

Witness Name:

Statement No:

Exhibits:

Date:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF KAREN PEARSON

I, Karen Pearson, will say as follows: -

My role in Covid-19 the Executive Office (TEO) during the Specified Period

1. I am Director of Covid-19 Strategy and Recovery, Civil Contingencies, and Programme for Government. This is a Grade 3 post in the Northern Ireland Civil Service (NICS). The role evolved and developed during the Specified Period as defined by the Inquiry (i.e., 11 January 2020 to 15 February 2022) and the background to this is as follows.
2. My Civil Service career began in January 1986 when I joined the Home Office as a Home Civil Servant. Between 1986 and 2019, my career was exclusively in home affairs, policing and justice matters. In August 1998 I began a secondment to the Northern Ireland Office (NIO) from the Home Office, still as a Home Civil Servant. At that time, policing and justice matters were within the remit of the NIO and were not devolved. Policing and justice matters were devolved in April 2010 and Northern Ireland's Department of Justice (DOJ) was created on the same day. My post in the

NIO (Head of Human Resources) moved to the newly established DOJ and I moved with it. I transferred from the Home Civil Service to the Northern Ireland Civil Service (NICS) in April 2012.

3. I continued to work in a number of DOJ business areas including as the Grade 5 lead in the Protection & Organised Crime Division from 4 April 2016 – 28 April 2019. In that post, I had responsibility for assessing the policing and justice implications of the EU Exit referendum outcome, including the No Deal planning scenario.
4. In May 2019 I was appointed to a Grade 3 post as Director, EU Future Relations within The Executive Office of Northern Ireland (TEO). This role involved working with and supporting the nine Northern Ireland Departments in preparation for a No Deal Exit from the EU. Dr Andrew McCormick was my direct line manager and I also worked closely with Sir David Sterling, Head of the Northern Ireland Civil Service (HOCS). I lead a team in TEO leading on overall co-ordination of EU Exit work including No Deal scenario planning, and I had line management responsibility for the Executive's bureau in Brussels (Office of the Northern Ireland Executive in Brussels, or ONIEB).
5. On joining TEO, I became a member of its Departmental Board by virtue of my Grade 3 status. The Board met monthly and was a key forum for ensuring good governance within the Department. Matters such as the Department's budget, business plan and risk register were regular items on the agenda.
6. I attended a meeting of the Departmental Board on 26 February 2020 [**Exhibit KP2/1-INQ000391222**]. The agenda included a paper from Mr Chris Stewart entitled A Strategic Review of Civil Contingency Arrangements Across Northern Ireland [**Exhibit KP2/2-INQ000205712**]. Paragraph 7 of that document makes a reference to work over previous weeks on Covid-19. I am not aware of what that work entailed.
7. At NICS wide level, Sir David Sterling chaired a regular meeting of the Permanent Secretaries of the NI Departments known as PSS. Part of my role in TEO was to occasionally deputise for Dr Andrew McCormick when he was unable to attend such meetings. I deputised for him at the Permanent Secretaries stocktake on 13 March 2020 where Covid-19 was discussed [**Exhibit KP2/3-INQ000277388**].
8. My experience in DOJ and in TEO on a potential EU Exit No Deal scenario was of assistance in the Covid-19 pandemic. The EU Exit experience included: contingency

and operational planning; analysis of risk; understanding cumulative impacts; understanding the potential for risk mitigations; working closely with and understanding the priorities for our NICS Departments; and working closely with operational partners in NI, Whitehall Departments and sectoral stakeholders. Departments.

9. In mid-March 2020, I was asked to assist on Covid-19 issues, along with some of my EU Exit team who also had considerable experience in strategy, planning and risk management.
10. The sequence of events for my role on Covid-19 was as follows.
11. I received a telephone call from Dr Andrew McCormick asking if I would assist in Covid-19 matters for a period of time. I believe this call was on the evening of Saturday 14 March 2020. I agreed to this immediately as I anticipated that my work on EU Exit No Deal planning would have some common ground in terms of strategy setting and planning and risk management, albeit there would be some key differences too. The differences were: EU Exit was a democratically underpinned constitutional change, with potential impacts for various sectors depending on the nature of the exit arrangements; whereas Covid-19 was a human health crisis which would have whole of society impacts including considerable pressure on the health and social care sectors. EU Exit planning took place in a period of considerable political uncertainty, but it involved working towards a series of future dates when impacts may or may not materialise, which gave an opportunity for forward planning to known deadlines. Instead, Covid-19 was a rapidly evolving situation with no projected or known end dates and as can now be seen, involving series of waves and new variants of the disease. The common ground with EU Exit was the need to mitigate risks through planning and interventions.
12. I understand that Sir David Sterling and Mr Chris Stewart, the Grade 3 responsible for civil contingencies, exchanged messages about a potential role for me on the morning of 14 March 2020; and that Sir David Sterling and Dr Andrew McCormick also discussed a role for me in Covid-19 on 14 March 2020. On the afternoon of 15 March 2020, this arrangement was confirmed in an email from Sir David Sterling to Mr Chris Stewart **[Exhibit KP2/4-INQ000309140]** although the precise detail was to be discussed further.
13. On the afternoon of 15 March 2020, Mr Chris Stewart informed Ms Bernie Rooney,

his Deputy, and the Civil Contingencies Policy Branch (CCPB), that some of my EU Exit colleagues and I would be assigned roles dealing with Covid-19 matters. My Deputy Director (Grade 5) in the EU Exit team, Ms Gail McKibbin, had considerable relevant experience, having worked on EU Exit matters for some time and having worked in one of the TEO Private Offices prior to that. Ms McKibbin moved with me, along with a number of her staff. This left Mr Chris Stewart's CCPB team able to focus on standing up the Hub which is a crucial part of the civil contingencies arrangements. My team and I would focus on broader planning.

14. On the evening of 15 March 2020, I acknowledged receipt of the communication from Mr Chris Stewart to Ms Bernie Rooney. I noted that the EU Exit work would be of assistance, although the pandemic would raise new challenges too. On 17 March 2020, Sir David Sterling, through Mr Peter May (the Permanent Secretary of Department of Justice) also brought in Mr Anthony Harbinson, DOJ, to be the Chief of Staff in the Hub. The Hub is the operational centre to support CCG NI (Civil Contingencies Group), TEO Ministers, the wider Executive and the Northern Ireland departments. The intention was that Mr Harbinson would work closely with Mr Stewart in that regard, although within a short period of time Mr Stewart had to shield from Covid 19 and he undertook other related duties.
15. I should briefly expand on terminology before moving into more detailed explanations of the arrangements in mid-March 2020. The Hub centrally coordinates information during an emergency situation across all NI departments and partner organisations. Its role is summarised at page 29 of the Building Resilience Together; NI Civil Contingencies Framework [**Exhibit KP2/5- INQ000258944**]. CCG in emergency Response mode can be established to support and enable timely decisions by the Executive. Its role is also described at page 29 of the Building Resilience Together; NI Civil Contingencies Framework. During the pandemic the Hub provided information to CCG to assist it to exercise its functions.
16. In this arrangement, there would be a separation of Hub/CCGNI activity (i.e. the Civil Contingencies machinery), which would sit with Mr Stewart and Mr Anthony Harbinson, while I and my colleagues from the EU Exit team would look at wider planning issues for the Response to Covid 19. I should explain that Civil Contingencies arrangements rely heavily on Prepare, Response and Recovery stages. The stand-up of the Hub under Mr Anthony Harbinson's leadership was recognition that the situation required a shift from Prepare to Response mode. The

creation of my role was in recognition that the Response mode would require a range of policy interventions and mitigations.

17. Dr Denis McMahon's statement for module one of the Covid-19 Inquiry [**KP2/6-INQ000187620**] described my role as being responsible for "day to day senior management of Covid-19 matters" and I believe this is an entirely accurate description during the Specified Period of my role in The Executive Office.

The development of the Executive's Covid-19 Strategy and Action Plan

18. In this new arrangement, on 17 March 2020, I drafted for consideration by Sir David Sterling and colleagues a proposed Executive Strategy and Action Plan for Response to immediate Covid-19 impacts [**Exhibit KP2/7-INQ000309139**] I forwarded an outline draft to Sir David Sterling on the evening of 17 March 2020. My thinking was that co-ordinated effort across Departments, in a way which assisted Executive decision making and monitoring, would be essential. My draft proposal built on the experience from EU Exit No Deal planning, namely: the need to consider broad societal and economic impacts; the need to focus on cumulative risks, impacts and mitigations; and the need to work very closely with Departments, Whitehall and stakeholders.
19. The initial purpose of the draft Strategy and Action Plan was to inform a meeting with HOCS and Permanent Secretaries on the morning of 18 March 2020, and to assist with a CCG discussion later that same day. For the meeting with Permanent Secretaries, a paper was prepared and, I recall, handed out at the meeting. We have been unable to locate a note of the meeting with Permanent Secretaries on the morning of 18 March 2020. At the CCG meeting later in the morning of 18 March 2020, I was invited to speak to an agenda item on forward planning. A note of the CCG (COVID-19 Response) meeting has been provided at [**Exhibit KP2/8-INQ000273029**]. The relevant action for me was to prepare a paper on 'Planning Clusters and Workstreams' for the Executive meeting on 19 March 2020.
20. On 19 March 2020, Sir David Sterling in his role as Secretary to the Executive briefed the Executive on proposals for the operation of an Executive Covid-19 Crisis Management Meeting including associated daily media briefings, Assembly statements and press conferences. At that meeting on 19 March 2020, the Executive agreed the proposals for Departments to work together (referred to in Executive Memorandum E (20) 37 as "planning clusters") [**Exhibit KP2/9 INQ000207206**] and also asked that proposed outcomes be further developed with

Departments.

21. The Executive further considered the Strategy and Action Plan on 30 March 2020. **[Exhibit KP2/10-INQ000302382]**, **[Exhibit KP2/11-INQ000258405]**. The Executive agreed that further work would be undertaken to populate the Plan with additional information and that the key elements of the Department of Health's Emergency Response Strategy should be integrated in the Plan. I note that the Department of Health's Emergency Response Strategy was not subsequently embedded into the Strategy and Action Plan. Minister Swann's letter dated 15 April 2020 **[Exhibit KP2/13- INQ000259487]** to Executive colleagues confirms the position of the Department of Health as

"..... my department has developed a strategy to oversee our response to Covid-19 in a holistic and co-ordinated manner. I would ask that the only action with the Executive Strategy for the Department of Health is in relation to the implementation and delivery of this DoH Strategy. "

22. Minister Swann did however provide updates on the Covid-19 situation and aspects of the health response at all meetings of the Executive in this early stage and he continued to do so throughout the pandemic. For example, I recall that a focus on testing capacity was a key discussion point at all meetings of the Executive in the early stages of the pandemic. The Executive expressed an interest in this on a regular basis and Minister Swann regularly provided updates on testing capacity **[Exhibit KP2/14- INQ000207244]**.

23. The Executive considered updates on the Strategy and Action Plan on the following dates: 3 April 2020 **[Exhibit KP2/15-INQ000065489]**; 10 April 2020 **[Exhibit KP2/16-INQ000048454]**; 17 April 2020 **[Exhibit KP2/17-INQ000065484]**; 24 April 2020 **[Exhibit KP2/18- INQ000048459]**; 1 May 2020 **[Exhibit KP2/19-INQ000048462]**; and 18 May 2020 **[Exhibit KP2/20- INQ000048467]**. While this was a process of ongoing consideration and review by the Executive, I consider that the Executive had endorsed the overall approach from its first consideration on 19 March 2020.

24. I would also note that the various versions of the Strategy and Action Plan did not, and could not, deal with absolutely everything to be delivered by the Departments. Instead, the Plan was aimed at assisting high level considerations of matters from across Departments, at Executive level.

25. The Inquiry will be aware from the TEO Module 2C corporate statement that the NICS Departments in Northern Ireland are separate entities. Each Department was under the direction and control of its Minister in the specified period. My role was therefore to co-ordinate activities in support of the Executive, TEO Ministers and HOCS but I did not and could not require a department to undertake particular activities. For example, the Department of Health was responsible for the health response to the pandemic; and the Department for the Economy was responsible for the economic impacts arising from Covid-19. All other Departments had functional responsibilities for aspects of the Response to Covid-19.
26. It would have been preferable if there was a contingency plan available at the emergence of Covid-19 even if it required some or significant amendment as the pandemic unfolded. However, the pressures on the Civil Contingencies team, prior to and at the emergency of Covid-19, were considerable and are described in other statements. For example, an internal CCPB email dated 15 November 2019 details a wide range of civil contingences activities that would have to be set aside **[Exhibit KP2/21-INQ000183627]**.

Removing restrictions, Recovery and the Programme for Government

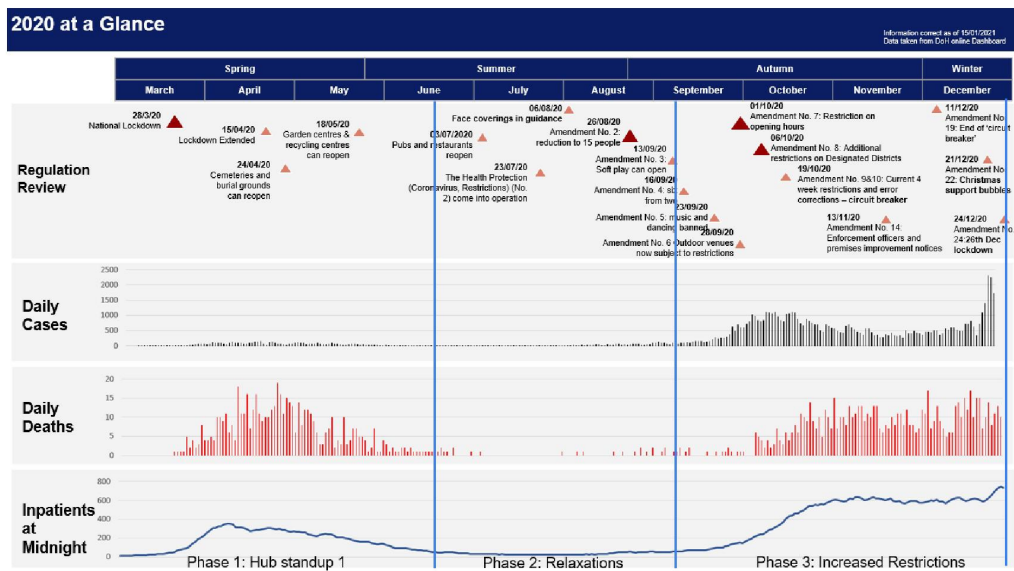
27. It might be helpful if I introduce the following sections with an explanation of terminology for the Recovery concept. In civil contingencies, Recovery is a key phase of an emergency situation and is described in more detail at page 39 in the Building Resilience Together: NI Civil Contingencies Framework. It is best practice to start Recovery before the Response phase has concluded. TEO proposed and secured agreement from the Executive for Recovery work towards the end of wave one of the pandemic (Late Spring 2020). This took a number of forms including the removing of restrictions, and specific policy work to aid Recovery. The Programme for Government (PfG) is a separate concept. It consists of the priorities set by the Executive and is underpinned by section 20 of the Northern Ireland Act 1998.
28. At the Executive meeting on 4 May 2020, the Secretary to the Executive, Sir David Sterling, introduced a discussion on the development of Covid recovery. **[Exhibit KP2/22- INQ000048463]** At this meeting, it was agreed that HOCS should bring a paper reflecting the consensus views of the Ministers to the Executive meeting on 7 May 2020 for consideration after which an announcement would be made by First Minister and deputy First Minister.
29. Minor but important amendments to the Covid-19 restrictions were made on 24 April

2020. These included access to burial grounds, and clarification of “reasonable excuse” for the purpose of travel. A strategic approach to the removal of restrictions was however needed.

30. On 12 May 2020, the Executive published its strategy for removing Covid-19 restrictions in an orderly manner, Coronavirus: Executive Approach to Decision-Making authored by Peter May, Permanent Secretary for the Department of Justice, and Peter Toogood, then Deputy Director for Programme for Government [Exhibit KP2/23- INQ000212992]. This gave a clear indication of the Executive’s aim of removing restrictions in a planned and careful way. It did not include dates for the removal of restrictions. It did include the key principles which the Executive would rely on in its decision making: controlling the virus, protecting healthcare capacity, necessity, proportionality, and reliance on evidence. I was not involved in this work to a great degree, but I was aware of it.

31. While it would take time for the Executive to move through the removal of restrictions in line with the Strategy published on 12 May 2020, early steps were taken from 14 May 2020 onwards. The table below (Table 1) gives an overview of the Covid-19 situation in Northern Ireland in 2020 and the steps taken to remove restrictions in line with the published Strategy.

Table 1



Point in Time Review of the Executive's Covid-19 Strategy and Action Plan

32. Given the publication of the Coronavirus: Executive Approach to Decision-Making on 12 May 2020, decisions taken by the Executive from 14 May 2020 onwards to remove restrictions, and the reducing case numbers shown in the table above, I assessed that it would be timely to revisit the benefits of the Executive continuing to monitor the Covid-19 Strategy and Action Plan. The Executive had invested time in the Strategy and Action Plan, but the remaining activities could now be delivered without the need for regular Executive monitoring. I put advice to TEO Ministers on this on 14 May 2020 **[Exhibit KP2/24a-INQ000426996] [Exhibit KP2/24b-INQ000426997] [Exhibit KP2/24c-INQ000426998]**.
33. On 4 June 2020, the Executive **[Exhibit KP2/25-INQ000048471]** considered an update on the Strategy and Action Plan entitled Point in Time Review of the Executive's Covid Strategy and Action Plan. **Executive paper: [Exhibit KP2/26a-INQ000023201] Submission: [Exhibit KP2/26b-INQ000426999] Annex A [Exhibit KP2/26c- INQ000023202] Annex B [Exhibit KP2/26d- INQ000023203] Annex C [Exhibit KP2/26e-INQ000427000]**
34. The Executive noted the Point in Time Review and agreed that the remaining work could now be delivered by Departments without regular consideration at Executive level. The Executive also noted that the focus was by then moving towards general Recovery. That decision drew a line under regular Executive consideration of the Strategy and Action Plan, but Response activity continued within the Departments.

Food supply and supply chains

35. There were concerns across the jurisdictions about food supply issues flowing from the impact of Covid-19 on sourcing, logistics, and to a lesser degree on consumer behaviour in the very early stages of the pandemic. In my view CCG and the Executive were correctly concerned about this in early April 2020. Under the Executive's Strategy and Action Plan I was assigned responsibility for: maintaining essential items and related supply chains; and ensuring continued food supply. These were interlinked issues focusing on critical goods including food and related logistics. These workstreams were tasked to me because of my recent experience of working on EU Exit No Deal planning which included a focus on critical goods and the potential for disruption. While neither supply chains nor food supply were functions of TEO, the prospect of a No Deal EU Exit had raised the risk of supply chain disruption and we had developed an understanding of the pressures we might

face if critical goods could not reach us.

36. Some food items, component parts and other goods necessary for food production arrive with us from or through Great Britain. Deliveries tend to rely on ferries and hauliers rather than air freight. There is no rail freight on the Island of Ireland.
37. In EU Exit No Deal planning, the definition of “critical goods” was tightly limited by UKG in order to protect items which mattered most. The main problems facing the supply chain were in relation to: goods arriving into the UK Channel Ports from the EU, and return loads into the EU, with the risk of lorries backing up in Kent; market adjustments on sourcing and supply of goods; movement of goods within GB; and movement of goods from GB to NI.
38. I was tasked with a co-ordination role by CCG on 1 April 2020. I worked closely with colleagues in the Department of Infrastructure (DFI), the Department for Agriculture, Environment and Rural Affairs (DAERA), and the Department for the Economy (DfE) on freight, ferries and ports issues to mitigate risks to our food supply and to consider resilience of supply chains. The Executive also considered supply chains at its meeting on 3 April 2020 **[Exhibit KP2/27-INQ000023187]** and work was commissioned across relevant Departments.
39. Concerns were expressed to NICS Departments by sectors critical to supply chains including ports and the haulage industry. Given that the haulage industry generally operates across the UK and beyond, there was close liaison with the Department of Transport in UKG by my colleagues in DFI. Concerns were raised about financial pressures but significant supply chains disruption was not experienced. In our experience, UKG Departments worked closely with us on these issues.
40. Ultimately, it was decided that financial assistance could be made available to the ports in Northern Ireland if certain thresholds were met **[Exhibit KP2/28-INQ000086897]**. After careful consideration including with Whitehall, financial assistance was not made available to the haulage industry although other easements were agreed, such as relaxations of the rules on drivers’ hours. **[Exhibit KP2/30-INQ000048457]**
41. Prior to Covid-19, no Department in NI had overall responsibility for food supply. Dr Denis McMahon, the then Permanent Secretary of DAERA and I worked on a position paper for the Executive on Departmental responsibility for food supply

[Exhibit KP2/32-INQ000290851]. The paper recommended that responsibility for food supply be assigned to a named Department, but that other related issues would remain with their existing Departments. This would necessitate close working between relevant NI Departments. At the Executive discussion on this paper, the Minister for DAERA undertook that his department would lead on food supply.

42. It is fair to say that whilst food supply was a concern for the Executive and officials in Northern Ireland, long term serious impacts did not arise in practice.
43. There were some shortages on shelves in the very early stages of the pandemic. We were aware in EU Exit No Deal Planning of the possibility of changes in consumer behaviours and while there were some short-term shortages of some goods on shelves in the early stages of Covid, this did not materialise into a long-term problem. Given the concerns, the statement to the Assembly on 23 March 2020 made by the deputy First Minister on behalf of herself and the First Minister included a reference to this, asking citizens not to over-purchase **[Exhibit KP2/33-INQ000427001]**
44. The Point in Time Review considered by the Executive on 4 June 2020 sets out the actions which had been delivered on food supply and supply chains by that date.
45. NICS now has a cross departmental Supply Chains Group chaired by DFE and attended by TEO, DOJ, Central Procurement Directorate (part of DOF), DOH, DAERA and Invest NI. The Group meets to discuss supply chains resilience. The Inquiry will be aware that we have produced for Module 1 the Northern Ireland Civil Contingencies Risk Register. Supply chains disruption is identified on the risk register, with an assessment of Moderate impact and Low likelihood. The risk will be kept under review and the Supply Chains Group makes a contribution to that ongoing assessment.

Four Nations Engagement During Wave 1 of Covid-19

46. On a national level, I would note that UKG set up a series of inter-governmental meetings which included the Devolved Administrations in the early stages. These were known as Ministerial Impact Groups (MIGs). There were four MIGS, those being: (1) Healthcare; (2) General Public Sector (GPS); (3) Economic and Business; and (4) International. Attendance by NI Ministers varied according to which MIG was taking place and between 24 March and 26 May 2020, NI Ministers and TEO officials

attended over 40 MIG meetings.

47. Attendance at MIGs took place at political level, with officials attending to support Ministers. My colleagues from my EU Exit team who had moved with me to the Covid-19 Response work managed the process of ensuring that our Ministers in TEO and in Departments were in attendance on appropriate subject matters. The Junior Minister Lyons and Junior Minister Kearney in TEO also attended some MIG meetings. These meetings were felt to be useful to our system while they continued. GPS (General Public Services) MIG meetings notes of 3, 7 & 8 April 2020 are exhibited at **[Exhibit KP2/34-INQ000304428]** **[Exhibit KP2/35-INQ000306539]** **[Exhibit KP2/36- INQ000306551]**. GPS MIG meetings discussed issues such as public order and policing, delivery of benefits, and burdens on Local Authorities.
48. There were also very regular meetings of officials across the four nations, mainly in the form of Monday meetings organised by Cabinet Office which I found particularly useful for airing issues, sharing information, and taking a forward-look on policy issues. I found that the relationships in this officials' forum were very good and enduring, albeit that political and policy differences were discussed. We attempted to keep each other informed about possible decisions by our respective Governments although that was not always possible. For example, while officials would have knowledge of possible political decisions in our respective Governments, until decisions had been reached care had to be taken over the information shared and its status as advice only.
49. A particular difficulty arose with officials from across the jurisdictions hearing media reporting of decisions that were going to be taken or announced by UKG. That often preceded any notification to the devolved Governments, and this was raised as an issue on more than one occasion in the officials' group and in political calls with the Chancellor of the Duchy of Lancaster (CDL).
50. Throughout the pandemic, I and members of my team regularly attended the CDL calls in support of TEO Ministers.

Recovery work from summer 2020

51. On 29 June 2020, due to the improving overall situation it was possible for the Executive to agree a number of significant amendments to the Health Protection (Coronavirus, Restrictions) Regulations.

52. It is good practice in Civil Contingencies to begin to consider how best to Recover during the Response phase. Mr Peter Toogood sent advice to HOCS and then onwards to the Executive on 23 June 2020 laying out options for how to begin work on Recovery with a recommendation of an activity-based Recovery Framework/Plan which would act as the 'de facto' PfG for 2020/21 **[Exhibit KP2/37-INQ000207266]**. The deputy First Minister's view was set out by her Private Secretary:

"The dFM is of the view that the paper and slides are best left until the Executive addresses recovery as a substantive issue. She would like to see an initial dedicated executive meeting take place before any recess.

In relation to the recommendation in the PfG paper to support option 3, this is not agreed as she believes that NDNA commitments and the PfG need to be part of any covid recovery that the Executive undertakes. It is not an either/or position as both NDNA and the PfG provide already agreed solutions and paths to recovery which can be incorporated into any covid recovery plan." **[Exhibit KP2/38-INQ000279356]**.

53. A Programme for Government had not, at this point, been considered or agreed by the Executive.
54. An Executive paper on Programme for Government (PfG) and Covid-19 Recovery was considered at the Executive meeting on 22 July 2020 **[Exhibit KP2/39-INQ00022450]**. This paper sought the Executive's agreement to a short-term activity-based Covid Recovery programme as the basis for driving economic, health and societal recovery, which was to continue for the remainder of 2020/21; and secondly, a new outcomes-based PfG was to be developed for commencement from April 2021. These proposals were agreed by the Executive.

Short Term Recovery Activities (remainder of 2020-21)

55. Following the decision of the Executive on 22 July 2020, Mr Peter Toogood was involved in the development of a Recovery Framework. A Recovery Group meeting on 29 July 2020 chaired by HOCS **[Exhibit KP2/40a-INQ000259547]** considered the feedback from the Executive meeting on 22 July 2020 and outlined at a strategic level how recovery would be taken forward. Recovery Group Terms of Reference **[Exhibit KP2/40b-INQ000287415]**

56. This was followed by a cross-Departmental officials Working Group meeting on 7 August 2020 [Exhibit KP2/41-INQ000427002], facilitated by EY, which discussed the values and vision of recovery and the workstreams that would be required to take forward the work.
57. On 9 September 2020, I put a submission to First Minister and deputy First Minister entitled “Draft Recovery Framework” [Exhibit KP2/42- INQ000279360] which asked the First Minister and deputy First Minister to note the progress update in relation to developing a draft Recovery Framework and to approve an Executive Paper on the proposed Recovery Framework. A draft Executive paper on the Recovery Framework [Exhibit KP2/43a-INQ000207280] [Exhibit KP2/43b-INQ000262647] [Exhibit KP2/43c-INQ000104467] issued to Ministers seeking feedback by 14 September 2020. The Recovery Framework was considered and approved by the Executive on 17 September 2020.
58. The rise in positive test numbers from late summer required a shift in emphasis from recovery and the lifting restrictions, back towards restrictions being required.

Programme for Government for April 2021

59. Staff from the Programme for Government team, who reported to Mr Chris Stewart, had been supporting me during Covid-19 wave one. They moved back to full time development of the outcomes based PfG for April 2021 as agreed by the Executive on 22 July 2020 under the leadership of Mr Peter Toogood. Throughout August 2020, Mr Toogood oversaw the work to develop the approach for delivering this. An Executive paper from First Minister and deputy First Minister dated 10 September 2020 on the draft Recovery Framework [Exhibit KP2/44-INQ000207280] set out a timetable of key activities until April 2021. Further information on Recovery activities is provided below.

Development of my role in the remainder of the Inquiry’s specified period

60. During the remainder of the specified period, I worked on the following:
- the Executive’s removal of restrictions in summer 2020;
 - wave 2 of Covid-19 and the re-introduction of restrictions in Autumn 2020;
 - the publication of the Executive’s Moving Forward, Pathway Out of Restrictions published on 2 March 2021 [Exhibit KP2/45-INQ000213669] dealing with the removal of restrictions during 2021;

- Recovery activities; and the emergence of the Omicron variant in Northern Ireland, with the first reported case being on 7 December 2021.

61. I have exhibited **[Exhibit KP2/46-INQ000427004]** a spreadsheet showing the main activities in my diary in the specified period. My role developed further during the Inquiry's specified period. In March 2021 Ms Jenny Pyper, then interim Head of the Northern Ireland Civil Service (HOCS) telephoned me to ask that I take on the PFG portfolio as part of an internal re-organisation. Her logic was that Covid-19 Recovery should of necessity form a core part of a future PFG. I commenced that role in Autumn 2021. At my suggestion, Ms Jenny Pyper also agreed that I should take on Civil Contingencies from May 2021.
62. In summary, my role and job title has developed a number of times over the Inquiry's Specified Period. My role changed in two key respects: it adapted to the emerging issues in the pandemic and saw certain functions added that meant that Civil Contingencies, PFG and Covid Strategy were all linked and streamlined in my portfolio.
63. In July 2021 Dr Denis McMahon was appointed as The Executive Office's Permanent Secretary and I reported directly to him as my line manager. Other statements to the Inquiry will explain this new Permanent Secretary function in The Executive Office alongside the function of the Head of the Civil Service during the Inquiry's Specified Period. HOCS continued to be the principal adviser to the Executive on all matters that required Executive consideration, including Covid.
64. Dr Denis McMahon and I met regularly to discuss my roles and responsibilities. Covid remained a priority for the Department and for the Executive. I continued to provide advice on the pandemic to HOCS (Ms Jenny Pyper and then to Ms Jayne Brady) whilst also keeping Dr Denis McMahon up to date.

Membership of Working Groups

65. I can confirm I was a member of the following working groups which were established to help manage the response to the pandemic; these groups did not have a relationship with CCG, nor did the groups replace any other structures:
- I was a member of the Executive Covid Task Force **[Exhibit KP2/48-INQ000188235]** which was created under Ms Jenny Pyper's appointment as HOCS. The group was established by the Executive in December 2020 and

terms of reference have been Exhibited **[Exhibit KP2/49-INQ000391437]**. Further detail on this group is included in the TEO Corporate Statement for Module 2C. The group last met on 4 July 2022. **[Exhibit KP2/50-INQ000188135]**

- I was a member of the Adherence working group **[Exhibit KP2/51-INQ000188124]** of the Executive Covid Task Force although in practice my team attended and provided secretariat and advice support to Mr Peter May more than I did. The group first met on 15 January 2021 and terms of reference have been Exhibited **[Exhibit KP2/52- INQ000187995]**. Further detail on this group is included in the TEO Corporate Statement for Module 2C;
- I attended meetings of the Strategic Enforcement Group **[Exhibit KP2/53-INQ000291186]**. The group first met on 25 September 2020 and note of the meeting has been Exhibited **[Exhibit KP2/54-INQ000427197]**. Further detail on this group is included in the TEO Corporate Statement for Module 2C.
- I was a member of the Recovery Taskforce which was established in September 2021 to provide oversight of implementation of the Executive's Recovery Plan that was published on 2 August 2021 **[Exhibit KP2/55-INQ000268538]**. Terms of reference have been Exhibited **[Exhibit KP2/56-INQ000271131]** Further detail on this group is included in the TEO Corporate Statement for Module 2C.

66. I was a member or convener of other working groups which continued to evolve during the pandemic. For example, I had been asked to assist with cross departmental meetings on matters such as: face coverings; managed quarantine services; and meetings with faith leaders in Northern Ireland. For many other issues, a single meeting or discussion with colleagues and/or stakeholders would suffice.

67. In autumn 2020, I also established a rhythm of meeting with colleagues in our Department of Health, including Professor Ian Young, Chief Scientific Adviser to DOH most Thursday mornings to discuss key issues for The Executive later that day, and on Friday mornings to discuss how best to operationalise the Executive's decisions the previous day. These were informal check-in meetings with colleagues and were not minuted.

68. The corporate statement for TEO for module 2c sets out information about key meetings such as the Executive Covid Task Force (ECT). ECT was established after Jenny Pyper's arrival in TEO in December 2020 in the position as HOCS. Although the terms of reference for the ECT were not finalised until 16 March 2021, the group had met fortnightly since 8 January 2021 **[Exhibit KP2/57-INQ000188108]** and its last meeting was on 4 July 2022 **[Exhibit KP2/58- INQ000188135]** The existing Cross Departmental Working Group (CDWG) continued to meet and was subsumed within the ECT structure. The CDWG Terms of Reference were refreshed in March 2021 to reflect requirements under the Pathway Out of Restrictions **[Exhibit KP2/59-INQ000190935]**.
69. My understanding is that Ms Jenny Pyper was given a very clear remit by TEO Ministers on her arrival to establish the ECT. This was a welcome development especially in the context of increased Covid-19 case numbers. The ECT ensured regular discussion of issues including: health, public adherence, societal and economic impacts. Under Ms Jayne Brady's leadership of ECT, education issues were also included. ECT was attended by the Permanent Secretaries or their senior representatives of the following Departments: Health, Justice (for Adherence), Communities, Economy, and latterly by Education **[Exhibit KP2/60-INQ000286646]**
70. The ECT reported updates to the Executive through ECT written updates, examples of these are exhibited at **[Exhibit KP2/61-INQ000309264]** and **[Exhibit KP2/62-INQ000023209]** covering the topics of international travel, proof of exemption from face coverings and current position on restrictions and relaxations.
71. As above, the CDWG existed before the ECT was established. On the establishment of the ECT, CDWG was formalised as reporting to it. CDWG brought together colleagues from across the NICS. Each Department was represented at senior level and more than one colleague per Department attended depending on the nature of discussions and Departmental policy interests. Attendance depended on the subject matter under discussion.
72. For example, colleagues from the Department for Communities (DfC) regularly attended to deal with the following policy interests: sports; licensing laws; and entertainment including theatres, cinemas, and the music industry. DfE colleagues regularly led on hospitality policy. DoH colleagues attended the meetings, and this enabled the CDWG to discuss the trajectory of the virus. A standing agenda item for CDWG was a verbal update from Health colleagues. Local Government and PSNI

also regularly attended. The CDWG played an important role in shaping advice on the removal of restrictions in line with the Moving Forward: Pathway out of Restrictions strategy.

73. The Cross Departmental Working Group was established in 2020 with representatives from all NI Departments, Local Government, ALBs and PSNI. The meetings of CDWG were critical to sharing and addressing interdependent Covid-19 related issues. Exhibited are dashboards from December 2020 and January 2020 **[Exhibit KP2/65-INQ000191047]** **[Exhibit KP2/67-INQ000191049]**. On 16 March 2021, a new dashboard showing health, economic and societal impact of the pandemic was created **[Exhibit KP2/68-INQ000427198]** to inform the weekly CDWG discussions on relaxation of the restrictions.
74. From April 2021 the dashboards were also provided to ECT and the Executive. The dashboard was considered by the ECT on 13 April 2021 **[Exhibit KP2/69-INQ000212960]**, and by the Executive on 28 April 2021 **[Exhibit KP2/70-INQ000190746]**. The dashboards were provided to the Executive on a weekly basis following meetings of the ECT until 11 August 2021, after which they were provided on a fortnightly basis. The final dashboard for the Executive was provided on 19 January 2022 **[Exhibit KP2/71-INQ000190879]**.
75. Other meetings and groups were set up for specific and time limited purposes such as for trialling the re-opening of large-scale sports events **[Exhibit KP2/72-INQ000305758]** and for introducing a Managed Quarantine Service. **[Exhibit KP2/73- INQ000271305]**
76. My reflection is that a blend of meeting approaches is needed. Having a regular and enduring rhythm for some meetings was essential, for example, the Cross Departmental Working Group and ECT. Equally, “task and finish” groups with a very specific focus on an outcome and time-limited in nature, were also part of the blend and can bring very clear focus to a problem. The task and finish approach avoids burning time for partners if they know that a short burst of activity is what we are asking them to do.
77. In summary, the meeting architecture was designed to meet the problem in hand. This structure should always be context specific and is not set in stone. We therefore used a blend of meeting types in the specified period.

EU Exit Referendum and Covid-19

78. UKG's focus on the Referendum, the result, the following negotiations with the EU, and the possibility of a No Deal Exit inevitably drove thinking and prioritisation in Northern Ireland. That had consequences for other priorities. In Northern Ireland's case, given the particular land border situation, a focus on EU Exit No Deal planning was an essential strategic priority. I am aware that Sir David Sterling's statement for module one of the Inquiry has set out the resource constraints faced by NICS with staffing reductions whereas other jurisdictions, England in particular, was able to grow its staff base considerably during EU Exit preparations. However, EU Exit work had to be progressed in Northern Ireland with limited resources.
79. Northern Ireland participated in Operation Yellowhammer, a project led by Cabinet Office to contingency plan for a No Deal Exit. As part of this, Cabinet Office secured PWC to assist including in Northern Ireland. The PWC work was known as C3 (this is distinct from C3 group of departmental civil contingencies leads, which happens to have the same title). Participation was essential but time consuming, and it meant that other work and priorities including in civil contingencies were not progressed.
80. By way of a specific example, during EU Exit No Deal planning the Northern Ireland Office (NIO) took on a significant role in ensuring that NI issues were understood by Whitehall including the land border situation with ROI and given that the Devolved Administrations were not party to UKG's negotiations with the EU. While the NIO's role therefore had some advantages for NICS, including in the context of lack of an Executive, it was highly resource intensive to meet and work closely with the NIO on a regular basis. Working with NIO was essential to ensure NI was accurately represented during No Deal negotiations, but it was time-costly and impacted upon other priorities in NICS.
81. Civil contingencies readiness for No Deal, including the Hub, was a core part of the PWC C3 work. Mr Chris Matthews (Grade 5), joined TEO from DOH for a period to work alongside Mr Chris Stewart to work on Hub readiness. Generally speaking, the Hub should be capable of working effectively in any emergency scenario.
82. EU Exit No Deal planning became a massive undertaking in a small administration and that had consequences for other priorities. I am now aware that concerns were raised by CCPB members of staff in TEO about the impact this had on other priorities such as pandemic influenza planning. **[Exhibit KP2/74-INQ-000208477]** and

[Exhibit KP2/75-INQ000427200].

83. In my view, EU Exit No Deal planning and Operation Yellowhammer had some transferrable advantages in Covid-19. However, some lessons learned were identified which were not resolved sufficiently prior to the pandemic. Specifically, for me, HR matters were not all resolved, namely: sufficient staff for CCPB; sufficient numbers of NICS staff who could be moved to the Hub in an emergency situation; training for Hub staff; and some terms and conditions issues. I was aware that these issues took an amount of Anthony Harbinson's time to resolve upon his arrival in TEO as Chief of Staff.
84. In my view, the main benefits of Operation Yellowhammer and the PWC C3 work in Covid-19 were as follows. First and foremost, it helped us understand and build stronger relationships with our own Departments and partners. Senior managers across NICS had a greater understanding of each other's pressures and priorities, and their levers of influence and delivery in a way I had not seen before. It also helped us collectively think about cumulative impacts and concurrent risks across NICS and partner organisations. Cumulative impacts arise when a range of issues occur at the same time within the same overall risk and affect or compound each other. For example, in EU Exit, we were concerned about the possibility that the supply of critical goods would arise at the same time as supply chain or logistics difficulties. Concurrent risks are a concern when two or more separate risks may materialise at the same time. For example, the risk of serious flooding concurrent with a human health issue.
85. Second, EU Exit No Deal planning required a strategic focus on civil contingencies arrangements. The Hub arrangements were thoroughly reviewed and this should be beneficial for any emergency situation. However, that state of preparedness and lessons learned were not entirely embedded for future emergencies including the pandemic.
86. Hub arrangements were not ready to be turned on immediately in March 2020. I should add that there will always be a lead in time between a decision to activate the Hub and it becoming fully operational at a large scale, but this period needs to be kept to a minimum by making sure that any barriers are resolved in advance of an emergency situation.
87. We now have a tiered process in place for rapid activation of the Hub by the Civil

Contingencies team which takes account of the possibility of smaller scale and more containable emergencies.

88. In summary, Hub EU Exit No Deal planning and Operation Yellowhammer were, in my view, very important to Covid-19 in the early stages. In our departments, there was a greater understanding and acceptance of the need for Departmental Operational Centres to be ready and effective. In TEO, there was a good understanding of the need to plan for cumulative impacts. There was some good learning for the Hub arrangements although that continued to develop in the early stages of Covid-19. NICS would have benefited further from embedding the No Deal work in a way which could be immediately or swiftly turned on in a crisis situation. NICS would also have benefited from considerably more staff to enable a concurrent focus on pandemic influenza alongside EU Exit planning, and from production of policy and operational plans for a pandemic influenza Response phase.

Relationship between my role and Head of the Civil Service (HOCS)

89. HOCS is the principal adviser and Secretary to the Executive. HOCS is supported in that role by an Executive Secretariat, led by Mr Neill Jackson and Ms Caroline Gillen, which advises HOCS and the Executive on the delivery of business such as: agendas and papers, arrangements for tabling papers, conduct of votes, and other constitutional matters. HOCS is also the principal policy adviser to the First and deputy First Minister.

90. HOCS is the most senior Civil Servant in NICS and fulfils a leadership role across NICS. The post holder does not have a direct role in the day-to-day management of the business of other Northern Ireland Departments. Specifically, HOCS cannot direct a Permanent Secretary to follow a course of action. Permanent Secretaries operate and deliver under the direction and control of their Minister. TEO's corporate statement for module 2c explains this in more detail.

91. I would mention two context points in relation to Sir David Sterling's tenure. First, we did not have an Executive prior to the Inquiry's Specified Period and TEO's 2c corporate statement and other statements explain the implications in more detail. This meant that Sir David Sterling had to devote some of his time to wider political processes under way prior to 11 January 2020. It was imperative that the Civil Service both supported and were operationally ready for the return of an Executive at the earliest possible opportunity. For an incoming Executive, the civil service needs

to prepare for the following: the known policy agendas of the incoming parties; the advice officials would wish to provide on key strategic issues; the preparation in each Department of a First Day Brief document setting out Departmental issues such as budget matters; and advice on early engagements by incoming Ministers. While the formation of an Executive and the taking of office by Ministers is the first point at which officials can provide advice to a Minister, pre-formation engagement with the parties was a significant undertaking in the period prior to restoration in January 2020.

92. Second, from commencement of the restored Executive, NICS system had to manage two concurrent strategic issues: Covid-19, when it materialised, and exiting the transition period agreed between the UK Government and the EU. The transition period would end on 31 January 2021 and in 2020 the Northern Ireland Protocol would provided the backdrop to EU Exit planning.
93. Sir David Sterling retired at the end of August 2020. His retirement plans were communicated very well in advance in December 2019 and a process was put in place which may, in other circumstances, have resulted in a replacement being announced. Recruitment processes require a decision to be made. In our system this requires the First Minister and deputy First Minister to make a joint decision on an appointment and this did not happen. Therefore, we were in a situation of not having a HOCS for a period of about three months between end of August 2020 and early December 2020.
94. During the period of 11 January 2020 and 15 February 2022, there were changes in the function of HOCS as well as well of changes of holders of the office. Prior to the Covid-19 pandemic and when I joined the Department in May 2019, the model was as follows: Sir David Sterling had a number of functions as Head of the Civil Service and Secretary to the Executive. Unlike other Departments, Sir David Sterling was not the Accounting Officer for TEO. That role was fulfilled by Deputy Secretary Mr Mark Browne. Within TEO, Dr Andrew McCormick had been appointed as a Director General, International Relations in the Executive Office with a very specific focus on EU Exit and broader International Relations.
95. Ms Jenny Pyper took up the role of HOCS in early December 2020 during the second wave of Covid-19. During Ms Jenny Pyper's tenure, changes were made to the HOCS model in TEO. Specifically, a TEO Permanent Secretary was created (non EU Exit to be clear) in order that HOCS could have a more distinct focus on the Civil

Service leadership role and as Secretary to the Executive. The new Permanent Secretary role would focus on TEO leadership, management and business delivery and would be the TEO Accounting Officer. Dr Denis McMahon took on this role in July 2021.

96. Ms Jenny Pyper also oversaw, with assistance from NICS HR, the recruitment of her successor as permanent HOCS.
97. Ms Jayne Brady took up her post as HOCS on 1 September 2021 **[Exhibit KP2/76-INQ000427201]**. Prior to then, there was a shadowing arrangement with Ms Pyper at various meetings throughout the month of August.
98. Ms Brady took up post while the Covid-19 Delta variant was prevalent but on the cusp of the Omicron variant becoming dominant here in December 2021. She was in post at the point the First Minister, Mr Paul Givan, resigned in February 2022.
99. From my perspective it would have been preferable if there had not been a gap between Sir David Sterling's retirement and the appointment of a successor. To not have a Secretary to the Executive especially during the pandemic is a significant matter. Getting the right person for this highly challenging post is essential and efforts were clearly made to have a person identified around the time of Sir David Sterling's retirement. However, agreement could not be reached by the First Minister and deputy First Minister on a successor to Sir David Sterling. From the Civil Service perspective, most of us learned about this via announcements in the media on 24 September 2020. From late August 2020 onwards Covid-19 case numbers rose. There was an increase across key measures such as number of reported cases, deaths and hospitalisations. In this "second wave" the politics and decision making were very difficult for everyone, and I believe that to be the case in other jurisdictions too. The Sage 58 meeting and outworkings, and an Executive meeting which lasted for four days between 9 November to 12 November 2020 **[Exhibit KP2/77-INQ000048497]** with several adjournments and votes, indicated the significant difficulties in coming to agreement up on a precise course of action. The key disagreement at the time, from my perspective, was the balance of restrictions being placed on citizens and sectors necessary to protect the health and social care sector and halt the increase in the virus. The four day Executive meeting was publicly known and attracted considerable attention.
100. A HOCS may have been able to influence this in some ways and would have been in

a unique position to advise the First and deputy First Minister on the optics, substance and impacts on the Civil Service and beyond. However, the difficulties were such that I would not want to quantify what influence may have been possible in that period. If influence could not have been exerted, the Civil Service would at least have had a strong voice making the implications clear.

101. There were however mitigations against the lack of HOCS. There exists a very experienced Secretariat to the Executive who could advise on process matters as required such as papers, meetings, adjournments and votes. The Secretariat supports the First Minister/deputy First Minister in their role as joint Chairs of the Executive through advice on all aspects of Executive business and the Ministerial Code.
102. Dr Andrew McCormick, in my view, went considerably beyond his EU Exit and International Relations remit to provide support, both to the Executive and Executive Office staff and to Permanent Secretary colleagues. He was very conscious at the time that he did not have a formal remit for that but he was keen to provide whatever assistance he could. Similarly, Mr Derek Baker, who was about to retire from the Department of Education, lent support to TEO during the month of September 2020.
103. It was clear to me based on discussions with two of our senior Special Advisers, Mr Stephen McGlade (for Sinn Féin) and Dr Philip Weir (for the Democratic Unionist Party) that the First Minister and deputy First Minister were very aware that the then vacant HOCS role had to be filled quickly.
104. In summary therefore, the vacancy in the HOCS role was difficult for the Civil Service and beyond. Uncertainty was a considerable issue at this point in the Covid-19 pandemic where stability in the Civil Service leadership was needed. At the point of Sir David Sterling's departure and the lack of a successor (with media coverage on 24 September 2020), the Civil Service had no way of knowing that the situation would pertain until Ms Jenny Pyper's appointment was announced on 27 November 2020 [Exhibit KP2/78-INQ000214875]. She took up post on 1 December 2020.
105. The nature of my Covid role remained largely unchanged upon the appointment of Ms Jenny Pyper as it still involved a large degree of flexibility and a requirement to focus on a wide range of issues. I would point to two developments on and after Ms Jenny Pyper's appointment. As I have mentioned, the establishment of the ECT was an important development and I believe it made a difference to the management of

the pandemic by bringing key Departments together at senior level for regular discussions. Ms Jenny Pyper also had a fresh focus upon Covid-19 Recovery in 2021. That was an important development which enabled us to put together a new Covid-19 Recovery Plan which was endorsed by the Executive. This provided for a cross-NICS programme of Recovery interventions with a timeframe for delivery of two years. **[Exhibit KP2/79- INQ000268528]**.

Effectiveness of the Civil Contingencies Group and Northern Ireland Hub

106. While I was not directly involved in the establishment of the Hub in March 2020, I did attend the Civil Contingencies Group phone calls from 18 March 2020 which were chaired daily by Sir David Sterling at 8.30am each morning. The Hub rhythm changed over following weeks, and it was formally stood down by mid June 2020.
107. I should also say prior and unrelated to Covid-19, I attended several meetings of the Civil Contingencies Group in “Prepare mode” as the DoJ representative. I was also present at the Civil Contingencies Group “Response mode” meetings in relation to Storm Ophelia in mid-October 2017, again to represent DOJ. My main learning points from Storm Ophelia were: the importance of having a range of attendees for that event, including the emergency services and the close working which existed within the first responders present at Ophelia; the provision of real-time on-the-ground information to the first and second meetings of CCG; the decision to stand down the CCG after the second meeting; and the effective Media handling by Sir David Sterling for this event.

Situation Reporting, the Hub, CCG and decision-making Hub

108. A situational report (SitRep) was produced within the Hub for the CCG meetings in “wave one.” A SitRep is a document collating important information drawn from a variety of sources so that discussions and decisions can be advanced based on a shared understanding of data, facts, analysis, events and short-term trends. It should of course aid and inform decision makers, but it is not in my view a tool that should on its own determine Executive decisions. It should aid a CCG meeting to fulfil its functions which are described in the Building Resilience Together: NI Civil Contingencies Framework.
109. NI Hub provided regular and timely information for CCG meetings in Covid-19 wave one. It issued the night before each meeting. I would however note the following. The Sitrep is only as useful as the information provided to it by

Departments and partner organisations. The Hub in itself is not always able to identify a gap in information beyond obvious points of missing detail or areas which obviously need to inform CCG discussions but it has an important challenge function where needed. The Hub will always be reliant on accurate and timely data, and I understand that Mr Anthony Harbinson was keen to utilise existing data and Departmental systems.

110. The Sitrep was not the only source of information available to CCG. For example, at each meeting there would be a tour de table with all attendees invited to raise issues and concerns. As can be seen from the CCG minutes, actions were regularly tasked out. The Sitrep played an important part in the overall CCG discussions but so did the information brought to the meetings by attendees.
111. CCG, as detailed in the TEO Module 2C Corporate Statement, ought to meet regularly so as to enable timely decision-making by the Executive. On behalf of the Executive, CCG will provide executive level direction to the response but should delegate strategic co-ordination to a Strategic Co-ordination Group.
112. CCG' role strategic decision-making role is defined in the Building Resilience Together: NI Civil Contingencies Framework as follows:
 - Direct and co-ordinate the efforts of NI Departments in responding to the emergency
 - Assess the wider impacts of events and decisions on vulnerable; infrastructure, systems, people and the environment
 - Identify, from the start of the response, the key issues for consequence management and long-term recovery
 - Decide on the relative priorities to be attached to the management of the various elements of the overarching response
 - Establish the strategic direction of the co-ordinated media and public information policies
 - Identify the priorities and interdependencies to be addressed and the actions required by member organisations
 - Establish working groups to deal with interdependencies or cross-cutting

issues

- Inform The Executive if Business as Usual activities need to cease or reduce to enable focus on the delivery of the emergency response. In line with the principle of subsidiarity this would be on a Departmental basis.
- Ensure the safety of the public remains at the heart of all emergency response and recovery

113. In line with the above functions, CCG may task out specific work to Departments and to other bodies, and it may decide on whether to escalate an issue to the Executive for consideration or decisions. The purpose of a CCG meeting is therefore distinct from decision making at Executive level. CCG should only be engaged on issues where matters cannot be dealt with at lower tiers of the civil contingencies arrangements in accordance with the fundamental principle of the subsidiarity principle. CCG should never attempt to deal with every single issue, or focus will be lost.

114. In Covid-19, it was of course right that the CCG was activated, but a question remained as to whether a Strategic Co-ordination Group (SCG) should have been established first and at an earlier stage by the lead government department, or whether CCG should itself have established a SCG.

115. There were some problems in the early stages of CCG with data provision to the Hub, and for inclusion in returns to the Cabinet Office. Mr Anthony Harbinson has explained this separately. I was not involved in the Sitrep production during the CCG stand up but I was aware of these early difficulties. From my perspective, the daily production of the Sitrep settled into a rhythm. I know that the data and information in it was interrogated each evening by the NI Hub Chief of Staff before it issued to the CCG to inform their discussion the following morning. I attended at least one such evening meeting to see how the SitRep was carefully reviewed by Mr Harbinson and the Hub team. After each meeting of CCG there was a systematic approach to debriefing colleagues in the Hub (known as down brief) to ensure an ongoing up and down set of communications. That was important context each morning for the Sitrep production later each day.

116. It would always be important to reduce the frequency of CCG meetings at appropriate points and to stand it down at the right point in time. Hanging on to CCG

for comfort reasons will eventually burn time especially for operational partners. It was appropriate that the rhythm of CCG meetings reduced in Covid-19 and there was a timely shut down at the point where other mechanisms could deal with an emergency or event. The scale or impact of an emergency or event is not diminished. Standing down CCG does not indicate that an emergency is over, rather it is a key leadership decision to close CCG.

117. In my view, there were some downsides to the “wave one” CCG arrangements. A large, daily and time-limited CCG meeting (around 45 minutes per morning), with a blend of in-person and telephone attendance, impacted on the depth of the possible discussions. The Chair, Sir David Sterling, was consistently inclusive. A smaller or more strategically focused meeting would have helped to bring out issues, highlighted problems, and provided an easier basis for escalation to the Executive. More detailed discussions could have been remitted to an SCG had one been in place, or even to subject matter working groups or cells.
118. I appreciate that Ministers wanted to be closely informed on early details given the unprecedented nature of the Covid-19 pandemic. But there needs to be a space for officials to formulate advice as well. Under our new arrangements, which were in place for wave two of Covid-19, CCG operated at official level, with separate briefing for the First and deputy First Minister immediately afterwards. That provided officials with the space for unfettered discussions and formulation of advice for Ministers.
119. It is fair to say that the arrangements for Covid-19 wave one were in part designed and put in place in real time and were based upon the evolving situation. The EU Exit and Yellowhammer experiences had provided a good amount of applicable learning. It is important to note that the Hub should be scenario-agnostic, and this is recognised at page 29 of the Building Resilience Together: Northern Ireland Civil Contingencies Framework. This says:
- “The Hub is generic in design, can deal with single or concurrent issues and provides one single source of cross Departmental, cross Regional impact to CCG (O).”*
120. The Hub arrangements in Covid-19 wave one drew on external support from NIO and from consultancy firms including EY and PWC. I believe this made it possible for the Hub to become fully effective quickly.

121. I am familiar with the review C3 Covid-19 Response: Lessons Learned Review and Future Roadmap which suggested that CCG was not an effective forum for debate and decision making and that it did not use the SitRep as a basis for its decision making. I do not entirely share that view. As above, I have identified issues such as the lack of SCG before and during the operation of CCG. I have noted that the size of the meeting and the attendance by TEO Ministers may have placed limitations on some discussions in CCG. However, I also note the considerable number of actions tasked out by CCG as can be seen from the minutes. I do not agree that CCG is a forum for strategic decision making as that function belongs to the Executive. I do not agree that CCG did not use the SitRep. CCG used the SitRep to assist it in the delivery of its functions as outlined above. For example, the Sitrep was of assistance to CCG in tasking out actions to officials.
122. Learning from Covid-19 wave one informed the structures which were activated in wave two. Following a review of CCG(NI) arrangements in June 2020 **[Exhibit KP2/80- INQ000211798 and INQ000023222]** a different arrangement was put in place by Mr Andy Cole for CCG meetings to be chaired by officials, and for separate briefing to follow shortly afterwards for TEO Ministers. This arrangement was communicated to TEO Ministers on 23 September 2020 **[Exhibit KP2/81- INQ000277781]** by Mr Andy Cole, the then Director of Civil Contingencies, who provided a submission to First Minister and deputy First Minister outlining the Northern Ireland Central Crisis Management Arrangements (NICCMA) and the CCG Protocol for the Escalation of Multi-Agency Response, together with the escalation model for any activation of the NI Hub.
123. On 18 October 2020, Mr Andy Cole provided a submission to First Minister and deputy First Minister setting out the intention to invoke NICCMA and convene CCG(Officials). **[Exhibit KP2/82- INQ000289778]** CCG in this mode ceased meeting weekly in early February 2021 and the final SitRep was issued on 9 March 2021 **[Exhibit KP2/83-INQ000023227]** **[Exhibit KP2/84-INQ000065892]** This activation of the Hub was in the context of final stages of the UK's exit from the EU and the end of the transition period for that, as well as Covid-19.
124. Civil Contingencies arrangements should be tailored to fit the emergency in hand, but need a solid starting point from which arrangements can adapt as necessary. Under the new Building Resilience Together: NI Civil Contingencies Framework, we now have a five-tier system for the operation of the Hub. At the lower tiers (i.e. Hub

Steady, Hub Alert and Hub One Active), my team is able to operate these provided Hub One Active is relatively short term. At Hub Two Active and Hub Three Active, additional resources from within TEO and other Departments (ie trained staff, or staff able to be trained quickly) would be needed. The Hub tiers are shown at diagram 16 on page 30 of the Building Resilience Together: NI Civil Contingencies Framework. This Framework is kept under review with the last revision completed in November 2023.

125. The Inquiry will be aware from statements for Module One that there had been a number of reviews of Northern Ireland civil contingencies arrangements in previous years. The results of those reviews were consistent in places, overlapping in other places and needed to be consolidated into an up-to-date strategic approach which should also be informed by the Covid-19 experience. It is difficult to respond to such a large number of recommendations from previous and sometimes old reviews, which I felt should be simplified into a short list of actions that could be delivered in practice.
126. My thoughts at the time were: there was a need for an overarching strategy to bring together the existing policies and doctrines; there was a need for a greater focus on Northern Ireland specific risks and a Northern Ireland Risk Register; and a need for a training and exercising approach for which there was a very clear plan of action.
127. I took on the Civil Contingencies role in May 2021 after a discussion with Ms Jenny Pyper. I was very pleased to see the changes in direction for civil contingencies under the leadership of Mr Andy Cole. By the time the Civil Contingencies portfolio joined my Directorate in May 2021, Mr Andy Cole had already undertaken the following reforms:
 - he revised the Hub arrangements into a tiered and scalable approach depending on circumstances, this new system operated during wave 2 of Covid in Autumn 2020;
 - he had begun the process of consolidating existing policies and doctrines into a single document and as a result, the Building Resilience Together; NI Civil Contingencies Framework was published on 10 August 2021 **[Exhibit KP2/85-INQ000258944]**
 - he had commissioned work on a NI specific Civil Contingencies risk register; and

- early planning was underway on training and exercising which has since been developed into a Learning and Development Strategy [**Exhibit KP2/86 - INQ000279652**].

128. Mr Andy Cole also introduced new arrangements for CCG Prepare to meet three times per year, chaired by me. The first such meeting in the new arrangements took place in June 2021 [**Exhibit KP2/87-INQ000277214**] and it has met each year in March, June and November since. These meetings allow for the civil contingencies partners to collectively discuss strategic developments and to keep each other well informed. This group sets strategic direction and is well supported by NIEPG and our network of contacts in Departments and partner organisations known as C3 leads. I highly value the discussions and inputs from attendees.

Ongoing monitoring of Covid-19 after the hub stand down in wave one

129. In relation to the Executive Office's ability to monitor matters after the stand down of the Hub in mid-June 2020, consideration of matters related to the pandemic remained core Executive business and it was managed in a number of ways. At a political level, the First Minister and deputy First Minister attended discussions with the other administrations, and with the Secretary of State for Northern Ireland and occasionally the then Prime Minister.

130. From the stand down point in mid-June, the principle source of information for monitoring purposes in TEO was the daily statistics published by DOH [**Exhibit KP2/88-INQ000427202**]. This was monitored by my team, the EY team provided this service.

Review of PHA

131. The Inquiry has referred me to a Review entitled "Rapid, Focused External Review of Public Health Agency" [**Exhibit KP2/90-INQ000001196**]. To the best of my recollection, I was not involved in this or had any engagement or knowledge of it at that time. I do not feel able to assist the Inquiry from personal perspective.

132. At all stages in the pandemic, data and modelling were essential for understanding the nature and impact of the virus, for informing decisions, and for assessing the likely trajectory of the virus. Data, in understandable formats, is also essential for credibility of messaging with the public. Data is also essential for comparative purposes where possible, for example within the four nations in the UK.

133. The Review appears to me, now that I have had an opportunity to read it, to signify that concerns had led to steps being taken by DOH. Section 9.2 (a) to (e) of the Review refers. I can appreciate that these were significant steps aimed at ensuring the quality and availability of data, and at robust systems for modelling. I note from section 9.2 (b) that the Department moved responsibility for providing reports on the numbers of daily deaths to the information and Analysis Directorate within DoH, with input from PHA. I also note from section 9.2 (e) The Department took on a direct responsibility for data modelling and the calculation of the 'R' value, effectively also moving this work under 'Gold'.
134. I have dealt elsewhere in this statement with my own concern, shared by others, over some aspects of data sharing by PHA for enforcement purposes.
135. I should add that in early 2022, I became contract manager for a contract led by TEO for Omicron/Pandemic surge support. This contract was let to provide assistance to NICS Departments and was awarded to EY after a tender process. Early in the life of the contract, I was approached by DOH to establish if they could use that contract to implement a review of PHA conducted in 2020 known as the Hussey Review. I recall expressing surprise that I had not been aware of the Hussey Review until that point. I assume that the Hussey Review and the PHA Rapid Review are one and the same but I am happy to be corrected on that.

Data and Executive decision making

136. As DOH had not drawn attention to the concerns about data or to the Rapid Review (again, as far as I can best recollect), other Ministers at the Executive did not have the opportunity to seek assurance on those matters in that context. I am not aware of any specific problems relating to data informing the strategic response by the Executive. There was however, plenty of discussion about data and robust challenge occasionally took place.
137. There were regular discussions between the TEO Ministers and the Minister of Health, the CMO and CSA. These usually took place before an Executive meeting and discussions centred on the trajectory of the virus, and steps which may need Executive agreement.
138. At meetings of the Executive, case numbers, hospitalisations, deaths, the R number and mobility reports were presented by CMO and CSA and were discussed in detail. Other Ministers would keep the Executive informed about relevant related matters

such as the impact on the economy and on specific sectors; justice implications; issues for agriculture and rural affairs; and infrastructure etc. The Executive meetings enabled Ministers collectively to discuss the data and analysis as presented. The Inquiry has been provided with notes of the Executive meetings.

The ability of TEO to respond to a large-scale civil contingencies in March 2020

139. Based on what I saw in March 2020, and what I know now, there were insufficient numbers of people in the Civil Contingencies team to manage any set of strategic, or concurrent risks over a sustained period prior to Covid-19. That seems to have been an issue for some time and unrelated to Covid. The lack of resources was a recognised issue and steps were being taken to review the size of the team.
140. In respect of the Hub, steps were taken at the early stages of the pandemic to secure additional resources to enable the stand up. Consultancy support was engaged in the form of EY and PWC with Departments eventually releasing some staff to undertake Hub roles.
141. There is a question of balance to be struck especially in a small administration. Large standing units at the centre capable of dealing on their own with a large scale and long-lasting emergency of the Covid-19-type is not viable in our system. What matters is having a clear forward ability to put the right arrangements in place in a timely fashion. I have said above that the response has to be tailored to the emergency, but this should be underpinned by clear operating principles and arrangements, and sufficient numbers of staff around the NICS system trained and ready to operate in the Hub when it needs to be activated.
142. Having an understood methodology for tailoring a central response to an emergency is vital. For example, the extent of the size of the Hub stand up should have a rationale. There is now a system for this in place through Building Resilience Together: NI Civil Contingencies Framework. For example, in the recent flooding incidents in Northern Ireland in November 2023, this system was used to move from Hub Steady (business as usual) to Hub alert level 1 (readiness) from our existing civil contingencies team and without calling on colleagues from other Departments to come into the Hub. The need for more staff can be escalated through the tiers of the Hub activation as needed. This model of response relies very heavily on the Lead Government Department model and on the principle of subsidiarity whereby emergencies should be handled at the most appropriate level. The Hub does not

need to be activated in all emergencies. Escalating the Hub arrangements may however rely on Departments releasing staff to work in the Hub and NICS are currently reviewing that for capacity and readiness.

143. This layered arrangement for the Hub, whilst proportionate, has to be underpinned by a civil contingencies team of sufficient size and expertise (including multi-disciplinary experience where possible) to operate a range of requirements. By this I mean: the ability to undertake long range thinking and risk management (policy); operational responses as needed (operations); and continuous maintenance of essential logistics such as Hub readiness, IT and communications (logistics).
144. I note an exchange with my colleague Mr Chris Stewart around 4 March 2020 **[Exhibit KP2/91-INQ000218494]** in which I referred to “what we can seek to offer from our preparedness work to assist in your risk analysis”. My reference to “preparedness” was about EU Exit No Deal planning in my team, and this was my acceptance that priorities may have to shift towards the Covid-19 response. I am now aware that Sir David Sterling emailed Mr Chris Stewart on 7 March 2020 setting out a list of issues to address including CCPB staffing. I moved to Covid-19 work on 17 March 2020, although that was clearly being contemplated on 14 March 2020. Prior to taking on the Civil Contingencies portfolio in May 2021, I had no role in CCPB staffing before or after my move to Covid-19 work.
145. In relation to the impact of taking staff from Departments to assist in the Hub, I can say that the number of colleagues who worked in the Hub in Covid-19 “wave one” was impressive at the most difficult point in the pandemic when little was known about the nature or future trajectory of the virus. This did not happen immediately upon establishment of the Hub and to a degree solutions had to be found in real time. I think it was therefore right to review the Hub arrangements after “wave one” and to put in place a system for future responses. This may avoid taking colleagues out of their Departmental posts across NICS and partners unless absolutely necessary. However, the need for their involvement at certain points cannot be entirely ruled out.
146. Readiness for a future emergency is not just a TEO issue. In my view it is essential that each Northern Ireland Department and partner organisations have sufficient capacity and capability for preparing for, responding to, and recovering from civil contingencies risks. This should be seen as a priority, ideally at Departmental Board levels. Departments must be able to prepare, respond and recover from risks which fall to them as Lead Government Departments. They should also be aware of the

future possibility that a Hub stand up may require liaison officers to join it from Departments and partners.

147. We have arrangements in place for regular briefings of nominated contacts in Departments and partners, known as the C3 network (command, control and coordinate). As well as having a representative on our C3 network, Departments also need to maintain their Major Emergency Response Plans (MERPS); understanding of the risks that belong to Departments in our Northern Ireland Risk Register; the ability to stand up their own Departmental Operational Centres to respond to emergencies; and arrangements for releasing staff to the HUB. In addition, Departments are, and should, avail of the learning and development opportunities we are rolling-out at various levels in accordance with our Learning and Development approach.
148. In summary, we now have arrangements for a less resource intensive Hub activation, and a model and rationale for asking for additional staff from Departments resources should that be required.
149. At a strategic level, I welcome the fact that Ms Jayne Brady, HOCS has made civil contingencies an issue at NICS Board level. I am required to report to the NICS Board at least three times per business year on civil contingency matters. I do so at the first opportunity after each meeting of our Civil Contingencies Group NI (prepare) which meets three times per year at set points.

Strategic response

150. An internal TEO document dated 20 January 2020 **[Exhibit KP2/92-INQ000183601]** raised concerns about CCPB's ability to respond to an emergency of any scale. The author had raised similar concerns in November 2019. I am afraid that this predates my involvement in Covid-19 and to the best of my knowledge I was not aware of it at the time.
151. I am now aware that the document dated 20 January 2020 states that Northern Ireland was more than 18 months behind the rest of the UK in terms of ensuring sector resilience to any pandemic flu outbreak. If that was the case, then I think that would have an impact on Northern Ireland's immediate response to the pandemic. It may have meant that the opportunity was not available to develop some potentially transferrable pandemic flu plans. I am unable to personally stand over the 18-month reference or to quantify the impact on the immediate response to the pandemic. I do

however accept that if NI was significantly behind the UK in that regard, then there would have been an impact.

152. I was of course aware of how much effort had gone into the civil contingencies' response for a potential EU Exit No Deal scenario. I understand that the EU Exit No Deal planning work impacted considerably on the system's ability to progress pandemic planning to the extent that concerns were raised about the ability to progress it. I was present at a meeting of the Departmental Board on 26 February 2020 [KP2/93-INQ000391222] where concerns were raised in general terms by Mr Chris Stewart about the civil contingencies arrangements and the risk that our system would fall "even further" behind the rest of the UK. However, I was not aware at the time of the concerns raised by civil contingencies staff.
153. As I now understand the situation, there were resourcing issues at an early stage of the Hub stand up in Covid-19. These included the size of CCPB and the availability of staff to trigger the Hub stand up; residual HR issues unresolved from Operation Yellowhammer; and staff who were familiar with Operational Yellowhammer requirements being retained by their Departments for essential work and/or deployed to the Departmental Operations Centres (DOCs). Mr Anthony Harbinson resolved this over the early days and weeks of the Hub operation by making good use of TEO staff who were made available (i.e. the Programme for Government Team), by bringing in consultancy support and support from the Strategic Investment Board (SIB), and by liaising with NICS Departments to secure staff to work in the Hub. He also worked very closely with the Northern Ireland Office (NIO) on Hub design. Under Mr Andy Cole's leadership in Autumn 2020 to Autumn 2021, the Hub arrangements were refined considerably and now involve a layered approach where escalation can occur from tier one (business as usual – Hub Ready) and upwards to the response appropriate for the situation at hand.
154. It is important to distinguish between the standing structure, CCPB, and additional Hub stand up resources. In my view, CCPB should have been able to trigger the Hub stand up when instructed to do so. This would have required sufficient numbers of staff in CCPB in order to trigger the Hub. In the Covid-19 situation, the number of staff available in CCPB was already too small and Covid-19 compounded this with some staff needing to shield. However, even if CCPB had been sufficiently resourced to trigger the Hub that would not have been sufficient to run it. As was seen, an early task for Mr Anthony Harbinson was to draw in resources from other

Departments to make the Hub effective.

155. There was an exchange of emails on 4 March 2020, Ms Bernie Rooney alerted Mr Chris Stewart to concerns raised by the C3 group (i.e. Departmental representatives) in a meeting with her that day. Mr Chris Stewart responded and copied me into his email. I responded to say I was keen to discuss how our preparedness work and C3 might intersect “this year” (i.e. 2020) and what we could offer from our preparedness work to assist in Mr Chris Stewart’s risk analysis. By preparedness work, I meant the work undertaken for EU Exit No Deal planning and the experience of Operation Yellowhammer including the PWC C3 work for UKG and Northern Ireland. This would potentially have included the EU Exit learning on: sectoral, economic and societal vulnerabilities; critical goods, supply chains and food supply; and public disorder risks. These areas were included in the work I went on to develop in mid-March albeit from a Covid-19 perspective. The EU Exit learning was not wholesale transferrable to Covid-19 but there were some areas of great similarity when looked at from the impact perspective. For example, the impact of food supply disruption would have to be considered in the Covid-19 scenario, even though the root cause of the disruption would be different. When I referred to “this year” in my email to Mr Chris Stewart, that would have been in recognition that the UK had agreed with the EU an end of Exit Transition date of 31 December 2020.
156. I have not been able to locate a written response and my diary does not record a meeting being set up. There may have been discussions about this, but I cannot specifically recall that happening.
157. I was not aware at the time if there was monitoring in TEO of the development of the pandemic in China or its transmission to other countries. I am now aware that staff within the civil contingencies team in TEO were monitoring news reports from open-source material for internal monitoring purposes from 10 January 2020 to 12 February 2020 when this function was stood down **[Exhibit KP2/94-INQ000427203]** **[Exhibit KP2/95-INQ000427204]** **[Exhibit KP2/96-INQ000427205]** **[Exhibit KP2/97-INQ000427206]**.
158. I was not aware if there had been strategic response planning within TEO in respect of the unfolding pandemic. I have not seen anything which suggests there was. My understanding now is that preparations prior to Covid-19 were focused on EU Exit and the stand up of the Hub in that context; and on increasing the number of people who worked in civil contingencies team (i.e. increasing the staff in CCPB - additional

staff needed for the Hub was a separate matter). I am now aware of the extent of the work which had to be set aside in CCPB in late 2019. **[Exhibit KP2/98-INQ000183627]**

159. I sent an email on 17 March 2020 **[Exhibit KP2/99-INQ000309139]** to Sir David Sterling in which I set out a proposed strategy for the response to Covid-19. I prepared this draft based on my experience from the EU Exit No Deal planning work and I based it the broad themes of health, societal impacts and economic impacts, suggesting the following workstreams:

- The health and well-being of our citizens;
- economic well-being of Northern Ireland;
- societal and community well-being;
- delivery priorities and service delivery;
- our people; and good governance

I can confirm that I drafted this document myself based on my knowledge and experience from EU Exit No Deal planning. I did not have access to any influenza preparedness strategies and do not recall seeing such at the time.

160. The draft I produced on 17 March 2020 reflected my learning in EU Exit No Deal planning. Having been asked to move to Covid work a couple of days earlier, I felt I had latitude to focus on planning issues while others focused on the Hub stand up and civil contingencies. The draft was my best attempt at the time to draw together the issues likely to be of concern for the Executive under strategic headings. At the time, I would have had some early discussions with Sir David Sterling on the shape of my thinking. I would also have relied on his experience, and that of my myG5 Gail McKibbin on how best to present the issues and proposals to the Executive. That is because Sir David Sterling and Ms Gail McKibbin had vast experience of working with TEO Ministers and with the Executive, whereas this was my first experience of being in TEO with a functioning Executive.

161. I can confirm that I attended a meeting of The Executive on 19 March 2020 **Exhibit KP2/100- INQ000207206]**. I should explain that it was highly unusual for officials to be in attendance at Executive business outside of HOCS and the Executive

Secretariat. The Executive is a political decision-making body, supported normally by a small number of Secretariat civil service attendees and HOCS. Officials are not present as the Executive needs political space to reach agreed decisions.

162. Covid-19 changed that. Officials attended Executive meetings on a regular basis and were invited to speak. The Chief Medical Officer (Professor Sir Michael McBride) and Chief Scientific Adviser (Professor Ian Young) attended, presented and were invited to give advice.
163. I recall the particular meeting on 19 March 2020 distinctly, as it was sadly the day on which NI had the first Covid-19 related death. I have no doubt that the gravity of the situation was understood at this point.
164. On 19 March 2020, the Executive first considered a paper based on the planning proposals **[Exhibit KP2/101- INQ000023228]** set out in my 17 March email to Sir David Sterling. The CCG meeting on 18 March had commissioned this in the following terms: TEO to prepare a paper on 'Planning Clusters and Workstreams' for the Executive meeting on 19 March 2020 **[Exhibit KP2/102-INQ000273029]**.
165. In relation to the first lockdown, I was not involved in any discussions about it at that direct time. I was not aware at the time at what point the First and deputy First Minister were made aware of the lockdown decision by UKG. I am since aware of at least some contacts between UKG and the First and deputy First Minister and I have outlined those in the TEO corporate statement for Module 2C.
166. The then Prime Minister's lockdown announcement appeared publicly at 20.30hrs on 23 March 2020. This followed advisory announcements he had made in the previous week, including asking hospitality sectors to close on a voluntary basis. It is a matter of record that Northern Ireland announced the same substantive lockdown arrangements which took effect on 28 March 2020 at 2300hrs, through regulations made under the Coronavirus Act 2020 which itself came into force on 25th March 2020, in response to the serious and imminent threat to public health posed by Covid-19. **[Exhibit KP2/103- INQ000215019]** Executive First Minister and deputy First Minister statement. I do not consider that a lockdown could have been avoided without significant and very early interventions and, if that had happened, it may have been the case that those measures would have stayed in place for some time.
167. My initial thought at the time was that the situation was now very grave. The

lockdown decision, alongside the realities of Covid case numbers and trajectory, underlined the seriousness of the situation. I do not recall thinking that a lockdown was becoming necessary, but I do recall thinking after the announcement that it had to be done.

168. At the time of this lockdown, the focus was on taking steps across the four nations on a similar basis. As it became possible to start the process of easing restrictions, local decision-making came more to the fore as can be seen in the Executive's Strategy Coronavirus: Executive Approach to Decision Making [**Exhibit KP2/104 - INQ000212993**]. This strategy, published on 12 May 2020 sets out key principles for decision making at a local level.
169. At the time of the lockdown announced by the Prime Minister, the process of keeping the Northern Ireland Assembly up to date was already underway, and the first major Covid-19 statement in the Assembly was delivered by the deputy First Minister on the afternoon of 23 March 2020. It made essential points about the need to protect the health and social care sector and set out a number of steps underway across the Northern Ireland Departments [**Exhibit KP2/105- INQ000426984 page 12**]. Any statement of this importance can only be delivered with joint agreement, and the deputy First Minister was clear that this was delivered by her, on behalf of the First Minister and deputy First Minister. I mention this statement to assist the Inquiry in knowing what decisions had already been taken across the Northern Ireland Departments prior to the first lockdown decision. These were outlined in this statement to the Assembly on 23 March 2020.
170. I mention it also to note that this administration acknowledged the constitutional importance of communication and engagement with the Assembly. Other important Assembly business was conducted on the same day; 23 March 2020. I would just draw attention to the fact that a number of other relevant statements and Committee business were conducted that same day. For example, the Justice Committee met to discuss a Legislative Consent Motion which was necessary to enable legislation to be passed in Westminster to include Northern Ireland justice matters within the Coronavirus Bill. I understand that the Assembly Speaker, Mr Alex Maskey MLA has provided the Inquiry with a statement on the conduct of Assembly business during the pandemic.
171. Some relatively discrete but important easements of restrictions were authorised by the Executive on 24 April 2020. I can confirm that around this time it was my

understanding that Northern Ireland had a time lag in terms of Covid-19 transmission rates. The first of these Executive decisions concern access to burial grounds and this had been a regular discussion in the Executive, reflecting its importance. The second decision on 24 April 2020 concerned providing clarity on the “reasonable excuse” for travel. My recollection is that PSNI had asked for this clarity. I felt at the time that these were discrete but important steps to take on issues of importance. Following that, further easements were authorised by the Executive after the publication of Coronavirus: Executive Approach to Decision Making on 12 May 2020.

172. Overall, and especially in the early stages of Covid-19, the strategic response to the pandemic involved four nations. There was a reliance on specific UKG four nations interventions such as the furlough scheme and the generation of Barnett financial consequentials for the DAs. The strategic response also relied heavily on the Executive to operate within its devolved competence to respond to the pandemic. Overall, the NI response was informed by UKG decisions, but the strategies produced by the Executive, the decision making, and the agreed interventions (including the allocation of financial resources) rested properly with the Executive. In practice, therefore the Executive did have its own response to the pandemic. I acknowledge however that the financial assistance measures (ie furlough and Barnett consequentials) meant that the devolved administrations were able to exercise their devolved authority with those key issues taken care of. **[Exhibit KP2/106- INQ000213668]**
173. In relation to the lack of dates in the NI strategies for the removal of restrictions, I would note that in the early stages of the pandemic, the Executive felt that NI should not be date driven. The Executive did not want to raise unreasonable expectations or set firm dates that may not be deliverable in practice. For citizens and businesses who had to plan significant operational changes, such as business re-openings, setting anything like a precise date was precarious in policy terms. We did not do this.
174. However, as we moved through “wave one”, there was a growing political appetite for “indicative” dates which was an understandable objective to enable citizens and businesses to at least think ahead and plan for future specific easements of restrictions. We began to communicate indicative dates for relaxations but caveated that these may be subject to change. It transpired that some were actually changed. For example, between waves one and two, children’s soft play businesses were the

last sector to be eased of restrictions in Northern Ireland on 14 September 2020 despite having been given an earlier indicative of 7 August 2020 [**Exhibit KP2/107 - INQ000207270**].

175. The approach was built on monitoring of the real time situation and on modelling, and not on plans or dates which could not reasonably be predicted in a volatile situation. It was important to not set unreasonable expectations although there was a growing desire for clarity in the business sector and in communities.
176. I do not think on reflection that there is a significant conflict between not setting firm dates initially, and then communicating indicative dates for specific relaxations when possible, whilst keeping indicative dates under review.
177. In the future, should the need arise to consider anything similar, it would be necessary to assess if firm dates and tiers of groups of restrictions could aid communications, even if they may need to be subject to change; or whether indicative dates for specific easements would be the right approach. It would have to be an entirely new conversation, though, in my view, depending on the nature of the event, and on future public acceptance and likely adherence to any similar Government interventions.
178. There is a statement by Holly Clarke [**Exhibit KP2/108-INQ000148325**], NIO in which she says that the NIE “declined” to allocate provisional dates for the removal of restrictions. With respect, I do not recognise the concept of “declined”. This was a decision in the devolved space and well within the competence of The Executive. I am not aware that there was any baseline decision across the nations to “decline” from.
179. At the start of Covid-19 wave two, I felt that the policy objective in other jurisdictions for “tiers” had some attractions (to give a sense of clarity and communications for citizens for planning purposes) but that a pre-determined scale or groups of interventions was unlikely to survive contact with an evolving virus.

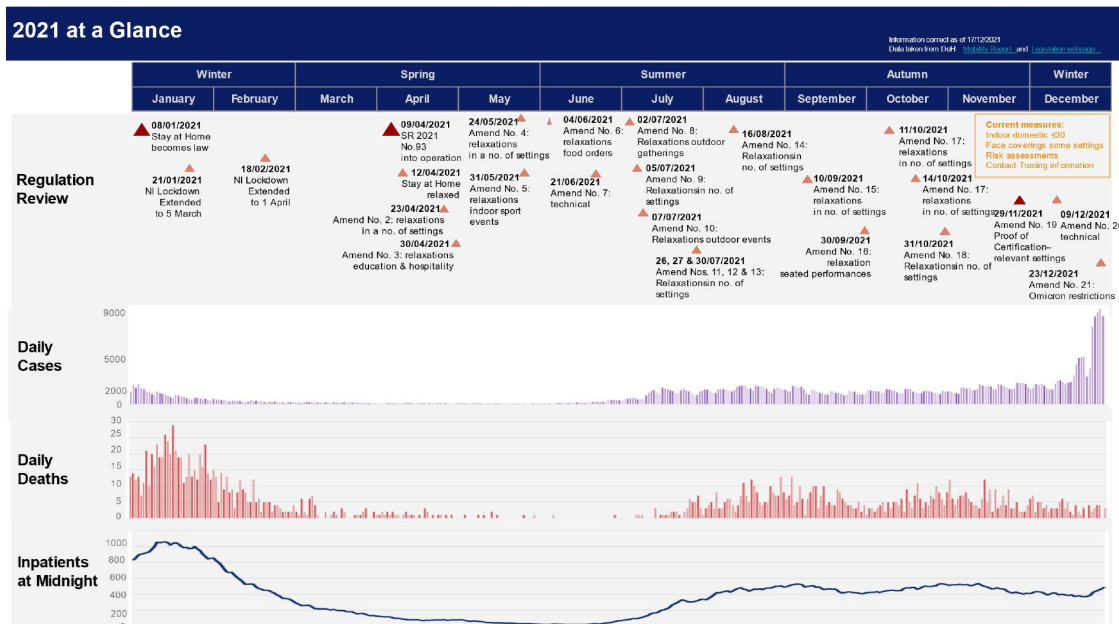
Pathway out of Restrictions 2021

180. The Moving Forward: Pathway out of Restrictions Strategy did not contain indicative dates for sectors reopening. From experience, there were too many uncertainties with Covid-19 to be able to provide definitive date. The position of the Executive at that time was:

- the need to keep R number below 1,
- that there is capacity in the health service;
- that the vaccination programme remains on track;
- that our Test, Trace and Protect strategy continues to be effective: and,
- that there is good adherence to the public health advice.

181. The first collated proposal for relaxation under the Pathway were considered by the Executive on 1 April 2021. **[Exhibit KP2/109-INQ000212958] and [Exhibit KP2/110-INQ000207213]**

182. The table below indicates the trajectory of the virus and key policy interventions for the calendar year 2021.



Management of the pandemic, waves one and two

183. I had some concerns about the management of the pandemic after the first wave and in terms of the risk of a second wave. The following issues span wave one, the reduction in case numbers over Summer 2020, the rising case numbers thereafter, and the trajectory of wave two into 2021.

184. The risk of a second wave was known but more could have been done to plan for

that over Summer 2020. By Summer 2021 by comparison, thought was given to the Autumn and Winter period. The Executive published its Autumn/Winter Covid-19 on 19 October 2021.

185. My reflections on the management of the pandemic are set out below.

National response

186. The first issue relating to the management of the pandemic concerns the national response. While the four nations had an objective of working together and of retaining consistency of approach, this did not hold on all points. On reflection, I do not think it was ever going to be possible to have a single approach throughout, but it was a good and understandable aim at the outset, and it had benefits where it worked well on matters such as the vaccinations programme. The differences which emerged across the Governments reflects our different geographies, logistics and constitutional arrangements but also the four very different political administrations at the time. My reflection was and is that any differences in the Devolved Administrations' (DAs) decisions were seen in London as awkward, politically motivated, and were not always understood to be the right decisions taken in line with devolved settlements and constitutional arrangements.

187. The frustrations ran both ways, with the DAs, certainly NI, feeling that London was often only going through the motions. That said, in the NI system there are two political views on NI's relationship with the UKG and both views must be respected and understood equally. I believe the Inquiry will have a good sense of this from the statements of Dame Arlene Foster and Ms Michelle O'Neill.

188. The point I am making here is that the idea of a four nations approach had considerable attractions and many issues were progressed collectively. However, devolved decisions have to be respected. The differences took a variety of forms. First, where the matter was not devolved but it was still possible to have a political view on the decision taken by UKG. Second, where the matter was devolved, and the Devolved Administrations took the same or very similar decisions leaving no or very little differences in place. Third, where the matter was devolved and one or more of the Devolved Administrations took a different approach.

189. It should be noted that it was not the case of UKG going one way, and the three Devolved Administrations agreeing to go in a different direction together. Decisions

were taken where they properly rested in the devolved systems. Differences did emerge and that led to an increased focus on communications to citizens. For example, within England, Wales and Scotland decisions taken on internal travel arrangements may have had practical implications for citizens' travelling between those nations and it was important to communicate this clearly.

190. In the final analysis, I do not think that the four nations went off in vastly different directions on most strategic matters. The need to protect the NHS was a constant for example. Concerns about the economy were also a constant in discussions. There were points of difference of course, and rightly so. If that was not the case, then politicians across the administrations would not have delivered what they felt was the best for their citizens and that would have been out of line with their elected responsibilities.
191. The main issue is that points of difference should be aired and discussed with mutual respect and understanding. While agreement was not always possible, the nature of the dialogue mattered. My sense was that at certain points the differences of opinion about restrictions and easements became more important than the huge amount of common ground.
192. It is also fair to note that the devolution settlements are different in each administration and NI's Departmental structures do not entirely match with other jurisdictions. Navigating the structural arrangements is therefore complex and building an understanding of this before a crisis is really important. I did not feel that Whitehall started with a complete and consistent understanding of how NI is set up although to be fair this did improve. In my opinion, this is an area worth investing in. I entirely appreciate that all systems are complex, but it felt to me that we had to learn a lot about each other's systems at fast pace and this can be improved for the future.
193. By the time wave 2 was underway, there were differences in approaches across the four jurisdictions.

Resources and our own ability to move at pace

194. The second issue concerns resources and our own ability to move at pace especially after the wave one experience. Sir David Sterling outlined NICS staff reductions and pressures in his statement for module one of the Inquiry. I think this pressure was both chronic and then acute in the context of Covid-19, and I do not think we had

systems in place or a collective ability to move people to posts quickly during and immediately after “wave one.” All Departments and partners were under extreme pressure, but it was hard to see whether there was a process for prioritisation of functions or staffing needs.

195. My colleagues in the Department of Health were under severe pressure from the outset and this pertained through the Inquiry’s Specified Period and indeed beyond. The cycle of daily and weekly activities was highly pressured and involved at least the following: supporting the Minister of Health in a large number of attendances at The Executive; production of very regular “R” number and other papers; putting forward policy proposals; and giving effect to Executive decisions via very swift production of regulations to either put restrictions in place or remove them. This is the tip of the iceberg and it never felt to me that the team had quite the right amount of staff resources they needed or that there was a system for addressing that. That said, I will say that colleagues in the Department of Health worked tirelessly to deliver these functions.
196. I believe that the Department of the Economy was in a similar situation and other parts of the NICS system were equally pressured.
197. In respect of resources available to me from 17 March 2020, these were as follows. My deputy Ms Gail McKibbin moved with me from the EU Exit team along with some of her staff. Ms McKibbin’s team would return to EU Exit work in summer 2020. After wave one, I took over responsibility for a small team of analysts from EY who had been brought in to assist with the Hub and the production of the situational report for Civil Contingencies Group. The EY team was engaged on a consultancy basis which meant direct financial costs to TEO and also had limitations on what they could do for me. For example, it was not appropriate for consultants to provide advice to Ministers as they are not civil servants. However, I will say that they played a very important role in support to me by undertaking resource and analysis, producing dashboards and assisting me at meetings.
198. Colleagues from TEO’s Programme for Government team had joined the overall effort. That team worked for Mr Chris Stewart, and he redeployed them to Covid-19 work. The Programme for Government team provided support to me after wave one, but returned to PfG work once the Executive had agreed that it should be advanced for April 2021.

199. Dr Jane Holmes from DOJ joined me in September 2020 on an entirely voluntary basis, with the agreement of Mr Anthony Harbinson who had returned to the Department of Justice by that point. This was due to be a part time and time limited arrangement, but I am most grateful that Dr Holmes is still part of the TEO team today.
200. A senior colleague from TEO, Mr Peter Toogood, played a vital role in the development of the first Executive Strategy Coronavirus: Executive Approach to Decision Making, working closely with Mr Peter May, DOJ. Mr Peter Toogood had other TEO duties during this time relating to the Programme for Government. He supported me on Covid-19 matters until he left TEO in spring 2021 to take up a business-critical role in the Department of Health on mental health issues.
201. After Mr Peter Toogood's departure, Mr Peter Luney joined my team from the NI Courts and Tribunals Service, an Agency of the Department of Justice.
202. It was into October 2020 to January 2021 before other staff were assigned to me. In October 2020, a small number of colleagues from within TEO were assigned to Covid-19 work and this was invaluable. Other appointments were made to my team in this time period.
203. While all appointments to my team and assistance from colleagues was invaluable, it has to be said that there was a period during and after "wave one" where quickly matching people with the right skills to Covid-19 posts may have been improved. Our system did not have arrangements for prioritising functions or for allocating staff to Covid functions quickly. For example, I wrote to Mr Mark Browne, TEO Accounting Officer on 4 August 2020 setting out the resources needed for EU Exit work and Covid Recovery **[Exhibit KP2/111-INQ000426985]**. While the Covid-19 case numbers were relatively low, they began to rise again. The context for requiring staff therefore changed but as wave 2 began to take hold, our system had still not introduced swift resourcing or prioritisation of functions. The Permanent Secretaries discussed this, prompted by Dr Andrew McCormick, in September 2020 but a flexible response to staffing did not emerge from that discussion either.
204. I contrast this with the approach taken in the early stages of the Omicron variant in December and January 2021/22 which in my view is a good contingency model for the future for a small administration like NI. The first case of the Omicron variant was reported in NI on 7 December 2020. It was going to take time to understand its

possible trajectory and impact including transmissibility and its health and other implications. However, we had the benefit of learning from the previous waves, and I think this focused attention on staffing issues.

205. Department of Health colleagues (largely the same individuals throughout) had been under sustained pressure for almost two years by this point. Consequently, Mr Richard Pengelly, Permanent Secretary in the Department of Health flagged concerns with Ms Jayne Brady, HOCS on 10 December 2021 about his team's resilience and the need for immediate assistance. **[Exhibit KP2/112-INQ000286714]** and **[Exhibit KP2/113-INQ000286707]**
206. Ms Jayne Brady and Dr Denis McMahon, Permanent Secretary TEO worked together to put two actions into place at pace. First, the civil service was asked to assist by lending staff to the Department of Health for a period of time. My understanding is that some colleagues came forward including Mr Chris Stewart in TEO. Other Departments identified staff who could move to DOH on a temporary basis to assist. **[Exhibit KP2/114- INQ000274796]**
207. The second action also delivered at pace largely by Dr Denis McMahon involved the letting of an external contract for Omicron/pandemic surge support which NICS Departments could call on as initiatives/support requirements emerged. This gave NICS the ability to commission the successful bidder, EY, to provide a very wide range of services to the civil service and arms length bodies. I was the contract manager for this contract from early 2022 to early 2024.
208. In summary, there is merit in determining how a small administration can create surge capacity, so that people can be quickly and effectively matched to posts especially when financial resources and processes do not permit significant additional external recruitment at speed.

Tasks that have no natural home in Departments

209. Each NI Department has a set of functions which are defined in a number of ways including the Departments (Northern Ireland) Order 1999. Moving functions between Departments is not a straightforward matter. There were occasions when unforeseen issues arose which had to be built into the response to the pandemic, often at speed. For example, where a function could only be addressed via a formal allocation of a new responsibility to a Department; where a Department had a broadly

relevant responsibility which would enable it to take on a function but which would stretch its expertise; where Ministers proactively wished to take on a function, a Ministerial Direction can be issued to the civil service; and where Ministers agree to provide assistance to each other outside of the above mechanisms. New and emerging issues had implications for the Department of Health which had responsibility for the Public Health Act (Northern Ireland) 1967 which became the primary mechanism for making of regulations in Northern Ireland during Covid-19.

210. On the one hand, the Department of Health was the lead Department for health issues arising from Covid-19 and they had responsibility for creating regulations under the 1967 Act. On the other hand, the Department of Health could not reasonably be expected to pick up and respond to every new and unexpected issue in Covid-19 just on the basis that it had an associated health related issue. That might have been a more reasonable proposition if NICS had been able to move people, resources and relevant expertise (not all of which existed) to the Department of Health. In the absence of that, the Department of Health was left with issues which it had not had to address before; and other Departments had to gain expertise in new matters which fell to them.
211. In a crisis situation, careful thought must be given to the best fit of subject matter as well as necessary deployment of resource and expertise. Not all matters can be predicted pre-crisis. I do not think there will ever be a perfect process for this which easily determines allocation of tasks to Departments. But there has to be a quality conversation about newly emerging issues and where they best sit, and such conversations may need to happen at pace.
212. Managed Quarantine Services (MQS) was a very different type of challenge. This falls well into “wave 2” and beyond but I will cover it here as an example. When it was decided that MQS arrangements (25 March 2021) should be introduced in NI, the Minister for Health flagged the need for assistance with this project. The project would necessitate putting in place hotel and other logistics arrangements for incoming passengers for a period of time to help reduce the risk of Covid-19 transmission arising from international travel.
213. There was a good conversation between the Health Minister and the TEO Ministers. It was agreed that my team would assist on a time limited basis with MQS, and we brought this into our work programme. We established a task and finish group (consisting of the Department of Health, Department for the Economy, Department

for Infrastructure, Department of Justice and Department of Finance. PSNI, Local Government and G4S- (the firm procured to provide security advice for the scheme - also attended. Border Force were subsequently invited to attend). We were able to transition this work back to the Department of Health during June 2021.

214. There was not an immediate political agreement that TEO should assist on the substance of Covid-19 certificates when this issue first emerged.

Data sharing

215. Data sharing is a complex field and engages important legal and ethical considerations. However, there is one particular aspect of this which troubled m, police and local government partners. The Executive was provided with regular statistical updates on the status and trajectory of the virus. I do not recall a single meeting of the Executive where case numbers and other data points were not discussed. The purpose was to ensure a shared understanding and to aid decision making at a (usually) Northern Ireland population level, although there were two occasions on which regional restrictions were put in place.
216. It was also important to understand for other purposes clusters, hot spots and sectoral-based outbreaks of Covid-19. We worked closely with our partners in Local Government who are responsible for environmental health matters at operational level. Environmental Health Officers play a very important role, and this was the case during Covid-19. The broader enforcement role was of course PSNI's responsibility.
217. The civil contingencies arrangements involve the existence of three Emergency Planning Groups (EPGs) led by local government colleagues. The Inquiry will hear about different arrangements in other jurisdictions referred to as Local Resilience Forums which are similar in nature to our Emergency Planning Groups. We also have systems for the three EPGs to come together under the title of Northern Ireland Emergency Planning Group (NI EPG) and this was stood up during Covid-19 and chaired by PSNI.
218. During the COVID-19 response, NI EPG established the NI EPG COVID-19 Regional Coordination Group. This group acted as the link between the numerous high level strategic groups managing the COVID-19 response and the co-ordinated delivery of activity at the local community level. For example, it looked at: assisting in the

setting up a COVID testing and vaccination centres, enforcement activity and what that meant for focused public information campaigns etc. The group met routinely each Friday morning from 6 Nov 2020 to 28 May 2021

219. I attended NI EPG regularly along with colleagues from the Department of Health including the Public Health Agency, The Executive Office civil contingencies team and our Health and Safety Executive Northern Ireland. There were some very positive aspects to this. Most weeks the NI EPG received a Northern Ireland Covid-19 population level briefing from Professor Ian Young or one of his senior colleagues in the Department of Health. This would be the same or a condensed version of the information provided to the Executive the day before, so was current and informative.
220. However, NI EPG especially wanted to focus on clusters, hotspots and sectoral concerns so that operational resources could be deployed to key issues and areas. Therefore, NI EPG wanted information to help it with operational resource deployment. Whilst there were some good discussions within the Group, these were not always underpinned by data sharing and this was the cause of considerable frustration. It seemed to be the case that data was being shared with Environmental Health Officers but not with PSNI at a time when PSNI were coming under some criticism for perceived lack of enforcement activities. This was never adequately resolved in my view and remained a frustration throughout. Data sharing arrangements should have been smooth before the onset of wave 2.

Awareness of other organisations' broader roles and accountabilities

221. Specifically on the role enforcement could play in a pandemic, a broader understanding of enforcement limitations would have been beneficial, including the importance of policing with the community; and of the longer-term implications of an enforcement-heavy approach during the pandemic. I believe these are matters that should be considered and it is easier to do that outside of an emergency situation. By wave 2, views on enforcement benefits had become somewhat entrenched and there was a desire for more enforcement activity than could reasonably be delivered.

The decision-making process in Northern Ireland

222. In respect of the decision-making process in Northern Ireland, I would offer the following comments.
223. TEO's module 2c statement sets out more detail on the NI constitutional

arrangements and the way decision making works, including the setting of agendas for meetings of the Executive, and the essential nature of joint decisions in TEO. In practice, this means that no decisions are taken, and no actions can be progressed, unless the First Minister and deputy First Minister jointly agree.

224. Decision making during Covid-19 quickly became the primary focus for the Executive and while they were able to address some other non-pandemic matters, Covid-19 was almost all consuming at Executive level. In the early stages, when little was known about the nature, trajectory, longevity or long-term impacts of the pandemic, some important principles were outlined and agreed and largely pertained, that was the need to protect the NHS, the importance of testing, the need to secure PPE supply and the future development of vaccines.
225. Alongside that, there was early agreement that policy aims, and decision making should also focus upon the economy and social impacts of the pandemic. These issues also pertained throughout iterations of published strategies.
226. So, whilst there was a reasonably consistent model for discussion and decision, the following need to be recognised: The trajectory of the virus could not be predicted at the outset. The precise impacts on the economy, sectors and communities were unknown at the start and more information emerged. As Covid-19 impacts became clearer and more deeply felt, there were political differences on how best to respond in practice, through financial interventions, and through restrictions and easements.
227. There were some early discussions about easements the Executive as a whole would like to make when conditions permitted, especially around societal impacts. These included the desire to enable people to see a wider circle of friends and family for relationship, support and mental health purposes; and around faith-based matters.
228. Other issues were led more by individual Departments where a specific issue had arisen. For example, in relation to the opening of waste management centres and access to outdoor spaces such as forests. Such discussions tended to be driven by the lead Minister.
229. In other cases, much broader sectoral issues arose such as hospitality for example which was a considerable area for discussion throughout given its scale, scope and economic importance in Northern Ireland.

230. The following are my reflections on what occurred on the run up to and including wave 2.
231. From a good basis of agreement on key issues at the outset and a clear desire to work together, political positions were nevertheless reflected in discussions and decision making from a relatively early stage. This played out most in the discussions on the balance to be struck between health outcomes and economic impacts.
232. I would just caveat this by saying it was not as stark as health versus economy. For example, there were ongoing discussions about the need for the health sector to get back to usual services, especially around access to GPs and cancer care. Ways were explored to get the best outcomes across all fronts, but the different political viewpoints on how best to achieve outcomes were apparent. There were legitimate concerns about economic and societal impacts in Executive discussions.
233. I would also say that all parties including the two smaller parties (the SDLP and the Alliance Party) also aired their views from Departmental perspectives (Department of Infrastructure and Department of Justice respectively) but also from their party philosophies. However, both felt that more could have been done to include them in discussions before the Executive meetings; and they also felt that late circulation of papers for Executive meetings put them at a disadvantage compared to DUP and Sinn Féin.
234. In short, it is my view that all members of the Executive approached discussions and decision making from Departmental and party-political philosophies, but they worked together to find accommodations where possible.
235. The Inquiry will be aware that the Executive is made up of political representatives based on the d'Hondt procedure which reflects the parties' standing in elections. Therefore, there is an in-built system which will advantage the largest two parties in decision making: the larger parties have more seats at the Executive table. The smaller parties have a voice at The Executive but that is in a system which then requires considerable compromise in order to achieve decision making.
236. Covid-19, I think it is fair to say, tested these arrangements but I can say that considerable effort was made to achieve agreement where possible through First Minister and deputy First Minister taking turns to chair Executive meetings.

237. It would also be fair to say that some actions caused considerable difficulties within the Executive and subsequently for officials. These were, in my view: public briefing and commentary contrary to collective Executive decisions; leaking, not just of decisions but of real-time discussions during Executive meetings; insufficient and inconsistent involvement of the two Ministers from the smaller parties in pre-Executive discussions; and an occasional focus on very specific sectoral issues of concern to a particular Minister which would dominate a large part of a meeting.
238. It is a matter of record that case numbers in Northern Ireland were low after “wave one” and that restrictions were lifted in line with the Executive’s agreed strategy ‘Coronavirus Executive Approach to Decision-Making’ from 24 April onwards. For example, on the 26 June 2020 there were 3 new recorded cases in Northern Ireland. The Executive’s approach was cautious and incremental in the early stages of Covid-19 with a high degree of political agreement on direction of travel, albeit with some robust debates on specific matters.
239. I did agree with the process followed in line with published strategies.
240. It is a matter of record that SAGE met on 21 September 2020 and formed a view that a doubling of time for new infections nationally could be as short as 7 days. The meeting discussed the implications of this risk and recommended a new concept of a “circuit breaker” which was described as a short-term lock down.
241. I understand the purpose of the recommendation was to limit the growth of the pandemic with a view to avoiding more severe measures and interventions. The general sense of the minute of SAGE 58 was, in my view, that an early intervention would avoid more severe measures in due course. SAGE also set out some specific concerns and recommendations for NPIs.
242. At the Executive meeting on 24 September 2020, Ministers considered a paper on ‘Non-Pharmaceutical Options to Reduce the Transmission of COVID-19’. It was agreed by Ministers that further work would be take place on a cross-departmental basis to develop a package of options for recommendations, including incremental approaches.
243. I recall that a meeting was convened on the afternoon of Sunday 11 October 2020, which involved the First Minister, deputy First Minister, the Health Minister, and the Chief Medical Officer to discuss the SAGE 58 meeting including its recommendation

for a “circuit breaker” approach as a short-term lock-down measure amongst other matters [Exhibit KP2/115- INQ000286275]. The underlying issue in the discussions, in my view, was the concept that an early response may help avoid longer term implications and the need for other more severe interventions.

244. I think it is fair to say that, like other jurisdictions, the prospect of imposing a circuit breaker was very difficult, however short it may prove. For example, part of the reason for a circuit breaker proposal was to counter the transmission of the Covid-19 virus which SAGE assessed to be (in part) as a result of the post summer return to education. But that should be seen as an example only of one driver of the increase in case numbers. I was not clear on what the exit strategy would be from a circuit breaker unless other conditions changed, and the virus was contained at a manageable level. At least it would have to see the R rate brought to under 1.
245. It is also fair to say that experience of Covid-19 “wave one” involved significant impacts for wider society, including the impacts on the economy and broader society. I do not think it would have been possible for political decision makers to have approached the “wave 2” challenges entirely abstract from these issues. However, it was equally true that our case numbers were rising significantly, and while the vaccines programme was clearly advancing, the case numbers were deeply disturbing.
246. The Executive discussions entered into a difficult period. Having eased a number of restrictions over the summer months, further restrictions were put in place. These involved a range of approaches and NPIs designed to respond to rising case numbers.
247. For example, a decision was taken to put some restrictions in place based on post codes with effect from 21 September 2020. The aim was to tackle the spread of the virus around the greater Belfast area and beyond, while avoiding wider location restrictions. A further decision was taken to put specific restrictions in place in the Derry and Strabane area and regulations to that effect were made on 5 October 2020.
248. After the discussion on Sunday 11 October 2020, regarding SAGE 58, the Executive met to discuss a broader range of NPIs, and a set of significant restrictions were put in place with effect from 16 October 2020.

249. There were some difficult dimensions to this. First, the Executive met on 9 November 2020 but could not reach an agreement on the range of restrictions which would be required. The Executive continued to meet until 12 November. This was a continuous meeting albeit with several adjournments, votes and recalls, including late at night, to make space for political discussions and an eventual agreement [**Exhibit KP2/116 -INQ000048497**].
250. The length of the meeting was problematic as urgent clarity was needed for citizens and businesses. There was considerable media reporting during this period, and citizens and sectors were seeking clarity including via direct contact with Ministers and other political representatives.
251. The decision reached on 12 November 2020 was broadly similar to the proposals put on the table on 9 November 2020 but with some differences. Dame Arlene Foster (then First Minister) and Mr Conor Murphy (Minister of Finance) gave a press conference with a focus on which sectors could stay open, in light of the queries which members of the Executive had received, but with a clear outline too of what must shut.
252. The then First Minister expressed the aim that the R number would halve within two weeks, and matters would then be kept under review. The intention was that the restrictions would be in place for four weeks. There were a number of questions about how the regulations were to be drafted from the special advisers to the First Minister and deputy First Minister. These had to be resolved before the regulations could be made.
253. Local newspapers carried further information about restrictions the weekend after the Executive meeting. Officials also arranged a series of meetings that weekend to respond to questions and queries coming into our system and into our partners such as local government.
254. I have been asked to give my opinion on the political considerations in play in September and October 2020. These are my personal views.
255. All Ministers, senior advisers, and officials working on Covid-19 would by September 2020 have been very reluctant to put restrictions in place unless absolutely essential. The out-workings of wave one and the cautious optimism in summer 2020, alongside the development of the vaccines programme, meant that further decisions carried a

degree of deeper knowledge and concern about the impacts of restrictions. By the start of this second wave, the lived experience for citizens of Covid-19 wave one was very much in the minds of Executive Ministers and officials.

256. Second, unfortunately the fundamentals had not changed. There was an ongoing requirement to protect the NHS especially going into the winter period in 2020. This was a major consideration in the Executive's decision making.
257. Third, the sectoral-based economic impacts of wave one were increasingly apparent, not only in financial terms. The hospitality sector is a good example. Although financial support packages were available to hospitality, the sector faced into a number of scenarios in 2020 (and beyond) and had to adapt their business models very quickly in response to Executive decisions. At various points they were open but with limitations on table numbers and entertainment, required to provide food with drink, shut but able to provide off license services, able to serve in outdoor settings, and required to take customer details. The Executive was alive to this and to the changing business models which had to be put in place and at speed.
258. Fourth, on the broader economic impacts, Ministers were concerned about the longer-term impacts for productivity, competitiveness, growth and employability.
259. Fifth, the societal impacts were regularly discussed. Restrictions which affected families and friends and general well-being were always a concern. There was an overlap between this and the economic considerations in that closure or restrictions of close contact services and gyms, for example, had a double impact for citizens and the economy.
260. Sixth, adherence to restrictions and related enforcement. There was a growing understanding that public acceptance of restrictions was not static and would change over time. This was already visible in many ways. For example, the return of the higher and further education sector saw some particular challenges in Belfast in Autumn 2020, and there was not a uniform agreement on the appropriate approach to enforcement.
261. Added to this were the political differences around the Executive table which I have mentioned, and the tendency in that period to be more public about different starting positions on key decisions. Executive Ministers would often start from different positions, and this was commented on in the media and in public discourse.

262. In summary, the second wave presented two very clear political challenges which had to be managed as far as possible and could not always be entirely resolved. First, the Executive's experience of wave one impacts were very much in play. Second, the fundamentals had not changed for the NHS and we were facing into our first Covid-19 Winter.

Reset

263. In relation to the "reset" conversation in the Executive on 1 October 2020, I do not think the intention was to fundamentally change the way Executive business and supporting activities by officials would be conducted. It was an opportunity to restate some core issues at the point where case numbers were rising and action increasingly likely to be needed. It was a timely discussion as the Assembly had returned from Summer Recess on 7 September 2020.
264. For example, the need to continue to keep the Assembly up to date, and to engage with sectors impacted by Executive decisions, were reflective of the Covid-19 wave one lived experience. The focus on communications and on family impacts were also reflective. These were not new concepts, but the Executive (in my view) found it timely to restate the importance of these issues.
265. The Inquiry will note the final limb of the reset conversation: a more even distribution across Departments of lead roles in taking regulations through the Assembly. All Ministers had a significant role in Assembly business during Covid-19, including answering questions from MLAs, taking through their own Departmental Covid-19 regulations as needed, as well as other Departmental non-Covid business. But for many Covid-19 decisions taken by the Executive since the start of the pandemic, regulations were required to be taken through the Assembly. Each change to regulations and the very frequent reviews of the restrictions also engaged the Assembly.
266. The passage of regulations in the Assembly would have fallen solely to the Minister of Health but it was recognised that assistance across the system would be needed. The Junior Ministers in the Executive Office, Mr Gordon Lyons (DUP) and Mr Declan Kearney (Sinn Féin) had already assisted on a number of occasions by leading the Assembly debates. The "reset" conversation touched on this issue because the potential need for further regulations could not be left to the Minister of Health on his own. **[Exhibit KP2/117 - INQ000426986]**

Modelling

267. I note that - in relation to the meeting of the Assembly's Health Committee on 15 October 2020 - the Inquiry says there was a suggestion that modelling work had significantly underestimated the development of the pandemic in Northern Ireland at that point.
268. I do not recall the Assembly's Health Committee discussion on this at the time. I have however looked at aspects of the Official Record (Hansard) and I assume this is a reference to a meeting of the Committee on that date which involved the Public Health Agency providing an update. I would just qualify by saying the Committee conducted a wide range of business on that date and I hope I am addressing the right issue here.
269. At an early point in this agenda item at the Committee, colleagues in the Public Health Agency outlined their initial modelling for the Autumn and the realities of what was happening. If I am on the right point, PHA had told the Committee that the modelling had suggested 300 cases, but it had now reached around 900 cases. This led to debate in the Committee on the modelling.
270. I can set out what the Executive was advised by reference to the R papers from 1 September – 13 October 2020.

Date	7-day rolling average cases / day	Exhibit Number
1 September 2020	<70	KP2/118-INQ000426987
8 September 2020	>90	KP2/119-INQ000426988
17 September 2020	~100	KP2/120- INQ000426989
22 September 2020	>140	KP2/121-INQ000426990
29 September 2020	<250	KP2/122- INQ000426991
6 October 2020	~580	KP2/123-INQ000426992
13 October 2020	~900	KP2/124- INQ000426993

My views on the timeliness of the circuit breaker

271. In relation to the timeliness of the circuit breaker restrictions in October 2020, I make the following 3 comments.
272. With hindsight, an earlier introduction of restrictions in line with the SAGE 58 recommendation for a circuit breaker on 21 September 2020 would have made a difference by slowing down the transmission of the virus. I think there is fairly

common ground now that the earlier the intervention, the more likely possibility of avoiding more significant restrictions.

273. Second, I entirely appreciate that this is precisely what SAGE and others were saying at the end of September, so hindsight is not good enough. Objectively at the time, our Ministers and the wider Executive gave great thought to the circuit breaker idea. It was politically divisive because it would need to involve significant restrictions, and it took several days to reach an agreement as I have outlined. In the meantime, the Executive had put in place two location-based set of restrictions for greater Belfast and Derry and Strabane. Therefore, the Executive was taking some action.
274. Third, by this point in the pandemic all Ministers were aware of the impact of lock downs and restrictions on the economy and broader society. This was very much in the mind of Ministers.
275. I found it difficult at the time to look beyond the SAGE advice. At the meeting on Sunday 11 October 2020, involving First Minister, deputy First Ministers, the Health Ministers, CMO and CSA, the deteriorating situation was discussed and it was agreed that a proposal to tackle this should be prepared, taking into account what was said at COBR the following day.
276. My thought at the time was that the Executive would need to take action but would also need to work through the issues at various levels: political, including with each other and also with their parties; financial; and policy. However, there were frustrations in the system, including by me, that the “act quickly” message from SAGE, if I can summarise it that way, took time to translate into decision making and into restrictions.

Consideration of a ‘tiers’ approach

277. By way of background, there was a meeting between the First Minister and deputy First Minister with Minister Swann on the evening of 7 October 2020. I recall that DOH outlined their thinking on the possibility of introducing a tiers-type system in Northern Ireland. I had some concerns about the concept. The development of the tiers approach for Northern Ireland had rested with DOH and I was largely unsighted, until 6 October, on the substance of the DOH proposals. I flagged the need for further consideration at the meeting on 7 October and DOH proposed that the work should transfer to me. DOH formalised that request and TEO Ministers agreed to it.

278. At this time, we did not have a HOCS. I discussed my concerns about the transfer of this work and its substance with Dr Andrew McCormick on 8 October 2020. The intention was that the work should be ready for discussion by the Executive early the following week which created an additional time pressure for me on an unexpected piece of work.
279. I also flagged with Dr Andrew McCormick the possibility of a weekend meeting which subsequently took place with Ministers on Sunday 11 October, and I also highlighted the need for decisions to be taken the following week.

Reflections on Autumn 2020

280. I have three reflections on Autumn 2020. I now assess that work on second wave planning would have been beneficial especially set in the context of Autumn/Winter 2020 pressures. Second, at the time, I suggested a governance arrangement for the period ahead but that was not as effective as I had hoped. I fully welcomed the ECT approach introduced at Ms Jenny Pyper's arrival as I felt that put more structure around the work and interaction with other Departments at senior level.
281. Third, an earlier circuit breaker decision would have had some benefits, but I accept it was not a straightforward decision for the Executive to take at the time.
282. The 9 November 2020 saw the start of a four-day Executive meeting during which Ministers debated proposed relaxations [Exhibit KP2/116 - INQ000048497]. A number of papers were considered, with a cross-community vote being taken in relation to the Minister of Health's paper 'Updated – COVID-19 Restrictions' - cross-community support was not demonstrated and the paper was not agreed.
283. The Justice Minister proposed an amended approach comprising elements of the papers provided by the Ministers of Health and the Economy. The meeting adjourned to allow her to put her proposals in writing and for DoH to provide advise on her proposals. Following a discussion later on 11 November, the Minister for the Economy engaged with the Minister of Justice on her paper. The meeting reconvened on 12 November and a paper from the Minister for Economy, 'COVID-19 – Easing of Restrictions' that incorporated some of the proposals put forward by the Minister of Justice was discussed. Following some amendments being made to the paper, a vote was taken, and the paper was agreed. Some Ministers put on record their concerns that although they had voted for the paper, their preference would have been for a two-week extension of the regulations in place at the time, with one

Minister expressing concern that the recommendations did not go far enough to prevent the possibility of further restrictions before Christmas.

284. On 16 November 2020. The deputy First Minister told the BBC that the Executive would do all it could to “protect” as much of the Christmas period as possible. Professor Ian Young said that mid-December 2020 was the big risk period. Professor Young’s comment followed the 4-day Executive meeting summarised above.

Planning for Christmas 2020

285. At the meeting of the Executive on 24 November 2020 [**Exhibit KP2/125- INQ000048499**], the First Minister provided an update on the work under Christmas planning across the administrations and the importance of messaging to accompany the decisions reached. That same day, First Minister and deputy First Minister attended a COBR meeting [**Exhibit KP2/126- INQ000083850**] on this matter following which UKG announced their Covid-19 Winter Plan [**Exhibit KP2/127 - INQ000086875**]. This had followed four nations discussions at official level, which began in early Autumn 2020.
286. Ministers requested advice regarding Christmas bubbles, following a decision by the Executive on 26 November 2020 that a modest easement could be applied in domestic settings outside public spaces and places of worship from 23 to 27 December 2020.
287. At that meeting, the deputy First Minister briefed the Executive on agreement reached by COBR on a common approach to Christmas in the context of COVID-19, advising of matters to be decided on by each administration, including Christmas Bubbles, and restrictions and arrangements for Christmas. She advised that the views of the Chief Medical Officer and the Chief Scientific Adviser would be sought; and that account would be taken of the arrangements to be put in place by the Irish Government.
288. I put a submission to First Minister and deputy First Minister on 1 December 2020 providing further information on the existing bubble arrangements. At the meeting of the Executive on 3 December 2020 [**Exhibit KP2/128-INQ000048501**], the Ministers agreed a range of restrictions that would be implemented from 11 December 2020 as set out in Annex A of the minutes of that meeting.
289. The Executive published a written Ministerial statement outlining Covid-19 decision

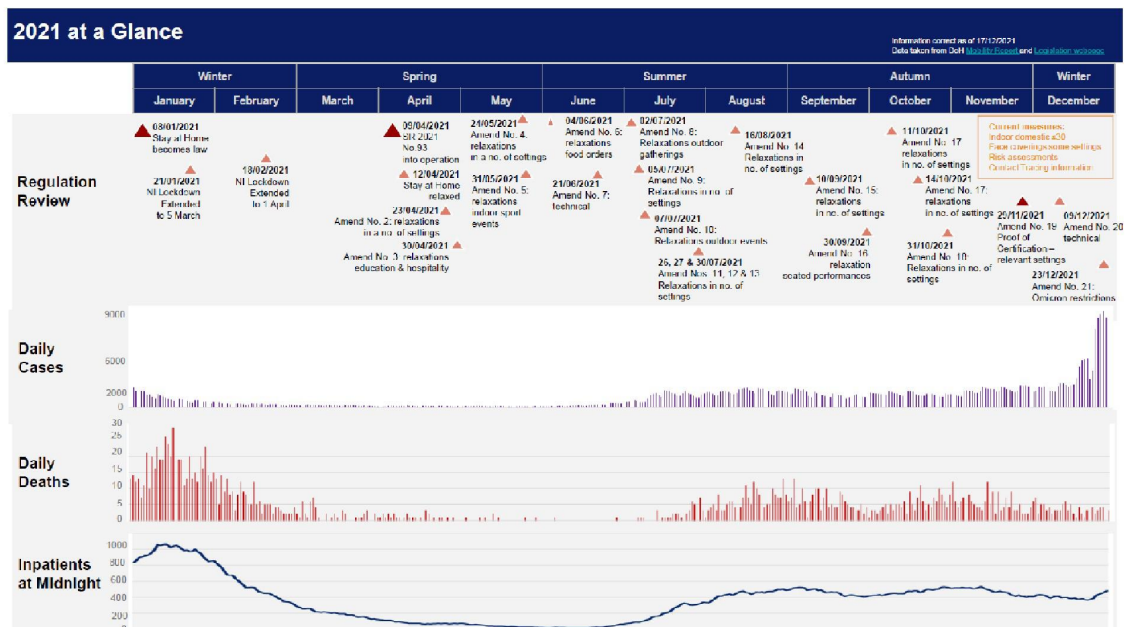
made on 3 December 2020 at the Executive [**Exhibit KP2/129- INQ000214872**] [**Exhibit KP2/130- INQ000277695**]. Ministers were mindful that everyone had had a difficult year in 2020. They agreed that the festive period was important and that modest steps to enable people to meet in domestic settings, outdoors, and in places of worship would be facilitated from 23 – 27 December 2020. This included an extension to domestic settings, referred to as Christmas Bubbles.

290. My understanding at the time was that a five-day easement of restrictions had the following rationale. This was the first Christmas period of the pandemic. By Christmas day in 2020, citizens would have experienced almost 40 weeks of real-time impacts of the pandemic including health impacts and bereavements, restrictions and easements with considerable consequences for family and social life.
291. I understood the rationale was that enabling people to see each other in a defined period of time over five days may lead to more adherence than if a defined period was not set out at all. It was accepted that impacts would then be seen in January 2021 and case numbers would rise. Our CMO and CSA were very clear that there would be an increase in case numbers in January 2021.
292. Unfortunately, the trajectory of the virus required a fresh consideration of this five-day window policy very close to Christmas day and we knew this would have been disappointing for everyone.
293. The Executive met on Sunday 20 December 2020 [**Exhibit KP2/131-INQ000207207**] to consider the fast developing situation. It was agreed that it would be necessary to limit the Christmas household bubble arrangements to one day and that citizens could select the right day for their personal circumstances during the period 23 to 27 December. This was in recognition of the fact that many front-line workers in the health service, the broader public sector, and private sector would work on Christmas day and needed some flexibility to enable them to have time with family or friends. The announcement on this was made on 21 December 2020 [**Exhibit KP2/132- INQ000426994**]. Regulations, which came into force on 23 December 2020, modified the restrictions on gatherings in private dwellings, during the period 23 December 2020 to 27 December 2020, so that those restrictions did not apply to a gathering on one day only during that period of up to three households as a “Christmas linked household” i.e. a Christmas bubble.
294. With respect, the reference in the NIO statement [**KP2/133-INQ000148325**] appears

to me to be a commentary on the proposed alignment to a four nations statement. It is a fact that the Executive put out their own statement on 21 December 2020 [Exhibit KP2/134- INQ000214870]. There were times during the pandemic where it was not possible for the First Minister and deputy First Minister to agree wording of statements that were proposed by UKG. The TEO corporate statement for module 2C outlines the joint nature of the office. Where agreement is not achievable, action cannot be progressed.

295. My view on the timeliness of the decision to impose restrictions immediately after Christmas 2020 is as follows. The decision to do this was taken as part of the Christmas decision making process and cannot in my view be seen as separate from the broader considerations at that time. Rising case numbers in December 2020 and winter and other pressures on the NHS were highly relevant. The Executive's decision on 17 December 2020 to introduce restrictions from 26 December 2020 was timely and could not have been left later than that. I note that the CMO also gave advice in his public commentary that citizens should not leave it until then to reduce their social contacts.

296. The table below shows the impact of the virus throughout 2021.

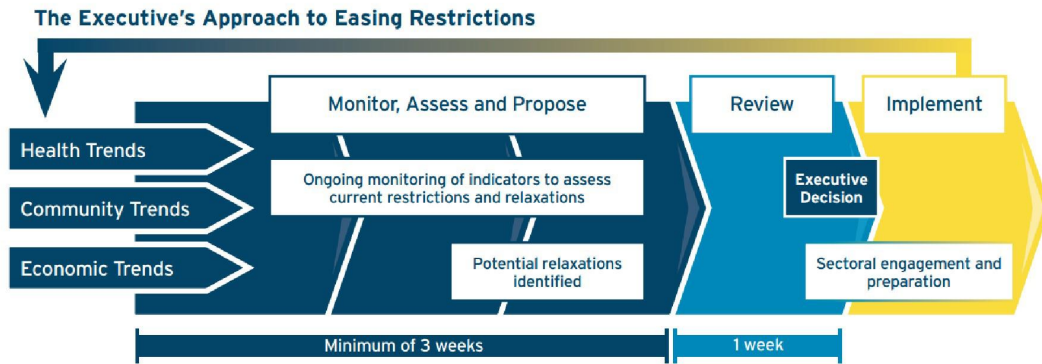


Process for Amendment to non-pharmaceutical interventions (NPI)

297. During activation of the Hub during the first wave of the pandemic, the process for bringing papers concerning Non-Pharmaceutical Interventions (NPIs) to the

Executive was the same as that for any other issue requiring Executive consideration. Ministers would submit a paper for inclusion on the Executive agenda and, if agreed, the paper was circulated to Executive Ministers for consideration, and then discussed by the Executive Committee following which a decision was taken on the paper's recommendations. TEO Corporate Statement sets out tables, detailing the chronology of Executive Meetings during the period March 2020 – February 2022.

298. On 12 May 2020, the Executive published its document entitled "Coronavirus Executive Approach to Decision-Making". This set out the approach the Executive would take when deciding how to ease restrictions. A cross-departmental group was established on 21 July 2020, initially called the Relaxations Working Group, at which proposals for relaxations were brought forward before being submitted by departments to CMO and CSA for advice. On the basis of that advice, departments prepared papers for Executive consideration, which were put to First Minister and deputy First Minister for inclusion on the Executive agenda.
299. In January 2021, when the Cross Departmental Working Group was subsumed within the ECT framework, there was an internal process review by officials on how proposals for relaxations of restrictions would come from departments for consideration. The following flowed from that review.
300. In March 2021, the Executive agreed the 'Pathway out of Restrictions', which included a four-week review process, indicating that Ministers would look key indicators including economic, social and health data which would inform the stage at which relaxations to restrictions could be delivered. Ahead of each four-week review by the Executive, the CDWG agreed departmental proposals for possible relaxations and potential knock-on consequences which would require consideration.
301. Departments, using a template, submitted proposals for relaxations to the CDWG and there were considered in their totality. Once agreed, a bundle of proposals was submitted to CMO and CSA, who considered them as a whole and provided advice on that basis. Papers were then submitted by Ministers in the normal way.
302. The diagram below shows the Executive's approach to easing restrictions.



303. The regular discussions and reviews undertaken ensured that any restrictions put in place were only retained as long as was necessary. Using the approach above, the Pathway provided the Executive with the opportunity to consider the impact of each relaxation before making any further easements.

Ministerial understanding and grip

304. In relation to whether Ministers and senior decision makers had a sufficient scientific mindset and grasp of the scientific, medical and mathematical concepts in order to understand the advice provided, I would make the following remarks.

305. It is the job of Ministers to make difficult decisions on a range of matters and it is highly unlikely that they will be expert in all matters coming before them. The incoming Executive was formed on 11 January 2020. It worked very hard from the outset on the emerging Covid-19 impacts. They were well informed by the health advice from the Minister of Health who was, in my view, exceptionally well informed by the Chief Medical Officer and Chief Scientific Adviser. I will also say that health advice was interrogated and challenged, and often robustly so. It is important to note that decisions at the Executive were taken with other factors in mind, such as economic and social issues.

306. The decision-making process was not always easy and was fraught on occasions. And I have stated elsewhere that each Minister brought a departmental and party position to the table. There was no lack of scrutiny or challenge to the advice provided by the Minister of Health, CMO and CSA about the virus, its impacts and trajectory, or on the basis for their advice. I would also note the lengths to which CMO and CSA made themselves available to advise, help and explain. For example, attendance at the Faiths Group meetings to explain the latest situation with the virus, attendance at press conferences, behind the scenes advice to Departments such as

Education, and their attendance at meetings of the Executive. They were consistently available and willing to engage on the health situation and to explain their positions.

307. I would also note that the Executive received presentations from other colleagues including Ms Patricia Donnelly, DOH who presented on more than one occasion on the vaccines and boosters roll out; and from Mr Victor Dukelow, Chief Economist, DFE, on economic impacts. All such presentations were professional and very well received and provided opportunities for the Executive to explore issues of interest or concern.
308. Nothing I saw concerned me about the ability of Ministers and others to robustly challenge health advice, ask questions about trends and data, or put forward alternative views.
309. The power sharing context here presented specific challenges. Each administration has its own constitutional settlements and NI is unique and needs to be understood. The TEO module 2c corporate statement describes this in detail.
310. The arrangements presented some unique challenges during Covid-19, but I strongly anticipate that similar challenges presented themselves in other administrations. For example, I think the debate on the balance between health, the economy and societal issues will have played out in unified governments in the UK and elsewhere.
311. The difference in Northern Ireland is the process that brings discussion to a conclusion. Our process struggled at times to get issues agreed between the First and deputy First Minister before the issue was tabled at the Executive. At the Executive, five parties in mandatory coalition were not always going to agree and compromises were required to be made in the decision-making process.
312. While I have worked in different administrations, the point for me is that officials must objectively adhere to the constitutional arrangements in place for where they work at any given time. The Nolan principles apply, and civil servants are subject to the code of ethics for the administration they work in. Those principles and the code require and assist civil servants to conduct themselves in a particular way including integrity, honesty, objectivity and impartiality. The constitutional arrangements in Northern Ireland provide the context within which those principles must apply. In particular, civil servants work under the direction and control of their Minister. In TEO, all

decisions which fall to Ministers must be taken jointly. There certainly were challenges on occasions in securing joint decisions during Covid-19 but it is our role as civil servants to navigate and support Ministers to bring decisions to a conclusion through best advice in line with the Nolan principles and our code of ethics, and through presenting options which may help secure compromise where that is essential to decision making.

313. To give a practical example from late 2021, there was not political agreement in TEO or at the Executive on introducing a mandatory approach to Covid certification. This had a number of issues attached to it. TEO Ministers were not jointly content for TEO officials to undertake any significant work on this issue. The mandatory use of Covid Status Certification was not agreed at this time. However, the Executive published its Autumn/Winter Covid-19 Contingency Plan on 19 October which touched on Covid-19 certification. It presented mandatory Covid-19 certification as a potential contingency measure to be kept under review should the case numbers require measures to be put in place. This did not commit the Executive to mandatory Covid-19 certification, but it indicated that consideration might be given to this.
314. Political differences are a reality. Ultimately, any decision in the Executive may require political compromises to be made. In the system of government in NI, two largest parties have more weight while smaller parties have less. But there are checks and balances to enable the smaller parties to have their voice at the table. I do not think that the parties at the Executive entirely left their political stances, or indeed, departmental positions outside of discussions. However, the system of government is designed for all political parties entitled to be at the Executive and to have their voice, therefore it would be difficult to contemplate a situation where different political opinions are not expressed.
315. When it comes to Covid-19 specifically, it was certainly the case that different views were expressed and sometimes robustly so. The decision-making process was sometimes difficult, but every decision made in the Executive, with the exception in my view of the enduring fundamentals, involved a level of compromise. The fundamentals such as the need to protect the health and social care sector as well as the economy and broader society, did not change. It was often a question of discussing the best course of action to achieve an objective. There were however some very robust and challenging discussions on some points, and this reflected political stand points.

316. A considerable number of decisions involved compromise and that included at one end of the scale matters such as the timing of the lifting of a restriction rather than whether a restriction should be lifted, through to substantive differences such as whether to enter into further lockdowns. Ultimately, decisions were made. I think that Executive Ministers found this easier in the early stages of the pandemic, and more difficult later on, especially around Autumn 2020 when considering the realities and impacts of reintroducing restrictions which were necessary but known to have significant impacts.
317. My overall assessment is that Ministers were able to reach compromises and decisions to reach their best decisions. The process for that was sometimes straightforward where there was a high degree of consensus to start with, such as the importance of family and gatherings. It was more difficult where issues engaged political fundamentals on matters such as lockdowns and circuit breakers. I have said elsewhere that I do not think this became as stark as a choice between protecting the health service or the economy. It was much more about where to get the balance right on the issues they had agreed to protect at the outset.
318. The Minister of Health in that context had, in my view, a very difficult role. He had the Departmental lead for the pandemic at the same time as being responsible for the wider health and social care sector. As a member of the Executive, he was then reliant on agreements (including compromises) reached at the Executive on many key issues relevant to the pandemic. He had to make his case for each issue, and he was incredibly well supported in this by CMO and CSA. My observation was that he went to great lengths to step through the political issues and the substance of his proposals, and he took up opportunities to engage and set out his case.
319. Generally speaking, I felt that Ministers in the Executive, and in my experience in TEO, were supportive. They certainly understood the challenges he was facing. However, that did not mean that anything said by the Minister for Health was automatically accepted. There were regular probing discussions on the health advice, including of the CMO and CSA at Executive meetings. In the early stages of the pandemic, there was considerable interest at the Executive in testing capacity, availability of PPE and ventilators, pharmacy capability, and care homes. On strategic interventions such as the vaccines programme, Executive support was very evident and that played out in practical ways, such as individual Ministers publicising their jabs and boosters, and support for the communications approach.

320. Overall, although the power sharing arrangements and requirement for joint decision making in TEO presented specific challenges, the process for reaching decisions was well understood. Some decisions took time to reach. The nature of the decisions reached were unprecedented and in many cases, there was no clear or easy answer. Political compromise was required throughout.

Republic of Ireland

321. It has been suggested that the single epidemiological model for animal health on the Island of Ireland was an appropriate or sound comparator in the context of Covid-19. I fully understand why this issue has been raised as there will be perceptions that more care was given to animal health on an all-Island basis. There were some discussions in the Executive about the all-Island approach versus the four administrations approach (i.e., UKG, SG, WG and NI) but I do not recall a specific agenda item on this, nor do I recall any significant or detailed consideration being given to the single epidemiological model as being potentially relevant.

322. It is also suggested that there may be a proper or reasonable basis to compare Northern Ireland with other island nations (such as New Zealand) which closed her borders in furtherance of a zero Covid policy.

323. It is necessary to examine whether an all-Island approach would have been beneficial and feasible from a political, policy and practical perspective. There are some very real feasibility issues which would have had to be overcome. There were theoretical ways to achieve an all-Island approach for human health purposes such as closing borders or mirroring of policies on NPIs but I do not believe these were viable at the time.

324. Starting with borders, any issues relating to the UK's borders and/or relating to immigration are matters reserved to UKG. A decision by UKG to, in effect, create an all-Island approach by closing or restricting movement between the island of Ireland and GB would have implications beyond Northern Ireland and would impact Scottish Government and Welsh Government. At this point in time, relationships between UKG and the Irish Government were already strained in the EU Exit context. The Irish Government, in a closing-borders scenario, would have had to agree the arrangements and help implement them.

325. Neither UKG or the Irish Government entirely closed their borders and movement

within the Common Travel Area (i.e., the long-standing arrangements between the UK and Ireland on movement of people within the five nations) remained largely unchanged. Unless it would have been possible for all four nations and the Government of Ireland to close their borders simultaneously and in agreement and at a very early stage of the pandemic, it is difficult for me to make a direct comparison with New Zealand.

326. An alternative approach may have been to mirror the NPI decisions taken by the Irish Government. There are two very different political stand points on relations with UKG and the Republic of Ireland, and both need to be understood and respected equally. A policy approach which aligned Northern Ireland with the Republic of Ireland's NPI decisions would have been necessary to facilitate an all-Island Covid-19 response. I do not think that was politically achievable at the time given the circumstances referred to and I do not think there would have been a joint position on this on the part of the then First Minister and deputy First Minister.
327. Even if there had been political agreement to align with the Government of Ireland's NPIs, I am not clear on what process could have been followed for that in practice. It could only be achieved if the Executive of its own volition and in the context of our constitutional settlement chose to do it.
328. Even if that were to have happened, it is unlikely, in my view, to have taken the form a single block decision to follow the Republic of Ireland's decisions throughout the pandemic. I cannot envisage a block decision of that sort especially as it would not be possible to predict the length or trajectory of the virus or future decisions to be made by the Republic of Ireland's Government. I cannot envisage a situation where the Executive could or would have in effect given up its decision-making authority in relation to unknown future developments in the Republic of Ireland.
329. I think it would then have required each NPI decision (restrictions and easements) to be considered by the Executive to achieve and maintain alignment with Ireland. There are tests and limitations in the Public Health Act 1967 for the making of regulations and restrictions and these have to be met for each restriction introduced by the Executive. The Executive would have remained bound by domestic law requirements in this regard and by scrutiny by our Courts.
330. I have considered if Northern Ireland might have had advantages by reason of its geography. That may have been possible if the barriers above had been capable of

resolution. It would be much more difficult, in my view, for Scotland or Wales to entirely separate themselves from the practical effects of Covid-19 decisions for England.

331. For Northern Ireland to have had an “island advantage” if it had aligned its policies or approaches more closely with Ireland is difficult to assess. I am not clear what the comparator would be.
332. I am aware of a memorandum titled “Covid-19 Response – Public Health Cooperation on an All-Ireland basis Between: The Department of Health, Ireland (and its Agencies)”; and the Department of Health, Northern Ireland. I am afraid that I am unable to assist the Inquiry with this document, its development or its operation as they are matters in which I had no direct involvement. The all-Ireland MoU falls within the remit of Health.

Informal discussion or decision-making

333. Save for decisions which rest properly with individual Departments, the Executive was the collective decision-making body in Northern Ireland on Covid-19 matters. There were regular discussions between the First Minister, deputy First Minister and the Minister of Health before Executive meetings. The aim, from my experience of attending, was to discuss the status and trajectory of the virus and mitigations such as the vaccines programme; to discuss potential forthcoming business for the Executive (noting that some matters could be tabled direct by a Minister, and others required joint agreement by the First Minister and deputy First Minister for a paper to be listed on a meeting agenda); to understand common ground and also differences; and to aid the conduct of Executive business. I note that these discussions were very useful from the perspective of officials and were supplemented with officials’ discussions.
334. These discussions were semi-political in nature as they gave each of the attending Ministers a sense of where each were coming from. These meetings did not determine what decisions would be reached at the Executive. They provided attending Ministers with an opportunity to reflect and, no doubt, to take soundings with their respective political colleagues and possibly at a party level. In my view, the ability to give each other space for this and to share initial views was important especially given the pace of developments required by Covid-19. Discussions in that format did not always translate directly into Executive discussions, which involved

other parties and Ministers, or into decisions. The Executive is the sole decision-making body for collective decisions but the process of initial discussions with the Minister of Health was important and valuable albeit with some limitations as it was always possible that the Executive may go in a different direction after discussion. I do not think these meetings were minuted.

335. I have no direct experience or knowledge of other discussions which may have taken place at political level.
336. In relation to WhatsApp and other online messaging and other online platforms, texts and SMS messages I can say as follows:
337. In respect of WhatsApp messages, I can confirm that I used these for some contact with the deputy First Minister, junior Ministers (Minister Kearney and Minister Lyons, but not Minister Middleton), and with special advisers (Mr Weir, Mr McGlade, Ms O'Hagan and Ms Little-Pengelly) on occasions. I have no recollection of any such contact with the First Ministers (Dame Arlene Foster and Mr Givan) and I have no record of such.
338. I can confirm that I have retained these WhatsApp messages to the best of my recollection, and these have been made available by me to the Inquiry. I did not use the disappearing messages function in WhatsApp.
339. I can also confirm that I established or was a member of WhatsApp and text message groups or one-to-one exchanges with senior officials and colleagues within the Executive Office and with colleagues in other administrations. I can confirm that I have retained these messages to the best of my recollection, and these have been made available by me to the Inquiry.

Equality Considerations

340. I do not believe adequate consideration was given to equality considerations during the response to the pandemic but that was driven only by time pressures rather than intent. Each set of regulations made to give effect to restrictions made clear that equality impact assessments had not been undertaken.
341. Some steps were taken to protect the interests of communities of people, vulnerable groups and individuals:

- The initial approach taken to food delivery services by DFC and their Voluntary and Community Sector partners in the early stages of the pandemic;
 - The close liaison with Faiths leaders during the pandemic;
 - Specific meetings with representative groups and organisations such as Disability Action in relation to face coverings; the Rowan Centre in relation to the wearing of face coverings by victims of sexual violence; and Consideration at Executive level.
342. The impact of NPIs on different groups within our society did feature significantly during Executive Committee meetings, this included discussions on face coverings, Christmas arrangements and our young people.
343. The Executive at a meeting on 6 August 2020 **[Exhibit KP2/135- INQ000048484]**, considered a paper from Minister Swann regarding a cross Departmental paper on Vulnerable Children and Young People’s Plan **[Exhibit KP2/136 INQ000207271]** **[Exhibit KP2/137-INQ000426995]** At the meeting the Executive agreed the draft Cross Departmental Covid-19 Vulnerable Children and Young People’s plan and to undertake a targeted consultation on the plan. Minister Swann provided an update on the work of this group to the Executive in May 2021 **[Exhibit KP2/138- INQ000207217]**.
344. The COVID-19 Vulnerable Children and Young People’s Plan was developed jointly between the Departments of Health, Education, Justice, Communities and Economy in response to the challenges and risks facing children, young people and their families due to the COVID-19 pandemic.

Engaging with our Stakeholders

345. I have outlined the various strategies developed and endorsed by the Executive, and which were published to provide information about the approach to be taken in the management of the pandemic. The pathways strategies were not consulted on, although there was some consultation on the Recovery Plan.
346. The diagram below, completed in February 2021, demonstrates the range of stakeholder engagement that was occurring across the NICS.

Table 3

Stakeholder Groups & Networks to Support ECT



347. There was regular engagement with specific sectors all across the NICS Departments. There was engagement by The Executive Office officials as follows: engagement, with DFC, with the entertainment industry representatives about team restrictions and easements; engagement, with DFE, with the hospitality industry representations including hospitality (Hospitality Ulster), hotels (Northern Ireland Hotels Federation), and small business representatives offering hospitality (Federation of Small Businesses); engagement, with DFE, with the retail sector representatives (British Retail Consortium, Retail NI, and the Federation of Small Businesses); and engagement by Ms Jayne Brady, HOCS, with DFE, with the Confederation of British Industry and others on economic impacts. Trade Union body diary NIC-ICTU met with the then deputy First Minister and Junior Ministers on 10 June 2020. **[Exhibit KP2/139– INQ000279384]**

348. It is fair to say that engagement developed and improved over the course of the pandemic and we valued the discussions, advice and insights provided.

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:

28 February 2024

Dated: