhibit the minutes of the Cabinet meeting as **M2B-WG-RK 01/88-INQ000048803**, at which it was agreed to bring forward the plans to move Wales into Alert Level 4 with effect from midnight that day, rather than 28 December 2020 as had previously been planned. The First Minister issued an announcement later that day which I exhibit as **M2B-WG-RK-01/89-INQ000216561**.

162. In line with our normal engagement practice, on the same day (19 December 2020), I convened a meeting with the Minister for Housing and Local Government and local authority leaders at 4pm, at which the local authority leaders were briefed on the latest epidemiological information, the decision that had been taken by Cabinet earlier

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that day, and the detail of the measures. The Police and Crime Commissioners, Chief Constables, Fire Authority Chairs, and Chief Fire Officers, would have been in attendance also. It has not been possible to locate a copy of any note of this meeting and my recollection is that it is unlikely to have been minuted. I recall that the First Minister's Written Statement and press notice were shared with the attendees of the meeting in advance of his announcement.

INTERACTION AND COMMUNICATION WITH THE UK GOVERNMENT

163. From the beginning of the pandemic, it was the First Minister's clear wish and intention that the Welsh Government's approach to Covid-19 should be part of a four nation response wherever possible. This required open, effective and timely communication between the four nations as a matter of absolute priority. Communication took place at two levels: the official and the political. I was directly involved in both.

COBR meetings

164. I attended my first COBR meeting on 4 March 2020 and continued to attend on a regular basis throughout the specified period, initially in my emergency planning and response role and, from September 2020, in my capacity as Director General for Covid Coordination. A number of other Welsh Government colleagues were present for those COBR meetings; for example, officials from the HSC department, the office of the CMO, the Communications department, and the Office of the First Minister. On

occasion, officials from other Welsh Government departments attended to represent particular policy interests, such as transport, agriculture, or finance. While this wide membership reflected the range of issues that were discussed at COBR, it also reflected the breadth of devolved responsibility of the Welsh Government and the need for the relevant policy experts to be represented at the meetings. No single official would be able to do that effectively.

Ministerial Implementation Groups (MIG)

165. My engagement with the UK Government continued with the establishment of the four Ministerial Implementation Groups during March 2020. The four groups were:

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- The Health Ministerial Implementation Group (HMIG), which was set up to consider the impact of Covid-19 on NHS capacity, social care capacity, public health, and other health and social care provisions.
- The General Public Sector Implementation Group (GPSMIG), the focus of which was to coordinate public sector pandemic response across the UK, excluding the NHS and social care.
- The Economic and Business Response Implementation Group (EBRMIG), the focus of which was on the economic and business impact of the pandemic, and response; and
- The International Ministerial Implementation Group (IMIG) which focused on the UK's role in the coordination and delivery of the international health and economic response.

166. With the exception of the IMIG, Welsh Government Ministers and officials attended all groups. The agendas for these meetings were broad, and therefore Welsh Government Ministerial attendance was mostly determined by the subject under discussion. I attended almost all of the GPSMIG meetings, and the Covid-19 Project Team coordinated briefings to Ministers for those meetings as required, as well as providing the secretariat for Ministers in relation to all MIGs.

167. In the early weeks of the MIGs operating, the UK Government MIG secretariat issued direct requests for contributions from the Welsh Government to specific papers that were being prepared for the meetings. It was common for us to be

provided with the papers during the morning of the meeting itself, which normally started around 1pm. On occasion, the papers would be circulated as late as an hour or two in advance. That made commissioning, compiling and submitting briefings to Welsh Ministers, often on complex and wide-ranging subjects, very challenging. In addition, while Welsh Government officials and the Covid-19 Project Team worked hard to provide support to Ministers in preparation for the MIGs and responded to requests for information from UK Cabinet Office, it was often difficult to see that reflected in the meeting papers. Clearly, given these circumstances, the MIGs did not in my view provide an effective means of engaging Welsh Government interests, or of ensuring that the detailed and considered views of Welsh Ministers were obtained and taken into account. I would also say that the MIGs did not enable UK Government Ministers to consider fully the impact of significant strategic issues across the UK.

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168. I have been asked to provide any documents that illustrate these comments that I have made about the MIGs. I would refer to the following examples:

- (a) The meeting of the GPS MIG on 27 March 2020 involved a discussion regarding labour shortfalls in the agriculture sector. This topic had implications for the sector in Wales, but these were not reflected in the papers that were prepared and circulated by the Cabinet Office in advance of the meeting, and the discussion focused largely on the agricultural areas in the East of England. I exhibit the email received from Cabinet Office on 26 March 2020 setting the agenda as **M2B-WG-RK-01/89a-INQ000383990** and another email received from Cabinet Office on the morning of 27 March 2020 **M2B-WG-RK-01/89b INQ000383991** with 5 attachments as **M2B-WG-RK-01/89c-INQ000383992**, **M2B-WG-RK-01/89d-INQ000383993**, **M2B-WG-RK-01/89e-INQ000383994**, **M2B-WG-RK-01/89f-INQ000383995**, **M2B-WG-RK-01/89g-INQ000383996**.
- (b) The meeting of the GPS MIG on 14 April 2020 involved a discussion about medical business support offers (i.e. offers received from medical businesses to provide additional support to government and the NHS). Again, this discussion focused on UK Government policy positions and therefore the position in England. This topic was covered by verbal updates provided at the meeting by the Department for Health and Social Care, as to how DHSC was

choosing to process and manage such offers. I exhibit the agenda for the meeting as **M2B-WG-RK-01/89h-INQ000388305** and a thread of internal Welsh Government emails regarding the Welsh Government's perspective on this topic as **M2B-WG-RK-01/89i-INQ000384334**.

(c) The meeting of the GPS MIG on 1 May 2020 involved a discussion about school examinations. I exhibit the paper had been produced by the Department for Education as **M2B-WG-RK-01/89j-INQ000384723**. Again, while Ministers from Devolved Administrations were asked to contribute to this discussion, their views did not appear to be taken into account.

(d) The meeting of the GPS MIG on 17 April 2020 involved a discussion about the equitable treatment of public sector workers. Welsh Government provided a detailed contribution for the paper that was prepared by UK Cabinet Office in advance of this meeting, but none of the material that we provided featured in the paper, which made no reference to the Devolved Governments at all and instead provided a summary of the steps taken by various UK Government

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departments. I exhibit the Welsh Government briefing that was submitted to Cabinet Office as **M2B-WG-RK-01/89k-INQ000384399** and the paper that was circulated by Cabinet Office before the meeting as **M2B-WG-RK-01/89l-INQ000384431**.

169. These occasions, which are examples, all contributed to a developing view that the MIGs were primarily focused on England and UK government policies, rather than providing a forum for the development of an effective four nation approach to important issues, or a means for developing an informed view of the critical issues facing public services across the UK and potential solutions.

170. Both COBR and the MIGs brought the four nations together and provided Welsh Ministers with an understanding of the data which was supporting UK Government planning and an indication of the key decisions that were being discussed or considered as part of the response to Covid-19 in England. Undoubtedly, this was some help to us as officials when considering and advising Ministers on our own policy approaches for Wales. To that extent, the engagement with UK Government via COBR and the MIGs was positive and helpful. However, the potential for these forums to bring greater coherence to the four nations response was never fully realised. The lack of consultation with Welsh Government officials on the preparation of agendas and papers and the extremely short notice circulation of meeting

materials meant we had insufficient time to understand the implications for Wales and then to brief Ministers fully on our options, including whether and how Ministers may want to contribute to the discussions. Early COBR meetings were an example of this. This led to great frustration among Ministers (and officials), and created the perception - which was demonstrated in practice - that UK Government decisions were simply a fait accompli for the other nations.

Chancellor of the Duchy of Lancaster meetings

171. I regularly attended the calls that were held by the Chancellor of the Duchy of Lancaster between the Devolved Governments. I understand that the notes of the CDL calls have been exhibited to the witness statement of the First Minister and so I do not exhibit them here. Throughout the specified period, the information obtained on the CDL calls was fed back to Welsh Government policy officials as appropriate, including as part of the 21 Day Reviews.

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Joint Biosecurity Council

172. During April 2020, I was contacted by Tom Hurd and other UK Government officials who were developing a new organisation that was to be called the Joint Biosecurity Centre (JBC). Mr Hurd seemed keen to engage with the devolved nations and to do so in an open and positive way, which I found encouraging. The intention was to establish a new organisation, the purpose of which would be to identify outbreaks of Covid-19 across the four nations as early as possible, and to ensure that decision makers had access to the best possible information and evidence when planning how to respond. This was at a time when expertise, innovation and collaboration was at a premium, and I was impressed by the proposal that the Welsh Government should be a part of this initiative. Some colleagues had reservations about the potential value of the JBC to the Welsh Government's decision making, given it was situated in the UK Government and in view of the difficulties that officials had experienced in accessing SAGE data. From the outset, all nations agreed that the JBC would not be able to take or direct any operational decisions. Rather, it would work for all nations of the UK, having access to data and drawing together expertise, learning and insight into a single organisation. Clearly, this required working in a strong spirit of collaboration and partnership.

173. The First Minister agreed the Welsh Government's participation in the JBC further to the Ministerial Advice dated 2 June 2020, MA/FM/17984/20, which I cleared. It is exhibited as **M2B-WG-RK-01/90-INQ000320880**.

174. Jo Trott, who until this time had headed the Covid-19 Project Team, was seconded to the JBC from the end of May 2020 (which is addressed in more detail in the statement that she has provided to the Inquiry M2B/WG/JT/01). I worked closely with Jo Trott to oversee the Welsh Government's involvement with the JBC, including in the early stages of its establishment and the discussions that took place regarding its governance structure (which was formalised in the document I exhibit as **M2B-WG-RK-01/90a-INQ000321048**). I sat on the Steering Board that was set up to provide executive leadership to the organisation. I exhibit the Terms of Reference of the Steering Board as **M2B-WG-RK-01/91-INQ000299747**. Jo Trott worked extensively on the production, between the four nations, of what became the JBC's Operating Model (which I exhibit as **M2B-WG-RK-01/92-INQ000320879**), as well as the agency agreement between the Secretary of State for Health and Social Care and the Devolved Governments (which I exhibit as **M2B-WG-RK-01/93-INQ000321047**). Jo

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Trott also led the policy development internally within Welsh Government regarding our use of and working relationship with the organisation, including advice to Ministers on developments in this area.

175. During an extraordinary time, it is my view that the development of the JBC was an exemplar of effective joint working on a complex matter by the four nations, achieved with a proactive attitude, commitment, and a desire to succeed.

Calls with the office of the Secretary of State for Wales

176. My informal contact with colleagues in the UK Government was limited to a series of telephone calls with Glynne Jones, Director of the Office of the Secretary of State for Wales, in the Wales Office. We established these calls initially on a daily basis (the first of which is recorded in my diary as taking place on 26 March 2020), as a means of understanding potential challenges at official or political level and to see if we could identify ways of resolving them to support better Ministerial business. For example, the point I make above regarding late meeting papers for the MIG meetings featured regularly in the discussions I had with Glynne Jones, who would then raise

the issue with UK Government. These calls were useful for understanding our respective challenges; however, they did not seem to make any material difference to the difficulties that we experienced in dealing with the UK Government. Although diarised daily, our contact was sporadic and so we moved to weekly calls in early May 2020. The last scheduled call I can identify was 16 July 2020. There were no agendas for the calls and I did not keep any notes.

Informal communications

177. I have been asked whether I used WhatsApp, text messaging or any other informal means of communication to communicate with anyone in UK Government, which I did not.

INTERACTION AND COMMUNICATION WITH WELSH LOCAL AUTHORITIES

178. Throughout the pandemic, Welsh Ministers were committed to working with local government in relation to our response to the pandemic, to make sure that there was a common understanding of the evidence on which decisions were taken and the rationale for those decisions. Welsh Ministers were also committed, where possible,

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to providing advance warning of changes to the framework of measures to colleagues in local government, who would often be responsible for implementing those decisions. Ministers led this approach to engagement and I, along with colleagues, was heavily involved in facilitating that engagement, as I detailed in the statement that I provided in relation to my role as Director of Local Government Department, M2B/WG/LGD/01.

179. One additional point relating to my interaction with local government which was not addressed in my Local Government statement is that I supported the First Minister at the Wales Resilience Forum (WRF) which met once during the period. As a group which is primarily concerned with setting strategy for emergency planning, response and recovery, its role was necessary limited during a period of sustained and rapid response. It met only once, and I exhibit the minutes as **M2B-WG-RK-01/94-INQ000321110**. In the normal course of business, the Wales Resilience Partnership Team supports the WRF. I would not generally engage with that Team and did not do so during the pandemic.

180. I have also been asked about the Shadow Social Partnership Council (SSPC) and

the Workforce Partnership Council (WPC), which I did not address in my Local Government statement. The Shadow Social Partnership Council, chaired by the First Minister, continued to meet during the specified period and became an invaluable part of the consultative processes of the 21 Day Review. I attended these meeting from time to time. The SSPC brought together a diverse membership drawn from the public and private sector and was a vital conduit through which the views of partners would feed directly into Ministerial advice, helping to shape Cabinet papers and discussions, and informing final Ministerial advice.

181. The Workforce Partnership Council also continued to meet during the specified period. The WPC is a tripartite council that brings together Welsh Government, employers, and trade unions. I attended these meetings from time to time.

DIVERGENCE

182. I have been asked to comment as to my involvement in any decisions made by the Welsh Government that reflected a divergence in approach from that taken by the UK Government.

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183. The UK is a socially, economically and geographically diverse country consisting of four separate nations, each with their own democratically elected devolved governments exercising a range of powers. Those devolved governments inevitably have different values, visions, political philosophies and democratic mandates to act and make their own decisions.

184. During Covid-19 each devolved government had different risk appetites at different times; for example, the value which each government attached to maintaining public services varied; as did the level of risk that they were prepared to tolerate in considering the health protection for the population secured through Government intervention. These factors and others meant that it was inevitable that there would be some diversity in approach to managing the pandemic across the UK.

185. Divergence in approach was also inevitable given the differences in how waves of the pandemic moved across the UK at different times, and the differing levels of incidence in different areas. It was therefore inevitable that the timing, and sometimes nature, of the response measures would be different within each country. In fact we

saw divergence in England: for example, the UK Government imposed a local lockdown in Leicester in response to rapidly increasing case numbers in the City which represented a different approach to that in the rest of England at that time.

186. As I have outlined, I was involved in some capacity in almost all of the 21 Day Reviews, as well as in the discussions that preceded and supported the Cabinet papers that were presented to Ministers regarding NPIs, the final Ministerial Advices, and the evaluation of the impact of the measures we put in place. Our working principle was that a four nations approach should be the starting point, but given some of the challenges we faced working with the UK Government that I detail elsewhere in this statement, that was not always a simple or indeed possible option. Welsh Ministers have their own democratic responsibility to the people of Wales, and their decisions were led by consideration of the best evidence that was available at any given time, including the epidemiological and statistical expertise that was available to us. Decisions were also informed by the equality impact assessments and economic analyses that were carried out.

187. Ministers and those officials preparing advice of course took into account the approach being followed by UK Government in England. We also keenly monitored developments in Scotland and Northern Ireland. This all formed part of the evidence base that was considered as part of the decisions made in Wales.

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188. I do not recall providing any advice to Ministers, or being asked for advice, that specifically recommended taking a different approach to England simply for the sake of doing so. Our efforts were entirely focused on helping the Cabinet make the best decisions for circumstances in Wales using all the available evidence, and sometimes that meant proposing a different approach to England. A good example of this was the firebreak lockdown, which I have addressed in some detail earlier in this statement.

189. In theory, a four nations approach to responding to Covid-19 has many attractions: it might be simpler, more understandable and possibly easier to implement and change. In practice, and for the reasons I have outlined, it was not possible to achieve a common, universal approach at all times throughout the pandemic and given the need for proportionality of response and to balance the range of harms, such a solution would likely not be justifiable in social or economic terms.

PUBLIC HEALTH COMMUNICATION

190. I did not have a role in the design or implementation of any public health communication materials or campaigns.

PUBLIC HEALTH AND CORONAVIRUS LEGISLATION

191. I have been asked about any involvement I had in providing advice in relation to the Civil Contingencies Act 2004 (CCA). I do not recall any specific advice being provided to the First Minister or other Ministers regarding the use of the CCA as part of our response to Covid-19. Part 2 of the CCA, which relates to the use of Emergency Powers, is not devolved to Welsh Ministers and so the choice as to whether to use those or some other powers was for the UK Government.

192. The use of the CCA was discussed at COBR on 2 March 2020 when Welsh Ministers were present. The minutes of that meeting and the Welsh Government note of the meeting have been previously exhibited in this statement as **M2B-WG-RK 01/14-INQ000056217** and **M2B-WG-RK-01/40-INQ000320806**. The meeting considered whether the CCA might be used as part of the UK Covid-19 response. Given the advanced stage of development of the Coronavirus Bill at that time, it was agreed at the COBR meeting that the tests in Section 21 of the CCA which needed to be passed in order to make emergency regulations were not met.

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193. I did not have any involvement in the preparation of the Coronavirus Bill or the provision of advice to Ministers relating to the Bill during the specified period. For completeness, I would note that I had some involvement in discussions around preparations that were being carried out by Welsh Government colleagues in the Health and Social Care department in July 2018, in relation to the UK review of pandemic preparedness following exercise Cygnus.

194. In Wales, NPIs and other measures were made under the Health Protection (Coronavirus)(Wales) regulations, which were made under Part 2A of the Public Health (Control of Disease) Act 1984. I have no reason to believe that these powers were not sufficient. I am not a lawyer and so my knowledge of the legal framework is not extensive. In any event, I do not recall being advised that there was any concern with the Public Health Act powers under which Welsh Ministers took action.

195. As for proportionality, we were always clear that the Regulations were for the

purpose of preventing, protecting against, controlling or providing a public health response to the incidence, spread of infection, or contamination. To use the powers, there must be a threat to public health and whatever restrictions were put in place had to be proportionate in terms of the impact they were aimed at achieving. As soon as the restrictions could no longer be considered proportionate, they would need to be removed or revised. The First Minister made this point to Cabinet each time the implementation of new measures, or amendment to existing measures, was discussed.

Enforcement

196. Levels of compliance with Welsh Government measures among the public was generally good. Nonetheless, a framework of enforcement was required. I understand that the practical aspects of enforcement have been dealt with in a separate statement. I will not therefore address that topic any further here, save in relation to Fixed Penalty Notices (FPN), which I address because I have been asked to comment specifically on why criminal sanctions for breaches of Covid regulations were considered necessary. I was involved in the advice relating to FPNs, and their implementation, as part of the 21 Day review process.

197. Welsh Government's relationship with the police forces provided a useful understanding of, and insight into, some of the issues around enforcement. Working

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through the PLU and with Carl Foulkes, the Chief Constable of North Wales, it was possible to share with the police early thinking on options for NPIs and the options for enforcement, including Fixed Penalty Notices. In this way, officials and Ministers were able to understand the practical and operational implications of the options. As timings allowed, draft regulations would be shared with police lawyers. FPNs were used as a means of enforcing compliance with elements of the Covid-19 regulatory system in Wales. They were issued by enforcement officers (usually police officers or officers of local authorities) and were offered to individuals or businesses believed to be in breach of the regulations.

198. All four UK nations relied on FPNs as a means of enforcing regulations. However, in Wales, the large majority of interactions with enforcement officers did not result in action being taken. Police in Wales operated a "4Es approach" where they sought to Engage, Explain and Encourage compliance, before moving to Enforcement action as a last resort. Similarly, local authority enforcement officers attempted informal

engagement and warnings before moving to issue FPNs.

199. The ability to use FPNs was established by the first set of Wales Coronavirus regulations made on 26 March 2020. Ministers took the view that FPNs enabled rapid responses to inappropriate behaviours in situations where immediate action was needed. Both the police and local authorities requested these measures. Also, it was considered appropriate and necessary to provide for alignment with other UK nations, particularly England, to discourage undesired activity moving across the border to Wales, such as unlicensed music events.

200. The presence and occasional use of FPNs also sent a strong public message about the seriousness of the public health risks.

201. At the end of the Firebreak lockdown, Ministers requested that officials carry out a review of the FPN regime, which I understand is addressed in the statement that is being provided to the Inquiry in relation to enforcement.

202. An example of the enforcement regime being used as a means to safeguard public health is that of Cinema&Co, a small independent cinema and café in Swansea that had failed to close following a Premises Closure Notice issued by the Council in November 2021. The local authority took forward its own legal action in regard to the failure to comply with the Premises Closure Notice and, after discussion with Welsh Government officials, it was agreed that the most effective next step would be for

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Ministers to issue a Direction under Section 22 of the Coronavirus Act to close and secure the premises. The CMO was consulted and agreed the Direction was appropriate to safeguard public health and Ministers also agreed, further to advice provided as MA/FM/4126/21 on 26 November 2021 which I exhibit as **M2B-WG-RK 01/95-INQ000176881**. The premises were closed that day by local authority enforcement officers with the support of the police. The business sought to remain open and after further engagement with the local authority was finally closed on 10 December 2021. In the event, the owner was required to pay a total of £17,938 to Swansea Council in costs and £20,000 in fines to the Court.

LESSONS LEARNED

203. I have been asked to comment on areas which I considered worked well as part of

the Welsh Government's response to the pandemic, and areas where I consider there was room for improvement.

204. As I have outlined in this statement, the core decisions relating to Covid-19 in which I was involved during the specified period related principally to the 21 Day Reviews and, in particular, the introduction of Local Health Protection Areas and the Firebreak lockdown in October and November 2020. My role was to coordinate the various elements of Welsh Government and other public sector stakeholders, and to oversee the preparation of the relevant Cabinet papers and advice to Ministers. I was also involved in the establishment and operation of the Joint Biosecurity Centre. As I outlined in the statement that I have provided on local government matters, M2B/WG/LGD/01, I was also involved in decisions relating to funding and policy aspects of local government, the three fire services, and the four police services in Wales. In all cases, my involvement in those core decisions was through overseeing the production of advice to Ministers, or directly providing advice to Ministers, by whom the decisions were ultimately made. It was not my role to make decisions.

205. I outline the key learning points in relation to the areas in which I was involved as follows.

The 21 Day Review Process and decision making

206. Enabling Ministers to make the best decisions they could on the basis of the available information was the foundation of the Welsh Government response. In

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particular, we learned important lessons in establishing and operating the 21 Day Review process. Many of the core pandemic-related decisions were made through this process, with Ministers being provided with:

- the latest epidemiological information, trends and projections from TAC, including the inputs from the TAG sub-groups
- the Situation, Background, Assessment and Recommendation (SBAR) reports from Directors of Public Health;
- data from Public Health Wales;
- daily situational awareness on NHS activity and pressures from the health service; • information on enforcement activity from local authorities and the police forces; • data from social partners on the practical experience of managing the restrictions, including

areas where additional measures might be required;

- situational awareness obtained through the ECC(W) and the weekly SCG meetings;
and
- feedback from policy areas across the Welsh Government.

207. The 21 Day Review process brought together the best available data at any one time. As we learned more about the behaviour of Covid-19 and the impact of the various NPIs and other measures, the existing sources of information were refined and new ones developed. For example, TAC worked in conjunction with Swansea University to produce projections of Covid-19 case numbers, which became an important source of forward-looking data that was regularly relied on when advising Ministers, from June 2020.

208. Therefore, the work that was carried out to identify, at an early stage, the available range of data, and to establish processes that would continue to collate that data and to provide it in a timely way over a sustained period, was an important and positive lesson.

Working across the UK Government

209. Securing access to data held by the UK Government or produced by SAGE was difficult, particularly in the period January to March 2020. While some information was shared through the COBR meetings and through the CMO channels, and though there was a Welsh Government observer on SAGE, there was little if any Wales specific information included in SAGE reports. It was certainly not at an adequate level

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of granularity and there appeared to be no formal means of commissioning such information. The Welsh Government response was to establish TAC to address this data deficit, and the Covid Information Cell, which went on to provide a critical element of the Wales Covid-19 evidence base.

The legal basis for decisions

210. Welsh Ministers were required to make unprecedented decisions during Covid 19 which had significant implications for individual freedoms, economic prosperity, and personal health, among many other matters. Setting out a clear framework for decision making at an early stage of the pandemic was vital. As has been addressed

in the witness statement of Tom Smithson M2B-WG-TS-01, a framework for decisions was prepared by Welsh Government in May 2020, which shaped the preparation of advice relating to NPIs and other measures from that point onwards. The framework supported consistent decision making over a long period, and ensured that Ministers discharged their legal duties in an ordered and logical way.

Officials

211. Over the prolonged period of the pandemic, our approach to advising Ministers, principally through the 21 Day Review process, became very well embedded. Officials became comfortable in forming a judgement as to the type and volume of information that it was helpful for Ministers to be provided with, depending on the nature of the measure under consideration. The sustained and rapid pace at which the Welsh Government frequently had to act placed significant demands on individuals. Many colleagues became highly specialised in their areas but also represented single points of risk if they were unavailable or suffered illness. I have to commend many colleagues for their unfailing contribution to the Covid-19 response, but I also have to recognise that in future, the way we organise our staff resources must provide greater safeguards against the risks of single points of failure and create greater human resilience, including better management of staff turnover and recognition of their welfare.

Engagement with stakeholders

212. A great deal of time and effort was devoted to engagement with partners and stakeholders across Wales. These partners and stakeholders included local authorities, police forces and fire services, together with private sector business and

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the voluntary sector. Investing in regular, open and frank conversations helped to generate a common understanding of the Welsh Government approach and the reasons for decisions taken, along with an understanding of the practical impact of NPIs. The Welsh Government also benefited from receiving feedback, opinions and ideas from those stakeholders, which informed the advice that we were able to provide to Ministers, meaning that decisions were made with a good understanding of any practical issues on implementation. This collective and collaborative approach made a positive contribution to the Welsh Government's ability to respond to the pandemic.

The future

213. I have also been asked to outline any recommendations that I would make to improve the response to a future pandemic. Within Welsh Government, the 21 Day Review Process represents a tried-and-tested model which could be put in place rapidly again, should that be required, and sustained over a long period of time. Engagement between the various policy departments on risk and response has also been improved by means of the establishment of the Welsh Government Preparedness and Risk Group, a new group which has been set up after the specified period and which brings together policy officials to discuss and implement emergency preparedness initiatives. Both the 21 Day Review process and now also the Preparedness and Risk Group mean that our practice of sharing information, communicating and coordinating within Welsh Government, is much better than it was before the pandemic.

214. However, in order to respond to a health emergency that may impact on the UK, it is essential that the four nations of the UK are able to work effectively together while respecting each other's democratic independence, and the starting point for that has to be the pooling of information. Clearly, this was a very significant challenge for us in relation to the UK Government during the pandemic. Our access to the UK Government's expert knowledge, strategic planning, and intentions around economic and fiscal measures was at critical points during the specified period severely constrained. This made our own ability to develop at least medium-term planning and response much more difficult. I have outlined three key examples in this statement relating to the initial lockdown in March 2020; the financial support around the firebreak in October 2020; and the change to Christmas arrangements in December 2020. In addition, there were challenges to securing access to Wales-level data from SAGE in the early months of Covid-19, and to the proposals for restrictions around UK borders.

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Understanding vulnerable groups

215. The decision making template to which I referred earlier set out very clearly Ministers' duties in regard to Equality Impact Assessments. It set out the need to consider the positive or negative impact of a restriction on one group who might share a protected characteristic, and on those who do not. We understand that Covid-19 had a differential and negative impact on particular groups, such as those with protected characteristics or individuals with chronic health conditions (including

mental illness), people living in inadequate housing, and people who are in low paid work.

216. It was possible to gather some information on these groups through policy forums, such as the Faith Forum, the Third Sector Partnership and the Shadow Social Partnership Council, and policy colleagues were assiduous in feeding views from their own areas, for example those involved with the tackling poverty agenda. However, we were not able to build data on the impact at individual level of the measures, and so it remains difficult to understand their impact. In future, we need to work towards identifying and collecting data that will enable us to do that.

Covid-19 Pan Wales Lessons Management Project Board

217. As Wales emerged from the first wave of Covid-19, the Joint Emergency Services Group (“JESG”), Welsh Government and the four SCGs agreed that a rapid lessons learned exercise should be undertaken to understand how the emergency services and preparedness structures had responded to the pandemic as at that time. The review was independent and commissioned from Nottingham Trent University. It is exhibited as **M2B-WG-RK-01/96-INQ000128998**.

218. I agreed to chair the Covid-19 Pan Wales Lessons Management Project Board which was established to respond to the recommendations that had been made. The Terms of Reference for the Project Board are exhibited as **M2B-WG-RK-01/97-INQ000187517** and the agenda of the first meeting as **M2B-WG-RK-01/98-INQ000321244**.

219. The Project Board met five times to consider the recommendations and how they should they be implemented. We compiled a Lessons Identified Register (an example of which I exhibit as **M2B-WG-RK-01/99-INQ000187578**) which tracked the progress of the Project Board’s work, including which organisations were responsible

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for implementing which recommendations. I wrote to each LRF on 4 September 2020 setting out the actions falling to them **M2B-WG-RK-01/100-INQ000320922**. The remaining actions that fell to the Welsh Government were for the Resilience Team to progress, where that was possible. In some cases, the recommendations that had been made were optimistic. For example, it had been recommended that the Welsh and UK Governments should agree a joint strategy on public communications to

ensure greater clarity. This was a reasonable intention but, in the wider political context of devolution at that time, it was just not deliverable.

220. Within Welsh Government, work on implementing the recommendations was overtaken by the emergence of the second wave of Covid-19 in early September 2020. The outstanding recommendations are now included with the work that is being carried out in relation to the Welsh Government's response to the Review of Civil Contingencies in Wales, exhibited as **M2B-WG-RK-01/101-INQ000187580**, which will form part of our future strategic and operational planning for emergency planning, response and recovery.

TRANSCRIPTS OF EVIDENCE

221. I have not given any evidence to Senedd Committees of the Welsh Government response to Covid-19. I have been asked about a meeting of the Senedd's Public Accounts Committee (PAC) on 1 February 2021, which I attended and during which I was asked about the Welsh Government's Review of Strategic Partnerships, which was published in 2020. I exhibit the Review as **M2B-WG-RK-01/102-INQ000388306**. The Review considered the processes and structures in place for joint working between Welsh Government and partnership organisations (such as local authorities and health bodies); it was not intended to and did not in fact address any matters concerning the pandemic. During this discussion at the PAC, it was noted that a new partnership body had been created following the publication of the Review and as a result of the Local Government and Elections (Wales) Act 2021, and I have been asked to identify that partnership body, which was the Corporate Joint Committee (CJC). CJsCs may be established by principal councils as separate legal entities, to exercise functions of the local authority. There are currently four CJsCs in operation in Wales. These arrangements are not related to the pandemic.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand the proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth.

Personal Data

Signed:
Reg Kilpatrick

Dated: 14 December 2023