

Witness Name: Keith Brown

Statement No.: 1

Exhibits: KB

Dated: 24 October 2023

## **UK COVID-19 INQUIRY**

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### **WITNESS STATEMENT OF KEITH BROWN**

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**In relation to the issues raised by the Rule 9 request dated 16 June 2023 in connection with Module 2A, I, Keith Brown, will say as follows: -**

1. My name is Keith James Brown. I served in the Government from May 2021, to April 2023, as the Cabinet Secretary for Justice & Veterans.
2. I have prepared this statement myself by reference to records and material provided to me by the Scottish Government. I have also received assistance from the Scottish Government Covid Inquiry Information Governance Division.
3. Unless stated otherwise, the facts stated in this witness statement are within my own knowledge and are true. Where they are not within my own knowledge, they are derived from sources to which I refer and are true to the best of my knowledge and belief.
4. I have served in Parliament since May 2007. I served in the Government from February 2009. My first position was as Minister for Schools and Skills, and I subsequently served in a range of Ministerial and Cabinet positions until June 2018, when I left the Government. These posts were generally related to transport, infrastructure and the economy. I re-joined the Government as Cabinet Secretary for Justice and Veterans in May 2021, as stated above.

5. This statement refers to my time in the post of Cabinet Secretary for Justice and Veterans. I understand that all relevant Government Cabinet papers, ministerial submissions and supporting papers relating to the decisions and actions I took during this period have been submitted to the Inquiry by Government officials.
6. The role of Cabinet Secretary for Justice & Veterans covered the Scottish Courts and Tribunal Service, Police Scotland, the Fire Service (SFRS), the Prison Service- (SPS) as well as the Government's activities in support of military veterans. Over the course of the latter part of the above period I worked closely with the Deputy First Minister, particularly in relation to the continuance or ending of temporary legal provisions arising from the Government's efforts to deal with the pandemic and its effects. A full description of my responsibilities has been submitted in writing [KB/001-INQ000000]. During my time in this position I worked with Ms. Ash Regan, who performed the role of Minister for Community Safety. Ms. Regan reported to me and would, on occasion deputise for me, including at Cabinet meetings as necessary.
7. My role, in common with other Cabinet Secretaries, was to take decisions, generally on the basis of submissions from officials, to convene meetings with stakeholders and stakeholding groups, and to contribute to decisions taken by the Cabinet.
8. The impact and prevalence of the pandemic was present from the very start of my spell in office, not least in the conduct of Cabinet meetings which were either conducted online or with strict social distancing requirements when conducted in St Andrews House.
9. I attended weekly Cabinet meetings, bi-lateral or multi-lateral meetings with other Ministers, and occasional meetings with UK Ministers, including COBR meetings.
10. While I had occasional meetings with Welsh Ministers, these were not generally related to Covid-19.

## **Initial Understanding and response to Covid - Jan-March 2020**

11. I was not in office during the period in question.

### **Role in relation to NPIs**

12. One of the major challenges of the pandemic was the accumulation of court business. There had historically been a backlog of court cases but this hugely increased during the pandemic and indeed, while reduced significantly, still obtains. One of my responsibilities was to maximise the budget available to help reduce the backlog. However, even with an additional £50 million available for this purpose (in each of the financial years 2021-22, and 2022-23), the number of prisoners, both male and female, on remand continued to increase. Additional resources allowed for the establishment of 'remote juries' based in cinemas, which helped protect all those involved. In addition, emergency legislation made provision for the suspension or extension of a number of legally mandated deadlines, for example in relation to length of time that could be served on remand.

13. In relation to prisons and prisoners, additional resources were deployed to provide prisoners with mobile phones (no internet access), which allowed prisoners to stay in touch with family and friends in order to alleviate the isolation from not having the opportunity for visits and other social contact. In my view this was very successful. I believe that during a period of very restricted activities for prisoners, the potential for substantial unrest was significant. However, due to measures taken, including the executive release of a number of prisoners (under emergency legislation provisions), and the efforts and professionalism of prison staff, such unrest was minimal or even non-existent. I was required to take a number of decisions, jointly with the Cabinet Secretary for Health, on the extent and pace of the lifting of restrictions on prisoners, largely in relation to mask wearing, visit, and testing regimes.

14. These decisions were taken with the benefit of extensive advice from Health officials and against the backdrop of representations from HM Inspector of

Prisons, who strongly advocated for the restrictions in prisons to mirror as closely as possible, those in society generally. In my view, the decisions taken in this regard can always be questioned with the benefit of hindsight. However, the extent to which the timing and range of the imposition and lifting of restrictions was proportionate and appropriate is best considered in the context of the generally low level of infection among the prison population and to a degree among the prison staff cohort, as well as the generally compliant nature of the prisoners themselves.

15. In relation to the Police, and policing generally during the pandemic, it is my belief that the approach of the Police as encapsulated in the '4E's' approach of Explain, Engage, Encourage, Enforce was proportionate and successful. One issue of contention was the issue of priority of testing for Police Officers. While this issue was essentially settled many months prior to my appointment, it did rear its head during my tenure, on occasion. However, the Government agreed to continue with its previously agreed prioritisation.
16. In relation to Veterans, it was immediately obvious to me that a number of Veterans organisations were concerned that many of the veterans they were in contact with had 'gone silent' during the pandemic. Accordingly, the support provided by the Government through its Veterans Fund was doubled; both to help address improved engagement and to help those organisations that relied upon face to face contact (eg tin can collections) with their donor base to sustain their activities.
17. In conclusion, I am certain that there are a huge range of activities and decisions that I was either responsible for myself or in concert with others, that are not and given their volume, cannot be covered in this brief statement, albeit these will be evident from the documentation available to the Committee. However, as I am no longer in Government, and am relying on my memory of events, the foregoing comments are the ones that most readily spring to mind. Of course, I am more than happy to respond to further requests from the Inquiry; either in writing or in person.

## 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.

**Personal Data**

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_ 24 October 2023 \_\_\_\_\_