

Witness Name: Shirley-Anne Somerville

Statement No.: 1

Exhibits: SAS

Dated: 23 November 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF SHIRLEY-ANNE SOMERVILLE

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

1. I am Shirley-Anne Somerville of the Scottish Parliament, Edinburgh EH99 1SP. I am currently the Cabinet Secretary for Social Justice within the Scottish Government. I have been in that position 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 [SAS - INQ000000].

Background, qualifications and role during the Covid-19 pandemic

5. I was previously an MSP for the Lothians region from 2007 to 2011 and then returned to the Scottish Parliament in 2016 as MSP for Dunfermline. I served as the Minister for Further Education, Higher Education and Science from 2016 to 2018.

6. Between June 2018 and May 2021, I served as the Cabinet Secretary for Social Security and Older People. In this role I was responsible for decisions relating to the provision of social security, including the introduction of the Scottish Self-Isolation Support Grant at the start of the Covid pandemic and additional payment to Carers in recognition of the additional financial pressures they faced during the pandemic.
7. In May 2021 I was appointed as the Cabinet Secretary for Education and Skills until March 2023. When I was appointed to this role, all of the decisions relating to the return to exams had already been made. Many of the decisions had also been delegated to junior ministers. For example, all decisions relating to colleges and universities had already been delegated to relevant junior ministers. I was largely responsible for overseeing the implementation of return to exams and decisions relating to guidance for schools including ventilation and face coverings.
8. As the Cabinet Secretary for Social Security and Older People I chaired the Social Renewal Advisory Board jointly with Aileen Campbell, the Former Cabinet Secretary for Communities and Local Government. The Board was tasked with considering how Scotland could emerge from the Covid-19 pandemic whilst reducing poverty and disadvantage. The group concluded with the publishing of a final report in January 2021 [SAS/001 - INQ000182792]. Board Members included experts in housing, disability, poverty, homelessness and the third sector.
9. As the Cabinet Secretary for Education and Skills I chaired the Covid-19 Education Recovery Group (CERG). The Group intended to bring together key stakeholders in school education, early learning and childcare, to support national and local government in the journey to reopening education and childcare settings.
10. Beyond the groups mentioned above and meetings of the Scottish Cabinet and the Communities and Public Services Ministerial Group, I do not recall being present at any other decision-making committees, groups or forums dealing with or impacting the Scottish Government's response or communication of Covid-19. 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)

11. I first became aware of Covid-19 in my official capacity in or around February 2020. A paper about critical national infrastructure was circulated to Cabinet Secretaries

- [SAS/002 - INQ000249301 and SAS/002a- INQ000249302]. It was also sent to me as the paper also considered the delivery of social security in the case of a pandemic in Scotland.
12. During this initial period of the Covid-19 pandemic, I believe the Scottish Government appreciated the seriousness of the threat of Covid-19 and made necessary preparations in light of the scientific and medical advice available at the time.
 13. 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 or the Scotland vs France Six Nations rugby match at Murrayfield on 8 March 2020.
 14. The Scottish Government's initial strategy to the Covid-19 pandemic was derived outwith my portfolio. Based on Cabinet papers and discussions at the time, my understanding of the initial strategy was that it was based on the scientific advice provided to the Scottish Government at the time. To my awareness 'herd immunity' was never considered as a strategy by the Scottish Government for responding to Covid-19.
 15. Within my portfolio in relation to social security, the decisions being made were on the basis of our understanding of the decisions being made in the UK Government in relation to social security. This is because many aspects of social security are reserved, and this needed to be taken into account when making decisions for Scotland. An example of this is relation to self-isolation, and additional payments to carers which were not only impacted by the level of Barnett Consequentials received by the Scottish Government to cover the budget but also whether or not the UK Government would decrease an individuals reserved benefit if they received additional 'income' in the form of a payment from the Scottish Government. While decisions around social security were impacted by the decisions of the UK Government, I would not say they were curtailed.
 16. Within my portfolios I believe that decisions were taken based on advice from Scottish Government officials which included the context of UK Government decisions and their impact on our deliberations. We took decisions different to the UK Government if it was the right thing to do based on the knowledge we had at that time.
 17. 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.

18. I believe a strength of the Scottish Government's initial response to Covid-19 was the timeous receiving and provision of advice. Sharing of information, advice and coordination within the Scottish Government worked well despite the new way of working which had to be adopted as a result of the pandemic. Considering the speed at which advice and information adapted and progressed, the provision of information and advice worked well.
19. I cannot comment on communication or information sharing between the Scottish and UK government as knowledge of this was outwith the responsibilities of my role.

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

20. 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 reasoning for adopting a national lockdown is that it was in response to medical advice provided at the time by the Chief Medical Officer for Scotland and other medical experts. Relevant Cabinet Secretaries received regular advice and information from the Chief Medical Officer for Scotland on the prevalence of the Covid-19 virus. The Scottish Government adopted and implemented a national lockdown in response to this advice.
21. In the absence of information to suggest otherwise, I believe the decisions of the Scottish Government to adopt and implement a national lockdown were made timeously, both in March 2020 and January 2021.
22. I do not recall playing a role in reaching decisions concerning the imposition of, easing of, or exceptions to national lockdowns, local and regional restrictions, working from home, the closure of schools and education settings, the use of face-coverings (with the exception of face coverings in schools) or the use of border controls.
23. With regards to self-isolation requirements, as the Cabinet Secretary for Social Security and Older People I was involved in decision making relating to the Scottish Self-Isolation Support Grant. I received information around statutory sick pay, universal credit and scientific advice around the need to self-isolate. The information provided to me led to the conclusion that a grant needed to be introduced. I then facilitated the introduction of the Scottish Self-Isolation Support Grant, which provided a Grant to

those who had lost income due to the public health requirement to self isolate due to COVID.

24. When the Scottish Government made decisions about the type and duration of NPIs, it considered a large number of factors, primarily using the four harms framework. In relation to areas which concerned my portfolio, a wide range of perspectives were considered, As the Cabinet Secretary for Social Security and Older People, I was aware of the need for individuals to receive financial support in order to encourage them to comply with self-isolation requirements. This informed the decision to introduce the Scottish Self-Isolation Support Grant. As the Cabinet Secretary for Education and Skills, a key decision involved the continued use of face coverings in schools. When making this decision my officials considered the views from all those on CERG including parents, trade unions and young people.
25. I believe the Scottish Government considered the impact of NPIs on 'at risk' and other vulnerable groups in light of existing inequalities, including those with protected characteristics under the Equality Act 2010. As the Cabinet Secretary for Social Security and Older People, I was very aware of the need to protect vulnerable people through social security provisions and took this into account when making decisions during the Covid-19 pandemic. As the Cabinet Secretary for Education and Skills, I was regularly able to understand the impact of NPIs on 'at risk' and vulnerable groups through CERG. In the Group, stakeholders had the opportunity to raise issues affecting vulnerable groups in education directly with ministers.
26. I believe information sharing and communication relating to NPIs worked well within the Scottish Government. In particular, I found CERG to be a very helpful forum to facilitate information sharing between the Scottish Government, stakeholders and other key groups within education..

Divergence

27. I cannot recall when the Scottish Government's approach to the pandemic began to diverge from the UK Government. I do not recall playing a role in relation to the Scottish Government's adoption of a divergent approach to the Covid-19 pandemic.
28. I believe the divergence between the Scottish Government and the other three nations was necessary and appropriate. The Scottish Government took decisions based on the scientific and medical advice provided throughout the Covid-19 pandemic. Sometimes this resulted in divergent outcomes within different nations.

29. In my view, a four nations approach in some aspects of policy would have been better for ease of communication and consistent public messaging. For example, there were situations during the Covid-19 pandemic when the media was not clearly communicating which education rules applied only to England, Scotland or UK-wide, although the media communication became clearer later in the Covid-19 pandemic. However, I do not believe a four nations approach is always appropriate and there were situations in the pandemic, with respect to both social security and education, which required a divergent approach in collaboration with stakeholders, such as restrictions relating to face coverings in schools.

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

30. The positions I held within the Scottish Government between January 2020 and April 2022 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.
31. Scientific presentations were made during CERG meetings so that wider stakeholders could understand scientific advice as it became available. This allowed sharing of information widely and assisted with decision-making. Stakeholders also broadly expressed this worked well and were reassured about decision-making in light of scientific advice. I believe this worked well.

Role in Covid-19 public health communications

32. Along with many other ministers, I played a role in signing off the marketing campaigns related to Covid-19 public health communications. I was also a part of a small number of the First Minister's daily health briefings.
33. I believe the First Minister's daily health briefings during the Covid-19 pandemic worked well. This provided a reassuring and frequent opportunity to communicate key decisions made by the Scottish Government to the public. It also assisted with transparency as the media was offered opportunities to question the decisions at the briefings.
34. With respect to obstacles, I believe the media was not always clear about which decisions applied to a devolved administration specifically or applied UK wide. This made public health communications more difficult.

35. I believe that alleged breaches of rules and standards by Ministers, officials and advisers did not have a significant impact on public confidence in the Scottish Government's handling of the Covid-19 pandemic. Breaches in Scotland were dealt with quickly and in a way that demonstrated to the public that everyone will be treated in the same way when it came to breaches of rules. I believe this approach was essential to uphold public trust.

Role in public health and coronavirus legislation and regulations

36. I played a role in the drafting of the Coronavirus (Scotland) Act 2020, including signing legislation and regulations. I was also involved in providing evidence to Scottish Government committees.
37. I believe assessment of the proportionality of legislation and regulations, including their enforcement, and improvements which could have been made, are outside of the scope of my portfolios between January 2020 and April 2022.

Key Challenges and Lessons Learned

38. I gave evidence to the Social Security Committee during their enquiry into the Social Security response to COVID. I will also have given evidence to relevant Committees as part of the annual budget and as primary and secondary legislation was taken through Parliament. I do not recall taking part in any internal or external reviews or lessons learned exercises.
39. With regards to areas that worked well, I believe CERG was a good way to bring stakeholders directly into the decision-making process. It allowed the Scottish Government to share information, discuss views and work with a good degree of consensus. CERG was brought in very early into the pandemic, and this worked well in my opinion.

Informal communications and Documents

40. I do not recall WhatsApp or other messaging platforms being used to make decisions or record views relating to Covid-19 during the specified period. However, due to the broadening of the request from the Inquiry to provide any informal messages, regardless of whether they are decision making or not, I have made a number of WhatsApp/text exchanges available to the Inquiry. I do not hold any personal notes or records from this time.

41. I am not aware of any WhatsApp groups which key decision makers or their advisors used to communicate about decisions relating to Covid-19.

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: 23/11/2023