

First Witness Statement of David T C Davies

Office for the Secretary of State for Wales

IN THE MATTER OF THE COVID INQUIRY

WITNESS STATEMENT OF

DAVID T C DAVIES

1. I, DAVID T C DAVIES, SECRETARY OF STATE FOR WALES, Gwydyr House, Whitehall SW1A 2NP, will state as follows.
2. I am currently the Secretary of State for Wales. However, this witness statement relates to my role as Parliamentary Under-Secretary of State for Wales at the Wales Office (the Office of the Secretary of State for Wales). I will refer to this as "OSSW" or "The Office" in this statement. I was the Parliamentary Under-Secretary of State from December 2019 to October 2022, and therefore carried out this role throughout the Specified Period.
3. I make this statement in response to the Inquiry's request for evidence dated 17 May 2023, under Rule 9 of the Inquiry Rules 2006, relating to Module 2B of the UK Covid-19 Public Inquiry ("the Inquiry"): the Welsh Government's core political and administrative decision-making.
4. This is a personal statement, and should not be read as reflecting UK Government policy. Insofar as the contents of this statement are within my personal knowledge they are true, otherwise they are true to the best of my knowledge, information and belief. I would be very happy to clarify or expand upon the evidence set out in this statement should it assist the Inquiry.
5. In this statement, I will address the following topics:

- A. The role, function and responsibilities as Parliamentary Under-Secretary of State for Wales
- B. Interaction and communication with the Welsh Government
- C. Welsh Government's core decision-making in response to the pandemic
- D. Public health communications and public confidence in Wales
- E. The public health and coronavirus legislation and regulations, proportionality and enforcement
- F. Lessons learnt

A - THE ROLE, FUNCTION AND RESPONSIBILITIES OF THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WALES

- 6. OSSW is the UK Government department with specific interest in, and responsibilities relating to, Wales. It is a department of fewer than 50 staff with offices in London and Cardiff¹. As one of three Territorial Offices² within UK Government, the Office's role is to advocate for Wales within UK Government and to represent the UK Government in Wales.
- 7. The Office has a very small Ministerial team comprising the Secretary of State for Wales³ and the Parliamentary Under-Secretary of State for Wales (PUSS-Wales). The Office also has a spokesperson in the House of Lords⁴. I was appointed as the PUSS-Wales on 16 December 2019, following the General Election on 12 December. I was the PUSS-Wales throughout the Specified Period, until being appointed as Secretary of State for Wales on 25 October 2022. I also served as an Assistant Government Whip from 13 February 2020 to 25 July 2022. My role as the PUSS-Wales was an unpaid Ministerial position.
- 8. OSSW has only a very small number of policy responsibilities, most notably as custodians of the Welsh devolution settlement, ensuring its smooth and effective operation. Otherwise, the

¹ Our London office is Gwydyr House on Whitehall. Our Cardiff office was Caspian Point in Cardiff Bay before relocating to the UK Government Hub in central Cardiff in the summer of 2021.

² The three Territorial Offices are the Wales Office (Office of the Secretary of State for Wales), the Scotland Office (Office of the Secretary of State for Scotland) and the Northern Ireland Office.

³ This was the Rt. Hon. Simon Hart MP throughout the Specified Period.

⁴ This was Baroness Bloomfield of Hinton Waldrist throughout the Specified Period.

Office's role is to work with other UK departments and agencies to ensure Wales is fully factored into their policy making and programme delivery, to make sure that the views and opinions from local and regional partners in Wales inform that decision making and to ensure that UK Government policy and delivery relevant to Wales is accurately communicated.

9. The Office's role in the UK Government's response to the Covid-19 pandemic reflects these responsibilities. OSSW was not responsible for making key policy or operational decisions in response to the pandemic in England or Wales, but sought to ensure that Wales and matters relating to Wales were fully considered in UK Government decision-making.
10. The role of the PUSS-Wales is to support the Secretary of State for Wales in delivering the Office's responsibilities. Prior to the start of the first national lockdown, the Secretary of State for Wales and I had agreed an appropriate division of lead responsibilities between us. For example, I led for UK Government on city and regional growth deals in Wales and the Secretary of State led on constitutional matters, including overseeing the Welsh devolution settlement.
11. The request for evidence asks when I first became aware of Covid-19 in my official capacity. I cannot recall a specific moment, but having reflected on my diary at the time in compiling this statement I was struck by the extent of business as usual activity up to mid-March 2020. Whilst I was not directly involved in pandemic preparations, I note that there are very few Covid-19 related meetings in my diary up until the Prime Minister announced the first national lockdown on 23 March 2020.
12. The Office modified its organisational structure in March 2020, in response to the first national lockdown. All non-essential work was suspended to enable the Office to focus its resources on responding to the pandemic. The Secretary of State for Wales had responsibility for all matters relating to the Office's Covid-19 response, including the Office's engagement with the Welsh Government. I led on the limited areas of essential non-Covid work which needed to continue through the first national lockdown, most notably work on city and regional growth deals in Wales.
13. From 30 March 2020 the Office reorganised fundamentally to respond to the Covid-19 emergency, with most staff re-organised into a single team focusing on the Office's contribution to the UK Government's response to the pandemic. A small number of staff

remained outside this 'single team' structure and continued work on the Office's non-Covid priorities which could not be suspended.

14. This division of responsibilities reflected the need to devote much of my time during the first national lockdown to my role as an Assistant Government Whip. The impacts on Parliament of the first national lockdown were profound, and included the introduction of social distancing in the House of Commons from 18 March 2020 and the start of hybrid proceedings from 22 April. The need to keep the national legislature functioning during the crisis meant that my duties in the Government Whips' Office were by necessity my priority throughout the first national lockdown.
15. However, I represented the Office at various meetings during this period when my other duties allowed. This was usually in instances when the Secretary of State for Wales was unavailable to attend, and included UK Cabinet committee meetings, multilateral meetings which included UK Government Ministers and Welsh Ministers and joint meetings with stakeholders in Wales. Exhibit [DD/1 - INQ000228066] lists the meetings relating to the Covid-19 response which I attended throughout the Specified Period, making clear which of those meeting were also attended by Welsh Ministers. My role in these meetings is discussed in detail in section B below.
16. It is however important to emphasise that throughout the Specified Period my role was to support the Secretary of State for Wales in the Office's work on Covid-19 response. The Secretary of State was the senior responsible Minister in OSSW on all matters relating to the pandemic.

B. INTERACTION AND COMMUNICATION WITH THE WELSH GOVERNMENT

17. Much of the response to the pandemic fell into areas of devolved responsibility in Wales. As a UK Government Minister, I am not accountable to the devolved institutions in Wales. However, at both Ministerial and official level OSSW maintained regular dialogue with the Welsh Government during the specified period.
18. The first national lockdown was an intense period of engagement between the UK Government and the devolved governments, at both Ministerial and official level. This reflected the *emergency* nature of the pandemic response and was marked by the similarities in the approaches of all four administrations.

19. The extent of engagement and joint working between OSSW and Welsh Ministers during the Specified Period, and particularly through the first national lockdown, is described below in paragraphs 28-33. I represented OSSW at a wide range of meetings, standing in for the Secretary of State as required.
20. Exhibit **[DD/1 - INQ000228066]** provides a chronological list of the key meetings I attended during the Specified Period at which the ongoing response to the pandemic was discussed. The list is organised into subheadings by meeting type. Each meeting has been given a unique number, and references whether Welsh Ministers were in attendance. As the list demonstrates, my engagement was concentrated during the period of the first national lockdown, reflecting the frequency of OSSW's engagement with Welsh Ministers during this period and the wide range of inter-governmental fora, including engagement with stakeholders in Wales, which took place during this *emergency* phase of pandemic response.
21. The meetings listed at Exhibit **[DD/1 - INQ000228066]** include meetings solely between me (or, where indicated on the list, the Secretary of State for Wales and me) and Welsh Ministers (bilaterals)⁵. No decisions relating to Covid-19 were taken at these meetings. The list also includes ministerial meetings attended by both Welsh Ministers and me, including a wide range of UK Cabinet committee meetings (COBR-M, Covid-O and Ministerial Implementation Groups)⁶. Key decisions relating to Covid-19 response were taken at some of these meetings. Exhibit **[DD/1 - INQ000228066]** also lists my engagement with stakeholders during the Specified Period and makes clear which of these were also attended by Welsh Ministers⁷. These were concentrated toward the start of the first national lockdown and did not relate to key decision making.
22. The list also includes some inter-ministerial meetings I attended on an ad-hoc basis, such as the Defra IMG. My attendance at such meetings largely reflected my policy portfolio as PUSS-Wales, and often included discussion about Covid-19 response as one of several subjects for discussion. Many of these meetings took place after the first national lockdown ended, and reflected both an increasing concentration on *business as usual* work through the second

⁵ These are at references #2 - #7 – Category B of **[DD/1 - INQ000228066]**.

⁶ For example, references #1, #34 and #38.

⁷ For example, references #8 and #13.

half of 2020 and into 2021, and the evolving 'normalisation' of Covid-19 response work into *business as usual* over the course of Specified Period.

23. The list also includes more ad-hoc Ministerial meetings I attended at which Welsh Ministers were also present. These were not decision making meetings and focused more on information sharing. Examples of such meetings include meetings between the Health Secretary and his counterparts in the devolved administrations⁸, as well as ad-hoc meetings on issues such as the impact of Covid-19 on education⁹.
24. I do not hold minutes of any of these meetings and do not recall any decisions being taken at them relating specifically to core political and administrative decision-making by Welsh Ministers.
25. It is important to point out that Welsh Ministers attended some UK Cabinet meetings which OSSW Ministers were unable to attend. Welsh Ministers would also have engaged directly with UK Government departments on many occasions at meetings not attended by OSSW.

Informal Communications

26. I hold no informal communications relating to Welsh Ministers' decision making on the Welsh Government's Covid-19 response. I did not engage in any informal communication (such as via Whatsapp) with Welsh Ministers or Welsh Government officials on matters relevant to the Inquiry.

C. WELSH GOVERNMENT'S CORE DECISION-MAKING IN RESPONSE TO THE PANDEMIC

27. The first national lockdown was marked by a striking increase in inter-governmental engagement as all four administrations in the UK grappled with the Covid-19 emergency. There was an urgent and clear focus on controlling the spread of infection and saving lives. I felt that politicians in all administrations across the UK were aware that the public expected strong leadership as we sought to defeat this dreadful and silent enemy.

⁸ Reference #71 in [DD/1 - INQ000228066].

⁹ References #74 in [DD/1 - INQ000228066].

28. The Secretary of State for Wales and I worked hard to ensure the Welsh Government, and indeed all the devolved administrations, were fully engaged in the UK Government's work to manage the emergency, and that devolved responsibilities were understood, recognised and respected. As a result, Welsh Ministers were fully engaged in UK Government structures managing the response to the pandemic, and attended meetings of relevant Ministerial Implementation Groups (MIGs)¹⁰ and a wide range of ad-hoc inter-governmental meetings, including meetings arranged by the Foreign, Commonwealth and Development Office (FCDO) to discuss international aspects of the Covid response¹¹. Exhibit **[DD/2 - INQ000228067]** is a readout of a meeting of the Economic and Business Response Implementation Group on 31st March 2020¹², which I attended alongside the First Minister of Wales.
29. These formal structures were complemented by bilateral engagement between OSSW Ministers and Welsh Ministers. I attended bilateral meetings with Ken Skates, the Welsh Minister for Economy and Transport, throughout 2020. Some of these meetings took place with the Secretary of State for Wales. The Secretary of State held many more meetings with Welsh Ministers which I did not attend. The purpose of these meetings was primarily information sharing and provided an opportunity for OSSW Ministers to take issues raised by Welsh Ministers back into UK Government and seek to resolve any difficulties. They were not fora for decision making. Exhibits **[DD/3 - INQ000228068]**, **[DD/4 - INQ000228069]** and **[DD/5 - INQ000228070]** provide examples of read outs from some of my meetings with Minister Skates.
30. I also met virtually with a wide range of stakeholders in Wales, including local authorities and the Welsh Local Government Association, Welsh businesses and their representative groups and police and crime commissioners and chief constables in Wales. These meetings took place through the first national lockdown, and provided an opportunity for a two-way dialogue where Ministers (usually either or both the Secretary of State for Wales and me) could set out the UK Government's activities and plans in regard to pandemic response and

¹⁰ This included meetings of the Healthcare MIG, Economic and Business Implementation MIG and the General Public Sector MIG.

¹¹ This included, for example, measures to repatriate UK nationals stranded abroad during the first national lockdown.

¹² Reference #34 in **[DD/1 - INQ000228066]**.

stakeholders could raise specific issues relating to the impacts of the pandemic. These meetings were not decision making meetings.

31. Early in the first national lockdown I met some stakeholders jointly with Minister Skates, providing an opportunity for stakeholders to hear first-hand the unity of purpose between the two governments on their pandemic response. This included joint meetings between us and a key stakeholder - CBI Wales.¹³ These were not decision making meetings.
32. Later during the Specified Period, inter-governmental engagement on the Covid-19 response became more structured, with Welsh Ministers (and Ministers from the other devolved governments) attending relevant meetings of COBR-M, the Covid-O Cabinet Committee and regular virtual meetings chaired by the Chancellor of the Duchy of Lancaster.
33. I attended these meetings when the Secretary of State for Wales was unavailable. Whilst they provided valuable opportunities for information sharing and best practice learning, those meetings I attended generally did not make decisions relevant to the Covid response in Wales.
34. In May 2020, it became increasingly clear that the UK Government's open approach to working with the devolved governments was not being reciprocated. Whilst the devolved administrations attended meetings at which decisions were taken relating to the UK Government's Covid-19 response in England, and, where relevant, the UK Government's Covid-19 response GB or UK-wide in reserved areas, the devolved governments had not responded in reciprocal fashion by inviting UK Government Ministers to attend meetings within their Covid-19 response structures.
35. On 13 May 2020, the Secretary of State for Wales wrote to the First Minister of Wales seeking an invitation for OSSW representatives to attend meetings which were part of the Welsh Government 's Covid-19 response structures, including meetings of the Counsel General's external advisory group on Wales's recovery from the pandemic. Exhibits **[DD/6 - INQ000228071]**, **[DD/7 - INQ000228072]**, **[DD/8 - INQ000228073]** and **[DD/9 - INQ000228074]** includes the exchange of correspondence on this issue between the Secretary of State for Wales and the First Minister of Wales.

¹³ For example, references #8, #18 and #19 in **[DD/1 - INQ000228066]**.

36. A key purpose in writing for the Secretary of State for Wales was to seek to maintain the broad UK-wide consistency in approach toward pandemic restrictions which had exemplified the first national lockdown up to that point. The Secretary of State's initiative produced only limited results, notwithstanding the First Minister's positive response in writing. I attended two meetings of the Welsh Government's Covid Core Ministerial Group in early July 2020¹⁴. At the 1 July meeting, I was permitted to attend solely to listen to a presentation by Brigadier Andrew Dawes, the Head of the British Army in Wales. At the 8 July meeting, I was able to attend to hear a presentation by Carl Foulkes, the Chief Constable of North Wales Police. No key decisions were taken on either occasion.
37. I attended no further meetings during the Specified Period which formed part of the Welsh Government's Covid-19 response. I believe this inequality in access and engagement had significant negative effects on our ability to maintain broad consistency in the response to Covid-19 UK-wide. Indeed, I believe the increasing divergence in approach between Wales and England through the Specified Period, particularly following the first national lockdown, had a negative impact on managing the pandemic, particularly in border areas such as my own parliamentary constituency of Monmouth. It jeopardised our attempts to limit the spread of the terrible virus and keep people free from infection. It also had an increasingly negative impact on the Welsh economy, and the tourism and hospitality sectors in particular. I shall return to these impacts in Part F of my witness statement.

Scrutiny

38. I supported the Secretary of State for Wales in giving evidence to the Welsh Affairs Select Committee in the UK Parliament throughout the Specified Period. These sessions related to a number of different inquiries and were variously specifically in relation to the UK Government's pandemic response or on other subjects where the Covid-19 response was a matter of interest.
39. I also gave evidence to the Welsh Affairs Committee with other UK Government Ministers during the Specified Period. This was on a wide variety of subjects, including renewable

¹⁴ These meetings took place on 1 July 2020 and 8 July 2020, and are references 81 and 82 in exhibit [DD/1 - INQ000228066].

energy and railway infrastructure. The impacts of the pandemic would invariably feature in discussion during the sessions.

40. The evidence I gave relating to the pandemic emphasised OSSW's role in seeking to ensure Wales was fully factored into UK Government decision making and that Welsh Ministers had access to key UK Government meetings discussing the pandemic. I also worked with the Secretary of State for Wales to emphasise the importance of a fully aligned UK-wide approach to tackle the pandemic.

D. PUBLIC HEALTH COMMUNICATIONS AND PUBLIC HEALTH CONFIDENCE IN WALES

41. I had no role in public health communications in Wales and was not involved in any discussions with the Welsh Government regarding public health media campaigns or communications. OSSW officials engaged with counterparts from other UK Government departments and the Welsh Government through various forums and groups during the specified period, including in relation to communications work. In terms of OSSW, Ministerial oversight of this engagement was undertaken by the Secretary of State for Wales.
42. The request asks specifically for my view of the success or otherwise of public health communications in Wales during the pandemic. It also asks whether more could have been done by the UK Government to provide clarity on the territorial scope of restrictions in its public health communications. I believe that the UK Government could undoubtedly have been clearer in some of its public facing announcements about the geographic extent of the measures being covered. This is particularly true of televised press conferences.
43. This issue was most pronounced during the first national lockdown and, I believe, lessened over the course of the Specified Period. This is in no small part due to the work of the OSSW Communications Team, who worked intensively with other UK Government departments to emphasise the importance of precision in describing which parts of the UK are impacted by the specific measures being discussed.
44. But I also think the actions of the Welsh Government merit scrutiny. Whilst not able to present documentary evidence to this effect, my feeling is that the way Welsh Government approached its decision making and public communications on the pandemic leant as much toward political considerations as to managing a public health emergency. There was often

no close working between the Welsh Government and the UK Government on public messaging. Welsh Government announcements, including those on pandemic restrictions, were not routinely shared in advance with the UK Government. There was no recognition by the Welsh Government that the UK Government was a key stakeholder in its decision making, and that handling the pandemic would have been more effective on both sides of the Wales-England border had more information been shared in advance of public announcements.

45. I have no comments to provide the Inquiry in response to its request about whether I believe specific breaches of lockdown rules negatively impacted on the public's observance of them.

E. THE PUBLIC HEALTH AND CORONAVIRUS LEGISLATION AND REGULATIONS, PROPORTIONALITY AND ENFORCEMENT

46. Powers held by the UK Government and the Welsh Government enabled both to adopt separate and distinct approaches to tackle the Coronavirus pandemic, in line with the Welsh devolution settlement. The Office's role in respect of the Coronavirus Bill, which extended these powers, was a supportive one in which officials worked with the Department for Health and Social Care (DHSC) to fully consider the devolution implications of the legislation and support engagement with the Welsh Government. I was not directly involved in this work.
47. Welsh Ministers made coronavirus regulations in Wales, exercising their executive competence under the Public Health (Control of Disease) Act 1984 and the Coronavirus Act 2020. I was not involved in the making of these regulations.

F. LESSONS LEARNT

48. I would like to reflect on three key questions regarding the Welsh Government's response to the pandemic;
- i. At the strategic level, was the approach taken at the start of the pandemic, in treating the Covid-19 response as a devolved issue and therefore enabling different approaches and different restrictions to be applied in each part of the UK, the right one? I fully respect the devolution settlements and the ability of devolved legislatures and governments to operate within their devolved competences. However, the Covid-19 pandemic presented an unprecedented and unequivocal challenge: to minimise infections and save lives. I personally believe that a more co-ordinated approach UK-wide in terms of Covid-19

restrictions and support would have resulted in a better co-ordinated and effective response to the pandemic.

- ii. Why was the open approach adopted by the UK Government, in encouraging devolved governments to participate in Whitehall structures and decision making on pandemic response, not reciprocated by the Welsh Government? I consider the pandemic, and in particular the first national lockdown, to be a time when the whole of the nation came together in the national interest to fight the scourge of the pandemic. It was a time when politics took a back seat and people worked in concert to beat Covid-19. That is not, however, how I think Welsh Ministers approached the pandemic. Throughout the pandemic, and especially in the later stages of the Specified Period, it felt to me that Welsh Ministers favoured divergence in their approach compared to England simply in order to be different and distinct from the approach being taken in England. Whilst it was of course within their powers to do so, I do not believe the distinct Welsh Government policies, such as the *5-mile rule* and the suite of restrictions imposed in late 2021 in response to the Omicron variant, did a great deal to reduce infection rates and save lives.
- iii. Did the Welsh Government get right the difficult balance between implementing restrictions in order to reduce rates of infection and ensuring sufficient freedoms to minimise lasting damage to the Welsh economy? Saving lives was of course the paramount concern of all governments during the pandemic. But throughout the Specified Period the Secretary of State and I heard from Welsh businesses struggling to survive in the face of severe and long-lasting restrictions which had questionable impacts on the rates of infection, and despite unprecedented levels of financial support from both the UK and Welsh governments. The Welsh tourism and hospitality sectors in particular suffered disproportionately compared to those elsewhere in the UK as a result of longer lockdowns and greater restrictions applied by the Welsh Government in Wales. Did the Welsh Government's approach reduce the impacts of Covid-19 in Wales compared to elsewhere in the UK, or did it mean that the Welsh economy suffered disproportionately from unnecessarily onerous restrictions?

CONCLUSION

- 49. OSSW played a limited but important role during the Specified Period, ensuring Wales was fully considered in UK Government decision making, feeding in views and opinions from

Wales and seeking to ensure that the working relationship between the UK Government and the Welsh Government was as good as it could be.

50. In my role as the PUSS-Wales, I supported the Secretary of State for Wales in the Office's pandemic response. My role was limited, and in the first national lockdown I focused mainly on those areas of non-Covid work which had to continue through the pandemic, enabling the Secretary of State to lead on matters relating to the Covid-19 response.
51. OSSW did not take key decisions in relation to responding to the pandemic. This includes the key decisions taken by UK Government Ministers and decisions taken by Welsh Ministers.
52. I stand ready to support the Inquiry further and respond to any requests or queries the Inquiry may have.

Statement of Truth

I declare that the contents of this statement are true and accurate to the best of my knowledge and belief.

PD

Name: Rt Hon David TC Davies MP

Position: Secretary of State for Wales

Date: 31/08/23