

Witness Name: **Brandon Lewis**

Statement No.: **1**

Exhibits: **BL/1 – BL/146**

Dated: **22 March 2024**

UK COVID-19 INQUIRY

FIRST WITNESS STATEMENT OF THE RT HON SIR BRANDON LEWIS CBE MP

I, BRANDON LEWIS, c/o the Northern Ireland Office, 1 Horse Guards Road, London, SW1A 2HQ will say as follows:

1. I was the Secretary of State for Northern Ireland ('SoSNI') from 13 February 2020 to 7 July 2022. I was elected MP for Great Yarmouth in 2010 and have held a number of other Ministerial roles within Cabinet.
2. I make this statement in response to the request from the UK Covid-19 Public Inquiry ('the Inquiry'), dated 2 October 2023 pursuant to Rule 9 of the Inquiry Rules 2006. This request asks that I provide the Inquiry with a witness statement in respect of specified matters relating to Module 2C, which is primarily concerned with political decision making during the Covid-19 pandemic in the context of Northern Ireland.
3. This statement is provided in my personal capacity. However, as the former SoSNI (in post during most of the period of interest to the Inquiry) in preparing this statement I have drawn on the corporate memory within the Northern Ireland Office ('NIO'), as the Department I oversaw at the time. In making this statement I am primarily relying on my own experience and recollection and contemporaneous NIO records, although I have also consulted with former colleagues in the NIO in order to provide as accurate an account as possible.

4. This statement is to the best of my knowledge and belief accurate and complete at the time of signing. Notwithstanding this, it is the case that the NIO continues to prepare for its involvement in the Inquiry. In particular, I understand that work remains ongoing to review the contents of one of the email inboxes used by my private office. As part of these preparations, it is possible that additional material will be discovered. In this eventuality the additional material will of course be provided to the Inquiry and a supplementary statement will be made if required.
5. The matters referred to in this statement primarily relate to the date range as specified by the Inquiry, namely between 11 January 2020 and 15 February 2022 ('the specified period').

The Role of SoSNI

6. My main responsibility as SoSNI was to promote the best interests of Northern Ireland within the United Kingdom. This meant ensuring the interests of Northern Ireland were fully and effectively represented within the UK Government and at Westminster, whilst also ensuring the UK Government's responsibilities were properly fulfilled in Northern Ireland. In practical terms, this involved the work and interactions I describe below. Particular policy responsibility during my time as SoSNI included political stability in Northern Ireland, national security and counter-terrorism and implementation of the key political agreements reached in relation to Northern Ireland (such as New Decade New Approach). I was also responsible for representing the economic and other interests of Northern Ireland on the issue of EU exit, both in the Cabinet and elsewhere. I also led relations with the Irish Government and other international partners on issues relating to Northern Ireland.
7. More specifically in relation to the Covid-19 pandemic, my primary role was to support the Northern Ireland Executive ('NIE' or 'the Executive') in their response to the pandemic. This was because health was, and remains, a transferred matter, meaning that the NIE was responsible for many of the key decisions taken in respect of Northern Ireland regarding the pandemic. I therefore worked with the NIE in order to support their efforts to keep people safe and minimise economic harm in Northern Ireland. This support normally came in the form of personal interactions with key players within the

NIE and covered a range of issues (considered below). For instance, I played a part in supporting business in NI during the pandemic. I exhibit a Ministerial Submission I received on this topic at the beginning of the pandemic, outlining my objectives and engagement, as **[Exhibit BL/1 INQ000372644]**. I also hosted a meeting with NI business leaders on 15 April 2020 in order to ensure they were fully aware of the support being offered to them. I exhibit a brief prepared for me as **[Exhibit BL/2 INQ000421611]**.

8. I also sought to ensure that the issues facing Northern Ireland were understood within UK Government. I therefore had a part to play in understanding and communicating what was going on in Northern Ireland, including the NIE's response to the Covid-19 pandemic, to UK Government. This normally occurred in the context of formal meetings and interactions with other UK Government Ministers, which often I used as an opportunity to speak up for issues occurring in Northern Ireland. For example, I recall working with the Chancellor and Her Majesty's Treasury towards the start of the pandemic to ensure that there was provision of financial support from UK Government to keep maritime and air passenger services - which had been financially affected by the drop in passenger numbers due to Covid-19 - running.
9. In practical terms, I chiefly acted as an interlocutor between NI Ministers and the UK Government, although there were also meetings between Ministers of the NIE and UK Government, which I did not attend. Please see §30 (below) for an example of where I consider that the NIO should have been present at such meetings.
10. As SoSNI, I sought to balance the need to respect the devolution settlement, which gave the NIE primacy within key areas such as health, with encouraging alignment with wider UK Government policy and seeking what became known as a 'four nations approach' where this was possible and appropriate. This was determined by whether alignment was practical in the circumstances, and whether it would help to manage the course of the pandemic effectively. My role was not limited to seeking to persuade the NIE to align its approach with the UK at all times. Rather, I encouraged this where feasible, but where it was not, I was chiefly concerned with understanding the reasons for divergence, communicating them and mitigating any risks which may follow from the NIE's chosen approach.

11. The divergences in approach that did emerge during the specified period between the NIE and UK Government generally reflected the transferred nature of many of the key decisions under the devolution settlement. The delineation of responsibilities under this settlement gave the NIE significant latitude to make decisions regarding the NI health system, which extended to non-pharmaceutical interventions ('NPIs') as well as other restrictions and areas of policy relevant to the pandemic¹. There were generally few divergences in overall approach (as compared for England), but I do recall that the NIE moved quickly to impose NPIs in response to some Covid hotspots during the early stages of the pandemic and was generally a bit slower than some other UK Nations to remove restrictions. Such decisions reflected the situation on the ground in Northern Ireland and it was therefore entirely appropriate that they were taken by the NIE. Equally, whether to adopt policies in areas relating to reserved or excepted matters was a decision for the UK Government. For instance, an issue arose in early 2022 in respect of the conduct of elections to the NI Assembly (an excepted matter) in light of NPIs then in place. I exhibit a document recording my views on this issue as **[Exhibit BL/3 INQ000421639]** and a Ministerial Submission I subsequently received on the subject as **[Exhibit BL/4 INQ000421640]**. Separately, UK-wide initiatives, such as 'Eat out to help out', applied to Northern Ireland.
12. I am asked to consider whether Northern Ireland generally lagged two weeks behind England in terms of transmission of Covid-19 and, if so, whether this provided a strategic advantage. I understand that the first recorded cases of Covid-19 in England were confirmed at the end of January 2020 and am aware that the first recorded case of Covid-19 in Northern Ireland was confirmed on 27 February 2020. I cannot recall if this gap persisted throughout the specified period. I am unable to say whether such a lag in transmission (when compared to England) provided a strategic advantage in NI, as I was not involved in scientific or medical discussions or decision making in respect of transferred matters such as health. As part of my role I had a general understanding of the respective positions of NI and England; for instance, I was briefed on the rates of the Omicron variant in late 2021 (I exhibit this brief as **[Exhibit BL/5**

¹ These areas are considered in more detail at §48 of the statement of Holly Clark, dated 14 April 2023, provided on behalf of the NIO ('NIO corporate statement').

INQ000421594)). However, the details of any scientific or medical discussions were for consideration by decision makers in devolved areas.

13. During the specified period I was physically based between Northern Ireland and England. When lockdowns were in place, I was primarily based at my home in the South East of England, but did also travel to London and Northern Ireland during these periods on official business.

The Representation of Northern Ireland's Interests

14. As SoSNI I represented the interests of Northern Ireland at Cabinet meetings, usually chaired by the Prime Minister, as well as other meetings of UK Ministers². At these meetings I ensured that any relevant perspectives or impacts on policy matters affecting Northern Ireland, whether in respect of Covid-19 or more generally, were communicated and discussed. This took the form of both formal Cabinet discussions and more informal conversations with colleagues around the margins of such meetings, and was consistent with my responsibility to ensure that Northern Ireland's interests were represented at the heart of UK Government. I exhibit emails I received in advance of a meeting on 18 March 2020 (which I do not believe I attended) which concerned the potential closure of schools **[Exhibit BL/6 INQ000421576]**, and recording an informal conversation I had with the Secretary of State for Education (Gavin Williamson MP) **[Exhibit BL/7 INQ000421575]**. By their nature such informal conversations were often not recorded, so I cannot provide the Inquiry with any other particular examples as there are none which spring to mind. These conversations were not arranged per se and they took place during the normal course of the working day. I can say that in my experience such conversations tended to relate to the matters being considered for discussion and decision at more formal meetings, but did not replace them.

15. In order to understand the situation and issues that were relevant to Northern Ireland, I held regular meetings with Ministers of the NIE:

² For instance, see §75 of the NIO corporate statement.

- 15.1. Subject to diary commitments, I held regular (generally weekly) catch-up meetings with the First and deputy First Ministers, which were instituted shortly after the NIE was restored at the start of the specified period.
- 15.2. During the specified period, Covid-19 Quad meetings were established, which were attended by me, the Minister of State for Northern Ireland ('MoSNI') when available, the First and deputy First Ministers of the NIE and the Irish Minister for Foreign affairs.
- 15.3. I also attended a variety of meetings that involved both Ministers of the NIE and other UK Government Ministers. These included Ministerial Implementation Group ('MIG') meetings, which became Covid (Operations) ('Covid-O') meetings during the course of 2020. I also attended Four Nations Group meetings, chaired by the Chancellor of the Duchy of Lancaster ('CDL'), and attended by representatives of the Devolved Administrations. I occasionally attended other bespoke meetings, such as the Covid-19 Recovery Summit, held on 3 June 2021. In this regard I exhibit a briefing prepared for me as **[Exhibit BL/8 INQ000421587]**.
16. When attending these meetings, I received briefings and advice from officials of the NIO regarding the situation and issues which were present in Northern Ireland in respect of Covid-19. This was based on their frequent interactions with the Northern Ireland Civil Service ('NICS') and others. By way of illustration, I exhibit Ministerial Submissions dated 28 April 2020 **[Exhibit BL/9 INQ000372639]** and 7 May 2020 **[Exhibit BL/10 INQ000372638]**, which were prepared for me by NIO officials and related to reviews of restrictions by the NIE and UK Government as the course of the pandemic progressed. I also exhibit a note prepared for me in November 2020 on the subject of regulations in Northern Ireland as exhibit **[Exhibit BL/11 INQ000421599]**.
17. Given that my role was principally to support the NIE during the Covid-19 pandemic, it will be clear from the above that the views and opinions of NIE Ministers were of critical importance to informing my task of representing Northern Ireland's interests. Predominantly, my role involved ensuring that these perspectives were understood and appreciated by the wider UK Government. My own judgement and assessment played a part in ensuring that these views were communicated effectively as well as informing how UK Government policy was formed in respect of Northern Ireland. By

way of example, please see the issues concerning border restrictions considered at §48 below.

18. I am asked to consider the main issues concerning the course of Covid-19 in Northern Ireland which, as SoSNI, I represented to the UK Government. During the early stages of the pandemic this related to the provision of Personal Protective Equipment ('PPE'). I exhibit a Ministerial Submission I received in April 2020 on this topic as **[Exhibit BL/12 INQ000372645]**, which provided me with an outline of the situation in NI at the time. As matters developed, I later spent a significant proportion of my time focused on border regulations and travel restrictions which are considered in more detail below.

Power-Sharing Arrangements

19. From my perspective, I had good working relationships with both the First Ministers (Arlene Foster, and later Paul Givan) and deputy First Minister (Michelle O'Neill) during my time as SoSNI. I met regularly with both, mostly in the context of formal, minuted meetings, from mid-March 2020 onwards. On the occasions that either the First or deputy First Minister was absent from these meetings, a representative would sometimes attend in their place. I also had less formal contact with both, and recall having phone calls and virtual meetings which were arranged by my private office from time to time. Such contact normally occurred individually in an attempt to find a way forward where an issue had arisen. These conversations tended to relate to other subjects (unrelated to Covid-19) which were present in NI politics at the time, although it is likely that some conversations did take place in relation to the pandemic, as is normal when working with different parties. As noted above in respect to informal interactions with Cabinet colleagues, these conversations were generally not recorded and I have not been made aware of any contemporaneous notes made by NIO officials (who may have been present at them) in the course of preparing this statement. Where any more formal discussion occurred, an official from the NIO would have been present and/or would have followed up the contact in writing.
20. As SoSNI I also occasionally met and communicated with other Ministers of the NIE when specific issues arose over which they had responsibility. For instance, during the pandemic I held calls with the Health Minister of the NIE, Robin Swann, concerning

issues relating to Covid-19 in Northern Ireland³. I also occasionally met with Northern Irish political leaders and/or political groupings in order to discuss relevant issues:

20.1. On 17 and 18 March 2020 I held separate calls with NI party leaders, to discuss legacy issues. Unsurprisingly, some of these calls also touched on the issue of Covid-19 and I therefore exhibit a readout of these calls as **[Exhibit BL/13 INQ000421601]**.

20.2. On 23 March 2020 I held a call with a number of Democratic Unionist Party MPs which concerned a range of issues. I exhibit a brief prepared for me in advance as **[Exhibit BL/14 INQ000421604]**.

20.3. On 29 April 2020 I met with Steve Aiken, the then leader of the Ulster Unionist Party. I exhibit a brief prepared for me in advance of this meeting as exhibit **[Exhibit BL/15 INQ000372627]**.

20.4. On 9 June 2020 I held a call with a number of MPs from Sinn Féin, concerning a range of issues. I exhibit a brief prepared for me in advance of this meeting as **[Exhibit BL/16 INQ000421585]**.

21. During the specified period I also occasionally sent to and received from Ministers of the NIE (and others) formal correspondence concerning Northern Ireland's response to the pandemic. I exhibit the following further documents (in addition to those already held by the Inquiry):

21.1. A Letter from the Justice Minister (Naomi Long) dated 18 March 2020 concerning support for business in response to the pandemic **[Exhibit BL/17 INQ000372666]**. I exhibit my response as **[Exhibit BL/18 INQ000372652]**.

21.2. A letter from me to Mary Lou McDonald TD (President of Sinn Féin) dated 20 March **[Exhibit BL/19 INQ000421642]**, responding to her letter to the Prime Minister regarding cooperation with the Irish Government.

21.3. An email from the Justice Minister dated 7 April 2020, concerning access to abortion services in Northern Ireland during the pandemic **[Exhibit BL/20 INQ000372655]**. I exhibit my response as **[Exhibit BL/21 INQ000372654]**.

21.4. A letter from the First and deputy First Minister dated 12 May 2020, providing advance notice of the publication of the decision-making model for NIE **[Exhibit**

³ INQ000091392, INQ000091471 and §28 below.

BL/22 INQ000372651]. I also exhibit a summary of this document which I received from NIO officials as **[Exhibit BL/23 INQ000421641]**.

21.5. A letter from the Justice Minister dated 27 January 2022, concerning recovery of the NI justice system following the impact of the pandemic **[Exhibit BL/24 INQ000372650]**. I exhibit my response as **[Exhibit BL/25 INQ000372653]**.

22. I am asked to consider whether the power-sharing context presented particular challenges for how Northern Ireland responded to Covid-19. As the Inquiry will appreciate, the NIE was in its infancy and had only been restored for a matter of weeks when Covid-19 became the key focus. This meant that working relationships were still fairly new within the Executive at the start of the specified period, which doubtless presented some difficulties posed by challenges of five different (and some opposing) political parties seeking to work together for the first time. Nevertheless, in the early stages, it seemed that the two lead parties endeavoured to find ways to work productively and together on issues relating to Covid-19, and to try and remove political issues from those discussions and debates.

23. In my view there was also a challenge presented by the Department of Health within the NIE being run by a Minister of a different and opposing political party to either the First or deputy First Minister. This was part of a more general tension that occasionally existed between Ministers within the NIE due to the way in which departments of the Executive were arranged and run by Ministers from different parties, by virtue of the Good Friday agreement. Naturally, it was not easy to simply reconcile these political differences when the NIE was formed, which provided the backdrop to these tensions. For instance, during the specified period I found that the NIE Health Minister was very protective of the remit and independence of his department, which worked to the exclusion of the First and deputy First Ministers at times. I suspected this approach was (at least in part) based on party political differences, and reflected the inherent problems associated with working in a disparate political environment. I formed this view based on my interactions with him and anecdotal comments from others regarding how the NI Health Department operated. I should stress that I had no direct or first-hand experience of this, as I had little involvement in health due to its devolved nature. Equally, I feel unable to comment on the impact this approach had on Northern Ireland's response to the pandemic, as I have no real basis for comparison, although

I note that his department had huge success in deployment of the vaccine in 2021 (at one point leading the country), despite all the challenges.

The Absence of Power-Sharing Arrangements Prior to January 2020

24. It is my understanding that during the absence of power-sharing in Northern Ireland, the UK Government supported the NICS to maintain key public services in Northern Ireland, as much as was possible without an Executive. For instance, I am aware that the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, conferred decision making powers upon senior officials within the NICS, and on the then SoSNI. In balancing respect for the devolution settlement, these powers did not usually extend to longer-term devolved policy decisions.

25. I have considered a letter from Sir David Sterling, as head of the NICS, to the late Sir Jeremy Heywood (as he then was), as Cabinet Secretary, dated 13 December 2017, expressing his concerns about the impacts of the absence of political decision making in Northern Ireland⁴. This letter was of course sent some years before I became SoSNI, but I was certainly aware of the impact of the historic absence of an Executive when I was in office. For instance, I was aware from conversations with colleagues in the NIO and NIE Ministers that Northern Ireland's health and social care system had been under pressure for some time and that attempts at reform in this devolved area had been hampered by the absence of power-sharing. It certainly seems likely that this had some impact on the NIE's ability to respond to the Covid-19 pandemic effectively.

26. As mentioned above, I also consider that the fact that the NIE was a new government was likely to have affected its operation to some extent on a personal level. Although, I note that the NICS, which had an unparalleled understanding of the issues within government in Northern Ireland due to its role in the absence of an Executive, would have provided the incoming administration with significant support.

Relationship Between the NIE and the UK Government

⁴ INQ000185059

27. I hosted and attended a variety of meetings with Ministers of the Executive during the specified period in order to facilitate inter-governmental work between the NIE and the UK Government. The principal channels for this work were the regular catch-ups I held with the First and deputy First Ministers of the NIE and the Quad meetings - which were both organised by the NIO - and the Four Nations Group meetings.
28. In relation to the catch-up meetings I held with Ministers of the NIE during the specified period, I exhibit documents (in addition to those already held by the Inquiry) in respect of the following meetings:
- 28.1. 27 March 2020, at which I met with the First and deputy First Ministers. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/26 INQ000372612]**.
- 28.2. 2 April 2020, at which I met with the Health Minister. I exhibit a readout from this meeting as **[Exhibit BL/27 INQ000372613]**.
- 28.3. 22 April 2020, at which I met with the Health Minister. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/28 INQ000372648]** and a readout as **[Exhibit BL/29 INQ000372610]**.
- 28.4. 28 April 2020, at which I met with the First and deputy First Ministers. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/30 INQ000372646]** and a readout as **[Exhibit BL/31 INQ000372615]**.
- 28.5. 1 May 2020, at which I met with the First Minister. I exhibit a further⁵ briefing prepared for me in advance of this meeting as **[Exhibit BL/32 INQ000372640]**.
- 28.6. 7 May 2020, at which I met with the First and deputy First Ministers. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/33 INQ000372628]** and a readout as **[Exhibit BL/34 INQ000372616]**.
- 28.7. 16 May 2020, at which I met with the First and deputy First Ministers. I exhibit a further⁶ briefing prepared for me in advance of this meeting as exhibit **[Exhibit BL/35 INQ000421539]** along with a readout as **[Exhibit BL/36 INQ000372617]**.

⁵ This supplements INQ000091353.

⁶ This supplements INQ000091371.

- 28.8. 19 May 2020, at which I met with the Justice Minister. I exhibit an email sent in advance of this meeting, alerting me to a potential issue to be raised as **[Exhibit BL/37 INQ000421583]**.
- 28.9. 9 June 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared for me in advance as **[Exhibit BL/38 INQ000421584]**.
- 28.10. 19 June 2020, at which I met with the First Minister. This meeting was not limited to Covid-19. I exhibit a briefing prepared for me in advance as **[Exhibit BL/39 INQ000372636]**.
- 28.11. 25 June 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/40 INQ000372618]**.
- 28.12. 9 July 2020, at which I met with the First Minister. This meeting was not limited to Covid-19. I exhibit a readout of this meeting as **[Exhibit BL/41 INQ000372619]**.
- 28.13. 9 September 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/42 INQ000372637]**.
- 28.14. 5 October 2020, at which I met with the Health Minister. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/43 INQ000372656]**, along with an email chain between NIO officials of relevance to it as **[Exhibit BL/44 INQ000421567]**.
- 28.15. 7 October 2020, at which I met with the First Minister. This meeting was not limited to Covid-19. I exhibit a briefing prepared for me in advance of the meeting as **[Exhibit BL/45 INQ000421644]**, along with a readout of the meeting as **[Exhibit BL/46 INQ000372621]**.
- 28.16. 28 October 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/47 INQ000372643]**.
- 28.17. 4 November 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a readout of the meeting as **[Exhibit BL/48 INQ000372620]**.

- 28.18. 18 November 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a readout of the meeting as **[Exhibit BL/49 INQ000372626]**.
- 28.19. 25 November 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance as **[Exhibit BL/50 INQ000372633]** along with a readout of the meeting as **[Exhibit BL/51 INQ000372622]**.
- 28.20. 2 December 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/52 INQ000372625]**.
- 28.21. 10 December 2020, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a readout of the meeting as **[Exhibit BL/53 INQ000372623]**.
- 28.22. 21 January 2021, at which I met with the First Minister. This meeting was not limited to Covid-19. I exhibit a readout as **[Exhibit BL/54 INQ000421538]**.
- 28.23. 3 February 2021, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/55 INQ000372630]**.
- 28.24. 11 February 2021, at which I met with the First Minister and a stand-in for the deputy First Minister. This meeting was not limited to Covid-19. I exhibit a readout of the meeting as **[Exhibit BL/56 INQ000372624]**.
- 28.25. 18 February 2021, at which I met with the Health Minister. I exhibit a Ministerial Submission⁷ on the topic of a Military Aid to Civilian Authorities ('MACA') request the NIO had received from the NIE as **[Exhibit BL/57 INQ000421542]**.
- 28.26. 10 March 2021, at which I met with the First and deputy First Ministers. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/58 INQ000372631]**.
- 28.27. 14 April 2021, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/59 INQ000372632]**.
- 28.28. 22 September 2021, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in

⁷ This document is incorrectly dated January 2020. It was sent in January 2021.

advance of the meeting as **[Exhibit BL/60 INQ000421615]**, along with a readout of the meeting **[Exhibit BL/61 INQ000421616]**.

28.29.27 October 2021, at which I met with the First and deputy First Ministers. This meeting was not limited to Covid-19. I exhibit a briefing prepared in advance of the meeting as **[Exhibit BL/62 INQ000421591]**.

28.30.4 November 2021, at which I met with the First Minister and the NIE Education Minister (Peter Weir). This meeting was not limited to Covid-19. I exhibit a readout of this short meeting as **[Exhibit BL/63 INQ000421592]**.

29. The Covid-19 Quad meetings were the primary means of engagement with the Irish Government. They were instituted in response to the pandemic and were attended by me or MoSNI (depending on availability), the Tánaiste and Minister for Foreign Affairs (Simon Coveney TD), and the First Minister and deputy First Minister. The respective Health Ministers from Ireland and Northern Ireland also attended. In this context, my role was to lead on relations with the Irish Government, ensuring that issues relating to Northern Ireland were fully understood, and provide a UK Government perspective. In relation to the Quad meetings I attended during the specified period, I exhibit briefings (in addition to those already held by the Inquiry) in respect of the following meetings:

29.1. 31 March 2020. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/64 INQ000372611]**.

29.2. 9 April 2020. I exhibit a briefing prepared for me in advance as **[Exhibit BL/65 INQ000372634]**, along with a rough readout as **[Exhibit BL/66 INQ000421571]**.

29.3. 19 May 2020. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/67 INQ000372649]** along with a readout as **[Exhibit BL/68 INQ000421558]**.

29.4. 9 June 2020. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/69 INQ000421622]**, along with a rough readout of the meeting as exhibit **[Exhibit BL/70 INQ000421623]**⁸.

30. The Four Nations Group meetings were chaired by the CDL (Michael Gove MP and later Steve Barclay MP). During the specified period, the CDL's role was to act as the

⁸ This was circulated before the version at INQ000091381.

main link between the UK Government and all the Devolved Administrations (not just the NIE), in order to foster a coordinated 'four nations approach' to the Covid-19 pandemic, where this was possible. As a result, I felt it was unclear at times whether the Cabinet Office or the NIO were the main contact point for the NIE within the UK Government. I exhibit a Ministerial Submission I considered on 15 May 2020 as **[Exhibit BL/71 INQ000372642]**, in which the issue and my views on it are recorded and discussed. As the pandemic progressed, I remained the principal point of contact for NI Ministers and was in very frequent contact with them throughout the specified period. The NIO also remained the point of contact within the UK Government for the NIE when assistance was required. I consider that this arrangement was effective as it did make sense for there to be a Minister (i.e. the CDL) to link and coordinate with the 4 Nations of the UK, whilst the Territorial Offices remained the main leads in respect of each Devolved Administration.

31. In relation to the Four Nations Group meetings I attended during the specified period, I exhibit documents (in addition to those already held by the Inquiry) in respect of the following meetings:
 - 31.1. 15 April 2020. I exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/72 INQ000372614]**.
 - 31.2. 19 June 2020. I chaired this meeting (instead of the CDL) and exhibit a briefing prepared for me in advance as exhibit **[Exhibit BL/73 INQ000421537]** and a document summarising the respective positions concerning NPIs within the four nations as exhibit **[Exhibit BL/74 INQ000421577]**.
 - 31.3. 12 October 2020. I attended the winter summit chaired by the CDL. In this regard, I exhibit a letter sent by the CDL inviting the heads of the Devolved Administrations to the summit as exhibit **[Exhibit BL/75 INQ000421643]**, along with a brief prepared for the CDL as exhibit **[Exhibit BL/76 INQ000421573]**.
 - 31.4. 9 November 2020. I exhibit a briefing prepared for me as **[Exhibit BL/77 INQ000421562]**.
 - 31.5. 9 December 2020. I exhibit a discussion paper on intra-UK travel as **[Exhibit BL/78 INQ000421580]**.
 - 31.6. 27 January 2021. I exhibit a briefing prepared for me in advance **[Exhibit BL/79 INQ000421561]**.

- 31.7. 3 February 2021. I exhibit an agenda **[Exhibit BL/80 INQ000421569]** and
communique issued following the meeting **[Exhibit BL/81 INQ000421570]**.
- 31.8. 28 April 2021. I exhibit a briefing prepared for me in advance **[Exhibit BL/82
INQ000421563]**.

32. Having considered NIO records, the other categories of meeting it appears I attended
were as follows:

32.1. Cabinet Office Briefing Room ('COBR'): This was the principal forum for
decisions regarding NPIs in the initial stages of the pandemic. Following
imposition of the national lockdown, the forum for discussion of NPIs and
restrictions transferred to the Four Nations Group meetings. My role during
COBR meetings was to ensure that any specific issues relating to Northern
Ireland were conveyed to the UK Government. I understood that NI Ministers
had a standing invitation to these meetings, specifically the First Minister,
deputy First Minister and Health Minister. I exhibit documents (in addition to
those already held by the Inquiry) in respect of the following meetings:

32.1.1. 22 September 2020. I exhibit an email sent to my private office to alert
me to issues which were likely to arise at the meeting as **[Exhibit
BL/83 INQ000421586]**.

32.1.2. 24 December 2020. I exhibit a briefing prepared for me as **[Exhibit
BL/84 INQ000421598]**.

32.2. Health MIG: The purpose of this group was to manage the UK Government's
response to Covid-19 itself, and was intended to focus on NHS preparedness
and capacity in the critical care sector and support for those who would be
shielding. My role at these meetings was to ensure that any issues relating to
Northern Ireland were communicated and understood. I understood that
Ministers of the NIE regularly attended these meetings and may have had a
standing invitation. I exhibit documents (in addition to those already held by the
Inquiry) in respect of the following meetings:

32.2.1. 20 March 2020. I exhibit a briefing prepared for me as **[Exhibit BL/85
INQ000421602]**.

32.2.2. 24 March 2020. I exhibit an agenda as **[BL/86 INQ000421578]** and list
of actions arising from this meeting as **[BL/87 INQ000421579]**

- 32.2.3. 7 May 2020. I exhibit a briefing prepared for me as **[Exhibit BL/88 INQ000421582]**.
- 32.3. Economic and Business Response MIG: These meetings were convened in order to address the economic and business response to the pandemic. My role at these meetings was to ensure that any issues relating to Northern Ireland were communicated and understood. I understood that Ministers of the NIE were not included in the initial meetings of this group, but did attend as they progressed. I exhibit documents in respect of the following meetings:
- 32.3.1. 23 March 2020. I exhibit a briefing prepared for me as **[Exhibit BL/89 INQ000421603]**.
- 32.3.2. 31 March 2020. I exhibit a briefing prepared for me as **[Exhibit BL/90 INQ000421605]**.
- 32.3.3. 7 April 2020. I exhibit a briefing prepared for me as **[Exhibit BL/91 INQ000421608]**.
- 32.4. Covid-O: These meetings were chaired by the CDL and were intended to deliver Covid-19 policies and operational response. Either I or MoSNI usually attended these meetings, and our role was to ensure that any issues relating to Northern Ireland were communicated and understood. I understood that Ministers of the NIE regularly attended these meetings, although may not have had a standing invitation. I exhibit documents (in addition to those already held by the Inquiry) in respect of the following meetings:
- 32.4.1. 8 December 2020. I exhibit a briefing prepared for me as **[Exhibit BL/92 INQ000421540]**.
- 32.4.2. 18 January 2021. I exhibit a briefing prepared for me as **[Exhibit BL/93 INQ000421541]**.
33. I do not recall attending the following categories of meetings which have been suggested to me by the Inquiry:
- 33.1. General Public Sector MIG: I understand these meetings were hosted by the Cabinet Office. I believe that MoSNI was largely responsible for NIO Ministerial attendance at these meetings, although it appears I may have also attended on occasion. It is believed that the NIE had a standing invitation to these meetings. I exhibit documents (in addition to those already held by the Inquiry) in respect of the following meetings:

- 33.1.1. 17 March 2020. I exhibit a briefing prepared for me as **[Exhibit BL/94 INQ000421600]**.
- 33.1.2. 2 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/95 INQ000421606]**.
- 33.1.3. 7 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/96 INQ000421607]**.
- 33.1.4. 9 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/97 INQ000421609]**.
- 33.1.5. 15 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/98 INQ000421610]**.
- 33.1.6. 16 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/99 INQ000421612]**.
- 33.1.7. 20 April 2020. I exhibit a briefing prepared for me or MoSNI as **[Exhibit BL/100 INQ000421581]**.
- 33.2. International MIG: I understand the purpose of this group was to focus on the international implications of the UK Government's response to Covid-19. I believe that MoSNI was largely responsible for any NIO Ministerial attendance at these meetings, although I may have attended. I do not believe that the NIE were invited to meetings of this group due to its focus on reserved matters. I exhibit documents (in addition to those already held by the Inquiry) in respect of the following meetings:
 - 33.2.1. 19 March 2020. I exhibit a briefing prepared for MoSNI as **[Exhibit BL/101 INQ000421560]**.
 - 33.2.2. 23 March 2020. I exhibit a briefing prepared for me as **[Exhibit BL/102 INQ000421543]**.
 - 33.2.3. 24 March 2020. I exhibit a briefing prepared for MoSNI as **[Exhibit BL/103 INQ000421546]**.
- 33.3. Covid (Strategy) ('Covid-S'): I believe that these meetings replaced the General Public Sector MIG in June 2020, with the aim of driving the UK Government's strategic response to Covid-19 and recovery. I do not believe the NIO had any Ministerial involvement in these meetings and accordingly I cannot comment on what role representatives of the NIE played at them.

34. In my experience, the nature of the involvement of Ministers of the NIE at the meetings I attended with them depended on the format of the meeting. For instance, my regular catch-up meetings with the First and deputy First Ministers were generally used as an open forum for raising and discussing issues which were arising in Northern Ireland. The larger meeting formats (such as COBR, MIGs and Covid-O), by their nature involved a broader range of parties and issues, and so there was less opportunity for broad discussion of the issues which were unique to Northern Ireland. I was not aware of a perception that the presence of representatives from the Devolved Administrations at such meetings inhibited full and frank discussion, and recall that representatives often made valuable contributions within such meetings. I do not recall there being an issue or concern that the NIE was not providing the NIO/UK Government with a sufficiently clear picture of what was happening in Northern Ireland regarding transmission of Covid-19 during the pandemic.
35. I understood that representatives from the NIE (and other Devolved Administrations) had standing invitations to some of these larger format meetings, and I would have sought to ensure that they were directly included where this was viable and appropriate. For instance, at meetings where decisions were to be made or discussed which involved them. Representatives from the Devolved Administrations did not attend meetings which solely concerned reserved matters. When this occurred, I would be keen to ensure that any policy impact in Northern Ireland would be considered within the decision-making process.
36. As the pandemic progressed, I do recall there were some concerns regarding the Scottish First Minister (Nicola Sturgeon) seeking to use the response to the pandemic for potential political advantage. However, this was not an issue which occurred in respect of Northern Ireland as far as I was aware. More generally, I do not recall any concerns regarding NIE Ministers.
37. As detailed above, there were a variety of fora that afforded Ministers of the NIE the opportunity to participate meaningfully in decision making that impacted upon Northern Ireland. I recall that this in fact occurred, and I therefore do not consider that there was a deficit in this regard.

Challenges

38. I am asked to consider the main challenges which were posed to inter-governmental working with the NIE during my time as SoSNI. The main difficulty we faced was caused by the differences in how Covid-19 developed within Northern Ireland and across the rest of the UK. This naturally led to divergence in how different administrations responded to the pandemic, which posed challenges to maintaining alignment. I also consider that the land border between NI and Ireland presented particular difficulties when responding to the pandemic which were unique to Northern Ireland. I have considered this in more detail below.

39. My attention is drawn to a briefing that was prepared for me in advance of the first meeting of the Health MIG in mid-March 2020⁹, in which uncertainty was expressed over whether the Devolved Administrations would be invited. As such meetings were organised and run by the Cabinet Office, I can only assume that the author of the briefing was unclear on this point and so simply expressed this uncertainty to me. I do recall some discussion on the issue of involvement of the Devolved Administrations in such meetings at this very early stage of the pandemic, and believe that I stressed the importance of their future involvement in such conversations. Indeed, this is reflected in some of the briefings I received for such meetings (such as **[Exhibit BL/85 - INQ000421602]**, **[Exhibit BL/89 - INQ000421603]** and **[Exhibit BL/94 INQ000421600]** above). I would have stressed this point as there seemed to me to be little reason to exclude the Devolved Administrations from these meetings, given that they were taking many of the key decisions in response to the pandemic, unless they concerned reserved or expected matters. I later attended a meeting on 22 April 2020 with some other UK Government Ministers, in order to discuss the best way to engage more effectively with the Devolved Administrations. I exhibit a briefing I received in advance of this meeting as **[Exhibit BL/104 INQ000421566]**.

40. I am asked whether I agree with the assessment, expressed within the NIO's response to the Cabinet Office 'lessons learned' exercise, that it was important to understand

⁹ INQ000091311

the unique circumstances of each Devolved Administration and to avoid treating them as a single entity¹⁰. I do, for the reasons I explain below.

41. Northern Ireland has a unique set of circumstances in terms of how the NIE functions. Unlike Scotland or Wales, it has power-sharing, which during the specified period meant five different parties working together and running different departments, which often ended up working in silos as a result (for instance, see the example discussed at §23 above). During the specified period, that obviously created a dynamic that required a different approach to dealing with the NIE - a coalition between distinct political parties - as opposed to other Devolved Administrations in which there was a single party in leadership. This approach needed to appreciate that the NIE could not be treated as one political unit (as you could in respect of other Devolved Administrations), due to the political differences and tensions which existed between the key figures. My role as SoSNI was often to attempt to find ways through these difficulties. The approach also needed to appreciate and consider the views of the distinct communities which existed in Northern Ireland. This became apparent when the question of military support for the vaccine rollout was discussed, something which was of real sensitivity, and which could have affected uptake for some within Northern Ireland. There was also the unique situation of NI sharing an open border with the Republic of Ireland and the complication of NI not having a land border with Great Britain. This presented challenges not faced by the rest of the UK, such as keeping access to the rest of the country for goods and transport (planes and ferries) during a global pandemic in which movement was restricted. I exhibit a briefing I requested and received from the Department for Transport on this subject in the early stages of the pandemic as **[Exhibit BL/105 INQ000421545]**.
42. This all required a bespoke approach to the response to Covid-19 in Northern Ireland, which was reflected by the implementation of measures like the Quad meetings which involved representatives from Ireland. This was also why I was keen to ensure that the role of the NIO was not overlooked in the relationship between the UK Government and the NIE (see §30 above). In this regard I exhibit a note from my Principal Private Secretary to me (dated 15 May 2020) as **[Exhibit BL/106 INQ000372641]**, in which more collaboration with the other Territorial Offices (Wales and Scotland) was

¹⁰ INQ000083154

suggested for this reason. In this regard, I am asked to consider whether there was a tendency on behalf of the Cabinet Office to treat the Devolved Administrations as a 'homogenous block'. This is not something I can recall noticing at the time (and so cannot think of any particular examples), although I did feel generally that the Territorial Offices were better placed to appreciate the particular circumstances of each Devolved Administration.

43. I am asked to consider NIO policy paper entitled '*UK-wide considerations in the C-19 policy and delivery response*', dated 10 April 2020¹¹, which highlighted problems with communications coming from the Devolved Administrations and the UK Government at different times. At around this time, I recall that there were some issues concerning communications. The First Ministers of the Devolved Administrations, including the First and deputy First Ministers of Northern Ireland, became frustrated that there was inadequate collaboration with the UK Government when it came to alignment of messaging. I was aware that they spoke to the Prime Minister on 7 May 2020 and this issue was discussed. I exhibit a readout from this meeting (which I did not attend) as exhibit **[Exhibit BL/107 INQ000372661]**. At this meeting the Prime Minister reassured the First Ministers that he understood the value in having aligned messaging where possible.
44. In terms of news sources, it was well known and to be expected that some people in Northern Ireland would receive their news from sources from within Ireland, such as RTÉ. This was a particular feature of the context in Northern Ireland and underlined the need to try to encourage consistent messaging on the island of Ireland. Ultimately, the UK Government trusted people in NI to consider information carefully and make the best decisions possible in response to it.
45. In my capacity as SoSNI, I therefore emphasised the importance of good information flow between the NIE, the UK Government and Ireland. I first made this point in a Quad meeting in late March 2020¹² and continued to encourage this throughout the specified period. As the pandemic progressed, and each nation took the requisite public health

¹¹ INQ000091331

¹² INQ000091325

measures that best suited their circumstances at the time, I found that good communication helped to manage the divergence that occurred.

46. I have considered an email sent in June 2020 recording frustration expressed by Robin Swann (and representatives from other Devolved Administrations) during a Four Nation Group meeting¹³. This related to concerns that the UK Government was briefing the media before consulting the Devolved Administrations. I do not believe that I attended this particular meeting, but I do recall the frustrations on this subject mentioned above (§43). I have no specific memory of the details of these frustrations, but recall that they concerned problems relating to the sequencing of announcements by the UK Government on non-devolved matters, rather than anything of real principle. I assume I would have learnt about these from interactions with those concerned and/or NIO officials. As the pandemic progressed, I recall that problems such as this were mitigated to some extent by better communication and collaboration with the Devolved Administrations. For instance, on 19 September 2020 a call was held between the CDL and representatives of the Devolved Administrations, during which the possibility of new NPI measures being announced was discussed [**Exhibit BL/108 INQ000421627**]. Another similar call occurred between the Prime Minister and the First and deputy First Ministers of the NIE in order to discuss the rise of the Omicron variant in late 2021 [**Exhibit BL/109 INQ000421595**]. I was not involved in these calls, but exhibit the readouts I received of them.

Northern Ireland Border

47. The delineation of control over matters relating to the border in Northern Ireland as between the NIE and the UK Government during the specified period depended on the nature of the area concerned. Border controls were the responsibility of the UK Government, insofar as they related to matters of immigration, as this remained an excepted matter. This meant that any policy decisions on whether immigration should be restricted due to the pandemic would be taken by the UK Government. Whereas the making of public health regulations was transferred¹⁴, meaning that NIE was free

¹³ INQ000091382

¹⁴ By virtue of the Coronavirus Act 2020.

to adopt and implement its own approach to public health matters for arrivals into Northern Ireland from within or from outside the Common Travel Area ('CTA'). This included aspects such as pre-departure testing, passenger locator forms, quarantine and/or testing after arrival.

48. For example, in May 2020, I successfully sought to ensure that CTA was exempted from quarantine and notification requirements which were being considered by the Cabinet in respect of England. I attended a meeting with other UK Government Ministers on this subject on 6 May 2020. I exhibit a Ministerial Submission [**Exhibit BL/110 INQ000372658**], a briefing [**Exhibit BL/111 INQ000372659**] and a paper prepared (by the Home Office) in advance on this subject as exhibit [**Exhibit BL/112 INQ000372660**]. Later the same month, the NIE Health Minister took steps to require travellers arriving in Northern Ireland to quarantine if they originated from outside the CTA in the past 14 days, even if they first arrived in Ireland before travelling to NI. To ensure consistency and to avoid unnecessary divergence, the UK Government worked at speed to ensure that border regulations elsewhere were comparable¹⁵. Therefore, while a UK-wide approach was preferred, decisions on public health during the specific period were ultimately taken by the NIE Health Minister.

49. I am asked to consider notes of a meeting of the NIE held on 23 July 2020¹⁶, at which the First and deputy First Minister agreed to seek a meeting of the British-Irish Council ('BIC') to address issues relating to the CTA. The Cabinet Office was responsible for coordination of the BIC, so may be best placed to explain why such a meeting did not occur. I understand that, following a request from the NIE (I exhibit the letter as [**Exhibit BL/113 INQ000372663**]), officials from the NIO worked with other UK Government Departments to provide advice to the CDL in response. I exhibit a Ministerial Submission prepared for the CDL on this topic (to which I was copied) as [**Exhibit BL/114 INQ000372662**]. Following this, an extraordinary meeting of the BIC was scheduled to occur, virtually, in September 2020. However, this was postponed at the request of the NIE due to diary conflicts. Having considered my Ministerial diary, I believe that the first meeting of the BIC I attended as SoSNI occurred in November

¹⁵ See §133 of the NIO corporate statement.

¹⁶ INQ000048482

2020. I exhibit a brief prepared for me in advance of this meeting as **[Exhibit BL/115 INQ000372635]**, along with the minutes of this meeting as **[Exhibit BL/116 INQ000372629]**.

Relationship with the Republic of Ireland

50. Throughout the Covid-19 pandemic I was acutely aware that Northern Ireland's position was unique when compared to other areas of the United Kingdom, due to the fact it shares a land border with Ireland. An important aspect of my role as SoSNI was leading on relations with the Irish Government in relation to Northern Ireland on behalf of the NIO and the UK Government. I was aware that other UK Ministers also spoke to counterparts in the Irish Government. In this regard, I exhibit readouts of separate calls between the CDL **[Exhibit BL/117 INQ000372608]** and the Foreign Secretary **[Exhibit BL/118 INQ000372665]** and Simon Coveney, which occurred in the first few months of the pandemic.

51. I discharged my responsibility through regular meetings and interactions with representatives of the Irish Government¹⁷. This often occurred at scheduled Quad meetings. These were established early on during the pandemic by the NIO in order to discuss cross border matters, share best practice and encourage cooperation between the UK, NI and Ireland. In my view these meetings were a useful tool for discussion and information sharing.

52. I also had ad-hoc conversations with representatives of the Irish Government. These were often with the Tánaiste (and Minister for Foreign Affairs), Simon Coveney, and began shortly after I became SoSNI¹⁸. I exhibit an email sent on my behalf to an NIO official, seeking to establish direct contact with the Irish Government in order to encourage consistent messaging on Covid-19 as **[Exhibit BL/119 INQ000421564]**. These conversations often concerned particular issues of mutual concern, such as

¹⁷ See §80 of the NIO corporate statement.

¹⁸ The first of which occurred on 11 March 2020 [INQ000091308]. I exhibit a revised version of this submission (which was the one I received) as **[Exhibit BL/120 INQ000421634]**.

travel restrictions¹⁹. I exhibit documents in relation to further such meetings and/or conversations (in addition to those already held by the Inquiry):

- 52.1. 16 March 2020. I exhibit a readout of this call I held with Simon Coveney as **[Exhibit BL/121 INQ000421548]**.
- 52.2. 20 March 2020. I exhibit a draft statement produced following the call I held with Simon Coveney as **[Exhibit BL/122 INQ000421549]**.
- 52.3. 17 April 2020. I held a call with Micheál Martin TD (Leader of Fianna Fáil). I exhibit a readout of this call as **[Exhibit BL/123 INQ000421613]**. On the same day I also held a call with Simon Coveney. I exhibit a brief prepared for me in advance as **[Exhibit BL/124 INQ000421556]**, along with a readout of this call as **[Exhibit BL/125 INQ000421614]**.
- 52.4. 21 April 2020. Simon Coveney informed me of a likely change to Ireland's policy towards quarantine for those arriving to the country. I exhibit an email sent by my private office forwarding and discussing this information as exhibit **[Exhibit BL/126 INQ000421550]**. I also exhibit a briefing note prepared for me by NIO officials on this subject a few days later as **[Exhibit BL/127 INQ000421551]**.
- 52.5. 9 May 2020. I exhibit a readout of a call I held with Simon Coveney as **[Exhibit BL/128 INQ000421552]**. This call was arranged in order to inform him of public health measures which were about to be announced regarding arrivals to the UK.
- 52.6. 17 July 2020. I met Micheál Martin during his first visit to Belfast following his appointment as Taoiseach. I exhibit a brief prepared in advance of this meeting as **[Exhibit BL/129 INQ000421565]**.
- 52.7. 8 October 2020. I met Simon Coveney in Belfast. I exhibit a brief prepared in advance of this meeting as **[Exhibit BL/130 INQ000421547]**, along with a readout as **[Exhibit BL/131 INQ000421557]**.
- 52.8. 23 November 2020. I exhibit readouts of a call between Simon Coveney and I as exhibits **[Exhibit BL/132 INQ000372609]** and **[Exhibit BL/133 INQ000421645]**.
- 52.9. 21 December 2020. I held a meeting with Simon Coveney. I exhibit a brief prepared in advance of this meeting as **[Exhibit BL/134 INQ000421553]**.

¹⁹ I had a call on this subject in January 2021 with Simon Coveney [INQ000091445].

52.10. 5 January 2021. I held a call with Simon Coveney. I exhibit a brief prepared for me in advance of this meeting as **[Exhibit BL/135 INQ000421555]**, along with a further²⁰ readout as **[Exhibit BL/136 INQ000421554]**.

52.11. 24 June 2021. I attended the British-Irish Intergovernmental Conference ('BIIGC') in Dublin, which considered a range of issues including recovery from Covid-19. I exhibit a readout of this meeting as **[Exhibit BL/137 INQ000421588]**.

52.12. 2 December 2021. I attended the BIIGC in London, which touched upon Covid-19. I exhibit a Ministerial Submission I received in advance as **[Exhibit BL/138 INQ000421635]** and a record of my response to this as **[Exhibit BL/139 INQ000421636]**. I also exhibit a submission I received following the meeting and attaching a readout as **[Exhibit BL/140 INQ000421637]**, along with my response as **[Exhibit BL/141 INQ000421638]**.

53. I was aware that officials of the NIO were also in regular contact with their counterparts in the Irish Government, and used this relationship to better inform the advice and support they provided to me in this aspect of my role. For instance, there were regular trilateral coordination meetings which occurred between officials from the UK and Irish Governments and the NICS²¹. There was, therefore, considerable work undertaken at all levels to encourage cooperation between the UK, NI and Ireland wherever possible.

54. I am asked to consider whether any potential advantage which Northern Ireland had in response to Covid-19 due to its physical location distinct from the rest of the UK, and/or possible harmonisation in terms of restrictions with the Republic of Ireland was considered by the UK Government. In April 2020 I was briefed by NIO officials on the idea of an 'All-island Committee on Covid'. I exhibit this brief (which was part of a more general brief prepared in advance of a Quad meeting on 30 April 2020) as **[Exhibit BL/142 INQ000372647]**. I understand this was an idea raised by the deputy First Minister, and was an attempt to bring together key medical and scientific experts, with decision makers, in order to look at coordinating key decisions in response to the pandemic on the island of Ireland into a new body. Although I remained supportive of anything that would aid dialogue between the relevant parties, there was already

²⁰ This supplements INQ000091445.

²¹ Discussed at §63 of the NIO corporate statement.

significant interaction occurring at this stage and I was unable to commit to devolving any core UK Government decision making into another body. Following this meeting, I do not believe that this idea was ever taken forward by the NIE or the Irish Government.

55. I do not consider that the idea of the island of Ireland being treated, in operational and policy terms, as a single epidemiological unit was a realistic model for responding to Covid-19. This would have required complete alignment between the UK, the NIE and Ireland on restrictions at all times. In practice this would have been unworkable. The Irish Government very much took their own approach to tackling Covid-19. For instance, I was aware of challenges in engaging them on issues such as data sharing for people travelling to NI and Great Britain via the border from Ireland²². I therefore do not consider that the complete alignment of restrictions that this policy would have required would have been realistically achievable.

56. Rather, there was acknowledgment that the UK Government should work with the NIE and Irish Government by continuing to talk and share information in order to understand each other's strategies and approaches. This took place in respect of a number of areas during the specified period. In the early stages of the pandemic, I was involved in resolving issues concerning the financial support available for frontier workers in Ireland and NI. I exhibit a Ministerial Submission on this topic (incorporating relevant correspondence I received on this subject) as **[Exhibit BL/143 INQ000372664]**. Other areas of cooperation included the Track and Trace app, in respect of which I received a briefing note in May 2020 which I exhibit as **[Exhibit BL/144 INQ000421618]**, information sharing and border health controls. These areas were considered at the Quad meeting held on 30 April 2020 (mentioned above), and in advance of the call I held with the First Minister the following day²³.

57. I am asked to provide my perspective on the All-Ireland Memorandum of Understanding ('MoU')²⁴ which was entered into between the Health Ministries of the NIE and the Irish Government in April 2020. I understand that this document originated

²² See §§158-160 of the NIO corporate statement and §58 below.

²³ INQ000091353

²⁴ INQ0000145916

from discussions within the 'North/South Ministerial Council', which does not involve representatives from the UK Government. I was aware of the creation of this MoU and supported its signing. However, the UK Government was not a party to this MoU, and neither I nor the Department I oversaw were involved in its negotiation, signing or monitoring its operation, although we were kept updated by the NIE regarding its contents in general terms. Therefore, I am not in a position to provide evidence as to the details of its creation nor its practical operation.

58. In relation to cooperation between the NIE and the Irish Government more generally, I consider that better coordination may well have helped to improve the response to Covid-19 in both territories, especially within the area of data sharing mentioned above. This was principally an issue between the NIE and Irish Government, concerning access to details recorded on the form completed on arrival into Ireland. Therefore, engagement with the Republic of Ireland on this issue was led primarily by the NI Minister of Health, Robin Swann. I became involved in early 2021 at the NIE's request, in an attempt to encourage a solution that facilitated access to the data required. I and other Ministers of the NIO attended meetings²⁵ with, and spoke directly to representatives of the Irish Government²⁶ in an attempt to resolve this issue. Unfortunately, it took many months of discussions, and the involvement of others such as the CDL²⁷, before this issue was resolved. I exhibit an internal note prepared for me on this subject by the NIO as exhibit **[Exhibit BL/145 INQ000372657]**.

59. In my experience, although the individual Health Ministers from the NIE and Irish Government did discuss issues where they could, I recall that there was frustration expressed from within the NIE (especially from Robin Swann) that the engagement received from the Irish Government was inadequate when it came to dealing with cross border issues. I do not recall noticing a reluctance from any Ministers of the NIE to work with the Irish Government in response to the pandemic. However, I found there was always a need to understand the particular circumstances of those within the NIE, in order to fully appreciate their perspective on matters (see §41 above).

²⁵ INQ000091456, INQ000091463

²⁶ INQ000091482

²⁷ INQ000091479

60. I was also aware of an issue surrounding the timing of some messaging from the Irish Government concerning imposition of NPIs. This was expressed by Robin Swann at a Quad meeting I chaired on 9 June 2020²⁸. I understood that this announcement took the NIE by surprise, and therefore required consideration and response by the NIE under pressure of time. Although undesirable, I recall there were occasional problems with coordination and communication of announcements as between Devolved Administrations and national governments (as noted above). I was not aware of a wider reluctance by the Irish Government to share information with the NIE for political reasons.

61. I have been asked to consider a document titled *"Obstacles to Public Health that even pandemics cannot Overcome: The Politics of Covid-19 on the Island of Ireland"*²⁹ and comment on the suggestion that, despite high-level commitments, cooperation between the NIE and Irish Government on public health was lacking. I have provided examples above of where, in my view, this aspect could have been improved. As the Inquiry will be aware, health remained a devolved matter during the specified period, meaning that cooperation in this area was a matter for the NIE rather than the UK Government. As this was an area in which I (and the NIO) had little direct involvement, I feel unable to comment further on the specifics of whether and where this occurred. More generally, I can say that rather than discouraging cooperation, as SoSNI I promoted and facilitated cooperation wherever possible between the NIE and Irish Government in response to the pandemic, although this was not without some difficulty at times as outlined above.

NPIs

62. As the Inquiry is aware, I became SoSNI in mid-February 2020. Shortly after my appointment, I became aware the NIO was working with the Cabinet Office and NICS in order to coordinate the handling of issues and responses emerging in respect of Covid-19, often in the form of NPIs. This work was intended to encourage collaboration

²⁸ INQ000091381

²⁹ INQ000137387

in support of the NIE's response and continued throughout in the early stages of the pandemic.

63. As part of the NIO's more work more generally, my first month or so as SoSNI saw significant involvement in efforts to respond to the emerging situation in respect of Covid-19 (in addition to other work):

63.1. In late February 2020 I was involved in attempting to facilitate a MACA request from the NIE, for the air transfer of two patients ill with Covid-19 from NI to a hospital in mainland UK³⁰.

63.2. I attended a COBR meeting on 2 March 2020³¹. This meeting was attended by representatives of the NIE, and my attendance was focused towards ensuring that Northern Ireland was being fully considered in decision making. This meeting also considered an action plan which facilitated access for the Devolved Administrations to the organisational structures and information used by the UK Government in its decision making.

63.3. I held a call with Simon Coveney on 11 March 2020 (mentioned above), during which we discussed the need for consistent messaging between all governments and general cooperation³².

63.4. On 18 March 2020 I attended the initial Health MIG, which considered the national approach to the pandemic³³. Representatives of the NIE were not in attendance at this meeting, and I therefore stressed the particular circumstances of Northern Ireland that required consideration (such as well-documented pressures on the health system). I believe I used the meeting as an opportunity to encourage the future involvement of Devolved Administrations, particularly the NIE due to its recent establishment.

63.5. The following day I held a catch-up meeting with the First and deputy First Ministers³⁴. This meeting considered preparedness in NI and I passed on the messages which I had delivered at the previous day's meeting.

³⁰ INQ000091298, INQ000091299

³¹ INQ000091300

³² INQ000091308

³³ INQ000091311

³⁴ INQ000091315

- 63.6. On 23 March 2020 I attended a meeting with the Permanent Secretary of the NIO (Madeleine Alessandri), at which we discussed the NIO's approach to the deteriorating situation in respect of Covid-19 and impending lockdown³⁵.
64. Although I do not recall playing a specific role regarding the sharing of information concerning the transmission of Covid-19 at this stage, my role during these early stages of the pandemic was to encourage communication and cooperation between all the institutions concerned generally.
65. I am aware that the decision was taken at the COBR meeting held on 23 March 2020 to bring in a UK-wide lockdown. Neither I nor another Minister from the NIO attended this meeting, but I understood that it was attended by Ministers from the NIE. I exhibit a record of actions and decision arising from this meeting which I subsequently received as exhibit **[Exhibit BL/146 INQ000421544]**.
66. As 2020 progressed, it was agreed that the four nations of the UK would continue to maintain general alignment on NPIs in response to the pandemic, with some variation to allow for local contexts. This was agreed at a COBR meeting held on 22 September 2020 and resulted in a statement to this effect³⁶.
67. When Christmas 2020 approached, I recall that there was significant work undertaken to seek alignment on NPIs over the holiday period with the Devolved Administrations by the UK Government. My involvement was in the context of various meetings and communications³⁷. I was also aware that officials from the NIO were engaged with their counterparts in the NICS on this topic.
68. The purpose of seeking alignment was in recognition of the fact that many people within the UK intended to travel to different parts of the country over the Christmas period, and that inconsistent NPIs within the four nations at this time would therefore be complex and could be difficult to enforce. However, as decisions regarding the imposition of relevant NPIs remained devolved matters, the work of the UK

³⁵ INQ000091318

³⁶ INQ000091389

³⁷ For example, INQ000091415 and INQ0000091429.

Government was limited to seeking to encourage this outcome. Ultimately, the NIE concluded that they were unwilling to join the other Devolved Administrations in supporting the joint statement which was published in advance of the Christmas Period³⁸. I am unable to recall the reasons behind this decision but it reflected the nature of the devolution settlement which provided the NIE with the independence to take decisions in this area.

Ministerial Understanding and ‘Grip’

69. I am asked for my views in respect of the NIE’s ability and capacity to respond to the Covid-19 pandemic. At the start of the specified period, I was impressed by the ability of those who formed the NIE to put political differences aside and to deal cohesively with the challenges faced. This was all the more impressive because this was a new administration that was still finding its feet as Covid-19 arrived. However, as the pandemic developed, I noticed that relations started to become strained within the NIE. I cannot recall exactly when I first noticed this occurring, but possibly towards the last quarter of 2020. I recall that this tension manifested on occasions when meetings of the NIE were postponed or cancelled, reportedly due to the lack of papers and reports from different NIE Departments. This was linked to the tensions which existed between Departments run by Ministers from different parties mentioned above.

70. I did not have any concerns relating to the NIE’s capacity during the specified period and was aware of the significant extra funding that was provided to all Devolved Administrations to support their responses to Covid-19 through Barnett consequentials³⁹.

71. Equally, I had no concerns relating to the NIE’s access to expert advice and support. I was aware that the NIE had access to a significant body of scientific and other expert advice and support, both from within Northern Ireland and through the UK Government (primarily via the Department of Health and Social Care (‘DHSC’)). For instance, see the briefing at **[Exhibit BL/33 INQ000372628]** (§28.6 above), where work with the

³⁸ INQ000091442

³⁹ See §§101-102 of the NIO corporate witness statement.

DHSC on track and trace was mentioned. From my perspective, the Department of Health in the NIE also seemed to work professionally and well despite the difficulties it faced. This was particularly noticeable in relation to the early stages of the vaccine rollout in Northern Ireland.

72. Other than the matters considered above, I did not have any concerns that the power-sharing arrangements were affecting the response to the pandemic in Northern Ireland.

73. I am asked whether the UK Government would have or did intervene in response to concern about how the response to the pandemic was being handled in Northern Ireland. In this regard, please see the note prepared for me by NIO officials in November 2020, outlining the legal options available to me in the event that the NIE were unable to reach agreement on the extension of Covid-19 regulations [**Exhibit BL/11 INQ000421599**]. As outlined above, I considered that it was essential that the devolution settlement in Northern Ireland was respected when responding to the pandemic. This was of particular importance during the specified period, as this represented the first time that the NIE had been operating for 3 years. Therefore, every effort was made to ensure that the independence of the NIE in transferred matters was maintained.

74. In any event, I am not aware of any devolved area in which the UK Government intervened during the specified period. As SoSNI, my involvement was limited to encouraging cooperation and alignment where this was possible, but decisions on devolved matters remained for the NIE.

Informal Discussion or Decision Making

75. During my time as SoSNI, I was not directly involved in many of the key decisions in response to the pandemic in Northern Ireland, due to the devolution settlement. In any event, I do not recall ever using instant messaging platforms (such as WhatsApp) to make government decisions, nor I do not recollect that such platforms were used as an alternative to more formal structures. For instance, I sometimes received messages over these platforms from my counterparts asking to discuss a particular issue, to

which I would reply by agreeing and then ask NIO officials to set up a more formal meeting to enable this to take place. Therefore, any decisions in this regard were debated and made through the proper government channels, and recorded accordingly.

76. Shortly after I became SoSNI, I was issued with a mobile phone by the NIO. I primarily used this phone to communicate regarding practical matters, such as arrangements for meetings, with officials within the NIO and others across government (including the NIE). I also occasionally used this phone for informal discussions outside of official meetings with Ministers of the NIE and others, as this was a practical and convenient way to convey information. An example of such a message is referred to within exhibit **[Exhibit BL/27 INQ000372613]** (§28.2 above). These messages also occasionally included reference to decisions taken by the UK Government or the NIE in relation to the response to the pandemic. For instance, see the reference to a text message I sent to Simon Coveney informing him of an upcoming announcement within exhibit **[Exhibit BL/124 INQ000421556]** (§52.3 above). Due to the passage of time, I am unable to assist the Inquiry with more precise details of what these messages concerned or their content. I recall that I mainly used text messages/iMessage. I also had access to my private NIO email account on this phone⁴⁰, and used this for reading emails when I was travelling or away from an office.

77. I was also issued with an iPad by the NIO, which I understand occurred in January 2021. I used this device for reading documents and conducting video calls and meetings, rather than sending messages to others.

78. Upon my resignation as SoSNI in July 2022, both devices were retained by the NIO. I understand that, in line with usual NIO policy, both devices were subsequently restored to factory settings, deleting all data on them (which I understand cannot be recovered and is not available from any alternative source). I cannot provide the Inquiry with any further details on the decision to reset these devices, as it was not taken by me, nor was I (or did I expect to be) consulted prior to it happening, as it was entirely a matter

⁴⁰ This was the only NIO email account to which I had access during my time as SoSNI. This was entirely separate from the email account which was used by my private office to send and receive correspondence on my behalf.

for the NIO. Indeed, I only became aware of the existence of the policy to reset old devices in the course of preparing this statement. I understand that the NIO are able to assist the Inquiry if it requires any further information or detail regarding this decision or the policy under which it was taken. Neither I nor the NIO undertook a backup of messages that were on my NIO mobile phone prior to its deletion. I did not undertake a backup as I was not aware of a requirement on me to do so, as I understood that the NIO took separate measures to ensure that all documents relating to Covid-19 (including emails) were retained, in accordance with the direction across government to retain such information in the summer of 2021. Unfortunately, I am therefore unable to provide any of the messages from this phone which may have been of relevance to the Inquiry's work. Despite this, I am confident that nothing of real substance will be lost to the Inquiry, as any matters of importance would have been followed up in official communications (which have been retained).

79. During the specified period I also had a personal mobile phone. I also used this phone for informal conversations with Ministers of the NIE and officials on occasion (including messages), but did not use it to conduct formal government business or make decisions. I am unable to recall the precise nature or the content of these conversations in any more detail due to the passage of time. Since the specified period I have changed this phone and no longer have access to any messages from this time or any means of recovering them. Unfortunately, I am therefore also unable to provide any of the messages from this phone which may have been of relevance to the Inquiry's work. However, in this regard I am equally confident that any matters of real substance would have been followed up via official channels.

80. During my time as SoSNI I did not use any personal diaries or notebooks. I recall that my private office took notes of all formal telephone, virtual or face-to-face meetings which I attended as SoSNI. I therefore did not feel the need to keep notes, nor have I ever kept a personal diary. When I reviewed documents, I tended to annotate any response on them in hand. I understand that my private office would then record these annotations if this was deemed necessary for government record keeping purposes (for example, see the first page of exhibit **[Exhibit BL/71 INQ000372642]** at §30 above). I believe that any original documents would subsequently have been destroyed due to the security risks posed from retaining physical copies of documents

which often contained sensitive material. I am unable to provide the Inquiry with any further details concerning the basis on which this occurred, as this was a matter of internal NIO administration.

Key Challenges and Lessons Learned

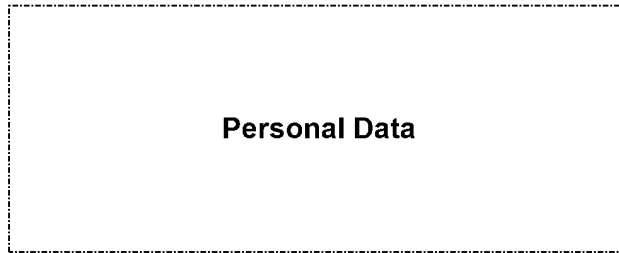
81. With hindsight, there were challenges in responding to the Covid-19 pandemic in Northern Ireland. As mentioned above, the fact that Stormont had not sat for some time, meant that NIE Ministers were new to their roles when the pandemic struck. Although they clearly worked hard to manage new professional relationships, I suspect this must have had an impact in terms of how the processes and relationships worked when the pressure of a global pandemic was applied. I also noticed that the siloed nature of NIE Departments under power-sharing meant that, as time went on, frictions occurred between Ministers in terms of both style and process. This led to some quite public disputes, often over process issues in the later stages of the pandemic, which I have mentioned above. Finally, the challenge of an open shared land border with another country (which was maintained throughout the specified period) presented complications in terms of managing the spread of Covid-19 on the island of Ireland.

82. In terms of recommendations for the future, I would suggest consideration be given to some form of mechanism to ensure that the different parties that make up the NIE have a more cohesive way to work together in a national emergency. I acknowledge that this would necessitate reform to the NI political system, but I consider this would be worthwhile given the current ability that one party has to halt power-sharing entirely. Such a system would allow power to shift from individual Departments to the core NIE when necessary in a public emergency. The First and deputy First Ministers would thereby have more direct responsibility and authority over key decisions, reducing or avoiding the tension between them and individual Departments or Ministers which occurred during the pandemic and is discussed above.

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: _____

Dated: 22 March 2024