

Witness Name: Joe FitzPatrick

Statement No.: 1

Exhibits: JF

Dated: 23 October 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF JOSEPH FITZPATRICK

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

1. I am Joseph (Joe) FitzPatrick of the Scottish Parliament, Edinburgh EH99 1SP. I am currently the Minister for Local Government Empowerment and Planning. I have been in this role since March 2023.
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 to enable the statement to be completed.
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. References to exhibits in this statement are in the form [JF - INQ000000].

Background, qualifications and role during the Covid-19 pandemic

5. I have served as Minister for Parliamentary Business from 2012 to 2018. In June 2018 I was appointed as Minister for Public Health, Sport and Wellbeing. I am providing this statement in my capacity as the Minister for Public Health, Sport and Wellbeing from

January 2020 until 18 December 2020, which is when I resigned from the role and left government. I held no role in government from December 2020 to March 2023.

6. My responsibilities in this role largely included implementation of decisions which had been made at Cabinet level. This included general public health, although most of the core Covid-19 response was followed through by the Cabinet Secretary during the Covid-19 pandemic. Other areas which came under my portfolio included drugs, sports, alcohol and some long-term health conditions.
7. In general, I was not responsible for core decision-making. Decisions relating to the Scottish Government's response to Covid-19 would be made at Cabinet level. These decisions were based on advice from officials and advisors. I was responsible for implementation of decisions which affected areas within my portfolio.
8. Between January 2020 and December 2020, I was involved in a range of meetings relating to Covid-19. I attended regular four nations meetings which involved various health ministers, which were held throughout the period to discuss areas of mutual interest. The meeting often had different representatives depending on what was being discussed. These would usually be attended by the Cabinet Secretary for Health, but I, or other junior ministers, would frequently appear on her behalf. The meetings would invite submissions from the devolved administrations, at which point either myself or another Scottish minister would present. I was particularly involved in early discussions on the roll out of any potential COVID vaccine, as well as the roll out of testing.
9. I recall attending meetings of the Scottish Parliament to answer questions, particularly the Health and Sport Committee. Most of my appearances at the Health and Sport Committee did not relate directly to Covid, however on 15 December 2020 the committee meeting was in relation to the impact on Sports Clubs and other Local Recreational Facilities [JF/0001 – INQ000249286]. I also recall attending meetings with other Members of Scottish Parliament before the Scottish Government's decision to lock down on 18 March 2020. In these meetings, Jason Leitch would provide scientific answers to questions asked by the Members.
10. I attended meetings, initially monthly and then on a weekly basis, with NHS Board Chairs to facilitate regional sharing of information between the various health boards. It was also an opportunity for me to speak with the NHS Board Chairs and take information back to the Cabinet Secretary and vice versa.

11. During the period when the vaccines were being developed and rolled out. I worked with officials and the Deputy Chief Medical Officer, Nicola Steedman, on policy as well as the creation of papers by providing political insight before they were presented to the Cabinet Secretary and the First Minister for decision making.
12. Beyond those mentioned above, I do not recall playing a role in decision making within other devolved administrations, the UK Government or local authorities within Scotland.

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

13. In or around December 2019, I began to receive information about the Covid-19 virus in China from officials in public health. At that stage there was no information to suggest it was going to turn into a global pandemic. These briefings were being provided to health ministers and the First Minister.
14. In January 2020, I recall a meeting of the Scottish Government Resilience Room (SGoRR) in which a pandemic was declared. I did not attend this meeting, but I was aware of it. Around this time, I also received briefings about the emerging situation and potential cases in Scotland [JF/0002 – INQ000249287]. From this point the responsibility of particular elements of Covid response shifted from my portfolio to the Cabinet Secretary's, who took responsibility for various aspects of my portfolio and core decision making.
15. I attended a UK-wide meeting in February 2020 chaired by Matt Hancock [JF/0003 – INQ000078353]. A lot of ministers from the UK Government were present from various departments. It was a challenging meeting as it was evident a lot of ministers had not grasped the severity of the threat which be emerging. Ministers were struggling with concepts such as 'herd immunity' and clearly misunderstood what this would mean in reality. This meeting was an attempt to raise awareness and ensure common understanding of the severity and impact of the upcoming pandemic.
16. During this initial period of the Covid-19 pandemic, I believe the threat of the spread of Covid-19 became apparent very quickly. I recall when the outbreak occurred in Italy, there was a real concern within the Scottish Government that the virus was on its way. The Scottish Government appreciated the seriousness of the threat of Covid-19 and prepared to the best of its ability. Looking back now, I believe the Scottish Government should have started preparing a few weeks earlier than it did.

17. I was not involved in nor was I aware of any discussion within the Scottish Government surrounding the NIKE conference in Edinburgh on 26/27 February 2020.
18. I was aware of the discussion within the Scottish Government about the Scotland vs France Six Nations rugby match at Murrayfield on 8 March 2020. Although I was not involved in any decision making, I am aware there were a lot of discussions surrounding it between Scottish Rugby and officials, but I was not involved in these. My understanding is that although taking a different approach was considered, ultimately a four nations approach was preferred, and it was decided that the match would go ahead.
19. My understanding of the Scottish Government's initial strategy to the Covid-19 was to save lives and stop the spread of the virus. The Scottish Government's initial understanding of the virus was that it was similar to the flu, and actions were recommended like washing hands and coughing into the arm. To my awareness 'herd immunity' was never considered seriously as a strategy by the Scottish Government for responding to Covid-19.
20. In this initial period of the pandemic, I believe there was significant alignment between the Scottish and UK governments with respect to responding to the threat of Covid-19. The Chief Medical Officers across the four nations worked well together, and when there were differences of opinion, they would come to an agreed position. This provided a good degree of alignment in this early period, and this was a strength in terms of the consistent messaging provided to the public.
21. During this period, all the four nations were using the same clinical advice and the idea of a four nations approach was very important. I believe that Scotland going into lockdown earlier than the rest of the UK would not have worked well.
22. Between January 2020 and March 2020, I did not provide any advice to the First Minister, other Scottish Cabinet Secretaries, Ministers, Scottish Government committees or its advisers on the use of a lockdown to limit the spread of Covid-19, community testing, surveillance of Covid-19, the move from 'contain' to 'delay', the discharge of patients into care homes or guidance and advice to health and social care providers. My role at the time did not involve any decision making in these areas.
23. I am confident that the advice and information the Scottish Government received at the time was based on the best information available at the time. At an official level, I believe there was an attempt to listen to and address issues within Scotland and

cooperate at a national level. There was however a general feeling which developed at some point within the Scottish Government that the information being provided from the Scientific Advisory Group for Emergencies (SAGE) was not bespoke enough for Scotland. As a result, the Scottish Government Covid-19 Advisory group was set up.

24. Within the Scottish Government, I believe there was good coordination within relevant teams, bodies and departments, especially within health. Decisions would be made at Cabinet level and then disseminated to the rest of the government. There was a good understanding of why decisions were being made and what these decisions were trying to achieve. I believe the four harms framework in Scotland worked well in terms of making decisions and assessing their impact. I believe there was different emphasis placed on the various harms in Scotland and England. Notably, in England there was a much greater focus on the fourth harm, the economy than in Scotland.

Role in relation to non-pharmaceutical interventions ("NPIs")

25. I was not involved in the Scottish Government's decision to adopt a national lockdown as a strategy for responding to Covid-19 in March 2020. My understanding of the Scottish Government's timing of the adoption and implementation of lockdown was as a result of reviewing data which showed that the Covid-19 virus was coming to Scotland much faster than expected. My understanding of the reasons for adopting a national lockdown was to stop the spread of Covid-19.
26. I believe a four nations approach was taken and this was necessary. There was a concern that if the Scottish Government locked down too soon, then compliance would be low. In hindsight, I believe it would have been better to have locked down earlier, but it is unclear the impact this would have had on public compliance, considering the concerns at the time about the risk of a second wave of the virus.
27. I do not recall playing any role in reaching decisions concerning the imposition of, easing of, or exceptions to national lockdowns, local and regional restrictions, working from home, social distancing self-isolation requirements, the closure of schools and education settings, the use of face-coverings or the use of border controls.
28. When the Scottish Government made decisions about the type and duration of NPIs, it considered a large number of factors, including wider health, social and economic impacts of NPIs and public compliance. I do not recall playing a role in these factors being weighed in Scottish Government decision making beyond officials providing me with recommendations based on these factors which I would consider.

29. I believe the Scottish Government considered the impact of NPIs on 'at risk' and other vulnerable groups in light of existing inequalities. It focused particularly on the implications of self-isolation on vulnerable groups. In general, there was a lot of work done during the Covid-19 pandemic to ensure people on the margins were protected for example through provision of food packages and other forms of direct support.
30. In the early stages of the pandemic, the Scottish Government did not have a full understanding of which groups were being affected and how. I worked with some groups within my portfolio to ensure I understood their concerns and needs. These included Alcohol Focus, a Scottish alcohol recovery forum. I also met with a group of consultants working with drug users and the impact the restrictions had on individuals looking to access services. While the decisions were made at cabinet level, me and other junior ministers were engaged with key groups to ensure the impact on vulnerable individuals and groups was being considered.
31. In terms of obstacles, I believe a significant one was not having all the information, and because of the novelty of the situation, it was difficult to seek information which was constantly changing. In terms of missed opportunities, with the benefit of hindsight, I believe it would have been valuable to implement wearing of masks sooner, as was the case in other countries. I also believe it would have been helpful to receive better data sooner, such as from other countries or on a more robust four nations basis.

Divergence

32. I believe that divergence became apparent when the four nations began looking at recovery from lockdown. While all four nations were being provided with the same information, it seemed that different conclusions were being reached. It is my view that the Scottish Government did not make a conscious decision to diverge, rather it simply came to different conclusions, which led to divergence. With respect to the four harms framework, it became apparent, when restrictions were easing, that the UK Government gave significantly more weight to the fourth harm, relating to the economy, compared to the other harms. The divergence was between the three devolved administrations, which were largely in agreement, and the UK Government.
33. During this time period when the UK was looking to recover from the pandemic, there was a feeling in the Scottish Government that the devolved administrations were being left out of decision making. Frequently, ministers from the UK Government would discuss and make decisions and the devolved administrations would simply be

informed at the last minute that certain decisions had already been made and were expected to agree. Policy on international flights would be an example of this. This made information sharing and communication more difficult.

34. I believe the divergence between the Scottish Government and the other three-nations in response to the Covid-19 pandemic was both necessary and appropriate. Ideally, I believe maintaining an overarching four nations response to the Covid-19 pandemic, that allowed for nations to implement this in a way that suited them best, would have been preferable. However, the only way this could have been achieved, in the absence of meaningful four nations discussions, was if the devolved administrations simply followed what the UK Government decided to do. The devolved administrations were often informed of decisions the UK Government had taken.
35. Vaccine rollout is an example of an area which required a divergent approach. Vaccine rollout could not be done on the same basis in Scottish islands as it had been done in other parts of the UK. This was a good example of how the decisions were made on a four nations basis, but they allowed for nuances to account for region, area, and geography.

Role in relation to medical and scientific expertise, data and modelling

36. The position I held within the Scottish Government between January 2020 and December 2020 did not involve consideration or decision making related to medical and scientific expertise or data and modelling. I do not believe it is appropriate for me to comment on decisions made in this regard.

Role in Covid-19 public health communications

37. In relation to Covid-19 public health communications, I recall attending press releases and answering parliamentary questions. I was also responsible for responding to correspondence coming into the health team, as the volume of PQs and correspondence increased significantly over the period with MSPs and members of the public sought answers directly from Ministers. I was responding to a large amount of these questions and correspondence in order to free the Cabinet Secretary up to deal with other matters.
38. I believe the First Minister's daily briefings worked very well as a form of public health communication. A large portion of the public would tune in and receive their information

about the rules and regulations from the briefing. It was a combination of political and clinical information, which in my view worked well.

39. In terms of missed opportunities, I believe our public messaging about washing hands and wearing masks could have been sharper. The Scottish Government was trying to do too much in the messaging, and it could have been clearer.
40. I believe that alleged breaches of rules and standards by Ministers, officials and advisers had a significant impact on public confidence and trust. If any individual in a position of privilege and trust breaches rules, there is a real concern of the impact on compliance and confidence. Sport was part of my portfolio when top tier footballers were allowed to return to playing football when the rest of the country was still under lockdown. There was a real concern that these public figures would not comply with the rules, and this would decrease public confidence.

Role in public health and coronavirus legislation and regulations

41. I did not play a role in the decision making on the public health and coronavirus legislation and regulations that were proposed and enacted between January 2020 and April 2022.
42. I do not recall providing advice or briefings to the First Minister, other Scottish Cabinet Secretaries or any Scottish Government committees, groups or forums on the public health and coronavirus legislation and regulations as this was outside my ministerial role.
43. I believe the public health and coronavirus legislation and regulations were proportionate. Any legislation which passed underwent scrutiny and thorough parliamentary process. Most of the legislation was enforced through self-enforcement, and it helped that the public was generally receptive to complying with the legislation and regulations.

Key Challenges and Lessons Learned

44. Other than instances mentioned earlier in this statement, I do not recall providing any oral or written evidence to the Scottish Parliament or any of its committee or any committees of the UK Parliament. I do not recall taking part in any internal or external reviews or lessons learned exercises.

45. In terms of lessons learned, I believe that the Scottish Government should be mindful going forward, not to focus on preparing for another coronavirus outbreak or an influenza pandemic. A large portion of the planning prior to the Covid-19 pandemic focused on an influenza outbreak, but the Covid-19 pandemic was quite different. It should be mindful about the country's resilience strategy in preparing for more unexpected and novel pandemics.

Informal communications and Documents

46. I do not recall WhatsApp or other messaging platforms being used to make decisions or record views relating to Covid-19 across any of my roles during the specified period.
47. During my time as Minister for Public Health, the health ministers had a group WhatsApp chat which pre-dated the pandemic and was used to discuss holiday arrangements and similar non-government matters. This group was not used to discuss decisions, or anything related to Covid-19. I do not recall this group being used during the period in question. I do not have any messages retained from this group.
48. In addition, WhatsApp chats were created to support my attendance on Four Nations Calls. These chats were used to communicate with officials during a Zoom or Teams call. No decisions would have ever been made in this chat which was just a line of communication in case there was a question or prompt. Such groups would have been set up for most of these calls and I can only recall them being used to confirm who was going to speak to any items and ensure we had all managed to get onto the call. I do not have any messages retained from any of these chats.

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: _____ 23 October 2023 _____