

Witness Name: Niamh O'Connor

Statement No. 1

Exhibits: NoC

Dated: 09 November 2023

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

WITNESS STATEMENT OF NIAMH O'CONNOR

In relation to the issues raised by the Rule 9 notice dated 15th August 2023 in connection with Module 2A, I, Niamh O'Connor, will say as follows: -

Introduction

1. I am Niamh O'Connor of Scottish Government, St Andrews House, Edinburgh. I was joint Deputy Director of Health and Social Care Analysis (on an interim basis) between mid-March 2020 and June 2020, and joint Deputy Director (on an interim basis until August 2021, and substantive basis from that point) of Testing and Contact Tracing Policy Division from June 2020 until June 2023.

2. I have worked as a Civil Servant in the Scottish Government since June 2004. The first eleven years were as a Social Researcher, before moving to a range of policy roles before stepping up to interim Deputy Director to support the existing joint division heads of Health and Social Care Analysis Division in March 2020.

3. I have prepared this statement myself, with the support of factual information supplied by the Scottish Government Covid Inquiries Response Directorate, referenced in this statement, and have received appropriate assistance to enable the statement to be completed.

4. 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.

5. References to exhibits in this statement are in the form [NoC/XX-INQ000000]

6. As joint Deputy Director of Health and Social Care Analysis Division between mid-March 2020 and June 2020, I had a role in providing advice to Ministers on available data on Covid-19 and in setting up and providing senior secretariat to the Covid-19 Advisory Group (until June 2020). As joint Deputy Director of Testing and Contact Tracing Division, my remit did not extend to Non-Pharmaceutical Interventions, except on elements of policy related to isolation (following testing and contact tracing) and, for a two week period, supporting the production of the initial *Framework for Decision Making* (April 2020) [NoC/001 – INQ000131025].

7. Decisions relating to the response to Covid-19 were made by Scottish Ministers. It will be recognised that as I worked as a civil servant during the pandemic there are a number of questions posed by the Inquiry in relation to political decision making which I am not best placed to provide views on. However, in response to some of the specific topics noted, I offer the comments below.

Initial understanding and response to Covid-19 (January 2020 to March 2020)

8. My first involvement professionally with the Scottish Government response to Covid-19 was from March 17th 2020, when I joined the existing joint Deputy Director team leading the Health & Social Care Analysis Division. The Scottish Government's initial strategy in relation to Covid-19 was not part of my remit in that role during that period, and I was not involved in discussions on any particular events in February/March 2020.

9. Scottish Ministers, appreciating the seriousness of the threat of Covid-19, were seeking access to independent expert epidemiological, clinical, public health and behavioural advice on the impact of COVID-19 in Scotland, including by drawing on regularly updated advice and modelling from the UK Scientific Advisory Group for Emergencies (SAGE), and other emerging scientific evidence. I was asked by the Chief Medical Officer Directorate to support the establishment of an expert advisory group, which became known as the Covid-19 Advisory Group ("C19AG").

10. Professor Andrew Morris, Professor of Medicine and Vice Principal of Data Science at the University of Edinburgh (and former Chief Scientist (Health) at Scottish Government) was appointed the independent Chair of the group. Details of the group's terms of reference

and membership, and records of meeting papers, minutes, advice and other material relating to the activities of the group have previously been provided to the Inquiry.

[NoC/008- INQ000147306].

11. My role was to provide senior secretariat and administrative support to the C19AG as it became established until June 2020 (when I moved role). That role included co-ordinating agendas and papers, arranging for publication of papers to the Scottish Government website and liaising between Ministerial private office and the group to support the provision of expert independent advice from the Group to Ministers.

Role in relation to non-pharmaceutical interventions (NPIs)

12. Overall, policy advice to Ministers in relation to non-pharmaceutical interventions (NPIs) was a small part of the role in Health & Social Care Analysis and in Testing and Contact Tracing Policy in two areas – initial support for the production of the *Covid-19 : Framework for Decision Making* in April 2020 [NoC/001 – INQ000131025]; and elements of policy in relation to self-isolation (following testing and contact tracing) during different phases of the pandemic, as set out in the series of documents on Scotland's *Strategic Framework* already provided to the Inquiry [NoC/006-INQ000249320] and [NoC/007-INQ000147446]. Policy advice to Ministers on lockdowns and their timing was not part of the remit of the roles I held in Health & Social Care Analysis, or in Testing & Contact Tracing Policy.

13. I was asked by the Director of Covid Public Health, Richard Foggo, on behalf of DG Strategy & External Affairs, Ken Thomson, to support the production on the *Framework for Decision Making* [NoC/001 – INQ000131025] for a two week period in April 2020 (after which I was not involved in overall strategy). This involved creating a draft structure for the *Framework* in conjunction with the Director for Exit Strategy, Dominic Munro, sourcing relevant data and analytical charts, and circulating to officials across the Scottish Government for input.

14. The *Framework for Decision Making* [NoC/001 – INQ000131025] set out the Scottish Government's approach to considering all the harms caused by the pandemic, including responses to managing those harms such as NPIs by categorising those harms in four groups: Harm 1 – direct Covid-19 harm; Harm 2 – other health harm caused by the pandemic; Harm 3 – societal harm; Harm 4 – economic harm. The overall strategic intent

was to balance the various inter-related harms in order to minimise overall harm. The Framework also acknowledged the centrality of considering equality across the approach to managing the response to the pandemic, and stated:

“COVID-19 affects everyone but the harms caused by the pandemic are not felt equally. Our response to this pandemic must recognise these unequal impacts. Just as we have sought to shield those most at risk, we must continue to provide additional support for those who need it and seek to advance equality and protect human rights in everything we do.”

15. The remit of the Testing and Contact Tracing Division also covered policy advice relating to practical support - for instance, the helpline that enabled people to access support from their local authority - for isolation of close contacts and of people who tested positive for Covid. In Scotland, self-isolation guidance set out the public health recommendation of actions to take if someone was either in contact with someone who tested positive for coronavirus, or who tested positive themselves; *Information and support for people who are asked to self-isolate because of COVID-19, including the Self-Isolation Support Grant (£500)*, 18 February 2021 [NoC/003-INQ000343896], *Information on when and how to self-isolate if you or someone in your household have coronavirus symptoms*, 12 November 2020 [NoC/004-INQ000282451], *Scottish Welfare Fund statutory guidance - self-isolation support grant extract*, 17 February 2021 [NoC/005-INQ000343895]. The Testing and Contact Tracing Division had responsibility for supporting Ministers with decision making in relation to population wide (rather than sector specific) guidance.

16. This included providing policy advice on potential changes to self-isolation guidance to Ministers, that took account of the key sources of evidence including CMO/clinical views and considerations of the 4 Harms impacts to support decision making, and supporting publication and communications in relation to changes to isolation guidance. It also included policy on supporting local authority delivery colleagues in relation to isolation support – the services offered to people asked to self-isolate - and overseeing the Scottish Government funding to local authorities for provision of these services. (The Self Isolation Support Grant remit was led by DG Economy).

17. Ministerial decisions on issues like the length of time of the isolation period were informed by the evolving evidence base on the nature of the virus and the length of the infectious period as the pandemic evolved. Public engagement and information on this was

through regular media briefings by Ministers and Senior Clinical advisers, and through platforms like NHS Inform.

Legislation and regulations

18. The Testing and Contact Tracing Policy Division remit included policy advice to Ministers on legislation that temporarily modified the effect of the Public Health etc. (Scotland) Act 2008 (the 2008 Act) on the duty to pay people compensation if asked, for instance, to stay at home in relation to a notifiable disease. The Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022 (the 2022 Act) modified the 2008 Act so that the duty to pay compensation to people asked in writing by the health board to voluntarily quarantine, or to limit their movements or activities as a result of suspected or confirmed coronavirus was changed to being a discretionary power.

19. The Bill that became Act was introduced because the modification of the 2008 Act made by the Coronavirus Act 2020 was due to expire as the UK Government took steps to repeal that emergency legislation.

20. Scottish Ministers agreed that temporary modification was still required and introduced the Bill to Parliament on 15 November 2021. The rationale for this was that if the temporary modification to the 2008 Act was to expire, it would place a significant administrative and financial burden on Health Boards. Alternative financial support, including that provided by the Self Isolation Support Grant for people earning the real living wage or less, remained in place.

21. Ministers agreed that the 2022 Act could expire on 31 October 2022 because wider circumstances and public health guidance had changed, mitigating much of the financial risk on Health Boards.

Lessons Learned

22. The 4 UK Chief Medical Officer's understanding of the nature of the virus and measures available to limit its spread developed over the course of the pandemic as the scientific evidence base developed, and is available in the *Technical Report on the COVID-19 pandemic in the UK* (January 2023) provided to the Inquiry [NoC/002 – INQ000130955]. In my role as Testing and Contact Tracing Division Head I was a reviewer of the testing chapter of this report, and suggested adding a footnote reference to an example of one of

the Scottish Government testing strategy documents, as an example of how the approach to testing evolved as the pandemic evolved [NoC/002 – INQ000130955, footnote 1].

23. The Testing and Contact Tracing Policy Division also supported one element of lessons learned activity around test, trace, isolate interventions across the four nations. Further detail of this activity is included in the Module 2_2A Statement from DG Health & Social Care provided to the Inquiry on 23 June 2023.

Informal Communications and Documents

24. Throughout the pandemic a number of WhatsApp groups were set up to support logistics and communications across teams around issues like whether there was a network problem with the Scots network, or setting up meetings. No decisions were made on these channels as they were not a forum for conducting government business / advising Ministers and subsequent Ministerial decision making – that was carried out in the usual way of written advice to Ministers sent by email, with advice and Ministerial responses recorded on the official corporate record. I would refer to corporate statements provided by DG Corporate in July and August 2023, which set out the details and practical application of the Scottish Government's corporate records management policy. I did not keep personal diaries or notebooks, nor archive messaging service messages once the official business related content was stored on the corporate record, in line with the Scottish Government's Records Management Policy.

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: _____ 09 November 2023 _____