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UK COVID-19 INQUIRY
MODULE 2A

WITNESS STATEMENT OF THE DIRECTOR GENERAL NET ZERO

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

In relation to the issues raised by the Rule 9 notice dated 10 March 2023 served on the Scottish Government, in connection with Module 2A, the Director-General Net Zero will say as follows: -

Structure and role of Transport Scotland

1. Transport Scotland was established in 2006 and is Scotland's national transport agency. During the specified time there were eight Transport Scotland directorates, which are described in more detail later in this statement. As an executive agency of the Scottish Government, Transport Scotland's overall purpose is to support and advise Scottish Ministers on strategy and policy options for transport in Scotland and increase sustainable economic growth through the development of national transport projects. Details are set out in the *corporate plan* [RB2/0001-INQ000183001]. As an agency of the Scottish Government, Transport Scotland is responsible for ensuring that any policy decision about service delivery is made taking full account of all equality issues. On 5 February 2020, the *Scottish National Transport Strategy* [RB2/0002-INQ000183002] was laid before the Scottish Parliament setting out the role of transport in delivering the priorities of reducing inequalities and taking climate action while helping deliver inclusive economic growth and improving health and wellbeing.

2. Between 21 January 2020 and 30 April 2022, hereafter referred to as 'the specified period', Michael Matheson was the Cabinet Secretary with responsibility for Transport issues. He was Cabinet secretary for Transport, Infrastructure and Connectivity between 26 June 2018 and 20 May 2021 and then Cabinet Secretary for Net Zero, Energy and Transport 20 May to 28 March 2023. A junior minister who is not a member of the Scottish Cabinet, reports to the Cabinet Secretary. Between 27 June 2018 and 20 May 2021, the role was held by Paul Wheelhouse as Minister for Energy, Connectivity and the Islands. Between 20 May 2021 and 24 January 2022, this support was provided by Graeme Dey as Minister for Transport. Between 25 January 2022 and 29 March 2023, the Cabinet Secretary was supported by Jenny Gilruth as the Minister for Transport.
3. At the beginning of 2020, Transport Scotland was part of the Transport, Infrastructure and Connectivity (TIC) portfolio within the Scottish Government. Transport Scotland was directly responsible to the Cabinet Secretary for TIC. Following the Scottish Parliament election in May 2021, the Cabinet Secretary role was renamed to Cabinet Secretary for Net Zero, Energy and Transport. Mr Matheson continued in this role until 29 March 2023 when he became Cabinet Secretary for NHS Recovery, Health, and Social Care.
4. Transport Scotland is responsible to Scottish Ministers for all transport policy and transport operational issues for those areas for which the Scottish Parliament has legislative competence including:
 - transport policy and strategy across all modes
 - transport investment planning
 - transport infrastructure including the trunk road network and funding of Network Rail
 - ferry (Clyde and Hebrides ferry services & Northern Isles ferry services) services and some ports infrastructure
 - Rail Franchising Authority for Scottish services
 - accessibility and active travel and transport's contribution to the development of a low carbon economy.
5. This includes roads legislation (excluding certain road traffic and safety matters), trunk road management, road signs, speed limits, road works, local ports and harbours, shipping services which begin and end in Scotland, ferry services, the construction of railways which start, end and remain in Scotland and grant funding for railway services (with some exceptions). Scottish Ministers also have devolved competence to set a

strategy for railways in Scotland, specify outputs to help deliver that strategy and provide funding. Ministers have operational autonomy over the delivery of the services within Scotland, however the underlying legislation on the provision and regulation of railway services is reserved and cannot be amended by the Scottish Parliament or Ministers. Legislative and executive devolution are explained in the Module 1 witness statement from the Director General for Strategy and External Affairs, provided to the Inquiry on 09 May 2023.

6. In addition, Transport Scotland has oversight of the Scottish Government's shareholder interests in Prestwick Airport, and sponsorship of the following public bodies:

- Caledonian Maritime Assets Limited
- David MacBrayne Limited
- Highlands and Islands Airports Limited
- Scottish Canals
- The Scottish Road Works Commissioner.

7. Transport policy covers a mix of reserved and devolved subject matters. While the devolution status of individual policies are required to be considered case-by-case, in general, the following subjects are reserved: vehicle licensing; public service vehicle operator licensing and safety; vehicle insurance; aspects of road safety, legislation on the provision of rail services, rail technical specifications and safety; and the bulk of aviation and maritime regulation. Specific reservations in relation to transport are set out in more detail at *Head E, Schedule 5 of the Scotland Act 1998* [RB2/0003-INQ000183003].

8. The Civil Contingencies Act 2004 (the Act) and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (as amended) (the Regulations) is the legislation which outlines the key organisations and their duties to prepare for civil emergencies within Scotland. In Scotland, under the terms of the Regulations, the structures which support multi-agency co-operation are called Regional Resilience Partnerships (RRPs). RRP are comprised of representatives from Category 1 and Category 2 responders, which are key organisations responsible for ensuring the effective management of emergencies, as well as other organisations and groups who have an important role in the context of resilience. Transport Scotland is part of the Scottish Administration. It is not listed in the Act as a Category 2 responder but

supports the Scottish Government's national strategic resilience response from a transport perspective.

9. Transport Scotland has a dedicated Resilience team which acts as the main point of contact to the Scottish Government Resilience Division, including the Scottish Government Resilience Room (SGoRR). Transport Scotland attended and continues to attend Scottish Government resilience meetings, where there is a transport issue or impact.
10. For any events which had a significant impact on the rail or trunk road network within Scotland, the Transport Scotland Resilience Room (TSRR) would be activated which would be staffed by Transport Scotland officials to oversee, mitigate and report on any issues. In addition, the Multi Agency Response Team would be activated. This is largely formed of partners, including Trunk Road Operating Companies, Police Scotland, Met Office and Traffic Scotland. It would oversee the operational response to issues, and report back to the TSRR.

Funding

11. Transport Scotland's budget is allocated via the yearly Budget (Scotland) Act. This is the mechanism used by Parliament to agree public spending in Scotland. It is allocated from the Scottish Government Departmental Expenditure Limit (DEL) and can be subject to revision via the Scottish Government Autumn Budget Revision (ABR) and Spring Budget Revision (SBR).
12. There is no specific or overarching mechanism through which Transport Scotland accesses additional funding during national emergencies or pandemics. During the Covid-19 pandemic, approved additional financial support by transport mode was provided via consequential funding from the Scottish Government. An Accountable Officer authorisation process which detailed the specific amount of funding allocated to all operators for rail, bus, light rail and ferries was in put in place to deliver appropriate support to the different modes. The Accountable Officer was the Chief Executive of Transport Scotland.
13. This additional funding provision was governed and managed in different ways depending on the mode. Rail support was governed through an Emergency Management Agreement; ferries by contract variation schedules; bus support was

provided through either support grant contracts with operators or adjustment to the Network Support Grant award and light rail via public service contracts to operators.

14. Annual reports for and finance monitoring details are provided for the specified time period [RB2/0004-INQ000183004] [RB2/0005-INQ000183005] [RB2/0006-INQ000183006] [RB2/0007-INQ000183007].

Structure

15. The Chief Executive is the Accountable Officer for Transport Scotland, and is appointed by the Permanent Secretary, as the Principal Accountable Officer for the Scottish Government. The terms of this appointment are set out in the letter of appointment and are in line with the Scottish Public Finance Manual guidance.
16. During the specified time period, the Chief Executive was supported by the Transport Scotland Senior Management Team, comprising eight Executive Directors with specific responsibilities delegated from the Chief Executive. In addition, there is a direct support team and secretariat responsible for handling official correspondence. The Executive Directors are supported by their own staff, with responsibilities aligned to Transport Scotland's corporate objectives. A brief overview of the Executive Directors and their portfolio responsibility is provided in paragraphs 19-34.
17. The Chief Executive (and Accountable Officer) was Roy Brannen until November 2021. Roy Brannen was replaced by Hugh Gillies on an interim basis from November 2021 to July 2022.
18. In addition, the non-executive members of Transport Scotland Audit and Risk Committee provide the Chief Executive with further assurance in that role and as members of major project boards.

Finance and Corporate Services

19. Lee Shedden was the Acting Finance Director from before the start of the specified time period until June 2021. During this period, Corporate Services reported directly to the Chief Executive. Kerry Twyman took over this role in July 2021 and remains in post.

20. Finance and Corporate Services supports the operation and governance of Transport Scotland, including:

- providing core services and advice in the Finance, Human Resources, Learning and Development, Information Governance, IT, Facilities, Health and Safety, Transport Scotland Secretariat and Communications areas
- a leading role on a range of corporate governance functions including risk management, the operation of the Audit and Risk Committee and corporate reporting requirements.

Low Carbon Economy

21. During the specified time period, Stuart Greig was the Director for Low Carbon Economy.

22. Low Carbon Economy is responsible for creating the strategic framework to coordinate the decarbonisation of Scotland's transport system, including:

- leading the Scottish Government's mission to remove the need for new petrol and diesel cars and vans by 2032
- delivering strategically coordinated investment in the charging network that reduces the need for electricity network upgrades and supports wider energy and transport system benefits
- promoting the uptake of Ultra Low Emissions Vehicles (ULEVs) across public and private fleets while supporting wider sustainable transport outcomes
- harnessing Scotland's world class research and innovation expertise to support the expansion of low carbon transport and supply chains
- supporting sectors transition toward a low carbon transport system, including through skills development.

Roads

23. Hugh Gillies was the Director of Roads from before the start of the specified time period until November 2021. Stewart Leggett took over on an interim basis from November 2021.

24. The Director for Roads is responsible for:

- the safe operation and maintenance of the Scottish Trunk Road Network

- roads policy
- road safety, including oversight of progress towards national casualty reduction targets
- Intelligent Transport Systems and lighting
- resilience, winter maintenance and transport planning of major events
- roads and bridges design standards
- air quality and the environment including climate change adaptation and asset management.

Transport Strategy and Analysis

25. The Director for Transport Strategy and Analysis was Alison Irvine from before the start of the specified time period until January 2022. Fiona Brown took over on an interim basis from January 2022.

26. The Director for Transport Strategy and Analysis is responsible for transport strategy and integration, transport futures, transport analysis and strategic transport planning, including:

- developing the successor national transport strategy and setting transport investment priorities to support Scotland's Economic Strategy
- analytical research and evaluation
- transport appraisal and modelling
- transport and land use planning
- publishing national transport statistics to support evidence-based policy
- The Transport (Scotland) Bill
- transport preparation for EU Exit
- climate change policy and transport's contribution to the Scottish Government Climate Change plan
- transport policy integration
- transport futures
- transport governance including sponsorship of Regional Transport Partnerships, the Scottish Roadworks Commissioner, and transport components of City and Regional Growth deals.

Bus, Accessibility and Active Travel

27. The Director for Bus, Accessibility and Active Travel was Laura Murdoch from before the start of the specified time period until February 2022. Bettina Sizeland took over from February 2022 until the end of the specified time period.

28. The Director for Bus, Accessibility and Active Travel is responsible for the Scottish Government's policy relating to bus, active travel, smart and integrated ticketing and accessible travel, including:

- enabling local authorities, operators and delivery partners to improve sustainable, accessible local transport options and get the travelling public back on the buses
- promoting walking, cycling and wheeling
- operating the concessionary bus travel scheme for disabled, older and young people
- working with operators to ensure all journeys on Scotland's bus, rail, ferry, subway and tram networks can be ticketed or paid for using smart technologies
- supporting the Mobility and Access Committee and the Active Nation Commissioner in their work to provide independent advice to Ministers.

Aviation, Maritime, Freight and Canals

29. The Director for Aviation, Maritime, Freight and Canals was Frances Pacitti for the specified time period.

30. The Director for Aviation, Maritime, Freight and Canals is responsible for promoting Scotland's international connectivity and transport links to our remote and island communities, and for:

- project delivery, operational performance and policy development
- aviation, ferries and canals
- maritime interest including ports, harbours, and freight, and
- looking after Scottish Ministers' interests in Glasgow Prestwick Airport, David MacBrayne Limited, Caledonian Maritime Assets Limited, Highland and Island Airports Limited, and Scottish Canals.

Rail

31. The Director for Rail was Bill Reeve for the specified time period.

32. The Director for Rail is responsible for Scotland's rail policy and delivery, including:

- managing the ScotRail and Caledonian Sleeper rail franchises
- developing rail policy and strategic planning, including aligning it with wider social and economic policy
- delivering major projects alongside industry partners
- promoting and investing in the development of sustainable rail freight
- managing economic regulation of the railways, and monitoring and advising on the affordability of the rail programme.

Major Projects

33. The Director for Major Projects was Alasdair Graham on an interim basis from February 2020 until January 2021. Michelle Quinn returned from secondment to this role on January 2021, and left the agency in April 2021. From April 2021 until September 2021, Hugh Gillies acted as both Director for Roads and Interim Director for Major Projects. Finally, Lawrence Shackman took over in September 2021 and remained in post until the end of the specified time period.

34. The Director for Major Projects was responsible for design, development, procurement and construction of major trunk road improvement projects across Scotland, alongside:

- leading and advising on procurement and contract management matters for Transport Scotland
- contributing to our ambition to become a Centre of Excellence for the delivery of major projects.

Transport Scotland Audit and Risk Committee

35. The Audit and Risk Committee non-executive members bring independent judgement and challenge to the governance of the Agency. The Committee meets four times a year, although the Chair may convene additional meetings, and regularly meets the Transport Scotland Chief Executive and the Director of Finance and Corporate Services to keep abreast of developments. Audit and Risk Committee meetings will normally be

attended by the Accountable Officer, the Director of Finance and Corporate Services, a representative of Internal Audit and a representative of external audit (Audit Scotland).

36. In addition, other Transport Scotland officials attend to assist with consideration of specific issues as required. The Audit and Risk Committee [RB2/0008-INQ000183008] advises on risk management, control and governance, audit and approval of the annual report and accounts, and assurances on corporate governance. Non-executive members are also invited to participate in boards appointed for the governance, approval and oversight of major projects, investments and climate change.

37. The Committee membership over the specified time period is below:

- John Matheson (Chair)
- Bill Bound (until November 2021)
- Pamela Mclauchlan (until August 2021)
- Graeme Dickson - appointed on March 2021
- Lesley MacLeod - appointed on August 2021.

Covid-19 Specific

38. As the National Transport Agency, Transport Scotland is used to responding to significant events, planned or otherwise, and is structured and run in a way that enables this. The resilience team supported by on-call resilience officers with clearly defined roles from the Senior Management Team. Resilience exercises with the Senior Management Team took place in advance of the pandemic.

39. Since 2016, the organisation has had a laptop first approach to IT device management, to ensure that staff can automatically work in other locations. These arrangements reduced the need to make significant changes to the organisational structure and operations in response to the pandemic.

40. In addition to these standard arrangements, in order to respond specifically to the pandemic, a Transport Hub was created to support the information flows and coordinate and track the strands of work in relation to the Covid-19 response. This brought together staff from across the agency operating in a virtual team.

41. A Command, Co-ordination and Communication (C3) document was developed to set out the roles and responsibilities of everyone involved in the hub. As the pandemic evolved over the period, this was regularly updated to reflect the changes within the Scottish Government arrangements, and to include other areas of focus, such as winter preparedness and EU Exit. Versions for June 2020 [RB2/0009-INQ000183009] and January 2021 [RB2/0010-INQ000183010] are provided, as well as the final version of April 2021 [RB2/0011-INQ000183011].
42. The main role for Transport Scotland throughout the pandemic was to ensure that health-based decisions taken by the Scottish Government were reflected in the operational running of transport across Scotland. For example, ensuring healthcare workers could still get to work, implementing face coverings on public transport, etc.
43. In addition, in Summer 2020, through Transport Scotland, the Scottish Government funded the “Spaces for People” scheme which was administered by the charity Sustrans Scotland. “Spaces for People” was a new, temporary infrastructure programme in Scotland which offered funding and support to make it safer for people choosing to walk, cycle or wheel for essential trips and exercise during Covid-19. Mr Matheson, said: “Walking, wheeling and cycling protects our climate, improves our air quality and brings profound benefits to our physical and mental health. In terms of our Covid-19 response, active travel is a critical component in helping to manage demand on our public transport network.”
44. Transport Scotland officials contributed to cross-government discussions and decisions on, many of which are provided in the Key Administrative and Political Decisions Timeline provided to the Inquiry [RB2/0012-INQ000183012]. This includes; the Strategic Framework for Protection Levels, emergency funding for transport operators, funding for pop-up travel, wearing face coverings on public transport, intra-Scotland and intra-common travel area restrictions, and driving lessons and testing.
45. Transport Scotland officials provided advice and briefing to the Cabinet Secretary for Transport, Infrastructure and Connectivity and latterly the Minister for Transport (following the formation of the new government in May 2021) to participate in all relevant Ministerial groups including Cabinet, the Ministerial Economic Group and SGoRR.

46. Transport Scotland was responsible for ensuring public transport continued to operate within Scotland, and it engaged extensively with transport operators throughout the period including:

- ScotRail
- Network Rail
- Rail Delivery Group
- Caledonian Maritime Assets Limited and Caledonian MacBrayne Ferry Services (CalMac)
- Highlands and Islands Airports Limited
- Northern Isles ferries contract [NIFS] and
- Confederation of Passenger Transport (bus operators)
- Strathclyde Partnership for Transport (SPT)
- Edinburgh Tram.

47. When developing the plans for re-opening the public transport systems a *Transport Transition Plan* [RB2/0013-INQ000183013] was developed and involved setting up a National Transport Transition Plan National Advisory Group. This Group involved Convention of Scottish Local Authorities (COSLA), Glasgow City Council, City of Edinburgh Council and the relevant Regional Transport Partnerships. Transport Scotland undertook the relevant impact assessments [RB2/0014-INQ000183014] [RB2/0015-INQ000080285] [RB2/0016-INQ000183015] to support this plan. Transport Scotland also established a routine information flow and core brief to support the Cabinet Secretary. An example of this core brief is provided [RB2/0017-INQ000183016].

48. A timeline of all Covid-19 activities [RB2/0018-INQ000183017], from the Transport Scotland resilience perspective, was maintained.

Key Administrative and Political Decisions

49. A list of key decisions has been provided to the Inquiry. By end of March 2020, Transport Scotland was providing briefings for Cabinet [RB2/0019-INQ000183018], 24-hour activity briefing [RB2/0020-INQ000183019], and input to *SGoRR Situation Reports* [RB2/0021-INQ000183020]. Examples of these documents have been provided and a full suite can be provided if required by the Inquiry.

Meetings

50. Ministers met on a four nations basis during 2020 to discuss the transport response to the pandemic. Decisions were not made at these meetings. Issues addressed include; aviation, borders, road haulage, school transport and transport funding. Nine meetings were held between April 2020 and May 2021.
51. In addition, officials met on a four nations basis on a fortnightly basis between Summer 2020 - Autumn 2021.
52. In relation to COP26 planning, Transport Scotland was responsible for leading the Transport Steering Group which reported to the UK Government Steering Group. The Covid-19 contingency planning for potential public health mitigations as part of COP26 was the responsibility of the Cabinet Office. As part of this, Cabinet Office engaged with Transport Scotland, Scottish Government, Glasgow City Council, Department for Transport (DfT) and the Department for Health and Social Care (DHSC) on Covid-19 mitigations, including the consideration of those entering from the COP26 red zone and their segregation from the general population. The *Transport Guidance for participants* is provided [RB2/0022-INQ000183040].
53. The UK Government also held several mode and subject specific groups, which Transport Scotland officials attended. These were not decision-making groups, rather information sharing. These included:
- Rail Recovery Taskforce
 - DfT's Critical Freight Taskforce
 - Personal Protective Equipment Advisory Group
 - Covid Safer Workplaces group
 - International travel restrictions – attendance for Scotland was led by the Scottish Government with input from Transport Scotland officials.
54. Any issues discussed at these meetings which required decisions would be made by the respective Governments. In relation to international travel restrictions, Scottish Ministers took part in Covid (M) meetings at which changes to international travel restrictions were agreed. This included acknowledging where one of the four nations intended to act differently. The formal decisions to give effect to those agreements

within Scotland followed the Scottish Government's decision making process, which is covered later in this statement.

55. Transport Scotland's Senior Management Team received updates on and discussed the Covid-19 response as part of their weekly meetings. These discussions supported formal submissions to Ministers and Accountable Officer templates as required. All significant decisions were taken at ministerial level. The role of Transport Scotland was to provide information to support ministerial discussions, but not to take the decisions. The Transport Scotland Senior Management Team met with the Cabinet Secretary for Transport, Infrastructure and Connectivity and Minister for Energy, Connectivity and the Islands twice a week from March to June 2020 with the meetings moving to weekly and then fortnightly as the pandemic response progressed until the Scottish Parliamentary Elections in May 2021.
56. If the Scottish Government led a meeting, the agenda would be discussed by the lead officials, and agreement gained from the lead minister. Transport Scotland briefed Transport Ministers ahead of Scottish Government and four nations meetings. Due to the pace of the work, briefings may have only been provided a short time before the meeting, and as such, may have been followed up a discussion between the Minister and key officials. Informal meetings of this kind were not recorded but any decisions made at these would be followed up via a written submission to the Minister.
57. Action points from meetings would be produced by the secretariat and circulated to participants. Any key decisions made which form part of the corporate record were recorded in line with the Scottish Government's Record Management Plan and Information Management Principles, as detailed in the Module 2A corporate statement provided on 23 June 2023 by DG Corporate. Verbatim or digital recordings of meetings were not kept.
58. An explanation on the Scottish Government's use of WhatsApp groups is detailed in the Module 2A corporate statement provided on 23 June 2023 by DG Corporate. In order to avoid duplication, this will not be repeated here. Transport Scotland used WhatsApp in line with this explanation and used WhatsApp to communicate about personal and welfare issues, not for communicating about decisions or for making decisions.

Internal Communications

59. Transport Scotland follows the core guidance and codes of practice in place across the Scottish Government. Officials are civil servants and follow the Civil Service Code. This sets out the core values of the Civil Service and the standard of behaviour expected of all civil servants – including behaviour outside of work and in dealings with one another.
60. As explained in full in the Module 2A corporate statement provided on 23 June 2023 by DG Corporate, under the Public Records (Scotland) Act 2011, which came into force on 1 January 2013, the Scottish Government must submit a records management plan to the Keeper of the Records of Scotland for approval. Transport Scotland is covered by the *Scottish Government's Records Management Plan*. This is published online and was revised in September 2022. This has been provided to the Inquiry.
61. Throughout the period, all key communications in Transport Scotland were filtered via a central Hub with agreed records management protocols in place. These are set out within the associated C3 document provided and were overseen by the central administration and support team to ensure the effective flow of information and retention of key documentation. The Hub mailbox protocol [RB2/0023-INQ000183021] and naming convention provides further information on communications and data retention procedures, and there was a name generator [RB2/0024-INQ000183022] for documents.

Super-spreader events

62. A full response is provided in the Module 2A DG Health and Social Care corporate statement provided on 23 June 2023. From a transport perspective, normal enhanced Murrayfield international rugby transport arrangements were in place in relation to the Scotland v France rugby union international on 8 March 2020 as listed below.
63. ScotRail confirmed services on key routes into Edinburgh had been strengthened with some additional services from Arbroath, Dundee, Fife and Helensburgh as services were expected to be significantly busier than normal. Officials had regular and lengthy discussions with ScotRail and they supported in displaying health messages, providing on-train audio messages, briefing all frontline staff on guidance on preventing spread of the virus, and what to do should they come across someone displaying symptoms. This

was supported at a UK National level by the Rail Delivery Group, who issued Covid-19 advice to all train operators.

Engagement with the UK Government

64. On reserved matters and where possible, Transport Scotland officials liaised with teams in the DfT to discuss general policy developments which might impact on operations in Scotland and in relation to which Scotland had an interest. Decisions on these matters were taken solely by the DfT and UK Ministers.
65. Scottish involvement in these meetings was limited by resource. Transport Scotland is considerably smaller than DfT and as such, staff focus predominantly on devolved responsibilities. There is a central team in the DfT responsible for engaging with the devolved governments, and a central team in Transport Scotland responsible for the overall engagement with the DfT. In the period 2016 to 2019, as part of the run-up to EU Exit, regular officials meetings between the four nations were held and separate Transport Scotland and DfT meetings on a transport mode basis were in place.
66. Throughout the pandemic, there were some issues on which Transport Scotland engaged extensively with DfT. For example, developing guidance on face coverings. In addition, there were a number of areas where the support and expertise from the DfT assisted Transport Scotland to develop advice and respond to the issues which arose. These included:
- research work that DfT commissioned
 - Network Rail's operational practices
 - guidance on issues related to public transport such as social distancing and the use of face masks, that were used as a basis for developing the Scottish guidance.
67. There were a number of decisions taken by the UK Government which impacted transport operations in Scotland and cross-border, for example Covid-19 testing for hauliers. Transport Scotland officials were informed about these decisions after they were taken but were not involved in the decision making process.
68. Where decisions by the UK Government for accessing public transport in England, or non-essential travel resulted in different rules and guidance from those in place in Scotland, Transport Scotland worked with operators, other stakeholders and supported

public communications to ensure that there was understanding of, and clear messaging about, the specific requirements and guidance in place in Scotland.

69. Another challenge was that the way in which consequential for transport were provided to the Scottish Government, using the Barnett formula rather than the actual impact of Covid-19 policy in Scotland. The Barnett formula is an administrative mechanism used by HM Treasury to determine annual changes in the block grant allocated to the devolved administrations in Scotland, Wales and Northern Ireland, reflecting changes in spending levels allocated to public services in England, England and Wales or Great Britain, as appropriate. Under the Barnett formula, the Scottish Government's block grant in any given financial year is equal to the block grant baseline plus a population share of changes in UK Government spending on areas that are devolved to the Scottish Parliament. Detail of how the Barnett formula works is set out in the UK Government's *Statement of Funding Policy* [RB/0045-INQ000102912].
70. In relation to the Covid-19 pandemic, any additional block grant funding made available by the UK Government to respond to the crisis was allocated to the Scottish Government in accordance with the principles set out in the *Statement of Funding Policy*, with additional funding being calculated in proportion to allocations to equivalent UK Departments. Further details of these arrangements are set out in the Module 1 DG Scottish Exchequer corporate statement provided on 19 April 2023 and Module 2A DG Scottish Exchequer corporate statement provided on 23 June 2023.
71. Decisions taken by the UK Government for England in relation to transport affected the financial consequential available for Scotland. As noted above, Covid-19 consequential were provided to the Scottish Government based on the agreed Barnett formula (roughly population based) rather than taking into account the specific impact of Covid-19 on a particular sector or activity and any differences in scope/impact between the four nations. So, where there was a sector where Scotland was exposed to a larger impact, the Barnett share of consequential would not take this into account. Examples are inter-Island Ferry and lifeline air services where Scotland was exposed to a loss of revenue that would have been far higher proportionally than any equivalent loss in the other nations. Additionally, given that consequential were based on the Barnett formula, there was a lack of transparency in understanding what UK based expenditure was giving rise to the consequential. As a result, the consequential flowed into the SG without any real level of detail and/or information on which sector they had arisen from. Transport Scotland fed into wider Scottish Government discussions on the

allocation of consequentials based on the requirements of services in Scotland but without any ability to reference the exact proportion of those consequentials arising from transport-related activity in the rest of the UK.

72. Further funding after quarter one of 2020-21 was only advised as a total additional amount with no indication of the equivalent allocations to Whitehall departments. A reconciliation of initial additional support funding was provided to the Scottish Government to inform its own decisions and funding allocations [RB2/0025-INQ000183041] [RB2/0026-INQ000183042]. This made it very difficult to assess what equivalent measures in Scotland would be. A full breakdown of UK Department allocations was provided to Departments and Devolved Administrations subsequently as part of the UK Supplementary Estimates process in February 2021. Further detail on funding is contained within the Module 1 DG Scottish Exchequer corporate statement provided 19 April 2023 and Module 2A DG Scottish Exchequer corporate statement provided 23 June 2023.

73. On devolved matters, Transport Scotland's role is and was to support the implementation of Ministers' policy decisions, ensuring there was a clear understanding of policies operating in each nation so that operations and public communications could be tailored accordingly, for example, making it clear to passengers on trains that the law on face coverings was different in Scotland and England.

The information and evidence available to Transport Scotland regarding Covid-19 in Scotland

74. The use of transport statistics to inform responses to the Covid-19 pandemic focussed on two key areas: transport use/demand; and attitudinal data. On transport use/demand, statistics were generated by Transport Scotland using data obtained from transport operators across all modes, including utilising cycling and walking counters. Attitudinal data was gathered via Scottish Government and UK Government funded public attitudes surveys, including a specific Transport Scotland survey which was commissioned by Transport Scotland. This was repeated throughout the pandemic. The dataset from a selection of these surveys has been provided [RB2/0027-INQ000183024] [RB2/0028-INQ000183025] [RB2/0029-INQ000183026].

75. Other sources of statistical data included local authorities, the academic community, transport organisations such as Transport Focus, Cycling Scotland, and stakeholder

groups, such as Disability Equality Scotland, who were collecting data on specific issues/groups.

76. Arrangements were put in place to enable regular provision of data from transport operators/industry in Scotland to inform analysis of transport trend data. Transport Scotland contributed funding to UK Government and Scottish Government data collection exercises; academic studies; research carried out by industry organisation Transport Focus; and also externally commissioned and managed its own survey.
77. A dedicated Covid-19 analytical team was established to both review data received and generate new data. This team fed into wider organisational structures established as a result of Covid-19, such as the Transport Hub, feeding in robust analytical advice and evidence. Routine reporting schedules were established to communicate analysis internally. Two examples of the data dashboard developed by Transport Scotland are provided [RB2/0030-INQ000183027] [RB2/0031-INQ000183028] as well as the analytical hub's weekly summary [RB2/0032-INQ000183029].
78. Travel demand modelling was used to provide advice on likely uplift in passenger numbers should there be an increase in demand and how this would interact with capacity on board certain public transport modes in light of physical distancing regulations. In addition, modelling was used to inform the estimated cost to the Scottish Government and the likely impacts of different choices with regards to transport policy decisions. This modelling was undertaken by members of the Covid-19 analytical team.
79. The volume of data Transport Scotland had access to expanded quickly during the first few weeks of the pandemic. Transport Scotland had regular engagement with the DfT on what data sources we each had access to and were able to access additional data sources as a result of this engagement.
80. With regards to statistical data on travel trends and usage, the volume of data, type of data and intensity with which it was sought fluctuated with the changing nature of the pandemic. This included reducing the frequency of data collection as the level of reporting reduced; and focussing on specific areas that were impacted by specific Covid-19 restrictions. In addition, data gathered by public attitudes surveys changed with regard to frequency but also in the types of questions being asked which generated new/different data at various points during the pandemic. Over time there

rose a greater interest in cross border and cross local authority data, as well as hyper-localised data as the method of restrictions changed.

81. At the start of the pandemic, the Transport Hub fed into the Economy Hub which was established by the Scottish Government as part of its arrangements for responding to the pandemic. As those structures evolved over time, the Transport Hub fed into the Scottish Government preparedness system directly. These arrangements are set out in the C3 documents which have been provided to support this statement. Information was provided via these systems through the means of standardised SitReps, responses to cross-cutting updates on key issues.
82. Information and advice, including analysis, on transport matters was provided as normal through the ministerial submission process. However, there was a range of specific briefing material provided for the Cabinet Secretary at the different stages of the pandemic including:
- a daily briefing covering operational matters and key meetings being held by Transport Scotland officials, and/or
 - a comprehensive update on all relevant issues as background for the Cabinet Secretary's attendance at Scottish Cabinet meetings and Economy Ministers meetings.
83. Routine analytical reports were circulated to Scottish Government Ministers and officials via the hub structures that had been established. This took the form of a variety of reports advising of key messages/trends emerging from transport data received/generated. A sample of these documents is provided under general disclosure.
84. Scottish Government analysts are routinely tasked with presenting complex and technical data to non-experts. They are therefore experienced in providing data and analysis in a way that is easily understood. Covid-19 analysis presented within Scottish Government was done using a combination of graphical representation and textual explanation. Where necessary, caveats, limitations of the data and technical points were included in the advice provided. Externally published Covid-19 analysis was preceded by a Ministerial submission, outlining what the analysis showed, alongside data tables which provided the data being referred to [RB2/0033-INQ000183030] [RB2/0034-INQ000183043]. All outputs were overseen by senior staff prior to being sent to Ministers or published online. Analysts responded to queries received on the data and where relevant, made minor changes to how data was presented to enhance

understanding. The presentation of the analysis was therefore understood and effective at conveying the key messages and advice being offered. Transport Scotland received feedback to this effect.

85. The Transport Scotland Senior Management Team (SMT) took a collegiate approach to managing and leading the agency and dealing with issues that arose throughout the pandemic. Decisions were formed on the basis of the evidence, and the role of SMT was and is to address internal concerns first. The SMT met regularly, sometimes daily, throughout the period and sought to give consistent messages to stakeholders based on the best evidence available.

Decision-making relating to the imposition or non-imposition of non-pharmaceutical interventions ("NPIs")

86. The Scottish Government's approach to NPIs is set out in the Module 2A DG Strategy and External Affairs corporate statement provided on 23 June 2023. All key decisions on NPIs were made by Cabinet, with Transport Scotland playing an advisory and implementation role only.
87. Lockdowns and restrictions in activity and travel, such as working from home where possible, had a significant impact on travel demand. For Transport Scotland, the key decisions were around financial support for transport operators as a result of this loss in demand and hence revenue.
88. Transport Scotland had regular meetings and dialogue with the Driver and Vehicle Standards Agency (DVSA), relating to the public health messaging and prevailing restrictions in Scotland and implications for DVSA business as usual activities and communications.
89. Restrictions on activity also had an impact on construction and maintenance and Transport Scotland. A small working group comprising appropriate Transport Scotland officials, Scottish Government Legal Directorate, Scottish Government and Claims Advisors was formed. Regular meetings were set up to discuss emerging Covid-19 legislation and guidance; collating views, assessing risks, absorbing guidance and understanding new legislation. Similarly, a small sub-group within Scottish Government was set up, comprising key representatives from Transport Scotland and Scottish

Government to ensure contractual and procurement issues (variation letters and instructions) were being cascaded and a consistent approach was being taken.

90. Reduction of contact, social/ physical distancing and use of face coverings had an impact on all travel both for staff and passengers on public transport, private transport and other shared transport or in-work travel. Transport Scotland led guidance for transport operators for safe operations and guidance for people using all types of transport during the period [RB2/0035-INQ000183023] [RB2/0036-INQ000183031].
91. Transport Scotland engaged with taxi groups and operators to determine the impact Covid-19 was having on the industry, determine what financial support would be beneficial to taxi operators and to consider what possibilities there may be for taxis to be used for patient transfer. Financial support was provided by establishing a Covid-19 transport mitigation fund which taxi operators could access to install equipment such as screens and air purifiers. This fund was administered by Energy Savings Trust.
92. The Scottish Government took and implemented decisions relating to restricting non-essential travel within Scotland between Scotland and other places in the Common Travel Area (the UK, Ireland, the Channel Islands and the Isle of Man) and between Scotland and other countries overseas. Transport Scotland contributed to the design and delivery of these policies primarily by providing evidence on travel trends, advising on impact on operators, engaging and communicating with stakeholders, and supporting public communication of the rules and guidance. For example, in the context of international travel, Transport Scotland's role was advisory and was intended to help Scottish Government colleagues understand the practical implications of potential decisions, for example in how changes would affect the processing of passengers through airports; the most likely indirect routes for passengers coming to Scotland from various parts of the world; and providing information on changes to the overall route network which could have a bearing on numbers of people seeking to enter Scotland. In addition, Transport Scotland aimed to manage stakeholder relationships with airlines and airports as changes were being considered and implemented.
93. On Test and Protect, Transport Scotland worked with Scottish Government Digital Directorate to investigate the suitability of reusing the QR code scanning system (that was used in hospitality venues) to reinforce the NHS Scotland Test and Protect by providing location details for passengers on ferry and rail services. This involved running a dummy pilot on the *MV Argyle* and *MV Bute* (the Wemyss Bay – Rothesay route) and

a train service in the Highlands/Grampian region. Passengers were given an option to scan the code and enter details via a website to be included in a database that integrated with the Test and Protect data. This solution allowed customers to record digital check-ins that are held securely until data is required by public health teams for the purpose of outbreak and incident management. The focus was on rail and ferries, which usually have longer travel times and therefore are more applicable to the 15-minute exposure period. If the pilot proved successful (i.e. there was a public appetite for scanning, supporting track and trace and encouraging public transport recovery by increasing passenger confidence to use public transport), consideration would have been given to the practicality of extending this to more routes and other modes. However, the pilot indicated that very few passengers chose to voluntarily provide these details, with uptake around 1% on ferries and under 10% on rail. A survey indicated that 75% of respondents did not wish for it to be rolled out further. No extension was undertaken.

Exemptions

94. The identification of transport key workers was based on Scottish Government guidance [RB2/0037-INQ000183032] published in March 2020 and updated in July 2020. Transport Scotland set up a key workers hub to help respond to correspondence and answer queries from stakeholders about how to interpret and apply the guidance.
95. In 2021, Transport Scotland was asked by the Covid Co-ordination Directorate to consider sector-specific arrangements for approving exemptions from the 10-day self-isolation period for household contacts, and to clear this with Cabinet Secretary for Net Zero, Energy and Transport. Covid Outbreak Management initially provided a triage service for all applications to Scottish Government, but this was changed with Transport Scotland considering requests directly. Transport Scotland did not have a role in decision making relating to NPIs but implemented this specific scheme on behalf of public health colleagues and the Covid Co-ordination Directorate.

Critical National Infrastructure 10-day Self isolation Exemptions - Transport sector arrangements

96. In July 2021, changes were made to self-isolation rules for close contacts of those with Covid-19, to allow essential staff in critical roles to return to work to maintain lifeline services and Critical National Infrastructure [RB2/0038-INQ000183033]. There were, at

various times, sectoral exemptions for transport workers, air crew and others. There were considered by officials, including Transport Scotland where relevant, and then formal decisions to give effect to those were made through the Scottish Government's normal decision making process.

97. All applications were received via email rather than through the Covid Outbreak Management triage service and transport sector specific guidance for participation in the scheme was implemented.
98. To request an exemption, transport businesses and organisations were asked to demonstrate and/or explain:
- that their organisation was a Critical National Infrastructure as defined by the Centre for the Protection of National Infrastructure
 - how self-isolation was impacting their critical functions and services
 - what steps they had already taken to address the pressure
 - the impact of no action
 - the scope of the requested exemption – location, number of staff etc
 - that the scope of exemption only applied to those staff unable to work from home
 - whether they were currently engaging with a local incident management team (IMT) regarding outbreak management
 - the next steps for engagement with staff and union officials to make it clear that the decision not to self-isolate was voluntary
 - subject to personal risk assessment which should consider the individual's contacts and vulnerabilities.
99. Once an application was received, it was reviewed against the above criteria and a decision was made. Director and Ministerial approval were required for the self-isolation exemption scheme. Exemptions were made on a temporary basis and lasted only for as long as there was an immediate risk to business or service continuity.
100. On repatriation, Transport Scotland did not provide any decision making but the TSRR did collate figures for inclusion with SGoRR SitReps.
101. Transport Scotland contributed to Scottish Government discussions on the impact of NPIs on the potential impact on the transport network. Transport Scotland officials fed into relevant Scottish Government groups and Ministerial advice. This included:

- transport and travel trends and attitude research (referred to earlier in this statement) provided evidence and insights into public response to NPIs
- providing evidence and feedback from operating partners in relation to impact on services of implementing physical distancing measures e.g. 2m vs 1m
- transport operators and stakeholders provided feedback to Transport Scotland in relation to adherence to NPIs within transport settings, e.g. compliance with face coverings and adherence to 1m physical guidance
- transport operators and stakeholders provided feedback in relation to practical issues relating to implementing potential measures, e.g. movement between Levels and movement between mainland and island, inter-island.

Restrictions and guidance on travel within Scotland

102. As explained in the Module 2A DG Strategy and External Affairs corporate statement provided 23 June 2023, at times during the pandemic measures were put in place to limit the spread of the virus as a result of non-essential travel. In late 2020 and early 2021 a system operated where different parts of Scotland were subject to different “levels” of restrictions. This had similarities to the English “tiers” system but differed from it in some ways. The system included restrictions on travel between areas at different levels .

103. Transport Scotland contributed to Scottish Government discussions on the impact of responding to the public health advice, guidance and restrictions put in place by Ministers.

104. Transport Scotland’s role with regard to levels, was largely monitoring travel across the country and reporting on this, including at regional and local authority level. Transport Scotland also undertook bespoke reporting around tourist sites during seasonal periods.

Public health communications in Scotland during the Covid-19 pandemic

105. Transport Scotland undertook a role in support of the Scottish Government to provide advice to the public and transport operators on travel and transport. This followed the rules and guidelines set down by the Scottish Government as regards being outside, maintaining distance, choosing travel options and staying safe while travelling and on

public transport. Transport Scotland had no direct role in determining public health messaging.

106. Transport Scotland undertook the development and delivery of a Scottish Government marketing campaign on transport and travel to assist people in complying with pandemic guidelines as restrictions eased. This was provided alongside the Module 2A corporate statement provided 23 June 2023 by DG Corporate. The campaign was part of the overall response to the pandemic from the Scottish Government. This included adapting a travel demand management approach, engaging with stakeholders, preparing and delivering campaign collateral delivered via out of home advertising, social and digital media and providing regular newsletters to transport operators and stakeholders advising them on the latest restrictions and guidelines and travel and transport trend data.
107. Transport Scotland had a role in providing input to the First Minister's media briefings, media engagement via photo opportunities with the Cabinet Secretary for Transport, Infrastructure and Connectivity, news releases, social media and delivery of travel and transport messages via Scottish Government Covid-19 marketing campaigns.
108. The main issue was divergence between Scotland and other parts of the UK with regard to the use of face coverings on public transport. This required engagement with transport operators running services between England and Scotland which needed additional messaging and announcements on board services as well as clear information for passengers arriving at destinations in Scotland. As restrictions eased, the use of face coverings remained mandatory on public transport in Scotland while they were not mandatory in other parts of the UK. This difference in approach impacted on the clarity of message provided to the public particularly on transport travelling between England and Scotland. Engagement with operators was required to ensure messaging was in place at destinations and for on board announcements provided to inform the public of the rules they needed to comply with on board services and when departing services into stations.
109. Communications played an integral role in the operational response by informing the public about restrictions and how to travel safely, helping influencing travel choices to help ensure the system functioned well and to support the economic restart. This required innovative application of a travel demand management (TDM) communications approach across the sector.

110. Transport Scotland worked with and via partners to reach relevant audiences – road users, bus, rail and ferry passengers, local authorities, business representatives and employers, with as wide a reach as possible to provide updates on the latest restrictions, advice on travel choices and advice on how to travel safely.
111. Transport Scotland's approach also included forums for direct engagement with local authorities, regional transport partnerships, business representatives, employers and transport providers. This engagement allowed Transport Scotland to set out the challenges of supporting safe travel and matching of demand for transport within the limited capacity available due to social distancing restrictions, with the goal of ensuring transport was provided for those who needed to travel.
112. This direct engagement was supplemented by direct email weekly briefings to the full range of stakeholders, partners and operators mentioned above. This was supplemented with provision of weekly updated key message grids taking account of changes to restrictions and travel patterns to keep everyone informed.
113. Polling by YouGov was carried out fortnightly and scoring on transport Covid-19 messaging was consistently high - scoring around +80% of people agreeing information and guidance on travel and transport restrictions has been clear; and +85% stating they follow the regulations and guidance regularly.
114. Monitoring of transport travel trends was collected and published weekly, then fortnightly and subsequently monthly to provide an overall picture of performance and patronage across Scotland. This allowed monitoring of matching of demand for transport within the restricted capacity available.
115. Transport Scotland also commissioned and ran a public attitudes survey from May 2020 – November 2021. This captured data on people's travel behaviour but also attitudes on how the pandemic was affecting their travel choices. The analysis from this was shared with Ministers and published on the Transport Scotland website, and provided with this statement in paragraph 74.
116. The transport network coped well during periods of higher demand with changes in behaviour apparent in line with intended outcomes – travel taking place outside of peak times, instances of overcrowding have been limited, people were able to travel

safely and access to transport was maintained for those who need it most. Communications successfully helped manage and provide solutions to operational challenges.

117. Specific hotspot areas of services were managed directly by transport providers on the ground, both in terms of their operational response and supporting communications activities and messages. Operator and partner content and outputs were regularly reviewed to show consistent delivery of co-ordinated key messages across transport.

Significant Announcements

118. A timeline of significant announcements has been provided to the Inquiry [RB2/0039-INQ000183034]

Lessons Learned

119. Throughout the period, there was continuous reflection on how Transport Scotland was responding to the pandemic with SMT discussions, specific reviews of how the system was working, and a number of changes to the Transport Hub arrangements all set out in the C3 document.
120. Data sources were reviewed at regular intervals to ensure accuracy of reporting, such as rebalancing road counters to ensure a level of representativeness and ensuring cycling/walking counters were not overly biased to certain geographical locations. As part of the Scottish Transport Applications and Research Conference, Transport Scotland staff presented their Covid-19 analysis, reviewing the efficacy of analysis provided; reviewing the accuracy of models; identification of areas for improvement; and lessons learned.
121. No formal exercises were undertaken to evaluate the transport specific communications.
122. As part of Transport Scotland's on-going development of its crisis management capability, the SMT participated in a tabletop exercise 'Red Presence' on Monday 9 March 2020 [RB2/0040-INQ000183035]. The exercise took place when it was clear how serious the Covid-19 outbreak was going to be and was brought forward to

- ensure that all members of the leadership team were familiar with the crisis management arrangements.
123. Following the exceptional disruption brought about by the Covid-19 pandemic, an interim debrief was undertaken in May 2020. This included members of the SMT and senior managers from across the organisation's Covid-19 hub. The aim was to identify and capture any issues of concern and areas of good practice emerging during the initial response between 31 December and 31 March 2020. It also provided an opportunity to identify any immediate actions required and influence preparation for future disruptive events.
124. A comprehensive debrief was undertaken over the summer of 2021 to identify and capture any further issues or good practice emerging since the interim Covid-19 debrief in May 2020. This included members and representatives of the SMT from across the organisation's Covid-19 hub involved. A report was produced by the company, ForSee, and is provided [RB2/0041-INQ000183036] along with the Executive Summary [RB2/0042-INQ000183037].
125. On Tuesday 13 July 2021, Exercise Knave's Gambit [RB2/0043-INQ000183038] was hosted by Transport Scotland. The exercise formed part of a continuous improvement programme and built on the recommendations from Exercise Red Presence, which took place in March 2020, highlighting the benefits of the Transport Scotland SMT undertaking an annual exercise to ensure effective crisis management capability.
126. With regard to any changes in structure or process of any of the issues raised in the provisional scope of this Module, Transport Scotland continually reviews structures and resources, to both prepare and respond to changes in priorities. The Transport Hub is one such example.
127. Transport Scotland's Resilience Team undertook a restructure – splitting the team into two, one which is responsible for contractual elements of managing the Trunk Road Network, and a Transport Resilience Events team which merged with the existing Events Resilience team to plan, respond and recover from planned and unplanned events.

128. In addition, a Transport Resilience Review is currently on-going looking at the resources in place which would respond to any future planned and unplanned events along with the planning and preparations for any such event.
129. Covid-19 affected people's use and experience of transport. Transport Scotland commissioned the Poverty Alliance to research and explore the relationship between child poverty and transport during the Covid-19 pandemic. The research, which was carried out in October and November 2020, explored the key transport challenges faced by low-income families, the role of transport in alleviating poverty and the policies and initiatives which might assist low income families with regards to transport following the Covid-19 pandemic. The report was issued in May 2001 and is entitled *Transport and Child Poverty – Beyond the Pandemic*. A copy of this is provided [RB2/0044-INQ000183049]. The report recognised that public transport provides a critical infrastructure for households when living on a low income and must work effectively for household circumstances to help alleviate poverty. Affordable public transport is important to allow people to access education, employment, childcare and support networks.

Statement of Truth

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

Signed: _____

Personal Data

Dated: 21 June 2023