Witness Name: Joe Griffin
Statement No: 3
Exhibits: JG3
Dated: 16 November 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF Joe Griffin

In relation to the issues raised by the Rule 9 request dated 19 June 2023 in connection with Module 2A, I, Joe Griffin, will say as follows: -

1. I am Joe Griffin of St Andrew's House, Edinburgh. I have worked for the Scottish Government in a variety of roles since September 2004.

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-19 Inquiry Information Governance Division and DG Private Office.

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 [JG3/number - INQ000000].

BACKGROUND, QUALIFICATIONS AND ROLE DURING COVID-19 PANDEMIC

5. I have worked for the Scottish Government in a variety of roles since September 2004, prior to which, from 1996, I was a diplomat at the then Foreign and Commonwealth Office and on secondment to the European Secretariat of the

Cabinet Office from 2002 to 2004. My Scottish Government roles have included: First Minister's Office (as Principal Private Secretary 2013-2015, and Private Secretary for First Minister's Questions, 2006-2007); interim Deputy Director, Resilience during the 2009-2010 H1N1 Flu Pandemic; interim Deputy Director, Justice 2010-2013; acting Director, Fair Work 2015-2016; Deputy Director, Children and Families 2016-2018; Director Early Learning and Childcare, 2018-2020. In terms of qualifications, I have a BA (Hons) Degree in Modern History from the University of Oxford. In my years working in government I had never experienced anything remotely like the pressure of our response to the Covid-19 pandemic. As civil servants, we all understood how high the stakes were, and we were very conscious of the real world impacts of the pandemic, causing death, serious illness, financial disruption, impacts on older people, children, minority ethnic communities. It is my strong hope that the Inquiries can help us understand what we need to do better next time, to prepare for another pandemic, or indeed another significantly disruptive crisis – whatever its nature. We are all in public service to serve.

6. From January until March 2020 I was Director for Early Learning and Childcare. In March 2020, I volunteered for and was managed moved to a new role as Director for Safer Communities, because the incumbent, Gillian Russell, had urgently to move to a post in health leading on workforce issues: a critical concern going into the pandemic. I was Director for Safer Communities until my promotion to Director General Education and Justice in March of 2021 and I remained in that role from then until the end of the pandemic and beyond. The Director for Safer Communities, at that time, led a series of Divisions dealing with public safety. This included Resilience Division, which was the lead team for civil contingencies planning and response in the Scottish Government. It included Police Division, who were responsible for funding of, policy for and relationships with the Scottish Police Authority and Police Scotland. The role also had responsibility for three other Divisions: Safer Communities, which led on a wide range of matters including the Scottish Fire and Rescue Service, violence reduction, and sectarianism; Defence, Security & Cyber Resilience, which led on policy relating to serious and organised crime and counter-terrorism; and Justice Analytical Services, which provided analytical input to policy and was responsible for publishing a number of statistical

and other evidential publications. With these responsibilities, my role in relation to the Scottish Government's response to the Covid-19 pandemic was more around the provision of advice than decision making. In the early months of the pandemic, as the Director responsible for Resilience (and therefore crisis response), I acted as part of an informally constituted team of senior people supporting Ken Thomson as the lead DG for the Covid-19 response. Initially, my core responsibility was to ensure that the Scottish Government Resilience Room (SGoRR) was functioning effectively as a convening mechanism for Ministerial information sharing and decision making, able, technically and conceptually, to liaise with both the UK Government and the Scottish civil contingencies community. As the crisis response evolved, the running of SGoRR and the civil contingencies response migrated to a new Directorate, Organisational Readiness, led by Shirley Rogers, and reporting directly to Ken Thomson in March 2021. In the earliest days, however, I mainly acted as a "utility player," picking up any urgent tasks that needed to be done, particularly in respect of information sharing at official level, as the situation rapidly developed. I oversaw the development of a regular situation reporting product for Scottish Ministers, and worked with the Cabinet Office on the provision of Scottish information for the UK level situation reporting tool. I played a part in the sharing of information with key partners in local government, Police Scotland, the military, and the Scottish Fire and Rescue Service about the development of Scottish Government thinking. As the pandemic developed, I established myself as a regular conduit for insight of this nature, including through an informal group of senior public sector leaders. At one point, in October 2020, I played a role in developing and securing formal Scottish Government/local government agreement on the appropriate political level dialogue with Councils on the status of different local authorities under Scotland's Strategic framework, published on 30 October 2020. Two other aspects are worth mentioning. First, in September 2020 I offered to develop and lead a new Scottish Government function in respect of "compliance" – understanding and promoting ways of supporting individual people, businesses, and public institutions better respect and comply with the restrictions, and changes in restrictions, that applied across Scottish public life for much of the pandemic [JG3/001 - INQ000223012] and [JG3/002 - INQ000223024]. This involved recruiting a new team to lead the work, engagement with experts outside government, and the provision of advice to official and

Ministerial decision makers on how best to promote compliance, and to gather as much data as we could on our understanding of the extent of compliance in society. Second, as Director overseeing the Scottish Government's relationship with Police Scotland and the Scottish Police Authority, I had an ongoing and particular channel of communication with Police Scotland up to March 2021. This largely, but not exclusively, involved regular and open communication with Deputy Chief Constables Malcolm Graham and Will Kerr, providing them with insight on the development of the Scottish Government's strategic thinking, and particular in respect of NPIs that could have a bearing on the police's approach to enforcing restrictions. I engaged with David Crichton, interim Chair of the Scottish Police Authority, in a similar way. In turn, I was able to brief senior leaders and Ministers on the police's perspective, in ways that helped the development of advice and policy. As Director General Education and Justice from March 2021, my role was less personally "hands on" in respect of the Covid-19 response. I led six Directorates across these two portfolios: Early Learning and Childcare; Children and Families; Learning; Advanced Learning and Science; Justice; Safer Communities. I also line managed the Chief Executives of the Scottish Prison Service and Education Scotland. The range of responsibilities of these teams is set out fully in my witness statements of 23 June 2023. In respect of the Covid-19 pandemic, with my promotion to a more senior role, and the existence of much more established response mechanisms by March 2021, I generally supported key Directors in fulfilling their roles in respect of the pandemic, rather than being involved personally on an ongoing basis. For example, Alison Cumming (Early Learning and Childcare Director), Graeme Logan (Director of Learning) and Gayle Gorman (Chief Executive, Education Scotland), continued to play key roles in the provision of advice and stakeholder consultation on aspects relating to nursery and school restrictions, closures, re-openings, as well as the running of the 2021 exam diet. I supported Stephen Pathirana and Katherine Peskett, job share Directors for Advanced Learning and Science, in respect of Further and Higher Education restrictions, closures, re-openings and ongoing public health advice, where they led on establishing a new dedicated advisory group, combining public health information with the needs of learners and institutions. In both roles, it is also worth saying that I continued to have significant responsibilities for the wider work of my teams, operating in a Covid-19 context, but not relating directly to the Scottish

Government's response to Covid-19. That applies to the policy context, and also the ongoing management and governance responsibilities of a senior leader in the Scottish Government. Finally, I had a leading role as DG in developing early advice on the establishment of a Scottish Covid-19 Inquiry, following an indication from the then First Minister that this was something she would like to see happen which was reflected within the SNP Manifesto for 2021. This involved liaising with Whitehall colleagues about the establishment of an Inquiry at UK level.

7. I attended a large number of committees, groups and forums in relation to the Scottish Government's response to Covid-19. I attended in a supporting capacity two COBR meetings in March 2020, which was normal in my new role as Director for Safer Communities and therefore the Director level lead for the Resilience operation (SGoRR). This was to observe first hand key developments in a fast moving situation. I attended a large number of meetings of the SGoRR function between March 2020 and April 2022. In general terms, my role was to observe and follow up interactions between Ministers and leaders in the wider civil contingencies community, as well as debrief internal SG colleagues working on these matters. I attended a number of First Minister chaired "deep dives" on specific subjects during the same period. I participated in a number of meetings of the Compliance Advisory group, chairing at official level, and supporting the lead Cabinet Secretary, Shirley-Anne Somerville, for Ministerial meetings, between September 2020 and March 2021. I attended a number of four nation official level meetings on civil contingencies, chaired by the Cabinet Office, between March 2020 and the summer of 2020, at which point the Scottish Government lead role passed to Shirley Rogers in March 2021. These were largely information sharing meetings. I attended a number of four nation Education and Skills coordination meetings between March 2021 and the summer of 2021, in my capacity as DG Education and Justice. These were also largely information sharing meetings. I attended, as an observer, some meetings of the Scottish Government's Covid-19 Scientific Advisory Group, chaired by Professor Andrew Morris. Finally, I participated in a very large number of informal meetings at official level, convened by Ken Thomson as the Scottish Government's lead Director General on the Covid-19 response. These were generally "sense making" meetings where a number of functional leads would share latest developments, make connections,

and ensure that the right actions were taken away. Some had more of a singular focus, for example in the development of strategic frameworks for publication at key points. My input was aligned with the roles I played as described above, including on policing/enforcement; delivery partner perspectives, including local government; and, latterly, compliance. By way of illustration, some of the specific issues we discussed, and where my input was sought, included policing of house parties, appropriate fine levels for certain offences, policing of the quarantine requirements for international visitors.

8. In the initial period after March 2020, I had relationships with the Director for Civil Contingencies at the Cabinet Office, Katharine Hammond, and colleagues leading on civil contingencies from other Devolved Administrations, such as Reg Kilpatrick at the Welsh Assembly Government. These were well established relationships for the person in my role, given the need for civil contingencies work across the UK to have a degree of coordination on the most significant issues, and where I followed the approach of my predecessor in the role, Gillian Russell. Some of this was information sharing and sense making, but I recall more focused interactions around the need for good data and reporting to develop the "commonly recognised picture" across the UK. As my Resilience role passed to Shirley Rogers, she then took on these relationships which were a function of the civil contingencies role. When I moved to Education and Justice a four nations DG group on education was already operating, looking at matters affecting Early Learning and Childcare establishments, schools, colleges and universities. Sometimes I would attend that; sometimes I would delegate to the relevant lead director depending on the agenda and other diary pressures. I had regular contacts with Gillian McGregor and then Laurence Rockey at the Scotland Office, who were helpful in navigating Whitehall.

9. I had regular contacts with local government leaders at officer level, to assist with their understanding of developments as the pandemic developed. I saw this as part of my role as Director for Safer Communities, and a role I could usefully play as part of the team around Ken Thomson that was trying to understand developments and the response in the round. I was also temperamentally inclined to share information and promote good team working. A key relationship was with Jim Savege, Chief Executive at Aberdeenshire Council, who was the lead for local

government on civil contingencies and the chair of the civil contingencies structure, the Strategic Resilience Partnership. I also kept in regular contact with Sally Loudon the Chief Executive of the Convention of Scottish Local Authorities (COSLA) and some other local authority chief executives on a more ad hoc basis, including Annemarie O'Donnell at Glasgow, and Steve Grimmond (Fife). I also founded and chaired an ad hoc group called the Working Together Group which was much more of an informal opportunity for public sector leaders to come together to hear directly from Scottish Government leads for example on public health or on the thinking around future NPIs. This was not restricted to local government and also included leaders from the Scottish Government, Police Scotland, the Health service and the military. In the summer of 2020 I played a particular role in drafting an agreement between the Scottish Government and COSLA Leaders, on how future decisions on restricting activity in local authority areas would work. Tension had arisen between the national imperatives of needing quickly to control local outbreaks, and the understandable anxiety on behalf of local authorities that this could constrain their decision making, and also lead to wider harms, when restrictions were imposed, within their areas. I played this role to assist the Director of Local Government, Stephen Gallagher at the time, and drawing on my good relationships with Sally Loudon in particular.

INITIAL UNDERSTANDING AND RESPONSE TO COVID-19

10. I have been asked about when I first learned about the potential impact of the Covid-19 virus. This precedes January 2020, but the Director for Population Health gave regular updates from October or November of 2019 to the network of Directors (who meet every Thursday morning from across the Scottish Government) on the progress of the virus from China. I also attended at least one Resilience briefing as a potential volunteer in the Resilience machinery before March 2020. It wasn't clear until quite late in the day that the idea of drastic measures such as lockdown were emerging as a realistic possibility. As Director of Early Learning and Childcare prior to March 2020, I understood that disruption was coming, but not on the scale of what then transpired. That really became apparent once I had moved to Director Safer Communities and even then in the first few days. I remember attending an initial COBR meeting from the Scottish

Government resilience room in March 2020, in support of Scottish Government ministers, where it became clear that the UK government was now seriously considering drastic measures including the potential imposition of a lockdown.

11. I was not close to Health decision makers at the time (January to March 2020), but my impression was that the Scottish Government did appreciate the seriousness of the threat as it appeared at the time. However, to those of us further away from clinical modelling etc., this appeared more in general terms rather than any understanding that we would soon need such things as extensive procurement of PPE, a test and trace strategy, the imposition of lockdowns and far reaching measures which intruded into the private agency of individuals. I didn't realise any of that was going to be necessary although I did certainly have the impression of a major public health crisis which would require some kind of response.

12. I was not involved in any discussions within the Scottish Government surrounding the following events and whether they should go ahead: the Nike conference in Edinburgh on 26 and 27 of February 2020 and the Scotland v France Six Nations rugby match on 8 March 2020.

13. Between January and March 2020 I did not have knowledge or understanding of the Scottish Government's initial strategy, only learning of this in the very early days of my new role as Director for Safer Communities. I was Director of Early Learning and Childcare until 16 March and, in that role, I felt relatively remote from the thinking, despite the regular updates on the state of play of the virus in the Directors' network meetings. I did not hear any suggestion of 'herd immunity' being considered as a strategy. I don't know about alignment with the UK government at that point. There should have been extensive contacts between clinicians, Chief Medical Officers, public health officials. I don't know to what extent in those early days alignment was considered necessary or something where the Scottish Government had more autonomy. I think it's a matter of judgement about whether we should or shouldn't have made more or fewer decisions independently. The purpose of devolution is to allow for decision making to take account of the particular circumstances in Scotland, Wales, Northern Ireland and to some extent parts of England as well. Common approaches can make sense where elected

decision makers can find agreement. I think it has to be informed by the substance and evidence. From what I observed, I saw Ministers taking decisions based on the evidence and the advice in ways that were best for Scotland. During this stage of the pandemic I don't know if Ministers felt curtailed by UK Government approaches. There is a financial aspect to public health, furlough, compensation etc that played out more later on in the pandemic, and where decision making by Scottish Ministers might have been curtailed by the reality of what funding was available from HM Treasury. I don't know how that played out in this early period.

14. I did not provide any advice about how Scotland should respond to Covid-19 during January 2020 to March 2020.

15. Given the nature of my role for the bulk of this period was in relation to Early Learning and Childcare, I am not well placed to identify key areas which worked well, or where there were issues, obstacles or missed opportunities. I participated in two COBR meetings in support of the First Minister in the early days of my Safer Communities role, where the papers and agendas issued very late and in one case after the meeting had already started. There was a feeling of real urgency, bordering on slight chaos, and not as though there was a plan which was now being calmly executed. It felt like we were improvising in the face of something we didn't fully understand, but which had the potential to cause a lot of harm.

ROLE IN RELATION TO NPIs

16. My recollection is that the decision to adopt a national lockdown was taken in conjunction with the other UK administrations shortly after the key COBR meetings in March, and was based on the clinical advice that lockdown would be the only effective way of minimising the kind of contact between people that would otherwise lead to exponential growth in the spread of the virus, and with that, deaths and serious illness.

17. At the time, I didn't question the national lockdown as a main strategy. I was not well versed in the public health issues and I was very new in role, in a position relating to civil contingencies and community safety. In my time in a more junior

role in 2010 working on non-health responses to the H1N1 flu pandemic, the idea of a national lockdown had never, to my recollection, been under serious consideration. I found the imminent implementation of such a measure in March 2020 quite shocking, although I had no reason or inclination to question it.

18. I have been asked to explain the extent to which I played any role on reaching decisions concerning the imposition of, easing of, or exceptions to certain NPIs.

    a) The national lockdowns: none in March 2020, and minimal in January 2021, given the rapid pace of decision making, driven by the stark evidence of public health risk.
    b) Local and regional restrictions: yes, as described above in terms of the COSLA agreement in June 2021, and on an ongoing basis in terms of advice on policing, and then on compliance.
    c) Working from home: none.
    d) Reduction of person to person contact/social distancing: none.
    e) Self-isolation requirements: yes in respect of policing, enforcement and compliance.
    f) The closure of schools and education settings: As DG Education and Justice I supported the well-established group of Directors providing advice to decision makers on this. I had no direct role.
    g) The use of face coverings: yes, in respect of advice on policing, enforcement and compliance.
    h) The use of border controls: yes, in respect of advice on policing, enforcement and compliance.

19. In Scotland we were fortunate to have developed the Four Harms Framework [JG3/003 - INQ000131028] which was a tool for assessing the impact of proposed NPI's on the direct health risks relating to Covid-19, the indirect health risks relating to the rest of the health service, the social impact and the economic impact. That was regularly used as an analytical tool to assess the grounded implications and different forms of NPI's. Latterly I also developed a compliance function within the Scottish Government, setting up a small team whose role was in part to get good advice on the psychology of compliance from experts that could play a role in

influencing the communication and the substantive nature of the NPI's based on the likely behavioural impact on the population and segments of the population. That also involved the analysis of the effectiveness of compliance in different sectors of the economy and wider society, and how they approached their responsibilities in respect to compliance, providing advice to ministers.

20. I don't have a clear recollection of how decision making took account of existing inequalities. My sense is that this became more sophisticated and systematic as the pandemic went on, but I would not be able to cite specific evidence in support of that impression. I am confident, based on our culture, processes and those leading the work, that appropriate impact assessments would have been completed. There were key issues raised in respect of education and in particular children who, if not at school, would otherwise be vulnerable in different ways. That led to the development of the hub model for schools and also very specific consideration of the potential harms of school closures on those groups of children. I don't have a clear recollection of the degree to which equalities were systematised in the development of advice around NPI's, and if so when that happened. Some evidence on these matters is given in respect of education in my witness statement of 23 June [JG3/004 - INQ000215491].

21. I have been asked to identify key areas which I consider worked well, and any key areas in which I consider there were issues, obstacles or missed opportunities, with regard to the lockdowns and other NPIs implemented, focusing on both within Scotland and between the Scottish and UK Governments. I think the scientific advisory group that was set up in Scotland under Professional Andrew Morris and the development of clinical advice was very impressive. I sat in on some meetings as an observer, and was struck by the wide degree of expertise and the diversity of perspectives that have been gathered as an impressive way of supporting clinical advice to ministers. I think the group set up under John Scott QC to advise Police Scotland and the Scottish Police Authority on the maintenance of human rights during the pandemic was also a very impressive innovation and provided good information flows on policing and communities. I think the Working Together Group was a useful innovation in supporting good communication between key public sector leaders as well as mutual support for leaders at a challenging time. I

think the Four Harms Framework was a very effective tool which enabled some good advice and decision making. I think contacts with the military were very beneficial in allowing for the development of strategic thinking and also innovation like 'red teaming' to fully test some of our proposals as well as the logistical support to setting up the Louisa Jordan in Glasgow, for example. I also think the daily communication by the First Minister was a very effective political way of handling public communications, and the role played by Professor Jason Leitch and others, including the Chief Constable added to a sense of clear and consistent communications. I think conversely things that didn't work well were where there was a lack of collaboration or I think, particularly in the early days, a clear sense of trust between different levels in the public sector about what could be socialised with whom, when in order to get effective feedback.

DIVERGENCE

22. I don't know when the approach to the pandemic began to diverge, although I recorded in a note to staff on 11 May 2020 [JG3/005 - INQ000223025] that "differences are now emerging between the situation in England and the other 3 UK nations." I think the factors relate to the nature and purpose of devolution. The purpose of devolution is to allow for variable decision making on devolved matters in different parts of the country reflecting different political, legal, social traditions or norms. This comes under a lot of scrutiny in the midst of a crisis of this kind, but it shouldn't be surprising that all four nations at times had a different emphasis or took different decisions. In terms of my role, I don't remember any specific times where I played a personal role in respect to divergence.

23. I don't think it's accurate to describe divergence between the Scottish Government and the other three nations, as the question has been put to me. Decision making was carried out appropriately within each administration and aligned with devolved responsibilities. Wales and England differed on occasion as did Northern Ireland and Scotland. I don't accept it's a matter of Scotland diverging from the other nations of the UK. I don't think it's surprising that decision making would vary and beyond that this it is a hard question to answer in the abstract because it really depends on the nature of the decision and the degree to which a decision taken in one part of the United Kingdom has implications for people who live in another part

of the United Kingdom. Under the UK's constitutional set up, where certain matters are devolved, variability of decision making was almost inevitable.

24. I can't recall specific examples of when divergent approaches worked well, or when a divergent approach was taken but a four nations approach might have worked better. In general terms I think the approach to policing in Scotland worked well and benefited from the consistency offered by a single national police force able to put out clear messages through the Chief Constable. This helped ensure for example a consistent approach to the difference between guidelines and regulation which was not the case in other parts of the United Kingdom. The different legal systems in England and Scotland also provided on occasion for differences in the severity of disposals following infringement of regulations. The levels of fines for example or the nature of the response and again I think that's entirely appropriate.

ROLE IN RELATION TO MEDICAL AND SCIENTIFIC EXPERTISE

25. I did not have a role in facilitating, enabling access to, or providing information and advice to key decision makers in relation to medical and scientific, or data or modelling, expertise in relation to Covid-19.
26. I do not have any significant comment on how well the provision of scientific and medical, data and modelling expertise worked. From what I observed, the range and quality of scientific data improved and increased in scale, especially as the pandemic developed. This is what you would expect with a novel virus.
27. I do not believe that the Scottish Government was restricted or prevented from understanding the full scientific picture.

ROLE IN PUBLIC HEALTH COMMUNICATIONS

28. As previously stated I had a key role working with Police Scotland to get advice and insight from them on the likely impact on behaviour enforcement in respect of NPIs. Towards the end of the pandemic, I took on a lead role in setting up a compliance function with the Scottish Government which is described in the answer to question 15.

29. I think the daily press conferences by the First Minister were a very effective way of maintaining consistent communication with the public. I think the fact that most of her messaging was shaped by advice around the likely impact of people behaviour, including in respect of compliance, was strong. Some of this was intuitive to her, and some was informed by well-founded advice. I think clearly the frequency of changes and some of the granularity created confusion on occasions in the public mind, and over time the otherwise high levels of confidence in the government's handling of the pandemic declined somewhat because of a perception that obsession on specific levels of details was overtaking a common sense approach. Some of this may have been the result of fatigue with the pandemic as a whole.

30. The early breach of the rules by the former Chief Medical Officer, Dr Calderwood, could have had a negative impact in the public's perception of importance of the rules had it not been for her relatively swift departure from the role and the clarity that the First Minister and Police Scotland were then able to bring around the importance of compliance. Other than that, in the Scottish context, I can't remember high profile breaches of rules and standards other than a couple of incidences involving the then First Minister which were clearly not helpful in terms of the controversy they then caused, but were, in my view, clearly accidental in nature by someone who was, in general terms, very cautious about the virus in both personal and policy terms.

ROLE IN PUBLIC HEALTH AND CORONAVIRUS LEGISLATION AND REGULATIONS

31. As noted above, I provided advice on policy from the policing and compliance policy perspectives in particular, but did not provide direct advice in respect of the legislation.

32. I have been asked about what worked and didn't work well in respect of the public health and coronavirus legislation and regulations. I'm satisfied that the advice that was provided in respect to proportionality both of measure and of potential sanction was well rounded, and considered appropriate at the time. Certainly significant

thought and work went into it, with advice provided from a range of perspectives. I have addressed some of this in my answers above. I think as the pandemic developed my impression is there was a public frustration with the detail, specificity and distinction between different kinds of permitted or non-permitted activity but I don't know how that could easily have been avoided other than by taking a different approach to how we thought about the restrictions at a high level. In general, as far as we could tell from the data we had, the compliance of the Scottish public with the restrictions remained high, as did their confidence in the decisions taken by the Scottish Government.

KEY CHALLENGES AND LESSONS LEARNED

33. I have not provided any evidence to any Parliamentary committees on the Covid-19 pandemic or any lessons learned exercises.

34. I have been asked about the key issues and junctures in respect of the management of the pandemic.

    a. I think the key challenge was the necessity to improvise in our response rather than having access to a specific plan and tested responses. Perhaps this was inevitable, but it meant that the early days and weeks of our response to the pandemic was particularly intensive, putting huge pressure on a relatively small number of individuals, acting above and beyond their otherwise narrowly defined roles. This group of people, including me, then had to prepare and implement advice and decisions for Ministers, and implement scale up novel responses for which there was no precedent. This included support to those vulnerable groups shielding, compliance, or test and trace. What went well was an intense and totally committed response by individuals in the civil service and of course elsewhere, supported by the evolution of the technical platforms to allow for effective cross government working from remote locations. I think the big question in terms of what went well, and the inquiry will assist our understanding of this, was whether ultimately the harms caused by the lockdowns, some of which are still playing out today, were greater than the potential harms of a

less dramatic response to the pandemic with fewer NPIs and more modest restrictions on people's behaviour. I feel this question particularly keenly in respect of children, where we can see in the data the effect of lockdown, for example in a correlation in the number of developmental concerns at 27-30 months with the Covid-19 period. I don't at this point have a view on the balance of those harms, as the playing out of counterfactuals is very hard to prove empirically.

b. I think the big challenge that emerges from the pandemic for government is how can we create the financial resource and policymaking headroom to prepare for events that may not be inevitable but would be catastrophic in nature. The drive for maximum efficiency in resources, and for the delivery of relatively short term goals creates an environment where there isn't sufficient capacity or investment placed on a high level of resilience for "what might happen." And yet somehow, given a more volatile global environment, the implications for societies of climate change (including on public health) it feels as though government needs to have a more credible way of addressing this dilemma for the future. At a less elevated level, the experience confirmed my view that relationships are critical to effective collaboration and good decision making based on the diversity and range of perspectives and conversely where those relationships do not exist then problems of groupthink can readily emerge.

INFORMAL COMMUNICATIONS AND DOCUMENTS

35. I used informal messaging frequently to keep in touch with friends and colleagues in the Scottish Government but rarely, if ever, about substantive decision making relating to the Scottish Government's Covid-19 response. In my experience, group WhatsApp messages were limited almost entirely to ephemeral queries, logistical matters and inconsequential exchanges that lent themselves to such informality. To a large extent, they were a substitute for ad hoc face to face conversations that were not available at the time. I did not exchange WhatsApp messages with Ministers. I'm not aware of key, or even minor decisions, being made by Ministers or other decision makers on such informal platforms.

36. There were WhatsApp groups used in the ways described in my response to question 31, but, as far as I am aware, not to make decisions or to communicate about decisions. I don't recall the names of the groups and I don't recall the individuals who were members of them.

37. I did not record and retain all exchanges by informal messaging. My experience was that these were used for ephemeral, low level and informal communications, not as a decision making platform, or even as exchanges that were to prepare for, or about decision making in respect of the Scottish Government's response to Covid-19. Consequently, I have deleted some of the informal messaging with friends in the Scottish Government during this period, as part of general housekeeping. Some personal messages with Scottish Government friends/colleagues remain on my phone; not because I thought they should be retained for the public record, but because I had not got round to deleting them. I am providing any such messages about the Scottish Government's response to Covid-19 as part of the return at Annex C.

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: 16 November 2023