

WITNESS STATEMENT OF SIR DAVID STERLING

Glossary of Terms

Term	Definition
ALB	Arm's Length Body
B/GFA	Belfast/Good Friday Agreement
C3	Command, Control and Coordination Arrangements
CCA	Civil Contingencies Act 2004
CCD	Civil Contingencies Division – facilitates strategic civil contingencies arrangements for Northern Ireland Civil Service.
CCG	Civil Contingencies Group (Northern Ireland) – pan NI multi-agency forum for development, discussion and agreement of civil contingencies preparedness and resilience policy for NI public services.
CCPB	Civil Contingencies Policy Branch – delivers civil contingencies resilience, response and recovery policy.
CMO	Chief Medical Officer
CO	Cabinet Office of the UK Government
COBR	Cabinet Office Briefing Rooms
CONOPS	Concept of Operations – high-level description of how systems will operate to achieve objectives.
CSA	Chief Scientific Adviser
D20 Hub	Covid-19 response arrangements established by the Cabinet Office
dFM	Deputy First Minister
DOC	Departmental Operations Centre – eight Northern Ireland departmental operations centres scaled up and down to control response to emergency at departmental level.
DfC	Departmental for Communities
DoF	Department of Finance
DoH	Department of Health
ECT	Executive Covid Taskforce
EIS	Executive Information Services – leads NI Civil Service communications and media plan.
EPG	Emergency Preparedness Group
FM	First Minister
HCS	GB Home Civil Service
HOCS	Head of the Civil Service of Northern Ireland
HSC	Health and Social Care
NI Hub	Northern Ireland HUB – centrally coordinates information during an emergency response across all NI departments and key partners.
JESIP	Joint Emergency Services Interoperability Principles
LGD	Lead Government Department
MLA	Member of Legislative Assembly
MOU	Memorandum of Understanding
NIAO	Northern Ireland Audit Office

Term	Definition
NICCMA	Northern Ireland Central Crisis Management Arrangements
New Decade, New Approach (NDNA)	Agreement made on 9 January 2020 between the UK and Irish Governments and the five main Northern Ireland parties which restored the Northern Ireland Executive after a three-year suspension.
NICS	Northern Ireland Civil Service
NISRA	Northern Ireland Statistics and Research Agency
NSMC	North-South Ministerial Council
NPI	Non-Pharmaceutical Intervention
oFMdFM	Office of First Minister and deputy First Minister (now the Executive Office)
PfG	Programme for Government
PHA	Public Health Agency – focused on enhancing public health and wellbeing by bringing together a wide range of public health functions under one organisation.
PHEIC	Public Health Emergency of International Concern
PSNI	Police Service of Northern Ireland
PwC	PricewaterhouseCoopers
ROI	Republic of Ireland
RWCS	Reasonable Worst Case Scenario
SAGE	Scientific Advisory Group for Emergencies
SCEPG	Sub-Regional Civil Emergencies Preparedness Groups
SCS	Senior Civil Servant
Secretary of State	Secretary of State for Northern Ireland
SIB	Strategic Investment Board
SitRep	Departmental Situational Report – produced to outline current state and potential development of an incident and the response to it.
SOPs	Standard Operations Procedures
SpAd(s)	Special Adviser(s)
SRO	Senior Responsible Owner
The Assembly	The Northern Ireland Assembly
The Board	The Executive Office Departmental Board
The Executive	The Northern Ireland Executive Committee
TEO	The Executive Office
UKG	UK Government
Wave	An upsurge in Northern Ireland Covid-19 cases followed by a decline in numbers.
WHO	World Health Organisation

Witness Name:

Statement No.:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF SIR DAVID STERLING

I, David Sterling, will say as follows: -

1. I, David Sterling, former Head of the Northern Ireland Civil Service (HOCS), make this statement to assist the Covid-19 Public Inquiry in response to the Rule 9 letter dated 1 September 2023. I was HOCS from June 2017 until my retirement on 31 August 2020.

The role of Head of the Civil Service (pre-pandemic)

2. The role of the Northern Ireland Civil Service (NICS) and the Executive Office (TEO) is described comprehensively in paragraphs 23 to 34 of the TEO Module 1 Corporate Statement. (**Exhibit DS/1 - INQ000187620**).
3. Northern Ireland has had its own Civil Service since 1921. It was designed by Sir Ernest Clark who was to become the first Head of the NICS in November 1921. It was established on a seven-department model based along Whitehall lines. The departmental structure has changed on several occasions since then with the current nine department structure replacing a 12-department model which had been in operation since the establishment of the NI Executive in 1999. I am not aware of any serious consideration being given to amalgamating or incorporating the NICS into the GB Home Civil Service (HCS).
4. The Northern Ireland Assembly and Executive had collapsed in January 2017 and were not re-constituted until January 2020. The impact of the absence of ministers on the

NICS is set out in paragraphs [85 – 94] of the TEO Module 2c Corporate Statement. (**Exhibit DS/2 - INQ000438174**). In the absence of Ministers, the Courts in Northern Ireland have been asked to define the extent of the power of the NICS to make decisions. The political disruption had two major effects on the NICS. Firstly, the political processes consumed a considerable amount of “bandwidth” for permanent secretaries and me. Secondly, and perhaps more profoundly, the three-year period from 2017 to 2020 left the Northern Ireland Departments without the ministerial direction and control that is a prerequisite of our democratic constitution. It is a well-established convention that “officials advise and ministers decide.” The absence of this political direction left public services in a state of, what I described publicly at the time, as “decay and stagnation” due to the absence of ministerial direction on matters of strategy, policy and the prioritisation of resource allocation. It is a matter of record that a Programme for Government (PfG) had not been agreed by an Executive since March 2012. That PfG had effect for four years until 2016.

5. In general, individual Ministers have authority to determine policy and operational matters within their departments, without a general requirement to observe a collective 'cabinet position.' However, this is qualified by a statutory requirement for certain matters to be the subject of consideration by the Executive. Those matters include: 'cross-cutting' matters, that is, matters that affect the statutory responsibilities of more than one Minister (more so than incidentally); significant or controversial matters that are outside the scope of the Executive's Programme for Government, or that the First Minister and deputy First Minister (acting jointly) have determined to be matters that should be considered by the Executive.

Power sharing arrangements and roles of senior Civil Servants

6. These constitutional arrangements are reflected in the governance and accountability arrangements for the NICS, which is constitutionally separate from the HCS. Paragraph 11 (1) of Schedule 12 to the Northern Ireland Act 1998 (**Exhibit DS/3 - INQ000147489**) provides for the interpretation of references in statute to the 'Head of the Department'. The paragraph reflects the position in law that, for each Northern Ireland Department, the Minister is the Head of the Department. Article 4 of the Departments (Northern Ireland) Order 1999 (**Exhibit DS/4 - INQ000183644**) requires that the functions of a department shall at all times be exercised subject to the direction and control of the Minister.

7. It follows that the Permanent Secretary of each Department is accountable to the Minister for the performance of the Department's functions. Additionally, as Accounting Officers, each Permanent Secretary is accountable to the Assembly. The NICS is not typically characterised by hierarchical 'command and control' governance and management arrangements. In particular, the HOCS does not exercise day to day management or control of individual departments, or their agencies. As HOCS, I did not have authority to direct a Permanent Secretary (or other officials) beyond my own Department, the Executive Office (TEO).
8. In addition, the Civil Service (Northern Ireland) Order 1999 (**Exhibit DS/5 - INQ000183580**) provides that the Department of Finance 'shall continue to be responsible for the general management and control of the Civil Service'. Under Article 4 of that Order, the Minister of Finance can make directions and regulations as to how to exercise his powers and to discharge his statutory duties with respect to e.g., the number and grading of posts; remuneration; conditions of service; conduct (including the making of a Code of Ethics); or recruitment.
9. Senior civil servants in the NICS provide advice to Ministers on policy matters They do so in a manner that is to all intents and purposes the same as their counterparts in the HCS. What is different is that in NI there is a permanent, mandatory coalition comprising parties who often have major political and ideological differences whereas coalitions in Parliament are relatively rare. In discharging their roles under the direction and control of their ministers, they are expected to do so in accordance with the NICS Code of Ethics (**Exhibit DS/6 - INQ000262760**) which contain four core values as described in the following extract from the Code (it should be noted that these core values are the same as those which apply in GB):
 - (i) The Civil Service is an integral and key part of government in Northern Ireland. Its role is to support Ministers and the Executive as a whole in developing and implementing their policies, and in delivering public services.
 - (ii) Individual civil servants are accountable to their Department's Minister, who in turn is accountable to the Assembly.
 - (iii) Civil servants, as holders of public office, are expected to uphold the seven principles of public life. .
 - (iv) As a civil servant, you are appointed on merit on the basis of fair and open competition. You are expected to carry out your role with dedication and a

commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.

(v) In this Code:

- *“integrity” is putting the obligations of public service above your own personal interests;*
- *‘honesty’ is being truthful and open;*
- *‘objectivity’ is basing your advice and decisions on rigorous analysis of the evidence; and*
- *‘Impartiality’ is acting solely according to the merits of the case and serving equally well Ministers of different political persuasions.*

(vi) These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, the Executive, the Assembly, the public and its customers.

(vii) This Code sets out the standards of behaviour expected of you and other civil servants. These are based on the core values set out in paragraph (v).

10. As HOCS I fulfilled three broad functions as:

- (i) Secretary to the Northern Ireland Executive in which role I was principal advisor to the First Minister and deputy First Minister across the full range of Executive functions.
- (ii) Head of the Executive Office (TEO) in which role I chaired the TEO Departmental Board. In this role I was responsible for the management of the Department in support of ministers and their objectives including the management of all civil servants in the department (however, for historical reasons, I was not the Accounting Officer for the Department. That role was discharged by Mark Browne (see below).
- (iii) Head of the Northern Ireland Civil Service (NICS) in which role I chaired the NICS Board which met monthly.

11. In my departmental role I was supported by several staff who reported to me. In January 2020 these were:

- Andrew McCormick: who was Director General (Grade 2) of International Relations and Exit from the EU;
- Brenda King: who was First Legislative Counsel and head of the Office of the Legislative Counsel;
- Mark Browne (Grade 3): who was head of Good Relations and Inclusion. Mark was the Accounting Officer for TEO;
- Karen Pearson (Grade 3): who was responsible for Brexit preparations; and
- Chris Stewart (Grade 3) who was responsible for Executive Support which included the Executive Secretariat, Executive Information Services and Programme for Government preparations. Chris was also responsible for Contingency Planning policy and the operation of the Civil Contingencies Group.

12. My various roles and relationships were governed by the following:

- The NI Civil Service Code of Ethics which sets out the core values of the NI Civil Service: integrity, honesty, objectivity and impartiality,
- The Ministerial Code; (**Exhibit DS/7 - INQ000147493**); and
- The Code of Conduct for Special Advisors (**Exhibit DS/8 - INQ000400121**).

13. Although I was the First Minister and deputy First Minister's principal advisor with ultimate responsibility for all advice provided by the Department, I discharged that responsibility by ensuring that processes and internal controls were in place for officials to provide appropriate advice on my behalf. On any given issue I sought to ensure that it was clear to the Ministers that there was a lead official who would be responsible for providing advice on the relevant issue. The lead official would normally be the head of the relevant division or business area (usually one of the officers listed at paragraph 11 above) and almost always a member of the Senior Civil Service (SCS). The lead official would normally be supported by an appropriate team including specialist advice if this is considered necessary. It was then the role of the lead official to take responsibility for

the advice provided to the Minister. This did not diminish my ultimate personal responsibility however I only became personally involved when:

- a. Officials consulted me to seek my views on any particular matter before advice was finalised;
 - b. I chose to become directly involved in the development of advice on any matter for example if I considered it to be a sensitive or contentious issue which, perhaps, cut across the work of another department or was of central concern to the Minister; and/or
 - c. Ministers asked for my personal advice or requested that I take a particular interest in an issue because of its sensitivity or priority.
14. As is set out in para 57 later in this statement, I did not become personally involved in providing advice to Ministers where it related to matters outside of my professional competence and where others were better placed to advise. However, paragraphs 157-159 below provide an example of my personal involvement in providing strategic advice to Ministers during the pandemic.
15. This was the broad approach I took in my role as a Permanent Secretary in the Department of Enterprise, Trade and Investment and the Department of Finance between October 2009 until June 2017. It was also the broad approach I followed in my role as HOCS (albeit that I had three distinct roles as described in paragraph 10 above) from June 2017 until my retirement in August 2020.
16. Although I had been discharging the HOCS role since June 2017, the return of the Executive on 11 January 2020 was to be my first experience of being Secretary to the Executive, so I had no means of making comparison with the operation of previous Executives. However, my Executive support team advised that the arrangements for the scheduling of meetings, the agreement of agendas, the tabling of papers, the conduct and minuting of meetings and the process for recording decisions was essentially the same as for previous Executives.
17. In my time as a permanent secretary and as HOCS I knew that it was of paramount importance that I, and the team which supported me, enjoyed the confidence of our ministers. History shows that ministerial turnover can be quite high and that you can often, with little warning, need to serve a new minister or a minister of a different party. This is particularly keenly felt in Northern Ireland where the unique form of

consociational, coalition government means there can be as many as five different parties represented in the Executive, each with different political philosophies and priorities. I have no experience of working in a UKG Department apart from a short spell in the NIO in the 1990s, so I cannot really comment with any great authority on the differences between working in the NICS and the GB Civil Service. I can, however, say with some certainty that it is challenging to oversee the effective running of a five-party coalition. Within TEO it was vital that I provided equal support and attention to the two First Ministers, the Junior Ministers, their Special Advisors (SpAds) and their Private Office teams. I also needed to ensure that the wider team of officials was objective and impartial in support of the two offices. More widely, I recognised I had a constant need to ensure that the team of departmental permanent secretaries and senior civil servants operated with the highest standards of honesty, integrity, objectivity and impartiality. This need to serve several masters at the same time distinguishes the NICS from UKG civil servants who are usually only required to service the needs of one majority party.

18. The challenge for the NICS is even more heightened given that the devolution settlement is designed to produce peace and a stable, post-conflict, society, ensuring that the views of all parties in the Executive are heard and respected.
19. To illustrate the point further, during the three years between July 2014 and June 2017 when I was Permanent Secretary in the Department of Finance, I served three DUP ministers (Ministers Hamilton, Foster and Storey) and one Sinn Fein minister (Minister Ó Muilleoir).
20. While I was HOCS between January 2020 and my retirement in August that year, I served a DUP First Minister and Junior Minister and a Sinn Fein deputy First Minister and Junior Minister with both teams supported by three Special Advisors. As the Executive Office is a joint office, virtually nothing can be achieved unless it is agreed by both sides. Hence the need to ensure that you enjoy the confidence of both sides. Without this it would be almost impossible to fulfil the role of HOCS.
21. Northern Ireland's consociational power sharing governance arrangements with its mandatory coalition and the joint-office nature of the two First Ministers within TEO is a unique constitutional arrangement in the UK. Even in a wider European context where coalition government is a regular feature (and in many countries a normal feature), it is the mandatory nature of the coalition which makes it, to the best of my knowledge, without precedent. As a result, difficulties can arise at the departmental level when a decision or a policy proposal which falls outside the competence of a departmental

minister because it is novel and contentious or because it is cross-cutting in nature requires the approval of the Executive. As a result, this means the policy proposal or decision which is required must gain the approval of the Executive as a whole or at least a majority of the members depending on the nature of the issue.

22. This means it can be difficult to get agreement to contentious proposals which do not enjoy cross community support. On occasion it can mean that a policy proposal which is perceived as benefitting one side of the community more than the other may only be successful if there is some “trade off” with the other community. Examples where this has been evident include the provision of sports stadia and language rights. On other occasions it has been found that for some issues it becomes impossible to find common ground. I recall that around 2010 when I was the Permanent Secretary of what was then the Department of Enterprise, Trade and Investment, the Minister proposed a Tourism Strategy for Northern Ireland to the Executive at that time. This was never agreed and the Executive has never approved a Tourism Strategy.
23. In January 2020 when the Executive was restored, senior civil servants expected that some “horse-trading” over policy proposals and resource allocation would be a feature of the new administration. However, I was confident that the NICS would be able to draw on 20 years of relevant experience of operating in such a context, albeit with two significant gaps between 2002 and 2007 when there was Direct Rule from Westminster and between January 2017 and January 2020 when there were no ministers in place.

Power sharing and response to Covid-19 pandemic

24. The main challenge in helping to manage the Northern Ireland response to the Covid global pandemic was seeking consensus between the five parties. We were operating in a context where five members of the 10 member Executive had no previous ministerial experience (however, see paragraph 86 below where I provide my specific views on this) and where the Parties had not been working together in government for three years. This meant that in early January 2020:
 - We had no agreed Programme for Government (PfG). The last PfG to be agreed by a functioning Executive was in March 2012 (**Exhibit DS/9 - INQ000398407**). This ran for three years and was then extended for a further year but expired in March 2016.

- We had no agreed multi-year Budget for the incoming financial year 2020/21. The last multi-year Budget had been agreed in 2011 (**Exhibit DS/10 - INQ000398408**). When the Executive collapsed at the beginning of 2017, it had not agreed a draft Budget for 2017/18. As a result, we relied on single year Budgets put in place by the Secretary of State for Northern Ireland (SOSNI) for the three years 2017/18, 2018/19 and 2019/20.

25. The combination of no agreed PfG, no multi-year Budget and no ministerial direction for three years left the public services in what I described at the time as a state of “stagnation and decay”. Several important public services, particularly the Health Service and Schools, were in urgent need of investment and transformation. Considerable work had been carried out to identify what needed to be done. However, in the absence of ministers there was no one to give direction to do it.

26. On a more positive note, the NICS had been working closely with the Northern Ireland Office (NIO) and the parties in the political talks process which ran from May 2019 until the “New Decade, New Approach” agreement (NDNA) was reached in early January 2020 (**Exhibit DS/11 - INQ000391422**). This led to the resumption of the Executive on 13 January 2020. The NDNA process contained a good deal of preliminary planning for the next Programme for Government and the new Executive quickly agreed it should be a priority.

27. NDNA also contained several measures agreed by the Parties:

- Annex A set out measures to improve the transparency, accountability and functioning of the Executive;
- Annex B set out agreed proposals to reform the Petition of Concern (protection for minority communities which it was widely considered had been abused in the previous Executive); and
- Annex C set out agreed proposals to improve the sustainability of the Institutions by addressing issues concerning the handling of Executive business, establishing a Party Leaders’ Forum, setting up a Brexit sub-committee, improving arrangements for the formation of an Opposition, making provision for structured civic engagement, amending legislation to extend the time for appointing a First Minister and a deputy First Minister to provide continuity in decision-making.

28. These were positive steps and encouraging progress was made with the implementation of these new arrangements in the early weeks and months of the new Executive.

Providing Advice and support to Joint Office

29. It is axiomatic that it is more difficult to allocate scarce resources and agree strategy and policy when you have a mandatory coalition of four or five parties compared with a single party system. This was evident when Programmes for Government and the underpinning budgets were being developed where experience showed that all parties and all departments needed to show that they had something they could celebrate as a success. On the downside it often seemed that only lowest common denominator policies could be agreed. On the other hand, the requirement for consensus meant that politically contentious proposals were rarely adopted.
30. A persistent downside was that all parties were reluctant to “take the blame” for measures which were perceived to be unpopular. For that reason, it was always difficult, if not impossible, to get agreement on unpopular (but necessary) financial decisions. For example, there was rarely any enthusiasm for increasing local taxes and charges such as the Regional Rate, social housing rents, tuition fees etc. Similarly, it was always difficult to get agreement to the transformation, reform or reconfiguration of public services where this was perceived as creating winners and losers or where there was an expectation that such a decision would be unpopular and lead to negative publicity. The cumulative failure over time to address some of these issues has led in part to a major financial crisis which will face the next Executive. The Northern Ireland Fiscal Council (which was established by the Department of Finance in 2020 in furtherance of an NDNA commitment) has provided excellent analysis of this issue (**Exhibit DS/12 - INQ000398409**).
31. Providing advice and support to Ministers whose views may have differed or have been informed by their party position was therefore a familiar context in early 2020 for those who had served previous Executive Committees. As I will explain later in this statement, my experience was that in the early days and weeks of January and February 2020, the new ministerial team showed a genuine willingness to set party differences aside to focus on dealing with the many socio-economic challenges facing Northern Ireland at that time.
32. Collective cabinet responsibility would always be desirable in a crisis, however it is not a legislative requirement in Northern Ireland nor is it a requirement of the Ministerial

Code. It was not something we expected from the new Executive in 2020 and its absence was not a preoccupation (see paragraph 72 below where I set out my views on the collective responsibility issue in the context of the pandemic specifically).

33. Nonetheless, my general experience in the early days and weeks of the new Executive in January and February 2020 was that the ministerial team was keen to work together to tackle the many issues we faced.
34. I sensed that all parties were sensitive to the low expectations in the community that this Executive would last. I also detected a collective desire by the new ministers to work together to improve the lives of the people of Northern Ireland. There was a strong commitment to working together and to moving quickly to produce a new Programme for Government. Two Executive Away Days were held at CAFRE and the Harbour Commissioners' Offices on 22 January (**Exhibit DS/13 - INQ000398411**) and 12 February 2020 (**Exhibit DS/14 - INQ000398412**).
35. At these extended sessions each Minister was given an opportunity to set out their departmental issues and priorities. The discussions which followed these presentations showed a willingness to collaborate on issues which were cross-cutting in nature – a feature which applies to all the most complex issues.
36. The one major exception to this was dealing with the consequences of Brexit. On 23 January 2020 the European Union (Withdrawal Agreement) Bill received Royal Assent and became the European Union (Withdrawal Agreement) Act 2020. On 24 January 2020 EU Presidents Charles Michel and Ursula von der Leyen signed the withdrawal agreement in Brussels. On 31 January 2020 at 11pm, the UK left the European Union and entered a transition period that was due to run until the end of 2020.
37. The practical outworking of the UK's withdrawal from the EU had been set out in the Ireland/Northern Ireland Protocol (the Protocol) which had been published on 17 October 2019. The Protocol and the subsequent Windsor Framework have been matters of significant political contention in Northern Ireland. They were the trigger for the withdrawal of the DUP from the Assembly and the Executive in February 2022. This led to the collapse of the institutions which have recently been reinstated in February 2024.
38. The tensions which led to this collapse were evident during the period from 11 January 2020 until my retirement and were manifest in a reluctance by the DUP and Sinn Fein

to engage in discussions about the ramifications of the Protocol at that time. It was as if they both found the issue too difficult yet did not want to fall out over it. As a result, it proved challenging for Andrew McCormick, who led on Brexit, to get meaningful engagement on the complex issues which were a consequence of the Protocol.

39. This was in contrast with the other major issues being addressed by the Executive where there was a much greater willingness to work across departmental boundaries.
40. However, as events unfolded from January through February (see paragraphs 113-123) by early March it was becoming clear that the Covid 19 pandemic was going to be the overriding priority for the Executive for some time to come.

Mandatory Coalition in Northern Ireland

41. The broad parameters for the Executive are set out in the Northern Ireland Act 1998. The Act provides that the Executive Committee shall have the functions set out in paragraphs 19 and 20 of Strand One of the Belfast Agreement (the Agreement) – section 20 (3) of the Act, together with those set out in section 20 (4) of the Act. Thus, the Executive Committee provides a forum for:

- (i) the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers;
- (ii) prioritising executive proposals;
- (iii) prioritising legislative proposals;
- (iv) recommending a common position where necessary;
- (v) agreement each year on (and review as necessary of) a programme incorporating an agreed budget linked to policies and programmes (Programme for Government);
- (vi) discussion of and agreement upon significant or controversial matters that are clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of the Agreement; and
- (vii) discussion of and agreement upon significant or controversial matters that the First Minister and deputy First Minister acting jointly have determined to be matters that should be considered by the Executive Committee.

42. In simple terms this means that departmental ministers have discretion to direct and control their departments as they see fit within the strategic framework defined by the Programme for Government and the resource constraints set by the Executive's agreed Budget. Outside these parameters departmental ministers have a duty to bring matters to the attention of the Executive Committee any matter which:

- (i) cuts across the responsibilities of two or more Ministers;
- (ii) requires agreement on prioritisation;
- (iii) requires the adoption of a common position;
- (iv) has implications for the Programme for Government;
- (v) is significant or controversial and is clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of the Agreement;
- (vi) is significant or controversial and which has been determined by the First Minister and deputy First Minister acting jointly to be a matter that should be considered by the Executive Committee; or
- (vii) relates to a proposal to make a determination, designation or scheme for the provision of financial assistance under the Financial Assistance Act (Northern Ireland) 2009 shall be brought to the attention of the Executive Committee by the responsible Minister to be considered by the Committee.

43. In these early weeks the meetings were conducted in a constructive atmosphere. Despite many major policy differences, there was a clear desire across all the parties to make progress on a range of important policy areas and to begin the process of rebuilding public trust in the institutions which had been badly damaged during the three-year hiatus.

44. The Executive team was:

- First Minister: Rt Hon Arlene Foster MLA (DUP) now Baroness Foster
- deputy First Minister: Michelle O'Neill MLA (Sinn Fein)
- Minister for Agriculture, Environment and Rural Affairs: Edwin Poots MLA (DUP)

- Minister for Communities: Deirdre Hargey MLA* (Sinn Fein)
- Minister for the Economy: Diane Dodds MLA* (DUP) now the Rt Hon, the Lady Dodds of Duncairn
- Minister for Education: Peter Weir MLA (DUP) now Lord Weir
- Minister for Finance: Conor Murphy MLA (Sinn Fein)
- Minister for Health: Robin Swann MLA (UUP)*
- Minister for Infrastructure: Nichola Mallon MLA* (SDLP)
- Minister for Justice: Naomi Long MLA* (Alliance)

*New to the role of minister in January 2020

45. In addition, there were two Junior Minister in TEO, Gordon Lyons (DUP) and Declan Kearney (Sinn Fein). They attended Executive meetings but were not members of the Committee and had no voting rights.
46. There was some frustration from the members of the three smaller parties with what they characterised as the late agreement of Executive agendas and the consequent late circulation of Executive papers which often were not issued until very close to the start of meetings (and occasionally not until after meetings had commenced). This was to be a persistent problem and source of grievance especially for the Alliance, SDLP and Ulster Unionist Parties. I shall return to this later as it affected the handling of the Covid 19 pandemic.
47. From early January I scheduled a series of fortnightly meetings with the First Minister and deputy First Minister to review progress on major issues. (**Exhibit DS/15a - INQ000446209, Exhibit DS/15b - INQ000446210**) I also scheduled weekly meetings on a Friday with the principal Special Advisors to the First Minister and deputy First Minister (**Exhibit DS/16 - INQ000398412**). These meetings did not always take place due to competing diary commitments.

HOCS Role to Executive Committee

48. In my time it tended to be the nature of issues which determined how and by whom advice was given to the First Minister and deputy First Minister. To explain this, it is helpful to understand how Executive business was conducted before the pandemic. In

the early weeks of January and February the Executive met on a Monday morning. Departments were required to submit papers sufficiently in advance to allow these to be considered and routinely these draft papers would have been circulated to other departments for comment and reaction. An Urgent Procedure arrangement was in place for matters which departmental ministers considered urgent. No items could be placed on the agenda unless they were agreed by the First Minister and deputy First Minister.

49. Discussions around the agenda would be conducted between the First Minister and deputy First Minister SpAds and Private Offices with support from the Executive Secretariat. This was normally routine and I would only have become involved if an issue was escalated to me or if a Department was to complain that a paper had not been put on the agenda quickly enough. Specific examples of where this issue arose during the pandemic are set out in paragraph 234.
50. In parallel with the agenda being agreed the Executive Secretariat staff would prepare a detailed briefing paper for First Minister and deputy First Minister which included a speaking note to guide them through the agenda. The staff who did this were highly experienced at preparing this in time for the start of the meetings. It was often the case that agendas were agreed very close to the start of the meeting. It was not normal practice to have pre-briefs beforehand though I was aware that sometimes there were political meetings between the two sides without officials present.
51. The Executive meetings were chaired on a rotating basis with the First Minister chairing the first half of the first meeting and then passing at an agreed point to the deputy First Minister to conduct the remaining business. The roles would then be reversed at the next meeting and subsequently.
52. I did not intervene during meetings unless I was asked for advice, although I would have interjected with the Chair's permission if I felt a point of procedure needed to be made or if something had been said which was factually inaccurate and which might otherwise have compromised a decision if not corrected.
53. I did not meet the Health Minister separately from other Ministers. It would not have been custom and practice for Heads of the Service to meet ministers from other Departments unless this had been agreed with the First Minister and deputy First Minister in advance.
54. During the Covid-19 first wave period from mid-March to June 2020 the normal practice at the Executive was to take the minutes and action points from the previous meeting. I

would then usually give a short summary of any key points that might have emerged at the early morning CCG meetings which were held daily at 8.30am from late March until late May when their frequency was reduced (**Exhibit DS/17 - INQ000251683**). Anthony Harbinson would have highlighted any significant issues in the daily situation report, known as the "sitrep," (**Exhibit DS/18 - INQ000065907**) which was usually published to coincide with the CCG meeting. There would then have been a more detailed report from the Health Minister and, depending on the issue, supplementary briefings from the Chief Medical Officer (CMO) and/or the Chief Scientific Advisor (CSA).

55. In normal times if I was briefing the FM and dFM on routine business I would bring along a subject matter expert if I considered this necessary. For example, I would have been accompanied by the Departmental Solicitor or the First Legislative Counsel if advice on a legal matter or on legislative drafting was necessary. If the issue involved an area of policy where I was not sufficiently expert, I would bring along someone with the necessary expertise. It was unusual for experts to attend Executive meetings – the convention was that the Executive Committee was to be attended only by ministers (though TEO secretariat staff and SpAds regularly attended as observers).
56. During the pandemic FM and dFM received their expert advice on health matters from the Health Minister Robin Swann MLA, the Chief Medical Officer (CMO) Michael McBride and the Chief Scientific Advisor (CSA) Ian Young. The joint First Ministers also received expert briefing through their attendance at COBR (the Cabinet Office Briefing Room) and from the Scientific Advisory Group for Emergencies (SAGE), though this was usually through the CMO and DoH. The Junior Ministers and other Ministers also received expert briefing on a variety of issues at the Ministerial Implementation Groups (MIGs).
57. I did not see it as my role either to provide expert advice or to second guess the expert advice provided by the CMO and CSA or by SAGE, COBR or via the MIGs. I had no access to any advice independent of these sources and the fast-moving pace of events meant there would have been little time to process such advice even if it had been available.
58. During the pandemic I was able to speak to the CMO and the CSA and I recall doing so on several occasions. However, as a matter of routine I did not see a need to consult them before they appeared at the Executive. It became clear quickly that ministers appeared to have a broad measure of trust and confidence in both officials and that, where there were concerns, both were happy to answer questions patiently and at length

from all ministers. My recollection is that both agreed to meet individual ministers to discuss specific issues relevant to their department.

Role of Special Advisors

59. Special advisers (SpAds) are a critical part of the team supporting Ministers. Their employment adds a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. A new Code of Conduct for SpAds was approved by the Executive and published by the Finance Minister on 20 January 2020 in fulfilment of a commitment in NDNA.
60. SpAds work closely alongside other civil servants to deliver their ministers' priorities. They assist ministers on matters where the work of the Executive and a minister's party responsibilities overlap and where it would be inappropriate for other civil servants to become involved. They are an additional resource for a minister, providing advice from a standpoint that is more politically committed than would be available to a minister from the Civil Service. SpAds stand outside the departmental hierarchy but work collaboratively with civil service colleagues supporting the ministers who have appointed them and the Executive as a whole.
61. The Code provides that SpAds should establish mutual relationships of confidence and trust with their Minister. Among other things, special advisers may:
- give assistance on any aspect of departmental business, and give advice (including expert advice as a specialist in a particular field);
 - undertake long-term policy thinking and contribute to policy planning within the Department;
 - write speeches and undertake related research, including adding party-political content to material prepared by other civil servants;
 - liaise with the Party, briefing party representatives and Assembly members on issues of departmental and Executive policy;
 - liaise with other Special Advisers in support of the work of the Executive;
 - represent the views of their Minister to the media (including from a party viewpoint), where they have been authorised by the Minister to do so; and

- liaise with outside interest groups (including those with a political allegiance).
- In working with other civil servants, special advisers can, on behalf of their Minister:
- convey to officials Ministers' views, instructions and priorities, including on issues of presentation. In doing so, they must take account of any priorities Ministers have set;
- request officials to prepare and provide information and data for Ministers, including internal analyses and papers; and
- review and comment on – but not change, suppress or supplant – advice submitted to Ministers by civil servants.

62. But special advisers must not:

- authorise the expenditure of public funds;
- exercise any power in relation to the management of any part of the Northern Ireland Civil Service, except in relation to another special adviser;
- otherwise exercise any power conferred by or under any statutory provision, or any power under the prerogative;
- be involved in the line management of civil servants or in matters affecting a civil servant's career such as recruitment, promotion, reward and discipline; or
- ask civil servants to do anything which is inconsistent with their obligations under the Northern Ireland Civil Service Code of Ethics or behave in a way which would be inconsistent with standards set by their employing department.

Status and conduct of Special Advisers civil servants

63. Special Advisers are temporary civil servants appointed under Article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 as amended. They are required to comply with the NICS Code of Ethics but are exempt from the general requirements that civil servants should be appointed on merit through fair and open competition and should behave with political impartiality and objectivity to retain the confidence of future Administrations. Their appointment ends, if not terminated earlier, on their appointing Minister ceasing to hold office or moving to another appointment.

64. During the period from January to my retirement I had no major issues with the TEO SpAds and no concerns that they were not complying with their obligations as set out in the SpAd Code.
65. The FM and dFM both had several SpAds during the first wave period. I recognised that Philip Weir for the DUP and Stephen McGlade for Sinn Fein were “primus inter pares” and would have liaised with both more frequently than the others. I had regular meetings with the two of them on Friday afternoons where we looked back on the previous week and forward to the next. These meetings were useful opportunities to discuss current issues and procedural matters. They were a useful forum for reducing friction but were not a decision-taking mechanism (Exhibit DS/19 - INQ000398412).

Ministers at Executive Committee Meetings

66. The DUP and Sinn Fein were the only parties which had more than one member of the Executive Committee. Each also had a Junior Minister who attended the Executive although they did not have voting rights. The other parties (Alliance, SDLP and UUP) only had one Minister. My understanding was that the DUP and Sinn Fein often had party discussions before Executive Committee meetings and it was usually clear that on most issues there was a discernible party line.

Structure of the Executive Committee

67. The approach to executive decision making is described well in [paragraphs 50 onwards] of the TEO Corporate statement. This describes how in accordance with paragraph 24 of the Agreement reached on 10 April 1998 (the 1998 Agreement), each Minister exercises executive authority within their department but is required under the terms of paragraph 2.4 of the Ministerial Code (Exhibit DS/7 - INQ000147493) to refer certain categories of matter to the Executive for agreement. These include:
- matters which cut across the responsibility of two or more Ministers;
 - significant or controversial matters; and
 - matters which the First Minister and deputy First Minister have determined are significant or controversial and should be considered by the Executive.
68. Ministers seeking the agreement of the Executive to recommendations in respect of a certain policy or proposal will do so through the preparation of a draft Executive paper,

which is circulated for comment to all Ministers, and copied to, amongst others, the Attorney General, the Departmental Solicitor and First Legislative Counsel (where the matter deals with legislation or has legislative implications). Where necessary, a subsequent draft (or drafts) will be circulated to reflect comments received and any changes proposed.

69. The agenda for Executive Committee meetings is determined by the First Minister and deputy First Minister acting jointly, taking account of the papers which have been submitted by Ministers. Those papers that the First Minister and deputy First Minister have jointly agreed should be included on the Executive agenda are then subject to substantive discussion and agreement at an Executive meeting. Following discussion at a meeting of the Executive, the Chairs formally put the paper's recommendations to Ministers for agreement.
70. In accordance with the Ministerial Code (Exhibit DS/7 - INQ000147493 paragraph 2.12), the First Minister and deputy First Minister have a duty as Chairs of the Executive Committee to seek to ensure that its decisions are reached by consensus wherever possible. This is not collective responsibility, and the convention of collective ministerial responsibility is not a feature of the Northern Ireland Executive. If consensus on a certain issue or recommendation cannot be reached, a vote may be taken, and may take one of two forms – a simple majority vote, or a cross-community vote.
71. A vote may be taken on a cross-community basis if requested by any three Ministers before the vote is taken. Cross-community support has the same meaning as that set out in section 4(5) of the Northern Ireland Act 1998, i.e., the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or the support of 60 percent of the members voting, 40 percent of the designated Nationalists voting and 40 percent of the designated Unionists voting.
72. There is no convention of Cabinet Collective Responsibility in the Executive and it is hard to see how this could apply given the constitutional setup in Northern Ireland. Inevitably there were differences of opinion on many issues many of which reflected the political ideologies of the parties. These manifested themselves in discussions about the extent to which, for example, an “all-Island” approach should be taken to managing the pandemic. Later debate took place about the relative priority which should be attached to preventing economic harm compared with protecting health and wellbeing. Nonetheless, following discussion (which was often protracted), agreement was

invariably reached. It is, however, expected by virtue of the Ministerial code that members of the Executive committee will not publicly criticise decisions lawfully made at the Executive table. Although there is no collective Cabinet responsibility in the Executive, which is a mandatory coalition as set out in the Belfast. Good Friday Agreement and the Northern Ireland Act 1998, the Ministerial Pledge of Office [**Exhibit DS/20 - INQ000147489**] which all ministers must take, requires them “to support, and to act in accordance with, all decisions of the Executive Committee and Assembly.” On those occasions where there were any public expression of dissent by ministers about decisions taken or about the views of other ministers (and Chris Stewart gives some examples of these at para 153 of his Statement), my recollection is that these were met with a mixture of frustration and weary resignation by other ministers and, more widely, by the general public who are well used to this sort of thing in Northern Ireland. I have no evidence to suggest it had a negative impact on, for example, the general public’s compliance with decisions on restrictions.

73. The Ministerial Code also makes provision for the taking of Urgent Decisions. An Urgent Decision may be taken in circumstances where a decision which would normally require Executive agreement needs to be taken before the next scheduled Executive meeting. In this case, the responsible Minister will write to the First Minister, the deputy First Minister and the Secretary to the Executive, copied to Executive colleagues, the Attorney General, the Departmental Solicitor’s Office, First Legislative Counsel (where appropriate) and Executive Secretariat, advising them of the decision required, and providing details of the background to the issue, the reason for urgency, the implications of not taking the decision, and as far as possible, the views of other relevant Ministers.
74. The First Minister and deputy First Minister, acting jointly, will consider the matter in consultation with the responsible Minister, and will notify them of the outcome of their consideration, copied to Executive colleagues, the Attorney General, the Departmental Solicitor’s Office, First Legislative Counsel (where appropriate) and Executive Secretariat.
75. A matter dealt with in this way is deemed to have been dealt with in accordance with paragraph 2.4 of the Ministerial Code and will be included on the agenda for noting at the next Executive meeting.

Executive Decision-Making during the Pandemic

76. During the Spring of 2020 the Executive, just like governments around the World, was facing decisions of enormous magnitude. People's lives and livelihoods were at stake and in that context, it was not surprising to me that while I did detect a strong desire across all five parties to work collectively and to find consensus, there were differences of view between ministers of different parties and occasionally within the same party on a range of issues. I recall witnessing such disagreements which fell under several broad themes:

- The introduction of restrictions: in early to mid-March there were differences of view about when schools should be closed just after the Taoiseach of the Republic of Ireland announced on 12 March 2020 that the Irish Government had decided to close all its schools (which I discuss in more depth later). These differences split broadly along Nationalist/Unionist lines but became irrelevant on 18 March 2020 when the UKG Secretary of State for Education announced the closure of schools in England. The Executive followed suit on the same day.
- The pace of relaxations: The Executive reached agreement relatively easily on the criteria and approach it should follow when there was a case for relaxing restrictions. This approach to decision-making document was published on 12 May (**Exhibit DS/21 - INQ000212993**). However, as I explain elsewhere there were frequent differences of view about the pace with which actual relaxations should be introduced with some ministers and parties being more cautious than others.
- The application of Non-Pharmaceutical Interventions (NPIs): here again, there were differences of view about the effectiveness of, for example, face coverings and the extent to which they should be mandatory, where they should be required etc.
- The allocation of resources: the UKG response to the impact of the pandemic on society and the economy led to a considerable increase in public expenditure. This in turn led to a significant increase in the Executive's resource Budget. These new funds came through the Barnett mechanism which determined the spending power of the Devolved Administrations (DAs). In simple terms this HM Treasury arrangement, which dates back to 1979, provides that if there is an uplift in spending in England on an area where there is comparable spending in the DAs, then there would be a consequential uplift in the DA's budgets derived from a

population-based formula. These “Barnett consequentials” are not hypothecated which in simple terms means the DAs are free to spend the increase wherever they choose. In its first overview of the Executive’s response to the Covid-19 pandemic (report published on 2 September 2020) the Northern Ireland Audit Office reported that by 24 July 2020, the UK Government had confirmed that it would provide £2.2 billion to NI (through the Barnett formula) to fund COVID-19 initiatives. This was in addition to the Treasury’s funding of the various employment support schemes such as the “Furlough” scheme. Although £2.2 billion was a very significant increase in funding there was considerable debate at the Executive about how the funding should be prioritised although this was typical of the discussions which would normally take place at the Executive over resource allocations (eg when the annual budget is being developed.)

77. In my experience politicians apply a political calculus to most decisions. That is “realpolitik”. However, in the early days of the pandemic I found that, by and large Ministers were rising above political differences when decisions were needed. I will refer later to the mid-March debate about when schools should be closed where I note that this split along unionist/nationalist lines with nationalists favouring the approach adopted by the Irish Government and the unionists preferring the UKG line (which was also supported by the CMO at the time). However, splits along these lines were not the norm and it was rare for a decision to go to a vote.

78. As the pandemic passed the peak of the first wave and the focus moved to easing restrictions there was often debate about the speed with which this should happen. On occasion it was discernible that unionist ministers favoured a more rapid easing of restrictions than nationalist ministers though that may have been as much down to the fact that DUP ministers held the DAERA and DfE portfolios and had a strong focus on re-building the economy as it was down to any ideological predilections. In that context it is also worth noting that the Health Minister, who was usually cautious on the easing of restrictions, was a member of the Ulster Unionist Party.

Government Structure for Pandemic

79. It is open to question whether a mandatory coalition is the best form of government to deal with a crisis of the magnitude of the Covid pandemic. I have been on record as saying that while the Agreement has brought peace, it has not brought good government. The evidence shows that the B/GFA institutions have not been operating for more than 40% of the time (ie more than eight years) since April 1998. I have said

elsewhere that one of the weaknesses of the Executive is that it often seems that only “lowest common denominator” decisions can be taken and that hard decisions on, for example, reconfiguring the Health Service, are ducked because they are too difficult, with no Party wanting to be seen to take the blame for an unpopular decision.

80. There is a counter argument that, while the nature of the Executive may militate against quick or difficult decision taking, the fact that almost all parties are represented does mean that when decisions are reached, there is a very a broad political consensus in support of them. **Exhibit DS/22 - INQ000425421** (from the BBC news website) shows that the five Executive parties gained almost 90% of the vote in the 2017 Assembly elections. This meant that when Covid-related decisions were taken by the Executive they could justifiably claim to have a very strong democratic mandate for actions they were taking.

The absence of power sharing arrangements prior to January 2020

81. I do not have hard evidence to say authoritatively what the quantitative, or indeed qualitative, impact was on Northern Ireland’s healthcare system due to the absence of ministers and the Executive between 2017 and 2020. The Department of Health’s view on this will be important.
82. However, I can confidently say that the absence of ministerial direction and control at the departmental and Executive level will have been detrimental. For example, in October 2016 the then Health Minister Michelle O’Neill delivered a statement to the Assembly on her vision for transforming health and social care in Northern Ireland over the next ten years. The report was entitled *Delivering Together*.
83. The vision was based on a report titled *Systems not Structures*, which had been produced by an expert panel chaired by Professor Bengoa. It placed a strong emphasis on primary care, augmenting general practice with multi-disciplinary teams including health visitors and district nurses. Hospitals were to focus on emergency and complex care, elective care was to be provided at dedicated centres like arrangements in Scotland with the Minister acknowledging that this could mean reducing waiting lists at the expense of patients travelling further. Minister O’Neill also stressed the need for “co-production” engaging both users and providers in transforming services.

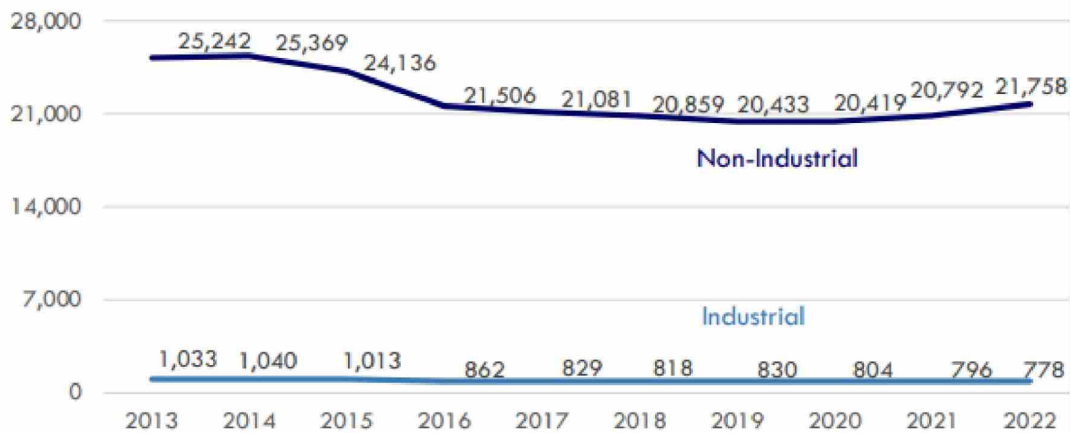
84. The Executive endorsed the vision and accepted the need for new funding. A consultation was conducted. However, the collapse of the Executive and Assembly in January 2017 meant that it was not possible to complete the detailed transformation plans which were needed to implement the strategy. The absence of ministers also meant that the expenditure needed for transformation was never satisfactorily prioritised or allocated. I believe it is reasonable to conclude that Northern Ireland's health and social care system is sub-optimally configured in large part due to the absence of ministerial direction at critical times during this period (notwithstanding my earlier view that the DoH view in this will be crucially important).
85. It was less than ideal to be starting with a new Executive after three years absence in January 2020. While the rest of the UK had been developing and amending policy and strategy in the light of a rapidly changing global context, in Northern Ireland we had endured three years of policy stasis and an absence of long-term strategic planning. All public services had been subject to neglect. As I have said elsewhere, we had not had a Programme for government since 2016 (the last one was agreed in 2012). And there had been no long-term financial planning with the last multi-year budget having been agreed in 2011.
86. I found that the new Executive team, despite their relative inexperience, were determined to work together and manage the crisis as best they could. I noted that all the new ministers irrespective of their previous experience would ask questions designed to help satisfy them that they understood the relevant issue before they would give consent. Nothing I heard suggested that individual ministers (including the new ministers) did not have sufficient scientific, medical or mathematical understanding to deal with the many complex issues with which they were confronted. They were mostly lay people, but that in my experience was the norm in Northern Ireland politics and, indeed, in other jurisdictions in the UK and Ireland.
87. From an NICS perspective, we had had the benefit of over two years' experience of contingency planning to deal with the risk of a "No Deal" Brexit. However, as the UK ultimately agreed terms for exiting the EU we were never required to activate our Civil Contingency planning arrangements in real time. While the Covid-19 pandemic was a very different contingency compared with the contingencies we were dealing with due to the risk of the UK leaving the EU without a "deal," nonetheless, we gained useful experience of operating these C3 structures and procedures during the Yellowhammer Brexit preparations. Indeed, it was particularly helpful to have constructed and operated the NI Hub, albeit only in a planning context. I therefore have no evidence that the

Yellowhammer experience detracted from pandemic planning and therefore cannot say with any certainty whether it had a detrimental effect on our pandemic preparedness (see also paragraphs 97 and 98).

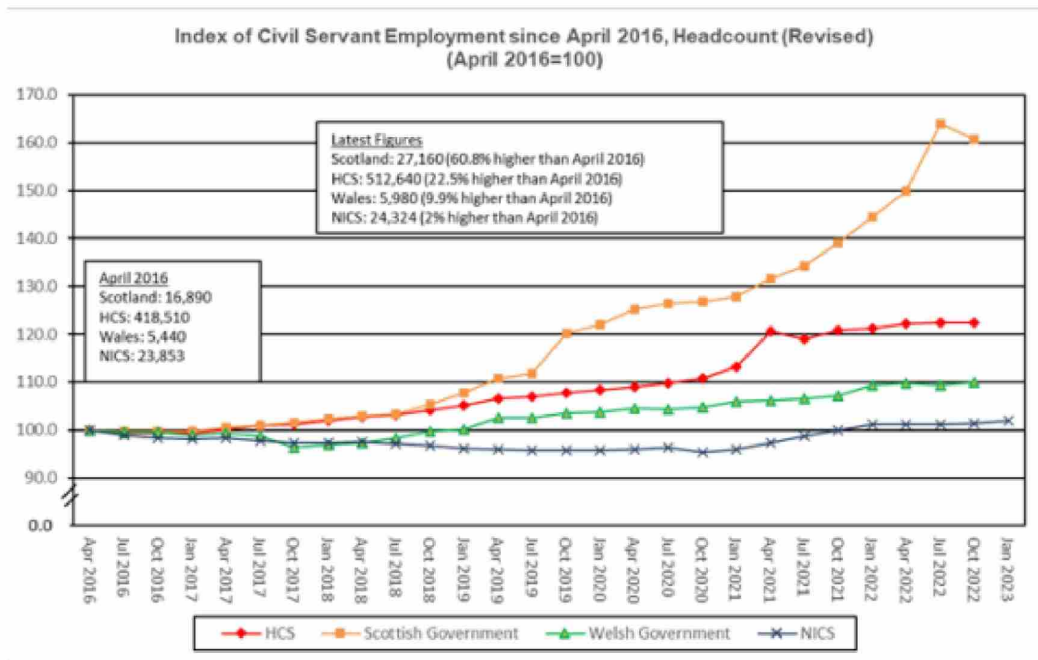
88. We had experienced political volatility for around eight years having had to deal with a range of political upheavals including the 2012/13 flag protests, the arguments over welfare reform mitigations in 2014, the ensuing Stormont House negotiations and agreement in 2014, the Fresh Start Agreement of 2015, the Brexit Referendum in 2016 and the collapse of the institutions in early 2017.

89. The NICS had also been subject to significant resource constraints. The Stormont House Agreement of 2014 committed the Executive to a comprehensive programme of reform and restructuring. This included measures to reduce pay bill costs and reduce the size of the NICS and the wider public sector in the face of significant budget constraints. The Stormont House Agreement and the implementation plan within the Fresh Start Agreement provided the flexibility to use capital borrowing to fund voluntary exit (VE) schemes over the four-year period to 2018-19. A combination of the VE scheme (see paragraph 99 below) and an extended recruitment freeze saw the NICS contract by around 18% during the period from 2014 to 2020.

Figure 2: All Industrial and Non-Industrial NICS Staff (FTE), 2013 to 2022



90. It is worth noting that this contraction was greater than in the civil service in GB and that numbers did not begin to increase until late 2020.



91. The second NISRA chart shows that NICS staff numbers have been rising since October 2020 and are now 2% higher than in April 2016. However, by way of contrast, Scotland's staff numbers are currently 60.8% higher than in April 2016. For Great Britain as a whole, staff numbers have increased gradually and are currently 22.5% higher than in April 2016. This slow growth has been due to several factors including budgetary constraints.

92. The absence of ministers also meant there was no mechanism in place for civil servants to adjust or skew spending priorities. It would have been inappropriate for the NICS to determine new spending new priorities, for example by making significant increases in civil service numbers. As a result, during the period from 2017 to 2020, spending patterns remained largely as they were before the collapse of the institutions despite the change in context and circumstances over that period. In my view this resource constraint limited the capacity of the NICS to deal with a wide range of issues optimally, with resource pressure being felt in all areas.

Capacity of the civil contingencies structures to respond to a pandemic

93. The TEO Module 2C Corporate statement (paras 158 – 197) provides a comprehensive description of the systems, processes and structures for pandemic preparedness in Northern Ireland in January 2020. The evidence provided is consistent with my own recollection of the NICS's state of preparedness for a pandemic at the time.

94. Civil contingency planning processes were devolved to Northern Ireland, however my recollection was that custom and practice in Northern Ireland was to remain in broad alignment with GB policy and best practice. Hence our broad aim was to ensure that the systems, processes and structures for pandemic preparedness in Northern Ireland were consistent with those operating in GB. My understanding at the time was that there was regular liaison between relevant NICS departments and their counterparts in Whitehall and Scotland and Wales on civil contingency planning matters.
95. The TEO Corporate Statement provides a description of how the NICS Northern Ireland Civil Central Crisis Management Arrangements (NICCMA) engage with the GB civil contingencies governance arrangements, including the linkages to the Northern Ireland Office Briefing Room (NIOBR) and the Cabinet Office Briefing Room (COBR). The description of these arrangements in the TEO Corporate Statement accords with my understanding of how these relationships were meant to operate in practice.
96. I was familiar with the NICCMA protocol and arrangements (**Exhibit DS/23 - INQ000092739**). These were not brought into operation during the period from 2017 to 2020 when the Executive was absent although I did activate CCG (NI) in October 2017 in response to a severe weather event known as Storm Ophelia. I chaired CCG (NI) on a routine basis several times a year for example, to test winter preparations and readiness. I was also aware of NICCMA arrangements being applied in limited circumstances in response to localised flooding events which had become increasingly common over the past 15-20 years, for example Storm Ciara which hit Ireland in early February 2020 causing significant flooding in the west of Ireland. It is difficult to produce any evidence to show we would have been better prepared for the pandemic if the NICCMA had been activated since 2017 other than to offer a general observation that the more often such arrangements are operationalised, the more familiar people become with them.
97. Although there were no specific Northern Ireland pandemic exercises during the Module 1 period, Command, Control and Co-ordination (C3) approaches were developed and applied in response to the risk that the UK might leave the EU on a "No Deal" basis in 2018 and 2019. At the UK level this had been codenamed Operation Yellowhammer by the UK Government (UKG). In Northern Ireland the preparations were jointly managed by the Northern Ireland Office (NIO) and NICS. I co-chaired the planning arrangements with the Permanent Secretary of the NIO (Sir Jonathan Stephens). Operation

Yellowhammer was the UK government's contingency planning response to the most severe anticipated short-term disruption which it was assessed might occur under a "No Deal" Brexit – known as its 'reasonable worst case' scenario. Operation Yellowhammer saw the creation of a NI Hub to coordinate the contingency planning arrangements and the application of a risk-based management approach which helped identify and prioritise the various risks that would have arisen in the event of the UK leaving the EU without agreement at the end of October 2019

98. The NI Hub and the risk management approaches which were tested in Operation Yellowhammer proved valuable tools in the early stages of dealing with the Covid 19 pandemic. It was also helpful that over 800 staff across almost all departments in the NICS and the NIO were mobilised and trained, thereby gaining practical experience of the operation of C3 processes. Many of these staff did not subsequently volunteer to work in the Hub however this previous investment in training was still beneficial to the NICS in that it had created awareness of what would be required in an operational scenario. My recollection is also that while many of those staff who were previously trained did not volunteer to work in the Hub, they did work in the DOCs. My view therefore is that all departments gained a benefit from the Yellowhammer operation because of the familiarity and experience which those 800 staff (including departmental management staff) had gained through their training and participation in the exercise
99. Nonetheless, resourcing issues were a major challenge in Civil Contingencies Policy Branch (CCPB) and across the NICS during my time as HOCS with all departments facing difficulties in ensuring their teams had appropriate capacity and capability. Although CCPB may not have lost any staff directly because of the Voluntary Exit Scheme (VES) in 2015/16, at an NICS-wide level a variety of factors created resource pressures across the NICS including the VES, political instability, Brexit and the other workforce constraints described above. The VES was a voluntary exit scheme which ran between 2015 and 2016 and which saw around 4000 staff leave the NICS in a short period INQ000425419. The VES along with the other pressures mentioned created a context which made it more difficult to address resource pressures in the Civil Contingencies Policy Branch (CCPB). I have described these in detail in my Module 1 witness statement (**Exhibit DS/24 - INQ000185350**). A comprehensive review of the VES is contained in the Northern Ireland Audit Office (NIAO) report of the scheme which was published on 11 October 2016 [**Exhibit DS/25 - INQ000425418**].
100. I was aware of concerns about resourcing levels in CCPB during my time as HOCS.

However, I took assurance from those responsible for managing CCPB (primarily Chris Stewart and Neil Jackson) that they were managing the resourcing issues within the severe resource constraints which we faced at the time. In 2019 I did get agreement from Richard Pengelly who was Permanent Secretary in the Department of Health at the time to release one of his Grade 5s (Chris Matthews who served in CCPB from December 2018 to April 2019) to provide support to CCPB and the Yellowhammer Hub at a time when there was a clear risk that the UK might leave the EU on a “No Deal” basis which would have presented significant problems in Northern Ireland. Chris was highly regarded and I was grateful that he had been released by DoH to provide additional capability and capacity at that time. I was also aware that there had been some management and relationship issues within CCPB and that there were also concerns about capacity and capability. These are described in detail in the witness statements of Chris Stewart and Anthony Harbinson. For example, in paragraph 82 of Chris Stewart’s statement he says: *“in summary, in January 2020, the plans and procedures, roles and functions, and capacity and capability of CCPB were clearly sub-optimal. Nevertheless, with the addition of the resource (described above), I considered that TEO was ready and capable of activating the NICCMA protocol and the civil contingencies Hub, and thereby discharging its role in response to the pandemic.”* This is what I understood at that time. However, I have no recollection of being asked at any stage to intervene personally to address any resourcing or management issues in the run up to the pandemic. Subsequently, Anthony Harbinson describes in paragraphs 12 – 18 of his Witness Statement how, when it came time for him to activate the Hub in March 2020, the necessary level of volunteers did not come forward for a variety of reasons and that, as a result, he needed to acquire resources from a variety of sources including external consultants. I was made aware of all these problems at the time through my regular discussions with Chris and Anthony. For example, I had a daily discussion every morning with Anthony before and sometimes after the CCG (NI) meeting. Thus, he kept me apprised of developments including the resourcing position. Anthony was impressively resourceful in his approach to this task and I cannot recall him asking me to take any specific actions to assist him at that time.. In the summer of 2020, I agreed with Mark Browne in TEO to transfer one of his Grade 5s (Andy Cole) to assist with a review of CCPB effectiveness following the peak of the first wave of the Covid Pandemic. I do not recall being asked to provide any further staff for CCPB beyond the two officers referred to here.

101. Two other significant moves involved me securing the secondment of Anthony Harbinson from the Department of Justice to be Chief of Staff of the NI Hub, thus

relieving Chris Stewart of some of his civil contingency responsibilities. I did this for two reasons. Firstly, this was to ensure that we had someone “on the ground” to manage the operation of the Hub. Chris Stewart was unable to do this as he was required to shield at home for medical reasons. Secondly, it also meant that Chris was able to concentrate on the civil contingencies policy response. In response to the emerging impact of the pandemic at that time I also secured agreement from Andrew McCormick to transfer Karen Pearson from the Brexit post in International Relations Division to lead on the non-health policy response to Covid 19 and to help coordinate cross-sectoral resilience and non-health interventions (NHI) across the NICS. The context for this transfer is described in more detail in paragraph 156. Essentially my intention at that time was to add experienced capacity in this area; to address the impact of the medical advice which Chris Stewart had received which required him to work from home and also to allocate responsibilities in a way which I considered would provide more effective support to the Executive. These two moves involving Anthony Harbinson and Karen Patterson, added much needed additional capacity to the TEO pandemic response and meant that the three staff had the following broad roles:

- Chris Stewart – policy, legislation and line management of CCPB;
- Karen Pearson –sectoral resilience risk assessment planning; and
- Anthony Harbinson – Hub Chief of Staff

102. These were difficult decisions as there were considerable pressures in both areas and I was extremely grateful to Karen and Anthony for taking on these roles and to Andrew McCormick and Peter May for releasing them. This created difficulties for the Brexit team which was having to address the implications of the Protocol on Ireland/Northern Ireland which had been agreed between the UKG and the EU as part of the Trade and Cooperation Agreement in December 2020 and which was due to come into effect on 31 January 2021. I shall return to these issues in my detailed analysis of the events as they unfolded during February to May of 2020.

103. In early 2020 the Executive faced many challenges. Some of these were common to the other jurisdictions in GB and in Ireland including dealing with the consequences of 10 years of “austerity” due to public expenditure constraint; the impact of Brexit; growing demands on public services; and particularly the hard-pressed health service. These challenges were of a greater magnitude in Northern Ireland due to the legacy of the three-year absence of a functioning Executive. As I have described earlier this had left a major backlog of urgent work in all Northern Ireland’s public services and particularly

in health, education, housing, criminal justice and infrastructure. We had no Programme for Government to identify and address these priorities in a strategic manner. Nor did we have a multi-year budget to underpin any long-term planning. The New Decade, New approach agreement also contained a raft of measures and commitments many of which lacked detailed planning or resource provision. All these challenges for the NICS were compounded by the relative lack of human resources compared to England, Scotland and Wales I have outlined in paragraph 92 above.

104. Resource issues aside, I do not have any hard evidence which shows how well or otherwise Northern Ireland was equipped to respond to the pandemic by comparison with the other jurisdictions. Although I do not recall being advised of this at the time, I have now been advised that some CCPB staff considered in early 2020 that they were 18 months behind GB in relation to planning for sectoral resilience in the event of a pandemic flu outbreak. I understand that this was because scarce resource in CCPB had to be re-deployed to work on Yellowhammer during the Brexit period. Had I known about this at the time I would have asked Chris Stewart how he planned to manage and mitigate this risk. In that context, I note from paragraph 51 of his Witness Statement that he says he does not recall being made aware of this concern (which relates to TEO's responsibility for sectoral resilience and not DoH's capacity to manage an influenza pandemic) at the time.

105. I have set out in a detailed timeline below the steps taken in TEO during the period from early January until the full lockdown was put into effect in the days leading up to 23 March 2020. I will show that while much of this period was chaotic, nonetheless we were able to announce the main restrictions (which were all within the devolved competence of the Executive) on the same day as in GB, eg:

- 16 March: the introduction of the requirement to work from home and avoid unnecessary contact;
- 18 March: school closures announced from 23 March (**Exhibit DS/26 - INQ000446211**);
- 20 March: the closure of all pubs, restaurants, gyms and other social venues;
- 22 March: the introduction of 2 metre social distancing; and

- 23 March: the full lockdown introduced by the Prime Minister was extended throughout Northern Ireland by the First Minister and deputy First Minister.

106. If we were less well-prepared than others at the outset my recollection is that through the deployment of new resources, the reallocation of existing resources and the resourcefulness of all those involved, we soon reached a point where our response was broadly consistent with that in the other UK jurisdictions. I deal with these issues in more detail later.

The strategic response to the pandemic

107. I first became aware of the emerging Coronavirus outbreak in early January 2020 through media reports. The World Health Organisation (WHO) declared that the Coronavirus was a Public Health Emergency of International Concern (PHEIC) on 30 January 2020, and characterised the outbreak as a pandemic on 11 March 2020. I believe it would be more appropriate for the Department of Health to advise on what influence this had on their response to the pandemic at the time.

108. The first occasion where I clearly recall a discussion about the Covid -9 virus was on the evening of Friday 17 January 2020. I attended a reception to celebrate the Chinese New Year in the Culloden Hotel, Belfast at the invitation of the Consul General of the People's Republic of China (PRC) to Northern Ireland, Madam Zhang Meifang. The First Minister and deputy First Minister also attended the event in their official capacities, and I believe this was the first public event the two First Ministers had attended together after the resumption of the Executive earlier that week.

109. Madam Zhang had been appointed to the role in 2018 and I had formed a constructive relationship with her in the absence of ministers. I asked her that evening about the media reports of the outbreak of a virus in Wuhan. She assured me that the Chinese Government had it well under control and that there was no need for concern.

110. Aside from media commentary, I do not recall any major activity arising from the Wuhan outbreak during January. The Executive met for the first time on 20 January. There was an Executive "away-day" at Greenmount agricultural college on 22 January where a range of issues were discussed including the Executive's budgetary position, the challenges facing the Health Service, Welfare Reform, Housing and Education.

111. On 25 January 2020 I received a WhatsApp message from Richard Pengelly advising that a group of Chinese tourists had arrived in Northern Ireland by ferry from Scotland

on a bus which was travelling through Northern Ireland to Dublin. I was told that DoH had been advised by a Scottish Public Health team that one of the group had tested positive for influenza but negative for Covid-19. As such they were free to travel and because they were asymptomatic there were no grounds for them being stopped in Northern Ireland. The health authorities in Dublin were advised (**Exhibit DS/27 - INQ000398416**).

112. On 3 February 2020 I took a call from Madam Zhang who wanted to update me on what the Government of the People's Republic of China (PRC) was doing in response to the outbreak. She said the Chinese people were fighting a serious battle against the Covid-19 outbreak and that the PRC Government was putting in place comprehensive deployment measures to mitigate and contain the contagion; that they would be very open and transparent in what they were doing and would share genomic information with the UK and that they were working closely with the World Health Organisation (WHO). She also discussed issues around the 1200 – 1600 Chinese students who were attending the two Northern Ireland Universities. I was aware that she had also called Minister Swann (**Exhibit DS/28 - INQ000398417**).

Initial tracking of Pandemic

113. The Executive met on 3 February 2020 (**Exhibit DS/29 - INQ000048442**) and considered several issues including inter alia, plans for another Executive Away Day on 12 February, the establishment of a Brexit sub-committee, a Mental Health and Wellbeing strategy. Under AOB the Minister of Health gave an update on the Covid-19 outbreak which was the first occasion on which the Executive discussed Covid-19 in some depth. The Minister for Health's briefing on Covid-19 developments followed his attendance at a COBR meeting on 29 January 2020 (**Exhibit DS/30 - INQ000279353**). He advised, inter alia, that there had been 14,000 cases recorded worldwide with 300 deaths recorded (one of which was outside China). Two cases had been identified in the UK. I recall the dFM asking whether everything was ready in Northern Ireland if a case was identified to which the Minister of Health said yes and that the Departmental emergency operating centre (DOC) was ready. I now understand that the Minister for Health also attended a COBR meeting on 24 January 2020, though I have no record of what he was advised at this meeting nor do I recall whether it led to any immediate or direct changes in the way that the DoH was planning to respond to the Covid-19 pandemic.

114. On 4 February 2020 I had one of my regular meetings with Madeleine Alessandri, the Permanent Secretary in the NIO, where we discussed a range of issues including, inter alia, NDNA implementation, Brexit preparations, the Executive's Budget and Legacy. The Covid-19 issue was not raised. (**Exhibit DS/31 - INQ000398417**)
115. On Wednesday 5 February 2020 I attended a "Wednesday Morning Colleagues" meeting in the Cabinet Office at which we were given an update on Coronavirus from the UK CMO (**Exhibit DS/30a – INQ000398419** and **Exhibit DS/30b - INQ000398420**). I recall him saying that in his view the Chinese government had not got to grips with this and that it would almost certainly become a global pandemic. He suggested this would be with us for 6-7 months and that it would peak in around 3-4 months' time. He said current UK pandemic flu plans were the appropriate response. I advised Richard Pengelly of this on 6 February 2020 and he confirmed that this was consistent with the advice which the NI CMO was receiving (**Exhibit DS/31 – INQ000398422**). My recollection is that UK Government advice that the preparation for the Covid-19 pandemic should be on the basis of the current (at that time) influenza plan remained in place until sometime in early March 2020. It was for DoH as the lead government department in Northern Ireland to consider the significance of the differences between influenza and Covid-19. I do not recall TEO ever being asked to consider this and I did not conclude that any particular action fell to me after this discussion. To put that in context, the sectoral resilience response to influenza was predicated on an assumed morbidity of 80% over the course of the pandemic with up to 20% of the public being affected at any given time. Hence the challenge which would have fallen to TEO in an influenza pandemic was how to maintain public services and economic activity in the face of a 20% absence rate. As it turned out, the Covid-19 pandemic was to prove an altogether greater challenge.
116. Minister Swann, briefed the Executive on a number of occasions when he attended Executive meetings during this period. Sometimes he was accompanied by the Chief Medical Officer. The next occasion was the Executive meeting held on 10 February 2020 (**Exhibit DS/32 - INQ000048443**). There was a second Executive Away Day on 12 February 2020. This was part of the process which had been agreed earlier by Executive Ministers to help them prepare the next Programme for Government. On that day they received presentations and discussed the challenges facing the Economy, Agriculture, Environment and Rural Affairs and Infrastructure. As this was not a formal Executive meeting the Covid-19 outbreak was not on the agenda that day (**Exhibit DS/33 - INQ000398412**).

117. On 17 February 2020 I received a note from the Head of Branch in Civil Contingencies Policy Branch (CCPB) (**Exhibit DS/34 - INQ000398434**) which provided an update on NI Coronavirus preparedness and response. A number of key points were made and actions identified which were in line with my expectations at the time and which I entrusted to Chris Stewart and his team to take forward. These were:

- DoH was in the lead and had staffed up its DOC (Health Gold);
- TEO would now need to make preparations for a wider response involving other departments and other key stakeholders;
- TEO would need to coordinate these actions with the other Devolved Administrations (DAs) and the Civil Contingencies Secretariat in the Cabinet Office;
- Chris Stewart was to chair a meeting of the CCG (Covid-19) group to provide an opportunity for DoH to update members on the current situation and prognosis for work around business continuity and critical service provision;
- The Reasonable Worst Case Scenario (RWCS) at that time was projected to be that 50% of the population would be infected and for an absentee rate of 17-20% at peak. Tentative projections were that the virus would have impact in April, would peak in May and would continue until June. The note said there was low confidence in this projection; and
- There would need to be scaled activation of the NI Hub as the coordination centre for CCG(NI) which would be the strategic decision-making body. The Hub would need to operate on a standard day with out of hours cover. However, the advice was that we should plan for longer days and out of hours working in case that is required (it was suggested that engagement with Departments and C3 volunteers may be needed).

118. At the Executive meeting on 17 February 2020 (**Exhibit DS/35 - INQ000048444**) Ministers received an update on the Covid-19 outbreak and approved Northern Ireland clauses for inclusion in the UK-wide draft Coronavirus Bill. Further updates were provided at the Executive meeting on 24 February (**Exhibit DS/36 - INQ000048445**) and the 2nd of March (**Exhibit DS/37 - INQ000048441**).

119. The NICS Board met on 28 February 2020 and was briefed by the Chief Medical Officer (no papers were provided). The minutes (**Exhibit DS/38 - INQ000277390**) record that he confirmed the first presumptive case has been diagnosed in Northern Ireland. He provided reassurance that the public health system was experienced in planning for such events. He also advised that Chief Medical Officers in each UK administration would take the lead in media engagement. Dr McBride advised that it would be prudent to plan for a reasonable worst-case scenario and urged Permanent Secretaries to ensure that all business continuity plans, and those of their ALBs, were up to date. Chris Stewart provided an update on the plans in place to stand up C3 arrangements if required. It was agreed he should write to departments to seek additional volunteers to staff the C3 structures. As it turned out, the NICCMA arrangements were not subsequently stood up until 18 March for reasons described in paragraphs 204 – 2056.
120. There was discussion around the need to ensure clear and accurate advice was accessible to the public and also the need for advice and guidance to NICS staff. Dr McBride advised that the Public Health Authority was responsible for the provision of advice to the public and indicated that discussions were taking place with the NHS 111 service, to provide access for NI. It was agreed that EIS staff would liaise with DoH press officers regarding taking forward advice for NICS staff.
121. Tim Losty, Director of the NI Bureau in China, who had recently returned from China provided an update on his experience of living in Beijing when the city was on lock down because of the Covid-19 outbreak. He explained what daily living was like and indicated that ensuring strong messaging regarding hand washing and isolation was essential to minimising the spread of the virus.
122. As I recall, the briefing led to an open discussion which, for many of those attending, gave rise to a growing realisation that the pandemic would have an impact significantly greater than a pandemic flu. The discussion led to a number of actions which were included in the minutes of the meeting. (**Exhibit DS/39 - INQ000277390**) I do not recall briefing ministers or advisors as a result of this meeting as my expectation was that they would quickly receive more formal briefings from DoH in due course.
123. The Executive meeting on 3 February (**Exhibit DS/40 - INQ000048442**) was the first occasion on which the Executive discussed Covid-19. At that meeting the Minister for Health briefed the Executive on Covid-19 developments following his attendance at COBR meetings on 24 and 29 January 2020 (**Exhibit DS/41 - INQ000279353**). Minister Swann, sometimes accompanied by the Chief Medical Officer, briefed the Executive on

the emerging pandemic on several other occasions during this period. Such briefings took place on 10 February (**Exhibit DS/42 - INQ000048443**), 17 February (**Exhibit DS/43 - INQ000048444**) and 24 February (**Exhibit DS/44 - INQ000048445**) and on 2 March (**Exhibit DS/45 - INQ000048441**) and 10 March (**Exhibit DS/46 - INQ000048446**).

124. On 16 March 2020 (**Exhibit DS/47 - INQ000048447**), the Minister of Health provided a briefing on the latest developments in relation to Covid-19. Mr Paul Bedding of the Office of Legislative Counsel (OLC) also briefed the Executive on the powers contained in the Westminster Coronavirus Bill.

125. At that meeting, Chris Stewart introduced a paper entitled 'Emergency Response to COVID-19' (**Exhibit DS/48 - INQ000086883**). Following discussion, the Executive:

- agreed the phased activation of the NI Central Crisis Management Arrangements to deal with the impacts of COVID-19;
- noted the wide ranging and protracted non health sectoral impacts and associated mitigations arising from COVID-19; and
- agreed to monitor these impacts and associated mitigations to ensure the cumulative risks arising were managed.

126. The Executive also noted the following urgent decisions taken in accordance with paragraph 2.14 of the Ministerial Code regarding the Coronavirus (Emergency) Bill. Chris Stewart helped the Department of Health to draft the Northern Ireland clauses of the Coronavirus Bill alongside staff from (OLC).

127. In addition, the Minister of Finance raised the Executive's response to the Covid-19 pandemic and proposed to the Executive that a plan to close schools be included in a package of measures to be agreed by the Executive. The Executive voted on the Minister of Finance's proposal, which was not agreed. The Executive subsequently voted on a proposal by the First Minister that the closure of schools should be handled in accordance with the Chief Medical Officer's advice, which was agreed by the Executive on a split vote (see minutes of the Executive meeting on 16 March 2020 at DS/47 - INQ000048447). This issue is discussed in more detail later at paragraph 153. You refer to a WhatsApp message I sent to the CMO around 8.00am on the morning of 17 March 2020 in which I say, "the Executive meeting yesterday evening was

excruciating. No leadership on display at all...”. It is important that I explain the context of these remarks so as to give proper effect to their meaning. This was a particularly challenging time. The Executive meeting the previous day had begun in the morning, which was adjourned and then re-convened in the evening to consider the closure of schools. There had been heated debate about the issue and when no consensus was reached the matter was put to a vote. As I shall explain later in this statement, the question of school closure was subsequently resolved when the UKG Secretary of State for Education decided the following day (18 March) to close schools in England. In line with the Executive agreement of 16 March, the Executive followed suit based on advice from the CMO. I do not recall another occasion during my time when a consensus was not reached on a Covid-related issue leading to a vote being taken. I would not wish that too much weight be attached to my WhatsApp comment. These remarks reflect an expression of my personal frustration at the conduct of the meeting and that the vote taken had split on nationalist/unionist lines rather than an opinion on leadership quality at that time. They should be seen as no more than a ‘venting’ of frustration on my part such as one would often utter in private in the heat of the moment.

128. The following table prepared by TEO shows the emergence and development of Covid-19 during its various phases. I was in post for Phase 0, Phase 1 and most of Phase 2 up to 31st of August 2020. The events in the table reflect the differing response required at any given time.

129. I cannot recall exactly when I would have first raised the pandemic with the First Minister and deputy First Minister though I am fairly sure we did discuss it before the Executive meeting on 3 February 2020 (**Exhibit DS/49 - INQ000048442**) which according to my recollection was the first occasion on which the Executive received a briefing on Covid-19.

Phase	Dates	Key events
<u>Phase 0</u>		<u>Emergence of the Covid-19 pandemic</u>
1 January 2020 – 18 March 2020	18 March 2020 16 March 2020	Civil Contingencies Group (CCG) convened for Covid-19. Activation of Northern Ireland Central Crisis Management Arrangements (NICCMA)

Phase	Dates	Key events
<u>Phase 1</u> 18 March 2020 – 30 June 2020	23 March 2020 18 March 2020	<u>First wave of Covid-19 cases</u> Lockdown First activation of NI Hub in “full active” status
<u>Phase 2</u> 01 July 2020 – 16 September 2020	12 June 2020	<u>Relaxation of lockdown restrictions</u> Deactivation of NI Hub from “full active” I retired on 31 August 2020
<u>Phase 3</u> 17 September 2020 – 25 December 2020	26 October 2020 18 October 2020 September / October 2020 17 September 2020	<u>Second wave of Covid-19 cases</u> Activation of Northern Ireland Central Crisis Management Arrangements (NICCMA) Activation of Civil Contingencies Group (CCG) Protocol for the Escalation of Multi-Agency Response Increased restrictions Activation of NI Hub to “Alert” status
<u>Phase 4</u> <u>26 December</u> <u>2020 – 7 March</u> <u>2021</u>	December 2020 December 2020 25 March 2021	<u>Lockdown 2</u> D20 Hub established by the Cabinet Office Escalation of NI Hub from “Alert” to “One Active” status Managed quarantine

Phase	Dates	Key events
<u>Phase 5</u> <u>08 March 2021</u> <u>– 22 December</u> <u>2021</u>	08 March 2021 01 April 2021 29 November 2021 10 July 2020	<u>Development and publication of Pathway out of Restrictions by NI Executive</u> De-escalation of NI Hub from “Alert” Relaxation of lockdown 2 restrictions Introduction of COVID-status certification Mandatory use of face coverings
<u>Phase 6</u> <u>23 December</u> <u>2021 – 19</u> <u>January 2022</u>	December 2021	<u>Third wave of Covid-19 cases (Omicron variant)</u> Increased restrictions
<u>Phase 7</u> <u>20 January</u> <u>2022 -</u> <u>Onwards</u>		<u>All restrictions removed</u>

Pre - pandemic Planning

130. On 3 March 2020 we received the UKG Coronavirus Action Plan (a draft version had been circulated to TEO and DoH on 27 February) (**Exhibit DS/50 - INQ000047923**). This noted that the UK Government and the Devolved Administrations, including the health and social care systems, had planned extensively over the years for an event like this, and noted that the UK was therefore well prepared to respond in a way that offered substantial protection to the public. It claimed that because we were dealing with a new virus, new technology and increasing connectivity around the world, the plans would need to be kept up to date, to reflect that illnesses, news and information about them,

travel much more quickly today. The document set out what the UK had already done - and planned to do further - to tackle the current coronavirus outbreak. It said the exact response to COVID-19 would be tailored to the nature, scale and location of the threat in the UK, as understanding of this develops. It was my understanding that the NI CMO had been involved in the preparation of the advice contained in the Action Plan and that he endorsed the approaches contained within it. For example, in his statement of 24 July 2023, he has said (paragraph 67) that from January 2020 all four CMOs came together to provide advice on the threat of the outbreak becoming a pandemic and that they advised their respective Ministers and governments accordingly. I do not recall the UKG Coronavirus Action Plan being submitted to the Executive for endorsement however my recollection is that DoH and the CMO used the Action Plan to frame their advice to the Executive. It is also my recollection that DoH did not ask the Executive to take any action to mitigate the anticipated impact of the pandemic in advance of action being taken by the UK Government. DoH may be able to provide further advice on whether anything more had been done and whether it had planned to do anything more in contrast to the UK.

131. My understanding is that the DoH, through the CMO, were formally consulted about a draft of the plan on 27 February and that CCPB officials in TEO were also copied into this at the same time. I do not recall whether there was any response to the draft from TEO or DoH, nonetheless I understood that it represented the recommended approach to dealing with the pandemic at that time across the UK.

132. The document set out that the overall phases of the plan to respond to COVID-19 were:

- **Contain:** detect early cases, follow up close contacts, and prevent the disease taking hold in this country for as long as is reasonably possible
- **Delay:** slow the spread in this country, if it does take hold, lowering the peak impact and pushing it away from the winter season
- **Research:** better understand the virus and the actions that will lessen its effect on the UK population, and innovate responses including diagnostics, drugs and vaccines
- **Mitigate:** provide the best care possible for people who become ill, support hospitals to maintain essential services and ensure ongoing support for people

ill in the community to minimise the overall impact of the disease on society, public services and on the economy.

133. I understood the approach to dealing with the Covid-19 virus recommended in the document was the accepted wisdom of the scientific community as it was understood at that time. I now understand that the scientific community was not of a single view then - but that is something that has only become clear to me with the passage of time. At the time I was relying on the CMO and the CSA for scientific advice. In doing so I knew that they were in close contact with their counterparts in GB and with bodies like SAGE. I assumed therefore that their advice was based on the best possible scientific evidence. It was not my role to second guess their advice nor did I see it as being either necessary or appropriate to check that CMO and CSA were taking account of all scientific opinions. I cannot recall whether all Ministers were aware that the scientific community was not of a single view. This was a period when we were moving at an alarming pace – there was no time (and no resource) to stop and look for alternative scientific advice. And even if alternative scientific opinion had been identified it would have been inconceivable in my view that the five parties in the Executive would have ever agreed to adopt a course of action which was at odds with the advice of the DoH CMO and the UKG scientific community. Nonetheless, it was now becoming increasingly obvious that there would be important differences between Covid-19 and the winter flu we had been preparing for. The document stated that; *“there is similarity between COVID-19 and influenza (both are respiratory infections), but also some important differences. Consequently, contingency plans developed for pandemic influenza, and lessons learned from previous outbreaks, provide a useful starting point for the development of an effective response plan to COVID-19. That plan has been adapted, however, to take account of differences between the two diseases”*.

134. Annex A to the document set out the structure for the UK’s response to a disease outbreak. The document explained how scientific advice would influence the response. It said:

- (i) *“our response to COVID-19 is guided by the international situation, the advice of organisations such as the WHO, surveillance, data modelling based on the best available evidence and the recommendations of our expert bodies (Annex B). The Scientific Advisory Group for Emergencies (SAGE) provides expert medical scientific advice. The four UK governments’ Chief Medical Officers (CMOs) continue to advise the health and social care systems across the UK, and government agencies in all parts of the UK involved in responding to this outbreak.*

(ii) System wide response plans for Pandemic Influenza, focused on the continuity of public and critical services and the stability of the economy, have been adapted for COVID-19, based on the best available scientific evidence and advice.

(iii) The nature and scale of the response depends on the course of the disease, which cannot be predicted accurately at this point. As our understanding of the disease increases and its impact becomes clearer, we will issue further detailed advice about what to expect if/when further measures become necessary”.

135. My recollection is that the “Contain” approach was to dominate the UKG response to the spreading outbreak during the early part of March. I also noted the description of how data would be obtained and how it would be used by expert groups such as SAGE and the CMO network to influence the approach to managing the crisis. My view at the time was that it would be through these arrangements that the NI Department of Health and the Executive would obtain the scientific advice they would need to manage the pandemic as it affected Northern Ireland.

Advice provided to Ministers between 1 January 2020 and 31 March 2020

136. On 3 March 2020, CCPB sent a submission to First Minister and deputy First Minister that provided advice on co-ordination arrangements for the health and wider non-health issues that would be required to deal with the escalating situation (**Exhibit DS/51 - INQ000183558**). The submission showed that by that date the RWCS had not changed much. The infection rate was projected to be 80%, the case fatality rate 2-3% with a workforce absentee rate of 17-20%. It was further estimated that should there be a sustained transmission in the community, the epidemic would peak in two to three months, i.e., between May and June.

137. The submission advised that DoH had been acting as the lead government Department (LGD) in relation to the health preparedness and the response to date, noting that the Minister of Health, Robin Swann, had been attending COBR meetings chaired by the Secretary of State for Health and Social Care. DoH had been participating in four nation meetings and COBR (O) (for Official) meetings.

138. As preparations moved beyond the health sector, the submission noted the increasing need for coordination of the wider non-health work. Coordination of this fell to TEO. In this context the paper explained the role of ministers, the CCG (NI) and the NI Hub. This

is detailed in the TEO Corporate statement under the heading “Phase 0 – Emergence of the Pandemic (1 January 2020 – 17 March 2020)”.

139. On 5 March 2020 I was copied into a letter from the Cabinet Secretary which sought an update from all UKG departments and the DAs by 9 March 2020 on Public Sector Preparedness which would identify primary public service delivery risks. The RWCS forecast in the letter was broadly consistent with the previous planning assumptions we had been asked to work from namely:

- (i) From confirmation of sustained transmission, the outbreak was expected to peak in two to three months;
- (ii) During the three to four week peak period, we should expect 20% of staff to be absent;
- (iii) There would be a period of eight to 12 weeks from the peak where the case numbers decline which would be followed by a period of recovery;
- (iv) The total period of the outbreak would be 16 to 28 weeks with the average absence being around 14 days; and
- (v) Around 50% of the workforce would be off at some stage during the period of transmission.

140. The letter concluded by advising that “while it is sensible to prepare for all eventualities, we should continue to work as normal, follow official guidance and take a measured, practical approach to limit the spread of the virus and minimise the risk of infection (**Exhibit DS/52 – INQ000398424**). At this stage the Cabinet Office was proposing three measures on which it was seeking impact assessments:

- (i) Seven-day isolation for symptomatic cases;
- (ii) Whole household isolation where there is a symptomatic case (14-day duration)
- (iii) Social distancing for vulnerable groups

141. On 6 March 2020, Chris Stewart led a workshop (**Exhibit DS/53 - INQ000398425**) to discuss departmental risks and priorities in line with TEO’s responsibility for ensuring there was a coordinated response across all sectors of government. I did not attend this workshop.

142. On that day I joined a conference call with Sir Chris Wormald, the Permanent Secretary of the DHSC, and Leslie Evans and Shan Morgan, the Permanent Secretaries of the Scottish and Welsh Governments. This was to be the first of a series of generally informal Friday calls. They usually did not have set agendas or any exchange of papers but were a useful means to exchange views and concerns about matters of mutual interest.

143. On 7 March 2020, I was alerted to a Cabinet Office email (**Exhibit DS/54 - INQ000398439**) asking why Northern Ireland had not responded to the request for a return set out in the Cabinet Secretary's letter of 5 March 2020. I sent a detailed email (Exhibit DS/54 – INQ000398439) to Chris Stewart which raised this, and which also looked ahead to several issues we would need to address in the days ahead. These issues included:

- The move from containment to delay;
- The Cabinet Secretary's request for Northern Ireland risk assessments;
- Cabinet Office requests for impacts and mitigations analysis;
- FCO advice re travel to Northern Italy;
- A Sectoral Resilience paper;
- The soft stand up of NICCMA;
- Ministerial briefing;
- Building capacity in CCPB;
- Governance in relation to coordination structures;
- Diary management; and
- Internal NICS Communications.

144. These were the issues which were my major preoccupation at that point in time (**Exhibit DS/55 – INQ000398428**).

145. The next meeting of the Executive was on 10 March 2020 (**Exhibit DS/56 - INQ000048446**). This included a further briefing from the MoH on the emerging pandemic. At that time, it was evident that the earlier forecast about the transmission of the virus was changing. A DoH briefing paper for a COBR meeting on 9 March 2020 recorded that the latest forecasts indicated that a peak was likely to occur in China in March and in the UK as early as April 2020. It noted that a protocol was being worked on to agree how moving to the “Delay” phase would be handled across the UK. In the UK, as of 8 March 2020, 278 people had tested positive for Covid-19 (244 in England, 18 in Scotland, 4 in Wales with 12 confirmed cases in Northern Ireland of which three were connected with travel from Italy). On 8 March 2020, the third Covid-related death was recorded in the UK. It is for DoH, who possessed the necessary expertise to interpret this change in forecast, to advise what impact this change of forecast had on their assessment of the pandemic, including what action they considered necessary by way of response at that time.

146. One of the most significant events of this period occurred early on the morning of Thursday 12 March 2020. I took a call from Martin Fraser, the Secretary General in the Taoiseach’s Office in Dublin. He advised me, inter alia, that the Taoiseach would within minutes be announcing from the Irish Embassy in Washington DC that the Irish Government had decided to put the following measures in place. The following is an extract from his speech:

- *So, from 6pm today, the following measures are being put in place. They will stay in place until March 29th. Schools, colleges, and childcare facilities will close from tomorrow. Where possible, teaching will be done on-line or remotely. Cultural institutions will close. Our advice is that all indoor mass gatherings of more than 100 people and outdoor mass gatherings of more than 500 people should be cancelled. Arrangements are being made to ensure that everyone entering Ireland through our ports and airports is fully informed and self-isolates if they develop symptoms.*
- *You should continue to go to work if you can but where possible should work from home. In order to reduce unnecessary face to face interaction in the workplace, break times and working times should be staggered and meetings done remotely or by phone. Public transport will continue to operate.*
- *The shops will remain open and we have plans to ensure that supply chains will not be interrupted. We need the public and businesses to take a sensible and*

level-headed responsible approach. Restaurants, cafes and other businesses can stay open but should look at ways that they can implement the public health advice on social distancing.

- *As a general rule, outside of work people should seek to reduce social interactions as much as possible. You can play your part by hand washing, coughing and sneezing into your elbow, and seeking medical advice if you develop symptoms. This is now more important than ever.*

147. There had been increasing speculation in the run up this announcement that severe restrictions might need to be placed on citizens. We had seen 10 municipalities in Northern Italy being put under an effective lockdown on 21 February 2020. However, this was the first occasion where such restrictions had been introduced in the UK or Ireland. My recollection is that these types of restrictions were not anticipated in a pandemic flu scenario and I also do not recall DoH proposing that any restrictions of this type should be introduced in Northern Ireland before they were introduced by the UK Government. Decisions around the need for introduction of such restrictions were led by DoH.

148. I immediately passed on details of the Taoiseach's announcement to the First Minister and deputy First Minister and later that day Chris Stewart and I met them both to discuss the implications of this announcement (**Exhibit DS/57 - INQ000317401**). It quickly became apparent to me that this issue had the potential to be divisive. The CMO's advice at that time was that it would not be necessary to close Northern Ireland's schools, but I noted that the deputy First Minister was not entirely comfortable with this. Nonetheless, I recall there was a joint press conference that evening and that a measure of collegiality prevailed on the basis that similar approaches would be taken North and South, though the timing would be different.

149. I enjoyed a very good working relationship with Martin Fraser but felt obliged to inform him in a phone call on Friday 13 March 2020 that the First Minister and deputy First Minister were disappointed to get so little notice of the Taoiseach's decision. Mr Fraser acknowledged the concern but stated clearly that the scale of the measures and the historic circumstances, together with a desire to avoid any risk of any uncontrolled leaking of the details of such a significant announcement, meant it had not been possible to pre-warn any earlier.

150. The Executive consensus held overnight but on 13 March 2020 and over the weekend I recall the deputy First Minister expressing concerns in the media about Northern

Ireland's schools remaining open. This spilled over into the Executive meeting held on 16 March 2020 (Exhibit DS/47 - INQ000048447).

151. At that meeting the Minister of Health provided a briefing on the latest developments in relation to Covid-19. Mr Paul Bedding of the Office of Legislative Counsel also briefed the Executive on the powers contained in the Westminster Coronavirus Bill.

152. Later in the agenda Chris Stewart introduced a paper entitled 'Emergency Response to COVID-19' (Exhibit DS/48 - INQ000086883). Following discussion, the Executive:

- agreed the phased activation of the NI Central Crisis Management Arrangements to deal with the impacts of COVID-19;
- noted the wide ranging and protracted non health sectoral impacts and associated mitigations arising from COVID-19; and
- agreed to monitor these impacts and associated mitigations to ensure the cumulative risks arising were managed.

153. The Executive also noted an urgent decision taken in accordance with paragraph 2.14 of the Ministerial Code regarding the Coronavirus (Emergency) Bill.

The meeting was adjourned in late morning and reconvened in the early evening to consider the schools closure issues. The Minister of Finance proposed to the Executive that a plan to close schools be included in a package of measures to be agreed by the Executive. The Executive voted on the Minister of Finance's proposal, which was not agreed on a six to four vote. The Executive subsequently voted on a counter proposal by the First Minister that the closure of schools should be handled in accordance with the Chief Medical Officer's advice. This was agreed by the Executive on a five to four split with one abstention. These tensions created by this issue were to be evident until Wednesday 18 March 2020 when the Secretary of State for Education (Gavin Williamson) announced that schools in England would be closed from that Friday afternoon until further notice. The First Minister and deputy First Minister subsequently announced at a press conference later that day on 18 March that Northern Ireland would follow suit and that schools in Northern Ireland would be closed from Friday 20 March until further notice. This was in accordance with the agreement reached at the Executive meeting on 16 March where, by a majority, Executive ministers agreed that schools should close when it was the advice of the CMO that they should do so. Such advice

followed the decision of the UKG Secretary of State for Education. I have previously provided several broad examples where disagreements occurred in the context of Executive decision making during the pandemic (see paragraphs 76-78 and paragraph 44 which confirms the details of the Executive Team). My recollection is that sometimes these were due to the different political ideologies of the Executive members. On other occasions I could discern that differences sometimes reflected the departmental responsibilities of ministers, for example when there was debate about the relative importance of protecting the economy as opposed to public health. However, by and large Ministers were able to rise above political differences when decisions were needed.

154. 17 March 2020 was a Public Holiday nonetheless everyone continued to work on the contingency plans which were now being drawn up and refined across all departments. I did not realise that “working from home” was to become the norm for most of us for many months to come and, indeed, that a form of hybrid working would be the “new normal” for most workplaces.

155. That day I set up a WhatsApp group (**Exhibit DS/58 - INQ000398430**) which included all permanent secretaries and several other senior staff including the CMO. The intention was to provide a means of sharing information on a rapid basis. It was not to become a means for taking decisions on Covid-related issues although I did use it to take views on how best to communicate decisions taken on NICS management issues.

156. Later that day (as I have outlined earlier in this statement) I sought Peter May’s agreement to second one of his Grade 3s, Anthony Harbinson, from the Department of Justice to TEO to act as Chief of Staff for the NI Hub. Chris Stewart was one of the many staff who were now having to shield from home for medical reasons which would have made it difficult to fulfil the Hub role. I had earlier agreed with Andrew McCormick to move Karen Pearson (G3) and Gail McKibbin (G5) from their Brexit roles to a new Covid-19 Coordination role. Anthony and Karen had previously worked well together in the Department of Justice. I briefed Anthony on the role and agreed he and I would meet in Castle Buildings the next day to begin the handover.

Development of Executive Governance Structures

157. On Wednesday 18 March 2020 I was called to a meeting with First Minister, deputy First Minister, the Junior Ministers and the TEO SpAds. I have checked my notebook

and I have no personal notes of this meeting. We discussed the handling of the growing crisis and agreed we would need to adjust the Executive's approach to coordinating the government response to the pandemic across the NI departments. We recognised that the magnitude of the necessary decisions which would need to be taken, including the imposition of severe restrictions on the personal freedom of individuals and businesses was such that the collective agreement of the five parties in the Executive would be vital. For that reason, I also had concluded by this time that CCG (NI) with its very wide membership would not be an appropriate forum for taking decisions on such measures. Instead, I agreed with First Minister and deputy First Minister that such far-reaching decisions would require in-depth, candid discussion by the full Executive, informed by expert advice from the CMO and CSA (and other experts as appropriate) and that meetings would need to be much more frequent than the normal schedule of weekly Executive meetings. FM and dFM also made clear that they wanted to be kept up to date with emerging developments and I saw value in putting in place arrangements which would satisfy this need (more detail of these arrangements is provided in paragraphs 160-162 below). We also agreed we would need highly effective communications with the public including regular media briefings and press conferences etc.

158. I discussed this with Karen Pearson, and we quickly agreed the broad outline of new arrangements which were reflected in a draft submission to be considered by the Executive at its meeting the following day (Thursday 19 March 2020) (**Exhibit DS/59 - INQ000023228**). The paper set out plans and headline objectives for a framework to support a joined-up whole society response to Covid 19. The work was to be concentrated in six workstreams:

- The Health and wellbeing of our citizens;
- Economic wellbeing;
- Societal and community wellbeing;
- Our delivery priorities and service delivery;
- Our people; and
- Good governance

159. Aims and outcomes were proposed for each of the six workstreams and further papers were proposed to address issues around communications, finance and resources. The draft paper was agreed by First Minister and deputy First Minister and was brought to the Executive the next day (19 March). Karen Pearson introduced the paper setting out a Covid 19 Planning Framework (**Exhibit DS/60 - INQ000023228**) for Ministerial discussion. I briefed the Executive on the framework and recommended that we move to a daily rhythm of events which would include:

160. A short CCG meeting to be held on a daily in basis at 8.30am at which a daily Situation Report (Sit Rep) would be presented and all relevant agencies could provide an update on any emerging issues which required a response or decision (the first of these daily meetings was held on 18 March). I chaired these meetings which were attended by the First Minister and deputy First Minister and, on most days, by the two Junior Ministers.

161. This was to be followed by an Executive COVID Crisis Management Committee (ECCMC) (**Exhibit DS/61 - INQ000272859**) meeting to be held mid-morning with an agenda including:

- A briefing from the Health Minister and CMO and/or CSA including any matters for decision by the Executive;
- an update from the CCG meeting and consideration of the daily Sit Rep;
- presentations from individual ministers on how they proposed to deal with the most critical issues identified via a risk assessment framework which became known as the “heatmap” (see below for explanation); and
- any other matters requiring urgent decision.

162. The rationale for the ECCMC was that, by convention, business could not be brought to a normal Executive meeting unless a decision was required. This meant that ministers were not allowed to provide briefings or presentations to other ministers on issues unless these contained a proposal or recommendation for some action which needed Executive agreement, for example if an issue was novel, contentious or cross-cutting. This was to ensure that Executive time was productive, however I recognised that there would be a need in the short term for ministers to provide and receive briefings on the many issues which would be thrown up by the restrictions which were going to need to be put in place across all areas of society. Hence there would be a need for meetings which included presentations and briefings as well as items which required

decisions. Karen Pearson's team conducted a rapid risk assessment of all foreseeable risks which might need ministerial decisions or interventions and departmental coordination. These were assessed for likelihood and impact and colour-coded with the highest and most likely risks being concentrated in the top right-hand corner of the grid which was shaded in dark red (hence the term "heat-map") (**Exhibit DS/62 – INQ000398430**).

163. Effective communications with the public were also an important requirement. We agreed there should be a daily afternoon press conference and media briefing involving the First Minister and deputy First Minister and/or the Health Minister as appropriate with other ministers attending when necessary to explain any non-health developments or interventions. Regular statements to the Assembly were also to be built into the process when appropriate.

164. These proposals were agreed by the Executive and the new arrangements came into effect immediately. The daily CCG meetings had already started on 18 March with the first ECCMC meeting taking place on Friday 20 March 2020. DoH was the lead Department in this early period when it came to responding to the pandemic. This was the established protocol for dealing with health pandemics (**Exhibit DS/63 – INQ000258527**) and the Health Minister briefed the Executive on a number of occasions during this period. As it transpired, DoH was to remain the lead Department throughout my time as HOCS although all major decisions were taken by the full Executive. I did not see it as my role to brief or advise the Executive on the Health response to the pandemic, rather I saw my role as being one where the advice I would provide would be around strategic and operational issues arising during the pandemic. This would include ensuring a strong focus on sectoral resilience. I also saw it as being important to ensure there was effective leadership and management within TEO so that Ministers were provided with the best possible support when dealing with their responsibility for leading and managing the broad response to the pandemic. In terms of medical and scientific advice, my understanding was that the CMO and CSA were in regular contact with their opposite numbers in London and I had no reason to believe that these arrangements were not operating effectively. The detailed DoH operational response to the pandemic in these early days is set out in paragraph 47 of the CMO's statement of 24 July 2023.

165. By later February, moving into early March, it became increasingly clear that Covid-19 was going to have a more severe health impact than a pandemic flu as evidenced by infection and mortality rates in areas of Western Europe which had been hit by the pandemic earlier than the UK. As of 9 March, the advice from SAGE was that up to 80%

of the population may become infected over the duration of the outbreak, that most of the cases will be mild disease with symptoms resolving within seven days. The planning assumption at the time was that 2-3% of the symptomatic cases would result in a fatality (**Exhibit DS/64 - INQ000398430**).

166. As understanding of the virus improved, we adjusted our policy response. Following discussion with Karen Pearson, we identified all non-health risks using the heatmap described earlier. This helped us test the extent to which there were adequate resilience plans in place at departmental level, across the wider public sector, local authorities and the business and community sectors to cope with all foreseeable issue that might arise from the pandemic. The intention was then to ask departmental ministers to explain to the Executive how they proposed to deal with the most critical issues.

167. This daily schedule of events was resource-intensive and taxing for all those involved. Nonetheless, I found the early morning CCG meetings which I chaired were valuable. They were attended by the First Minister and deputy First Minister and the two Junior Ministers, all permanent secretaries, senior leaders from the PSNI, Ambulance Service and Fire and Rescue Service, local government (represented by someone from SOLACE), the Food Standards Agency and the NIO. Normally the meeting began with Anthony Harbinson providing an update on live issues within the Action Log, an overview of the main issues within the daily Sitrep and the identification of any issues which required escalation. We then received reports from representatives from the main agencies. Where and when appropriate any new issues were identified with decisions being taken on any necessary actions. These were normally in relation to the need for some operational action or inter-agency cooperation. Some questioned whether it was appropriate to have the First Minister and deputy First Minister at the morning CCG meetings, however they told me they found it to be helpful way to keep abreast of emerging developments in what was a very fast-paced environment. They also said it gave them assurance that major issues were being quickly identified and addressed and that all sectors were working well together. As we moved into May 2020 beyond the peak of the first wave we were gradually able to reduce the frequency of the CCG meetings.

Engagement with UK Government

168. On 18 March 2020 I had been invited by the Cabinet Secretary to the first of what was to become a series of meetings known as Cab Sec (O) meetings. These meetings were held daily on most days from late March until the early summer. They were virtual

“Zoom” meetings, usually held at 17.00 and strictly limited to one hour. The agenda normally included a review of the daily UK sit rep, analysis of emerging trends followed by presentations on specific issues (e.g., the vaccination programme, the availability of PPE, testing kits, etc). I found these meetings useful for keeping up to date with the UKG handling of the pandemic. Where and when appropriate I would pass on any relevant information to colleagues in the NICS (INQ000251063, INQ000251144, INQ000251169, INQ000251146, INQ000251176). I did not find the meetings particularly effective as a means of passing on details of what was happening in Northern Ireland. This was achieved primarily through the passing of statistical information to the Cabinet Office to inform the daily UK-wide SitRep. However, along with my counterparts in Scotland and Wales, I did raise Northern Ireland specific issues when it was relevant or necessary to do so or when specific questions were put to the representatives of the Devolved Administrations.

169. Friday 20 March 2020 was also highly significant as the day when the Chancellor announced that he was putting in place a new Coronavirus Job Retention Scheme. He said:

- a. *Any employer in the country – small or large, charitable or non-profit - will be eligible for the scheme. Employers will be able to contact HMRC for a grant to cover most of the wages of people who are not working but are furloughed and kept on payroll, rather than being laid off. Government grants will cover 80% of the salary of retained workers up to a total of £2,500 a month – that’s above the median income.*
- b. *And, of course, employers can top up salaries further if they choose to. That means workers in any part of the UK can retain their job, even if their employer cannot afford to pay them, and be paid at least 80% of their salary. The Coronavirus Job Retention Scheme will cover the cost of wages backdated to March 1st and will be open initially for at least three months - and I will extend the scheme for longer if necessary.*

170. Monday 23 March 2020 was another landmark day. It was on that day that the Prime Minister announced a further series of measures beyond those announced the previous weeks (such as the school closures and social distancing) which would come to be known as the first lockdown. He explained them as follows:

- a. *To put it simply, if too many people become seriously unwell at one time, the NHS will be unable to handle it - meaning more people are likely to die, not just from Coronavirus but from other illnesses as well. So it's vital to slow the spread of the disease. Because that is the way we reduce the number of people needing hospital treatment at any one time, so we can protect the NHS's ability to cope - and save more lives. And that's why we have been asking people to stay at home during this pandemic. And though huge numbers are complying - and I thank you all - the time has now come for us all to do more.*
- b. *From this evening I must give the British people a very simple instruction - you must stay at home. Because the critical thing we must do is stop the disease spreading between households.*
- c. *That is why people will only be allowed to leave their home for the following very limited purposes:*
 - *shopping for basic necessities, as infrequently as possible*
 - *one form of exercise a day - for example a run, walk, or cycle - alone or with members of your household;*
 - *any medical need, to provide care or to help a vulnerable person; and*
 - *travelling to and from work, but only where this is absolutely necessary and cannot be done from home.*
- d. *That's all - these are the only reasons you should leave your home. You should not be meeting friends. If your friends ask you to meet, you should say No. You should not be meeting family members who do not live in your home. You should not be going shopping except for essentials like food and medicine - and you should do this as little as you can. And use food delivery services where you can. If you don't follow the rules the police will have the powers to enforce them, including through fines and dispersing gatherings.*
- e. *To ensure compliance with the Government's instruction to stay at home, we will immediately:*
 - *close all shops selling non-essential goods, including clothing and electronic stores and other premises including libraries, playgrounds and outdoor gyms, and places of worship;*

- *we will stop all gatherings of more than two people in public – excluding people you live with;*
- *and we'll stop all social events, including weddings, baptisms and other ceremonies, but excluding funerals.*
- *Parks will remain open for exercise but gatherings will be dispersed.*

171. These announcements were all quickly adopted by the Executive (**Exhibit DS/65 - INQ000048449**) and announced by the First Ministers shortly after the UKG announcements and came into effect at the same time across the UK although the necessary regulations to give effect to the restrictions often lagged the announcements, but usually by no more than a few days at most. These decisions were, as I recall, effectively a fait accompli. The Executive was not involved in any meaningful way in the UKG decision-making process. In those early days I do not recall the CMO ever suggesting the Executive should follow a different path and I also have no recollection that ministers ever seriously questioned the UKG's decisions (but please also see my comments at paragraphs 301 and 367 below).. This was for me one of the most extraordinary periods of my career. We were all working at such pace and with considerable anxiety for our families, our colleagues and all the people in the community who were relying on us that it is difficult to recall precisely what the general mood "on the ground" was during the last two weeks in March and into early April. For most of us my recollection is that the enormity of what we were dealing with was not comprehended largely because we were so preoccupied with the complex and multi-layered response. To a greater or lesser extent we were all grappling with the need to:

- Introduce physical social-distancing measures;
- Putting safety and hygiene measures in place at a time when there were acute shortages of eg anti-bacterial products;
- provide staff with the capability to work from home including the provision of PCS and laptops which were extremely scarce at the time;
- ensure that there was cover for those in essential frontline services so that they could continue to work (eg by keeping schools open for HSC staff);
- re-deploying staff to new functions with which they were not familiar and on which they would have to work from home;
- think practically and creatively about how to address the many new challenges

- developing new policies to provide financial support and other support for vulnerable people and for those businesses who were no longer able to function
- work across traditional boundaries with partners from all sectors
- set aside all unnecessary bureaucracy while still recognising the need for proportionate governance and accountability, especially given the unprecedented sums of public money which were being allocated to tackle the many consequences of the pandemic; and
- manage this unprecedented scenario with limited financial and personnel resources; and
- begin to comprehend and then mitigate the wellbeing impacts which we quickly knew would affect a great many people.

172. Speaking personally, I think it was through immersing myself in the myriad of these challenges that helped me avoid being emotionally overwhelmed by the scale of the challenge we faced or becoming unduly fearful for my family about the threat of the disease. Speaking to others later on made me realise I was not alone in this.

173. Once applied, the new restrictions brought clarity to the work of the Executive (the steps and measures which had already been taken or which were already in place are summarised in the table at paragraph 129). Considerable effort was made by the TEO communications team in the Executive Information Service (EIS) to ensure that the instructions to citizens were clear and to draw attention to the financial support measures provided by the Chancellor as compensation for those who would be prevented from going to work. In putting in place all these measures, it was clear to me that the primary motivation was to protect the Health Service from being overwhelmed as the virus spread rapidly through the population.

174. Some have questioned why the lockdown was not brought in earlier. I can only comment from a Northern Ireland perspective and my recollection is that there was no realistic prospect of Northern Ireland moving to lockdown ahead of the UK Government. For this to happen three conditions would need to have been fulfilled:

- a. The CMO would need to have recommended strongly that this was necessary to protect the Health and Social Care System in Northern Ireland;
- b. A financial package broadly equivalent to the Chancellor's Coronavirus Job Retention Scheme would have been needed before the Executive could have directed (e.g.) that significant parts of the economy must shut down with non-

essential workers being required to stay at home. This would not have been remotely affordable within the finances available in the Executive's Resource budget; and

- c. There would need to have been a political consensus behind such a measure which, to my mind, would have been inconceivable in the absence of the first two conditions being fulfilled.

175. My advice to First Minister and deputy First Minister was primarily around the processes which the Executive should adopt to coordinate and manage the crisis. I did not see it as my role to provide advice on either the Health or NPI measures needed to tackle the pandemic. I saw these as matters which were for the DoH.

176. In practice the governance arrangements I suggested were followed, though these were subject to regular and ongoing revision and improvement based on experience and consultation between ministers, SpAds and senior officials.

Concept of “following the science”

177. At the Executive meeting of 16 March 2020, the First Minister is recorded as saying “we will not be moving from medical advice” (Exhibit DS/47 - INQ000048447). My understanding is that when the First Minister talked about “following the science” she was saying that the Executive needed to heed the advice of the DoH CMO and CSA whose advice was in turn informed by the advice of the UKG CMO and CSA, supported by SAGE and other sources of medical and scientific expertise. I subsequently got a letter from the First Minister (with a DUP letter head rather than First Minister stationery) on 29 March 2020 (**Exhibit DS/66 – INQ000398435**), which, inter alia, stated that: “*we must also continue to access the expert advice available across the UK, working in collaboration and ensuring full integration through our Chief Medical Officer in Northern Ireland and continued working within the SAGE framework. This is in acknowledgement that the SAGE system is also taking full cognisance of the international expertise, WHO and learning from the tracking of the epidemic across the world and in other countries.*”

178. Northern Ireland is a relatively small region of 1.9 million people (smaller for example than the population of Greater Manchester) where it would not be feasible to replicate the extent of medical and scientific research available to the UK government. Nonetheless, my experience throughout my time was that the CMO and the CSA were questioned extensively by Executive ministers often showing a considerable

understanding of the science. Both advisors were patient in their handling of these questions and on occasion undertook to come back to the Executive with additional material to help satisfy the minister or ministers who had asked the questions.

179. I recall that the ministers in the Executive seemed broadly content to develop strategy and policy in response to the pandemic which was informed by the advice from the CMO and CSA albeit that there was frequent debate about the gradation of necessary responses particularly when it came to relaxing the restrictions which had been put in place from 23 March. I do not recall any strong appetite amongst ministers to adopt policies or practices which would have been significantly at odds with what was being proposed and adopted in either London or Dublin. Furthermore, my recollection at that time was that the measures and approaches being implemented in Northern Ireland were not fundamentally different in character to what was being implemented in Great Britain or in Ireland albeit there may have differences in timing, degree and scope.

Herd Immunity

180. Herd immunity may have been mentioned at the Executive; however I do not recall it ever being considered or proposed by the DoH at any stage, nor do I recall any Minister at the Executive ever suggesting it should be something which should be explored in depth.

Executive Committee Responding - Lockdown

181. Prior to 3 March the Executive's approach to the emerging Covid-19 pandemic, in line with the advice from the UKG CMO, was that the existing Pandemic Flu Plan was the appropriate response as it was understood at that time. Between 3 March and 19 March 2020, the Executive's plans for responding to the pandemic were consistent with the UKG Coronavirus Action Plan published on 3 March 2020 (**Exhibit DS/67 - INQ000047923**) as reflected in the advice from the Minister of Health and the CMO during that period as I have described above. This was overtaken by the announcements made in London and Belfast (and in Cardiff and Edinburgh) between 18 and 23 March (which I have described above in paragraphs 105 and 170) and which became known as the first lockdown.

182. The UKG approach which the Executive followed from around 19 March 2020 was based on the scientific and medical advice available at the time and was informed by the work undertaken by the advice various expert groups and advisors, including SAGE, who were feeding into the UK CMO. At the outset of the pandemic, I understood that the

scientific understanding of the Covid-19 virus was limited but that it was improving as the scientific analysis developed and as better data became available. At all times I understood that the UKG CMO was taking account of the best scientific advice available, hence the plans being rolled out by UKG were the most appropriate response to the pandemic as it was understood at that time.

183. The Executive's response to the pandemic was continually evolving as the Coronavirus spread westwards and knowledge of its characteristics improved. My recollection is that the Executive was advised by DoH that we might expect a lag in the initial progress of the virus between Southeast England and Northern Ireland which could be anywhere between seven days and two weeks. However, I cannot trace any documentary evidence for this, but it was a firm recollection I had from that time. The Executive had already agreed to the phased activation of the NICCMA on 16 March 2020 with CCG NI and the Hub being brought into operation on 18 March 2020.

184. My view is that at the time the DoH and the Executive were taking appropriate action based on the scientific evidence and advice available at the time and the actions being taken were broadly in line with what was happening in GB. I do not recall having any major reservations that Northern Ireland had been tardy in implementing a health or NPI measure which had been recommended by the CMO and endorsed by the Executive.

Revised Executive Strategy and Action Plan

185. At the Executive Committee meeting on 30 March 2020 (**Exhibit DS/68 - INQ000048450**), a draft Executive Strategy and Plan was discussed (**Exhibit DS/69 - INQ000065748**). The Executive "agreed that further work should be undertaken to populate it with additional information from departments, and that the key elements of the Department of Health's Emergency Response Strategy should be integrated within it". A revised Executive Strategy and Action Plan was noted by the Executive at its meeting on 3 April 2020. The minutes of that meeting also record that priorities, actions and metrics would be further streamlined in liaison with departments and following receipt of outstanding responses.

186. On Monday 23 March 2020, the day the national lockdown was announced, testing in Northern Ireland by the DoH had resulted in 20 new positive cases bringing the total number of confirmed cases in Northern Ireland to 148. At that time two people who had tested positive had died and the total number of tests completed in Northern Ireland was 2692 (**Exhibit DS/70 - INQ000289724**).

187. This was a period of intense activity with an Executive Covid Crisis Management Committee (ECCMC) meeting being held every day that week (see minutes exhibited below). The first meeting of the ECCMC took place on Friday 20 March 2020. At the meeting, ECCMC considered the first draft of the COVID 19 heatmap and agreed priority issues to discuss at future meetings. Daily ECCMC meetings were held commencing Friday 20 March 2020. A submission was provided to Ministers setting out a proposed schedule of ECCMC meetings [**Exhibit DS/71 – INQ000279506**] and the daily rhythm in relation to the meetings is exhibited at **Exhibit DS/72 – INQ000305170**. Discussion at these meetings covered the sitrep, general updates and events related to Covid-19, including press conferences, as well as a specific priority issue that was covered in detail at each meeting, as follows

- Friday 20 March – Health surge plan (**Exhibit DS/73 - INQ000305168**, **Exhibit DS/72 - INQ000305170**, **Exhibit DS/75 - INQ000305169**, **Exhibit DS/76- INQ000305176**)
- Monday 23 March – Mitigation of economic impact (**Exhibit DS/77 - INQ000305177**, **Exhibit DS/78 - INQ000305173**, **Exhibit DS/79 - INQ000305174**, **Exhibit DS/80 - INQ000305185**, **Exhibit DS/81 - INQ000305180** and **Exhibit DS/82a – INQ000279521**, **Exhibit DS/82b - INQ000279522**, **Exhibit DS/82c - INQ000279523** and **Exhibit DS/82d - INQ000279524**).
- Tuesday 24 March – Vulnerable people (TEO-M2C-488(a-c) – **Exhibit DS/83a - INQ000305210**, **Exhibit DS/83b - INQ000305187** and **Exhibit DS/83c - INQ000446213**
- Wednesday 25 March – Dignity and respect for the deceased and bereaved (**Exhibit DS/84– - INQ000305208**)
- Thursday 26 March – Education issues (**Exhibit DS/85a - INQ000305194**, **Exhibit DS/85b - INQ000446214**, **Exhibit DS/85c - INQ000446215** and **Exhibit DS/85d - INQ000446216**)
- Friday 27 March – DAERA issues (**Exhibit DS/86a – INQ000305205**, **Exhibit DS/86b - INQ000446217**, **Exhibit DS/86c - INQ000446218** and **Exhibit DS/86d - INQ000446219**)

188. ECCMC was originally envisaged as a sub-committee of the Executive that could consider specific issues with relevant Ministers and bring recommendations to the full Executive for decisions to be taken. On one occasion, Tuesday 24 March 2020, the ECCMC meeting went into Executive Committee mode for one agenda item to consider an urgent Executive decision on additional measures for social distancing, before reverting to ECCMC mode.

189. This format was intended to ensure efficient use of Ministerial time by not requiring each Minister to attend every daily meeting, where the priority item for discussion was not relevant to their responsibilities. However, it became apparent that this presented challenges in relation to timely decision-making by the Executive Committee and the provision of updates by the Minister of Health, who had an extremely busy diary and was therefore unable to be present for the entirety of all ECCMC meetings.

190. On Tuesday 24 March 2020 I recall the deputy CMO being pressed hard by ministers at the ECCMC meeting about issues such as PPE provision, test kit and ventilator availability, social distancing guidance, domiciliary care provision, medicine and oxygen supply levels, dentist and optometrist availability etc. Later that day I had separate meetings with Madeleine Alessandri, and also with Philip Weir and Emma Pengelly who were the two DUP SpAds (**Exhibit DS/87 – INQ000446220**) I dialled into a Cabinet Secretary Top 200 meeting. I had a meeting with Junior Minister Kearney to discuss how we might make best use of the three main Northern Ireland sporting associations: the GAA, the IFA and Ulster Rugby in support of the Executive's efforts to help marginalised and vulnerable groups. Later that day I joined the Cab Sec (O) meeting at 17.00 and in the evening I would have been dealing with correspondence and keeping in touch with colleagues on the issues of the day. This was a typical working day at that time.

191. On Thursday 26 March 2020 I had a stocktake meeting with the First Minister and deputy First Minister. We agreed that:

- The Executive needed to agree with the Minister of Health a plan for the next three months which was realistic about the availability of community testing, PPE, ventilators and medicines;
- The Executive needed to focus in a balanced way on other priorities including vulnerable children, shielding, the economy and transport;

- The Executive needed to be satisfied that there were realistic plans in place to address all the issues in the top right-hand box of the “heatmap”;
- The daily sitrep needed to improve and be relevant to ministers for decision-making (my understanding of this was that the sitrep needed to focus on the key issues of concern to ministers. Anthony Harbinson describes in paragraph 38 of his statement how the sitrep was revised on 30 March to become more user friendly with greater use of tables, graphs and info-graphics to help present information as meaningfully as possible as an aid to decision-taking. The revised format remained fixed for the next 60 sitreps) ; and
- The Executive would need to move to remote working and show a strong measure of corporate responsibility (**Exhibit DS/88 – INQ000398437**).

192. I fed this discussion back to Richard Pengelly in DoH and with Karen Pearson and Anthony Harbinson sought to address the non-DoH issues. These were the priorities we were dealing with at that time. Nonetheless work had started on the draft Executive Strategy and the records show that an early draft was considered by the Executive on Monday 30 March 2020 with a revised draft being agreed on Friday (3 April 2020) of that week.

193. On 31 March 2020 I wrote to the First Minister and deputy First Minister (**Exhibit DS/89 – INQ000398438**) to give them an update on:

- the plans for the implementation of the Strategy which had been agreed by the Executive the previous day;
- progress with improving the quality of data needed for the daily sitrep, the Emerging Executive strategy and the UKG’s requirements; and
- plans for the future rhythm of Executive meetings including a proposal that we strand down the ECCMC meetings which had fulfilled their purpose and revert to a normal schedule of Executive meetings and probably reducing to twice weekly meetings.

194. I also recommended strongly that all Executive meetings should henceforth be conducted online (which was accepted). The Executive meetings in January and February had been held in Room 21 in Parliament Buildings but with the need for social

distancing they moved to the Senate Chamber and eventually settled in the Members' Dining Room. However, by this stage I no longer felt that we could safely meet in person even in a large room with ample space for social distancing.

195. On Tuesday 31 March 2020, Ministers were notified that there would be no ECCMC meetings until further notice as they had largely fulfilled their information-sharing purpose. As I recall, this decision followed a discussion I had with the First Minister and deputy First Minister in the margins of one of the final ECCMC meetings. It was never envisaged that ECCMC meetings would be needed over an extended period. My recollection is we quickly agreed that ECCMC meetings had fulfilled their information-sharing function and that the time was right to return to normal Executive meetings which were focused on issues which required Executive agreement. An Executive meeting was arranged for Friday 3 April 2020 and Ministers were notified on Wednesday 1 April 2020 that the First Minister and deputy First Minister had agreed to three Executive meetings in week commencing Monday 6 April 2020.

196. Events were moving at a very rapid pace at this stage following the introduction of the full lockdown the previous week. Case numbers and deaths were rising, the Health and Social Care service was coming under the most intense pressure and all departments were adjusting and evolving their mitigation plans and strategies in the light of the changing circumstances. Knowing what I knew at that time (including what resources we had available to us) I consider that the Draft Executive Strategy and Plan was timely in the circumstances.

Relaxations Roadmap - Coronavirus: Executive Approach to Decision-making

197. As we moved through April 2020 and noted that the R rate was dropping, that deaths and new infections were reducing, Executive discussions increasingly turned to how the Executive should begin to reduce the restrictions. The minutes of the Executive meeting on 20 April 2020 state the Executive: "...noted a paper from the Welsh government, which had been circulated by the Minister of Health, on the development of a framework for easing the COVID-19 restrictions; and agreed that an early dedicated discussion on developing a strategy for emergence from lockdown should take place" (INQ000048457). As I recall, the emergence of this paper reinforced the Executive's view that an appropriate framework for deciding how to remove or reduce restrictions in Northern Ireland should be a priority for the Executive. As in all Covid-19 considerations, due care was paid to the advice of the CMO and CSA and to developments in GB and in Ireland. Work on developing a relaxations roadmap began around this time and led to

the agreement of the document “Coronavirus: Executive Approach to Decision-making” (**Exhibit DS/90 – INQ000212993**) at the Executive meeting on 11 May 2020. This was published at a press conference led by the First Minister and deputy First Minister on 12 May 2020.

198. The document described the approach the Executive would take to the regular reviews of the Coronavirus Regulations when easing restrictions set out in regulations to ensure a system wide approach was taken. This replaced the ad hoc approach which had largely applied before the “Coronavirus: Executive Approach to Decision-making” document was agreed. Before this guide to decision-making was agreed, the few decisions which were taken to ease restrictions were largely taken as issues arose (for example around burial grounds, see paragraph 207) rather than on any strategic basis.

199. Several key guiding principles were established:

- (i) Controlling transmission. A restriction or requirement should only be relaxed when there is a reasonable prospect of maintaining R at or below 1.
- (ii) Protecting healthcare capacity. The healthcare system should not be allowed to be overwhelmed by a second or subsequent wave of the pandemic.
- (iii) Necessity. In accordance with the terms of the Regulations, a specific restriction or requirement should be retained only as long as it is considered necessary to prevent, protect against, control, or provide a public health response to the incidence or spread of Coronavirus.
- (iv) Proportionality. The detrimental impacts on health, society and the economy that can reasonably be attributed to the restriction or requirement should be tolerated only as long as the risks associated with withdrawal or modification are assessed to be more severe.
- (v) Reliance on evidence. Proposals for change or for the retention of a restriction or requirement should be informed by the best available evidence and analysis.

200. To the best of my recollection, these principles were adhered to during the remainder of my time as HOCS.

201. Obviously it would have been desirable to produce and publish this strategy earlier. However, it is worth noting that the Executive was not out of line with progress elsewhere. The UKG published a similar document on 11 May 2020. The Scottish

Government published their version on 18 May 2020 and the Welsh Government on 15 May 2020.

202. The Executive was relying on advice from the CMO and CSA and on lessons learned in GB and, to an extent, from the Irish Government. I do not recall the CMO ever advising that there was anything detected in the progression of the virus to suggest that the trajectory in Northern Ireland was, or was likely to be, significantly different to the progress of the virus in GB or Western Europe. For that reason, and because of the limited capacity and capability of the NICS to mimic, or second guess, the research being done by the UKG, the Executive did not commission the gathering of evidence on what was working elsewhere as other countries emerged from lockdown. I have now seen the CMO's statement of 24 July 2023. At paragraph 221 he notes that at various times the epidemiology differed between NI and Ireland as it did between parts of the UK. At other times he noted that the epidemiology in NI was much closer to Ireland than the rest of the UK. Nevertheless, he goes on to say that the advice from the respective CMOs to their ministers to inform policy decisions in each jurisdiction was based on the trajectory of the pandemic, relevant modelling and health service pressures in each jurisdiction at points of time. I do not recall Executive ministers ever calling for any independent research. It is though worth noting that the CMO agreed to a request from the CSA to establish a Strategic Intelligence Group in March 2020. This was chaired by the CSA and its purpose was to consider scientific and technical concepts and processes to improve understanding of the evolving Covid 19 pandemic, including approaches to mitigating the potential impacts.

NI Hub

203. On 18 March 2020, Anthony Harbinson, Grade 3 from Department of Justice, took up his temporary secondment to TEO as Chief of Staff to run the NI Hub and its associated support structures, including the Departmental Operational Centres (DOCs). The NI Hub was operational in full active status from 18 March 2020 until 12 June 2020, when the last situation report issued to CCG. The first action log was created on 18 March 2020.

204. As Chief of Staff to the NI Hub, Mr Harbinson supported me in the CCG and at Executive meetings at which he delivered the situation report and reported any new developments, as frequently as required. He also regularly briefed the First Minister and deputy First Minister as well as joining them at COBR meetings and on calls with the UK Prime Minister and the other First Ministers from the Devolved Administrations.

205. Chris Stewart and I had been discussing the “soft stand up” (or phased introduction) of the NICCMA arrangements from early March 2020, this included consideration of when it would be appropriate to activate fully CCG and the Hub (**Exhibit DS/91 - INQ000398439**). For the purposes of responding to a health pandemic, DoH was the Lead Government Department (LGD). The role of LGD is described in paragraph 41 of the NICCMA protocol. It is a core principle that the response to a crisis should be led by the department or departments which have the relevant expertise. It was well-established that DoH would take the LGD role in a health pandemic and DoH remained the LGD throughout my time and, I understand, throughout the life of the Covid-19 pandemic. Our view at that time was that we should therefore take our lead from the DoH and the CMO. DoH had decided to activate its response plan in January 2020 which led to the opening of its Emergency Operation Centre (EOC). The Department had the discretion to ask for the activation of the NICCMA arrangements but did not do so during January and February. The DoH EOC was responsible for managing information flows, producing sit reps and maintaining a watching brief of the progression of the virus by monitoring sit reps from elsewhere in the department and from the NI Fire and Rescue Service. The activation of the Health Gold command was the highest level response available to the Department. As I recall, UKG moved to a whole of government response on or around 3 March 2020. The DOH Gold Command was activated on 9 March 2020. I do not recall a formal decision ever being taken that the Northern Ireland Executive should move to a “whole of government” response. The practical reality was that DoH remained the LGD but all major decisions about the policy response to the pandemic (including health and non-health responses) were taken by the Executive.

206. In deliberating over when we should activate the Hub, Chris Stewart and I considered the need on the one hand to make sure our civil contingency arrangements were operationally active at the optimal time. On the other hand, we were concerned that we should not draw significant resources into the Hub until this was absolutely necessary as this action would divert scarce resources from other priorities such as the ongoing work in TEO to prepare for EU Exit, to develop the PfG and implement NDNA. We were also conscious that other departments had their own priorities. This was a fine judgement call and it is important in this context to recognise that the Hub did not have any decision-taking powers. Its role was simply to collate and share information from across all Departments and key stakeholders including the emergency services, local government and the Ministry of Defence. At that stage of the pandemic, the senior team led by Chris Stewart in TEO was in regular discussion with DoH and was taking its lead

from the Department. My clear recollection is that the Department was not pressing for the activation of CCG and the Hub before 18 March 2020. In the absence of any request from DoH, or indeed any other department or agency, my judgement at the time was not to move ahead of DoH. However, with the rapid introduction of a wide range of non-pharmaceutical interventions (NPIs) from that date (such as the closure of schools which was announced on 18 March), it became clear that the Hub would need to be activated to help TEO meet its responsibilities for ensuring cross-sectoral resilience and ensuring the effective coordination of non-health responses.

207. As it transpired when the Hub was activated on 18 March 2020 the response to the call for volunteers was disappointingly low in the first instance. This was surprising to me given how recently we had operated the Hub successfully in the Yellowhammer Brexit preparations. I perhaps did not sufficiently anticipate that staff may have been reluctant to volunteer at a time when they may have been fearful for themselves and their families. Many staff also had to shield themselves at home and we also recognised that departments were having to staff up their own DOCs and may have been reluctant to release staff. Knowing what we know now, it may have been prudent to activate the Hub earlier, or at least test the availability of volunteers.

Development of Recovery Plan

208. Following the Executive's agreement of its approach to decision making on 11 May 2020, DoH and the Executive's main preoccupation was still to save lives and protect the Health and Social Care service. However, there was increasing recognition of the need to take a balanced approach to relaxing the many restrictions which had been put in place. The table below provides the chronology of Executive meetings held during this period showing there was regular consideration of the appropriateness of the restrictions.

Date of Executive meeting	TEO number	NPI Decisions
19.03.2020	TEO-1007	Agreed planning framework with 6 workstreams to deal with Covid-19
26.03.2020	TEO-1008	No key decisions made

Date of Executive meeting	TEO number	NPI Decisions
28.03.20		The Health Protection (Coronavirus restrictions) Regulations NI 2020 made to come into operation on 1 st April 2020
30.03.2020	TEO-1009	No key decisions made
03.04.2020	TEO-1010	Agreed plans to support vulnerable people during Covid-19
06.04.2020	TEO-1011	No key decisions made
08.04.2020	TEO-1012	No key decisions made
10.04.2020	TEO-1013	No key decisions made
15.04.2020	TEO-1014	Existing restriction regulations maintained
17.04.2020	TEO-1015	No key decisions made
20.04.2020	TEO-1016	No key decisions made
22.04.2020	TEO-1017	No key decisions made
24.04.2020	TEO-1018	<p>Agreed:</p> <p>access to burial grounds permitted for purposes other than funerals oversight by local councils</p> <p>Amend Regulation 5 of the Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020 (travel for Exercise)</p>
27.04.2020	TEO-1019	No key decisions made
29.04.2020	TEO-1020	No key decisions made

Date of Executive meeting	TEO number	NPI Decisions
01.05.2020	TEO-1021	No key decisions made
04.05.2020	TEO-1022	No key decisions made
07.05.2020	TEO-1023	<p>Agreed:</p> <p>existing restriction regulations maintained to recommend (not require) use of face coverings for short periods in enclosed spaces where social distancing not possible.</p>
11.05.2020	TEO-1024	Agreed Executive approach to Covid-19 decision making (to include decisions on NPIs)
14.05.2020	TEO-1025	<p>Agreed:</p> <p>Garden centres allowed to open from 18.05.2020 and guidance would be developed to enable marriages to take place on compassionate grounds.</p>
18.05.2020	TEO-1026	<p>Restrictions eased to permit:</p> <p>household waste to be taken to recycling centres;</p> <p>places of worship to open for individual acts of prayer;</p> <p>outdoor gatherings of up to six people not from the same household;</p>

Date of Executive meeting	TEO number	NPI Decisions
		<p>outdoor activities in general, and</p> <p>drive-in church services, live performances and cinema</p>
21.05.2020	TEO-1027	No key decisions made
28.05.2020	TEO-1028	<p>Agreed:</p> <p>existing regulations extended with amendments to be implemented from 08.06.2020 to:</p> <p>Permit hotels to take bookings from date to be identified</p> <p>Allow indoor visits by one person.</p> <p>Permit leaving home to attend to the needs or welfare of an animal or animals.</p> <p>Allow marriages and civil partnership ceremonies conducted outdoors, limited to 10 people attending.</p> <p>Opening of outdoor sports courts but retaining restrictions on indoor facilities.</p> <p>Allow conduct of business by outdoor non-food retailers including retailers of new & used cars; light motor vehicles, lorries/trailers; caravans or motorhomes, and agricultural or other large machinery.</p> <p>Allow opening of non-food retail outlets with low footfall and / or larger store areas,</p>

Date of Executive meeting	TEO number	NPI Decisions
		via direct street access or within a retail park only.
01.06.2020	TEO-1029	Agreed timeframe of reopening tourist accommodation
04.06.2020	TEO-1030	Agreed that Regulations be amended to enable tourist accommodation providers to take advance bookings ahead of conditional opening date of 20th July.
08.06.2020	TEO-1031	No key decisions made
11.06.2020	TEO-1032	Agreed to publish information presented to the Executive in relation to the virus to assist public understanding.
15.06.2020	TEO-1033	Agreed to a timeframe for re-opening the tourism/hospitality industry: caravan parks, camping sites and self-catering tourist accommodation brought forward to 26th June 2020 and other tourist accommodation permitted to open from 3rd July 2020

209. It is worth rehearsing the sequence of main actions which occurred during this period beginning on 19 March 2020, when the Executive considered the main objectives for a planning framework needed to support an integrated and society-wide approach in response to COVID-19 (**Exhibit DS/92 - INQ000023228**).

210. Subsequently, on 29 March 2020, Minister Swann wrote to the First and deputy First Ministers emphasising the need for a cross-Executive response to address the impacts

felt by all sectors and all levels of society to manage the broader societal response to the pandemic (**Exhibit DS/93 - INQ000023229**). A further letter issued from Minister Swann on 30 March 2020 (**Exhibit DS/94 - INQ000023184**) attaching the Department of Health's Emergency Response Strategy to COVID-19 (**Exhibit DS/95 - INQ000023185**).

211. At the same time as the NI Hub was activated on 18 March 2020, a COVID-19 Executive Strategy and Plan was developed (**Exhibit DS/96 - INQ000065748**). A verbal briefing was presented to the Executive on 30 March 2020 (**Exhibit DS/97 - INQ000048450**) at which time Minister Swann and the Chief Medical Officer also briefed the Executive on the Department of Health's Emergency Response Strategy to COVID-19 (**Exhibit DS/98 - INQ000023185**).

212. In March 2020, the development of a Programme for Government (PfG) was paused, as the Executive prioritised dealing with the pandemic (see note to Outcome Owners outlining the decision to suspend development of the PfG dated 19 March 2020 (**Exhibit DS/99 - INQ000279352**) and the PfG Team was redeployed to assist in the Covid response. In May 2020, Peter Toogood, the Grade 5 in TEO responsible for the PfG team (working to Chris Stewart, Director of Executive Support, Programme for Government and Civil Contingencies), took up post with an initial focus on how to progress recovery from the pandemic as case numbers started to decrease and Northern Ireland moved out of the first wave. Around this time I had asked Peter May who was Permanent Secretary in the Department of Justice, to lend support to Karen Pearson in the development of Executive recovery plans. Peter had considerable experience of dealing with crises and complex issues and he had also long experience of working with Karen Pearson in the Department of Justice. I had also discussed the implications of this move with Peter who had assured me that he could manage this additional task without creating a major risk to the running of DoJ. In this new arrangement, Mr Toogood initially worked to support Peter May in the development of the Coronavirus Executive Approach to Decision Making document, which was published on 12 May 2020 and which set out the approach the Executive would adopt in its regular reviews of the Coronavirus Regulations.

213. It was around this time that attention began to switch towards planning for recovery and renewal as described. My strong recollection, as I have explained elsewhere, is that there was limited capacity to begin this work before this date because of the commitment

that was needed across all departments to deal with the immediate response to the pandemic.

Was Executive Decision making effective?

214. The Executive in Northern Ireland, in common with the other jurisdictions in the UK was expecting a winter flu-type pandemic until late February. In simple terms the expectation was that an illness of this nature would see 20% of the workforce incapacitated at any one time with hospitalisation and death rates much lower than were experienced. Once the nature of the virus was better understood and the scale of the crisis became clearer, the Executive's response adapted in a manner which was broadly consistent with the approaches adopted in GB and in Ireland. At that time I had no reason to believe that these approaches were not broadly the right steps for Northern Ireland. Furthermore, I have explained that the nature of the five party Executive meant that gaining consensus took a little more time than in other jurisdictions. However, once reached, this meant that there was evidence to support the contention that the Executive's decisions were competent and coherent given the context which applied at the time. The involvement of the five parties also meant that the decisions enjoyed a very wide measure of political support and democratic legitimacy (as I explained earlier, the combined vote of the five parties in the 2017 Assembly elections was almost 90% of the total votes cast).

215. Having worked in this devolved context at a senior level in the NICS for around 20 years, my view is that the speed of decision taking by the Executive during the period of the first wave up to my retirement was as effective as anything I had experienced in the previous decade given the nature of the crisis which we faced and the context we were in at the time.

216. As it became clear that the Coronavirus was going to have a much more severe impact in terms of the numbers of people infected, the seriousness of the resultant illness and the consequent death toll, it was clear to me that the response in the UK and, arguably, most of western Europe was reactive and remained so until the first wave had largely passed. The Executive's reactive response in Northern Ireland was not materially different in this regard.

217. As we moved through the first wave and the focus shifted to the easing of restrictions, my sense was that the Executive collectively behaved in a more proactive manner when they were agreeing the decision-taking process for easing restrictions which was published on 12 May 2020. Nevertheless, it became clear that on many occasions when

specific relaxations were under consideration, there were differences of opinion about the relative priority which should be given to safeguarding the economy as opposed to protecting public health. Views tended to reflect ministerial responsibilities with, for example, the Economy Minister Diane Dodds making representations on behalf of businesses. Such debate was not unique to Northern Ireland and there were strong arguments on both sides with positions being sincerely held. (see also paragraph 78 above). Given the nature of the five-party coalition, it was not always easy to gain agreement quickly and meetings were often long and frequently had to be adjourned for several hours. Sometimes they had to be re-convened on later dates. Hence my view is that there was a desire to be proactive, but politics often made this difficult in practice.

Government Machinery responding to Pandemic

218. By 19 March 2020 my recollection is that almost all areas of government were now either actively responding to the pandemic (most notably DoH for whom the pandemic had been a top priority for over two months by this stage) or planning to deal with the wider non-health consequences.

219. Aside from managing Executive business my main objective was to ensure that the NICS was able to meet its many responsibilities and address the myriad of challenges which were arising because of the lockdown. In doing so I was able to rely on a team which was experienced, capable and professional. It helped hugely that the NICS top team of permanent secretaries had been through a training and development exercise during 2018-2019 which had helped to forge a stronger team ethos. It had been planned to evaluate the effectiveness of this initiative in early 2020 before developing the programme further. However, the onset of the pandemic unfortunately meant that some momentum was lost. Nevertheless, the stronger bond which I saw in the top team in my view helped us to collaborate and coordinate departmental actions better throughout my time as HOCS in 2020.

220. I saw my main role as being to ensure that everyone was cooperating well and that we were delivering a whole of government response to the pandemic. I realised that everyone was being incredibly stretched and that I should focus my attention where things were not working as smoothly as they should. I aimed to work on the principle of subsidiarity – ensuring that decisions and actions were taken at the lowest level possible and that at the centre in TEO we were only performing those tasks which could not be performed at a departmental level. To help me understand what was happening I relied on the following:

221. CCG (NI) The daily sit reps (both the UK-wide and NI versions) coupled with the CCG meetings allowed me to hear directly from all the main players: the permanent secretaries, local government, the “blue light” organisations who had such a critical role to play (PSNI, NIAS, NIFRS) and the NIO. This direct contact gave me a daily up to date overview of new and emerging issues. I also relied on my TEO colleagues:

222. The Executive Office top team:

- Andrew McCormick: the Director General for International Relations dealt with all ongoing Brexit issues which had been, until the Pandemic, UKG's top priority and which had profound implications for Northern Ireland both politically and economically. Many of the issues arising from Brexit remain live to this day including the DUP's collapse of the Assembly and Executive in February 2022 over the Ireland/Northern Ireland Protocol. Andrew was also my nominated deputy in the event of any incapacity on my part. Throughout the Covid-19 pandemic Brexit remained a major priority for the Executive and I am hugely indebted to Andrew for the way in which he ensured the Executive remained focused on this even while they were understandably preoccupied with the Covid crisis. I am also grateful for the unstinting support he provided to me during this period.
- Mark Browne: was the TEO Accounting Officer and who also looked after a range of critical TEO operational functions. He provided vital support to me by ensuring that the routine business of the Department was delivered effectively during the Pandemic.
- Karen Pearson: led the Covid-19 coordination function within TEO (which was to become the Covid Task Force after my retirement). She brought a wealth of experience in crisis management from her time in the Department of Justice and as the head of the Brexit team. Karen quickly earned the trust of ministers in this pivotal coordinating role.
- Anthony Harbinson: took on the role of Chief of Staff of the Hub. This was a difficult role made more difficult by the absence of volunteers to staff up the Hub when it was activated on 18 March 2020. I have read Anthony's witness statement and recognise the issues he had to deal with. It is not completely clear why so few volunteers came forward initially though a number of factors were clearly in play including: departments were needing to staff up their own

DOCs, many staff had to shield at home, other staff may have been wary of committing to working in an office environment even with social distancing, and there was some unhappiness with the remuneration sought by those who had served in the Hub during the Brexit Yellowhammer preparations. Anthony proved adept at quickly pulling together a team comprised of NICS volunteers, staff from the Strategic Investment Board (SIB) supported by consultants from the main professional services organisations. I owe a great debt of gratitude to Anthony for his commitment and resourcefulness.

- Chris Stewart: had to shield for health reasons but provided important support to Karen and Anthony. He also assisted DoH with the drafting of Covid-19 regulations which was particularly valuable in the early phase of the first wave of the pandemic. He was a vital source of advice and support to me during this difficult period.
- Chris McNabb: was head of the Executive Information Service (EIS) and was responsible for providing external communications support to the FM, dFM and the Executive and for coordinating the work of the departmental press offices. He and his team arranged press conferences and provide media support to ministers, more or less on a daily basis, throughout the first wave of the pandemic despite the fact that a number of his team had to shield.

The Northern Ireland Departments

223. I also relied heavily on the permanent secretaries of the eight NI departments all of which were affected by the pandemic and all of which had an important contribution to make to addressing the issues arising from the transmission of the virus and the consequent lockdown. Some of the major issues which each was grappling with are set out below.

- Department of Agriculture, Environment and Rural Affairs: Denis McMahon and his team were already in the front line of dealing with the implications of Brexit at our ports. During the pandemic, a major challenge was to ensure that the agri-food sector continued to operate effectively, ensuring that fresh food got “from farm to fork”. In the early phases the Environment Agency also had to address issue around waste management.

- Department for Communities: Tracy Meharg and her team had several challenges arising from the need to support vulnerable people. Maintaining the social security system was an operational priority as was the need to support people who were having to shield at home. Original estimates were that around 40,000 people would need personalised support. In practice it turned out that around 80,000 people needed support at home including the provision of food and other services. This was a monumental challenge which was a notable success and a shining example of working cross-sectoral working across central and local government and in collaboration with charitable and community organisations and the business community.
- Department for the Economy: Mike Brennan and his team had the task of ensuring that the economy was not irreparably damaged by an extended lockdown. His department provided good analysis of risk and proposed a series of measures to support businesses in a way which complemented the support provided by UKG.
- Department of Education: Derek Baker and his team had to manage the delivery of education services at a time when schools were closed. An early priority was to provide schooling for the children of priority frontline workers particularly health service workers.
- Department of Finance: Sue Gray and her team had to deal with the public expenditure implications of the pandemic and ensure the NICS continued to function effectively. This meant ensuring that the centralised services such as Finance, HR and IT were resilient. It also meant that the operational services provided by DoF such as the Land and Property Service (LPS) and the NI Statistics and Research Agency (NISRA) met customer needs and, in the case of the LPS, were capable of providing novel support to businesses. NISRA also had an important role to play in ensuring that quality statistics were provided.
- Department of Health: Richard Pengelly and the CMO and their teams were the lead Department when it came to dealing with the health impacts of the virus. Both were highly experienced and capable and they (and their teams) deserve great credit for the commitment and dedication shown throughout the pandemic. DoH had been dealing with the virus from January and were working around the clock throughout the crisis. It should go without saying that all the staff in the Health and Social Care system deserve all our respect for

the selfless dedication they showed which went well beyond the normal call of duty, even in the context of a Health Service which was hard-pressed at the best of times.

- Department for Infrastructure: Katrina Godfrey and her team had to deal with a range of operational issues involving the provision of water and sewerage services, transportation services including public transport, roads and rivers. Ensuring the ports were operational and that ferry services continued to operate was also a major challenge especially in the early days of the pandemic.
- Department of Justice: Peter May and his team working with the various criminal justice agencies including the PSNI, the Courts and the Prison Service faced several challenges including ensuring there was compliance with the various social distancing and travel restriction measures in public and in businesses and the hospitality sector. The Prison Service faced particular and obvious difficulties and in the early stages there was an urgent need to establish an emergency mortuary and provide support to the Coroner's service.
- Departmental Solicitor's Office: High Widdis, the Departmental Solicitor and his team provided extremely valuable advice to ministers and the NI Departments on the full range of legal issues which arose because of the imposition of the various restrictions on movement, business activity etc. I was grateful to him for the personal support and advice he provided including advice on the powers and duties of ministers and officials at a time of crisis.
- Office of the Legislative Counsel: Brenda King, the Legislative Counsel, and her small team provided extremely valuable advice and support to departments when preparing the legislation (including the many regulations) needed to give effect to the Government and the Executive's decisions on restrictions.
- Northern Ireland Office: Madeleine Alessandri and her team in the NIO provided a useful conduit to the UKG and helpfully seconded staff to the Hub. I met Madeleine on a regular basis to discuss issues of mutual interest focusing on NI issues where the NIO could help. One such meeting on 26 March 2020 covered the political situation, health and economic impacts, the state of the public sector and the international position (**Exhibit DS/100 – INQ000091322**).

Madeleine and I also covered for each other if either of us was unable to attend the daily Cab Sec (O) meetings.

224. My recollection is that the days and weeks from late February until early April were the most challenging and chaotic period of the first wave of the pandemic and probably some of the most difficult days of my long career. It was around this time that we began to realise that the pandemic would not be over in a matter of weeks or even months and could conceivably last well into 2021.

225. Thus, it was increasingly clear that we would need to focus on the resilience of our teams. I sent a note to all staff on 23 March 2020 (draft note is provided at **Exhibit DS/101 – INQ000398441**) setting out what we would all need to do to continue to deliver essential public services while following the public health advice to protect ourselves, our loved ones, the vulnerable in society and the wider public. The note also contained a request for volunteers to staff up the NI Hub and the DOCs. On 6 April 2020, I sent a more personal message to all staff in the NICS which aimed to show at least some understanding of the physical and emotional toll that the pandemic was exerting on staff and to thank them for their efforts (**Exhibit DS/102 – INQ000398443**).

226. I also recognised that the top team may need some support and on 25 March 2020 I sent the team the following message offering them the option of obtaining personal leadership resilience support (which Jill Minne in NICS HR had helpfully sourced).

Note from David Sterling – 25 March 2020

I'm sending this note below to all perm sec and grade 2 colleagues.

These are some of the toughest times I'm sure any of us have had to deal with. You've performed minor miracles in recent times and I've rarely seen the team pulling together so well. But we need to recognise this is putting a severe strain on us as teams and individuals. I feel it personally and know that while adrenaline is keeping me going, that will not last forever.

We do need to look after ourselves and each other. And we need to try and maintain some form of sensible work life balance.

NR *who came to the Board recently is happy to speak to anyone who might find it helpful on a purely confidential basis as a form of leadership resilience support.*

His availability is obviously limited so we will need to confine this to the Grade 2 group. However if you have a colleague who you believe is in particular need of senior leadership resilience support we could extend this slightly.

Jill Minne is looking at support for NICS staff more generally through Inspire, OHS, Welfare and other partners and stakeholders. She will provide details as soon as possible to each of us.

If you are interested in taking up this offer don't hesitate to get in touch with

NR directly on a confidential basis on **I&S**

David

Briefing Ministers

227. The DoH was responsible for ensuring that the Executive and individual departments were appropriately briefed in the public health aspects of the pandemic. The senior teams within each department were responsible for ensuring their ministers were appropriately briefed on matters affecting their own departments. Advice to ministers would normally be provided by written submissions but could, where and when appropriate, be supplemented or replaced by oral briefings. The Executive Office policy teams led by Andrew McCormick, Mark Browne, Karen Pearson and Chris Stewart (whose roles I have described at paragraph 221 above) were responsible for ensuring the Executive was receiving appropriate briefings from across government. The CCPB was responsible for overseeing the operation of the contingency planning machinery. The Chief of Staff in the Hub was responsible for ensuring the daily sitrep and other data collected through the Hub was accurate, timely and sufficient to meet the needs of CCG and the Executive. The Executive Information Service was responsible for coordinating external communications across the NI departments. The NICS HR function in the Department of Finance was responsible for internal communications to all NICS staff. NISRA was responsible for the provision of official statistics.

Activating CCGNI

228. For the reasons set out in para 205, I activated CCGNI and the Covid-19 Hub in Castle Buildings on 18 March 2020. The intention was to use the facilities, procedures and personnel who had been involved in "Operation Yellowhammer" – the UKG codeword for the civil contingencies programme which was commissioned in 2018 in preparation for the risk of a "No Deal" Brexit. Staff were re-deployed from other activities to staff up

the Hub with many coming from the Brexit team (which created difficulties for our Brexit preparedness activities). However, as I have explained earlier the initial response to the request for volunteers did not yield the necessary numbers leaving Anthony Harbinson having to source staff from SIB and local consultancy firms.

229. A first CCG meeting in preparedness mode took place on 12 March 2020 and then again as it moved to response mode on 18 March 2020. It was unusual to invite ministers to the daily CCGNI meetings, however the First Ministers were very clear that they valued direct involvement with CCGNI, particularly as it allowed them to hear directly from front line responders and could understand better the current situation on the ground. The FM and dFM were both clear that they valued being able to listen to updates and discussions and expressed the view that the forum allowed them to remain fully engaged with the response across the whole system. They also advised me that it helped them prepare for the daily Executive meetings and press conferences, particularly in the early days of the pandemic.

230. As I have explained above, it was in these early days that I realised that CCG could not be the high-level decision-taking body envisaged in the NICCMA such was the magnitude of decisions that needed to be taken, which often involved placing severe restrictions on the lives of people and businesses. As these decisions were clearly novel, contentious and cross-cutting (within the meaning of the Ministerial Code) there was an early consensus amongst ministers and officials that such decisions would need to be made by the Executive Committee and not the CCG group.

231. Some CCG members felt that the presence of Ministers may have unintentionally reduced the ability for wide ranging exploration of views and the initial development of consolidated advice, however on balance I concluded that it was valuable to involve ministers in this way because of the trust and confidence they gained in the way the whole of government response was being coordinated and managed.

232. Article 4.— (1) of the Departments (Northern Ireland) Order 1999 provides that the functions of a department shall at all times be exercised subject to the direction and control of the Minister. In common parlance this means that “officials advise and ministers decide.” It is an important legislative provision and a constitutional convention to which civil servants are well-accustomed. So, while there may have been occasional frustration at the time it took to get ministerial agreement, especially in a five-party coalition, civil servants know and accept that this is how things are done and get on with it. As I have pointed out earlier, it is arguable that the value of gaining agreement from

all five parties, who collectively enjoyed the electoral support of 90% of the NI population, was a price worth paying for decision-making that often took longer than would normally be the case in a single party administration or a two-party, voluntary coalition.

233. I cannot recall an instance where the operational response was “impeded.” However, there were many occasions where it was difficult to gain agreement on, for example, the speed with which restrictions should be eased. As case numbers began to reduce, a special Executive Meeting was convened on Thursday 11 June 2020 to agree a strategic approach to decisions aimed at easing Coronavirus-related restrictions (**Exhibit DS/103 - INQ000048473**).

234. Decisions on when relaxations should be brought in were never clear cut and balances regularly had to be struck between, on the one hand, limiting the spread of the virus and, on the other, allowing people to resume their daily lives and resume economic activity. My recollection is that views on either side of these arguments were always genuinely held. The table below provides the chronology of Executive meetings held during Phase 2 and detail of the NPI decisions that were made, mostly in relaxation to relaxing the restrictions put in place during Phase 1. This shows the level of Executive activity which took place during that period.

Date of Executive meeting	TEO number	NPI Decisions
18.06.2020	TEO-1034	<p>Agreed:</p> <p>to communicate an indicative date of 29.06.2020 for reopening of places of worship and the 06.07.2020 for the reopening of beauty, nail, hair salons.</p> <p>the pausing of shielding advice from 31.07.2020.</p> <p>to permit limited resumption of youth service summer programme.</p>

Date of Executive meeting	TEO number	NPI Decisions
		free school meals, eat well live well and support for learning over summer.
22.06.2020	TEO-1035	Agreed: easement to enable a person to leave their home for the purpose of an indoor visit of up to six people (to come into effect on 23.06.2020).
25.06.2020	TEO-1036	Agreed: to ratify previously indicated dates for relaxations: Holiday and tourist accommodation (26.06.20) Opening of places of worship (29.06.20) Re-opening of hospitality, excluding some hotel offerings such as spas (03.07.20) Phased re-opening of visitor attractions (03.07.20) Re-opening of close contact services (06.07.20) to permit indoor training for elite sport.
29.06.2020		Agreed: to increase the number of people permitted to gather from 10-30 outside only. International Travel Regulations (NI) still required.
02.07.2020	TEO-1038	Agreed:

Date of Executive meeting	TEO number	NPI Decisions
		<p>to implement mandatory face coverings on public transport from 10.07.20.</p> <p>indicative dates for museums, galleries, private clubs & bookmakers to reopen.</p>
06.07.2020	TEO-1039	<p>Agreed:</p> <p>resuming indoor marriages and baptisms from 10.07.20 (subject to venue risk assessment to decide numbers).</p>
09.07.2020	TEO-1040	<p>Agreed:</p> <p>Removal of Regulations 4a (burial grounds) 5 (remaining where one lives).</p> <p>to introduce new regulations by 23/07/20 to permit up to 30 people to gather in a private dwelling and overnight stays.</p> <p>travel regulations still required.</p> <p>mandate face coverings on public transport (from 11.07.20).</p> <p>indicative dates for relaxations:</p> <p>10.07.20 (indoor marriages, baptisms and related celebratory events; indoor fitness studios and gyms; outdoor leisure playgrounds, courts and gyms; cinemas; bingo halls; and amusement arcades.</p> <p>11.07.20 (horse racing events and equestrian competitions; competitive games and sporting</p>

Date of Executive meeting	TEO number	NPI Decisions
		<p>events with increased numbers able to participate).</p> <p>16.07.20 (libraries).</p> <p>d. 17.07.20 (indoor sport and leisure facilities including rinks and leisure centres).</p>
23.07.2020	TEO-1042	<p>Agreed:</p> <p>increase the number of people allowed to meet indoors in private dwellings to 10 from 4 different households (from 24.07.20). Restriction of 30 outdoors retained.</p> <p>to amend legislation to provide for the mandatory use of face covering in enclosed public settings where social distancing unable to be maintained, such as retail environments (from 01.08.20).</p> <p>Agreed indicative dates for reopenings: pubs (10.08.20); outdoor sports spectators, swimming pools, spa wet treatments, bowling alleys, funfairs indoors and outdoors, community centres (24 July)</p>
27.07.2020	TEO-1156	<p>Agreed:</p> <p>to remove Spain as exempt country from International Travel Regulations (NI).</p>
30.07.2020	TEO-1044	No key decisions made.
06.08.2020	TEO-1045	Agreed:

Date of Executive meeting	TEO number	NPI Decisions
		<p>to defer indicative opening of wet pubs from 10.07.20 (review in 3 weeks).</p> <p>Reopening of theatres and concert halls for the purposes of rehearsals and live recordings without audiences from 08.08.20 and audiences (from 01.09.20).</p> <p>soft play should not reopen on 07.08.20.</p> <p>mandatory use of face coverings in certain indoor settings, including shops (from 10.08.20).</p>
13.08.20	TEO 1046	No key decisions made.
20.08.2020	TEO-1047	<p>Agreed:</p> <p>removal from of Andorra, Belgium and the Bahamas for travel regulations exemption list (and addition of Brunei and Malaysia).</p>
03.09.2020	TEO-1048	<p>Agreed:</p> <p>indicative date of 14.09.20 for reopening soft play.</p>
10.09.2020	TEO-1049	<p>Agreed:</p> <p>Localised restrictions for specific postcodes: Belfast City Council area plus BT28 and BT29, BT28 and the City of Lisburn, the town of Ballymena and BT43, BT10, BT11, BT12, BT17, BT9. In those areas advised: to only travel outside their area for essential purposes, including work or education; care home and</p>

Date of Executive meeting	TEO number	NPI Decisions
		<p>hospital visiting should be minimised; and elderly and those previously shielding advised to minimise their interactions with other people.</p> <p>to ratify indicative dates for reopening of wet pubs (21.09.20) and soft play (14.09.20).</p>

Conduct of Executive Meetings

235. The Inquiry has noted that on a number of occasions throughout the pandemic, Ministers complained at the start of Executive meetings about late arrival of briefing papers or proposals prior to an Executive Committee meeting (e.g. **Exhibit DS/104 - INQ000065718**). This was a genuine and persistent source of frustration particularly for the ministers from the three smaller parties (although I do not recall ever getting any formal complaints). Meetings of the Executive are conducted in accordance with Section 2 of the Ministerial Code which is made in accordance with the requirements specified in s28A of the NI Act (1998). In accordance with the Ministerial Code, the First Minister and deputy First Minister are responsible for convening and chairing meetings and for drawing up the agenda for each meeting, taking account of proposals from other Ministers.

236. Ministers seeking the agreement of the Executive to recommendations in respect of a certain policy or proposal do so through the preparation of a draft Executive paper, which is circulated for comment to all Ministers, and copied to, amongst others, the Attorney General, the Departmental Solicitor and First Legislative Counsel (where the matter deals with legislation or has legislative implications). Where necessary, a subsequent draft (or drafts) will be circulated to reflect comments received and any changes proposed.

237. The agenda for Executive Committee meetings is determined by the First Minister and deputy First Minister acting jointly, taking account of the papers which have been submitted by Ministers. Those papers that the First Minister and deputy First Minister have jointly agreed should be included on the Executive agenda are then subject to substantive discussion and agreement at an Executive meeting.

238. In the early weeks during January and into February the meetings were conducted in a constructive atmosphere. Despite many major policy differences, there was a clear desire across all the parties to make progress on a range of important policy areas and to begin the process of rebuilding public trust in the institutions which had been badly damaged during the three-year hiatus. While there was considerable public frustration with the three-year hiatus, my recollection is that people were prepared to give the new Executive a “fair wind”. I have no evidence to suggest that the people of Northern Ireland were less compliant with the Executive’s decisions on the management of the pandemic than in other jurisdictions.

239. There was some frustration from the members of the three smaller parties with what they characterised as the late agreement of Executive agendas and the consequent late circulation of Executive papers which often were not issued until very close to the start of meetings. This practice whereby agendas were not agreed between the two sides until very close to the start of the meetings and where papers were often not circulated until very late remained prevalent throughout my time in post. On several occasions meetings were adjourned to allow ministers time to read late papers.

240. It was a regular cause for complaint by the ministers of the three smaller parties. It was also an issue I often raised with the two offices. Commitments were regularly given to improve matters but with little obvious impact. I was advised that this had been a feature of previous Executive Committees and it became clear to me that, despite good intentions, there was nothing I could do which would guarantee any significant improvement. **Exhibit DS/105 - INQ000048466 & Exhibit DS/106 - INQ000065700.**

241. The problem was exacerbated by the apparent leaking of documents to the media. Ministers frequently raised concerns that advice provided to the Executive often appeared in the media and at times before Executive meetings had concluded. This had several impacts:

- It created an air of distrust between Executive ministers;
- It led (in my view) to some ministers, especially the Health Minister, becoming reluctant to provide papers until very close to the start of meetings; and
- It did not instil public confidence that the Executive was operating effectively and cohesively.

242. This was another issue which I discussed with the First Ministers and they regularly raised the importance of confidentiality at Executive meetings. I recall we had limited

capacity to conduct leak inquiries that would have any realistic chance of finding a culprit who was determined to cover their tracks. My recollection is that there was a specialist unit within the Office of the First Minister and the deputy First Minister (OFMDFM – which became TEO in 2016) which had the capacity and capability to undertake leak inquiries however this facility was disbanded some time ago. In any event, in an age where most documents are transmitted digitally and where mobile phones have cameras it has become increasingly difficult to ensure document security without introducing procedures which can become intrusive or time-consuming especially in a fast-moving context. This is not a problem which is unique to the Northern Ireland Executive, rather it now appears to be an occupational hazard in public life. For all these reasons, I do not recall any leak inquiries being conducted in TEO during my period as HOCS.

243. The Inquiry has drawn my attention to the CMO's statement to Module 1 of this Inquiry in which he states: "While the Department of Health was able to provide scientific and public health advice to inform Executive decisions in relation to [non-pharmaceutical interventions] NPIs, my observation was that Ministers initially felt less informed of the wider societal and economic consequences of NPIs (the provision of advice on the societal and economic consequences of non-health interventions is the responsibility of government departments other than Health)." (**Exhibit DS/107 - INQ000203352**, paragraph 66).

244. My understanding of this is that while the Department of Health was able to provide scientific and public health advice to inform Executive decisions in relation to non-pharmaceutical interventions, his observation at that time was that Ministers initially felt less informed of the wider societal and economic consequences of NPIs. I address the impact which this had on, for example, Section 75 groups at paragraph 372. Otherwise, I have no objective means of measuring these consequences and would accept that, at least in the first wave, there had been limited or no analysis of the wider societal and economic consequences of NPIs at both the UK and Northern Ireland level. The six ECCMC meetings were designed in part to address this by providing all ministers an opportunity to set out what they were doing to address the impact of the NPIs, for example the way in which the Department for Communities was planning to provide support to vulnerable people (**Exhibit DS/108 - INQ000277791**) but I would accept that these briefings were not an adequate substitute for a proper impact assessment, though it needs to be recognised that there was neither the time nor the resource to complete such assessments at that time.

245. Furthermore, as the pandemic developed over the late spring and summer of 2020 and beyond, the Department of the Economy's analysis of the impact of the pandemic and its prescription for what was needed to address the negative consequences of the NPIs was constantly improving as better data and analysis was obtained. In the early stages of the first wave in late March 2020 running through April and into May when the priority was to limit the spread of the virus and protect the Health and Social, Care services from being overwhelmed it was recognised that some groups would be at greater risks than others. The DoH had a clear role to play in identifying those who were clinically very vulnerable. There was also an important role for the Department of Communities in ensuring that vulnerable and at-risk groups who, for example, were having to shield or self-isolate at home, were provided with support. Initial estimates suggested that around 40,000 people would fall within this broad category and that home support would need to be tailored to the needs of each person. Over the course of the first wave, it transpired that around 80,000 people needed this type of support. This required a unique and unprecedented collaborative effort involving DfC, local councils, community, voluntary and sporting organisations and a range of businesses. However, while I consider this to have been a major achievement, I would accept that we probably did not do enough immediately at the time to assess the impact which the lockdown and the imposition of NPIs would have on certain minority groups such as ethnic minorities. We also perhaps did not sufficiently consider the societal impact which NPIs might have on, for example, the incidence of domestic violence or mental health. Undoubtedly there is a lesson to be learned here for the management of future pandemics though my clear recollection is that at that particular time during the first wave of the Covid-19 pandemic in 2020, we simply did not have the time, and perhaps the resources, to give the necessary consideration to the type of differential impacts which we now know affected certain minority groups. This oversight was a consequence of the exceptional pressures we were working under.

The first lockdown

246. On 23 March 2020, a UK-wide lockdown was announced by the Prime Minister. My recollection is there was a growing recognition that the sharp increases in infections, hospital admissions and deaths as the virus moved westwards across Europe and into England meant that increasingly severe restrictions were becoming inevitable in the 10 days or so before 23 March 2020. As the UK moved from Contain to Delay it was also clear from the analysis provided by the UK CMO and the DHSC Secretary of State that the NHS in England was coming under severe pressure with mounting concerns it could

be overwhelmed as had happened in at least parts of some European countries such as Italy. I do not recall what the DoH assessment was of the risk that the HSC might be overwhelmed in Northern Ireland as at 23 March 2020. DoH would be better placed to confirm what their assessment of this risk was at that time.

247. To the best of my recollection, Sweden was the only European country which did not introduce a full lockdown. Beyond that observation I do not have any hard evidence and nor do I feel sufficiently qualified to give an authoritative personal opinion on whether a lockdown might have been avoided if earlier interventions had been adopted. The Northern Ireland Executive at this stage was relying on the advice from the CMO and the CSA informed by their engagement with SAGE. . This in my view was entirely proper and at no time during my involvement as HOCS in responding to the pandemic did I ever have any concerns about the advice which CMO and CSA were providing to ministers and officials.

248. Whilst the Executive retained autonomy for decisions within its competence, in practice, the direction of certain decisions was set by actions from UKG. My recollection is there was an expectation that the UKG would be a first mover in “locking down” because of the pace at which the pandemic was spreading given the discernible seven to 14 day lag in the progression of the disease. It was also recognised that the Executive would not have the financial resources and vires necessary to put in place the necessary mitigating measure which were introduced alongside the lockdown (eg the “Furlough” scheme.) For those reasons I do not recall serious consideration being given, at that point, to the Executive developing a Northern Ireland-specific response to the pandemic, although there were differences in the timing of certain measures and later in the crisis the Executive did agree to introduce some NI-specific mitigating measures.

249. The heatmap produced by the TEO Covid team led by Karen Pearson dated 23 March 2020 shows that addressing the needs of vulnerable people was one of the highest priorities identified for action and response at that time. However, I now accept that higher priority should have been given to understanding the impact of the disease, and the steps taken to counter it, on all vulnerable groups. It follows that lessons need to be learned about how best to consult with groups which represent disadvantaged groups within Northern Ireland in any future crisis. I offer some thoughts on the lessons to be learned from the first wave in my reflections at the end of this statement.

The Coronavirus Regulations

250. Responsibility for the creation of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (the Regulations) sat primarily with the DoH.
251. Work to develop and refine the Pandemic Flu legislation which would enable the development of regulations to deal with the impact of the pandemic began in earnest in mid-February 2020. This work continued, in close liaison with the Cabinet Office (CO) and the other Devolved Administrations at a fast and intense pace until drafting of the composite UK-wide Bill was complete. Given the urgency of the situation, and that the Coronavirus Bill was introduced in Parliament within days of the draft Bill's completion, there was insufficient time for the Health Minister to follow the established Legislative Consent Motion processes in NI. It was for this reason that the Regulations had to be notified to the Executive as an urgent decision.
252. To overcome this issue, TEO worked closely with NI Assembly officials in the Assembly's Business Office and Bill Office to develop and agree a novel process which circumvented the usual well-established procedures whereby Assembly Committees would be given a minimum period to consider the legislation and produce a report before Legislative Consent Motions were brought to the House for debate and vote. TEO also facilitated this solution by working closely with DoH to ensure they were apprised and in a position to provide the requisite advice to the Health Minister to allow him to expedite both the requirement to achieve Executive agreement, and also the usual requirements, time-lines and processes necessary, to table and present the Legislative Consent Motion in the NI Assembly.
253. I had made clear to the DoH that TEO would assist the Department in whatever way possible to draft the regulations which would flow from the Act and bring them into effect. I was not personally involved in the creation of the Regulations. I did not provide any advice on either the content of the draft Regulations or the appropriateness of the process by which they were to be enacted as the Executive was already being assisted in this regard via the expert advice available from Chris Stewart, the Office of the Legislative Counsel (OLC) and Assembly officials. I had asked Chris Stewart of TEO to be at the disposal of DoH as he had the necessary expertise and some relevant past experience. Chris had previously worked in DoH, had considerable experience of drafting regulations and had good relationship with the DoH team who had lead responsibility for the Regulations. . The making of these Regulations is discussed by Chris Stewart at length in paragraphs 123 – 147 of his Witness Statement dated 4

February 2024. He explains that the making of the Regulations was a cross-cutting matter requiring consideration by the Executive. However in view of the urgency, the First Minister and deputy First Minister acceded to a request from the Health Minister for a decision to be taken by him under urgent procedure in paragraph 2.14 of the Ministerial Code. The Health Protection (Coronavirus restrictions) Regulations NI 2020 were subsequently made on 28 March 2020 to come into operation on 1 April 2020.

254. The broad contents of the Regulations were determined by DoH with advice where sought, from Chris Stewart in TEO. My recollection is that the Regulations broadly followed strategy or legislation that had been adopted by the UK government. I also recall that there was insufficient time to conduct a full Section 75 impact assessment and for Assembly scrutiny of the regulations (my understanding is that there was no impact assessment of the equivalent English Regulations). As of 1 April 2020, I also recall that a formal approach to reviewing the Regulations was not in place. That did not occur until an approach to relaxation of the restrictions was agreed as I have described above at paragraphs 196-201 and 207-212. No amendments were made to the Regulations until 24 April 2020 and that was on the basis of an ad hoc agreement by the Executive to ease restrictions at, inter alia, churches, burial grounds and garden centres.(as described in Chris Stewart's statement in paragraphs 140-143). As I have acknowledged earlier, there is a need to reflect and learn from our experience of identifying and supporting vulnerable and at-risk people during a pandemic particularly when events are moving at a frantic pace and resources are stretched beyond their limit.

Relationship with the UK Government

255. The UK central government "concept of operations" (CONOPS) and the Emergency Response and Recovery (ERR) guidance provide an emergency management framework for the UK. This UK framework included structures for coordinating scientific and technical advice during emergency response and recovery. At the UK level the Scientific Advisory Group for Emergencies (SAGE) was responsible for coordinating and peer reviewing, as far as possible, scientific and technical advice to inform decision-making.

256. As mentioned earlier, the Executive and the NI Departments could not realistically match the capability and capacity of the UKG CMO and SAGE. Northern Ireland had adopted the UK Flu Pandemic plan essentially as it had done in previous emergencies which had UK-wide implications such as Ebola in 2014 and 2018, the Fukushima nuclear

incident in 2011 and the Swine Flu epidemic in 2009. In all those cases my recollection is that SAGE advice was made freely available to the DAs.

257. The main structures by which the government in Northern Ireland interacted with the UK government during the early response to the pandemic were through Cabinet Office Briefing Room (COBR) meetings and Ministerial Implementation Group meetings (MIGs). The TEO Module 2C Corporate Statement provides comprehensive details of the engagement which occurred between the Executive and UKG through COBR and the MIGs.

258. In addition to these formal arrangements the Cabinet Secretary also invited me and my opposite numbers in the Scottish and Welsh Governments to his daily Covid stocktake meetings (known as Cab Sec (O) meetings). These began in late March 2020 and usually took place Monday to Friday (and occasionally at weekends) at 17.00 from late March through to early July 2020. These provided useful updates on Covid-19 developments at the UKG level. When appropriate, I would pass on any new or relevant information to local contacts in the NICS, an example of which is provided at TEO-M2C-DS-056 (**Exhibit DS/109 - INQ000251063, Exhibit DS/110 - INQ000251144, Exhibit DS/111 - INQ000251169, Exhibit DS/112 - INQ000251146, Exhibit DS/113 - INQ000251176**).

259. The Permanent Secretary of the Department of Health and Social Care (DHSC), Sir Chris Wormald, also invited me and the Welsh and Scottish Government Permanent Secretaries to dial in to a short, informal discussion on Friday afternoons during the late Spring and early summer of 2020.

Engagement with Northern Ireland Office (NIO)

260. As HOCS I had no formal role in relation to the NIO but historically I always maintained a good working relationship with the senior team in the NIO. This had been particularly close during 2017 to 2020 as we worked together to deal with the impact of the UK's decision to leave the EU (especially to manage the risk of the UK leaving the EU on a "no deal" basis") and the absence of ministers between January 2017 and January 2020.

261. During the Covid period I had regular meetings with the Permanent Secretary of the NIO, Madeleine Alessandri where we would discuss matters of common interest. While I had a constructive relationship with the Cabinet Secretary and senior CO officials, Madeleine through her role as head of the Northern Ireland Territorial Office in Whitehall,

was a helpful voice who I knew I could depend upon to make representations on behalf of the NICS when necessary.

Cabinet Office Briefing Room (COBR) meetings and Ministerial Implementation Group meetings (MIGs).

262. From my perspective the general view of ministers and officials from the NI departments who attended these meetings is that they were principally a forum for the provision of information or for the communication of decisions which had effectively already been taken. They were nonetheless useful in providing some scope for discussion about suggested courses of action but there is no evidence that they were a forum for collectively taking decisions from a whole-UK perspective. My recollection is that the Executive ministers who attended these meetings often saw them as “box-ticking” exercises.

263. Despite these limitations and reservations, the meetings were generally of some value in giving an insight into thinking on the UKG’s strategic approach to managing the pandemic. They were also of some value in allowing Executive ministers to press Northern Ireland’s case with UKG ministers. It was also helpful that NI Executive ministers were often able to find common cause with Scottish and Welsh ministers.

264. These meetings were a useful means of allowing Executive ministers to gain an insight into UKG strategy and policy. Beyond that, I cannot recall whether they did much to shape the response of the Executive in Northern Ireland.

UKG Information Sharing

265. In my experience information sharing between UKG and the DAs, in both directions, was problematical in the early stages of the pandemic but improved with the passage of time. Looking firstly at the provision and sharing of information by UKG, there was a perception held by the three DAs that UKG was often slow in keeping the DAs apprised of developments and UKG thinking. That perception may have been reinforced by experience where it was often felt that UKG was reluctant to share information for fear it might be leaked. I had a perception that Whitehall often developed policy from an England-centric perspective and either did not consider the importance of the DA perspective, or that by taking a UK-wide approach, the desired policy impact might be blunted. I do not think this was intentional, rather it was just a consequence of the fast-moving, dynamic environment in which everyone was operating. It will however be important for the Inquiry to consider whether any arrangements can be put in place

which would help ensure that in any future crisis, the needs of the Devolved Administrations can be taken into account quickly when policies are being developed in response to a crisis at pace. Having said all that, with the passage of time I cannot recall an example of a policy developed in Whitehall which, in its final form, did not properly consider the impact it would have in Northern Ireland or which had a less than desired impact here.

266. From the other perspective, I noted that UKG often felt that NI was not sufficiently quick at providing information to be included in the UK-side sit reps etc. This was an issue in the early days of the pandemic which I put down to several factors:

- a. The sheer pace of events meant that people and systems were stretched to the limit;
- b. We had been planning on the basis that the planned response for a flu pandemic would be appropriate. When it became clear this was not the case it took a little time to adjust and be clear on what it was important to measure and to determine what data was required (and how this should then be collected);
- c. The scale and pace of the pandemic required a rapid increase in resources and new systems for example to produce a daily sitrep which was a tool for decision-making. It took time to obtain additional resources, obtain the relevant data and convert this into meaningful information; and
- d. The instruction to work from home (unless it was essential) provided an additional complication as did the need to establish effective social distancing in the workplace for those staff who needed to be in the office eg to staff up the NI Hub.

267. All these factors combined to make the initial response exceptionally demanding, though responses did improve.

268. Devolution does make it more difficult to develop UK-wide policy in areas where the DAs have policy competence. Gaining consensus in that context requires time and commitment from UKG ministers and the investment of personal political capital (and hence some risk). In my experience some UKG ministers were better than others at the relationship building and bargaining which this requires.

269. I also recognised that there were features specific to the UKG, which made policy discussion and decision making on a UK-wide basis more problematic. For example, it had become clear during the Brexit preparation period that UKG was highly sensitive to the Scottish Government's calls for a second Independence Referendum. During the time when there were no ministers in place in Northern Ireland we found there was a greater willingness by UKG to share information with the NICS than with the Scottish and Welsh governments. We put this down to UKG ministers' fears that information so provided might be used for political purposes.

270. My recollection is that Executive ministers from all parties were agreed that the United Kingdom government did not adequately involve Northern Ireland Ministers or Senior Civil Servants in decision-making that impacted Northern Ireland. The extent to which this dissatisfaction would be expressed, particularly in public, would tend to vary depending on the political complexion of the party in question. Nationalist politicians would be quicker to criticise UKG in public than politicians from the Unionist parties and vice versa with the Irish government although this did not always hold universally when it involved relations between the Fine Gael Taoiseach and Sinn Fein.

271. In my experience there is considerable scope for improvement in central government's interaction with the devolved nations. This is one area where there are clear lessons to be learned from the Covid-19 pandemic. Process improvements will be important, but the most important requirement is that there is a change of mindset in many (but not all) politicians and officials in UKG.

272. I do not recall whether any new arrangements to replace the MIGS were in place between the end of June 2020 when they expired and when I retired at the end of August, nor whether these were any improvement on the MIGs.

273. The mechanisms for the communication of information and advice, related to Covid-19, both to and from the UK government as it affected Northern Ireland improved as the pandemic progressed. I am not qualified to comment on the extent to which they improved beyond my retirement.

North/South Ministerial Council

274. NSMC arrangements did operate during the pandemic. Records of discussions at the NSMC show that coordination and cooperation between both jurisdictions was a factor in tackling Covid, for example see exhibit (**Exhibit DS/114 - INQ000290986, Exhibit DS/115 - INQ000290974**). The Council received joint briefings from CMOs from both

jurisdictions as well as being kept updated on the North/South working that was taking place. NSMC papers show clear evidence of close working across both jurisdictions to tackle Covid-19 (**Exhibit DS/116 - - INQ000104460**). There was regular and ongoing contact between Ministers for Health and CMOs from NI and Ireland throughout the pandemic.

275. A Memorandum of Understanding (MOU) was agreed between the respective Departments of Health in April 2020 (**Exhibit DS/117 - INQ000130355, Exhibit DS/118 - INQ000279269**), to underpin and strengthen co-operation on the public health response to the pandemic. The MOU focused on facilitating co-operation in areas such as public health messaging, research and evidence base/modelling. In his statement of 24 July 2023, the CMO records (paragraph 218) that there was routine sharing of information between NI and RoI including:

- Work on the border areas;
- Sharing data and research;
- Sharing of learning of vaccine deployment in NI;
- Sharing of information on the approach to care homes;
- Regular sharing of respective epidemiology situation; and
- Agreement regarding mutual aid in respect of Intensive Care and health service capacity.

276. The NSMC apparatus has often been criticised for being bureaucratic. I think it best to leave it to others to judge whether there is excessive bureaucracy and, if so, whether that is an inherent feature of cross-jurisdictional arrangements or something that is unique to the NSMC's arrangements.

Role of local government

277. Local authorities in Northern Ireland were involved in the response to the pandemic and played an important role in the imposition and later easement of certain NPIs. The Society of Local Authority Chief Executives (SOLACE) (see paragraph 279 below), is the representative body for the Chief Executives of all 11 local authorities in Northern Ireland. A SOLACE representative was a member of CCG (NI) and in that capacity attended the daily meetings of CCG NI throughout the pandemic period.

278. These governance arrangements dated back to 27 February 2014 (**Exhibit DS/119 - INQ000183588**) when TEO (or OFMDFM as it was then) agreed several measures to enhance civil contingencies arrangements at local level. The enhanced arrangements were communicated to CCG members in a letter from the Head of the Civil Contingencies Branch on 13 March 2014 (**Exhibit DS/120 - INQ000183576**). They provided for:

1. The establishment of four additional Sub-Regional Civil Emergencies Preparedness Groups (SCEPGs) which between them cover the rest of NI outside of Belfast. Belfast Resilience already provided this function for the Belfast area. Terms of Reference for the SCEPGs are provided at Annex 2 of Exhibit DS/120 - INQ000183576.
2. The establishment of a CCG Sub-Group to oversee the work of the SCEPGs.
3. The establishment of a CCG workstream to identify the need to formalise the district council civil contingencies role and to consider how this could be done. This work will include consideration of the need for wider civil contingencies legislation.
4. Presentation of a draft Memorandum of Understanding to the Local Government Emergency Management Group and CCG for agreement which sets out how district councils should discharge their civil contingencies role at sub-regional level and how CCG member organisations should support councils in the execution of that role.

279. The letter led to multi-agency working to establish the groups set out above. This multi-agency working was designed to align with the joint emergency services interoperability principles (JESIP) ethos.

280. There is no regional tier of government between the Executive and local government. Responsibility for the formal funding and accountability relationship with local government falls to the Department for Communities. In relation to civil contingencies arrangements, the relationship is one of co-ordination and partnership rather than formal accountability. As noted above, local government representatives are part of CCG; local government participates in tactical co-ordination groups and the strategic co-ordination group (leading the latter when the emergency does not involve threat to life). SOLACE representatives participated in the daily CCG meetings during the first wave. I found it helpful to have this local authority involvement. When emergencies occur the public

expects government in all its forms to come together quickly and to work together effectively to address whatever contingency has emerged. I do not have any specific suggestions as to how local authorities might be of greater benefit in any future pandemic, or indeed any other civil contingency, but I hope the Inquiry will identify opportunities for future improvements.

281. DfC and SOLACE helped coordinate the application of the Covid-19 regulations insofar as these affected local authority activities. An early example of this was in relation to the operation of local authority recycling centres. In the absence of normal refuse collection during the early phase of the pandemic there were widespread calls for recycling centres to be opened to allow for the disposal and recycling of refuse. Through this cooperation recycling centres were one of the first facilities where restrictions were eased in May 2020.

Effectiveness of the Civil Contingencies Group and Northern Ireland Hub

282. Daily CCG meetings, which I chaired were convened daily starting on 18 March 2020 (**Exhibit DS/121 - INQ000183592**). These meetings which were held at 8.30am brought together Permanent Secretaries, leaders of the emergency services and district councils to discuss key issues and agree appropriate actions. Members were encouraged to join the meetings remotely via teleconference facilities to help reduce the risk of spreading the virus.

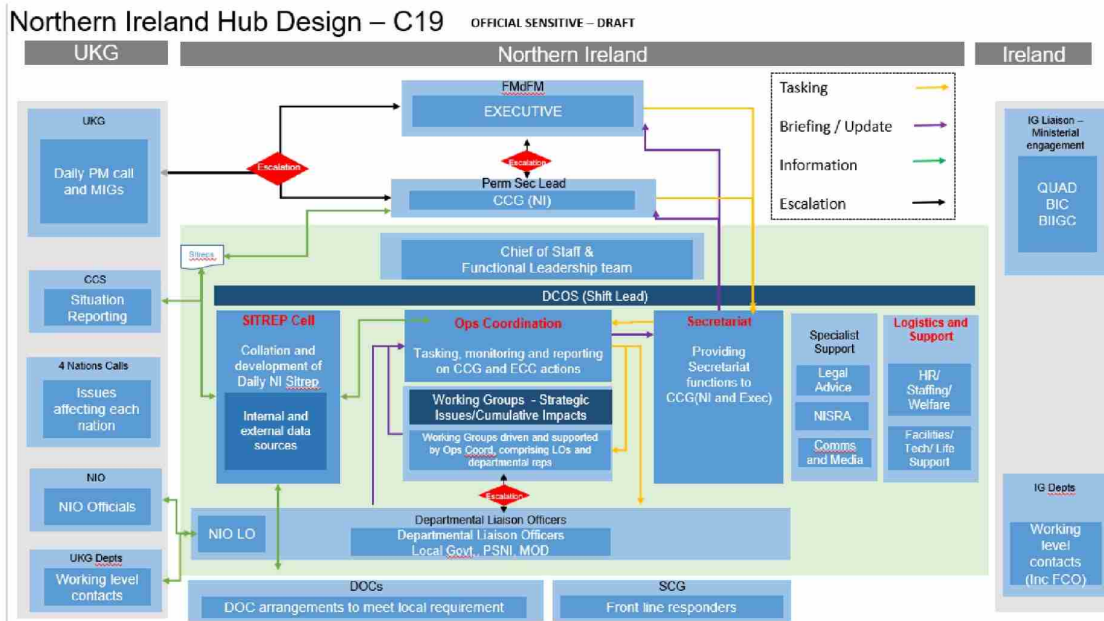
283. On 18 March 2020, Anthony Harbinson, Grade 3 from Department of Justice, took up a temporary secondment to TEO as Chief of Staff to run the NI Hub and its associated support structures, including the Departmental Operational Centres (DOCs). The NI Hub was operational in full active status from 18 March 2020 until 12 June 2020, when the last Sitrep issued to CCG. I have described the circumstances of Anthony's appointment in more detail in paras 101 and 156 and his effectiveness in paragraph 221.

284. The operational design did not provide for politicians to attend the daily CCG meetings. There was a daily meeting of the Executive following the CCG meetings at which Anthony Harbinson and I would update Ministers on all developments and take them through the daily Sitrep. However, the First Minister, deputy First Minister and the Junior Ministers did initially attend to hear first-hand accounts from all the key stakeholders as they found this valuable ahead of the daily 5pm media briefings. After the first four or five weeks, only the Junior Ministers attended.

285. As Chief of Staff to the NI Hub, Anthony Harbinson supported me in the CCG and Executive meetings at which he delivered the situation report and reported any new developments, as frequently as required. He also regularly briefed the First Minister and deputy First Minister as well as joining them at COBR meetings and on calls with the UK Prime Minister and the other First Ministers from the Devolved Administrations.

286. The Hub helped to support the Executive and the Civil Contingencies Group to make timely and informed decisions in response to the strategic management of the first wave Covid-19 outbreak. It did this by providing a focal point where data and information was collated and analysed. This analysis helped assess the effectiveness of the NPI interventions thereby informing the decision-making process. The daily sitrep contained an easily digestible summary of the most up to date analysis. It was the coordination point for the submission of daily information into the UK. In my view the NI Hub was an essential mechanism for ensuring that timely and quality information on the developing situation was available to Ministers to inform their planning and decisions. By the time it was stood down on 12 June 2020, it had produced 66 Sitreps.

287. The diagram below shows the design of the NI Hub that was implemented during the first wave of Covid-19.



Lessons Learned Review

288. In May 2020, working with Anthony Harbinson and taking account of the views of ministers and colleagues across the NICS, I considered it would be timely and good practice given the fast moving and dynamic context in which we were working to review the effectiveness of the Hub arrangements. Anthony invited Andrew McCormick to oversee the work to review the lessons learned from the deployment of the C3 structures to manage the Northern Ireland response to the Covid-19 pandemic, and how the lessons learned would shape the future roadmap for NICS Civil Contingency Capability. Dr McCormick reported his findings on 20 July 2020 (**Exhibit DS/122 - INQ000305342**).
289. The review was undertaken by EY and specifically considered the internal operation of the NI Hub and the relationship between these central operations structures, the eight DOCs and CCG. The review also considered the operational relationship between the NI Executive, central UK Government Departments and the Republic of Ireland Government. EY took evidence from DOCs, NI Hub staff and CCG members. In addition, a number of senior stakeholders were selected for more detailed one to one interviews which included Executive Ministers, Permanent Secretaries, PSNI, and a number of senior civil servants. At the time of my retirement in August 2020 the Hub had been stood down but it was recognised that the lessons learned report contained valuable ideas to improve the effectiveness of the Hub should it be needed again.
290. I can see with hindsight that it was probably unrealistic to imagine that CCG could be an “effective decision-making body” in the traditional civil contingencies meaning of that term. In that usual sense (for example in a weather-related event or an emergency at an airport or industrial complex), the CCG role is to bring together all key agencies and to provide a forum where rapid decisions can be taken in a fast-moving situation by those most appropriate to do so. In the case of the Covid-19 pandemic the most important decisions were around the need to impose and then relax restrictions on the freedoms which ordinary citizens take for granted in their everyday lives. Such decisions can have profound consequences for the people affected and hence become choices between course of action which are inherently political (though not necessarily party-political) in nature. CCG NI played an important role in helping the Executive to respond to the pandemic. I know that civil contingency policy and procedures have been reviewed and updated in light of lessons learned later in the pandemic and I feel sure there is an important role for CCG to play in future civil contingencies, including health pandemics. However, given the passage of time and the fact that I was not present through all the later phases of the pandemic I do not feel that there is much I can say

with any great authority about how procedures might be improved. My only observation is that in a major crisis means must be found to involve ministers in the operation of CCG in a way that is constructive, non-bureaucratic and delivers positive impact.

291. In March/April 2020 there was an early and easy consensus that decisions affecting the liberty of the citizen could only be taken by ministers at the Executive and that CCG was not a suitable forum for such high-level decisions. Nonetheless, I found that CCG was a useful forum for identifying issues which required a decision and pointed to where that decision should appropriately be taken. I do not accept the bald statement that CCG did not use the Sitrep as a tool in its decision making. The SitRep provided a condensed compilation of up-to-date information which was a tool that helped inform decision making at a variety of levels. It may not have been the sole source of information for decision making, but in my view, it was a valuable tool.

292. The Hub had been stood down at time of the Lessons Learned Review so I cannot comment on the extent to which it has informed the operation of the Hub since July 2020.

Gathering of data - Covid-19

293. I was aware in late April 2020 that there were issues with the NI daily death figures. There had been some difficulties providing up to date figures on death rates for compilation in the UK-wide figures being collated by the CO. There had also been media comment about the comparative death rates in Ireland and Northern Ireland. This latter issue was raised at an Executive meeting.

294. I discussed these issues with Richard Pengelly the DoH Permanent Secretary and with Siobhan Carey the NISRA Chief Executive. The NISRA CEO explained that the reason for differences in the death rates North and South was due to reporting arrangements: in Northern Ireland deaths must be certified within five days, whereas in Ireland it was, at that time, within three months.

295. Regarding the DoH issue I was advised that there were some differences in reporting arrangements between GB and Northern Ireland. Whereas in GB data about deaths was reported on a midnight-to-midnight basis, in Northern Ireland was reported between 8.00 am and 8.00 am and, at least initially, was not collected at the weekend. There were differences too in the way the DoH and the General Register Office (GRO) collected information about deaths. GRO provided the information from which NISRA produced official statistics. The Hub sitrep reported both sets of figures: the DoH figures

on a daily basis and the NISRA figures on a weekly basis. I must assume this had some impact on data modelling for a short time but I am not aware of any long-term implications.

296. When managing a crisis, it is always important to have data and information which is as up to date and accurate as possible so that responses can be targeted where necessary. For example, I understand that in later waves some NPIs were targeted at hotspots in what became known as circuit breakers. These targeted interventions also meant that restrictions did not need to be applied where the risk was low.

297. It was unfortunate that some data was less than ideal. However, my recollection is that once the issues were identified they were resolved reasonably quickly. I do not recall that there were any enduring difficulties in relation to data which impacted on the role of the NI Hub in supporting the Executive and the CCG to make timely and informed decisions in response to the strategic management of Covid-19.

Reviews of NI Hub

298. Several reviews were completed during the initial activation of the NI Hub including:

- The November 2019 PwC report following Operation Yellowhammer (**Exhibit DS/123 - INQ000092725**).
- A Capability Review of the NI Hub in April 2020 (**Exhibit DS/124 - INQ000207889**) to assess its readiness at Initial Operating Capability and its readiness to move to Full Operating Capability.
- A DOCs Effectiveness Review in April 2020 (**Exhibit DS/125 - INQ000255301**) to assess the effectiveness of the nine Departmental Operation Centres within the C3 structure.
- A “point in time” review in May 2020 (**Exhibit DS/126 - INQ000208372**) of the CCG arrangements, providing a rapid assessment of the working arrangements and effectiveness of the group over the seven-week period it had convened to oversee the initial response.
- In June 2020, a full lessons-learned review (**Exhibit DS/127 - INQ000023222**) from the deployment of the C3 structures to manage the NI response and how those lessons could shape the future roadmap for our civil contingency capability.

299. Following the deactivation of NICCMA in June 2020, the recommendations from the various reviews above were pulled together to shape a readiness programme of work (**Exhibit DS/128 - INQ000286886**). The key objective of this was to prepare the emergency response posture for possible disruption from the concurrency of a second wave of Covid-19, EU transition and normal winter emergencies.
300. After the NI Hub was “scaled down to minimal operational level” in mid-June 2020 (**Exhibit DS/129 - INQ000065823**), the NICS monitored daily developments in relation to the pandemic through the collection and analysis of relevant data which by that stage had become “business as usual” activity for the data analysis teams who were still operating even though the Hub had been stood down from full operational status. The data analysis teams were working continually to update and improve the information they were providing based on user requests and feedback. I cannot offer an authoritative view on whether there was a decline, or indeed any improvement, in the quality of information and analysis after the Hub was stood down, however I do not recall any significant complaints in this regard. I would hope the Inquiry will be able to identify what might be done in the future to improve information flows during future civil contingencies.

Lag in Transmission rates

301. My understanding based in the data and evidence presented to the Executive during the first phase of the pandemic was that Northern Ireland had a seven to 14 day lag in terms of transmission rates. My recollection is that the advice from the CMO and CSA was that this time lag conferred an advantage on Northern Ireland in terms of its ability to plan its response to the likely development of the pandemic mainly because it allowed a short period of time to consider how effective interventions which had been introduced in parts of GB where the progression of the virus was seven -14 days ahead of Northern Ireland.
302. I do not recall it ever being suggested by any ministers or NICS officials that Northern Ireland should follow UKG pandemic strategy as a matter of routine. Health matters were devolved to Northern Ireland and while there was no obligation on the Executive to follow UKG's lead when deciding how best to respond to the pandemic in Northern Ireland the reality is that Northern Ireland and the other two DAs broadly followed UKG policy and practice. My experience was that ministers took account of what UKG was doing in the knowledge that the CMO and CSA were able to avail of UKG's scientific expertise (for example SAGE and the UK CMO and CSA). Ministers also had the benefit of COBR briefings and the MIGs.

303. I recall the CMO advising of the likelihood of further waves based on the understanding of the “Spanish Flu” pandemic of 1918-1920 where there had been multiple waves of the flu with some of the secondary waves proving more deadly than the first. When I retired in August 2020 I recall there was an expectation that a further wave (or waves) was likely.

Standing down CCG

304. As we moved into May the rate of new infections continued on a downward trend. Deaths were reducing and pressure on hospitals was easing. I detected a growing consensus amongst the CCG participants that they found the daily meetings less valuable. In response, we reduced the frequency of these and eventually agreed to cease them for the time being. For similar reasons the NI Hub was “scaled down to minimal operational level” in mid-June 2020. At that time I do not remember any calls for us to plan for a second wave, however the experience gained from standing up the Hub up twice in less than two years was clearly beneficial when it came to dealing with the second wave later in the early autumn of 2020. The Hub was stood up again during the second lockdown at that time (although I had retired by that stage).

305. In June 2020, a programme of work commenced to address a series of short-term improvements driven from the recommendations outlined in the various reviews; these were structured across 13 workstreams (**Exhibit DS/130a - INQ000279314, Exhibit DS/130b - INQ000279315**) such as HR/staffing, NI Hub design, IT and estates and training & exercising. This programme was managed with assigned project leads, daily and weekly team meetings through a Programme Manager and Senior Responsible Owner (SRO), with documented decision and action logs. The work was resourced by core CCPB staff, and several residual staff retained from the NI Hub activation and concluded around September 2020.

Restructure the NI Civil Contingencies Unit

306. Following the standing down of the Hub in mid-June 2020, and after discussion with colleagues including Anthony Harbinson, I invited proposals on a revised escalation model for future activation of the NI Hub in the expectation that improvements could be made in advance of our having to activate NICC structures again. Proposals were submitted to me on how best to restructure the NI Civil Contingencies Unit within TEO to oversee the ongoing challenges presented by Covid-19 and any other emergent, significant civil contingency (**Exhibit DS/131a - INQ000279228, Exhibit DS/131b -**

INQ000279230). This complemented several pieces of work previously completed of which recommendations remained outstanding, namely the Business Consultancy Service review of civil contingencies in 2015 (**Exhibit DS/132 - INQ000201707**) and the PwC Futures Report in November 2019 (INQ000092725).

307. Correspondence about the lessons learned was sent to Ministers in August 2020 (**Exhibit DS/133 - INQ000279313**) which identified the following objectives of this work, namely to:

- build a strategic civil contingency capability that is not reactive and event focused but instead, is an agile professional function that can support the C3 network across NI Government;
- develop and refine in the short term, the tools that will help us deliver a professional service such as risk registers, contingency plans, horizon scanning and situation reports; and
- start preparing for the inevitability of needing to activate the structures again and build on the momentum that has been created from the current deployment.

308. The Work programme encompassed 86 high level actions and addressed many of the practical issues identified in the initial activation on how the NI Hub should be resourced, training, Concept of Operations (CONOPS) which is a high-level description of how systems will operate to achieve defined objectives (**Exhibit DS/134 - INQ000255362**) and Standard Operating Procedures (SOPS) (**Exhibit DS/135 - INQ000255364**), which provide policies, procedures and standards to ensure efficiency, consistency, a healthy and safe environment. The CONOPs provides a roadmap for how to resolve general issues and queries, how the IT could be streamlined, the communication flow between NI Hub and departments and partners through C3 structures and DOCs. There were several other key early decisions that would place Northern Ireland well for responding to future phases of the pandemic.

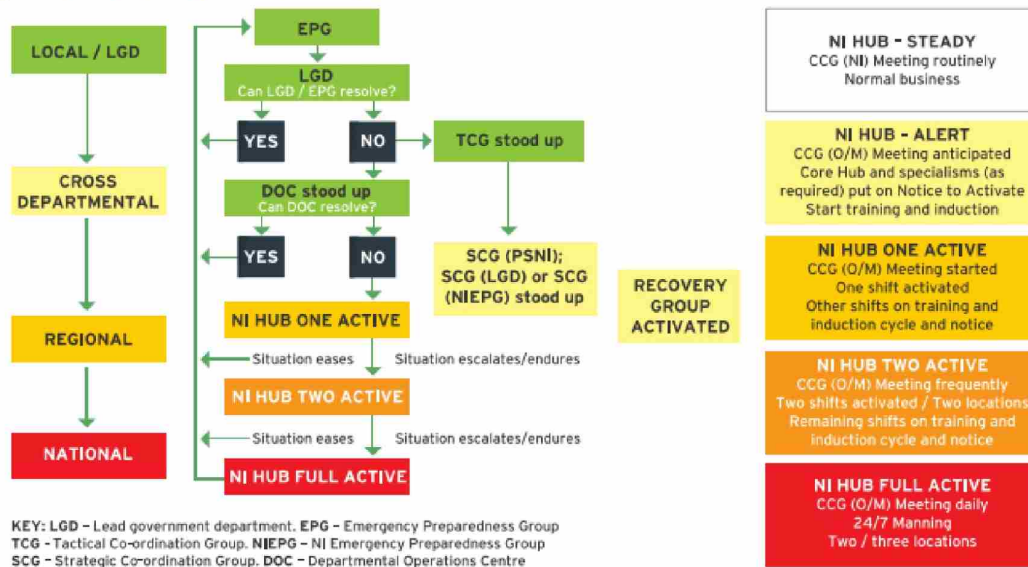
309. In August 2020, the NICS Board (**Exhibit DS/136- INQ000277385**) agreed to revised principles for a graduated emergency response across five stages, rather than full switch on or off, which had been the case previously for Operation Yellow Hammer and in the first wave of Covid-19. This addressed several other areas of concern around resourcing of CCG arrangements.

310. I secured a dedicated Grade 5 from elsewhere within TEO, Andy Cole, in August 2020, to build upon the NI Hub experience and shape the future roadmap for Civil Contingency capability. This saw the civil contingencies function move from being a branch within a wider division to becoming the Civil Contingencies Division (CCD) with a dedicated Grade 5. Mr Cole had worked with Anthony Harbinson in the NI Hub from March to July 2020 as part of the multi-disciplinary team that coordinated the NI response to the pandemic under the NICCMA emergency response arrangements from March 2020 through to July 2020 at which point the C3 arrangements had been scaled down. Andy Cole's role was:

- to consider lessons learned from the first wave,
- to ensure readiness for a future activation of the NI Hub during autumn or winter, and
- in the medium term, to restructure and reset the civil contingencies arrangements across NI.

311. The August 2020 NICS Board Paper details the revised escalation model for future activation of the NI Hub. (Exhibit DS/137a - INQ000302738, Exhibit DS/137b - INQ000302740). The diagram below shows the NI crisis response architecture and mirrors the UKG model. This model recognises that CCG, as the link to the Executive, is the central point for the dissemination of crisis management information.

Figure 17: NI HUB Escalation and De-Escalation



312. I understand that in September 2020, following my departure, the status of NI Hub was “Alert” with CCG meeting routinely. Volunteers were put on notice to activate and commence refresher training if the NI Hub was needed to deal with multiple concurrent events such as COVID-19 and EU Exit alongside normal winter pressures during the November/December period.

313. Following the deactivation of the Hub, Ministers were provided with advice from policy areas via the normal procedures. This usually involved officials preparing a submission to their Minister on a particular policy area containing advice and recommendations. Cross cutting, controversial or sensitive issues requiring Executive decision would have a draft Executive paper attached to the submission to their Minister.

Establishment of Cross Departmental Group

314. From summer 2020, a cross-departmental group provided a forum for official level discussions on the removal of restrictions from regulations in line with the Executive’s decision-taking strategy. These meetings took place weekly and were chaired by Karen Pearson. This process was established at the request of the Department of Health to coordinate requests for advice from CMO and CSA on proposed relaxations of restrictions as Northern Ireland moved out of lockdown.

315. The meetings enabled officials to discuss proposed relaxations with officials from the Department of Health. Officials then advanced requests directly to DoH using a template to describe the nature of the request for consideration by CMO and CSA. CMO and CSA would provide advice to the relevant department who would prepare a paper for the Executive on behalf of their Minister (example provided at **Exhibit DS/138 - INQ000279355**).

Community Testing and Tracing

316. My recollection is that community testing and tracing was halted in Northern Ireland on 12 March 2020 because of a lack of testing capacity and because we were moving from a “contain” to “delay” response in line with the UKG Covid strategy at that time. My further recollection is that testing kits were not available in sufficient numbers to meet demand across the UK up to the time of my retirement and that, given the scarcity of testing capability, the priority for testing was in the Health and Social Care sector.

Care homes

317. My recollection is that Ministers were aware of, and concerned about, the impact of Covid-19 on Care Home residents and staff. They received several briefings on this issue on the following dates:

- The Executive meeting on 8 April 2020 records there was a discussion about testing in care homes and the need to prioritise it (**Exhibit DS/139 - INQ000065725**).
- On 15 April 2020, the Executive again discussed testing in care homes (**Exhibit DS/140 - INQ000065735**).
- On 20 April 2020, the Executive discussed PPE and testing in care homes (**Exhibit DS/141 - INQ000065691**).
- Care homes were again discussed on 27 April 2020 (**Exhibit DS/142 - INQ000288341**) and 11 May 2020 (**Exhibit DS/143 – INQ000278638**).
- A briefing paper was provided to Executive ministers for the meeting on 6 August titled “2020 E (20) 187 (C) Executive COVID-19 Action Plan: Quantitative Information on the Actions Taken within care homes to reduce Infection and their Effect” identified the actions that had been taken in relation to care homes (**Exhibit DS/144 - INQ000208770**).

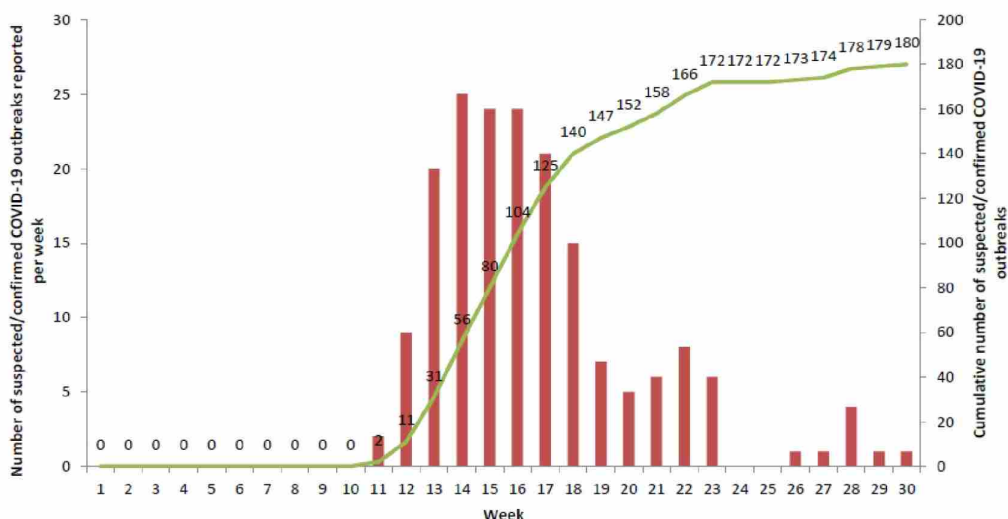
318. I am not aware that Executive ministers were given any advice about the impact of Covid-19 on Care Homes other than what was contained in these briefings. My recollection is that Ministers were knowledgeable about the situation in care homes in the first wave of the pandemic because of the briefings they had received but also through their constituency contacts. My further recollection is that care homes were seen as an area of high risk by the Executive at the outset of the pandemic.

319. This was a matter of personal concern to me. My Mother was in a Care Home and I saw her on Mother’s Day which was on 22 March that year. She was 95 at the time and her 96th birthday was on 10 April 2020. I did not realise when I saw her on 22 March that it would be the last time I would see her, or have any personal contact with her, for almost a full year. As you can imagine, I had a deep personal interest in what happened in Care Homes on top of my organisational responsibilities.

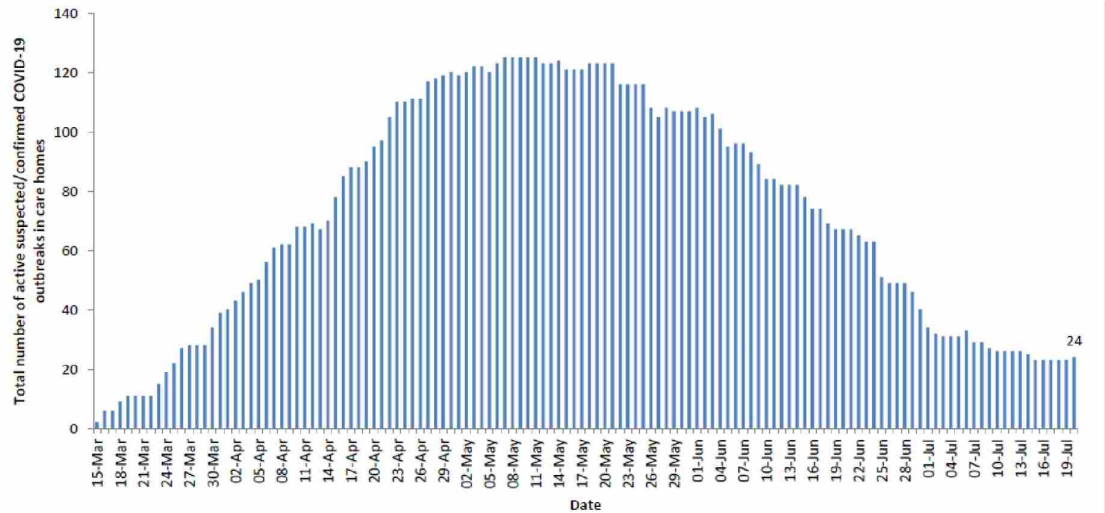
320. Care Homes were the responsibility of the Department of Health, however my clear recollection is that Executive Ministers maintained a high level of interest in, and concern about, the Care Home issue throughout the first wave of the pandemic up to my retirement as shown by the frequency with which the issue was discussed at the Executive. I cannot comment on what happened after that.

321. Executive ministers were given data about the transmission and impact of Covid-19 in care homes. The most comprehensive compilation of data was in the briefing paper provided to Executive ministers for the meeting on 6 August titled “2020 E (20) 187 (C) Executive COVID-19 Action Plan: Quantitative Information on the Actions Taken within care homes to reduce Infection and their Effect” The following three tables were contained in that paper, however, I am not qualified to comment on the extent to which that and other data or information made available to the Executive was adequate.

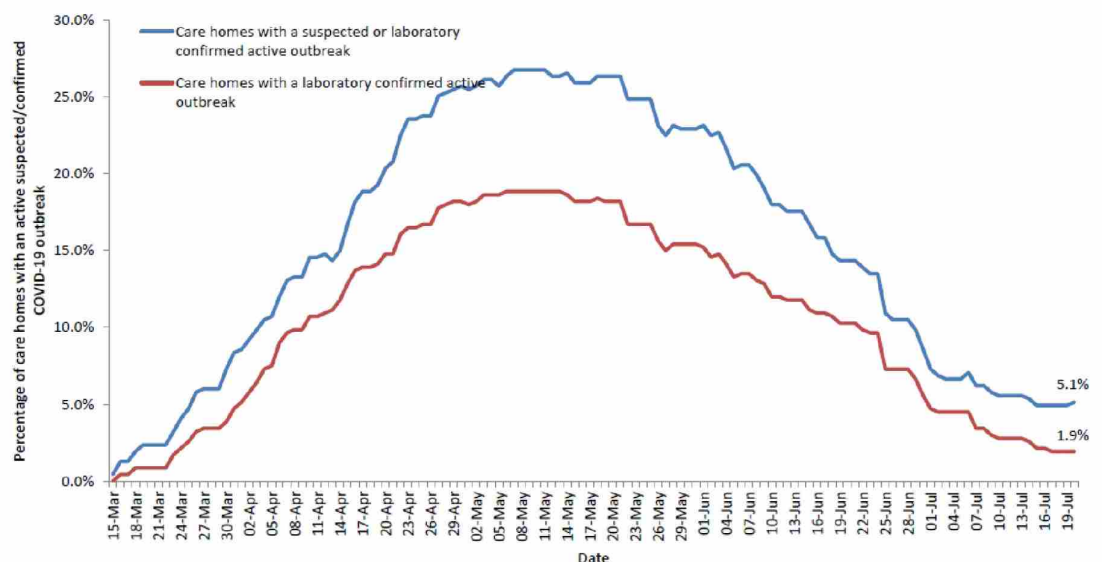
322. Figure 1 shows the total number of care homes in Northern Ireland with a suspected or confirmed COVID-19 outbreak reported to the PHA Duty Room each week from the middle of March 2020.



323. Figure 2 provides information on active, suspected or confirmed COVID-19 outbreaks in care homes by day. As this shows, the number of active care home outbreaks peaked during the first two weeks in May and had been decreasing slowly since.



324. Figure 3 details the percentage of care homes with an active, suspected or confirmed COVID-19 outbreak. This shows that, as at 19 May 2020, 5.1% of care homes in Northern Ireland have an active outbreak of which 1.9% have laboratory confirmed cases of COVID-19. The number of homes with an active outbreak continues to decrease.



325. My recollection is that while ministers maintained a keen interest in the impact of Covid-19 in Care Homes they recognised that responsibility for monitoring the transmission and impact of the virus (and the decision making about the operational response to this including, for example the provision of PPE for staff and residents) was a matter primarily for the Health Minister and the DoH. In that regard my recollection is that Ministers expressed concerns about:

- access to PPE for Care Home staff;
- routine testing of staff and residents in care homes in the early stages of the pandemic; and
- decision-making concerning discharging people from hospital into care homes to ensure acute bed availability in the early weeks of the pandemic.

326. In each of these and other matters my recollection is that there was considerable debate about these matters but ultimately the Executive accepted that these were operational matters for DoH and I do not recall any direct interventions being agreed by the Executive in any of these regards. I do not feel well enough qualified to comment on whether the initial strategic approach to testing of staff was focused unduly on the acute hospital sector.

327. My clear recollection is that while Executive Ministers were concerned about the impact of Covid-19 on Care Homes their role was limited to asking probing questions of the Health Minister and the CMO. I do not recall the Executive being asked to make strategic decisions about the management of the pandemic in relation to care homes nor do I recall the Executive agreeing to intervene in the operational management of Care Homes in this regard.

Availability of expertise

328. The primary source of medical and scientific expertise for Executive ministers was the DoH CMO and CSA. I never recall having any personal concerns about the quality of advice they were providing to the Executive, nor do I recall any serious reservations being expressed by ministers. I recall both advisors being subject to intensive, detailed but respectful questioning by ministers on the advice and evidence they were providing but I don't recall them ever being second-guessed at the Executive. My firm impression is that both enjoyed the confidence of ministers from all parties.

329. I also understood that they were both able to draw on the expertise available to the UKG CMO and CSA and to the work of SAGE. However, I do not feel qualified to comment authoritatively on how effective the process for the provision of information and advice by SAGE (and its onward communication by the DoH CMO and CSA) was.

330. My impression at the time was that at least some Nationalist ministers had concerns that SAGE was too 'England-centric' at times and my perception was that they would

also like to have been able to draw on authoritative advice from elsewhere. However, this was only a perception and my clear recollection is that ministers were generally content to rely on the advice of the DoH CMO and CSA. For those who may have preferred not to have to rely solely on the UKG CMO, CSA and SAGE it was reassuring when the relationship between the Medical Officers and Scientific Advisors in Northern Ireland and Ireland became more formalised.

331. NSMC papers show clear evidence of close working across both jurisdictions to tackle Covid-19 and there was regular and ongoing contact between Ministers for Health and CMOs from NI and Ireland throughout the pandemic. For example, a Memorandum of Understanding (MOU) was agreed between the Departments of Health North and South in April 2020 (**Exhibit DS/145a - INQ000130355, Exhibit DS/145b - INQ000279269**), to underpin and strengthen co-operation on the public health response to the pandemic.

332. The MOU focused on facilitating co-operation in areas such as public health messaging, research and evidence base/modelling. Detail of the MOU and its operation was reported to NSMC at Plenary and Health meetings (and I have set out at paragraph 274 some of the practical benefits which accrued due to North/South cooperation according to the CMO). Ad-hoc engagement also took place with the Irish Government at ministerial level outside of the formal NSMC structures sometimes involving the Secretary of State for Northern Ireland as well as bi-lateral engagement directly with An Taoiseach and/or the Department of Foreign Affairs.

333. Discussions involving Ministers from the Northern Ireland Executive, UK Government and the Irish Government took place on 30 April 2020 (**Exhibit DS/146 - INQ000277102**). Overviews of how the outbreak was being managed were provided as well as discussions on international and cross border travel, plans for easing restrictions, advice on wearing face coverings, public services, and support for airports and hauliers.

334. The First Minister and deputy First Minister met with the Taoiseach and senior officials from the Republic of Ireland on 16 July 2020 (**Exhibit DS/147 - INQ000279490**) to discuss the evolving Covid-19 situation and the benefit of CMOs from each jurisdiction continuing to work together. My recollection is that these types of engagement provided reassurance to those who may have had concerns about relying solely on UKG advisors.

335. I do not recall having any concerns about the extent of the responsibilities held by the DoH CMO or the CSA other than about their personal resilience and well-being given

the high reliance being placed on them nor do I recall whether there were any specific issues about the ability of the Public Health Agency (PHA) to discharge its role in the response to the pandemic. I did not have any direct contact with staff in the PHA – my point of contact with DoH was through the Permanent Secretary, the CMO, the CSA and some senior departmental officials. DoH would be in a better position to comment on the particular role of the PHA.

Establishment of the Strategic Intelligence Group (SIG)

336. In April 2020 the Department of Health's CSA convened a 'COVID-19 Strategic Intelligence Group' (SIG), reporting to the CMO. The role of SIG was to consider the scientific and technical concepts and processes that were key to understanding the evolving Covid-19 situation and potential impacts in Northern Ireland and mitigating these. My understanding was that the Group's role was to apply the advice from various sources of evidence and information to inform the CMO and the Minister of Health to aid with decision making in Northern Ireland during the pandemic. The detailed terms of reference stated the Group will support CMO and the Department of Health to:

- interpret SAGE, SPI-M and SPI-B outputs and other emerging scientific and epidemiological evidence in the context of Northern Ireland;
- provide information to support decision making regarding stepdown of social distancing measures and/or other interventions as the evidence evolves;
- provide a two-way flow of relevant information and questions between the Department of Health and SAGE/SPI-M/SPI-B/others; and
- advise the Modelling cell, and Data Analysis and Insights workstream on strategic approach to identifying, accessing and using data to support our understanding and response to COVID-19 in Northern Ireland.

337. The group was not highly visible to the Executive, and I do not have sufficient information to comment on whether SIG's advice formally recorded and disseminated across the government in Northern Ireland or on the extent to which the composition and the work of this group was understood both inside and outside of the government. These and other questions about how effective the SIG was as part of the Northern Ireland response to the pandemic would be better answered by DoH.

Ministerial understanding and grip

338. Ministers, Special Advisors and Senior Civil Servants regularly need to deal with complex issues where scientific or technical expertise would be desirable. However, in my experience it is unrealistic to expect that individual ministers and senior officials would have technical or scientific competence on every issue that crosses their desk, such is the range of issues which arise in all departments. It is for that reason that government departments will always ensure there are advisory resources available to support and assist senior civil servants and ministers when there is a need to interpret complex information. The Executive did have to address a range of complex issues when dealing with the pandemic. In doing so my recollection is that the CMO and the CSA were always at great pains to explain the issues being addressed in ways that were understandable to ministers and officials who did not have the same level of professional expertise. I do not recall an occasion where I felt that ministers or officials lacked sufficient understanding of the medical, scientific or mathematical issues under consideration to understand the advice being provided and to reach a reasonable conclusion based on the facts and evidence.

339. The CMO and CSA were the principal advisors to the Executive when dealing with the medical and scientific aspects of the Covid pandemic. In that role I found that both officers were effective in presenting information which was often complex in a way that allowed ministers and officials to have a sufficient understanding to make informed decisions.

Public acceptance on restrictions

340. I do not recall any discussions at the Executive or elsewhere where anyone produced any evidence to suggest that Northern Irish people would be any less likely to accept or abide by significant curtailment of their freedoms than in other jurisdictions on these islands. The data produced in the NI daily sitreps was designed to help show indicators of the extent of compliance in Northern Ireland (**Exhibit DS/148 – INQ000065928**). However, I do not have access to any evidence which shows how Northern Ireland compliance rates compared with compliance elsewhere in the UK. Nor was there any evidence that I recall suggesting that the restrictions would be tolerated less here or that people would be fatigued by such limitations more quickly than elsewhere.

341. I do not recall that these types of concern significantly shaped the Executive's strategic thinking at the outset of the response to the pandemic although I recall some ministers

expressing concerns that the Storey Funeral might have an impact on compliance. However, as I have explained below at paragraph 343, I do not have any evidence to suggest there was a negative impact at any stage in the pandemic. When the restrictions were applied the main preoccupation was to reduce and prevent deaths and to reduce the pressure on the Health Service, particularly in the acute sector.

Ministers setting aside differences

342. My recollection at the start of the pandemic was that Ministers were able to set aside differences and did act in the best interests of the Northern Irish public. I sensed that Ministers recognised that this would be a defining moment for the recently restored Executive and that they knew citizens would be relying on them to set aside their normal political differences to do what was best for the whole community. Indeed, I would pay tribute to the First Minister and deputy First Minister for the way in which they chaired the Executive, patiently allowing all ministers as much time as they needed to ask questions about issues of concern and working jointly in the daily press conferences to explain the decision taken at the Executive and thereby provide as much reassurance as possible to the public that their political leaders, drawn from five highly different political parties, were working together in the best interests of everyone.

343. There were issues which did appear to divide along unionist/nationalist lines such as when the issue of school closure arose in mid-March 2020. On most other occasions traditional differences were set aside. However, mention must be made of what has become known as the Storey Funeral.

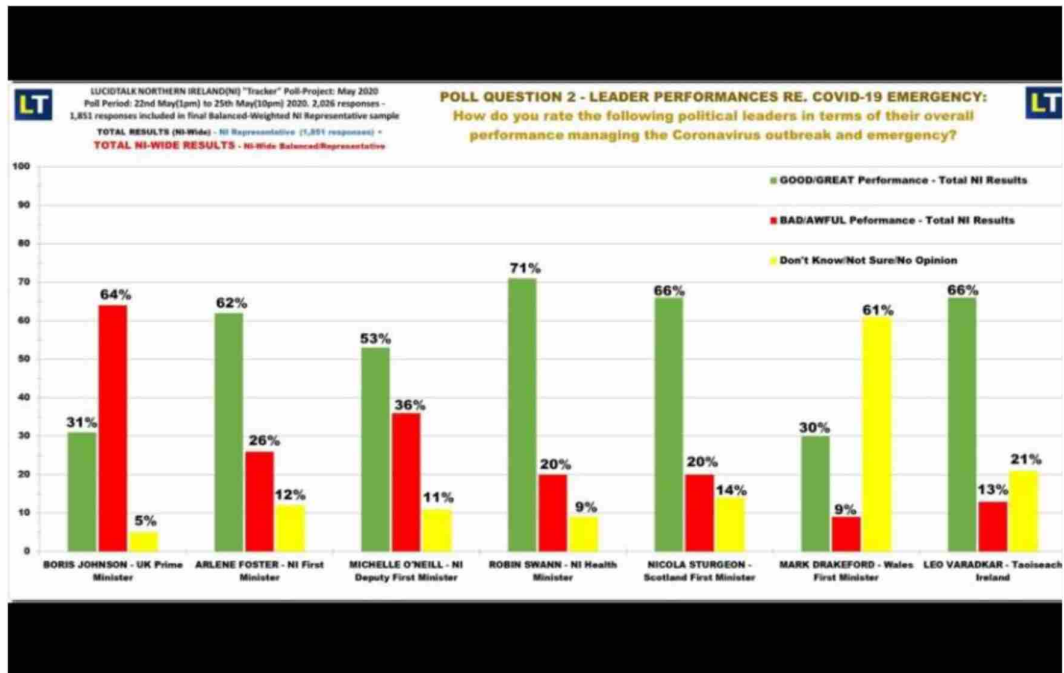
344. The funeral of senior IRA figure Bobby Storey on 30 June 2020 was one of the largest public events that occurred during the pandemic. Around 2,000 people lined the route in west Belfast and followed behind the cortege, which included many Sinn Féin politicians. At the time, regulations only permitted up to 30 people in a cortege and at a funeral service. The attendance of the deputy First Minister at the funeral led to the biggest crisis in NI politics since devolution was restored in January that year. Ms O'Neill and other senior Sinn Féin figures were widely criticised for attending the funeral, with claims they broke coronavirus guidelines. A decision was later made by the Public Prosecution Service not to prosecute anyone in connection with the funeral. The deputy First Minister said she regretted that the public health message was undermined by the funeral and she wanted to rebuild public trust. She did not apologise for having attended.

345. It is not for me to comment on the rights and wrongs of this issue other than to note that it had a significant impact on the cohesiveness of the Executive which up until then had been impressive given the ideological and political differences of the five parties. The immediate impact was for the First Minister to refuse to take part in the joint press conference which had taken place almost daily since the middle of March. Relationships in the Executive were strained with the other four parties expressing their deep concern at an Executive meeting on 2 July 2020 (**Exhibit DS/149 – INQ000065461**). There is also the question of the impact which this had on public attitudes to compliance with the various NPIs which were still in place at the time. While I have no hard evidence my recollection is that there was a widely held view that it was harder to make the case for strict compliance with the various Covid-19 regulations which remained in force at the time (and many of which had to be reintroduced later).

Support to Minister of Health

346. I thought the Health Minister performed exceptionally well during the period of the pandemic when I was HOCS. At the Executive he was always well-briefed and answered the many questions from other ministers patiently and with authority. In public he was calm, reassuring and always acted with integrity. He was prepared to admit when the Department was facing difficulties and effective when the public needed to be reminded of the importance of adhering to the basic advice around (eg) handwashing and social distancing. Opinion polls conducted during the pandemic regularly showed that public confidence in him was significantly higher than for any other Executive Minister. For example, a Lucid Talk poll conducted in Northern Ireland in June 2020 showed that Robin Swann's performance was rated higher than any of the leaders in the governments in London, Edinburgh, Cardiff or Dublin at that time.

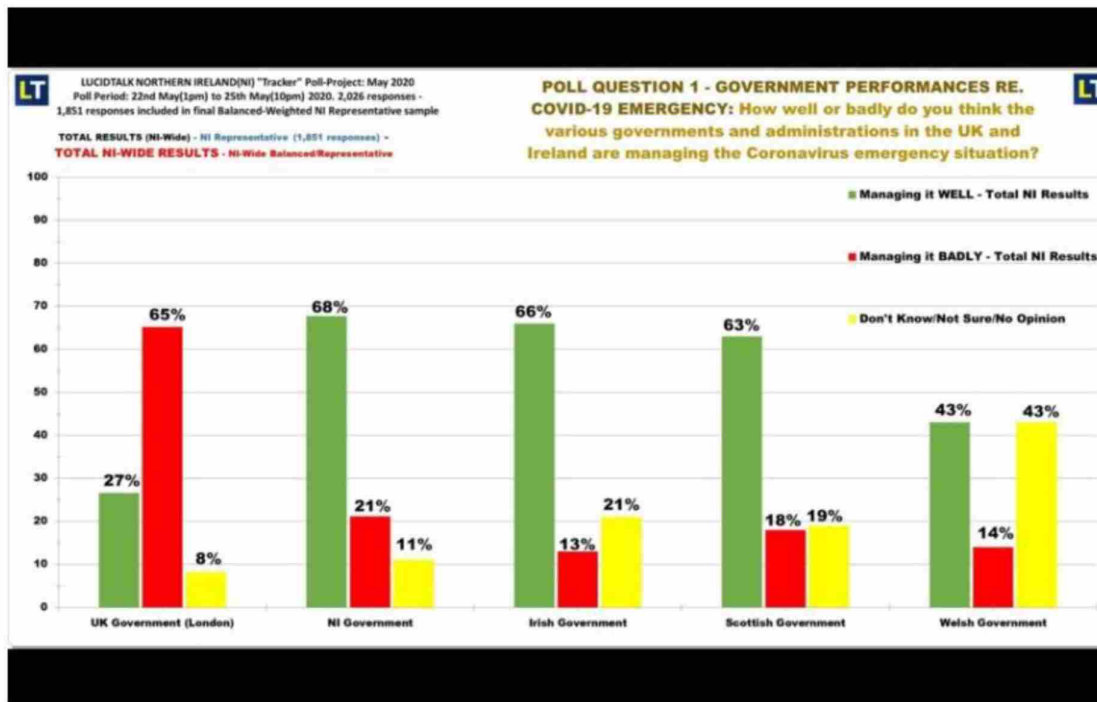
347. On occasion, particularly in the early phases of the first wave in late March and early April 2020, I felt that ministers were in danger of giving insufficient attention to the non-health impacts of the pandemic and instead focusing disproportionately on health impacts and the Health minister. Working with the First Minister and deputy First Minister Special Advisors, I sought to ensure that the agenda for Executive meetings was structured so that other Ministers were required to bring papers to the Executive, particularly when it was operating in ECCMC mode, on the issues for which they were responsible including the high-risk issues identified in the TEO heat map.



Process and quality of decision-making by Executive

348. In general terms my feeling at the time was that the Executive's processes were "clunky" for want of a better term in the early days of the pandemic but that as we got to grips with the task the processes improved. Nevertheless, as I have said earlier, my assessment is that the quality of decision-making was good and better in my experience than in previous years. In making that assessment I am giving due regard to the gravity of the issues which the Executive was dealing with and the relative inexperience of the new Executive.

349. In this context it is interesting to note in the same Lucid Talk poll conducted in Northern Ireland in June 2020 showed that people in Northern Ireland believed their Executive had performed better than the governments in the other jurisdictions.



Northern Ireland's borders

350. Immigration controls and border security are reserved matters beyond the competence of the NI Executive and I am not in a position to comment authoritatively on whether more could or should have been done to control movement into Northern Ireland. However, my recollection is that public health checks were applied at the Northern Ireland ports and airports where traffic was already much below pre-Covid-19 levels. The volume of movements through ports and airports was monitored and reported in the daily sitrep. Given the length of the border with Ireland (500 km and over 200 crossings) it was not feasible in practical or political terms to create checkpoints for people and vehicles.

351. I cannot clearly recall whether the UK government had sufficiently consulted and considered issues of border control into Northern Ireland and I cannot be sure whether my absence of any clear memory about this issue is because it was a low priority for ministers or whether it shows there was limited consultation by UKG with the Executive.

352. Similarly, I do not recall whether there was any issue with the methodology adopted by the UK government for identifying countries as Red/Amber/Green and whether this was clear, comprehensible and easy for the Northern Ireland government to adopt. The progression of the Covid-19 virus through western Europe and into North America shows

that no countries managed to escape it. This is an area where lessons need to be learned for the future about how countries might better work together to contain the spread of highly infectious diseases. I am not expert on these matters but suggest that DoH may be able to offer suggestions on how the various international health agencies (both governmental and non-governmental) might cooperate more effectively in the future.

Republic of Ireland

353. It is interesting to question whether the animal health model was an appropriate or sound comparator in the context of Covid-19 and to consider whether the island of Ireland should be treated in policy and operational terms as a single epidemiological unit for human diseases. As I am not an epidemiologist I would be reluctant to express a personal view. However I understand from paragraph 221 of the CMO's statement of 23 July 2023 that the CMOs from Ireland and Northern Ireland did have informal discussions on the issue of treating the island of Ireland geographically as a single epidemiological unit, at least for modelling purposes. My understanding is that there were real practical difficulties because of differences in the way data was collected and recorded but that it was agreed, nevertheless, that data should be shared.

354. For the island of Ireland to be treated as a single epidemiological unit from the start of the pandemic, these practical difficulties would need to have been resolved. But more importantly there would need to have been an immediate political consensus in Belfast and Dublin (and probably London) that this was to be the way forward and that is before any consideration of how joint decisions would be made and implemented. My quick assessment is that political agreement would not have been easily reached (if at all) and that the various practical difficulties could not have been resolved in the very limited time available. Nonetheless, I can see that there would be merit in exploring this on a cross-border basis when considering how best to respond to future pandemics.

355. I do not recall the Executive ever agreeing to ask for advice on whether work should be carried out to compare the approaches being taken by other island nations (such as New Zealand) to determine whether these might be a better way for Northern Ireland to respond to the pandemic. My view is that such a task would only have been practicable if the CMOs in both parts of Ireland had come together and jointly recommended such a study. TEO relied on the expertise within DoH, primarily the CMO and CSA for advice on issues such as whether Northern Ireland might have had an advantage by reason of its geography or physical location and whether Northern Ireland might have had an

'island advantage' had it aligned its policies or approaches more closely with those of the Irish Government. The CMO addresses this point at paragraph 221 of his statement dated 24 July 2023.

356. The drive behind the development of the 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 (and its Agencies)" (the All-Ireland MOU) came from the two Departments. I cannot recall whether this was initiated at ministerial or official level though I do recall it was welcomed as a positive and sensible move by all concerned. My further recollection is that the MoU codified a lot of good practice which was already occurring between the two jurisdictions. I cannot comment authoritatively on whether the machinery existed to facilitate the cooperation aimed for in the All-Ireland MOU – that would require a DoH opinion.

357. I recall that the Health Minister and CMO were generally positive about the effectiveness of North/South cooperation when asked about this at the Executive. However, I do not have sufficient evidence to offer an authoritative view on the extent to which the affirmation that "Everything possible will be done in coordination and cooperation between the Irish government and the Northern Ireland Executive and with the active involvement of the health administrations in both jurisdictions to tackle the outbreak. Protection of the lives and welfare of everyone on the island is paramount, and no effort will be spared in that regard" had a practical effect or on the extent to which the aspiration of coordination and cooperation was achieved and the aims of the All-Ireland MOU met.

358. The Inquiry has asked whether I consider that Northern Ireland and the Republic of Ireland ought to have pursued further opportunities for cooperation set out in the All-Ireland MOU (because they may have improved the response to Covid -19 in either or both territories). My experience suggests there is always scope for more and better cooperation between different jurisdictions, however I do not have sufficient evidence to offer an authoritative view on the extent to which more cooperation would have improved health outcomes for people on either side of the border. On these questions it would be important to obtain a DoH opinion.

359. The document titled "Obstacles to Public Health that even pandemics cannot Overcome: The Politics of Covid-19 on the Island of Ireland" produced by a number of academics at Queen's University provides several examples of where there was public

policy alignment as between Ireland and Northern Ireland. I found the analysis and conclusions in the report to be well-researched and compelling. I cannot recall any examples of where there was significant public policy alignment beyond the examples identified in the report.

360. I have no evidence to challenge the conclusion that the “absence of comparable data or structures to facilitate cross-border comparison and shared learning tend to belie high-level commitments to ‘co-operation and action within the island of Ireland” however a view on this would best come from the Department of Health.

361. I enjoyed good relations with the Secretary General to An Taoiseach who at that time was Martin Fraser. We were in the habit of informing each other of significant developments of mutual interest. For example, On the Sunday evening of 15 October 2017 Martin had phoned me to advise that the Irish Government was shortly to announce that it was closing all schools on Monday 16 October 2017 to mitigate the risk from Storm Ophelia which was due to hit the island of Ireland from a south-westerly direction. This had profound implications for Northern Ireland and, in my view, raised an issue which immediately created a pressure for Northern Ireland to follow suit. Our advice was that the Storm would pose limited risk in Northern Ireland and there were no plans to close schools. At the time there was no Executive in place and after discussions with colleagues in affected NI departments, the leaders of local political parties and the Secretary of State we concluded that we would be open to criticism if we did not close Northern Ireland schools even though the risk to schoolchildren was considered low.

362. I learned from this incident that I could expect to be given warnings of significant decision by the Irish Government which would have implications in Northern Ireland but that I should not expect to be given much notice. It was explained to me that the Irish Government would not want to risk uncontrolled leaking of announcements about decisions of such magnitude. I also knew from the Storm Ophelia experience that such announcements would create immediate pressures and potentially raise political tensions when the UK and Irish Governments took different course of action. I always appreciated the willingness of Irish Government officials to provide advance notice of its announcements on Covid-19 measures. However, at times the very short notice provided was a source of frustration for Executive Ministers as this allowed limited time for consideration of any measures so as to be in a position to react to them from a local perspective, where and when appropriate.

363. One example of this which I have mentioned previously at paragraph 146 in this statement was on 12 March 2020 when I got the call from Martin Fraser (the Secretary General to the Taoiseach) advising that the Taoiseach would very shortly be announcing a range of Covid-19 measures including the closure of all schools. Despite the difficulty over this issue my experience was that the relationship between the First Ministers and the Taoiseach during the period from the lockdown through the summer was generally good and there were several meetings between the two sides which saw constructive discussions around issues of mutual interest. The most significant was the NSMC meeting held in Dublin Castle on 31 July 2020 (which was the first NSMC Plenary held since 2016 due mainly to the collapse of the institutions between 2017 and 2020). The response to Covid 19 was the main item on the agenda [**Exhibit DS/150 - INQ000104460**].

364. I have no evidence of any broader reluctance on the part of the Irish Government to share information or to further cooperation with Northern Ireland for political reasons. I do not have any other insights into whether there were any other barriers to obtaining cooperation whether political, diplomatic, practical or otherwise and I do not recall whether any work was done to examine whether greater harmonisation or co-operation with Ireland might have produced better outcomes in Northern Ireland during the time before I retired.

365. During my time as HOCS I recall speculation and comment in the media about whether Ireland had better outcomes from Covid-19 (as compared to Northern Ireland) in terms of the rate of infection and in terms of the numbers of persons who died because of Covid-19 (whether measured by excess deaths or otherwise). Some attempted to compare respective death rates, however different reporting requirements meant the comparisons were not always valid. I do not recall ever seeing any authoritative comparison of outcomes North and South after the time when the WHO declared the pandemic was over.

366. For all its inherent difficulties, my assessment is that the Executive with its local ministers and its strong democratic legitimacy was the form of government which was better placed than any other feasible option at that time to determine the most appropriate response for the people of Northern Ireland given the history of division here.

367. I am not aware of any conclusive evidence which shows that Northern Ireland would have fared better had it aligned its response closely with the Irish Government. Indeed,

I think it is unrealistic to expect that a political consensus would have been easily found in the Executive to align with the Irish Government's approach unless there was incontrovertible evidence to show that this would have provided a significantly better outcome in Northern Ireland. I have not seen any such evidence.

368. It is also worth noting that the Executive did not slavishly follow the practice of the UK Government. On many occasions the Executive did things differently. It was more cautious in its approach to lifting restrictions. Later in the pandemic it provided different forms of support to people and businesses and in his reflections (from paragraph 230 onwards in his statement), the CMO sets out several initiatives which were taken forward in Northern Ireland including digital innovations such as the "Stop Covid-19 NI" proximity app, the first to be interoperable in the UK and Ireland.

Informal means of decision making

369. I did not encourage the use of WhatsApp messaging in the SCS and was not part of any NICS WhatsApp groups before 17 March 2020 although I did exchange WhatsApp messages with a small number of colleagues on an individual basis. However, as the scale of the pandemic became apparent I created a WhatsApp group on 17 March for the top tier of the NICS to communicate with each other rapidly. This was useful in the early days of the pandemic but as it progressed we came to rely on more traditional means of communications such as email for communication between groups of people. Nonetheless, I did use SMS and WhatsApp where I needed fast communication with individuals or small groups of two or three people.

370. We had some very long Executive meetings (four to five hour meetings, sometimes with adjournments, were not unusual) and there would have been occasional messaging during these, particularly when the meetings were being held over Zoom. I do not recall any Ministers, senior civil servants or Special Advisors messaging me in a way which I considered to be inappropriate in relation to responding to the pandemic.

371. I worked in the NICS for 42 years and 199 days. I do not recall a more fast-paced, stressful and difficult period than the first wave of the pandemic. These were extraordinary times which often called for extraordinary measures. I saw no reason not to use informal methods of communications which may not have been appropriate in more normal times. I have retained all such messages. I returned my laptop to TEO after I retired. I did not have an official phone. I have disclosed to the Inquiry copies of all SMS and WhatsApp messages from my personal phone between me and all persons

who were involved in the response to the pandemic. This includes ministers, special advisors, and officials from Northern Ireland, Great Britain and Ireland. I have not deleted any messages sent or received during the period in question up to my retirement.

372. I can only speak for myself. I would occasionally have used the “chat” function in Zoom during a virtual Executive meeting to check a point with a colleague or, for example, to alert or remind one of the First Ministers that they needed to raise or make a specific point.

373. There was no time to assess the impact of NPIs on specific groups of people within society in Northern Ireland (and particularly those who stood to suffer disproportionate impact) when the UK-wide lockdown was imposed on 23 March 2020. We were very focused on addressing the needs of the most vulnerable in society and I sought to ensure that the Executive ECCMC meetings in late March and early April included a briefing from the DfC Minister about how the many people who were having to shield themselves from harm were being supported. Ministers did meet many groups during the pandemic, but I would acknowledge that we did not take a sufficiently strategic approach to assessing the impact of the pandemic (and ensuring their needs were being met) for all Section 75 groups. For example, I cannot recall whether we had any evidence to show whether there are features of Northern Irish society (for example its relatively small population) which made the identification of particular hardship within communities and its alleviation, easier to achieve. I would accept that this is a lesson to be learned for future pandemic planning.

Funding from central government

374. I recall the Executive received a significant funding allocation through the Barnett mechanism because of comparable spending by UKG in GB. As I recall the first tranche of this was received in early summer. In accordance with the Executive’s normal financial procedures, proposals for how this should be allocated were brought to the Executive by the Finance Minister on 13 August 2020. I cannot recall whether this allocation was sufficient to meet the Executive’s needs at the time nor whether this was sufficiently timely.

375. I do think it is open to question whether the normal Barnett mechanism is the most appropriate means for getting additional resources to Northern Ireland during the crisis, however those who were in post later in the pandemic would be better placed to address

this issue. The Northern Ireland Fiscal Council has produced a number of useful reports which explain and analyse the public expenditure arrangements which apply in Northern Ireland. The Council's most recent report 'Northern Ireland's public finances and the UK Government's financial support package for the restored Executive', published on 15 February 2024 [Exhibit DS/151 – INQ000425417] analyses the extent to which the Barnett Formula is providing finance which meets current and projected future need in Northern Ireland. The Executive is pressing for a change in the current operation of the Barnett Formula and is, I understand, relying to an extent on the Fiscal Council's analysis. The UK Government has proposed a change to the way the formula operates which would have the effect of putting in place a ceiling which should ensure that Northern Ireland receives £1.24 for every £1 of comparable public expenditure spent in England (which is the level of expenditure which the Council believes is necessary to meet need in Northern Ireland. However, the Council questions whether this new arrangement will work as intended. The issues discussed are complex and not easily summarised though, personally speaking, I find the Council's analysis compelling and would have nothing of value to add.

Maintaining public confidence

376. I do not recall any campaigns being mounted specifically to counter disinformation about Covid-19 in the Northern Ireland government's response to Covid-19, however Executive ministers were clear throughout my term as HOCS that the Executive's communications should be clear, straightforward and hard-hitting when necessary. I recall that the advice from EIS during the first wave was that the daily press conferences led by the First Minister and the deputy First Minister, by the Health Minister and other ministers when appropriate were found to be effective in conveying information about the Executive's responses to the pandemic.

377. I do not recall any alleged breaches of rules and standards by Ministers, politicians (whether in Stormont or Westminster), officials and advisers (whether based on Northern Ireland or not) which in my view had an impact upon public confidence or public adherence to the Regulations and guidance in place at the time apart from the issues surrounding the Storey funeral which I have referred to above.

Retirement from NICS

378. I announced my intention to retire on 6 December 2019 by way of a press release. I made clear that I planned to leave on 31 August 2020.

379. The pandemic did delay the plans NICS HR had put in place to secure my replacement. History shows that it took some considerable time and effort to appoint a substantive replacement. I deliberately did not get involved in the process to find my successor as I believed at the time that I should not in any way be seen to be influencing who would replace me.

380. It is not for me to comment on whether there was adequate planning by the Executive, for my retirement. When I left on 31 August 2020 a live recruitment competition was well underway. My assumption was that a replacement would be appointed within a fortnight of my departure. Given this was a relatively short period of time I had advised that I did not see a need to make a temporary promotion. I did not expect that the competition would fail to produce a successor who was acceptable to the First Ministers.

Covid 19 – Reflections

381. I retired on 31 August 2020 after 42 years' service in the NICS. Responding to the first wave of the Covid-19 pandemic was one of the most difficult and challenging experiences of my career. It is beyond debate that Covid-19 was the worst global pandemic since the "Spanish Flu" pandemic of 1918-20. It led to a tragic loss of life and to other far-reaching consequences which remain with us to this day. It is beyond question that we were not fully prepared for the pandemic which hit us. I say that from a Northern Ireland perspective but, without any real fear of contradiction, the same could be said for the rest of the UK and Ireland.

382. It will be for the Public Inquiry to identify the many lessons to be learned from the entire duration of the pandemic however the following are my personal reflections drawn from my own experience during the period from January to the end of August in 2020.

"Context is everything"

383. Firstly, I feel that some understanding is due to all those of us who were required to take decisions during this period. I once worked for a Minister whose maxim was that "context is everything," which I always took to mean that you could never properly appreciate an issue until you fully understood the circumstances that formed the setting for the crisis, idea or issue with which you were dealing. In my long career I can never recall this being truer than when dealing with the early phases of the pandemic. Although I was there, I cannot properly recall the visceral fear we were all experiencing especially in those early days when we knew so little about the disease.

384. We did not know there would be a vaccine. We did not know much about the infection mortality rate or about asymptomatic transmission. That was a time when I recall seeing real fear in colleagues' faces and in their voices – fear for themselves, fear for their families, fear for those at the frontline in the HSC and fear for the people in the community who were depending on us.

385. In preparing this witness statement I have come across emails and messages which I cannot clearly recall drafting. By way of example, I noted a text exchange with Chris Stewart where he noted with disapproval that the fire doors in Stormont Castle had all been wedged open in clear contravention of fire safety regulations. This was a decision I took early in the pandemic when the hand washing rule had just been introduced and when there was a country-wide shortage of hand gel. In parts of the Castle you might have to go through five closed doors in 100 feet of corridor with a need to wash your hands after opening each door. Wedging the doors open seemed a relatively low risk action, but if a fire had occurred?

386. What surprised me when I came across this recently was that I had forgotten about it completely. This was a small matter in the overall scheme of things, but typical of the myriad of decisions which were taken quickly by public sector leaders at the time and yet which could be open to question with the benefit of hindsight. It was also a useful reminder of the furious pace at which we were operating and the long hours we were having to work. For weeks on end, we logged on when we woke up and logged off when we went to bed - seven days a week dealing with a multiplicity of issues simultaneously and never having the time you would really like to deal with the complexities of each one.

387. It is hard to recreate just what this was like in prose.

Department of Health

388. Looking firstly at the Department of Health, the Health and Social Care Service was at the forefront of the response to the pandemic. It placed an unprecedented pressure on all staff, particularly those who had to deliver frontline services in unimaginably difficult circumstances. No amount of recognition can compensate them for what they had to endure. They will forever be in our debt.

389. I had first-hand experience of the challenges which were experienced by the Departmental team led by the Minister, Robin Swann, the Permanent Secretary, Richard Pengelly and the Chief Medical Officer, Sir Michael McBride. They coped extremely well

in the most difficult of circumstances, working long hours over an extended period and under the most intense public scrutiny. They and their teams showed remarkable tenacity, creativity and resilience and they deserve huge credit for their fortitude and calmness under pressure.

390. I have seen and would commend the CMO's reflections on the impact of the pandemic and the lessons he considers we need to learn as set out in paragraphs 230 -251 of his witness statement dated 24 July 2023. All I would want to add is that, in my view, their task was made immeasurably harder by the absence of ministers during the three-year period from January 2017 to January 2020. While other health services were benefiting from the political direction which is needed to adjust services in response to ever-changing circumstances, the HSC in Northern Ireland was allowed to drift. I would add that this period came on top of a decade characterised by a collective failure of political leadership to address the need for transformation of the HSC in Northern Ireland. It is well documented that there have been multiple studies of the NI HSC which have all come to similar conclusions about the need for reform and reconfiguration. The extract from the Fiscal Council Sustainability report on Health published in September 2022 summarises the various studies (**Exhibit DS/152 – INQ000398445**). The most recent was the "Bengoa Report" in 2016 which was effectively left on the shelf due to the absence of ministers. I am sure that if the transformation which had been recommended repeatedly in the past had been implemented the HSC would have been better able to deal with the crisis it encountered in early 2020, which was to last for nearly three years and whose after-effects remain with us to this day.

Appendix A - NI health service reviews¹²⁴

1989	Government white paper	introduced the concept of an internal market. In Northern Ireland, this led to the establishment of 19 Trusts
1998	Fit for the Future - Department of Health	proposed the abolition of the internal market with commissioning decisions taken as close as possible to patients and clients and centred on primary care
2001	The Acute Hospitals Review – led by Maurice Hayes	recommended the establishment of a single Strategic Health and Social Services Authority to replace the four HSS Boards, reducing the number of hospitals to 9, and integrating health and social care
2002	Developing Better Services – Department of Health	supported the creation of a single regional authority and replacement of 15 acute hospitals with 9 acute and 7 local hospitals, and. Also recommended the 15 Local Health and Social Care Groups (LHSCGs) should be brought together
2005	Independent Review of Health and Social Care Services in Northern Ireland - led by John Appleby	focused on the need for rigorous performance management and greater incentivisation of strong performance
2007		The then Minister decided against a regional Health Authority. He confirmed the creation of 5 new integrated Trusts, 5 Local Commissioning Groups, a smaller Health and Social Care Board (HSCB) focused on commissioning, financial and performance management, and a Public Health Agency
2011	Rapid review of Northern Ireland Health and Social Care funding needs and the productivity challenge 2011/12-2014/15 - led by John Appleby	reviewed finances and efficiency and concluded that the health service in Northern Ireland needed significant additional funding, but also had considerable room to improve productivity
2011	Transforming Your Care – led by John Compton	concluded that the current system was not fit for purpose and there was an unassailable case for change. It identified a mismatch between the need for a proactive model based on prevention and the needs of patients, and the reality of a system focused on hospital care. The report made 99 recommendations, called for a major shift in the design of services and set out a broad new model of care, moving away from hospitals and into primary, community and social care services
2014	The right time, the right place - led by Sir Liam Donaldson	reviewed the governance in the NI HSC service and called for more flexibility and room for innovation, a reduction in the number of hospitals, and better responsiveness to patients. It endorsed the policy behind Transforming Your Care, expressed concern that the TYC vision was not being implemented, and recommended the appointment of an impartial panel of experts to deliver the right configuration of HSC services
2015	Review of the HSC Commissioning Arrangements – Department of Health	The then Minister launched a consultation on a review of the HSC administrative structures. The review recommended abolition of the HSCB.
2016	Systems not structures – Changing health and social care – led by Professor Rafael Bengoa	called for the development of an accountable care system that aimed to manage people's health and keep them well. It concluded that the system had the capability to deliver on key objectives, but stressed that realistically this would be a long-term 10-year plan.

391. Going forward the HSC system in Northern Ireland urgently needs transformation and reconfiguration, adequate resourcing, principled political leadership and stable politics.

Contingency planning and preparedness

392. I have explained elsewhere that well into February we were expecting Covid-19 to be like a winter flu pandemic. The knowledge of the virus was limited during this period and the realisation that the level of infection was going to be much greater and much more serious for those catching the disease came rapidly and needed an agile response. We had not anticipated that staff would need to work from home to reduce the spread of the disease and that many would have to “shield” themselves because of their inherent vulnerability. These factors meant that when we initially activated CCG and the Hub we needed to appoint an inexperienced Chief of Staff in Anthony Harbinson.

393. He quickly found that we were short of the necessary volunteers. In terms of the availability of trained staff for the NI Hub, we had assumed that the experience gained through the Yellowhammer experience would leave us better prepared than we were. In our defence we had just been through an extended period without ministers where, for most of the time, we were having to respond to a UKG whose publicly stated top priority was “to get Brexit done”. We were also having to work with a new and relatively inexperienced team of ministers. However, for the future it needs to be recognised that it is at times like this, where staff have been stretched to a limit, that you will be most vulnerable in a crisis.

394. By dint of Anthony’s creativity and industry, together with the commitment and ingenuity of the volunteers from the NICS and SIB along with the consultancy staff secured by Anthony, we quickly recovered lost ground. Nonetheless, a lesson for the future is that the capacity and capability of CCPB and the departmental staff who need to be mobilised in the event of a crisis needs to be regularly tested and ideally with independent scrutiny.

395. CCPB resourcing and governance has been reviewed and improved but needs to be prioritised. Likewise, regular exercises need to be conducted to test capability and capacity in as near a live environment as is possible. Senior management need to give commitment to this. If this is not shown to be a priority by the top team it is unlikely to be considered a priority lower down in departments. While memories of the pandemic are fresh it should be relatively easy to reinforce the importance of proper contingency planning and ensuring that there is adequate capacity and capability in the CCC infrastructure. However, as the memories fade it will be incumbent on top management to ensure the necessary priority is attached to this, and that includes ensuring that ministers are fully appraised and involved in the planning processes.

NICS and wider public sector

396. As I have now been retired for over three years I do not feel it would be appropriate for me to prescribe precisely what the NICS needs to do to be ready for whatever the future holds. However, any analysis needs to recognise the context in which the NICS had been operating at the outset of the pandemic in early 2020. It must be recognised that the NICS was having to deal with:

- more than a decade of financial austerity where public expenditure growth had been slow to keep pace with rising demands for services, particularly in health and education;
- persistent political dysfunction as evidenced by political crises in 2014 and 2015, the collapse of the institutions between 2017 and 2020 and from February 2020 to date all of which has left public services without the stable political direction that is needed. The Executive has now not been in place for nearly five years out of the last seven. I can think of no other place where this would be allowed to happen;
- the lack of any coherent strategic direction for public services due mainly to the absence of ministers. It is a matter of record that there has been no Programme for Government in place since 2016 (and that one was agreed in 2012) and no multi-year budget in place since 2011; and
- pressure on resources. The NICS has seen a steady reduction in numbers over the six years before the pandemic as shown in the NISRA table described at para 88 which shows there has been a greater reduction in NICS numbers than in the civil services in England, Scotland and Wales. At the same time the Northern Ireland economy has been improving with unemployment reaching a historic low before and after the height of the pandemic. As the private sector has grown, the public sector has become less attractive as a career and consequently it has become more difficult, but not impossible, to attract and retain people with the skills necessary across a wide span of public sector employment.

397. These factors combined to create pressures on the capacity and capability of the NICS which are being felt to this day. These issues are being addressed with vigour by the current leadership of the NICS however it seems certain that building an NICS with the necessary capacity and capability to face the foreseeable (and unforeseeable) challenges in the years ahead will remain difficult.

398. Despite these many challenges I am proud of the way the NICS responded to the pandemic. I have acknowledged that we were not fully prepared for what was to come, but it seems clear that no one was. Nevertheless, as our understanding of the characteristics of the virus became clearer our response became more coherent and better coordinated. My primary objective during this period was threefold: firstly, to ensure that all sectors worked together to provide maximum support to the HSC; secondly to ensure that the wider response to the impact of the virus and the lockdown

was coordinated as effectively as possible and thirdly to ensure the NICS remained resilient at a time when it was unclear how long the emergency would last. I will leave it to the Inquiry to assess the extent to which these objectives were achieved.

399. From my position as HOCS and Chair of CCG I had a unique overview of the way in which the NICS and the wider public sector came together. It is not for me to pre-empt the conclusions of the Public Inquiry, but my clear recollection is that we were agile, resourceful and united by a strong common purpose. Cooperation across all sectors was good with a spirit of altruism widely in evidence. It was this unprecedented collaboration which helped us, inter alia, to:

- a. Provide tailored personal support to over 80,000 vulnerable people against an original estimate of 40,000;
- b. Keep seaports, airports, ferry companies and airlines operational throughout the early stages of the pandemic;
- c. Maintain essential public transport and water and sewerage services;
- d. Protect and maintain vulnerable supply chains for food and medicines;
- e. Allow the essential retail sector to remain operational;
- f. Provide schooling to children from their homes and to keep schools open for the children of front-line HSC staff;
- g. Keep universities and colleges functioning;
- h. Deliver emergency morgue facilities in rapid time; and
- i. Provide support to non-essential businesses and voluntary and charitable organisations to allow them to remain viable during the early lockdown.

400. There are of course important lessons to be learned about how all this might be done better should a similar crisis arise in the future, but it would be churlish not to recognise the good that was done during the first wave of the pandemic.

401. I have discussed earlier what may be needed to improve the effectiveness of the Civil Contingencies response. Other areas where lessons will need to be learned and where I believe there are opportunities for improvement include:

1. North/South and East/West cooperation between the governments in Belfast, London and Dublin where there are opportunities to improve on relationships especially now that the NI Executive has been restored. Effort needs to be made by all sides to make the NSMC machinery more worthwhile for all participants;
2. Making better use of Data Analytics, Artificial Intelligence (AI) and technology in for example when forecasting and modelling scenarios so as to enable better risk-based planning;
3. Making best use of all communication channels to ensure the public get the information they need as quickly as possible. It was clear early on in the pandemic that increasing numbers of people have little or no connection with mainstream media and rely social media or non-mainstream channels;
4. Finding better ways to counter and rebut disinformation especially on social media; and
5. Ensuring that appropriate measures are in place so that the impact of any future crisis on all vulnerable groups is quickly assessed and that there is ongoing, meaningful engagement with representatives of all such groups about contingency planning so that their needs are understood and always met.

Ministers

402. I will conclude with a short reflection on the role of Ministers. It has almost become a national sport in Northern Ireland to criticise politicians and political parties and evidence from opinion surveys (see attached extract from the Northern Ireland Life and Times Survey 2022 [**Exhibit DS/153 – INQ000425420**]) shows there is a low level of trust in the Executive by comparison with other institutions. However, my experience of working with what was a relatively new and inexperienced group of ministers at the start of the pandemic was generally positive.

Figure 6: Levels of trust in those with governance responsibilities (%)



403. The issues which the Ministers from the five different parties were having to address were complex and difficult. People’s lives and livelihoods were at stake and on almost every issue there was no perfect answer to the problem in question. Trade-offs were needed between the requirement, on the one hand, to protect the HSC system and, on the other, to respect the civil liberties and welfare of the citizens while ensuring no lasting damage was done to the economy. Balance was not always easily found which meant that meetings were often protracted with advisors, especially the CMO and CSA, being subject to forensic questioning. Nonetheless, on every occasion during the first wave (apart from the initial debate about when schools should close) agreement was reached which had the virtue of a very high level of democratic legitimacy. Things were never the same after the Storey Funeral incident, however credit is due to the Executive for their handling of the first wave of the pandemic during the period from mid-March to late June. I remain convinced that a power-sharing Executive while imperfect in many ways, is still the best form of government for Northern Ireland.

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: 20 March 2024