

Witness Name: Jennifer Gilruth

Statement No.: 1

Exhibits: JGI

Dated: 10 November 2023

## UK COVID-19 INQUIRY

---

### WITNESS STATEMENT OF JENNIFER MADELEINE GILRUTH

---

**In relation to the issues raised by the Rule 9 request dated 16 June 2023 in connection with Module 2A of the Covid-19 Public Inquiry, I, Jennifer Gilruth, will say as follows: -**

1. I am Jennifer (Jenny) Gilruth of the Scottish Parliament, Edinburgh EH99 1SP. I am currently the Cabinet Secretary for Education and Skills within the Scottish Government. I have been in that position since March 2023. 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.
2. 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.
3. References to exhibits in this statement are in the form [JGI - INQ000000].

#### **Background, qualifications and role during the Covid-19 pandemic**

4. Between February 2022 and March 2023, I was the Minister for Transport for the Scottish Government. I acted as Minister for Transport for a very brief period towards

the end of the Covid-19 pandemic. By February 2022, the main role I played in decision making in relation to the pandemic was supporting the recovery of the public transport industry, particularly in light of a decrease in the use of public transport as a result of pandemic restrictions. I was consulted at that time about the removal of face mask wearing on public transport, with the final decision being a matter for Cabinet.

5. Between May 2021 and February 2022, I was the Minister for Culture, Europe and International Development. When I was appointed in May 2021 Scotland still had a number of Covid restrictions in place. At this time there was a lot of anxiety in the culture sector and my role involved providing support to the sector and ensuring its sustainability. A key consideration at the time was supporting the Edinburgh Fringe Festival, and the impact of restrictions and social distancing. As a junior minister I would not usually have been in decision making position, although I supported and worked closely with Angus Robertson, who was the Cabinet Secretary for the Constitution, External Affairs and Culture at the time.
6. Between February 2020 and May 2021, I acted as the Minister for Europe and International Development. My responsibilities in this role involved working with our partner countries. These included Rwanda, Malawi, Zambia and Pakistan. International Development is largely reserved matter; however the Scottish Government has developed our own bespoke approach to supporting our partner countries since the inception of Devolution. This role largely involved sharing information with our partner countries and latterly gathering information to see what more we could do to support the impact of the virus in our partner countries. As a junior minister, I also supported my portfolio Cabinet Secretary, Michael Russell, on some aspects of the introduction and passage of the Coronavirus (Scotland) Act 2020.
7. I was Parliamentary Liaison Officer to the former Deputy First Minister and Cabinet Secretary for Education from May 2016 to June 2018, until the liaison role was abolished. Between May 2016 and January 2020, I was a backbench Member of Scottish Parliament for the Scottish National Party for the Mid Fife and Glenrothes constituency. Prior to 2016 I worked as a Principal teacher.

8. As documented above, between January 2020 and April 2022, I held various positions as a junior minister. A large amount of my respective role(s) involved engaging with stakeholders to understand their views and circumstances and to explain the policies in place at the time. Decision-making authority largely rests with Cabinet Secretaries and with the Cabinet. Unless I was attending a meeting on behalf of my Cabinet Secretary, which was infrequent I would not have attended cabinet meetings in any decision-making capacity.
  
9. I was involved in limited communications with the UK Government during the course of the pandemic, including, for example, a call with FCO Minister for Consular Affairs, Nigel Adams and other Four Nations colleagues on 31 March 2020 about the safe return of British citizens to Scotland [JGI/001– INQ000249283]. I attended meetings as Europe Minister with my Cabinet Secretary, Michael Russell, other Devolved Governments and the UK Government in relation to Scotland’s removal from the European Union, for example I attended at JMC-EN on 29 December 2020 following the UK Government’s Brexit deal. [JGI/002 – INQ000232644].

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

10. I became aware of Covid-19 in my official capacity ahead of the national briefing provided by the First Minister through ministerial portfolio meetings and written briefings, although I would have been likely to have had general awareness from public news channels earlier. In February 2020 I had just become a minister for the first time. The First Minister provided regular updates and briefings in the Scottish Parliament. I recall that a variety of public and parliamentary statements were made ahead of the ultimate decision to impose lockdown restrictions.
  
11. As a junior minister in a different portfolio area, I was not involved any decision making relating to the threat or risk of Covid-19, however information pertaining to the threat of Covid-19 was shared routinely with Ministers for our interests. From my position, it seemed that the Scottish Government was treating the threat very seriously, preparing itself for the threat on the basis of the most up to date information available, and providing regular information to the public. Looking back now, I would say that the scale of the impact of the pandemic was difficult to predict, and admirable leadership was shown throughout the pandemic.

12. I do not recall being involved in any discussions relating to the NIKE conference in Edinburgh on 26/27 February 2020 or the Scotland vs France Six Nations rugby match at Murrayfield in March 2020.
13. I recall that the Scottish Government's initial strategy was focused on keeping people safe and thus encouraging them to stay at home as much as possible. I do not recall any indication that 'herd immunity' was being considered as a strategy by the Scottish Government between January 2020 and March 2020. During this time period, my impression is that there was alignment between the Scottish and UK Government's approach. It is very difficult for me to comment on the ways in which the Scottish Government should have acted or whether its decision making was curtailed in any way by the UK government at this stage of the pandemic. As a junior minister who was not part of the health portfolio, I was not in a position to have the information which would enable me to make an assessment of that nature.
14. I did not provide any advice or play any part in any decisions made in relation to how Scotland should respond to Covid-19 between January 2020 and March 2020 on the use of lockdowns to limit the spread of Covid-19, initial strategies including community testing, surveillance of Covid-19, moving from 'contain' to 'delay', the discharge of patients into care homes and guidance and advice to health and social care providers.
15. I cannot comment on the adequacy of information and advice sought and received, information sharing and communication, coordination with any relevant bodies and strategy and planning within the Scottish Government or between the Scottish and UK Governments. Due to the nature of my ministerial role at the time, this would have fallen outwith my ministerial responsibilities.

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

16. Junior ministers would not necessarily have been privy to details of strategic decisions in advance, so it is very likely I found out the details of the lockdown through public

messaging in March 2020. I recall that the implementation a national lockdown was clearly aimed at protection of human life.

17. I was consulted about decisions concerning the easing of restrictions, in relation to the Culture sector, however not on decisions regarding the imposition of, easing of, or exceptions to national lockdowns, local and regional restrictions, working from home, self-isolation requirements or the closure of schools and education settings.
18. In and around May 2021, I would have considered the data in relation to social distancing within the culture sector, with a view to assisting the Cabinet Secretary for Culture in supporting the reopening of culture venues. Social distancing was also considered in late 2021 in relation to the omicron variant and the decision to close venues again. I do not believe I had any authority to make decisions upon consideration of this data.
19. In and around April 2022, as the Minister for Transport, I recall considering the removal of the requirements to wear face coverings and the impact of this on the public transport sector. As I became Minister for Transport in February 2022, the wider strategic approach and decision making in relation to face coverings on public transport was already in place.
20. I do not recall playing any role in reaching decisions concerning border controls. I was, however, a junior minister assisting the Cabinet Secretary, Michael Matheson, at certain points. I may have attended some meetings to substitute for him. I do not believe this would have involved any decision making.
21. I did not play any role in the Scottish Government's decision making with respect to consideration of potential wider health, social and economic impacts of NPIs.
22. As it was outside the scope of my role, I do not have any comments on whether the Scottish Government gave sufficient consideration in its decision making to the impact of NPIs on 'at risk' and other vulnerable groups in light of existing inequalities.

23. I am not able to comment on the adequacy of information and advice sought and received with regards to lockdowns and other NPIs implemented in Scotland over the course of the pandemic. With regards to information sharing and communication, I believe the Scottish Government did a good job of ensuring the public remained informed about lockdowns and other NPIs.

### **Divergence**

24. It is well documented that the Scottish Government took a more cautious approach to the pandemic than the UK Government. Notwithstanding, the 'Four Nations' approach did not override the respective devolved decision making implicit, however, in responding to a Healthcare pandemic. The questions purports that Scotland 'diverged' – an alternative interpretation may be that it was the UK Government which diverged from the previously agreed four nations approach and the available scientific evidence.
25. My recollection is that the more cautious approach advocated by the Scottish Government was the correct one. But there is no doubt that the Scottish Government, like the other Devolved Governments, was limited in the decisions it could take, given the fiscal framework within which we all currently operate under.

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

26. The positions I held within the Scottish Government between January 2020 and April 2022 would not usually have involved consideration or decision making related to medical and scientific expertise or data and modelling. As a consequence, I do not believe it is appropriate for me to comment on any decisions made in this regard.

### **Role in Covid-19 public health communications**

27. I had a very minor role to play in Covid-19 public health communications. Like other Members of the Scottish Parliament, I helped to share government messaging on

social media. Beyond this, I do not believe I have any comments on the approach taken by the Scottish Government with respect to public health communications.

28. I believe that, in general, the Scottish public had high confidence in the manner in which the Scottish government handled the pandemic. I believe it was a strength of the Scottish Government's handling of the response to provide a near-daily public briefing. In my view, this was a strength compared to the UK Government's approach.
  
29. I do not recall any impact from any alleged breaches of rules and standards by Ministers, officials or advisers within the Scottish Government between January 2020 and April 2022.

#### **Role in public health and coronavirus legislation and regulations**

30. I recall being involved with some emergency legislation procedures. In 2020 I was a new minister, gaining experience in a ministerial role. In that capacity, I recall assisting Michael Russell with the passage of the Coronavirus (Scotland) Act 2020. I recall speaking to amendments in chamber and speaking to committee meetings using applications such as Teams and Zoom during the pandemic. Official reports are available for both the meeting of COVID-19 Committee which I attended on 19 May 2020 regarding Coronavirus (Scotland) (No 2) Bill: Stage 2, and the meeting of the Culture, Tourism, Europe and External Affairs Committee on 3 December 2020 regarding International Development. I also contributed to debates in the chamber, notably during the Coronavirus (Scotland) Bill Stages 1 and 2 debates on 1 April 2020, the Coronavirus (Scotland) (No 2) Bill Stage 1 debate on 13 May 2020, and the Coronavirus (Scotland) (No 2) Bill Stage 3 debate on 20 May 2020.
  
31. My role as a junior minister was to support the passage of the relevant legislation through the Scottish Parliament on an emergency basis. The effects of the legislation largely fell outwith my portfolio responsibilities at that time.

## **Key Challenges and Lessons Learned**

32. I do not recall providing any evidence to the UK Parliament. I recall providing written evidence and responding to parliamentary questions relating to vaccine rollout in our partner countries as Minister for Europe and International Development. The Scottish Parliament was interested in how other countries were approaching the pandemic, and what more the Scottish Government could do to provide assistance.
  
33. I believe a key challenge during the pandemic were the arrangements in relation to the Fiscal framework between the UK Government and the Scottish Government. For example, the UK Government delayed Culture consequential flows to the Scottish Government at a time of great need in the sector. This meant that the Scottish Government had to find additionality within our fixed budget to support Culture. That uncertainty created needless anxiety within the sector and exacerbated precarious employment. Secondly, the UK Government's belligerence on 'delivering' Brexit, during the teeth of the pandemic, was unnecessary and dangerous. This political decision layered extreme challenges for our businesses on top of those created by the pandemic. Finally, the decision by the UK Government not to extend the Furlough Scheme was extremely harmful to certain sectors. At the onset of the Omicron variant in late 2021 that lack of a financial safety net for those in the Culture sector, who were prevented from working, created real financial hardship in a way that had not previously been the case.
  
34. In relation to lessons learned, I believe a more holistic approach could have been taken to the re-opening of the economy. As Minister for Culture, I was very aware of those in the culture sector feeling as though they were forgotten about during the pandemic. Developing our approaches to support a well-being economy which fully recognises the importance of our Culture sector would be one way in which we could attempt to build on what the pandemic taught us.

## **Informal communications and Documents**

35. I do not recall using informal messaging platforms, texts or messages to make decisions about the Scottish Government's response to Covid-19. Neither am I aware of any group chats used to communicate such decisions nor do I hold any personal notes or records. Due to logistical reasons, for example the national lockdown, I did



use text and WhatsApp for administrative reasons. Whilst these were not for decision making, I have shared with the inquiry those from my records which may be considered as relevant for full transparency.

**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: 10 November 2023