

First Witness Statement of Glynne Jones

Office for the Secretary of State for Wales

IN THE MATTER OF THE COVID INQUIRY

WITNESS STATEMENT OF

GLYNNE JONES

1. I, GLYNNE JONES CBE, DIRECTOR, OFFICE OF THE SECRETARY OF STATE FOR WALES, Gwydyr House, Whitehall SW1A 2NP, will state as follows.
2. I am currently the Director of the Office of the Secretary of State for Wales – I will refer to this as “OSSW” or “The Office” in this statement. I have been in this role since 2012.
3. I make this statement in response to the Inquiry’s request for evidence dated 30 September 2022, 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. I am authorised by the OSSW to make this statement. 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. Overview of the structure of the OSSW
 - B. Cooperation and Joint Working between the UK and Welsh Governments (and the other devolved administrations)

- C. Finance
- D. Public Health Communications and Public Confidence
- E. Legislation and NPIs

A – OSSW’S ROLE AND PRE-PANDEMIC STRUCTURE

6. The Wales Office (the Office of the Secretary of State for Wales) - “OSSW” is the UK Government department with specific interest in, and responsibilities relating to, Wales. We are a department of fewer than 50 staff with offices in London and Cardiff¹. As one of three Territorial Offices² within UK Government, our role is to advocate for Wales within UK Government and to represent the UK Government in Wales.
7. We have only a very small number of policy responsibilities, most notably as custodians of the Welsh devolution settlement, ensuring its smooth and effective operation. Otherwise, our 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.
8. 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.
9. The Office’s role is also to facilitate effective inter-governmental working between the UK Government and the Welsh Government on matters of mutual interest. The Office’s role is not however that of a “gatekeeper”; rather, we ensure effective direct lines of communication between the Welsh Government and UK Government departments on specific areas of policy. Our role in the UK Government’s response to Covid-19 reflected this. Whilst we

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.

maintained regular and direct dialogue with the Welsh Government at Ministerial and official level throughout the specified period, we also encouraged and facilitated direct communication between the Welsh Government and relevant UK Government departments and agencies on all matters relating to Covid-19 response.

OSSW Structure Pre-Pandemic

10. OSSW's Ministerial structure, and the individuals holding Ministerial office, did not change from 21 January 2020 through 30 May 2022 ("the Specified Period"). The Secretary of State for Wales, Rt. Hon. Simon Hart MP, and Parliamentary Under-Secretary of State for Wales, David T.C. Davies, both held office from December 2019. The Parliamentary Under-Secretary was also a Government whip. Baroness Bloomfield of Hinton Waldrist was OSSW's spokesperson in the House of Lords.
11. Up to March 2020, OSSW was organised into four directorates, each led by a Deputy Director. These were:
 - a. Private Office - directly supporting the Secretary of State for Wales; the Parliamentary Under-Secretary and our spokesperson in the House of Lords. The team is led by the Principal Private Secretary to the Secretary of State for Wales - Lottie Cantle until September 2020 and Sarah Jennings thereafter.
 - b. Communications team - dealing with the Office's external communications. The team was led by Ashok Ahir during 2020 and Dafydd Jones from January 2021.
 - c. Policy team - working with other government departments, the Welsh Government and other devolved bodies and local and regional partners in Wales on delivery of the UK Government's priorities for Wales (including city and growth deals in Wales). The team was led by Louise Parry and Kate Starkey (jobshare); and
 - d. Constitution and Corporate team - leading on constitutional matters as they related to Wales, including the Welsh devolution settlement, and providing the Office's back-office functions, including finance, HR and estates. The team was led by Geth Williams.
12. Other functions were provided on behalf of OSSW by other government departments, most notably by the Ministry of Justice (including provision of the Office's IT and facilities management services) and the Government Legal Department (provision of legal service

to the Office). Some services were shared with other government departments, notably all three Territorial Offices shared a joint Parliamentary Team.

13. OSSW modified its organisational structure several times during the specified period to reflect the evolving UK Government response to the pandemic.

January - March 2020

14. The Office's engagement with the Welsh Government in the first weeks of the Specified Period focused almost entirely on normal policy issues. Inter-governmental engagement in relation to increasing rates of Covid-19 infection was led by Cabinet Office, including the Civil Contingencies Secretariat (CCS). This included cross-departmental meetings at official-level, chaired by CCS and attended by OSSW and the devolved administrations, to discuss the governments' work to tackle rising rates of infection and scenario planning for a potential pandemic. Documentation relating to these meetings and wider CCS work during this period is held by Cabinet Office.
15. On 12 February, Ministers from the UK Government and the devolved administrations took part in a table-top exercise on the novel coronavirus outbreak, facilitated by CCS (meeting #1 in [GJ/05 - INQ000057733]). The objective of the exercise was to rehearse Ministerial-level decision making for the UK's pandemic preparedness and response within the context of the outbreak at the time. The Wales Office holds no documents relating to this exercise other than the invitation to attend. During February, work also started in earnest on the Coronavirus Bill (see paragraphs 72 and 73).
16. OSSW - and the UK Government more generally - made an increasing number of practical preparations during February and early March. For example, the Office took steps to make its offices safer, including the provision of hand sanitisers. On 3 March, the UK Government published its *Coronavirus Action Plan - A Guide to What You Can Expect Across the UK* [Exhibit GJ/01 – INQ000057716] providing public advice which reflected differences in approach between the four UK nations.
17. However, no mention was made of the coronavirus outbreak at the annual St David's Day debate in the House of Commons on 27 February, nor were questions asked relating to it when the Secretary of State for Wales gave evidence to the National Assembly's Legislation, Justice and Constitution Committee on 9 March.

18. Other events relating indirectly to the growing coronavirus outbreak took up a lot of both governments' time and resulted in a great deal of engagement between them. For example, in early March the collapse into administration of the airline *Flybe*, and its implications for Cardiff Airport, required the focused attention of Ministers in both UK and Welsh governments.
19. In the early weeks of March 2020, before the first national lockdown, Covid-19 response took up an increasing amount of Ministers' time. Meetings discussing the pandemic became more frequent, including meetings between OSSW Ministers and Welsh Ministers. OSSW Ministers also engaged with stakeholders in Wales to explain what the government(s) were doing in terms of managing the pandemic. Exhibited at [GJ/2 – INQ000113650] is an example of a read-out of a meeting relating to the pandemic which OSSW Ministers and Welsh Ministers held jointly with stakeholders in Wales during this period. Joint OSSW and Welsh Government ministerial engagement with stakeholders, including CBI Wales, is listed in category D of Exhibit GJ/5. For a small number of meetings, OSSW is unable to confirm Welsh Ministers' attendance.

First National Lockdown (March - June 2020)

20. Our staff were asked to work from home, and not attend the office, from 16 March 2020. Similar advice was given by most other UK government departments. Whilst OSSW had operated a homeworking policy from June 2019, our staff had hitherto worked from home by exception. Working from home all the time involved a significant and abrupt change in the working culture of the Office.
21. Up until this point, OSSW had relied on Skype for virtual communication. This had complemented video-conferencing facilities in both our London and Cardiff offices. The move to full-time homeworking however raised questions - in OSSW and in other bodies using Ministry of Justice (MOJ) IT systems - about the robustness and suitability of the application to support full-time homeworking across the Office.
22. Working from home full-time, combined with the wider effects of the lockdown, also resulted in other pressures on our staff, including those with childcare and other caring responsibilities.

23. Through w/c 16 March and the first week of the first lockdown (w/c 23 March) it became increasingly evident that the Office's working model was not sustainable. Work relating to the emergency Covid-19 response, including engaging with other government departments and dealing with an increasing amount of public correspondence, increasingly took precedence over business-as-usual activity. It was also evident that our systems, including our IT, were not fit for purpose in a work-from-home model.

"One Team" Covid Response

24. From 30 March 2020, OSSW reorganised fundamentally to respond to the Covid emergency. Business-as-usual activity was suspended wherever feasible, and the Office's Policy and Constitution teams were re-organised into a single team, led by the Deputy Director for Constitution, and focused on the UK Government's response to the pandemic. Only essential activity which could not be suspended continued³ and staff working in these areas did not form part of the single team. Some staff with particular homeworking circumstances, such as childcare, focused on longer-term planning work, and were also outside of the single team.
25. The purpose of the team was to keep OSSW Ministers informed and briefed on key topics relating to the UK Government's Covid-19 response and ensure that Wales and matters relating to Wales were fully considered in the UK Government's decision making. The team was organised such that individuals led on specific subjects relating to the emergency response. This included, but was not limited to:
- I. Provision of medical equipment and PPE for emergency responders in Wales, including the sourcing of suitable ventilators and PPE equipment;
 - II. Provision of Covid-19 testing kits in Wales;
 - III. Support for key workers, including "front-line" staff in the healthcare and transport sectors in Wales, and key industries such as agriculture;
 - IV. Repatriation from overseas of UK nationals resident in Wales;
 - V. Responding to a rapidly increasing amount of correspondence (email and post) from concerned interested parties and members of the public in Wales; and

³ This included work on city and growth deals in Wales.

- VI. Being first points of contact for the Office's engagement and communication with other UK Government departments as new structures and reporting lines were established across government.
26. The team also received correspondence from individuals and businesses in Wales eager to contribute to the Covid response. This included, for example, those who felt able to provide PPE or ventilators. The team forwarded any such offers to the relevant lead UK government department.
27. Teams in the Office's other directorates, including Private Office, Communications and Finance, similarly restructured work to prioritise the emergency response.
28. The rapid establishment of this new structure was not without its challenges. It meant the single team had to deal with a rapidly changing landscape of new priorities, often on an hour-to-hour basis and embed themselves in newly established, often fluid cross-departmental structures.
29. The new structure was quickly supported in two important ways. First, new IT applications were rolled-out across MOJ in early April 2020 to support virtual working. Microsoft Teams became the *modus operandi* for meetings across the Office, improving the reliability of our IT systems. Zoom was also enabled on the Office's IT and mobile phones. Second, OSSW provided funding, subject to appropriate limits and approvals, for staff to purchase equipment - such as office chairs and monitors - to make homeworking easier.
30. Through April and early May 2020, the single team met each morning to discuss the priorities and activities for the day. There is no formal written record of these meetings. The nature of the emergency response meant that often priorities would change during a given day, often on an hour-by-hour basis, and the team needed to be agile in responding to changing priorities in *crisis management* mode.
31. During this period, new inter-departmental and cross-government structures bedded in. This included the establishment of Ministerial Implementation Groups to lead the emergency response in specific subject areas (see paragraphs 50 to 54) and the formation of groups at official-level to co-ordinate the emergency response across UK government (paragraphs 56 to 63).

32. This period also saw scrutiny of the government's response to the pandemic, most notably (for OSSW) the Welsh Affairs Select Committee's inquiry into the economic consequences for Wales of Covid-19. The Secretary of State for Wales submitted detailed written evidence to the inquiry in mid-May 2020.
33. From late May 2020, staff in the single team began to return to their normal roles, reflecting the gradual reduction in Covid-19 infection rates and the resumption of work on other government priorities. Returns were staggered, depending on the urgency of work in individuals' portfolios. The single team was disbanded in early June 2020, with teams assuming responsibility for Covid response work within their respective areas of responsibility. The Deputy Director for Constitution continued to be responsible for Office-wide co-ordination of the Department's Covid response work.

June - October 2020

34. OSSW continued the approach of embedding work on Covid-19 response into business-as-usual activity through to early autumn 2020. This supported UK-Government wide initiatives to embed work on Covid-19 response within the context of re-opening the economy after the first Covid-19 lockdown. The Chancellor of the Exchequer's 8 July 2020 economic update (the *Plan for Jobs*) and schemes such as *Eat Out to Help Out* are examples of this policy context.

Autumn / Winter 2020-2021

35. In October 2020 OSSW formed a Winter Preparedness Team (WPT) to manage emerging risks over winter 2020-21. The team of three officials reported to the Deputy Director for Constitution, and had three roles:
 - a. To co-ordinate OSSW's work in preparing for the end of the Transition Period for the UK leaving the European Union. As such, the team formed part of "D20" structures across UK Government and the devolved administrations. The Civil Contingencies Secretariat in Cabinet Office led the cross-government work. From October 2020 through to New Year, helping to manage the end of the Transition Period comprised most of the WPT's work;
 - b. To lead on all matters in OSSW relating to Covid-19 response. This role included keeping OSSW Ministers informed and briefed on the Covid-19 response (in the context of increasing Covid-19 infection rates across the UK during winter 2020-

21) and responding to specific matters relating to the pandemic in Wales as they arose.

c. Managing the Office's response to any disruptive winter weather events.

36. Exhibited at [GJ/03 – INQ000057731] is a document which sets out the functions and responsibilities of the WPT.
37. The team was temporary given its focus on the hard New Year's Eve deadline for the end of Transition Period and disbanded in early February.

From February 2021

38. From February 2021 until the end of the specified period, OSSW again embedded work on Covid-19 response into the Office's wider organisational structures. Inter-governmental engagement on Covid-19 response formed part of a variety of meetings between the UK Government and the devolved administrations, usually on a "four nations" basis.
39. The main forum for information sharing between the four administrations was the regular meeting on Covid-19 response chaired by the Chancellor of the Duchy of Lancaster⁴ (see also paragraph 45b[v]). Cabinet Office organised the meetings and the Inquiry may wish to request documents relevant to them from that department. Engagement between Wales Office and Welsh Ministers on Covid-19 response increasingly formed part of bilateral meetings discussing a wide range of issues. Please see paragraph 47 for further information on bilateral meetings between OSSW Ministers and Welsh Ministers, and examples of informal readouts from such meetings. It is worth noting that inter-governmental engagement during this period took place in the context of often increasing divergence over time in the approach to Covid-19 restrictions between the UK Government (in regard to England) and the Welsh Government (in respect of Wales).

⁴ The Chancellor of the Duchy of Lancaster was also the Minister for Inter-Governmental Relations. Michael Gove became the Secretary of State for Levelling Up, Housing and Communities on 15 September 2021 but continued as Minister for Inter-Governmental Relations.

B – COOPERATION AND JOINT WORKING BETWEEN THE UK AND WELSH GOVERNMENT

40. Much of the response to the pandemic was in devolved areas (see paragraphs 64 to 71 on the Welsh devolution settlement). The Welsh Ministers⁵ were accountable to the Senedd for the decisions they made relating to Covid-19, in the same way that UK Government Ministers are accountable to Parliament for their decision making. This is consistent with accountability for other decision making by Welsh Ministers. Whilst OSSW Ministers gave evidence to Senedd scrutiny committees in relation to the UK Government's Covid-19 response, this was by invitation and at the discretion of the OSSW Ministers (see paragraphs 121 to 126 on scrutiny).
41. As a UK Government Department, OSSW is not accountable to the devolved institutions in Wales - Senedd Cymru (the legislature) or the Welsh Government (the executive). However, OSSW maintained regular engagement and dialogue with the Welsh Government throughout the specified period, at both Ministerial and official level.
42. Exhibit **GJ/05** provides a chronological list of the key meetings during the specified period attended by OSSW Ministers and Welsh Ministers at which the ongoing response to the pandemic was discussed, organised into subheadings by meeting type. Each meeting has been given a unique number, which is used in cross-reference when a specific meeting or type of meeting is discussed in this statement.
43. The meetings listed at Exhibit **GJ/05** include meetings solely between OSSW Ministers and Welsh Ministers (bilaterals). No decisions relating to Covid-19 response were taken at these meetings. The list also includes ministerial meetings attended by both OSSW Ministers and Welsh Ministers, including UK Cabinet committee meetings (COBR-M, Covid-O and Ministerial Implementation Groups). Key decisions relating to Covid-19 response were taken at some of these meetings. Exhibit **GJ/05** also lists joint meetings with stakeholders in Wales attended by OSSW Ministers and Welsh Ministers.
44. It is important to point out that Welsh Ministers attended some UK Cabinet meetings which OSSW Ministers were unavailable to attend. Welsh Ministers would also have engaged directly with UK Government departments on many occasions at meetings not attended by

⁵Section 45(2) of GoWA provides that the First Minister of Wales and the Ministers appointed by the First Minister as Welsh Ministers are collectively referred to as "the Welsh Ministers".

OSSW. OSSW may hold records of some of these meetings, but not a comprehensive record. The Welsh Ministers are likely to hold more comprehensive records of these meetings.

45. Engagement between OSSW and Welsh Ministers included:

- a. Bilateral meetings between Ministers (see paragraphs 47 to 49). These meetings are listed in Category C of Exhibit **GJ/05**.
- b. Multilateral meetings between UK and Welsh Ministers, attended by both OSSW and Welsh Government Ministers. These meetings fitted within different structures of inter-governmental engagement. The structures changed and evolved during the specified period. They included:
 - i. The Joint Ministerial Council (JMC) under the former structures for inter-governmental relations between the UK Government and the devolved administrations. The four UK administrations met under JMC structures to share information rather than make collective decisions.
 - ii. COBR-M. The Prime Minister chaired most UK COBR-M meetings, taking strategic decisions in relation to Covid-19 response. The Secretary of State for Wales attended most COBR-M meetings at which the Covid-19 response was discussed during the specified period. Ministers from the devolved administrations attended some COBR-M meetings by invitation. For example, both the Secretary of State for Wales and the First Minister of Wales attended a COBR-M meeting on 9 April 2020 to discuss social distancing and public messaging relating to the pandemic over Easter 2020 (meeting #4 in Exhibit **GJ/05**). The Chancellor of the Duchy of Lancaster chaired a COBR-M meeting on 2 November 2020 which brought together Ministers in the UK Government and the devolved administrations, and advisors, to review responses to the pandemic in the different parts of the UK (meeting #8 in Exhibit **GJ/05**). The Chair of the Committee would be responsible for deciding when the devolved administrations were invited and OSSW was not involved in these decisions. COBR-M meetings attended by both OSSW Ministers and Welsh Ministers are listed in Category A of Exhibit **GJ/05**.
 - iii. Ministerial Implementation Groups (MIGs). On 17 March 2020 the Prime Minister established four new cross-government Ministerial structures in

response to increasing Covid-19 infection rates to co-ordinate, prioritise and respond to the pandemic. The involvement of OSSW Ministers and Welsh Ministers in MIGs is described in further detail in paragraphs 50 to 54. MIG meetings attended by both OSSW Ministers and Welsh Ministers are listed in Categories E, F and G of Exhibit **GJ/05**.

- iv. Covid-19 Cabinet Committees. In June 2020, the MIGs were replaced by two Cabinet committees: Covid-19 Strategy (Covid-S), chaired by the Prime Minister, and Covid-19 Operations (Covid-O), chaired by the Chancellor of the Duchy of Lancaster. Both committees were decision-making UK Government Cabinet committees. The Secretary of State for Wales was a member of Covid-O. Welsh Ministers attended Covid-O committee by invitation. The Ministerial committees were supported by officials' groups. OSSW officials attended the Covid-O officials' group and Welsh Government officials also attended when their Ministers were attending Covid-O committee. Covid-O committee meetings attended by both OSSW Ministers and Welsh Ministers are listed in Category H of Exhibit **GJ/05**.
- v. Regular Ministerial Meetings on Covid Response. Complementing the work of Covid-O, a semi-formal group met to co-ordinate the four governments' responses to Covid on a UK-wide basis. The group was chaired by the Chancellor of the Duchy of Lancaster⁶ and included the First Ministers⁷ (and other devolved Ministers as appropriate) and the Territorial Secretaries of State. Whilst this group met periodically during the first national lockdown, for example on 15 April 2020 (meeting #12 in Exhibit **GJ/05**) and 7 July 2020 (meeting #18 in Exhibit **GJ/05**), during the later stages of the Specified Period it met far more regularly and became a key group for Ministers in the four governments to exchange information and co-ordinate their responses to the pandemic. The group ordinarily met weekly during 2021 and early 2022. Meetings of this group are listed in Category B of Exhibit **GJ/05**.

⁶ Michael Gove became the Secretary of State for Levelling Up, Housing and Communities on 15 September 2021, and continued to chair these meetings. He was also the Minister for Inter-Governmental Relations throughout the Specified Period.

⁷ The Deputy First Minister for Northern Ireland also attended.

vi. Inter-Ministerial Groups (IMGs) arising from the Inter-Governmental Review (IGR). The IGR refreshed the structures for inter-governmental engagement and new policy-specific, inter-Ministerial groups were established through late 2021 and 2022 as a result. Whilst not directly relating to the UK administrations' Covid response, discussion on Covid response and, particularly, economic recovery post-Covid, formed a staple of IMG agendas. Meetings of IMGs and other Inter-ministerial meetings attended by both OSSW Ministers and Welsh Ministers are listed in Category I of Exhibit **GJ/05**.

46. Cabinet Office organised and provided secretariat support to all Cabinet committees listed above (COBR-M; Covid-O and MIGs). Lead UK Government departments worked with the devolved administrations to organise IMGs. OSSW does not hold a full documentary record of meetings in any of these categories. The Inquiry may wish to request these documents from Cabinet Office and, in terms of IMGs, relevant lead UK Government departments.

Bilateral Engagement between OSSW Ministers and Welsh Ministers

47. OSSW Ministers and Welsh Ministers met regularly during the Specified Period. This included meetings between the Secretary of State for Wales (Rt Hon. Simon Hart MP) and the First Minister of Wales (Rt. Hon Mark Drakeford MS) and between Secretary Hart and the then Welsh Minister for the Economy (Ken Skates MS)⁸. All bilateral meetings between OSSW and Welsh Ministers relating to the pandemic response are listed in Category C of Exhibit **GJ/05**. Exhibited at [**GJ/04 – INQ000057732**], [**GJ/06 – INQ000057734**], [**GJ/07 – INQ000057735**, **GJ/08 – INQ000057736**], [**GJ/9 – INQ000057737**] and [**GJ/10 – INQ000057717**] are six examples of informal readouts of these meetings which illustrate discussions between OSSW Ministers and Welsh Ministers regarding the response to the pandemic and the support the governments were providing for Wales. Please note that OSSW does not hold readouts of meetings of the Welsh Government's Core Covid Group, which were attended by the Parliamentary Under-Secretary for Wales on 1 July 2020 (meeting #93 in Exhibit **GJ/05**) and 08 July 2020 (meeting #94 in Exhibit **GJ/05**).
48. These bilateral discussions enabled Ministers in both governments to discuss the Covid response as it related to Wales in more depth than was possible at larger multi-lateral, inter-

⁸ Ken Skates stood down as a Welsh Minister in May 2021.

governmental meetings where responses to the pandemic across the UK were discussed. These were not however decision-making meetings. Rather, they provided the opportunity for information sharing and exchanges of views in a confidential environment.

49. During the initial phase of Covid lockdowns in 2020 matters relating to both governments' responses to the pandemic dominated discussion at all such bilateral meetings. Later during the Specified Period, Covid-19 response was more often one of many items on the agenda for discussion. OSSW officials attended some, but not all, these meetings. An informal note recording discussions and actions was usually circulated afterwards. Exhibited at **[GJ/04 – INQ000057732]** and **[GJ/10 – INQ000057717]** are two examples of readouts which illustrate the sharing of information during these periods between the Secretary of State for Wales and the Welsh Minister for Economy, Transport and North Wales.

Ministerial Implementation Groups (MIGs)

50. The UK Government established four MIGs on 17 March 2020. The groups covered healthcare, chaired by the Secretary of State for Health; Economic and Business, chaired by the Chancellor of the Exchequer; General Public Sector, chaired by the Chancellor of the Duchy of Lancaster and International, chaired by the Foreign Secretary. They were decision-making groups, and MIG chairs attended a daily C-19 meeting of key UK Government Ministers co-ordinating the UK Government's pandemic response. Secretariat support for each MIG was provided by officials in each Chair's home department.
51. Secretaries of State for the Territorial Offices and Ministers in the Devolved Administrations were members of relevant MIGs from late March 2020⁹. The focus of each group's work was co-ordinating the emergency operational response, on a four nations' basis, in the subject area relevant to each group. The Economic and Business Group (EBRIG), for example, discussed safe working on construction sites in the context of the pandemic at its meeting on 31 March 2020 (meeting #116 in Exhibit **GJ/05**), and a business communications strategy when it met on 7 April 2020 (meeting #117 in Exhibit **GJ/05**). OSSW and Welsh Ministers were both members of EBRIG and attended both meetings. Meetings of the EBRIG attended by both OSSW and Welsh Ministers are listed in Category E of Exhibit **GJ/05**.

⁹ Both TO and DA Ministers were members of the General Public Sector MIG from its inception.

52. OSSW and Welsh Ministers were also members of the Healthcare MIG. The group met frequently during the first national lockdown and discussed a wide variety of topics related to the Covid-19 response. For example, the group met on 24 March 2020 to discuss healthcare supplies and shielding (meeting #156 in Exhibit **GJ/05**) and on 2 April 2020 (meeting #157 in Exhibit **GJ/05**) to talk about PPE requirements across the UK. Healthcare MIG meetings were supplemented by meetings between the health ministers in the four UK administrations. OSSW did not attend these meetings. Meetings of the Healthcare MIG attended by both OSSW and Welsh Ministers are listed in Category G of Exhibit **GJ/05**.
53. The General Public Service group (GPSMIG) had a particularly wide purview. During April 2020, the group discussed subjects as varied as extending statutory sick pay of shielding individuals and the availability of seasonal labour for sheep shearing in Wales. Again, both OSSW and Welsh Government Ministers were members of this group. Meetings of the Healthcare MIG attended by both OSSW and Welsh Ministers are listed in Category F of Exhibit **GJ/05**. Neither OSSW nor Welsh Ministers were members of the International MIG.
54. The MIGs were replaced by formal Cabinet committee structures (Covid-S and Covid-O) in early June 2020.

Informal Communications

55. OSSW holds no information relating to the use of informal or private communications during the Specified Period. OSSW staff did not use informal or private communication, for example WhatsApp, in relation to significant decision making relating to the pandemic.

Official-level Groups

56. The terms “official-level group” and “official-level forum” in this statement describe meetings of officials¹⁰ to discuss matters relating to the pandemic response. Some official-level groups were established to “shadow” Ministerial committees, and to meet ahead of committee meetings to discuss agenda items and comment on draft papers. One example of such a group was the Covid-O officials group (Covid-O[O]). Attendance at these official level groups reflected the membership of the relevant Ministerial meeting; where OSSW

¹⁰ This includes meetings of UK Government officials solely; meetings between UK Government and Welsh Government officials and meetings between UK Government officials and officials from all the devolved administrations.

and Welsh Ministers attended the Ministerial meeting, officials would be invited to join the preceding official level meeting.

57. Many official-level groups were also established without a direct relationship to Cabinet committees to ensure UK wide co-ordination of the Covid-19 response. The grade of Civil Servant attending official level meetings varied depending on the nature of the meeting, but would usually be a Senior Civil Grade, or Grade 6/7. The department does not have an exhaustive list of official level meetings relating to Covid-19 response, and as such **GJ/05** includes only Ministerial meetings.
58. OSSW was involved in some official level groups relevant to the UK-wide nature of the response to the pandemic. At the start of the first national lockdown the Devolution Strategy Division in the Cabinet Office established daily 'check-in' calls to ensure all aspects of the Covid-19 response fully considered the Union perspective. The meetings brought together the Territorial Offices, desk officers and liaison officers in the Cabinet Office, and No.10, and discussed key actions and updates from the MIGs as well as providing updates on live issues. They provided a forum in which the UK-wide implications of the coronavirus response could be considered, and they regularly highlighted the importance of engaging the devolved administrations early in policy development. For example, the department highlighted opportunities to extend the NHS volunteering scheme to Wales following concerns raised over a lack of clarity in Wales on the scheme's geographic extent, particularly for those living in border areas of Wales with English postcodes. In doing so OSSW encouraged close engagement with Welsh Government officials. The meetings also discussed UK wide perspectives and DA engagement on issues such as test and trace, PPE and the Joint Biosecurity Centre. Officials from the Welsh Government's C-19 Central Co-ordination Team also attended these meetings. The frequency of these meetings reduced to weekly from June 2020 reflecting the changing nature of the pandemic response. Cabinet Office organised and chaired the daily check in calls, and the Inquiry may wish to request related documents from the Cabinet Office.
59. Between March and May 2020, OSSW produced a daily 'sit-rep' which summarised the work done by the Office and provided an overview of the issues relating to Covid-19 response in Wales. The sit-reps were primarily for OSSW Ministers and were also shared with other UK Government departments. The sit-reps were not shared with the Welsh

Government. Exhibited at [GJ/11 - INQ000057718], [GJ/12 - INQ000057719], [GJ/13 - INQ000057720] and [GJ/14 - INQ000057721] are four examples of daily sit-reps.

60. Official level groups were also stood up as necessary to discuss in detail the UK-wide approach to specific aspects of the Coronavirus response such as test and trace. Such groups were generally chaired by the desk officer in the Cabinet Office, with representation from the relevant lead department and the Territorial Offices. OSSW attended a number of these forums, including the *Strategic PPE Four Nations Board*, the *Policy Forum on the Covid-19 Vaccine*, the *UKG:DA Forum on Shielding and Non-Shielded Vulnerable*, the *Ventilator Distribution Briefing*, the *UKG:DA Four Nations Sitrep*, the *DA January Review Working Group* and the *Autumn/Winter DA Working Group*. OSSW holds neither an exhaustive list of official-level groups attended by OSSW officials nor full documentation relating to any of these groups. The Inquiry may wish to ask Cabinet Office for this documentation.
61. The Devolved Administrations were represented in some of the official level groups chaired by UK Government departments, including all of the groups listed above in paragraph 60. We are however unable to identify all of the official level groups in which the devolved administrations were represented, given that these could have taken place without participation from OSSW. The Inquiry may wish to request further information on official level groups from other UK Government departments.
62. OSSW also joined daily calls between Cabinet Office liaison officers and the devolved administrations during the first national lockdown. These meetings discussed a forward look of items for discussion at the MIGs which DA Ministers attended.
63. In respect of coronavirus communications work, which is described further below, from the first week of March the Office joined twice daily cross-UK government calls. In addition, the standing daily UK Government Heads of News meetings during the period focused exclusively on the pandemic response. Meetings also took place focusing on communications around the development of the app and the development and roll-out of vaccines. The Welsh Government and all relevant UK Government departments were represented at these meetings. These meetings were organised and chaired by Cabinet Office and the Inquiry may wish to request related documentation from that department. As official-level meetings they are not listed in Exhibit **GJ/05**.

Welsh Devolution Settlement (in relation to Covid Response)

64. The Welsh devolution settlement is set out in the Government of Wales Act 2006 (GoWA). It is based on a reserved powers model under which the matters listed in Schedule 7A to GoWA are reserved to the UK Parliament and all other matters are devolved to the Senedd. A provision in an Act of the Senedd is outside its legislative competence (and therefore “not law”) if it relates to reserved matters or if any of the other restrictions in section 108A of GoWA applies.
65. Parliament remains sovereign and is able to legislate on any matter across the UK. However, by convention Parliament will not normally legislate with regard to matters within the competence of the Senedd without the Senedd’s consent.
66. When assessing whether Senedd legislation relates to a reserved matter, particular attention is given to the specific purpose of the provision in question¹¹. Health policy is generally a devolved matter and as a result, provisions whose purpose is to protect the public from a health emergency are within the Senedd’s competence. There are however a small number of reservations under Head J of Schedule 7A related to health. Most relevant to the inquiry, ‘medicinal products’ is reserved, and has the same definition as in the Human Medicines Regulations 2012 and includes vaccines. The reservation covers their manufacture, authorisation for use and regulation of pricing.
67. The executive powers of Welsh Ministers closely track the legislative competence of the Senedd, though the two are not identical in all areas. Welsh Ministers take their powers from various sources, including Part 2 of GoWA, various Transfer of Functions Orders and statutory provisions in Acts of the Senedd and of the UK Parliament.
68. In light of the Senedd’s general competence over public health, the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008, provided Welsh Ministers with extensive regulation-making powers to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the instance or spread of infection or contamination in Wales. These powers were extended through the Coronavirus Act 2020 (see paragraphs 72 and 73). The Welsh Ministers used the powers in Part 2A of the 1984 Act to implement non-pharmaceutical interventions in

¹¹ See section 108A(6) of GoWA.

Wales during the specified period such as in relation to lockdowns, social distancing and the quarantine of overseas travellers. It should be noted that whilst policing is a reserved matter¹², Welsh police forces were required to enforce the rules put in place through Welsh Government regulations.

69. Where agreement was reached between the UK Government and the Welsh Government for the UK Government to act across England and Wales in relation to matters that required the exercise of executive functions in devolved areas, this was done under an agency agreement. Section 83 of GoWA provides that such arrangements may be made between the Welsh Ministers and any relevant authority for any functions of one of them to be exercised by the other. For example, the establishment of the Joint Biosecurity Centre (JBC) was based on an agreement between the Secretary of State for Health and Social Care and the devolved administrations. Under this agreement the Secretary of State for Health and Social Care could exercise certain powers and duties of the Welsh Ministers under sections 1, 2 and 3 of the National Health Service (Wales) Act 2006 for the purpose of the JBC's core functions. Whilst OSSW was part of cross-UK Government discussions on the UK-wide nature of the JBC, it was not involved in the detailed work on this agreement. OSSW is not aware of any further agency agreements between the UK Government and the Welsh Government in relation to the Covid response.
70. The imposing, modifying or removing of procurement functions of Devolved Welsh Authorities is explicitly not reserved by Schedule 7A GoWA¹³. The UK Government's position is that the law relating to procurement undertaken by other public authorities operating in Wales is the responsibility of the UK Government. The manufacture and authorisation of vaccines is reserved, and the authorisation of vaccines across the UK is the responsibility of the Medicines and Healthcare Products Regulatory Agency. However, the procurement and roll-out of vaccines in Wales is ordinarily the responsibility of the NHS in Wales. The process for procuring and rolling out Covid-19 vaccines in Wales is described further below.

¹² See paragraph 41 of Schedule 7A to GoWA.

¹³ See paragraph 194 of Schedule 7A. Devolved Welsh Authorities are defined in section 157A GoWA.

71. On the ground, responsibility for procuring personal protective equipment (PPE) and other equipment necessary in relation to the pandemic response fell to the individual bodies undertaking the procurement.

The Coronavirus Act 2020

72. OSSW plays a key role in supporting the UK Government's legislative programme, working with departmental bill teams on legislation which impacts Wales. In line with this, OSSW supported the Coronavirus Bill Team, encouraging early engagement with the Welsh Government including sharing detailed provisions in the Bill, and provided advice on seeking the consent of the National Assembly for Wales¹⁴ for provisions within devolved competence.
73. Given the nature and pace of the Bill, engagement with the Welsh Government was undertaken directly by the Bill Team, based in the Department for Health and Social Care. This included regular official level meetings with the devolved administrations to discuss the provisions and executive functions that were needed by each administration to respond to the pandemic. OSSW officials attended some of these meetings. Any advice provided by OSSW in discussion with the Bill Team would have been in line with the devolution guidance note on *Parliamentary and Assembly Primary legislation affecting Wales* which makes clear that departmental bill teams should develop close working relationships with the Welsh Government on any specific areas of devolved policy and ensure timely sharing of information from an early stage in the legislative process. The Welsh Government and the other devolved administrations were included in the circulation lists for the regular sitreps and updates on the Bill produced by DHSC. As a result of these discussions and agreement between the UK and Welsh Governments, the then National Assembly for Wales gave its consent to the Bill by approving a legislative consent motion on 24 March 2020. Given that the Bill team engaged directly with the Welsh Government throughout this process, we recommend that the Inquiry seeks any documentary evidence, including copies of the regular sitreps and updates, directly from the Department of Health and Social Care.

Regulations relating to Covid-19 Response

¹⁴ The National Assembly for Wales became Senedd Cymru / the Welsh Parliament on 6 May 2020.

74. As noted above, the 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. OSSW was not involved in this process.

Vaccines

75. The devolution position on the procurement of vaccines is described in paragraph 70. However, the UK Government and Devolved Administrations agreed that Covid-19 vaccines would be procured on a UK-wide basis. Similar agreements are in place for the procurement of other medicinal products, including the children's nasal spray flu vaccine.
76. The Government's Vaccine Task Force (VTF) was established in April 2020 to ensure that the UK population had access to safe and effective vaccines against COVID-19. The Chair of the VTF, Kate Bingham, reported directly to the Prime Minister. The VTF built a wide portfolio of different types of vaccines to give the UK the best possible chance of having highly effective vaccines. They subsequently purchased the doses of the most promising vaccines for the UK as a whole. OSSW was not involved in decisions taken by the VTF in relation to the supply of vaccines in the UK.
77. Wales received a population share of all Covid-19 vaccines procured by the UK Government. The Welsh Government was responsible for the delivery of the vaccine programme in Wales. This meant, for example, that Welsh Ministers made decisions on the priority order in which population cohorts in Wales were vaccinated. The four administrations and their advisors co-operated closely on the vaccination roll-out. For example, the four Chief Medical Officers in the UK adopted a joint approach in their advice on whether vaccines should be made available to 12 to 15 year olds. OSSW had no role in the Welsh Government's decision making regarding the vaccine rollout. However, the UK Government did support the vaccination programme in Wales through the MACA process (see paragraphs 111 to 118). For example, in December 2020, MoD Ministers agreed a request for UK Armed Forces support to establish and operate mass vaccination centres across Wales.
78. Lead UK Government departments were responsible for defining key terms relating to the pandemic which fell into their departmental portfolios. Where these definitions related to devolved areas, such as 'social distancing', the definition implemented by the lead UK

Government department applied in England, whilst the Welsh Government's definition applied in Wales. OSSW had no responsibility in setting the UK Government's definitions or for identifying any divergence between them and the definitions set by the Welsh Government. This was the responsibility of the lead UK Government department.

C- FINANCE

OSSW's Role in Covid-19 Related Funding

79. HM Treasury is the lead UK Government department on matters relating to funding the devolved administrations. Whilst the Welsh Government has multiple sources of funding (including through a portion of income tax, devolved taxes, borrowing and fees and charges) most of its funding is determined by HM Treasury at spending reviews and approved by Parliament. The principles of funding the devolved administrations are set out in HM Treasury's Statement of Funding Policy, Funding the Scottish Government, Welsh Government and Northern Ireland Executive.
80. By virtue of the Barnett Formula, Wales receives more funding per head for devolved services relative to the funding of equivalent services in England. This was formalised in the Welsh Government's Fiscal Framework, published in 2016. In 2020-21, relative funding per head was around £117 in Wales for every £100 for equivalent services in England.
81. Most Welsh Government funding comprises the Welsh Block Grant. The Welsh Government and the Senedd decide how Block Grant funding should be spent within their devolved responsibilities. Information on the cash grant payable to the Welsh Government is disclosed in the Main and Supplementary Estimates produced by HM Treasury. OSSW is responsible for transferring funding from the UK Consolidated Fund to the Welsh Consolidated Fund monthly ensuring that the Welsh Government does not draw down funding in advance of need. The total level of funding (including the cash grant) from the UK Government to the Welsh Government is held by HM Treasury. Information on the Welsh Government's total budget and actual expenditure in resource terms is set out in the Welsh Government's consolidated accounts and the accounts of its Arm's Length Bodies.

82. At fiscal events and spending reviews, the Welsh Government receives additional funding through the Barnett formula to reflect changes in UK government spending in England in areas which are devolved to Wales. These adjustments are known as *Barnett consequentials* and are applied to Welsh Government funding in a process known as Estimates Rounds - the means by which the Government seeks authority from Parliament for its own spending each year. HM Treasury administers Barnett consequentials and OSSW does not hold detailed information on them.
83. The funding for the Welsh Government is included in the Wales Office Supply Estimates. The Main Estimates start this process and are presented to Parliament by HM Treasury shortly after the start of the financial year. Supplementary Estimates are presented later in the financial year, around February, and are the means for Government to seek Parliament's approval for most in-year changes.
84. The first full financial year of the pandemic (2020-21) resulted in Welsh Government receiving unprecedented levels of funding in Barnett consequentials. Increases in the amounts of funding were rapid and dramatic, particularly in the first six months of 2020-21. This reflected significant, additional and urgent funding being allocated in England to respond to Covid-19, in areas that were devolved in Wales. These areas included health, education, local government and transport services.
85. On 23 July 2020, HM Treasury announced an unprecedented upfront guarantee of the minimum amounts in additional funding the devolved administrations would receive in 2020-21. The guarantee gave the devolved administrations financial certainty and flexibility to plan their expenditure for the months ahead.
86. Funding in the Estimates is available to the Welsh Government once approved by Parliament. UK departments (and devolved administrations) may seek a funding advance - under the "Vote on Account" process - to secure resources (up to 45% of the previous year's funding) to allow existing services to continue until the Main Estimates are approved. In the context of urgently needed funding to support the Covid-response and ensure the continuation of front-line services, the Welsh Government asked OSSW in July 2020 and February 2021 to make applications on its behalf for a cash advance from the Contingencies Fund (in advance of approval of the funding in the Main and Supplementary Estimates 2020-21). Exhibited at [GJ/15 – INQ000057722] is correspondence from the Secretary of State

for Wales to the First Minister of Wales relating to the first cash advance. The application was approved by HM Treasury, and OSSW transferred the advance to the Welsh Government. The advance was repaid to the Contingencies Fund following approval of the Estimates.

87. As part of the Estimates process, all Government departments are required to provide their Parliamentary Select Committee with an Estimates memorandum. The memorandum provides a clear analysis of the key funding changes in comparison to the previous year and is subject to select committee scrutiny. OSSW provides a memorandum to the Welsh Affairs Committee.
88. Whilst OSSW was engaged in the process of transferring funding to the Welsh Government it played no role in determining the amounts of funding or in creating the narrative to explain funding changes. HM Treasury provided OSSW with all material relating to Welsh Government funding in that regard. In the context of Covid support, HM Treasury also led on all UK Government schemes providing financial relief, including the Coronavirus Job Retention Scheme ("Furlough"), the Self-Employed Income Support Scheme (SEISS) and the Coronavirus Business Interruption Loan Scheme (CBILS). OSSW holds no detailed information on Covid-19 support schemes administered by HM Treasury. The Inquiry may wish to ask HM Treasury for this information.
89. The Welsh Government was responsible for its own business support schemes responding to Covid-19. OSSW had no role in these schemes.
90. The Inquiry also asked for information on the UK Shared Prosperity Fund. This fund is administered by the Department for Levelling Up, Housing and Communities (DLUHC), but did not start operating until after the Specified Period.

D – PUBLIC HEALTH COMMUNICATIONS AND PUBLIC CONFIDENCE

91. The Communications team within OSSW is made up of eight posts in total and led by a Deputy Director. During the Specified Period the size of the team fluctuated between four and eight people.

92. The team covers a wide variety of communications disciplines, including press and media relations, social media, web publishing, visits and events, campaigns, planning and strategic communications, insight and evaluation, stakeholder relations and speech writing.
93. OSSW has a Welsh Language Scheme setting out how it will communicate bilingually in Wales¹⁵ and most of the above communication activities are delivered in the Welsh language as well as in English.
94. The team works closely with other UK Government departments, providing Wales-specific advice and expertise to colleagues across Whitehall particularly where they have a news story, announcement, campaign, ministerial visit or event which is relevant to Wales. Most frequently this involves departments which deliver non-devolved services or policies in Wales, such as the Department for Business, Energy and Industrial Strategy, HM Treasury, Ministry of Defence, Home Office and Department for Work and Pensions.
95. As with other directorates in OSSW, in March 2020 the Communication Team wholly redirected its work toward Covid-19 response.
96. From the earliest stages of the pandemic this saw members of the team joining cross-government calls several times daily (with No10, the Covid-19 Taskforce and others) to co-ordinate public-facing messages and ensure their accuracy. This included a daily *Heads of News* call, which existed prior to the pandemic and brought together the relevant news leads from all departments to discuss the main stories relating to government. During the pandemic, this meeting lengthened in duration and was focused on Covid-19. OSSW's role was to highlight coverage of the pandemic in the Welsh media, particularly where it discussed the UK Government's response. OSSW also joined calls relating to the development of the NHS Covid-19 app, which was used in England and Wales. Our role in this meeting was to ensure that principles around communicating in Wales, including the use of the Welsh language, were followed.
97. The Welsh Government was responsible for much of the day-to-day response to the pandemic in Wales, and a key role of the OSSW communication team was ensuring that the public was aware which government delivered relevant services on the ground and

¹⁵ Prepared under the Welsh Language Act 1993.

providing practical advice to Welsh audiences on where they could access UK Government support and advice.

98. From the first weeks of the first national lockdown, the Office produced a 'one-stop shop' newsletter several times a week, circulating it to businesses and stakeholders in Wales. Three examples are exhibited at [GJ/16 – INQ000057723], [GJ/17 – INQ000057724] and [GJ/18 – INQ000057725]. The newsletter contained advice on the evolving Covid rules and restrictions in Wales and provided links to online help, advice and support. This information was also available on a permanent webpage on gov.uk, which was first published on 17th March 2020 and updated regularly. This information was also carried on the department's social media accounts (during the pandemic, Facebook, Twitter and LinkedIn). The Welsh Government were not involved in the production of these newsletters. The 'one-stop shop' approach was later adopted by other UK Government departments including the Scotland Office.
99. Joint communication projects are normal practice between the UK Government in Wales and Welsh Government¹⁶ but fewer joint projects took place during the pandemic, especially when restrictions relating to Covid-19 transmission diverged between Wales and England. OSSW does not hold any relevant documentation demonstrating a reduction in the number of joint communication projects.
100. During the first national lockdown there was increasing evidence that people in Wales were unclear about the Covid-19 restrictions (including those on social distancing, lockdowns and travel) which applied in Wales and the restrictions which applied in England.
101. For its part, the UK Government was making public-facing announcements at an unprecedented pace and frequency, primarily using televised press conferences which were broadcasted in Wales. Many of the measures announced in these press conferences did not apply in Wales and within weeks the No.10 daily press conferences were being carried on BBC Radio Wales with an accompanying live voice-over by the presenter pointing out when measures being announced did not apply in Wales.
102. It quickly became a key responsibility of OSSW to engage with other UK Government departments to learn which aspects of their announcements were England-only. In the early

¹⁶ For example, on recent safety measures around coal tips and around the death of HM Queen Elizabeth II.

stages of the pandemic this was invariably prompted by questions from journalists, who approached OSSW for information on the territorial extent of particular announcements. In these cases, OSSW would liaise with lead UK Government departments in order to brief Welsh journalists in real time to avert inaccurate reporting.

103. As the pace of announcements lessened with time, information-sharing at an early stage about upcoming UK Government measures improved between departments and between governments, with the Heads of Communications of the devolved governments and key UK Government departments, including OSSW, meeting on a regular basis to discuss upcoming issues. The Inquiry may wish to request documentation relating to these meetings from the Cabinet Office.
104. As the pandemic progressed, departments were persuaded of the benefits of geographical clarity in announcements, and far more were labelled England-only, where necessary, as time went on. This is demonstrated by ministerial speeches and press releases published on gov.uk over the course of the pandemic. Exhibited at **[GJ/19 – INQ000113645]** and **[GJ/20 – INQ000113646]** are transcripts of speeches delivered by the Prime Minister on 23 and 25 March 2020, as published on GOV.UK. These speeches did not clearly state the territorial extent of the measures being implemented. In contrast, exhibited at **[GJ/21 – INQ000113647]**, **[GJ/22 – INQ000113648]** and **[GJ/23 – INQ000113649]**, are announcements and speeches made later in the pandemic, on 23 June 2020, 4 January 2021 and 27 August 2021, which stated that the measures applied only to England.
105. Other measures taken by OSSW to ensure greater accuracy and clarity included working with No.10 to include more Wales-based journalists in its press conferences and OSSW holding its own departmental briefings for journalists. Beginning in February 2021, these briefings were held fortnightly when Parliament was sitting. They were led by the Secretary of State for Wales and were well-attended by journalists from key Welsh media, including BBC, ITV and Wales Online.
106. While a combination of the above measures addressed some of the inaccuracies in public messaging, communications issues arose sporadically throughout the remainder of the Specified Period. For example, the delivery of mass testing in Merthyr Tydfil by UK military personnel in November 2020 was announced to the media by the Welsh Health Minister and was therefore inaccurately reported as a Welsh Government initiative.

Correspondence

107. Throughout the Specified Period, OSSW Ministers corresponded with Welsh Ministers and other UK Government Ministers on a range of matters related to the pandemic response in Wales. The topics covered by the various correspondence included PPE distribution, the MACA process and the effect of the pandemic on the tourism sector. Exhibited at **[GJ/24 – INQ000176121]**, **[GJ/25 – INQ000179734]** and **[GJ/26 – INQ000176122]** are three examples of this correspondence.
108. During the first national lockdown, the amount of public correspondence on Covid-19 related matters received by OSSW (by post and email) increased dramatically. In very broad terms, most correspondence fell into two categories. First, letters and emails from individuals and companies wishing to contribute to the Government's Covid-19 emergency response, including those offering to supply, or manufacture, products in high demand and short supply - for example, the provision of PPE or supply and manufacture of ventilators. The Office's Covid Response Team sought to forward such enquiries to relevant lead government departments as quickly as possible.
109. Second, correspondence from people in Wales who felt disadvantaged in some way by either government's responses to the pandemic. This included, for example, workers in certain sectors - such as some freelancers in cultural industries - who did not meet the eligibility criteria for UK Government funded or Welsh Government funded support. Investigating and responding to these queries took a great deal of time. Whilst OSSW officials engaged with Welsh Government colleagues on specific queries, there was no formal system of engagement between the governments in replying to public correspondence.
110. The amount of correspondence about the pandemic declined over time, and correspondence relating to Covid-19 was handled by the Office's Correspondence Team, in the same way as other correspondence, from early June 2020 onwards. Later during the Specified Period, and particularly from early 2021 onwards, some public correspondence received by OSSW was critical of Welsh Government policy regarding Covid-19. This included correspondents opposed to further lockdowns; the nature of some restrictions (such as the "five-mile rule") and complaints from those in the tourism and hospitality sectors

in Wales about the effects of ongoing restrictions. These complaints, in turn, informed discussion at some bilateral meetings between OSSW and Welsh Ministers.

The MACA Process

111. The UK's Armed Forces supported the delivery of Welsh health services during the Specified Period. Armed Forces were deployed based on "MACA" requests by the Welsh Government, agreed by the Secretary of State for Wales and decided by Ministers in the Ministry of Defence (MoD) - usually the Minister for the Armed Forces.
112. The Military Aid to Civil Authorities (MACA) system is the collective term used by the MoD and UK administrations more generally to describe the deployment of UK Armed Forces in support of civilian authorities. Authorities can call on the UK's Armed Forces to assist in times of need, in order to share the burden on civil organisations.
113. MACA requests are presented in a standard pro-forma. Authorities requesting military assistance are required to set out why action is needed to address the situation they are facing and specify the amount and type of military personnel needed to support.
114. The procedure for considering MACA requests was used extensively during the Specified Period. The Welsh Government sought UK Armed Forces support both to help deliver Welsh health services during periods of acute service pressures arising from the pandemic and in relation to measures to control the pandemic.
115. All MACA requests from the Welsh Government were first submitted to the Secretary of State for Wales for consideration and approval. The Secretary of State for Wales considered MACA requests initially to provide the MoD with a view on the merits of a request in the broad context of the impacts of the pandemic on public service delivery in Wales. The Secretary of State approved all requests promptly. Requests were then considered by MoD Ministers, usually the Minister for the Armed Forces, who made the key decisions in relation to the Welsh Government's request. This included the number of Armed Forces personnel to be made available, the skill set of those personnel and the length of time of their deployment (which could be subject to review and extension). The final number of Armed Forces deployed may have differed from the original request as a result of detailed analysis by the MoD.

116. It should be noted that, on occasion, the Welsh Government made several MACA submissions relating to the same request for deployment of Armed Forces personnel. This happened when, for example, the Welsh Government increased the number of personnel it requested as a result of a rapid deterioration in the supply of staff working on front line health services in Wales.
117. We have identified 20 MACA requests from the Welsh Government during the Specified Period – Exhibited at **[GJ/27 – INQ000057728]**, **[GJ/28 – INQ000057729]** and **[GJ/29 – INQ000057730]** are three examples of these. There is also a summary table provided at **[GJ/30 – INQ000057726]**. During the initial phase of the pandemic, military personnel acted as drivers for the Welsh Ambulance Service, helped to establish a testing programme in Wales and supported the supply and distribution of PPE. During the rollout of the vaccine programme, military personnel also helped to establish and operate vaccination centres.
118. In the 2021-22 financial year, up to 313 military personnel were made available to support the Welsh Ambulance Service Trust. 91 personnel were also made available to support with establishing and operating vaccination centres in Wales.

E- LEGISLATION AND NPIS

119. Please see paragraphs 72 and 73 on OSSW's role in the enactment of the Coronavirus Act 2020.
120. There were no significant meetings between OSSW and the Welsh Government surrounding divergence in the imposition or non-imposition of NPIS in England and Wales.

Scrutiny by the Legislatures

121. OSSW Ministers regularly gave evidence in person¹⁷ to support inquiries by the UK Parliament and Senedd Cymru relating to the effects of the pandemic and the UK Government's response. These included inquiries by select committees in the UK Parliament and by committees in Senedd Cymru. Some of these inquiries scrutinised the UK Government's response to the pandemic directly; others examined the UK

¹⁷ Ministers gave evidence remotely, via Teams or Zoom, during periods of lockdown.

Government's response to Covid-19 as contextual background to the subject matter of an inquiry.

122. OSSW Ministers' primary focus in relation to scrutiny during the Specified Period was the Welsh Affairs (Select) Committee (WAC) in the UK Parliament. WAC is responsible for scrutinising the expenditure, administration and policies of OSSW. They hold a regular series of evidence sessions with the Secretary of State for Wales and the Parliamentary Under-Secretary of State for Wales about their responsibilities and the work of the UK Government in Wales more generally.
123. WAC also scrutinises all policies and programmes of the UK Government which impact on Wales. As such, OSSW Ministers often give evidence to the Committee across the full range of government policies and programmes relating to Wales and not merely those for which they have direct responsibility. This was the case in relation to WAC's scrutiny of the UK Government's response to Covid-19 as it related to Wales.
124. WAC also held policy-specific inquiries during the Specified Period, examining subjects as varied as the benefits system, nuclear energy and tourism. Ministers from relevant lead UK Government departments gave evidence to these inquiries. In addition, Welsh Ministers also gave evidence to some of these inquiries. The UK Government's (and Welsh Government's) response to Covid-19 provided crucial background context to all of WAC's subject-specific inquiries during the Specified Period. This included scrutinising Ministers on the nature and extent of engagement and co-ordination between the two governments on their Covid-19 responses.
125. OSSW Ministers also gave evidence to other UK Parliament committees during the Specified Period. This included, for example, evidence given by the Parliamentary Under-Secretary of State for Wales to the Common Frameworks Scrutiny Committee.
126. As part of their role in representing the UK Government in Wales, OSSW Ministers also gave evidence to inquiries by scrutiny committees in the Senedd during the Specified Period. These included inquiries undertaken by the External Affairs and Additional Legislation (EAAL) Committee and the Finance Committee. Ministers' evidence to these Committees relating to the UK Government's response to the pandemic as it related to

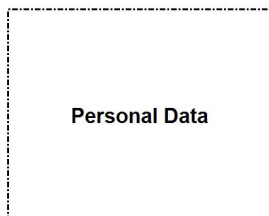
Wales and the nature of engagement and co-operation between the UK Government and the Welsh Government in responding to the pandemic. UK Government Ministers were not accountable for decisions taken by Welsh Ministers in relation to the Welsh Government's pandemic response in Wales.

Conclusion

127. OSSW played an important role during the Specified Period, ensuring Wales was fully considered in UK Government decision making, feeding in views and opinions from Wales and ensuring co-operative working between the UK Government and the Welsh Government.
128. However, 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.
129. OSSW - Ministers and officials - stands 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.



Name: Glynne Jones

Position: Director, Office of the Secretary of State for Wales

Date: 11/05/23