

Witness Name:

Statement no:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF JAYNE BRADY - M2C-JBR-002

1. I, Jayne Brady, Head of the Northern Ireland Civil Service (HOCS) will say as follows:
2. This witness statement has been drafted with the assistance of colleagues within the department (The Executive Office). I confirm that the statement has been written at my direction, the facts stated are all known to me, or believed by me to be true and the opinions stated and inferences drawn are mine and mine alone.
3. I am aware that further Rule 9 requests have been served on colleagues who assisted in the preparation of this statement. Accordingly I consider it more appropriate that they will provide further relevant detail and disclosure on matters they were involved in, rather than it being provided third hand by me in this statement. This will consist of copies of all records in relation to the drafting of the 11 May minutes, including but not limited to emails, messages or other communications of any description by which the minutes or any draft thereof were circulated, commented upon, amended or discussed, any notes of any discussions concerning the drafting or contents of the minutes and all records about the disagreement referred to at paragraph 99 of my data loss statement.

Meeting on 11 May 2023

4. The members of the Covid Inquiry Compliance and Assurance Group at that time (May 2023) were:
 - Karen Pearson, TEO (not present at 11 May 2023 meeting)
 - Jane Holmes, TEO
 - Jayne Byrne, TEO (not present at 11 May 2023 meeting)
 - Chris McNabb, TEO
 - Head of Covid Strategy Branch TEO

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- Emer Morelli, Department of Finance (DoF)
 - Catherine Shannon, DoF
 - DSO Solicitor
 - (In addition, meetings of the Covid Inquiry Compliance and Assurance Group were routinely attended by junior officials of the Covid Strategy, Recovery and Inquiry Division, TEO as Secretariat to the group).
5. I am informed that the meeting note of the 11 May 2023 was circulated to the Covid Inquiry Compliance and Assurance Group on 17 May 2023 [Exhibit JBR3/1 – INQ000466319] for consideration in advance of the next meeting of that Group on 18 May 2023. The note of the 11 May 2023 meeting was not shared with anyone outside that group until it was subsequently provided to and accessed by those assisting me in the drafting of my statements, as referred to at paragraph 2 above, and by my legal advisers for the purpose of securing advice on my statements.
6. At the meeting of the Compliance and Assurance Group on 18 May 2023, the draft minutes of 11 May meeting were accepted as the agreed record of the meeting [Exhibit JBR3/2 INQ000409610].
7. The meeting of 18 May 2023 was attended by:
- Jane Holmes, TEO
 - Emer Morelli, DoF
 - DSO Solicitor, DoF
 - Head of Covid Strategy, Recovery and Inquiry Branch, TEO
 - Junior members of the Covid Strategy Recovery and Inquiry Division TEO attended as Secretariat to the group.
8. I am informed by Jane Holmes, who had responsibility for the provision of the meeting note that it was not provided to anyone else outside the Covid Inquiry Compliance and Assurance Group at that time. However, I do not know whether, and if so with whom the document was shared by those who received the meeting note. An active audit event report is provided [Exhibit JBR3/3 – INQ000452562] which contains the underlying metadata confirming the dates and times upon which they were created/amended and who accessed each of the versions. The active audit event report is a download from Content Manager of actions in relation to the meeting note.
9. The final version (13) of the meeting note of 11 May 2023 was 'extracted' from Content Manager by a junior member of the Covid Strategy, Recovery and Inquiry Division for the

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purposes of emailing the meeting note to the members of the Covid Inquiry Compliance and Assurance Group.

10. Any changes to the meeting note were made in Content Manager. Secretariat to the meeting emailed the link to the note of the minute on Content Manager to the Head of the Covid Strategy Branch seeking clearance. I have since been advised that it is the normal practice of the Staff Officer who took the note to send links to documents on Content Manager, on this occasion the meeting note of 11 May 2023. This can be achieved in two ways:

- i. directly from Content Manager, which is recorded in the metadata as the document being “Extracted”; or
- ii. via email from Content Manager through Outlook, which is normally recorded as “Document Sent Via Email (Link)”.

11. There is no record of link being sent to Ms Hannon in the Active Audit Event report prior to the meeting note being sent to members of the Compliance and Assurance group on 17 May 2023. I have been informed that ITAssist have looked into this, and they have established that a setting in the TEO Content Manager file plan was disabled which meant the act of emailing the link to Ms Hannon was not recorded in the metadata [Exhibit JBR3/4 – INQ000470924]. The Active Audit Event Report for 11 May 2023 meeting note does, however, show that the Head of the Covid Strategy Branch accessed the document on 15 May 2023 and created a new version (12). This version was emailed to members of the Compliance and Assurance group on 17 May 2023 [Exhibit JBR3/1 – INQ000466319 and JBR3/16 INQ000409609]. Jane Holmes and the Head of the Covid Strategy Branch met in person to verbally discuss the meeting note and agree the final version. The changes resulting in the final version of the meeting note were made by the Head of the Covid Strategy Branch on Content Manager as she and Jane Homes discussed it. No notes were made of that discussion.

12. The meeting note, and its various versions, have been subsequently provided to and accessed by those assisting me in the drafting of my statements, as referred to at paragraph 2 above, and by my legal advisers for the purpose of securing advice on my statements.

13. I had a discussion with Jane Holmes on 19 December 2023 regarding the approach to interrogating former Ministers’ and SpAds’ mobile phones and devices. I wanted a centralised approach led by an external contractor. Subsequent to that discussion I

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contacted DoF Permanent Secretary that evening to discuss DoF centrally retrieving former Ministers' and SpAds' mobile phones and devices and for these to be interrogated by a single contractor. On agreement from DoF I notified Jane Holmes also that evening who drafted me a correspondence to Permanent Secretaries to direct the same. This correspondence was sent the following morning as referenced in my original statement (Exhibit). During discussions Jane Holmes updated me in passing on preparations for the informal communications statement which I had not yet received any briefings on. I reinforced the need to be transparent with the Inquiry but wasn't advised at that point of any disagreement with DSO on when they were told about issues with former Ministers' and SpAds' mobile phones and devices.

14. I had first been provided with a draft response to the Informal Communications statement on the evening of Friday the 5 January 2024. I had responded with marked up changes to this document on the 7 January 2024 and subsequent revisions were made in advance of the meeting on the 9 January 2024 where the marked-up version was reviewed. This was the first meeting I attended which the Informal Communications Statement was reviewed. I do not waive privilege over the content of those drafts.
15. It was brought to my attention at a meeting on 9 January 2024 that there was a disagreement in relation to the contents of the meeting note of 11 May 2023 (as referred to at paragraph 99 of my statement of 1 March 2024). I had not had sight of any of the versions of the minutes of the meeting note of 11 May 2023 at that point. The meeting of 9 January 2024 was for the purpose of obtaining legal advice on my draft Informal Communication statement, and any notes of same are privileged. However, I am exhibiting here extracts of notes from the meeting on 9 January 2024 in relation to the factual point about the disagreement about the 11 May 2023 minute, without waiving privilege over the remaining content of those notes [**Exhibit JBR3/8 – INQ004709280, Exhibit JBR3/5 – INQ000470925 and Exhibit JBR3/6– INQ000470926**] .
16. I also exhibit an email of 13 March 2024 [**Exhibit JBR3/12 – INQ000470912**] from Louise Crilly to me relating to the drafting of paragraph 98 of my statement on informal communications (which became paragraph 99 in the final statement) and the discussion she and I had on 29 February 2024.
17. In addition I exhibit the following material which has been brought to my attention in relation to Ms McCavigan's investigation, including a statement that Ms McCavigan has provided relating to a conversation she had with Emer Morelli during the course of that investigation and an extract from junior counsel's note of a consultation on 25 January

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2024 which relates to the same conversation. For the avoidance doubt I do not waive privilege over the remaining content of that note of the consultation. [Exhibit JBR3/13 – INQ000470913, Exhibit JBR3/14 – INQ000470914 and Exhibit JBR3/15 – INQ000470915]

Deletion of WhatsApp Messages by a Senior Civil Servant

18. In my statement, which was provided to the Inquiry on 1 March 2024 (the Data Loss Statement), I gave evidence that *“An issue was brought to my attention on 15 February 2024 as to whether an identified member of the Senior Civil Service may have deleted WhatsApps and other message from personal and NICS-issued devices. This matter has been referred by TEO to the individual concerned for urgent consideration and clarification in order that the Inquiry can be fully appraised of the situation.”*
19. My statement stands. I am unable to say at this point in time personally if any advice or instruction was given to Ms Pyper. I included the word “may” in my statement as I am unable to say personally if messages were deleted. TEO brought this matter to the attention of Ms Pyper in order that that individual would have the opportunity to provide any explanation. On 15 February 2024, immediately after I had been advised, I asked DSO to bring the issue to the attention of the Permanent Secretary for the Department of Finance which was done that evening. This was because the individuals referenced in the WhatsApp string are Department of Finance (DoF) employees. I also instructed that the issue was also brought to the attention of the Inquiry by TEO the following morning on 16 February 2024.
20. TEO has not undertaken any investigation to date. Whilst I take the issues raised extremely seriously, I am bound to operate within the powers vested in my role. Unlike the situation in UKG, there is no single authority like the Cabinet Office to deal with issues involving senior civil servants. In the Northern Ireland Civil Service, whilst I have line management responsibility for the Permanent Secretary cadre, each individual department is a statutory corporate entity and therefore responsible for dealing with its own civil servants. The individuals referenced in the WhatsApp string are staff of DoF, not TEO. They are therefore not within my authority, and I have no actual power to direct the Permanent Secretary to undertake any action. It should also be noted that the policy remit for the Department of Finance covers not only Finance, but HR/personnel and IT shared services and therefore any policies within this scope are within the control of the DoF Minister and Permanent Secretary which I can seek to influence but again have no power to direct.

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21. By way of further context, the limitation on the ability of HOCS to direct departments has been described in Para 20 – 28 of the TEO Module 2C Corporate statement . This issue has been raised in a broader sense and on a number of occasions by the Northern Ireland Audit Office PAC Recommendations dated 4 March 2022 [**Exhibit JBR/10 INQ000470920**], including Recommendation 4 of the recent Review of the Northern Ireland Budget Process: ‘The Committee recommends that, together with the Head of the Civil Service and The Executive Office, The Department (of Finance) considers what changes to powers or structures are necessary to ensure a stronger centre to government in Northern Ireland, which can compel departments to take actions when needed; breakdown the silo mentality; and enable a more joined up and efficient public Sector.’ To give effect to this recommendation would require legislative and constitutional change that would be a matter for Ministers to determine.
22. As stated, however, I take the issue raised very seriously and, on receiving the information, I immediately, brought the issue to the DoF Permanent Secretary’s attention and on receipt of the updated statement of Ms Pyper also immediately sought assurance from the DoF Permanent Secretary that appropriate steps will be taken, which I received that day [**Exhibit JBR/9 INQ000470929**].
23. Regarding any further steps, in the first place I was reserving my position as to the taking of any further steps pending the provision of further information on the matter. I considered it was appropriate to allow Ms Pyper the opportunity to address the WhatsApp messaging by way of a further statement to the Inquiry [**Exhibit JBR3/7 – INQ000421746**]. It should be noted that Ms Pyper was not a NI Civil Service employee during her role as Interim HOCS between December 2020 and August 2021, prior to my taking up the substantive HOCS position in September 2021. Under the interim arrangement, Ms Pyper was available to the NICS under the terms of an Operational Partnership Agreement with the Strategic Investment Board (SIB), for a period of up to 8 months. Ms Pyper no longer has any relationship directly with NICS.
24. As a consequence of the above, TEO does not know if, and is not aware at this stage whether, any instruction to delete WhatsApp and other messages was given, or why.

Dr Denis McMahon

25. Dr McMahon changed posts to become the Permanent Secretary for the Department for Infrastructure on 4 September 2023, which was after he gave evidence for TEO on Module 1.

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26. I can confirm that there is no connection between Dr McMahon’s change of role and his provision of oral evidence during the Module 1 Public Hearings nor to any issue arising about who would provide evidence in Module 2C on behalf of TEO. Karen Pearson, Director of Covid-19 Strategy and Recovery, Civil Contingencies, and Programme for Government, was the day-to-day lead for the TEO policy response to the pandemic on behalf of TEO from 17 March 2020 to the end of the Module 2C specified period. Ms Pearson signed the Module 2C Corporate statement for TEO as she was best placed to cover the Inquiry’s specified period for that module.

27. As a result of the then Permanent Secretary of the Department for Infrastructure (DfI) moving to become Permanent Secretary for the Northern Ireland Office in September 2023, I asked Dr McMahon if he would take up the post of Permanent Secretary for DfI as that Department had, and still has, critical issues which could not be resolved without the right leader as Permanent Secretary. I believed Dr McMahon to be that person and with his full agreement he transferred to the role. **[Exhibit JBR3/11 – INQ000470921]**.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: Personal Data

Dated: 17 April 2024