

Witness Name: Julie James

Statement No.: 1

Exhibits: 241

Dated: 7 December 2023

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF JULIE JAMES MS

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I, Julie James, will say as follows: -

#### Preface

1. I provide this statement in response to a request made under Rule 9 of the Inquiry Rules 2006 dated 14 June 2023 under reference M2B/WG/JJS/01.
2. The purpose of this statement is to assist the Covid-19 Inquiry (hereinafter referred to as “the Inquiry”) in its consideration of the Welsh Government’s core political and administrative decision-making in relation to the Covid-19 pandemic between early January 2020 and May 2022, when Covid-19 restrictions were lifted in Wales. In providing the same, I shall reflect upon my role within the decision-making processes during that period, initially as Minister for Housing and Local Government and, from 13 May 2021, as Minister for Climate Change.
3. The pandemic has, in my view, had a profound and lasting impact upon the people of Wales. It has affected those who lost loved ones and those who continue to suffer the long-term effects of the illness itself. We should also remember that it can continue to impact the lives of those who helped steer Wales through the crisis – our health and care workers, local government colleagues and many other public and voluntary services. I would therefore like to take this opportunity to express my very heartfelt sympathies to all those affected and especially to all who lost loved ones. I would also like to pay tribute to our Welsh public services: their efforts and commitment were

pivotal to our response. I particularly want to thank all the people who implemented our incredibly swift response in housing services and to thank our local authority partners who kept essential services running and also helped us deliver so many additional unprecedented services during this time period.

## **Introduction**

4. I graduated from the University of Sussex in 1980 with a degree in American Studies (History), before proceeding to take the DIPLAW at the Polytechnic of Central London. After graduating in 1982, I went on to study at the Inns of Court School of Law in London and was Called to the Bar in 1983.
5. The majority of my legal career was spent in local government, covering a wide range of legal and administrative issues. My final local government post was Assistant Chief Executive (Governance) at the City and County of Swansea. In private practice, my main focus was environmental and constitutional / administrative law.
6. I was first elected as a member of (what is now known as) the Welsh Parliament on 5 May 2011 as the Member for Swansea West. During my time as a member, I have sat upon various committees, including the Constitutional and Legislative Affairs Committee, the Enterprise and Business Committee and the Environment and Sustainability Committee. I sat as Chair of the Enterprise and Business Committee's Procurement Task and Finish Group, which led to the publication of the 'Influencing the Modernisation of EU Procurement Policy' Report in May 2012, and as Chair of the Environment and Sustainability Committee's Common Fisheries Policy Task and Finish Group.
7. In addition, and during my time as an elected member, I have also held the following positions / appointments:
  - a. Deputy Minister for Skills and Technology (September 2014 to May 2016);
  - b. Minister for Skills and Science (May 2016 to November 2017);
  - c. Leader of the House and Chief Whip (November 2017 to December 2018);
  - d. Minister for Housing and Local Government (December 2018 to May 2021);
  - e. Minister for Climate Change (May 2021 to present date).

8. At the start of the specified period in January 2020, I was already in my role as Minister for Housing and Local Government, having been appointed on 13 December 2018. I continued to hold this office throughout the specified period until 13 May 2021 when, following the Welsh Government elections in May 2021, I was appointed to my current role as Minister for Climate Change.
9. A summary of the responsibilities in my portfolio as Minister for Housing and Local Government during the specified period is set out in Exhibit M2B/WG/JJ1/001-INQ000001388.
10. My responsibilities during the specified period in my role as Minister for Climate Change are also set out therein. This appointment was a new role created following a restructuring of Ministerial portfolios after the May 2021 elections. It incorporated the housing responsibilities contained in the portfolio for my preceding appointment as Minister for Housing and Local Government, whilst also expanding to include matters relating to infrastructure, transport and energy. At that point, those responsibilities falling under the local government aspects of my earlier appointment became part of the portfolio of my colleague, Rebecca Evans, as the new Minister for Finance and Local Government.
11. A number of key policy areas falling within my portfolio were of particular importance to the pandemic response.
12. The local government responsibilities of my portfolio were wide and far-reaching. I was actively involved in frequent and comprehensive engagement with Welsh local authorities and related bodies, such as the Welsh Local Government Association and Police and Crime Commissioners, on a full spectrum of matters related to the Welsh Government response to the pandemic. The extent of this engagement and the impact thereof is considered in substantial detail elsewhere in this statement.
13. I was directly responsible for policy decisions relating to a number of local authority services. These included planning, waste, democratic services, corporate governance and housing and homelessness. I also took an overview of all services provided by local government on behalf of the Welsh Government, such as education and social services.

14. On a practical basis, I was required to make decisions that assisted with the procedural and technical running of local government in light of the impact of the pandemic, such as in relation to the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, which assisted local authorities in complying with their statutory duties in a manner that also complied with the various Covid-19 regulations put in place to protect the public. By way of example, I exhibit two of the Ministerial Advice documents I received during this period relating to such matters at M2B/WG/JJ1/002-INQ000136779 and M2B/WG/JJ1/003-INQ000136794.
15. In the case of Housing and Homelessness, these services were a particularly key element of the response to the pandemic given the significance of the provision of accommodation in order to assist with the compliance and promotion of public health requirements in place during the specified period. Under this policy area, guidance was issued to local authorities on 24 March 2020 and funding extended to support them in the accommodation of all rough sleepers during the pandemic in temporary accommodation. I exhibit at M2B/WG/JJ1/004-INQ000349195 an e-mail chain confirming provision of the relevant Ministerial Advice on 19 March 2020 seeking my agreement upon such matters, and the confirmation of such on 20 March 2020, which led to the publication of the aforementioned guidance 'Coronavirus (COVID-19): local authority support for rough sleepers' on 24 March 2020.
16. This followed the recommendations of the Homelessness Action Group, which had been asked to provide advice to the Welsh Government and which had delivered its first report in October 2019. The recommendations in that report set out an ambitious vision of Wales and, at its core, had the radical shift needed to end homelessness. When the pandemic hit, we all had to adapt rapidly our ways of working, service provision and service models. Insofar as the Homelessness Action Group recommendations, the pandemic provided a unique opportunity to transform homelessness services and adopt a truly inclusive approach to ensure no-one was left without accommodation or support. The recommendations in the Homelessness Action Group report helped shape activity for the homelessness strategy moving forward and moved at pace to transform our approach to homelessness; the initial timeline for implementation had been three to five years and we were largely able to achieve those objectives within 16 weeks.
17. As the early stages of the pandemic progressed, I was also required to make decisions to extend the use of this guidance and provision of funding to increase the capacity of



accommodation to include people displaced as a result of the pandemic. Such persons often included those who were particularly vulnerable, such as domestic violence victims, the 'hidden' homeless and those who were potentially being released early from prisons as part of the policies put in place to alleviate the pressure on the prison service. An example of a decision I was required to make involving such matters may be seen at exhibit M2B/WG/JJ1/005-INQ000136776.

18. It was recognised early on in the specified period that, having successfully achieved the objective of accommodating the overwhelming majority of rough sleepers, local authorities should also be supported to ensure there would be no return to the level of rough sleeping before the pandemic and that homelessness should be rare, brief and unrepeatable when it did occur, in keeping with the recommendations of the Homelessness Action Group. An example of a Ministerial Advice dated 27 May 2020 in which I was asked to agree various steps to commence 'Phase 2' of those recommendations is exhibited at M2B/WG/JJ1/006-INQ000235936.

19. I was also required to take decisions in order to prevent the displacement of occupiers in rental accommodation in circumstances where they would be forced to find alternative accommodation at short notice during a pandemic, thus seeking to preserve some security of tenure for potentially vulnerable tenants during this period and avoiding the imposition of further strain upon local authority homelessness services. This involved the passing of various Regulations, including those which increased the notice period for various notices seeking possession served to six months (save where such notices were founded upon grounds pertaining to domestic abuse and / or anti-social behaviour), and those to prevent the execution of warrants save for in specified circumstances. There were many decisions I made during this period in this respect, some of which I exhibit further below. However, for present purposes, I exhibit by way of example the Ministerial Advice provided to me on 17 July 2020 seeking my agreement to the making of the Regulations at M2B/WG/JJ1/007-INQ000145273.

20. Other relevant decisions within the 'housing' elements of my portfolio included the consideration of the re-purposing of existing projects (such as the Innovative Housing Programme and Modern Methods of Construction programme) to assist with accommodation needs during the pandemic and thereafter, in respect of which I exhibit M2B/WG/JJ1/008-INQ000349742 or the use of a pre-existing homelessness communications campaign to focus on communicating the availability of Covid-19-related housing and financial support to the general public and, in particular, those who

were particularly vulnerable and likely to require the same, in respect of which I exhibit M2B/WG/JJ1/009-INQ000136771.

21. Other matters falling within my portfolio responsibilities that were particularly important to the pandemic response also included decisions relatively early on in the specified period regarding various activities available to support the attempts to alleviate the impact of the pandemic upon the healthcare system by accelerating safe and appropriate discharge from hospital and decelerating hospital admissions. To this end, I exhibit a Ministerial Advice I was asked to agree at M2B/WG/JJ1/010-INQ000097622. Whilst such matters would not in and of themselves usually fall within my portfolio responsibilities, as responsibility for social care provision lay with local authorities, this is one such example of the broader aspect of my local government responsibilities referenced above. Other examples included assisting local authorities with care homes in their area with such matters as acquiring PPE (although that was mostly dealt with by my colleague, Lee Waters, then-Deputy Minister for Economy and Transport, and the limits of my involvement in this are set out later in this statement) and in charging mechanisms and general lockdown issues such as those around visiting and the construction of visiting areas outside.
22. I also assisted in the practical arrangements for shielded food deliveries and in the initial arrangements for the set-up of Test, Trace, Protect to be undertaken via our local authorities, although other Ministerial colleagues were responsible for leading on such matters as a whole. Many of the negotiations around school closures and re-openings were also discussed via the liaison groups I chaired as a result of the need for local authority involvement. I have provided further detail (and exhibited documentation) regarding these matters at the appropriate intervals later in this statement.
23. As restrictions began to ease, I was required to exercise my responsibilities in novel ways in order to make decisions with a view to utilising land use planning systems, highways controls and licensing considerations as a means to supporting various industries and businesses with their recovery. I exhibit the Ministerial Advice M2B/WG/JJ1/011-INQ000103999 as an example of this.
24. I was responsible for liaising with local authorities and then with the UK Government on excess death management. At Welsh Government-level, I was engaged in matters such as developing death management guidance under the Covid-19 Regulations. I exhibit the Ministerial Advice I was asked to agree on 20 April 2020 at

M2B/WG/JJ1/012-INQ000145191 and the resultant agreed Guidance at M2B/WG/JJ1/013-INQ000350667. I was also involved in discussions regarding funding for death management with the Welsh Local Government Association ("WLGA") in April 2020 and I exhibit at M2B/WG/JJ1/014-INQ000349245 a briefing I received on the issue of Excess Death Management in advance of a meeting held with the Welsh Local Government Association and local authority leaders on 14 April 2020.

25. I also assisted in the liaison between economy officials and businesses and local authorities, as we used local authority databases to locate businesses in each area via the NNDR systems. This was considered at a meeting on 2 June 2020 (the minutes of which are exhibited at M2B/WG/JJ1/015-INQ000349563 at which I was in attendance and continues to demonstrate the broad reach of my local government responsibilities.
26. Such matters outlined above do not constitute the entirety of those for which I was responsible and/or in which (despite falling within the responsibilities of other portfolios) I had some involvement as a result of the need for local authority liaison during the specified period, but hopefully provide a flavour of those matters falling within my portfolio and/or to which I contributed and which took priority during this time.
27. The key policy areas for which I was responsible in my respective offices did not generally change during the pandemic (other than following the change in the remit of my roles from Minister for Housing and Local Government to Minister for Climate Change). However, the manner in which I was required to exercise them evolved to meet the fluidity of the developing situation and the focus of those responsibilities was very much concentrated upon the matters detailed above and elsewhere herein.

### **Structures and bodies involved in the Welsh Government's emergency response to the pandemic**

28. Cabinet is the central decision-making body of the Welsh Government. I have been a member of Cabinet since November 2017 (although I had attended Cabinet as a Deputy Minister prior to this date) and remain a member to the present date. Early on in the pandemic, the First Minister extended membership of the Cabinet to include the entire Ministerial team, rather than just existing Cabinet members. The frequency of Cabinet meetings also increased to enable reactive responses and decisions to be taken as the situation developed and for the effective implementation of the 21-day

review process adopted by the Welsh Government upon the passing of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

29. A number of sub-committees and bodies were also set up and / or utilised (where they had previously been in existence) in the response to the pandemic including STAR Chamber, the Covid-19 Core Group ("CCG"), the Shadow Social Partnership Council ("SSPC"), Technical Advisory Group ("TAG") and Technical Advisory Cell ("TAC").
30. In the early stages of the pandemic, and in my role as Minister of Housing and Local Government, I regularly attended and contributed to the Covid-19 Core Group. The CCG was set up by the First Minister as a response to the pandemic and was a 'core' group of Ministers and key officials.
31. I also attended the Shadow Social Partnership Council. This was a structure in existence prior to the specified period, but was re-purposed during the same to enable a means by which Ministers were able to connect with social partners and wider stakeholders, including representatives from local government, NHS Wales, National Parks, Fire and Rescue Services and the Police and Crime Commissioners. The frequency of the meetings of the SSPC increased considerably and, at one point, I was attending bi-weekly meetings. I exhibit hereto a chronology that has been prepared by officials of the SSPC meetings held during the specified period at M2B/WG/JJ1/016-INQ000101236. I understand arrangements are being made for the minutes of those meetings to be disclosed to the Inquiry.
32. I am aware that the above structures and bodies involved in the Welsh Government's emergency response to the pandemic have already been set out at length by Andrew Goodall, Permanent Secretary to the Welsh Government, in his statement M2B/WG/01 to the Inquiry. For this reason, I have not sought to repeat such matters in this statement.
33. I was also regularly meeting with Local Authority leaders as part of the Welsh Local Government Association, with the frequency of those meetings increasing to multiple times per week during the initial stages of the pandemic response between March 2020 to June 2020. I exhibit hereto at M2B/WG/JJ1/017-INQ000101234 a chronology that has been prepared by officials of the dates of all of these meetings that took place. I understand arrangements are being made for the minutes/actions of those meetings to be disclosed to the Inquiry.

34. In addition, I led meetings of the Partnership Council of Wales, both before and during the specified period, and a Covid-19 Recovery Sub-Group set up thereunder. I understand that the remit of the Partnership Council of Wales has been set out by the Director of Local Government, Reg Kilpatrick (on behalf of the Welsh Government's Local Government Directorate) in his statement M2/WG/LGD/01 to the Inquiry and so I have not repeated this information here. In any event, I will set out in greater detail my involvement with the WLGA and Welsh local authorities generally throughout this statement.
35. During the specified period, I was also greatly assisted by key officials and my Special Advisers. Facilitated by an increased ability to meet online and often at short notice, I was in regular contact with senior officials across the portfolio between meetings of the formally constituted groups listed above. The subject matter varied according to the decisions I needed to take within my portfolio or contribute to at the time and were therefore subject to change over the course of the specified period. For example, I would have regular meetings with senior officials, such meetings were generally via Teams and, on occasion, may have been followed up by e-mail if there were specific issues to be actioned. However, these were generally used as a way of keeping in touch on actions arising from the weekly meetings with local authorities or on the development of advice that subsequently came up formally for a decision or as contributions to briefings for meetings. Where formal decisions were required, these were made as usual through submissions to my Private Office via the Ministerial Advice process. I did not make use of communication via informal means, such as text message or WhatsApp messaging (or similar) in respect of such matters.
36. In addition to the core Welsh Government structures noted above, the UK Government set up various COBR Sub-Groups (known as Ministerial Implementation Groups) as part of its structures to support the response to the pandemic. In so doing, the Welsh Government was invited to attend to ensure its involvement in the relevant discussions. The General Public Sector Ministerial Implementation Group ("GPSMIG") was the sub-group set up to deal with public sector matters and was established on or around 25 March 2020. I was nominated as the lead Minister for the GPSMIG on behalf of the Welsh Government; I exhibit an email from the First Minister confirming those nominated at M2B/WG/JJ1/018-INQ000222507. The GPSMIG met multiple times per week in the period of March 2020 to mid-May 2020 and I have discussed these

meetings in greater detail later in this statement. I understand arrangements are being made for minutes/actions of those meetings to be disclosed to the Inquiry.

37. As set out herein, there were a range of decision-making structures, bodies and processes and I recall that these evolved as the pandemic unfolded and in response to the emergence or resolution of different issues. These structures, bodies and processes were as effective and as efficient as they could be within the ever-changing circumstances with which we were faced. As to whether they could have been improved, my view is that we kept the structures and meetings under constant informal review and they were changed and adapted as was considered necessary in the specific circumstances; any potential improvements as may have been identified would have been implemented as matters progressed. An example of this happening in practice would be the creation of the Covid-19 Recovery Subgroup of the Partnership Council, which I have referenced in detail later in this statement.

38. As to the adequacy of the advice and information that I received prior to being required to take decisions or provide advice as to core decisions, I recall that we would generally be provided with documentary advice and information in the first instance. This would then be followed by oral explanatory advice and opinion from a range of officials and experts, and a response or responses thereto discussed as set out further below. Discussions were always held with both advising officials and experts before coming to decisions. It is not my impression at any time that any one person had absolute knowledge of matters; we were being advised on a series of emerging knowledge, educated opinions based on that knowledge, responses elsewhere and our own detailed knowledge of our communities and our country.

39. As a Cabinet, we discussed both the issues as they emerged and the best way to deal with them as part of the core decision-making process. Alongside this, we would also be regularly updated in Covid-19 Core Group meetings with matters being raised as and when they occurred on an ongoing basis with a view to informing us ahead of our next Cabinet meeting. Often, we were also asked to liaise with specific stakeholders as well as our core stakeholders. In my case, this involved consultation with local authorities and housing providers as standard. Whilst my colleague, Jane Hutt, as Deputy Minister & Chief Whip had responsibility for the Police at that time, Police forces and other blue-light responders would also frequently attend the local government meetings. Where appropriate, I would then report these views back so that any potential decision could be considered in light of the stakeholder views and

suggestions. I had considerable engagement and consultation with the aforementioned core stakeholders and we very much became a 'team' during the specified period as a result of our frequent meetings and discussions in that we generally shared a common objective of ensuring a 'joined up' response to the pandemic, albeit guided by the specific considerations and individual viewpoints relevant to the Welsh Government and local authorities we each represented. I have discussed this in detail elsewhere in this statement.

40. It is my view that the advice and information received was adequate in the circumstances and sufficient upon which to base my involvement in the core decision-making throughout. I do consider that core decisions were taken by the Welsh Government in a timely way, after such proper process of advice and consultation as the circumstances permitted. Throughout the specified period (and generally), we were permitted to ask questions and satisfy ourselves that we had the information we needed and, if I had considered there was an issue of insufficiency of advice or consultation at the time, I could easily have raised this and, indeed, would have been encouraged to do so, particularly during Cabinet meetings when decisions were being debated, as detailed below.

41. As set out above, the key decision-making forum responsible for all of the core decisions made during the pandemic was the Cabinet. Individual Ministers remained responsible for their individual portfolio responsibilities, but any core decisions relating to the Welsh Government's pandemic response were made by all of the Ministers collectively in Cabinet. From 23 March 2020, the structure and processes of the Cabinet didn't necessarily change in terms of decision-making. As already indicated, the First Minister extended the Cabinet meetings to involve the entire ministerial team and increased the frequency of meetings to meet the demands required by the evolving nature of the pandemic. However, insofar as the collective decision-making process is concerned, this remained largely the same both before and after 23 March 2020.

42. The First Minister was very keen throughout the process to ensure that Ministers were as informed in their decision-making as they possibly could be. The Chief Medical Officer (Wales), the Chief Scientific Adviser for Health and the Chief Executive of the NHS would all usually be in attendance at Cabinet meetings. They were able to provide Ministers with contemporaneous updates on key issues, such as the progression of the virus and the pressures upon NHS services, specifically as they

related to the situation in Wales. The regular attendance at Covid-19 Core Group meetings of opposition leaders also meant that the information provided at those meetings was frequently being explored to the fullest extent.

43. All Ministers and advisers alike were able to provide their views on matters during deliberations and it was always the objective to reach a point of consensus within the Cabinet meetings for the making of core decisions, with Ministers having had the fullest opportunity to consider all the respective views and available evidence. Often, this would involve extended debate and scrutiny of the various initial viewpoints expressed but would generally result in any differences of opinion narrowing as further consideration and reflection was permitted. In the overwhelming majority of instances, such a process would lead to a collective conclusion upon which core decisions were then made.
44. There were very few instances when the First Minister was required to act as 'first among equals'; the process described above was generally effective in achieving a consensus between Ministers. Where there were disagreements in opinion, the First Minister would sum up the varying arguments and opinions and that would permit the Cabinet to focus upon where the weight of the opinion fell. I was satisfied that this process provided me with sufficient information and, as already set out above, had I had any concerns, I could (and would) have raised them at the time.
45. Insofar as I am aware, core decisions were always made in minuted meetings. I am not aware of any core decisions being made outside of the formal government processes outlined in this statement. I am not aware of any informal processes at all for core decision-making and was not personally part of any informal decision making.
46. To my knowledge, there was very little use of informal messaging platforms, such as WhatsApp, texts and iMessage. I am aware of one ministerial WhatsApp group, of which I am a member. As far as I can recollect, it was set up prior to the pandemic in or around December 2019 for entirely separate purposes. However, during the pandemic, it was generally utilised by Ministers for the purpose of informal updates. This included, but was not necessarily limited to, communicating the timing of additional meetings, drawing attention to documents sent out of hours, such as a piece of advice or an e-mail that required urgent attention, and general informational updates and discussions between Ministers. Whilst the subject-matter discussed therein was variable, it was not used for, or in relation to, decision-making purposes.



47. I participated in other WhatsApp chats with Ministerial colleagues, Special Advisers or officials, for example in relation to meetings being arranged or held. I also exchanged text messages with the First Minister. Again, these chats and exchanges were not used for, or in relation to making decisions.

48. I do not have copies of these WhatsApp and text messages but understand they have been provided by others. Having been a legal professional for many years, I routinely delete messages on matters which have been dealt with to limit the risk of security breaches should I lose my phone or should it be stolen. As far as I can recall, I set automatic deletion of messages for WhatsApp on my personal phone when the option became available, around November 2021, to provide an automated way of limiting the risk of security breaches. I did not have WhatsApp on my government issued phone and I understand WhatsApp cannot be used on government devices.

### ***Ancillary Matters***

49. I did not have any concerns at any time regarding the performance of the First Minister, any Welsh Minister, Senior Civil Servant, special adviser or other individual in charge of a significant aspect of Wales' response to the pandemic. I am also not aware of any criticism of my performance from other core decision-makers with regard to the pandemic response.

50. I did not consider resigning from my role at any point during the pandemic. Throughout the specified period, I was wholly focused upon undertaking my duties and serving in my position to the best of my abilities in the middle of this global crisis. Whilst the global situation was in and of itself difficult, I feel that we acted as a coherent team inside the Welsh Government and with our partners, such that resignation simply did not occur to me as an option at any time.

### **Initial understanding and responses to Covid-19 in Wales in the period January to March 2020**

51. Insofar as the initial period, I was absent for much of January and early-February as a result of the sudden illness and subsequent death of my father. His funeral was on 31 January 2020 and I returned to work on a part-time basis on or around 10 February

2020. I believe I returned to work full-time after the half-term recess, although I had been in communication with my private office throughout the entire period. I do not have a specific recollection of the first time I became aware of the emergence of Covid-19 nor of my immediate reaction to such news, particularly given my family bereavement at the time. I am aware that the Minister for Health & Social Services issued a Written Statement on 24 January 2020 about the Welsh Government closely monitoring the emergence of Covid-19, which I exhibit at M2B/WG/JJ1/19-INQ000320707. I am also aware that my private office was copied into e-mail correspondence at the end of January 2020, providing an update upon the situation, although the risk to the UK was assessed as low at that stage. I exhibit the email dated 28 January 2020 at M2B/WG/JJ1/020-INQ000320709 and a further e-mail dated 30 January 2020 at M2B/WG/JJ1/021-INQ000349146.

52. To the best of my recollection, the first meeting that I was part of that considered Covid-19 was following the half-term recess on 24 February 2020. This was a meeting also involving the Minister for Health & Social Services, the Chief Medical Officer (Wales) and Reg Kilpatrick. The purpose of this meeting was to provide an update on the latest information about Covid-19 with a written Ministerial Statement being provided by the Minister for Health & Social Services the following day, a copy of which I exhibit at M2B/WG/JJS/022-INQ000320744. This meeting was an informal meeting and for this reason it was not minuted. I and the team assisting me with documents for this statement have carried out searches for any notes, and I confirm that none have been located. As detailed elsewhere herein, I then became immediately involved in a series of meetings and discussions about the extent of the potential threat and the start of planned responses.

53. Neither I nor my officials liaised with my counterparts in other nations in the UK for the majority of the initial period between January 2020 to March 2020, although the GPSMIG (to which I have referred substantively elsewhere) was set up at the end of this period. Whilst I did not give any specific individual advice directly to the First Minister concerning the threat posed by Covid-19 during that period, I was actively involved in and contributing to the Cabinet discussions throughout this period insofar as my portfolio responsibilities were concerned.

54. The general plans for the preparedness of Wales in the event of a pandemic were outside of my portfolio responsibilities. I had some familiarity with the structures in place for civil contingencies having been previously involved in a number of local

government roles. However, my focus was upon my own ministerial responsibilities and the business discussed during Cabinet meetings.

55. Towards the end of January / early-February 2020, the focus of the Welsh Government was upon a number of matters including the 2020/2021 Budget, preparations for the prospect of a 'no deal' Brexit and recent adverse weather which had resulted in flooding that had had a devastating impact upon homes, businesses and general transport and infrastructure in many areas of Wales. Insofar as my own portfolio responsibilities, in early-January 2020, I was also finalising the terms of the Renting Homes (Amendment) (Wales) Bill and related documentation for submissions to the Presiding Officer. This Bill sought to make amendments to the Renting Homes (Wales) Act 2016, which were yet to be implemented, in order to increase the security of tenure for residential occupiers. This legislative programme as a whole represented a complete overhaul of the statutory framework governing the residential rental sector in Wales and thus represented a significant focus of my responsibilities at that time. As already indicated, other than matters that required my immediate attention, I was otherwise largely away from work at this time.

56. I recall that an update was received from the Minister for Health & Social Services at a Cabinet meeting on 25 February 2020. I exhibit a copy of the minutes for that meeting at M2B/WG/JJ1/023-INQ000129852. At this meeting, the Minister confirmed that weekly Written Statements were being issued to Members of the Senedd and that the public were being regularly updated by the Chief Medical Officer (Wales), with particular advice and guidance being issued for people travelling abroad. At this stage, the response to the virus remained in the containment stage, the risk to the UK was deemed 'moderate' and it was understood that regular updates would continue to be provided moving forward.

57. Such updates continued thereafter although, as already set out above, the frequency of Cabinet meetings intensified as the demands of the pandemic required. On 2 March 2020, following a COBR meeting that morning at which the First Minister and the Minister for Health & Social Services had been in attendance, the Cabinet was updated further with Covid-19 being the first matter on the Agenda, I exhibit a copy of the minutes for that meeting at M2B/WG/JJ1/024-INQ000048787. Cabinet was informed that, whilst the mortality rate of the virus was lower than expected, the high contagion level continued to mean that this could be significant. Accordingly, the focus of efforts at that stage was upon isolation and containment in an attempt to prevent or delay the

spread of the virus. There was a four UK nations approach being taken with a UK Covid-19 Action Plan agreed between all that was to be published the following day. It was confirmed at this Cabinet meeting that an exercise with Local Resilience Fora was to be undertaken the following day to go through a number of scenarios, including the reasonable worst-case scenario. It was at this meeting that the Covid-19 Core Group referred to above, and of which I was a member, was set up.

58. A further ad hoc Cabinet meeting was held on 4 March 2020, which I attended. I exhibit a copy of the minutes for that meeting at M2B/WG/JJ1/025-INQ000048789. This meeting was chaired by the Minister for Health & Social Services and focused upon updating the Cabinet on developments, with a particular focus on the latest risk assessments and the Welsh Government preparations for the spread of Covid-19. The understanding at this stage was that matters were progressing on a four-nations approach, with the UK Government leading on a single piece of legislation to grant emergency powers to cover the four nations. It was acknowledged that it would be important to ensure that this reflected the needs of Wales.

59. All Ministers recognised at this meeting that the spread of the virus would result in implications for each individual portfolio and that considerations would need to be undertaken to ensure that the necessary preparatory work in Ministers' designated areas occurred. In respect of my portfolio responsibilities, the preparatory work at this stage very much focused upon an increase in engagement with Welsh local authorities and associated bodies, along with consideration of the potential impact upon housing and homelessness services. I was also specifically asked to look at mortuary and funeral provision.

60. It was also at this meeting on 4 March 2020 that the Chief Medical Officer (Wales) set out the number of cases worldwide. At this time, there were relatively limited cases in the UK generally and only one reported case in Wales. However, whilst the emphasis remained upon containment and research, planning for delay and mitigation was occurring concurrently, most notably in an attempt to assist the NHS with the future demands it could face. Members of the Cabinet in attendance at this meeting were made aware of modelling undertaken by the Scientific Advisory Group for Emergencies ("SAGE") as to the number of people who were likely to be infected and the impact thereof in the Reasonable Worst-Case Scenario. The UK Government had also prepared an internal Reasonable Worst-Case Scenario planning document, which was

provided to the Cabinet and which I exhibit hereto at M2B/WG/JJ1/026-INQ000048807.

61. It was recognised at this meeting that it would be important to ensure that local authorities were fully prepared, and that there was likely to be an impact from the spread of the virus upon those local authorities, particularly where flood issues were still being managed. The need to raise civil contingency issues with recognised external fora, such as the Police and Partnership Board was discussed and it was confirmed that a common brief for Ministers would assist with those meetings. Even at this stage, communication arrangements, both internally and externally, were a matter of particular focus.
62. Details of the Reasonable Worst-Case Scenario were also discussed further at a Covid-19 Core Group meeting on 11 March 2020, the minutes of which I exhibit at M2B/WG/JJ1/027-INQ000215171. Regard was had as to how the virus was spreading and the number of fatalities in Italy and it was confirmed that there was a resultant need to continue to prepare for the Reasonable Worst-Case. Important features of that scenario highlighted during the meeting included that planned and unplanned daily hospital admissions at the peak of the epidemic would be three times higher than average and the demand for invasive ventilation would be considerably higher than current full capacity. It was estimated that the number of people with the virus would peak in around 10 to 14 weeks, with a likely 1.6 million symptomatic people in Wales and, without behavioural interventions, most cases would occur in a nine-week period.
63. The Cabinet continued to meet regularly throughout the remainder of March 2020 with updates provided at each meeting on 10 March, 16 March, 23 March, 24 March and 30 March.
64. In this initial period, the issue of which groups of people were most likely to be seriously affected if infected by Covid-19 was discussed in Cabinet and my individual understanding was initially formed on the basis of the information provided at these meetings, along with my own knowledge from those considered vulnerable on a wider basis under my usual portfolio responsibilities.
65. In the first instance, we took advice from the Chief Medical Officer (Wales) and his team on this issue and I specifically recall his view that certain groups of medically vulnerable persons should 'shield' on the basis of pre-existing medical conditions.

Such information as was provided immediately played a part in decision-making in that initial period and considerations of those at-risk and vulnerable groups featured in that process from the outset.

66. On a wider basis, we also discussed the difficulty facing people who were homeless or in very insecure accommodation and whether any other groups should be immediately considered.
67. The Welsh Government formed a two-stage approach to the identification and support of vulnerable people from the very outset. This was assisted by the setting up of a co-ordination team within the Local Government Directorate known as the Supporting Vulnerable People Project Team ("the SVPP Team"). The purpose of the SVPP Team was to co-ordinate and join up cross-Welsh Government work on supporting vulnerable people and liaise with external partners, including the WLGA and Wales Council for Voluntary Action. This included the setting up of daily calls with each of those partners.
68. As indicated, the Welsh Government's approach to the identification and support of vulnerable people was divided into two phases. Phase 1, which took priority initially in light of the medical evidence available, involved the identification and shielding of those classified as Extremely Vulnerable People. These were people who were vulnerable on medical grounds due to pre-existing medical conditions putting them at serious risk from Covid-19.
69. As to Phase 2, this would move to consider what wider groups may be vulnerable and need community-level support. During this initial period, preliminary thoughts as to those likely to be identified as vulnerable in Phase 2 included homeless people, prisoners, asylum seekers and refugees, travelling Gypsy and Traveller communities, low-income households and trafficked people (as were outlined in a briefing ahead of a WLGA meeting held on 25 March 2020, which I exhibit at M2B/WG/JJ1/028-INQ000221143).
70. As the issue of homelessness fell within my portfolio responsibilities, I had already begun work on the issues surrounding the provision of support to such vulnerable persons in this category.
71. On 20 March 2020, I announced the availability of emergency funding of £10 million to enable local authorities to secure accommodation to ensure everyone had access to

suitable accommodation where they could adhere to Public Health Wales guidelines to protect themselves from Covid-19. I exhibit the Written Statement confirming the same at M2B/WG/JJ1/029-INQ000349183.

72. Insofar as the meeting with the WLGA on 25 March 2020, it was confirmed ahead of the same that it was a priority for the Welsh Government that local authorities did all that was required to support those who were homeless to secure appropriate accommodation to enable them to access suitable sanitation and isolate as required. In particular, I did not wish for individuals to simply be placed in B&B-type accommodation and left to fend for themselves and, to that end, it was recognised that there may be a need to requisition entire B&Bs and / or hotels and effectively run them as additional supported accommodation. Emphasis was upon not refusing support on the basis of immigration status and / or not referring individuals to other local authority areas as this would contradict public health advice and increase pressure elsewhere.
73. In April 2020, I jointly sponsored the creation of a Covid-19 Moral and Ethical Advisory Group for Wales (CMEAG-Wales) to advise on issues relating to moral, ethical, cultural and faith considerations and to provide a source of advice to health services to inform equitable and just management of issues arising from the health care emergency response to the pandemic. Meetings of CMEAG-Wales were held on 6 and 9 April 2020 to discuss the development of the 'values and principles' framework. The Minister for Health and Social Services, the Deputy Minister and Chief Whip and I were presented with a Ministerial Advice on 10 April 2020 to agree a values and principles framework for the NHS that took into account the views expressed at those meetings and agreed a Written Statement to be published. I exhibit a copy of that Ministerial Advice at M2B/WG/JJ1/030-INQ000271484.
74. These decisions were agreed and the Written Statement was published on 14 April 2020, a copy of which is exhibited at M2B/WG/JJ1/031-INQ000349329. This confirmed that CMEAG-Wales had representation from Wales-wide communities affected by Covid-19, including those at risk of a more disproportionate impact from the pandemic.
75. I am also aware that a Black Asian Minority Ethnic Covid-19 Advisory Group was set up to consider the impact of the virus on people from Black, Asian and Minority Ethnic backgrounds; evidence suggested that the virus had a disproportionate impact on Black, Asian and Minority Ethnic people, with greater adverse health outcomes. I was not a part of that group, but part of their terms of reference included providing advice

to the Welsh Government and we were routinely updated (for example, at a Covid Core Group meeting on 20 May 2020, the minutes of which I exhibit at M2B/WG/JJ1/032-INQ000221152.

76. Returning to Phase 1, and from recollection, the issue of 'cocooning' or shielding was first formally raised at a meeting at which I was in attendance in the Covid Core Group on 11 March 2020. I exhibit the minutes of that meeting at M2B/WG/JJ1/027-INQ000215171. It was thereafter discussed further in Cabinet at a meeting on 16 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/033-INQ000048797. Discussions at this time specifically referenced older people and the impact of multi-generational households upon the vulnerable.

77. As the pandemic situation quickly intensified, so too did the discussions regarding vulnerable groups and the development of the shielding plan to meet the identified need to 'shield' the medically vulnerable. I understand that a meeting took place on 17 March 2020 chaired by the First Minister and involving the Wales Council for Voluntary Action, Welsh Local Government Association, NHS Wales Chief Executive and other stakeholders to discuss the immediate task of writing out to those identified as Extremely Vulnerable People.

78. On 18 March 2020, I held a further meeting with the WLGA specifically to discuss the issue of the identification of vulnerable groups to whom shielding letters should be sent and how, once identified, these might be assisted and supported including by reference to the ways in which local authorities would work with voluntary organisations. I understand there were no formal minutes taken of this meeting that can be exhibited.

79. I was kept informed of how matters were progressing insofar as identification of vulnerable people by way of e-mail update sent on behalf of Andrew Goodall on 21 March 2020; a copy of this e-mail is exhibited at M2B/WG/JJ1/034-INQ000349196. This confirmed that a 'ball park' table had gone to all local authorities ahead of the forthcoming analysis to show the scale of the community offer, although this was very much for planning purposes with an expectation that the final numbers may be a little higher.

80. The sending of the shielding correspondence was further discussed at a Cabinet meeting on 23 March 2020. I have exhibited the minutes of that meeting at M2B/WG/JJ1/035-INQ000048923. It was confirmed that this letter would be sent to those identified requiring them to self-isolate as soon as possible. This letter was also



intended to provide medical advice and set out social support arrangements, including who to contact for help should family, friends or regular social services support not be available.

81. In a Cabinet meeting the following day on 24 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/036-INQ000048924, discussions confirmed that guidance was being issued to local authorities on how to support vulnerable people who were to be shielded. A copy of that guidance is exhibited at M2B/WG/JJ1/037-INQ000349343, along with a FAQ document also issued at M2B/WG/JJ1/038-INQ000349344. In particular, consideration was given to how those shielding could be supported on a practical basis with matters such as parcels of food and essential items and collection of prescriptions / medication. I was particularly involved in the set-up of the day-to-day arrangements for this support by the local authorities, which I detail shortly below.
82. Whilst efforts were firmly focused on Phase 1 during this initial period, consideration was still being given to those who would fall within Phase 2 on the basis that they were vulnerable for non-medical reasons and a need for the provision of support for young adults leaving care settings and those suffering from domestic violence was identified by Ministers at that meeting.
83. At the Cabinet meeting held on 30 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/039-INQ000048931, the Minister for Health and Social Services confirmed that approximately 81,000 people had been identified as requiring to 'shield' in the first instance and that the letters discussed in the earlier meeting had been issued. At this meeting, a number of questions were raised about the shielding plan and vulnerable people during the discussion and it was agreed that officials would provide to Ministers a note on FAQs, along with the briefing that had been prepared for the First Minister's recent press conference. This is one such example of the process I have previously outlined above in operation; where further advice / information was required by Ministers in the core decision-making process, requests for the same were encouraged and then acted upon.
84. Insofar as liaison with local authorities on the shielding plan during this initial period, data on the Reasonable Worst-Case Scenario and social isolation measures had been shared with Chief Executives of local authorities in early-March 2020 (as confirmed in the CCG meeting on 11 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/027-INQ000215171).

85. Strategic Co-ordinating Groups were also already up and running and my officials were able to liaise so that information could pass freely through the different structures. The Local Government Directorate's Supporting Vulnerable People Project team outlined above had been instrumental since 18 March 2020 in cross-government co-ordination regarding matters such as data sharing, the role of local authorities and the voluntary sector, logistics, communications and external partner liaisons (as confirmed to me in a briefing ahead of a WLGA meeting on 25 March 2020, which is exhibited at M2B/WG/JJ1/028-INQ000221143). As already outlined, there were ongoing daily calls between the Local Government Directorate (via the Supporting Vulnerable People Project team) and the WLGA and Wales Council for Voluntary Action as to the issue of shielding and its implications by this stage.

86. As of 25 March 2020, Cllr Andrew Morgan was invited to join the CCG as a new member in his capacity as Chair of the WLGA. He attended his first meeting of the CCG that morning and reported that all 22 local authority leaders had confirmed that plans were already in place to provide support to those shielding. The minutes of that meeting are exhibited at M2B/WG/JJ1/040-INQ000349229. At that point, discussions between the Welsh Government and local government insofar as shielding was concerned were already focused upon practical issues such as the delivery of food supplies.

87. Those issues regarding food parcels were discussed in a meeting I chaired with the WLGA later that day. A copy of the briefing I had received beforehand, which I have exhibited at M2B/WG/JJ1/028-INQ000221143, reminds me that, at this stage, we had recently been made aware that the Department for Environment Food and Rural Affairs were working with food service companies to arrange deliveries to shielded households. We were particularly disappointed that the UK Government had announced a scheme unilaterally without sharing the details, particularly as the Devolved Governments had been clear that a pan-UK scheme would be the best solution. Notwithstanding, efforts were focused on replicating that scheme for Wales, identifying where the relevant challenges were likely to be and ascertaining what involvement local authorities would have in the implementation and administration of the delivery scheme. The aim was to have the scheme up and running in very short order, with the first boxes aimed for delivery on or around 1 April 2020.

88. The Minister for Environment, Energy and Rural Affairs was responsible for leading on food parcels. However, as the delivery of the scheme was being managed by the local authorities, I was involved in facilitating the liaison between Welsh Government and local government in the weekly leaders' meetings. I was copied into a Ministerial Advice later that day for the Minister for Environment, Energy and Rural Affairs, to agree the establishment of a direct delivery scheme for food and consumer essentials to those shielding due to pre-existing medical conditions and who had no other means of obtaining such items, which was to commence as soon as practically possible. I have exhibited a copy of that document at M2B/WG/JJ1/041-INQ000349215.
89. I held a meeting on 1 April 2020 with the Welsh Local Government Association and relevant local authority leaders at which discussions included reference to how the Welsh Government was supporting those identified as Extremely Vulnerable People on medical grounds. Following that meeting, I wrote to local authority leaders and Chief Executives to set out in full the offers of support being made by the Welsh Government, in conjunction with local authorities, along with draft guidance on the role of local authorities in the delivery of the arrangements, particularly insofar as food provision was concerned. I exhibit a copy of that correspondence at M2B/WG/JJ1/042-INQ000349247.
90. As a result of the co-ordinated efforts between Welsh Government and local authorities, we were largely able to meet the objectives originally set and the first food parcels were delivered to qualifying shielding households on 2 and 3 April 2020. This is confirmed in an e-mail into which my office was copied on 2 April 2020, a copy of which is exhibited at M2B/WG/JJ1/043-INQ000349254.
91. As may be seen from that e-mail chain, there were some operational teething issues initially regarding all of the information being provided by the Welsh Government filtering down through to the individual local authorities. However, existing communication practices were then refined with a Welsh Local Government Association working-level contact set up to liaise directly with operational leads and regular updates provided to Strategic Co-ordinating Groups so that wider public sector bodies were also made aware. As indicated above, the Welsh Government had also developed draft guidance and draft call centre scripts for use by local authorities (which were provided with my earlier correspondence outlined above) to deal with requests for the service from those shielding.

92. At a Covid Core Group meeting on 8 April 2020, Cllr Morgan confirmed that all data on shielded people had now been received by local authorities and they were now calling households to ascertain those who did not have the support of friends and family and needed food boxes. Minutes of that meeting are exhibited at M2B/WG/JJ1/044-INQ000349302.
93. In my view, and given the fast pace at which we were being required to set up new structures combined with the ever-evolving nature of the pandemic (particularly in the initial period), it was inevitable that issues would arise, particularly where there was a lot of moving parts and the need for liaison between different bodies. However, I consider this example is just one of many that demonstrates that our practice was one of identifying problems as and when they arose and taking action as quickly as possible to rectify those issues. Thus, when I am generally asked to consider and reflect now as to what did or didn't work in terms of the Welsh Government response, my overarching view is that many of those issues were worked out during the specified period as these issues presented themselves and were resolved.
94. Insofar as I was involved, the issue of whether or not there may need to be an introduction of restrictive measures upon movement generally was first considered in a Cabinet meeting I attended on 10 March 2020. The minutes of that meeting are exhibited at M2B/WG/JJ1/045-INQ000129909. At that time, there were six cases in Wales and the collective decision was that it was important not to prematurely restrict movement as such an action would likely lead to the public being less receptive to future impositions at a time when the spread of the virus was far more virulent.
95. The issue of the imposition of a lockdown continued to be a feature of Cabinet meetings and, at the meeting on 23 March 2020, it was confirmed that officials were now working on plans for a lockdown in Wales. The minutes of the meeting on 23 March 2020 are exhibited at M2B/WG/JJ1/035-INQ000048923.
96. My views upon the necessity of a lockdown during that initial period accorded with those generally recorded in the Cabinet minutes of these discussions and were as summarised above.
97. On 24 March 2020, the Cabinet was informed that a decision had been taken the previous day on behalf of the UK to impose the first national lockdown; the minutes of this meeting are exhibited at M2B/WG/JJ1/036-INQ000048924. The First Minister

confirmed that he, the other Devolved Governments and the Mayor of London had all called for the restrictions to also be applied to the construction sector, although the UK Government had decided against this. It was recognised that the Welsh Government would have powers to extend the restrictions later that week if deemed necessary, but that this would need to be a considered decision in light of the complexities involved.

98. Insofar as liaison with local authorities as to the Welsh Government's initial response to the pandemic, the Partnership Council was already in place in Wales prior to the pandemic and this was the formal structure for the Welsh Government and our local authority partners to work together. I think it is important to note that, in Wales, we have a long tradition of working together with our local government partners across a range of issues.

99. As a result, and as has already been set out in the Director of Local Government's aforementioned statement M2/WG/LGD/01, relationships with Welsh local authorities were already strong at the outset of the pandemic as a result of engagement regarding non-pandemic related matters.

100. During the initial period between January to March 2020, there was liaison between the Welsh Government and the Welsh Local Government Association and Welsh local authorities regarding the initial response to the pandemic at both an executive level and at a practical 'on the ground' level.

101. On 12 March 2020, a Covid-19 emergency summit was held between the Welsh Government and local authorities. This was a significant meeting involving discussions spanning many areas, including:

- a. Staffing concerns;
- b. Social services;
- c. Education;
- d. Other services including environmental health, waste, death registrations and PPE.

102. The outcomes reached at that meeting formed the basis of a Joint Statement issued by Cllr Morgan and me on 17 March 2020, following a joint press conference earlier that day. I exhibit the Joint Statement at M2B/WG/JJ1/046-INQ000350551.

103. At a Covid Core Group meeting on 18 March 2023, the minutes of which are exhibited at M2B/WG/JJ1/047-INQ000215172, Reg Kilpatrick, the Director of Local Government informed my colleagues and I that the Welsh Government was engaging with Chief Executives of local authorities on contingency planning matters, such as dealing with excess deaths, and emergency responses were being tested.

104. As already indicated above, Cllr Morgan was invited to join (and duly joined) the Covid Core Group on 25 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/040-INQ000349229. At that initial meeting, he outlined a number of priority issues on behalf of local authorities to be considered by the Group at that time. These included:

- a. Shielding of the vulnerable and related food supply issues;
- b. Attendance at and social distancing in childcare settings;
- c. Provision of free school meals;
- d. PPE for Local Government workers;
- e. Cashflow;
- f. Restrictions on construction workers;
- g. Testing of social care workers.

105. These matters were then able to be discussed with Ministers and officials (including the Chief Medical Officer (Wales) who was in attendance) and, where appropriate, further lines of enquiry or actions agreed. Cllr Morgan continued to attend these meetings throughout the specified period and these enabled Ministers to liaise with local government with a particular focus on the practical effects of various aspects of the pandemic as they presented.

106. During the initial period of January and February 2020 (subject to my aforementioned bereavement-related absence), my personal engagement with the Welsh Local Government Association and Welsh local authorities was at a level that was 'usual' for my portfolio responsibilities. However, as Covid-19 became a greater feature in Cabinet discussions, it was recognised that there was a need for a greater level of liaison with the WLGA and Welsh local authorities, in line with that occurring

on a wider-Welsh Government level, given that they were likely to be substantially involved in the practical implementation of key aspects of the pandemic response and impacted by the decisions being made in respect thereof.

107. The intensification of this engagement began during March 2020 as the Welsh Government's initial response to the pandemic progressed, although it is fair to say that the significant increase really began from April 2020 onwards (which is dealt with further below in this statement). Notwithstanding, I had a number of Covid-19-specific meetings with local authorities and / or their representatives during this initial period and, in particular, March 2020, which included the following:

- a. Meeting with WLGA on 18 March 2020 to consider ways in which local authorities would work with voluntary organisations to ensure the provision of support for those groups of people identified as vulnerable. As I stated in paragraph 78, there were no minutes taken of this meeting that can be exhibited;
- b. Teleconference with Cllr Thorne of Cardiff Council regarding homelessness and rough sleeping on 19 March 2020. There were no minutes or note of this call;
- c. Telephone call with WLGA Group Leaders on 19 March 2020 to discuss the latest position on Covid-19 to include a statement that was forthcoming on financial support. There were no minutes or note of this call;
- d. Teleconference with Partnership Council for Wales on 25 March 2020 regarding the Covid-19 Hardship Fund and the remit of the Health Protection (Coronavirus Restrictions and Closures) (Wales) Regulations 2020;
- e. Telephone call with the Minister for Health and Social Services and the WLGA on 27 March 2020, regarding the need to support health in providing temporary hospitals. There were no minutes or note of this call.

108. All engagement with the Welsh Local Government Association and Welsh local authorities throughout the entirety of the specified period (including during this initial period) was a two-way process. I (and the Welsh Government generally) was always concerned to understand the practical issues in the local authorities and their views on the efficacy and potential enforcement of any suggested measures. Thus, any views expressed by these bodies, whether in meetings at which I was acting as the point of contact for Welsh Government or in those wider meetings at which local authority representatives were directly invited to join, always fed into decisions taken by the

Welsh Government. This applied both during the initial response to the pandemic and throughout the remainder of the specified period.

109. I did think it was necessary to engage with the Welsh Local Government Association and local authorities during the period January to March 2020 in respect of the initial response to the pandemic. This is because we have always worked closely with our local government colleagues and have also always had a good exchange of information, concerns and practical issues. We were also acutely aware that local government would be responsible for the implementation of elements of the Covid-19 response and thus their input on how this could be best achieved was invaluable. I consider that the engagement during this period and throughout between the Welsh Government and local government was both timely and sufficient. As already outlined, there were clear lines of communication between us and, were there any concerns on either side, whether in respect of timeliness or sufficiency of engagement, these would be raised and resolved at the relevant time. I have provided examples throughout this statement of such instances, albeit they were relatively limited.

110. It was recognised during the initial period of January to March 2020 that local authorities would play a part as enforcement agencies for regulations. In particular, this was initially discussed at a Cabinet meeting on 23 March 2020 when it was made known that a number of pubs and bars in Wales had not followed the advice issued on 20 March 2023 to close and there would need to be enforcement of that decision. Minutes of that Cabinet meeting are exhibited at M2B/WG/JJ1/035-INQ000048923.

111. The issue of policing capacity and other enforcement methods was an item on the agenda at a meeting I held with the Welsh Local Government Association on 25 March 2020. I was aware from the Briefing Note provided to me beforehand, a copy of which is exhibited at M2B/WG/JJ1/028-INQ000221143 that there had already been discussions regarding the Police response between the Deputy Minister & Chief Whip, Dyfed Powys and the lead Police & Crime Commissioner for the Policing and Partnership Board, Dafydd Llewellyn, on 23 March 2020. I was not involved in those discussions but was informed that they had included reference to the restrictions to date and the additional pressures that the wider social and economic impacts of the pandemic were likely to place upon Policing. There was also close ongoing liaison between the Welsh Government's Emergency Co-Ordination Centre ("ECCW") and



the Police Liaison Unit, with Welsh Government officials continuing to engage to ensure a co-ordinated response. There are no minutes of the meeting held on 25 March, however, I understand arrangements are being made for the actions following that meeting to be disclosed to the Inquiry.

112. The emphasis at that meeting, in light of the lockdown restrictions announced on 23 March 2020, was very much upon the importance of ensuring a joined approach between Welsh Government, the local authorities and the Police.

113. There was also a particular focus upon the enforcement actions to be taken in respect of Gypsy and Traveller sites / encampments. The advice of the Welsh Government to local authorities, Police forces and other landowners was not to evict unauthorised encampments unless there were immediate and substantial risks to public safety arising from continued occupation. It was confirmed that the closure of caravan parks did not apply to these sites. Instead, local authority leaders were advised at this meeting that they should provide sanitation facilities and public health messaging regarding the limiting of the spread of Covid-19 and that social distancing measures between households should be maintained.

114. At a Covid Core Group meeting that took place on 8 April 2020, it was confirmed that information as to enforcement was being shared across the Strategic Co-ordinating Groups and the Chairs and Chief Constables had indicated they were confident that they had the tools to deal with the restrictions. Most Police forces were reporting that, whilst there had been a limited number of people who had defied the Regulations, these numbers were manageable. The minutes of that meeting are exhibited at M2B/WG/JJ1/048-INQ000350564.

115. At a further Covid Core Group meeting on 22 April 2020 at which the Chief Constable of Gwent Police Pam Kelly was present, the First Minister noted how useful their regular weekly discussions had been. The minutes of that meeting are exhibited at M2B/WG/JJ1/049-INQ000311833. The Chief Constable reported that Police forces were continuing to enforce the Regulations across Wales and people were generally complying. However, she recognised that, as the lockdown extended, there was the potential for more people to become complacent and, therefore, the Police would need

to be more visible. A possible need to clarify certain aspects of the Regulations was also noted and the Police were additionally gathering intelligence regarding potential protests and demonstrations against the 'lockdown' as had been witnessed overseas.

116. I am not aware of any correspondence sent to me from either local government and / or the Police that sought to raise issues in respect of their duties to enforce the first lockdown in Wales. Such matters, where relevant, would have been discussed in our meetings.

## **Decisions in relation to NPIs**

### ***Decision-making about NPIs in general***

117. As a member of Cabinet, I was collectively involved in the core decisions taken thereby in respect of the imposition of, easing of and exceptions to NPIs throughout the specified period. An entire chronology of the core decisions taken in respect of NPIs during that period has been produced on behalf of the Welsh Government and I exhibit a copy hereto at M2B/WG/JJ1/050-INQ000066076.
118. Aside from my collective ministerial responsibility in Cabinet, my individual role in the core decisions taken and advice provided to the First Minister and other core decision-makers was largely focused upon ensuring that the views of local government were properly outlined to Cabinet in advance of any core decisions being made. My role in this matter was greatly assisted by the processes in place to ensure that the First Minister and other ministerial colleagues regularly had the opportunity of hearing and discussing such views with the local authority leaders directly in the I detailed elsewhere in this statement.
119. In the main, my role was largely focused upon advising as to the practicalities of the decisions relating to NPIs following consideration of the views provided by those experiencing the day-to-day impact thereof; in particular, the practical issues relating to implementation and enforcement of those decisions. Often those matters overlapped with the portfolio responsibilities of my colleagues and, where relevant, I have made reference to these throughout.

120. On 6 April 2020, the Cabinet met. The minutes of this meeting are exhibited at M2B/WG/JJ1/051-INQ000048791. At this meeting, the first item on the Agenda related to the arrangements for conducting business as a Cabinet in the immediate future. It was confirmed that there would be formal Cabinet meetings each Monday, which were to be the forum for substantive government decisions and it was acknowledged that the response to Covid-19 would plainly be the primary challenge at those meetings. In addition to these meetings, the First Minister had also introduced a daily Ministerial call, which took place at 9.00am each morning. This call was intended to focus upon urgent 'on the day' issues that required a quick response and to provide a general overview update on matters.

121. The use of the Covid-19 delivery workstream dashboard ("the dashboard") was also introduced, which had been developed to assist with the co-ordination of the Welsh Government response and provide Ministerial support through immediate issues and into recovery. The dashboard sought to collate high-level strands of activity on a thematic level. It was to be dynamic and updated regularly but, as at 6 April 2020, those matters for which I was to be responsible related largely to the identification of and provision of support to vulnerable groups, individuals and those facing economic hardship in the community, particularly insofar as the provision and / or retention of housing was concerned, along with engagement with local government to assist with immediate issues arising from existing statutory deadlines and / or requirements that were likely to be impacted by the measures in place. A copy of the dashboard produced for this meeting is exhibited by way of example at M2B/WG/JJ1/052-INQ000048967.

122. On 22 April 2020, the First Minister requested that Ministers provide a list of lockdown measures, support interventions and unwinding proposals of matters within their portfolio areas. On 27 April 2020, a document was produced which helpfully summarised the actions taken under my portfolio responsibilities in the early months of the pandemic and those matters which were to be considered moving forward. I have exhibited a copy to this statement at M2B/WG/JJ1/053- INQ000349377.

123. My role in core decisions concerning the imposition of, easing of or exceptions to NPIs generally is as I have already set out. To the extent to which advice was provided in advance of Cabinet meetings by way of Cabinet papers and / or at Cabinet

meetings by those in attendance, I read and / or listened to the same and took an active part in the discussions held in Cabinet as to our response. Where appropriate, I fed back the views of the Welsh Local Government Association and those of individual local authorities and their leaders. I was also able to (and did) express my own opinions as to the imposition or removal of restrictions, as well as feedback on views that had been expressed in meetings I had either chaired or participated in. For my part, I tended to concentrate on practical matters of implementation and delivery.

124. In reflecting upon these matters, it is my view that our review process worked well. If the evidence demonstrated that the imposition of certain NPIs were working, they were retained so far as was necessary and proportionate whilst, if the evidence demonstrated that they were not working as well as was predicted or expected, reviews were undertaken and changes were made. An example of this in practice relates to the rules around public houses. Insofar as my participation in and contribution to the decision-making process related to these reviews, the good working relationships between the local authorities and the Welsh Government is another example of something that worked well and which assisted me greatly in this regard.

125. The general challenge insofar as the imposition of NPIs came from the very nature of the task; based on the evidence and information available to us at the time, Ministers were required to make decisions which directly impacted upon people and sought to micro-manage society in a way that governments are not ordinarily required to do. Despite such challenges, I consider that our general processes served us well for the reasons already outlined.

126. Insofar as the individual NPIs referred to, an overview of any specific role I played in these decisions beyond my role in collective Cabinet decisions may be summarised as follows:

#### Imposition of First National Lockdown and Subsequent Lockdowns

- a. As set out above, the imposition of the first national lockdown was a decision made at a COBR meeting on 23 March 2020 and reported back to the Cabinet on 24 March 2020. Prior to this, I was involved in the Cabinet discussions held in advance of this date as to the potential imposition of a lockdown (and the consequent impact thereof), which have already been detailed further above.

- b. Regarding the subsequent firebreak lockdown and the lockdown in December 2020, there was significant engagement with local government in advance of and throughout the same. I was involved in the process of seeking the views of local government upon such further lockdowns and reporting these back to the Cabinet to consider in the decision-making process. I have detailed such matters where appropriate elsewhere in this statement.
- c. Aside from this, my role in the imposition of lockdowns was as a Cabinet Minister engaged in the collective decision-making process already outlined above.

#### Local Restrictions

- d. Insofar as local restrictions are concerned, I was heavily involved in the considerable liaison between Welsh Government and local authority leaders during the period that such local restrictions were being imposed, including by way of the weekly reviews of the Local Health Protection Areas. I have outlined in detail my role in this regard at the appropriate juncture further below in this statement. My role included facilitating this liaison (which also included the First Minister on behalf of the Welsh Government) and, where appropriate, the consequent reporting back to the Cabinet as a whole upon the same. Aside from this, I was also involved in the capacity of my role as a Cabinet Minister engaged in the collective decision-making process already outlined.

#### Border Controls / Quarantine Requirements

- e. I had no specific role in regard to the imposition of, easing of or exceptions to the border controls / quarantine requirements upon return to the UK, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process.

#### Reduction of Person-to-Person Contact / Social Distancing

- f. I had no specific role in regard to the imposition of, easing of or exceptions to the social distancing requirements, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process.

#### Working from Home

- g. I had no specific role in regard to the imposition of, easing of or exceptions to the working from home requirements, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process. I was, however, involved in the consequent effects of that decision to the extent to which it impacted the work of local government. For example, I have already referred at the outset of this statement to the decisions I was required to make to permit changes to the manner in which local government were permitted to attend meetings in order that they could comply with the 'work from home' guidance in place at the relevant times.

#### Self-Isolation Requirements / Shielding

- h. I had no specific role in regard to the imposition of, easing of or exceptions to the requirement to self-isolate / shield, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process. I was, however, involved in the consequent effects of that decision, including the practical set-up and implementation of the food box delivery scheme in conjunction with the WLGA and local authorities and, again, this is detailed elsewhere in this statement where relevant.

#### Closure / Opening of Pubs and Restaurants

- i. I had no specific role in regard to the imposition of, easing of or exceptions to the closure / opening of pubs and restaurants, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process. I was, however, involved in the practical implications for local authorities in terms of some of the decisions made in this regard.
- j. For example, I was engaged with local authorities in the relaxation of planning and licensing issues to enable hospitality venues to operate outdoors during the initial periods of relaxation. On 16 July 2020, I was provided with a Ministerial Advice in which I was asked to agree the sending of a letter to local authorities and National Park Authorities that included *inter alia* a request to enable hospitality uses to operate immediately while necessary permissions were sought. I have exhibited a copy of that Advice at M2B/WG/JJ1/011-

INQ000103999, and the resultant letter that was sent on 20 July 2020 at M2B/WG/JJ1/054-INQ000081313.

#### Closure / Opening of Educational Settings

- k. As set out further below, I was not the Minister with responsibility for the closure and opening of educational settings. However, as this was an area which involved local authorities, I was present at the overwhelming majority of the relevant meetings concerning the same with my colleague, the Minister for Education, and generally assisted in the liaison between local government, trade unions, the Minister for Education and other interested parties. Beyond this, I was once more engaged as a Cabinet Minister in the collective decision-making process.

#### Use of Face Coverings

- l. I had no specific role in regard to the imposition of, easing of or exceptions to the use of face coverings, save for in respect of my position as a Cabinet Minister engaged in the collective decision-making process.

127. When making decisions regarding the imposition of, easing of or exceptions to NPIs in Wales, there were various factors considered, both collectively as a Cabinet and insofar as those to which I individually had regard. As already outlined above, at Cabinet meetings prior to any decisions being taken, the relevant expert advice was always outlined to us. This included advice from such persons as the Chief Medical Officer (Wales), the Chief Scientific Adviser (Health) and the Chief Executive of the NHS, along with the latest scientific evidence from SAGE and TAC. We were regularly provided with Data Monitoring Reports and I have exhibited one from the Cabinet meeting held on 20 April 2020 as an example at M2B/WG/JJ1/055-INQ000048827.

128. As has been set out in the LGD statement of Reg Kilpatrick at M2/WG/LGD/01 previously referenced, prior to each Cabinet meeting at which a review of the NPIs was to take place in accordance with the 21-day review cycle, a Ministerial Advice would be prepared for the First Minister. All Cabinet Ministers would receive a copy of this prior to the meeting and it would generally be accompanied by Written Statements of the reviews undertaken by officials and / or the supporting medical / scientific evidence, where relevant.

129. By way of example, in advance of the 21-day review which took place at the Cabinet meeting dated 17 June 2020, I received (amongst other documents) the relevant Ministerial Advice (exhibited at M2B/WG/JJ1/056-INQ0000488850), a statement from the Chief Medical Officer (Wales) (which, as per the statement of the Chief Medical Officer (Wales) for Module 3 confirms, were also published online from the end of May 2020), advice from TAC on the scientific evidence informing the review (exhibited at M2B/WG/JJ1/057-INQ000048838), a document setting out an assessment undertaken by officials of the pre-conditions and general mitigations (exhibited at M2B/WG/JJ1/058-INQ000048839), a document setting out evidence of the 'four harms' and excess deaths (exhibited at M2B/WG/JJ1/059-INQ000048840) and papers setting out the legal restrictions decision-making framework and other relevant legal advice (exhibited at M2B/WG/JJ1/060-INQ000048849 and M2B/WG/JJ1/061-INQ000048848 respectively). As may be seen from the outset, considerations were had to the wider impact with a particular focus upon the improvement of health and wellbeing, support of the economy (where appropriate) and the ability to resume public and non-Covid-19 health services.

130. We were always reminded of the conditions that needed to be satisfied in order to permit the imposition or continuation of NPIs and this, in addition to the ongoing, frequent review process, meant that we always had in mind the fundamental principles of the necessity and proportionality of the various NPIs upon which we were deciding. At these reviews, the emphasis was very much upon consideration of the package of NPIs as a whole rather than consideration of individual measures in isolation of each other, which would have failed to have regard to the bigger picture and the interplay between those measures.

131. However, this did not mean that the effects of those individual measures were not also scrutinised. Various detailed assessments of individual measures would routinely be provided in advance of review decisions, particularly where changes to specific NPIs were being proposed. For example, in advance of the 21-day review held at the aforementioned Cabinet meeting on 17 June 2023, relevant Cabinet papers provided included the following:



- a. An assessment of the restrictions on non-essential retail and the housing market (exhibited at M2B/WG/JJ1/062-INQ000048841);
- b. An assessment on the restart of the childcare and play sector (exhibited at M2B/WG/JJ1/063-INQ000048842);
- c. An assessment upon the restrictions and measures upon the increasing of the operation of schools (exhibited at M2B/WG/JJ1/064-INQ000048843);
- d. An assessment of the restrictions on outdoor activity and 'staying local' (exhibited at M2B/WG/JJ1/065-INQ000048844);
- e. An assessment of the restrictions on movement and gatherings (exhibited at M2B/WG/JJ1/066-INQ000048845);
- f. An assessment of the continuation of the resumption of NHS Wales Services (exhibited at M2B/WG/JJ1/067-INQ000048846);
- g. A paper on the evidence collated to date on the restrictions and preparedness for the re-opening of hospitality and personal care services (exhibited at M2B/WG/JJ1/068-INQ000048847).

132. I have been made aware that the Inquiry has access to the entirety of the Cabinet papers, agendas and minutes issued during the specified period and so I have referenced the above as a means by which to provide a general flavour of the factors considered in the making of core decisions rather than as an exhaustive list of the same. As I have already outlined, in making collective decisions in Cabinet generally, I was satisfied that we were being provided with the full range of evidence and opinion and that, were there ever any matters upon which further information was required, we were able to and encouraged to raise these during discussions.

133. It is also important to remember that Cabinet meetings (and the associated documentation provided in advance) were not decisions taken in isolation every 21 days. Rather, we were constantly engaged in an ongoing discourse regarding the available information and evidence throughout the entirety of the specified period. Whilst core decisions as to NPIs were only made during the relevant Cabinet meetings, between one review date to the next, the information and evidence was being continually discussed as it emerged at both a Welsh Government and local government level. Insofar as my involvement in those discussions, these took place multiple times per week in other Cabinet meetings, CCG meetings, the daily Ministerial briefings, as well as the local government and SSPC meetings detailed herein.

134. By way of an example of this constant flow of discourse, we would often receive an update during the Ministerial calls as to what considerations and discussions were ongoing between the respective review meetings. For example, during the Ministerial call on 23 July 2020, a note of which is exhibited at M2B/WG/JJ1/069-INQ000349744 the Minister for Health and Social Services updated all attendees upon the review discussions and options under consideration, including an indication as to those most likely to be recommended for easement at the forthcoming review.

135. In a Ministerial call on 29 September 2020, a note of which is exhibited at M2B/WG/JJ1/070-INQ000349898, the First Minister updated all attendees on the considerations that would be undertaken at the forthcoming review. The background to this particular call involved a rapid rise in cases in South Wales and some parts of North Wales and gave a preliminary indication of the Chief Medical Officer (Wales)'s likely advice thereupon. As with all review decisions, it was confirmed that such call would be followed by the provision of Cabinet papers of the nature already outlined above in advance of the review due to take place in the forthcoming Cabinet meeting.

136. Again, these are provided by way of example only and are not intended to be exhaustive. However, it is my view that such examples demonstrate the full transparent and ongoing discourse that there was in the Welsh Government (and beyond with our partners) throughout the entirety of the specified period and which fed into the collective core decisions made in Cabinet.

137. In addition to the evidence and information centrally available to us by way of Cabinet papers, at the review meetings, individual Ministers were permitted and encouraged to outline their individual portfolio concerns in respect of these decisions. As stated above, in respect of my responsibilities, this often included outlining the views of the local authorities as to the practicalities of implementation or enforcement of the various NPIs under consideration.

138. The situation was very much fluid and developing and the decision-making and informational structures in place served us well in this regard. They were able to adapt and be flexible as necessary and, in my view, we all felt as if we were operating under

a collaborative 'Team Wales' approach. This allowed the sharing of issues where they arose and to provide feedback as to what was or wasn't working.

139. During all Cabinet discussions, particularly those when core decisions were being made regarding the imposition of NPIs, regard was had to the potential wider health, social and economic impacts of such imposition from the very outset of the Welsh Government's considerations.

140. For example, and at a very early stage, the wider consequences of cancelling routine hospital and GP appointments was considered in a Covid Core Group meeting on 11 March 2020, as was the social impact of cancelling mass gatherings. Minutes of that meeting are exhibited at M2B/WG/JJ1/027-INQ000215171. As set out above, even during the early reviews, the need to improve health and wellbeing, the economy and public and non-Covid-19 health services were very much a consideration for the Welsh Government.

141. Such matters were routinely outlined in the Ministerial Advice prepared in advance of reviews and supporting Cabinet papers from officials and experts. Discussions in Cabinet were also informed by dialogue between Ministers, officials and relevant partners outlining the 'on the ground' experiences in other I, various examples of which have been considered elsewhere in this statement.

142. Consideration of the wider impacts of the restrictions were not isolated to their imposition at the outset but continued to feature throughout the entirety of the duration in which they were in place. In our collective decision-making, we were always mindful of the hidden harms arising from the restrictions and these would often be discussed at meetings (for example, at a Covid Core Group meeting on 20 May 2020, the minutes of which are exhibited at M2B/WG/JJ1//032-INQ000221152).

143. The sheer scale of the economic impact of NPIs was recognised at an early stage of considerations as to the imposition of NPIs. At the Cabinet meeting on 4 March 2020, it was noted that the Welsh Government would need to be in a position to respond to a number of issues including *inter alia* economic interventions, business support and cash flow.

144. At the outset, there was some uncertainty about what funding would be made available to the Welsh Government and the Minister for Finance and Trefnydd had written to the Chief Secretary to the Treasury seeking urgent clarity on the funding that would be made available to enable the Welsh Government to take decisions about the package of support that could be put in place to support individuals and businesses. However, the consensus amongst the Cabinet was that Ministers should not permit such uncertainty to slow down the response to the virus (see, for example, Cabinet minutes on 16 March 2020, exhibited at M2B/WG/JJ1/033-INQ000048797). It was acknowledged that there would be an impact and cost to public sector partners and businesses, along with individuals who would be laid off as a result of the potential restrictions.

145. At the Cabinet meeting held on 23 March 2020, the Minister for Finance and Trefnydd introduced a paper headed 'Response to Covid-19: Financial Aspects', which dealt with the consequential arising from the measures already taken by the UK Government in England; that paper is exhibited at M2B/WG/JJ1/071-INQ000048810. In advance of this meeting, each Department had also prepared a briefing paper dealing with the potential re-purposing of resources to assist in the response, with the paper prepared on behalf of my department exhibited hereto at M2B/WG/JJ1/072-INQ000048818.

146. In light of the extent of the papers prepared by the various Departments, and at that Cabinet meeting, the First Minister established a small group (the STAR Chamber, as aforementioned) to consider the budget implications of the pandemic and seek to maximise available resources so that funding could be redirected to support the public sector and respond to the needs of the economy. The minutes of the meeting at which the STAR Chamber was established are exhibited at M2B/WG/JJ1/035-INQ000048923. Thus, the economic impact of the pandemic and the resultant imposition of NPIs was very much at the forefront of our minds collectively and was recognised as being sufficiently substantial so as to warrant its own separate consideration by a specialised committee.

147. As part of the advice and information being provided to us in making collective decisions, we would be updated on the economic situation at regular intervals. For example, the Chief Economist and Ben Cottam of FSB Wales attended a Covid Core Group meeting on 13 May 2020 to advise those in attendance as to the impact of the pandemic and the NPIs utilised and ways in which the Welsh Government could assist with the recovery. A note of that meeting is exhibited at M2B/WG/JJ1/073-INQ000221186.

148. I did not have particular responsibility for finance / economic concerns on a wider basis and these were dealt with by the specialised structures put in place by the First Minister, including the aforementioned STAR Chamber. The main concerns as to the economic impact of NPIs that related to my portfolio included relaying the concerns of local authorities as to income loss and financial support generally, along with assistance in the securing of funding where appropriate in light of the high-level of support they were being required to provide, particularly insofar as homelessness was concerned, and a general consideration as to the impact of economic disadvantage on the work undertaken in the identification of and support to vulnerable individuals / groups.

149. Specific ways in which I had regard and / or involvement with consideration and / or mitigation of the economic impact of the pandemic include:

- a. Attendance at a meeting of the Anti-Poverty Coalition Meeting on 5 May 2020, at which I confirmed that I had written to the UK Government in an attempt to make permanent changes to the procedural difficulties faced by applicants for certain housing-related benefits, and temporary changes to assist those in financial difficulty as a result of the pandemic. A copy of the briefing I received in advance of this meeting is exhibited at M2B/WG/JJ1/074-INQ000350560;
- b. Attendance at a meeting of the STAR Chamber on 18 May 2020 to discuss the position of local authorities regarding their pandemic-related loss of income and potential Welsh Government funding for this loss of revenue. A copy of the minutes of that meeting is exhibited at M2B/WG/JJ1/075-INQ000336618;
- c. Attendance at a meeting of the STAR Chamber on 23 July 2020 to discuss the allocation of funding for Phase 2 of the Homelessness project;

d. Various Ministerial Advice seeking agreement to decisions for funding for various organisations in respect of pandemic-related expenditure and / or impacts, including:

1. To meet additional costs incurred by Fire and Rescue Authorities since March 2020 to ensure they could continue to provide a front-line response during the pandemic, a copy of which is exhibited at M2B/WG/JJ1/076-INQ000103941;
2. To, jointly with the Minister for Finance and Trefnydd, consider additional funding to local authorities to meet pandemic-related additional costs and loss of income, a copy of which is exhibited at M2B/WG/JJ1/077-INQ000336964;
3. To approve in principle a Tenant Saver Loans scheme, which offered low-cost loans to pay off rent arrears where private sector tenants who did not have recourse to housing-related benefits had experienced difficulty meeting rent due to Covid, a copy of which is exhibited at M2B/WG/JJ1/078-INQ000349733;
4. To introduce a self-isolation support payment for individuals who were subject to mandatory self-isolation in Wales, a copy of which is exhibited at M2B/WG/JJ1/079-INQ000349918;
5. To repurpose existing Revenue Funding to allow grant support for core running costs of eligible Business Improvement Districts following the cessation of the Coronavirus Job Retention Scheme at M2B/WG/JJ1/080-INQ000235730.

150. It is correct to say that, as part of its considerations, the Welsh Government acknowledged that there may be a limit to the periods of time during which the Welsh public would likely comply with the imposition of NPIs. For example, I have already referred above to the Cabinet meeting on 10 March 2020 where a collective decision was made on that date not to prematurely restrict movement due to concerns over the public being less receptive to future NPIs at a time when they were needed. However, the emphasis there is that the decision made was one not to prematurely restrict movement on that basis.

151. Ultimately, any decisions in which I was involved were very much based upon the evidence available at the time. Thus, whilst the likely compliance of the Welsh public was always discussed (including by reference to available evidence of compliance on occasion) and accounted for in the overall consideration of matters, I

am not aware of any decision made where the evidence suggested the imposition or otherwise of NPIs but a decision against that evidence was made notwithstanding simply because of a belief of non-compliance or a perceived time limit upon such compliance by the Welsh public.

***Consideration of At-Risk and Other Vulnerable Groups***

152. The impact of NPIs upon at-risk and vulnerable groups was very much a fundamental consideration for us at Cabinet meetings and generally in discussions in all other I. Particularly insofar as my contribution to the same was concerned, and as outlined above, this was a key element of the responsibilities falling under my portfolio, as evidenced in the various dashboards produced for Cabinet meetings.

153. I have already set out, in the preceding section of this statement, the approach that the Welsh Government took towards the identification of and support for at-risk and vulnerable groups at the outset of the pandemic. This work continued throughout the ensuing period, including insofar as the imposition of NPIs.

154. The extent of those 'groups' to be considered as 'vulnerable' and 'at risk' was frequently re-visited and expanded. For example, and at the Cabinet meeting on 6 April 2020 when the Covid-19 Workstream Programme and dashboard was introduced, it was suggested that some thought should be given to the wider needs of under-represented groups in future dashboards, particularly regarding the vulnerable. I have exhibited the minutes of this meeting at M2B/WG/JJ1/051-INQ000048791.

155. Supporting vulnerable groups, individuals and those facing economic hardship in the community was a specific theme in the dashboards and I was responsible for several workstreams thereunder. For example, as may be seen in the dashboard produced for the Cabinet meeting on 6 April 2020, which is exhibited at M2B/WG/JJ1/052-INQ000048967, my responsibilities included:

- a. The identification and development of support needs for wider vulnerable groups, beyond the most vulnerable shielded groups (such as homelessness,

Gypsy, Roma & Travellers, refugees and asylum seekers) (together with the Deputy Minister & Chief Whip);

- b. The provision of appropriate emergency and temporary accommodation with support for those who were already homeless and those displaced or who had become homeless during the pandemic through the procurement and staffing of facilities in a coordinated fashion to avoid competition between services whilst meeting the needs of differing, often vulnerable, groups;
- c. Keeping guidance around caravan sites, B&B and hotels under review;
- d. The provision of support to those with complex needs to enable them to comply with public health guidance within temporary and emergency settings;
- e. The development of policy responses including guidance and support packages to issues that threatened people's ability to maintain their housing or their wellbeing within their home environments;
- f. The extension of work to deliver projects which relieved pressure on the NHS by enabling people to remain and be safe in their homes including the extension of step up / down and hospital to home services;
- g. Working with social landlords about how best to support their tenants and to meet expected standards of tenancy support;
- h. The provision of support for those households affected by recent floods (together with the Minister for Environment, Energy & Rural Affairs).

156. Many of the matters for which I was responsible, along with those falling within other Ministers' portfolios, were generally reflected in the dashboards. As aforesaid, consideration of these featured on the Agenda of each Cabinet meeting and were utilised dynamically; they were updated before each meeting and all Ministers were kept informed as to the progress of such matters in the same. In relative terms, this meant that the consideration of at-risk and vulnerable groups, including insofar as they were impacted by NPIs, was continually and repeatedly revisited, and often formed part of discussions held between all Ministers and officials present at the Cabinet meetings when core decisions were being made.

157. As I have already outlined, the issue of homelessness was a particularly important part of my portfolio responsibilities as Minister for Housing & Local Government and substantial efforts were made during the initial period to move the homeless and rough sleepers into appropriate accommodation. By 9 April 2020, when I attended a Housing Spokespeople weekly call, it was confirmed that there had been a reduction in the number of rough sleepers, most of whom were now in



accommodation to the extent that main cities were reporting numbers of rough sleepers as being in single figures. There remained challenges with the most entrenched rough sleepers, but the focus was very much upon ensuring that a fully supported approach was taken to assist such individuals, who were often traumatised with complex needs, not only with safe accommodation but also the support they needed to remain there. I have exhibited a copy of the briefing I received in advance of this call at M2B/WG/JJ1/081-INQ000350548.

158. On 23 April 2020, I was provided with a Ministerial Advice (a copy of which is exhibited at M2B/WG/JJ1/082-INQ000097663) seeking a decision to confirm the publication of guidance to local authorities to assist in the interpretation of the statutory test under the Housing (Wales) Act 2014 in relation to those assessed as “vulnerable” and in “priority need”. I approved the publication of this guidance and, on 28 April 2020, I wrote to the local authorities to provide this guidance, along with expressing my gratitude at the tremendous efforts that had been made to source and secure additional accommodation to safely house and support those who had been rough sleeping or displaced. A copy of this correspondence is exhibited at M2B/WG/JJ1/083-INQ000081056.

159. Statistics published on 10 July 2020 showed that, in the further period between 13 April 2020 to 28 June 2020, 407 rough sleepers and at least a further 1,859 others (excluding rough sleepers) were moved off the streets and into emergency accommodation in Wales. Such figures were in addition to many hundreds of families who were already in temporary accommodation prior to lockdown.

160. As indicated earlier in this statement, once we had successfully achieved the objective of accommodating the overwhelming majority of rough sleepers, efforts turned to supporting local authorities to ensure there would be no return to the level of rough sleeping that was in existence before the pandemic. This resulted in the allocation of further funding of up to £20 million to local authorities to support the next phase of the response, following a decision I had taken to agree a Ministerial Advice dated 21 May 2020, and which I exhibit at M2B/WG/JJ1/084-INQ000349498, to permit officials to work with Central Finance and the STAR Chamber process in order to secure the same. This emphasises that there was a real focus on the continued recognition of the impact of not only NPIs, but also the pandemic and its aftermath as

a whole, upon those who were identified as vulnerable to and at-risk from the effects thereof.

161. Aside from the specific work undertaken insofar as those vulnerable as a result of homelessness, I was also heavily involved in engaging with local authorities generally to continue Phase 1 and progress Phase 2 of the two-stage approach previously outlined and assisted by the Supporting Vulnerable People Project Team.

162. Ahead of a meeting with the Welsh Local Government Association and local authority leaders on 17 April 2020, I confirmed that I wished to discuss how the shielding programme was progressing and what capacity there was to start to address the needs of wider vulnerable people and invited officials to write to the local authorities asking them to consider the same so that the discussion could be had at the forthcoming meeting. A copy of the e-mail chain confirming such request is exhibited at M2B/WG/JJ1/085-INQ000349331. I was particularly keen to understand how local authorities were managing with the existing level of service insofar as managing food deliveries / prescriptions and whether there was prospect for this to be extended, including by reference to volunteers.

163. The Welsh Local Government Association compiled a response note which was e-mailed to me on 17 April 2020. I exhibit the covering e-mail at M2B/WG/JJ1/086-INQ000281669 and the response note at M2B/WG/JJ1/087-INQ000349356. This represented the responses of 18 of the 22 local authorities and confirmed views ranging from those who felt that they had sufficient capacity at present, to those who felt they could potentially build upon such capacity to deliver food boxes themselves (numbers-dependent), to those who were finding it difficult to contact all shielded individuals due to a lack of capacity. At this stage, most of the local authorities were said not to be wholly supportive of the then-current arrangements and indicated a preference to work with the Welsh Government to develop arrangements better suited to local capacity. Most local authorities considered that they had capacity to increase their support to other vulnerable or at-risk groups, with some already taking steps to do so. A small minority felt that they would need to assess local capacity before having the confidence to do so. The overarching message was that local authorities had made considerable efforts to respond to the challenge of implementing the food delivery scheme at great speed, but that the opportunity to review the same and amend as

appropriate would be most welcomed to ensure that it continued to efficiently and effectively meet the needs not only of shielded people, but also those other vulnerable and at-risk groups, moving forward.

164. Later that day, I sent a letter to all local authority leaders seeking further information specifically upon the existing level of support being offered to those Phase 2 vulnerable persons; i.e. those who were isolated and non-shielding in the respective areas. I exhibit the covering e-mail at M2B/WG/JJ1/088-INQ000281666 and the letter at M2B/WG/JJ1/089-INQ000349340. Information was required upon how such persons were being supported, the qualifying criteria being used, the services being offered and various questions as to capacity including the number of people presently identified, the level of volunteers and what capacity there was to scale up, including by reference to how the Welsh Government could support this.

165. Consideration of the impact upon at-risk and vulnerable groups was one that crossed portfolios of other Ministers. The general considerations at this stage continued to cover those groups identified previously: those who were isolated but not shielded, those who were vulnerable due to their financial position, vulnerable children and those groups facing particular vulnerabilities such as Gypsies, Travellers or homeless people.

166. Responses to my letter were received and compiled into a Ministerial Discussion Paper prepared by officials dated 29 April 2020, which is exhibited at M2B/WG/JJ1/090-INQ000349779. This included an analysis of what services were being offered by local authorities (this analysis being exhibited at M2B/WG/JJ1/091-INQ000349783), the communication support tools and interventions being offered by local authorities (exhibited at M2B/WG/JJ1/092-INQ000349784), and the obstacles that had been overcome and those they continued to face (this summary being exhibited at M2B/WG/JJ1/093-INQ000349785). This paper was circulated to Ministers and officials and a Ministerial meeting set up to discuss the same on 5 May 2020.

167. At that meeting, it was noted that the current provision of services was considered to be satisfactory but the extent of suppressed demand was largely unknown as local authorities were not advertising the services. Further, and whilst issues surrounding access to food and pharmacies had settled down, focus had now shifted

to loneliness and social support. Progression of all recommendations proposed in the aforementioned discussion paper was agreed, save for the recommendation on proactive communication which was to be the subject of further enquiry. Such recommendations that were progressed included:

- a. Welsh Government to encourage local authorities to urgently work with the third sector and Local Health Boards in order to achieve an appropriate balance between local authority deployed staff, third sector engagement and volunteers;
- b. Development of a clearer communications campaign to signpost isolated people to their local authority;
- c. Welsh Government to work with local authorities and Black Asian Minority Ethnic communities and disabled people to ensure accessibility to information and support;
- d. Welsh Government to share information around services provided by food retailers with local authorities and third sector partners;
- e. Welsh Government to take a decision on food banks, once separate work upon this was completed;
- f. Welsh Government to identify priorities for support provision and actively encourage the sharing of good practice between local authorities.

168. I have exhibited hereto an e-mail chain at M2B/WG/JJ1/094-INQ000349514, with the relevant note of the meeting appearing in the e-mail sent at 17:56 on 13 May 2020.

169. As agreed at the meeting, a further paper (which I have exhibited at M2B/WG/JJ1/095-INQ000349516) was thereafter prepared on 22 May 2020 to provide further analysis of the provision being made by local authorities to support Non-Shielded Vulnerable individuals and to consider whether there was significant suppressed demand for such support from people who had not contacted their local authority for help. In preparing this paper, officials engaged with local authorities, county voluntary councils and organisations representing Black, Asian, Minority Ethnic and disabled people.

170. Having done so, this paper confirmed that, whilst there were some variations in local services, all local authorities had effective provisions in place to support Non-

Shielding Vulnerable people and had adequate resource in place to meet current identified demand plus capacity to increase the level of support if demand increased. Pro-active contact using existing data was being undertaken but there remained a reliance upon individuals to self-identify as Non-Shielded Vulnerable individuals and present to their local authority for support.

171. Feedback was gathered from stakeholder groups and various third sector organisations, which were already seeking to assist many of those falling within the Non-Shielded Vulnerable category. Local authorities had been requested to consider what, if any, action would be helpful from the Welsh Government and a number of proposals made ranging from requests for communication, guidance and data-sharing to funding assistance to practical assistance such as providing IT and digital inclusion tools and classes. This was identified as an ongoing piece of work and a further analysis of local authority provision was proposed.

172. The above paper was discussed at a meeting on 4 June 2020 when Ministers agreed that the further analysis of evidence from the local authorities and County Voluntary Councils ("CVC") provided reassurance that there was not significant unmet demand. Ministers also agreed with the proposal and asked officials to undertake a review in 3 months' time. A summary of what occurred at this meeting is exhibited hereto in an e-mail chain at M2B/WG/JJ1/096-INQ000349786, in particular in the e-mail at 15:43 on 10 July 2020.

173. In the ensuing period, the Welsh Government put in place further guidance to help individuals and service providers access national level support, a triage tool to help people find what information they need, and provision of leaflets to service providers on mental health and wellbeing, financial support and safeguarding to help those without access to the internet.

174. On 5 August 2020, I agreed a letter and survey that had been prepared by officials to feed into the agreed aforementioned review process. A copy of the e-mail chain confirming agreement is exhibited at M2B/WG/JJ1/096-INQ000349786. On 12 August 2020, that letter (a copy of which is exhibited at M2B/WG/JJ1/097-INQ000349788) was sent to local authority leaders and CVC chief executives to

enable a joined-up response from both sectors. This letter annexed a survey and requested responses thereto by 31 August 2020.

175. The findings of that survey were presented in a Review prepared by social researchers in the Welsh Government's Knowledge and Analytical Services and was published on 16 December 2020. This document is exhibited at M2B/WG/JJ1/098-INQ000350032. Key findings were made regarding the work and activities of local authorities and CVCs to support NSVs, including the use of volunteers and the capacity to scale up if demand required. Some positive effects of Covid-19 were noted in relation to improved partnership working between public and third sector bodies and increased community cohesion, in particular. Local authorities and CVCs had generally noted that they had developed services and responses that could be scaled up, if required. However, there was consensus as to the importance for the Welsh Government to assist with ongoing effective coordination and delivery structures, mental health support, a strong and viable community and third sector, digital inclusion and a stronger enabling environment for voluntary activity. Consideration was very much upon the future and ensuring that the infrastructure and capacity remained in place to sustain the work that had been undertaken thus far.

176. I have outlined the above in considerable detail as it provides an in-depth example of the high-level of engagement that was ongoing between the Welsh Government and local government during the specified period, along with the extensive efforts taken by the Welsh Government to ascertain the impacts upon and ensure there was support available for those at-risk and vulnerable groups, including those who were already disadvantaged as a result of existing inequalities. I am aware that, in addition to the above processes, other Ministers were engaged specifically in other I such as the Disability Forum and Black Asian and Minority Ethnic Advisory Group which also sought to consider and feed into this area of the Welsh Government's work.

177. Insofar as my own views are sought, I consider that we were (and are) acutely aware of people in our society with vulnerabilities and I do think we gave adequate consideration to the impact of NPIs upon these groups. I believe this is demonstrated by the evidence I have provided above. We also always sought to give such consideration on as wide a basis as possible. We had a wealth of information available

to us (as outlined above) and we certainly tried to act in accordance with the evidence and advice available.

***Engagement between the Welsh Government and Local Government Generally***

178. Turning to the engagement between the Welsh Government and local government, including the WLGA and Welsh local authorities, as set out earlier in this statement, there was already a solid foundation in place to allow effective co-working between the Welsh Government and local government prior to the pandemic. During the initial stages of the pandemic up to March 2020, and as already outlined, these existing lines of communication and co-working were initially utilised, albeit on a more regular basis as demand began to require.

179. Thereafter, and from April 2020 onwards, such communication and cooperation continued to intensify. I established a weekly video call with all 22 local authorities (facilitated largely by the rapid move to virtual working) for the purpose of creating a two-way exchange of information, seeking input to policy decisions and providing a forum for escalating and resolving issues at short notice. Whilst the frequency was set up for these calls to take place at least weekly, they often occurred much more frequently, particularly during those early months in April to June 2020. These meetings continued throughout the entirety of the specified period, although my involvement in the same evolved in accordance with the change in my portfolio responsibilities in May 2021. I exhibit hereto at M2B/WG/JJ1/017-INQ000101234 a chronology that has been prepared by officials of the dates of all of these meetings that took place throughout the specified period.

180. These meetings allowed the Welsh Government (via me and other officials) to directly liaise with the WLGA and Welsh local authorities regarding the response to the pandemic. The focus of each of those meetings was very much guided by the issues as they emerged. The main matters that were discussed focused upon the day-to-day practical arrangements which the local authorities were required to deliver, such as food deliveries, business support, essential services including school hubs for essential workers, waste collections and enforcement issues. The issues to be discussed were often driven by requests from the Welsh Local Government Association and / or local authorities as to the matters they considered most relevant at that time; for example, information received ahead of a meeting on 24 April 2020

indicated that feedback from the Welsh Local Government Association identified that local authority leaders wished to focus on the recovery phase and new ways of working for local government (as confirmed in a briefing, which I have exhibited at M2B/WG/JJ1/099-INQ000350546).

181. These calls were also regularly used by other Welsh Ministers when they needed to communicate messages or seek views from local authorities. In addition, they were also often attended by advisors and experts, such as the Chief Medical Officer (Wales) or members of TAG who presented relevant information in respect of what was occurring at that time. Other attendees would include local authority Chief Executives, other relevant local government officers and civil servants, voluntary associations such as Wales Council for Voluntary Action, and the Police and Crime Commissioners and Chief Constables of the various Police forces in Wales.

182. Given the regularity of these meetings, I developed a close working relationship with all of the local authority leaders such that we very much felt like a team, working together to try and sort out the practical problems that the pandemic gave rise to. Whilst these were formal meetings, often minuted or followed by points of action, they did not always feel as such as they came to be a source of social support to us all, as well as permitting a high level of engagement between the Welsh Government and local government. We were, ultimately, a group of individuals, covering all 22 authorities and Welsh Government, spanning various political divides, but with a very practical and determined approach to problem-solving in the difficult and unprecedented circumstances presented by the pandemic.

183. I have not sought to outline the entirety of the issues discussed at these meetings but have included examples below to provide a general overview of the matters that were concerning local authorities during the specified period:

- a. Meeting held on 1 April 2020 (the minutes of which are exhibited at M2B/WG/JJ1/100-INQ000227653), which discussed topics including PPE, testing, social care, homelessness, construction, shielding and food parcels, and business support. This meeting was also attended by the Minister for Health & Social Services, the Deputy Minister for Health and Social Services and the Deputy Minister for Economy and Transport.
- b. Meeting held on 24 April 2020 (a note of which is exhibited at M2B/WG/JJ1/101-INQ000349354), which discussed topics including the



Covid-19 recovery phase and new ways of working for local government, hardship fund, amendments to Regulations, business support, shielding and food boxes. This meeting was also attended by the Deputy Minister for Housing & Local Government.

- c. Meeting held on 22 May 2020 (the resultant 'Actions' document in respect of which is annexed at M2B/WG/JJ1/102-INQ000350621), which discussed topics including updates on PPE and shielding, the Market Traders Development Fund and views on the easing of lockdown. This meeting was also attended by the Deputy Minister for Housing & Local Government.
- d. Meeting held on 19 June 2020 (a note of which is exhibited at M2B/WG/JJ1/103-INQ000349615), which discussed topics including the reopening of the tourism economy. This meeting was also attended by the Minister for International Relations and Welsh Language and the Deputy Minister for Culture, Sport & Tourism.
- e. Meeting held on 26 June 2020 (the resultant 'Actions' document in respect of which is annexed at M2B/WG/JJ1/104-INQ000227983), which discussed topics including social care funding, learning exercise in relation to social care and a phased re-opening of local authority services. This meeting was also attended by the Deputy Minister for Social Services.
- f. Meeting held on 3 July 2020 (the resultant 'Actions' document in respect of which is annexed at M2B/WG/JJ1/105-INQ000350668), which discussed topics including recovery planning, the Local Government and Elections Bill, and shielding and food boxes. This meeting was also attended by the Deputy Minister for Housing & Local Government and the Counsel General.

184. The above are provided by way of example and I respectfully refer to the aforementioned chronology for a complete overview of the meetings held throughout the specified period.

185. These meetings would regularly directly impact the work of the Welsh Government and were incredibly helpful in getting to the real crux of those ways in which local authorities could be supported thereby. Examples of the action points that would often arise out of these meetings is exhibited at M2B/WG/JJ1/106-INQ000222837, which details those actions identified at meetings I held (accompanied by other Ministers) with the WLGA on 1 and 3 April 2020 and the resultant actions taken by the Welsh Government.

186. These meetings enabled issues to be raised directly by the Welsh Local Government Association / local authorities and responses to be given within very short periods of time. For example, at the meeting on 3 April 2020, clarification was sought as to community transmission and the priority of care home workers insofar as PPE was concerned. Welsh Government officials liaised upon this immediately following the meeting and officials provided the necessary clarification by e-mail, which was forwarded to the WLGA for onward transmission to local authority leaders later that same day. A copy of the relevant e-mail chain is exhibited at M2B/WG/JJ1/107-INQ000349256. This represents just one of many occasions whereby the WLGA meetings I chaired permitted local authorities to raise issues directly with relevant Ministers and officials, who in turn engaged with appropriate experts / other organisations to obtain the relevant information, which was then relayed to my office for dissemination to the local authorities, often via the Welsh Local Government Association; such processes all occurring within a timely and efficient manner.

187. Further, the details of these meetings would inform my position and would be relayed in those forums, where appropriate, in respect of which local government representatives were not directly involved. This was particularly important as the use of local authority existing capabilities to implement measures required ongoing discussions between the Welsh Government, local government and other relevant organisations. It also permitted me to consider all matters from a local government perspective and raise questions where appropriate; for example, in a Ministerial call on 13 April 2020 (a note of which is exhibited at M2B/WG/JJ1/108-INQ000349315), I made enquiries regarding the application of the Coronavirus Job Retention Scheme to organisations and agency staff supported by local government and actions were taken to provide officials with information to follow this up with the UK Government.

188. In addition to these calls, the Partnership Council for Wales (chaired by the First Minister) also continued to meet as it had done prior to the pandemic (albeit with increased frequency where required), which provided yet further opportunity for the Welsh Government and Welsh local authorities to engage in discussions regarding matters.

189. Insofar as the creation of new structures to ensure the effective participation of local government in relevant discussions, I have already referenced the creation of the Covid Core Group by the First Minister towards the end of March 2020. As already outlined above, this was created as a response to the pandemic and comprised a 'core'

group of Ministers and key officials. As already stated, Cllr Andrew Morgan was also invited to join in his capacity as Leader of the Welsh Local Government Association. This resulted in another forum in which the views of the Welsh local authorities could form part of the discussions being held and be heard by core decision-makers within the Welsh Government. Local government updates made by Cllr Morgan became a standing item on the agenda of these meetings. I have referred elsewhere in this statement to examples of the updates being provided, where relevant.

190. As of 21 April 2020, Cllr Andrew Morgan was also invited to join the daily Ministerial calls and this provided a further opportunity for local government to be directly represented and regularly provide views and updates to all Ministers involved in core decision-making on the current pandemic-related issues from a local government perspective. As the imposition of, easing of or exceptions to NPIs were regularly discussed at these meetings in between formal 21-day reviews in Cabinet, Cllr Morgan was able to provide a direct local government perspective upon the same.

191. At a Ministerial call on 5 May 2020, a note at which is exhibited at M2B/WG/JJ1/109-INQ000336490), Cllr Morgan confirmed that there was a great deal of engagement with local government on the preparation for the easing of lockdown, via the working groups and networks. However, he requested that this now be formalised and, as set out shortly below, that request was acceded to. He thereafter proceeded to set out the challenges that he considered faced local authorities in the relaxation of the restrictions, along with what was working well in local government at that time.

192. By its very nature, the high level of engagement with local government outlined herein meant that such engagement significantly impacted decisions. Generally, we took the view that where we could use the existing capabilities of local authorities to implement measures then we would as that seemed both effective and efficient. Accordingly, we were acutely aware throughout that the views being expressed by local authorities were invaluable. As a result of the continued involvement by and on behalf of the local authorities, such engagement inevitably fed into the decisions that were being made in respect of NPIs in Wales and, in particular, the practical elements thereof. In Cabinet discussions regarding the imposition or otherwise of NPIs, the views of the local authorities and the Police would always be set out prior to core decisions being made.

193. I believe that the engagement we had with local government throughout the pandemic was both timely and sufficient. The relationship between Welsh Government and local government was fluid and, if processes or communication needed to be improved or changed, such matters were communicated at the time and the relevant changes immediately implemented. I have already outlined an example of this above insofar as the initial teething problems regarding the filtering of information to local authorities for the delivery of food parcels to the shielded and the swift identification and resolution of this issue achieved.

194. As Welsh local authorities were responsible for much of the day-to-day implementation of the NPIs, they were regularly invited to feed into the guidance issued in respect thereof where such input was considered appropriate. This was particularly so where the guidance sought to assist with practical matters. One such example is the guidance that was issued around the set-up of the food delivery scheme for shielded individuals in early-April 2020. On 30 March 2020, interim guidance on this (together with a draft call centre script) was sent to local authorities with a request for them to feedback to permit the refinement of that guidance. A copy of the covering e-mail confirming such is exhibited at M2B/WG/JJ1/043-INQ000349254.

195. Another example is the guidance that was published in respect of the re-opening of outdoor playgrounds and play areas for children upon relaxation of the relevant restrictions. On 16 July 2020, I received a Ministerial Advice requesting that I approve the guidance annexed thereto for re-opening outdoor playgrounds and play areas for children whilst minimising the risk of coronavirus transmission. I exhibit a copy of this Advice at M2B/WG/JJ1/110-INQ000349722. Prior to this recommendation being made, draft guidance had been shared with the Welsh Local Government Association and local authorities (along with other relevant third-party organisations) who had been engaged in responding to the same before a final draft was prepared for my approval.

196. It was not always appropriate to seek direct feedback as to the preparation of guidance, not only due to time constraints but also on the basis that the local authorities may not have been privy to the entirety of the evidence upon which it may have been based (whether for logistical or other reasons). However, given the high level of ongoing engagement I was having with local government, I was always mindful in all discussions and in all core decision-making processes in which I was involved of the views that had been expressed to me upon such matters. Thus, even where local

authorities did not directly feed into such guidance, the processes in place for their involvement generally meant that their views indirectly fed into the same, via the involvement of myself and other Ministers and officials who were all consistently engaged in the ongoing Welsh Government / local government discourse.

197. In my view, on the whole, the Welsh Local Government Association and Welsh local authorities were given sufficient advance notice about upcoming changes to NPIs, regulations and / or guidance in Wales to allow them to properly implement any changes and / or make necessary preparations for enforcement. As already indicated, the escalations and de-escalations of NPIs were routinely discussed with local government in the structures already set out above prior to the relevant core decision being made. Expert advice and opinion supporting proposed measures was often given directly to the group of local authority leaders at the weekly meetings, and they would respond with knowledge of the likely practical issues 'on the ground', including in respect of what they considered would or would not be capable of being implemented with reference to factors such as specific vulnerable groups, general population adherence and enforcement strategies. As aforementioned, and in addition, Cllr Morgan was also present at the Ministerial calls and Covid Core Group meetings; these being the meetings at which the ongoing discourse to which I have already referred regarding developments ahead of the 21-day review Cabinet meetings was taking place.

198. I cannot recall any issues raised by the Welsh Local Government Association and / or Welsh local authorities specifically relating to the late notice of changes to NPIs, regulations and / or guidance. From the very outset and throughout, there was focus on both the Welsh Government side and the local government side upon maintaining communication and providing as much notice in advance of changes to NPIs, regulations and guidance as was possible; the requirement to do so wherever possible was discussed in numerous meetings. The WLGA and local authorities were kept informed of such matters on an ongoing basis by virtue of the aforementioned regular engagement processes. Wherever possible, such information was provided in advance of public announcements and, in the manner already outlined, they would have been involved in the anticipatory discussions regarding proposed changes held in advance of such decisions being taken.

199. In my view, the Welsh Local Government Association and Welsh local authorities were given sufficient access to the data, statistics and modelling otherwise

available to the Welsh Government as appropriate which, in turn, permitted them to feed into the decisions surrounding NPIs. I have already outlined above the attendance of relevant experts and advisers at the weekly meetings, the involvement of various local authority leaders in the Partnership Council, together with Cllr Andrew Morgan's attendance at the Covid Core Group meetings and Ministerial briefings in which such information was also outlined.

200. I refer later in this statement to the engagement undertaken with the local authorities regarding the imposition of the firebreak lockdown and, as detailed there, issues were initially raised by some of the local authorities regarding the evidence in place to support the same. As a result, the local authorities were briefed by TAC (as confirmed to Cabinet at the meeting on 19 October 2020, the minutes of which are exhibited at M2B/WG/JJ1/111-INQ000048802) in an attempt to share the scientific data and evidence upon which the Cabinet were proposing to act. This is one such example of how attempts were made to ensure that local government had access to relevant information that would enable them to feed into decisions in an informed manner.

201. Insofar as steps I personally took to ensure sufficient access to data, statistics and modelling, I had regular discussions with Reg Kilpatrick specifically regarding the data that was flowing both ways between the Welsh Government and the Strategic Co-ordinating Groups as well as how the Groups were engaging the wider local government leadership. Following such discussions, I was satisfied as to the sufficiency of the same.

202. I do not recall any correspondence from local government, including the WLGA and / or Welsh local authorities expressing confusion or seeking clarity about NPIs, regulations and / or guidance that applied in Wales only. I have already outlined above the steps that were taken to ensure, not only that Welsh local authorities understood which NPIs applied in Wales at any given time, but also that they were part of ongoing discussions and their views thereupon were ascertained beforehand and relayed to Cabinet as part of the decision-making process.

#### **Engagement with Wales TUC and Trade Unions**

203. Insofar as I am asked to provide an overview of my engagement with the Wales TUC, I don't recall meeting with them as such, other than by virtue of their attendance at the Shadow Social Partnership Council meetings. I do recall meeting with individual unions such as Unison, Unite and GMB. As a long-standing member of the Shadow Social Partnership Council, I was present for and / or involved in many of the detailed discussions, including matters such as retail, public transport and refuse collection, that were considered in these meetings. These are examples of operational issues that involved the engagement of the respective trade unions who would be present at these meetings.
204. Whilst these issues generally fell under the remit of portfolio responsibilities for my colleagues, I was involved with the liaison between those colleagues, the Unions and the various local government members in the respective areas to ensure that we all shared a mutual understanding of the issues and the direction of travel.
205. I have already exhibited herein the overview chronology prepared as to Shadow Social Partnership Council meetings during the specified period at M2B/WG/JJ1/016-INQ000101236. As may be seen from the same, there were numerous meetings at which relevant issues were discussed that would have necessitated the involvement of the Wales TUC or other trade unions.
206. For example, I specifically recall being involved in conversations regarding guidance about Workplace Distancing Regulations and issues such as the double-manning of refuse collection vehicles. These discussions often involved the Wales TUC and / or other trade union bodies. For example, I attended a meeting on 21 April 2020 (along with other Ministers) to discuss the role that Trade Unions would have in the implementation of the Workplace Distancing Regulations. I exhibit at M2B/WG/JJ1/112-INQ000349346 a copy of the briefing note provided by officials in advance of this meeting.
207. Insofar as these types of discussions were concerned, my involvement with these and any consequent core decisions based thereupon was generally restricted to my position as a Minister in Cabinet collectively considering the same or, where relevant, dealing with any specific local government issues arising in relation thereto. The feeding in of any Wales TUC or other trade union body engagement on NPIs generally would have fallen within the remit of the relevant portfolio member responsible for the specific issue in question.

208. I also recall a meeting that took place on 28 April 2020 involving the trade unions and local authority leaders to discuss the opportunities for, and the potential impact of, furloughing some local government employees. The purpose of the meeting was to ascertain to what extent the local authorities had given consideration to this option and to obtain the views of the trade unions as to how such an opportunity was likely to be received by its members. I referred earlier in this statement to questions I had raised in the Cabinet meeting on 13 April 2020 regarding the application of the Coronavirus Job Retention Scheme to local government employees and this further meeting with local authority leaders and trade unions was part of the ongoing consideration of such matters.

209. This is an example of an issue involving trade unions in respect of which I had greater involvement as a result of it being directly relevant to the interests of local government. However, even then, the overarching issue itself fell within the portfolio of a colleague; the Scheme itself formed part of the responsibilities of the Minister for Finance and Trefnydd. A letter from the Minister previously sent to Cabinet Ministers setting out the remit of the Scheme was shared with the local authority leaders and trade union representatives ahead of the meeting. A copy of that letter is exhibited at M2B/WG/JJ1/113-INQ000349322.

210. On 19 May 2020, a second 'Shared Concerns for Trade Unions and Local Government' meeting was held, following which there was a request by Cllr Philippa Marsden for these meetings to be a standing feature every three weeks. I regularly attended these meetings, along with the Deputy Minister for Housing and Local Government, Hannah Blythyn; other Ministers also attended where appropriate and where issues being discussed formed part of their portfolio concerns. For example, they provided the forum in which meetings involving school openings and closures were discussed, as detailed below.

211. The limits of my involvement can be best illustrated by an e-mail note provided of one such meeting which occurred on 17 June 2020, which is exhibited at M2B/WG/JJ1/114-INQ000349605. As set out therein, those matters in respect of which I bore responsibility were directly related to co-ordinating a contact point from the trade unions and each of the local authorities, along with a general overview of matters if they couldn't be resolved elsewhere within local authorities.

212. Given the limited engagement I had with the Wales TUC, I do not consider that I am in a position to offer a view upon whether the same was timely and / or sufficient



and believe this question may be better posed to those of my colleagues who had more substantive engagement with them.

213. As to my engagement with trade unions and local authorities regarding the opening and closure of educational settings in Wales, as set out above, I was involved in the same whilst I was Minister for Housing and Local Government in the capacity of generally co-ordinating the joined-up approach being taken towards such matters by the local authorities, the trade unions and, for this particular issue, the schools. These meetings were largely led by my colleague, Kirsty Williams, who was the Minister for Education at that time.

214. I specifically recall being involved in sustained negotiations regarding the opening and closing of schools and the various practical issues that this gave rise to. In the first instance, there was consideration of this issue at the SSPC meetings (for example, at the meeting on 7 September 2020 (the minutes of which are exhibited at M2B/WG/JJ1/115-INQ000310411) and at the weekly meetings I chaired with the local authority leaders (for example, at the meetings held on 11 and 18 December 2020, the Actions arising from which are exhibited at M2B/WG/JJ1/116-INQ000350669 and M2B/WG/JJ1/117-INQ000350617 respectively). In particular, the Leader for Caerphilly was the Political Lead for the Trade Union Liaison Groups and so matters would quite frequently be raised organically in these meetings and considered in the general context of other business.

215. Further, and as referenced above, there was also consideration of such matters at the informal 'Shared Concerns' meetings. These meetings were often used to discuss the practical arrangements and, as far as I am aware, were not minuted. Notwithstanding, by way of example as to what these would entail and how the relevant interplay between Ministers would occur, I specifically recall during the discussions for school openings following the first lockdown that the trade unions sought an agreement from the local authorities to have schools cleaned daily. These discussions would take place in meetings at which Kirsty Williams and I would be in attendance. I would then be required to feed back to the Minister for Finance and Trefnydd, to confirm that additional expenditure was required by local government for the purpose of funding the costs of the additional cleaning that had been agreed. This is very much a practical example that demonstrates the role I would play in the co-ordination of the engagement generally taking place between Welsh Government, local government and trade unions during this period.

216. Whilst these meetings were not generally minuted, any issues that arose during the same would be separately actioned following. For example, I recall a meeting on 4 June 2020 when the trade union representatives present had raised concern regarding the engagement of Welsh Government in the development of the proposal regarding school re-opening. Upon being made aware of this, I immediately raised this as a matter to action to ensure that they received the relevant information as a result of this. I exhibit the e-mail sent from my Private Secretary shortly following the end of the meeting on 4 June 2020 at M2B/WG/JJ1/118-INQ000349525.

217. For the sake of completeness, I am aware from the response to this action that the Guidance in question had formerly been provided to the Unions and that there had been multiple meetings between the Education Directorate and the Unions since 20 March 2020. I exhibit hereto at M2B/WG/JJ1/119-INQ000349524 the document provided in response to the aforementioned e-mail confirming the meetings held between the Education Directorate and the Unions during this period and those meetings between the Minister for Education and the Unions. Whilst I was not involved with these meetings, I was present at meetings on 1 June 2020, 3 June 2020, 17 June 2020, 22 June 2020, 7 July 2020 and 9 July 2020. These meetings generally involved local authorities and the Minister for Education and, on occasion, the relevant unions, albeit my involvement in the same continued to be on the same facilitative basis to permit collaborative working between the relevant bodies.

218. Returning to the weekly local authority leaders' meetings, I particularly recall the discussions that were had over the timings of the opening and closure of schools as there was a desire by all involved to try, so far as was possible, to have these occur at the same time within different local authority areas. With the exception of a few areas that were slightly staggered, this objective was largely achieved. For example, I remember a particularly intense period of discussions in the approach to Summer 2020 as there were attempts to persuade the schools to remain open for an additional week on the basis that the October half-term period could then be extended to two weeks, although this did not come to fruition.

219. A meeting held on 30 December 2020 with the local authority leaders, and attended by the Minister for Education and I, dealt specifically with the arrangements for the re-opening of schools in January 2021. I exhibit at M2B/WG/JJ1/120-INQ000350139 a copy of the briefing note prepared for the Minister for Education in advance of this meeting, a copy of which was also provided to me. Similarly, I also

exhibit at M2B/WG/JJ1/121-INQ000350723, the briefing note provided to the Minister for Education in advance of the meeting with local authority leaders held on 8 April 2021 to discuss the re-opening following the Easter 2021 period.

220. As demonstrated by these briefing notes, my involvement in these meetings was one of liaison between the Minister for Education and the local government, whilst the Minister for Education generally took the lead in respect of the education-specific issues. Whilst the increased understanding such involvement gave me of the logistics involved in such matters assisted when core decisions came to be made in Cabinet, it would have been the responsibility of the relevant portfolio Minister (in this case, Kirsty Williams) to provide any advice to the First Minister or other core decision makers upon this engagement, alongside the scientific and medical advice generally being provided by the relevant experts. In the usual way, I would have fed back any views of the local authorities above and beyond those set out by the Minister for Education.

221. Whilst I do not consider that I am best placed to comment upon the involvement of the trade unions as I was not present for all such engagement, I can confirm that I do consider that the local authorities were sufficiently involved in discussions surrounding these decisions.

#### **Other Impact Considerations**

222. As to my consideration of Equality Impact Assessments when making decisions about imposing, easing or making exceptions to NPIs, I recall consideration of those provided as part of the Cabinet papers issued to us in advance of core decisions made in Cabinet meetings. I have provided specific examples of the sorts of considerations these involved elsewhere when asked to consider specific decisions and respectfully refer the Inquiry thereto.

223. Insofar as I am asked to provide my opinion upon the timeliness and effectiveness of NPIs in Wales, my firm view (both now and at the time) is that we took into account the range of advice that was available to us at all times. Our overall aim remained the same throughout; to try and slow the spread of Covid-19 in order to protect lives and so that our services could continue to cope. Given the information that was available to us at the time, I consider that the core decisions taken by us were reasonable and based upon (amongst other factors, which are explored in further detail below) the aforementioned advice.

224. As to whether I consider there was adequate coordination and communication among the four nations concerning the use and timing of NPIs, my ability to answer is in the context of my involvement in those discussions. My view is that I was certainly present at discussions where attempts were made to coordinate and communicate upon matters such as the use and timing of NPIs; for example, in the General Public Services Ministerial Implementation Group. However, my view is that, if anything, it was the UK Government who was generally the outlier in terms of taking a different approach, at times to the other Devolved Governments and at other times to the scientific advice and evidence generally. Once more, I have explored these issues where required to do so in further detail below in this statement.

***Differences in the Approaches taken by the Four Nations***

225. I note that the Inquiry asks a number of questions relating to 'divergence' by the Welsh Government from the UK Government and / or the four nations approach. Before proceeding to respond to the same below, I consider it important to emphasise that I do not agree with the characterisation that decisions taken by the Welsh Government, where different, constituted divergence on our part. In the first instance, such decisions are to be set against the background that the initial decision as to the governance of the response to the pandemic was a unilateral decision of the UK Government; by opting to respond via public health legislation rather than civil contingency powers, this created a situation where the four nations would each have individual responsibility over the response within their country and the potential for differing approaches is an inevitable and direct consequence of that initial decision. I have addressed this decision to the extent to which I am able in further detail later in this statement. Notwithstanding, and as a result, the Welsh Government was at all times acting in what we considered to be the best interests of Wales in line with our legal responsibilities.

226. Such decisions as were taken towards NPIs by the Welsh Government may have been different to those taken by the UK Government at certain points, although were often similar in approach to the other nations. Notwithstanding, these decisions were certainly never undertaken with a deliberate intention to achieve a difference in approach. The decisions made by the Welsh Government were always based upon the evidence available regarding such decision insofar as it applied, both generally and in a Wales-specific manner. As I have already outlined, focus was always upon achieving the best possible outcome and making the most appropriate decisions for Wales. As other statements have provided in considerable detail, where information

sharing was available from the UK Government and the other Devolved Governments, this was always taken into account in reaching core decisions.

227. I consider that the imposition of the firebreak lockdown in October / November 2020 is a key example of the distinction I seek to make. That decision is dealt with in further detail later in this statement. However, in terms of the rationale for that decision, officials prepared a paper upon the relevant considerations, which is exhibited at M2B/WG/JJ1/122-INQ000048887. This paper annexed various papers dealing with matters including (amongst others) the following:

- a. Advice from TAC exhibited at M2B/WG/JJ1/123-INQ000048877.
- b. Proposals for the shape of the firebreak and issue to resolve, exhibited at M2B/WG/JJ1/124-INQ000048878 and M2B/WG/JJ1/125-INQ000048879.
- c. Options for post firebreak national regime and the options for utilisation of the firebreak period, exhibited at M2B/WG/JJ1/126-INQ000048880 and M2B/WG/JJ1/127-INQ000048881.
- d. The impact upon children and equality impacts upon those with protected characteristics, exhibited at M2B/WG/JJ1/128-INQ000048882 and M2B/WG/JJ1/129-INQ000048883.
- e. Legal advice, both generally and upon the resultant interference with Convention rights exhibited at M2B/WG/JJ1/130-INQ000048884 and M2B/WG/JJ1/131-INQ000048885.

We were informed that the Chief Medical Officer (England) also recommended a firebreak lockdown but that the UK Government was choosing not to impose the same.

228. Accordingly, that was a clear example where the evidence, as it was provided to us and as it applied to Wales, supported the imposition of a short, sharp lockdown to try and seek to stem the transmission. Rather than there being divergence by the Welsh Government from the UK Government and / or the four nations approach generally, this was a decision by the Welsh Government to follow the evidence available, whilst the UK Government itself chose to diverge from the evidence available.

229. The decisions made by the Welsh Government were made in the interests of the Welsh people and, as a Cabinet, we were committed to making those decisions when the circumstances and evidence required we do so to protect Wales, irrespective of whether the UK Government were doing the same.

230. Further, attempts were actively made to achieve a 4 nations approach. I defer to those who have provided statements with significantly greater knowledge of the 4 nations approach than I but, as a Cabinet, we were generally kept up to date of such attempts. For example, in advance of the Christmas restrictions in December 2020, we were updated at a Ministerial call on 17 December 2020, a note of which is exhibited at M2B/WG/JJ1/132-INQ000350128, of attempts made the previous afternoon to achieve a complete agreement on such matters between the four nations. Whilst it had not been possible to achieve complete cohesion in approach, there had been agreement on 95% of the issues and the focus was very much upon emphasising this cohesion.

231. To my recollection, I did not receive any formal correspondence from the WLGA and / or Welsh local authorities seeking an explanation as to any difference in approach between the Welsh Government and the UK Government. As I have already set out at length elsewhere herein, there was significant and ongoing discourse between local authority leaders and I, and any issues would have been discussed at, for example, the weekly meetings. I certainly recall discussing these issues with affected local authority leaders on the border but these were discussions were on a practical level, rather than a view with attempting to align with the approach being taken by the UK Government. Further, and in any event, the ongoing discussions preceding any core decisions would have been raised in the presence and with the participation of Cllr Morgan at Ministerial calls and CCG meetings.

232. On a practical level, different restrictions being in place between England and Wales had the potential to create additional burdens in implementation and enforcement insofar as cross-border issues were concerned. However, as indicated above, we engaged in considerable discussion with a view to supporting those local authorities located along the border, such that they were content with the approach taken by the Welsh Government. Accordingly, and to the extent to which I am asked what additional measures could have been taken to minimise such workload, I believe that we took them. My view is that the approach we took in Wales constituted a real attempt to try and keep the restrictions manageable despite the differences in approach, whilst the decisions made by the UK Government appeared to be far less structured and erratic in nature.

233. I recall discussions at the weekly meetings with those local authorities who were situated at the borders between England and Wales. For example, I particularly

recall discussions with the leaders for such authorities as Monmouth and Wrexham as to questions regarding what action the Police could take to stop members of the public from crossing the border in circumstances where Wales was under a higher level of restrictions than those in England, although I understand that such discussions were unlikely to have been minuted. However, such questions, when asked, usually came from a position of requiring clarification on certain matters and was generally resolved at those meetings. As in this particular case, North Wales Police and Dyfed Powys Police forces proceeded to properly enforce the borders by the stopping of vehicles and issuing of fixed penalties where appropriate and I have referenced relevant updates from the respective Police forces throughout this statement.

234. Occasionally, if an answer was required that wasn't known, this would be immediately actioned and followed up by officials forthwith following the meeting. I have already outlined an example of this occurring elsewhere in this statement.

235. Earlier in this statement, I detailed an overview of engagement with local government and Police over enforcement during the initial lockdown. I have also set out such engagement during the firebreak lockdown and beyond at the appropriate section later on. Insofar as that engagement in the intervening period, this formed part of the ongoing dialogue between the Welsh Government and those organisations in the structures already outlined at length elsewhere herein. In addition to the direct engagement I had with such bodies, I attended many meetings in all of the aforementioned structures at which the views of local government and the Police were set out, either directly by representatives in attendance or indirectly by way of feedback following separate engagement by other Ministers and officials.

236. I recall in early-May 2020 at a CCG meeting that it was reported that the Police and Fire and Rescue Services were preparing for an increased level of activity over the Bank Holiday weekend. The minutes of the CCG meeting on 6 May 2020 are exhibited at M2B/WG/JJ1/133-INQ000336509. In an attempt to take steps to assist with this, it was suggested that officials explored whether it was possible to push for more coverage in the UK media about travel warnings to tourist hotspots in Wales.

237. At a CCG meeting the following week on 13 May 2020, Reg Kilpatrick confirmed that the Strategic Co-ordinating Groups were reporting a concern amongst Police forces about the differing messages from UK Ministers. A note of this meeting is exhibited at M2B/WG/JJ1/073-INQ000221186. This was dealt with at a CCG meeting on 20 May 2020, the minutes of which are exhibited at M2B/WG/JJ1/032-

INQ000221152, when it was confirmed that there would be more messaging regarding the difference in the Regulations and travel restrictions between England and Wales in advance of the Bank Holiday weekend.

238. When later preparations were ongoing for the lifting of the 'stay local' restrictions in early-July 2020, it was recognised that it would be important for the Police and Crime Commissioners to be involved in the messaging in respect of the same; the notes of a CCG meeting on 1 July 2020 at which this was discussed are exhibited at M2B/WG/JJ1/134-INQ000349671. We were also informed that Police were having discussions with supermarket chains to try to limit off licence sales in areas where large groups of people were gathering outdoors.

239. On 8 July 2020, the Chief Constable for North Wales, Carl Foulkes, attended a CCG meeting to provide an update directly to Ministers and officials. The minutes of this meeting are exhibited at M2B/WG/JJ1/135-INQ000349688. He reported that strong partnerships had been developed between the Police and the Welsh Government via the Strategic Co-ordination Groups and that these had been invaluable in the response effort.

240. Insofar as the challenges faced by the Police since licensed venues had reopened over the borders in England, he confirmed that there had been some overplaying of the behavioural issues reported by the media and that only 68% of licensed venues had opened over the preceding weekend. However, he was mindful that the weather would have a significant impact on the amount of people socialising and the behaviour to be witnessed.

241. In terms of other potential cross-border issues, he reported a marked increase in people returning to their second homes and travelling more generally for work and other leisure activities; he expected this trend to continue over the summer period. As to fines, 400 fixed penalties per month had been issued during the peak, but that had reduced considerably to just a handful of penalties at the date of the meeting. The majority of those tickets issued by Dyfed Powys and North Wales police forces had been for people travelling across the border into Wales.

242. Discussions turned to communications and it was acknowledged that the First Minister had considered matters with Rt. Hon. Alun Michael JP, the Police and Crime Commissioner for South Wales, due to the difficulties in reaching certain groups of people. It was considered that social media activity could help and, overall, it was



considered that the communications strategy had been clear and welcomed by the majority of people in Wales, although there was further work to be done as to communications with non-English or Welsh speaking people.

243. Insofar as local government enforcement powers are concerned, these were specifically discussed with WLGA and local authority leaders at a meeting of the SSPC held on 17 August 2020. I exhibit the minutes of this meeting at M2B/WG/JJ1/136-INQ000349847. At this meeting, the First Minister outlined the new powers that had been granted to local authorities to enforce Regulations, emphasising that it was mandatory for hospitality venues to take part in the Test, Trace and Protect scheme.

244. I do recall one piece of correspondence sent to me directly by Rt. Hon. Alun Michael JP, the Police and Crime Commissioner for South Wales, and exhibit a copy at M2B/WG/JJ1/137-INQ000349988. This letter followed a meeting held on 1 November 2020 during the firebreak lockdown and specifically related to enforcement measures during and thereafter. This correspondence has been detailed later in this statement in response to the specific information sought about the firebreak lockdown.

245. Insofar as I am asked about my personal use of behavioural science, I am aware that TAC and TAG made use of behavioural scientists and that this fed into the advice and information provided in Cabinet papers. However, I had insufficient involvement in the use of such science for the monitoring of the public's response and compliance (beyond the consideration of the aforementioned advice and information) to permit me to answer questions regarding its use on a more detailed basis. I understand that statements have been provided from those directly involved in such work, including the statement of Brendan Collins at M2B/TAG/BC/01, and I defer to their greater-informed views upon the same.

### ***Test, Trace, Protect***

246. I am aware that matters concerning Test, Trace, Protect will be considered in later modules and thus the Inquiry simply requires a summary at this stage as to my involvement in core decision-making with regard to testing and tracing in Wales.

247. As with many of the other matters set out in this statement, my involvement in Test, Trace, Protect was one in which I was engaged from a local government perspective only. As a Cabinet Minister, I was involved in the collective decision-making process relating to the relevant core decisions. However, I was also involved in the initial decision to have local authorities take responsibility for the administration

of the Test, Trace, Protect procedure and have outlined my engagement with the local authorities in this regard further below.

248. Notwithstanding, and that aside, my involvement was solely on the practical implementation of the scheme from a logistical perspective regarding local government capacities, rather than as to any specific core decision-making with regard to testing and tracing. To this end, I do not consider that I am in a position to assist the Inquiry with those matters requested as follows:

- a. Why there was a move away from community testing to focusing on testing people admitted to hospital;
- b. The awareness of limited availability of testing devices and tracing facilities in the early stages and what impact that awareness had upon the strategic response;
- c. The use of (and reasons for) a dual testing regime and whether this caused any problems

249. Aside from reporting upon the outcome of any engagement with local authorities, where appropriate and where this was not already undertaken by other third parties such as Cllr Morgan and / or Reg Kilpatrick, I was not involved in providing any advice to the First Minister or other core decision-makers on issues of testing and tracing.

250. Accordingly, and in the circumstances of my limited involvement, I do not feel that I am appropriately placed to offer a view upon whether there was an overreliance upon UK Government funded testing, nor as to whether contract tracing should have been adopted sooner. I will, however, proceed to provide further detail upon my engagement with local government as far as the limits of my involvement are concerned.

251. The decision made to have local authorities take responsibility for the administration of the Test, Trace, Protect procedure was one made after significant engagement with the local authorities in the fora already outlined above. The issue of testing was a feature of the weekly meetings I chaired with the local authority leaders from an early stage. I recall the issue of testing generally being discussed at such a meeting as early as 1 April 2020. A note of this meeting is exhibited at M2B/WG/JJ1/100-INQ000227653.

252. As a result of such engagement, it became clear that the local authorities had capacity in terms of an existing workforce that had not been furloughed but who were not undertaking their usual roles due to the closure of other local authority services, and were thus available to participate in the Test, Trace, Protect scheme. It was also recognised that the Environmental Health departments of those local authorities had some existing experience in terms of tracing in situations such as E.Coli outbreaks and thus there would be transferrable skills that would assist in the implementation of the scheme.
253. In addition to local government involvement, I am also aware that the Military played a key role in the design and implementation of testing facilities. I was not involved in direct engagement with the Military in this regard, but we were routinely updated of such progress in relevant fora including, for example, at the CCG meeting on 29 April 2020, minutes of which are exhibited at M2B/WG/JJ1/138-INQ000311831.
254. At a CCG meeting on 6 May 2020, a note of which is exhibited at M2B/WG/JJ1/133-INQ000336509, it was confirmed that Public Health Wales was preparing advice for Ministers on plans to introduce an effective test, track and trace programme. Cllr Morgan provided an update and it was agreed that a meeting would be arranged between the Minister for Health & Social Services, Public Health Wales and the WLGA to further discuss the local government's role in that programme.
255. I am aware that this meeting was held on 11 May 2020, with a further follow-up meeting held on 12 May 2020. I was not in attendance at these meetings, although I did receive a note of the same following and such matters as were raised in the first meeting were discussed in the weekly meeting I held on 11 May 2020. I exhibit the e-mail chain providing the note and referencing my discussions on 11 May 2020 at M2B/WG/JJ1/139-INQ000349412.
256. It was confirmed at the CCG meeting on 13 May 2020 that the Minister for Health & Social Services would announce the Test, Trace, Protect strategy in the Senedd later that afternoon and Reg Kilpatrick confirmed that the SCGs were preparing for their role in respect thereof. Minutes of that meeting are exhibited hereto at M2B/WG/JJ1/073-INQ000221186, together with the Strategy published later that day at M2B/WG/JJ1/140-INQ000349437.
257. At the CCG meeting on 20 May 2020, minutes of which are exhibited at M2B/WG/JJ1/032-INQ000221152, Cllr Morgan confirmed that the local authorities had

already established some pilot areas to begin the Test, Trace, Protect programme in Wales and would utilise the aforementioned existing environmental health systems to help deliver the same. It was also confirmed that local authorities would recruit and train the additional staff required to deliver the strategy, given their aforementioned experiences.

258. On 1 July 2020, Cllr Morgan informed those present at the CCG meeting held on that date that all local authorities now had capacity to increase testing under the Test, Trace, Protect arrangements, whilst the Military also confirmed their ongoing involvement in the implementation of the scheme at that time. Minutes of that meeting are exhibited at M2B/WG/JJ1/134-INQ000349671.

259. By 8 July 2020, at a further CCG meeting (the minutes of which are exhibited at M2B/WG/JJ1/135-INQ000349688), the Chief Medical Officer (Wales) confirmed that approximately 3,000 tests were being carried out each day and that Test, Trace, Protect had helped bring under control the recent outbreaks in North Wales and Merthyr Tydfil.

260. On 12 August 2020, I wrote to the leaders of the local authorities in conjunction with Cllr Morgan (on behalf of the WLGA) and the Minister for Health & Social Services. A copy of that letter is exhibited at M2B/WG/JJ1/141-INQ000349792. The letter confirmed that contract tracing was up and running and that focus should now turn towards the Protect element of the strategy. A Task Group had been established involving local authority and third sector representatives, partly with the intention of identifying the support required to permit people to successfully self-isolate and how this could be provided. Attention was drawn to the areas of support anticipated, along with the potential for certain specific groups identified therein to require additional or specialised support. It was confirmed that the Welsh Government would continue to work with local authorities and that financial support via the Hardship Fund was available.

261. Following the set-up of the programme, I had no involvement in the implementation and / or ongoing management of the programme beyond considering any matters raised at the weekly meeting by or with the local authority leaders and reporting those back, where appropriate. This largely fell within the responsibilities of the Minister for Health & Social Services. I was involved to a limited extent in the financial consequences of the programme as the payments made to local authorities were done via the budgets falling within my portfolio. However, in terms of the day-to-

day matters concerned, my only involvement thereafter related to decisions made collectively in Cabinet.

**PPE**

262. I am aware that matters concerning government procurement will be considered in later modules and thus the Inquiry simply requires a summary at this stage as to my involvement in core decision-making regarding procurement of PPE during the pandemic.

263. Once more, my individual involvement with the procurement of PPE, over and above any collective Cabinet responsibility, was local government-focused in nature. I was not involved in core decision-making other than in being somewhat involved in the strategic decision for PPE to be procured centrally. This involvement was on the basis that reports from local government indicated that local authorities were having to deal with demands from social care providers, such as care homes (and any resultant fallout from the same), where they were all negotiating and sourcing their own and then seeking to re-charge the same. Local authority colleagues were of the view that central procurement for these purposes would be more efficient.

264. Accordingly, a decision was made for this to go through a central purchasing and distribution process, and I was involved to the extent of liaising with the local authorities and reporting such matters back at the weekly meetings and other Strategic Co-ordinating Groups, where appropriate.

265. However, and as I have indicated elsewhere in this statement, my colleague Lee Waters, then-Deputy Minister for Economy & Transport was largely responsible for such matters.

266. Insofar as the actual procurement process itself, I had no involvement with this other than the aforementioned initial decision where it was deemed more appropriate to undertake the same centrally insofar as local authorities and care homes were concerned.

267. My ability to respond to assist the Inquiry with matters concerning the adequacy of PPE stockpiles and / or potential shortages and difficulties with distribution is limited to the extent to which those matters were discussed in the relevant fora in which I was involved, which I will summarise below.

268. At a CCG meeting on 25 March 2020, it was collectively recognised that there were four priority issues to address, one of which was the availability of PPE. I have exhibited a copy of the minutes of this meeting at M2B/WG/JJ1/040-INQ000349229. At that stage, it was acknowledged that there was a finite number and it was important to ensure a supply chain to replenish stocks for the NHS and social care workforce. It was noted that there were calls to make PPE available for the wider public service and construction workers, but that this would reduce those numbers available for critical workers which were the primary focus at that time. It was agreed at that meeting that officials would provide a guidance note on PPE but the priority should be upon those in contact with vulnerable people and not those dealing with healthy people.

269. The issue of PPE was raised at the weekly meeting held with local authority leaders on 1 April 2020, a note of which is exhibited at M2B/WG/JJ1/100-INQ000227653. At this stage, the leaders were expressing concerns regarding the current levels and rolling supply of PPE, along with echoing the need for guidance. The Minister for Health & Social Services confirmed that the guidance was expected the following day and would provide additional clarification upon who needed PPE.

270. That guidance was issued and, at a meeting on 3 April 2020, further clarity was sought by leaders upon its interpretation. As can be seen from the notes of action for the meetings on 1 and 3 April 2020, which I exhibit at M2B/WG/JJ1/106-INQ000222837, responsibility for the local distribution of PPE was already that of the relevant local authorities, with further guidance to be forthcoming from Welsh Government and Public Health Wales upon its distribution.

271. As with Test, Trace, Protect, the Military were also assisting with planning and logistics of PPE and, at a meeting with local authority leaders on 8 April 2020, it was confirmed that information from military planners would be shared with Local Resilience Fora. A note of that meeting is exhibited at M2B/WG/JJ1/142-INQ000349325.

272. I am aware from a CCG meeting that same day, the minutes of which are exhibited at M2B/WG/JJ1/048-INQ000350564, that supplies of PPE were being provided through the national shared services mechanism at that stage. There was the existing supply chain, Welsh manufacturing (which was appropriately accredited), and UK wide arrangements, whilst Welsh Government officials in China were also engaged in helping the Foreign and Commonwealth Office to secure additional PPE.

Local authorities had received an additional supply of PPE earlier that week and were due another delivery prior to the Easter recess.

273. On 20 April 2020, the issue of PPE was raised in Cabinet in the context of its inclusion on the dashboard, with a need to clearly identify the issues with a view to identifying workable solutions. Minutes of the Cabinet meeting are exhibited at M2B/WG/JJ1/143-INQ000048804.

274. At a CCG meeting on 22 April 2020, Cllr Morgan confirmed that delivery of PPE to local authorities had improved, but that the supply of equipment to private care homes was increasing pressure on stock and highlighted the need for continued supply. Reports from officials confirmed that a decision from a new production line was expected shortly and it remained important to continue to obtain deliveries from overseas whilst new supply chains in Wales were developed. It was further indicated that discussions had also been had with funeral directors about the supply of PPE by officials. The minutes of this meeting are exhibited at M2B/WG/JJ1/049-INQ000311833.

275. Many local authorities run their own care homes, as well as supporting those in the private sector and, thus, discussions were held with me during the first few weeks as to the most appropriate way to meet the demands being made by such establishments of local authorities to make provision for PPE in care homes. In the circumstances, the views of the local authorities were that a centralised procurement system would best solve the issues. I was not part of the central decision-making in this regard; just the gathering of views insofar as this issue related to the local authorities and their support to care homes.

276. By the following week, at a CCG meeting on 29 April 2020, the minutes of which are exhibited at M2B/WG/JJ1/138-INQ000311831, it was confirmed that there were good stock levels of PPE following a recent arrival of a significant delivery, which meant that all those in a medical setting which required kit would be able to receive it (such as St Johns Ambulance Service). Reg Kilpatrick confirmed that SCGs were also reporting positively regarding the supply of PPE, along with confirmation that funeral directors were now being provided. The Military was assisting with advice and deployment regarding the supply chain of PPE.

277. There were various CCG meetings held on 6 May 2020 (minutes exhibited at M2B/WG/JJ1/133-INQ000336509), 13 May 2020 (minutes exhibited at

M2B/WG/JJ1/073-INQ000221186) and 20 May 2020 (minutes exhibited at M2B/WG/JJ1/032-INQ000221152), and reports at this time from Cllr Morgan, Reg Kilpatrick and officials all confirmed that the previous logistical issues regarding supply had now been resolved, that the supply chain was being managed well and, by the latter, Wales was in a position where PPE stocks were increasing, more local suppliers were being used and Wales was now helping other UK nations deal with shortages.

278. Similarly, as with matters relating to Test, Trace, Protect, my limited involvement in core decision-making upon the procurement of PPE renders me unable to appropriately respond to matters concerning the impact of shortages or difficulties in distribution upon strategic decisions. I was not involved in the provision of advice to the First Minister or other core decision-makers as regards PPE.

#### ***Overview of the Decision-Making about NPIs in General***

279. Insofar as I am asked to consider what worked well and where there were issues, obstacles or missed opportunities in terms of the imposition of, easing of or exceptions to NPIs in Wales, I consider that our relationship with our local authorities and our 'blue light' services in Wales deeply affected the way in which we both decided upon and implemented our NPI decisions. We worked as a team throughout; trying to correctly calibrate the need to protect the public and the NHS' ability to cope, as against the need to ensure maximum freedom for everyone.

280. We tried very hard to streamline communications to keep the messaging as simple and understandable as possible. In particular, we kept arrangements under constant review, such as the food box delivery service for shielded people, whilst taking into account the work with supermarkets to allocate deliveries to vulnerable groups. The liaison with supermarkets was largely done by my colleague, Lesley Griffiths, then-Minister for Environment, Energy & Rural Affairs, who then fed their responses into the various core groups and to our local authorities via the regular meetings I chaired. In terms of reflecting on matters, the restrictions on shopping for particular items is perhaps one area that could have been made a little clearer at the outset, but even this settled down after those initial issues.

#### ***Easing of restrictions in Wales following the first national lockdown***

281. I was not involved in the giving of any specific advice to the First Minister or core decision-makers concerning an exit strategy from the first lockdown, beyond representing the views of the local government obtained via the fora detailed herein.



Further, and as with other matters, the requirement for me to do so was greatly reduced by the involvement of local government in discussions with the First Minister and other core decision-makers on an ongoing basis in any event.

282. At a CCG meeting on 22 April 2020, the importance of the Welsh Government and local authorities having detailed discussions over the coming weeks on preparations for the lifting of the lockdown was recognised. I have exhibited the minutes of this meeting at M2B/WG/JJ1/049-INQ000311833. This recognition expressly acknowledged that Councils would need to be in a position to put resources in place to respond to such announcements. In addition to local authorities, it was noted that the Strategic Co-ordinating Groups, which were chaired by senior Police officers, would also be involved in discussions about lifting the initial lockdown. This meant that the Welsh Government and local government were 'on the same page' in terms of the level of continuing engagement from the commencement of the considerations as to 'easing' restrictions.

283. In accordance with those stated intentions, Cllr Morgan confirmed at the CCG meeting on 29 April 2020 that local government was engaged with the plans for lifting the restrictions. Reg Kilpatrick also confirmed that officials preparing for the 21-day review were engaging with the Strategic Co-ordinating Groups and local government on proposals for the recovery process. Minutes of that meeting are exhibited at M2B/WG/JJ1/138-INQ000311831.

284. On 5 May 2020, during a Ministerial call, it was agreed that all Cabinet members would write to their main stakeholders to ensure engagement was placed on a formal footing as the Welsh Government's focus turned to recovery and exit strategies following the first lockdown. I exhibit a copy of the minutes of that call at M2B/WG/JJ1/109-INQ000336490.

285. In advance of this meeting, Ministers had been requested to prepare papers on the preparations for the easing of lockdown regarding their respective portfolio responsibilities. I have exhibited that prepared on behalf of the Deputy Minister for Housing & Local Government and I at M2B/WG/JJ1/144-INQ000336492.

286. At the CCG meeting on 6 May 2020, Cllr Morgan indicated his view that Councils also needed to be involved in the recovery phase in addition to the ongoing engagement between local government and the Welsh Government. Minutes of this meeting are exhibited at M2B/WG/JJ1/133-INQ000336509.

287. On 13 May 2020, Cllr Morgan indicated in a CCG meeting that one of the practical considerations for local authorities in the easing of restrictions was that a significant number of staff had been redeployed from other duties to support those who were shielding and that, as Councils returned to other services, there would be a need to backfill those positions. Thus, there was a need to consider, alongside the easing of restrictions, how long the restrictions on shielded people were likely to remain in place. Cllr Morgan also confirmed that local government needed to be involved in places for the economic recovery of Wales. Minutes for this CCG meeting are exhibited at M2B/WG/JJ1/073-INQ000221186.

288. In order to formalise local authority engagement in the recovery process, as discussed in the Ministerial call on 5 May 2020 and the CCG meeting on 6 May 2020 above, I issued a letter to Cllr Morgan on behalf of the WLGA on 18 May 2020 thanking him and the local authority leaders generally for the engagement thus far and seeking to ensure that the momentum achieved was not lost. I exhibit this letter at M2B/WG/JJ1/145-INQ000350722. We had already agreed in a meeting on 15 May 2020 that proposals would be developed for future engagement structures and a discussion upon that was due to take place the following week. Pending that discussion, I proposed the creation of a new Recovery Subgroup of the Partnership Council, along with continuation of the meetings of local authority leaders.

289. On 20 May 2020 at a CCG meeting, the minutes of which are exhibited at M2B/WG/JJ1/032-INQ000221152, Cllr Morgan confirmed that none of the local authorities were reporting any major issues.

290. On 21 May 2020, I received a letter from Cllr Morgan by return, a copy of which I exhibit at M2B/WG/JJ1/146-INQ000350720. He shared my views that the engagement between Welsh Government and local government had been a key feature of the response and that we were very much operating collectively in a way not replicated in other parts of the UK. It was confirmed that local authority leaders presently continued to wish to meet on a weekly basis, although he recognised that the need to do so may be decreasing and thus should be kept under review. Confirmation was also provided that the setup of the Recovery Subgroup was welcomed.

291. Accordingly, and in June 2020, the Recovery Subgroup of the Partnership Council was set up. I understand that the Inquiry has already been provided with

detailed information regarding the setup of this Subgroup in the statement of Reg Kilpatrick and so do not repeat that information herein. In summary, and as per the Terms of Reference (which are exhibited at M2B/WG/JJ1/147-INQ000350591, the intention behind this Subgroup was to provide a formal mechanism for Welsh Ministers, local authorities and other public service leaders to continue to engage and focus on Covid-19 recovery planning of the Welsh Government. It was intended to permit public service leaders to provide their advice and views thereupon, rather than to operate as a decision-making body.

292. I chaired two meetings of this Subgroup on 6 July 2020 (the minutes of which are exhibited at M2B/WG/JJ1/148-INQ000227919) and 21 July 2020 (the minutes of which are exhibited at M2B/WG/JJ1/149-INQ000227992), during which specific proposals were set out by the WLGA aimed at assisting in the economic recovery of Wales. A number of these proposals were eventually taken forward and implemented by the Welsh Government in its overall recovery strategy. Thereafter, the subject of Covid-19 Recovery became a specific item on the Agenda for Partnership Council meetings and thus there was no need for the Subgroup to meet further.

293. In addition, the meetings I held with the WLGA and local authority leaders were continuing and also provided an appropriate forum at which to discuss the easing of restrictions on an ongoing basis. For example, I have already referenced in an earlier section a meeting held on 19 June 2020 (exhibited at M2B/WG/JJ1/103-INQ000349615) in which there was significant discussion over the relaxation of restrictions permitting the reopening of the tourism industry. This meeting was also attended by the Minister for International Relations & Welsh Language and the Deputy Minister for Culture, Sport & Tourism and again illustrates the way that these meetings were utilised to establish a direct link between relevant Ministers and local government.

294. At this meeting, the Minister for International Relations & Welsh Language gave a very clear outline of the plans for the ensuing three weeks including the step-by-step approach to be taken to the removal of the 'stay local' restrictions and the intention to undertake a rapid review of the opening of pubs, bars and restaurants. Once more, the focus of the questions raised by the local authorities was upon the practical effects of such decisions and included questions ranging from public toilets, litter and licensing to enforcement, funding and accommodation. I was actively involved with the local authorities thereafter in the development of guidance in respect of these matters.

295. Insofar as the efforts made to obtain and consider information regarding the impact of NPIs on vulnerable, at-risk and minority groups, I have already addressed at length elsewhere in this statement the ongoing work regarding the identification of and provision of support to such groups and respectfully refer the Inquiry to the matters previously outlined in this regard.

296. Further, such matters would usually feature in the discussion papers provided to Ministers in advance of Cabinet meetings at which core decisions regarding the easing of restrictions would be made. By way of an example of the information that would be received and considered by decision-makers, I shall refer to the Cabinet meeting on 17 June 2020 at which several of the existing restrictions were eased.

297. In advance of that meeting, we were provided with a number of overarching discussion papers, including a paper from TAG providing advice upon the 21-day review of measures generally, which is exhibited at M2B/WG/JJ1/057-INQ000048838. This explicitly referenced the importance of ensuring that vulnerable groups, equality and accessibility were considered throughout the risk assessment process. We were also provided with a paper outlining the legal restrictions upon the decision-making process, which is exhibited at M2B/WG/JJ1/060-INQ000048849 and which included specific reference to various matters including the requirement to have regard to the public sector equality duty.

298. Ministers were thereafter provided with numerous further specific discussion papers, each dealing with an individual restriction that was to be considered during that review. For example:

- a. In a paper entitled 'Seeing family and friends – restrictions on movements and gatherings', exhibited at M2B/WG/JJ1/066-INQ000048845, specific consideration was outlined for potential measures to apply to the most disadvantaged and vulnerable groups in society (subject to certain mitigation measures being in place) along with identification as to who such persons are likely to be;
- b. In a paper entitled 'Outdoor activity and Staying local', exhibited at M2B/WG/JJ1/065-INQ000048844, an assessment against the potential impacts on groups with protected characteristics and the impact on discrimination was set out;
- c. In a paper entitled 'Education – Increasing Operation of Schools', exhibited at M2B/WG/JJ1/064-INQ000048843, specific detailed consideration was set out

as to the impact of the effects upon vulnerable children, together with an outline assessment against the potential impacts on groups with protected characteristics;

- d. In a paper entitled 'Restart of the Childcare and Play Sector', exhibited at M2B/WG/JJ1/063-INQ000048842, similar considerations and an outline assessment were undertaken in respect of vulnerable children and those with protected characteristics;
- e. In a paper entitled 'Non-essential retail and the housing market', exhibited at M2B/WG/JJ1/062-INQ000048841, an Equality Impact Assessment of those with protected characteristics and socio-economic disadvantages was carried out.

299. These are provided as an example of the significant efforts made to obtain information regarding the impact of NPIs upon those identified as vulnerable and at-risk so as to inform the decision-making process regarding the easing of the same following the first lockdown. Such papers were routinely provided whenever reviews of the restrictions were undertaken and, insofar as my own personal consideration of the impacts upon such groups, the information contained in these papers was in addition to my own knowledge as a result of the work I was also undertaking with local governments to identify and support such persons on a wider basis.

300. I note that the Inquiry wishes to know about my involvement in a number of specific decisions relating to various NPIs. Before dealing with them individually, it is of note that all of the matters listed were discussed with local authority colleagues, both in terms of their ability to deliver services and their ability to assist in enforcement of the various provisions. Through Cabinet, we were always trying to ensure maximum freedoms whilst ensuring that the rate of spread and our ability to cope with that remained manageable.

301. Regarding the individual decisions, we always took consideration of the advice available and calibrated our responses accordingly and I shall proceed to deal with the same on the following basis:

Allowing members of two households to meet up outdoors from 1 June 2020

- a. This was a decision taken collectively by Cabinet on 27 May 2020, the minutes of which are exhibited at M2B/WG/JJ1/150-INQ000221014. In advance of making this decision, Ministers were provided with the Ministerial Advice

addressed to the First Minister, which is exhibited at M2B/WG/JJ1/151-INQ000176849, and a further paper entitled 'Seeing family and friends', which is exhibited at M2B/WG/JJ1/152-INQ000215410, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Reopening educational settings in Wales for limited periods during the week from 29 June 2020

- b. This was a decision taken collectively by Cabinet on 17 June 2020, the minutes of which meeting are exhibited at M2B/WG/JJ1/153-INQ000048799. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/056-INQ000048850, and a further paper entitled 'Education – Increasing Operation of Schools', which is exhibited at M2B/WG/JJ1/064-INQ000048843, upon which such decision was based. Alongside my involvement in the collective decision-making process at that Cabinet meeting, I was also involved in a number of the discussions with the trade unions regarding this re-opening to the extent outlined earlier in this statement.

Wearing face coverings in situations where social distancing is not possible

- c. As far as I am aware, the Minister for Health & Social Services issued a statement on face coverings indicating that the advice from the Chief Medical Officer (Wales) remained that mask was recommended where social distancing was not possible. Insofar as the wearing of face masks was concerned, I was involved in discussions with local authorities regarding how this advice was likely to affect local government staff. I specifically recall discussions regarding waste collection crews as they were unable to socially distance in carrying out their duties.

Re-opening of some retail

- d. This was a decision taken collectively by Cabinet on 17 June 2020, the minutes of which are exhibited at M2B/WG/JJ1/153-INQ000048799. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/056-INQ000048850, and a further paper entitled 'Non-Essential Retail and the Housing Market', which is exhibited at M2B/WG/JJ1/062-INQ000048841, upon

which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Lifting of restrictions on wedding and civil partnership ceremonies

- e. There were a number of decisions made regarding the lifting of restrictions on wedding and civil partnership ceremonies. Regarding such matters generally, I do recall that the issues surrounding weddings and civil partnership ceremonies were directly linked to the number of people who could meet indoors safely, with the number of people permitted to attend such events being calibrated to the ability to maintain social distancing at the relevant venue.

Lifting of restrictions on outdoor sports

- f. This was a decision taken collectively by Cabinet on 17 June 2020, the minutes of which are exhibited at M2B/WG/JJ1/153-INQ000048799. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/056-INQ000048850, and a further paper entitled 'Outdoor Activity and Staying Local', which is exhibited at M2B/WG/JJ1/065-INQ000048844, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Lifting of travel restrictions to and from Wales from 6 July 2020

- g. This was a decision taken collectively by Cabinet on 17 June 2020, the minutes of which are exhibited at M2B/WG/JJ1/153-INQ000048799. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/056-INQ000048850, and a further paper entitled 'Outdoor Activity and Staying Local', which is exhibited at M2B/WG/JJ1/065-INQ000048844, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Forming of "extended households" from 6 July 2020

- h. This was a decision taken collectively by Cabinet on 29 June 2020, the minutes of which are exhibited at M2B/WG/JJ1/154-INQ000129928. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/155-INQ000222605, and a further paper entitled 'Introducing Extended

Households', which are exhibited at M2B/WG/JJ1/156-INQ000227546, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Lifting of "stay local" restrictions from 6 July 2020

- i. This was a decision taken collectively by Cabinet on 17 June 2020, the minutes of which are exhibited at M2B/WG/JJ1/153-INQ000048799. In advance of making this decision, Ministers were provided with the Ministerial Advice addressed to the First Minister, which is exhibited at M2B/WG/JJ1/056-INQ000048850, and a further paper entitled 'Outdoor Activity and Staying Local', which is exhibited at M2B/WG/JJ1/065-INQ000048844, upon which such decision was based. Alongside my involvement in the collective decision-making process at that Cabinet meeting, I specifically recall this issue being discussed at the weekly meeting with local authority leaders who were concerned as to the effect of people moving out of their respective counties. I would have fed these concerns back to the Cabinet as part of the core decision-making process, where appropriate.

Re-opening outdoors of pubs, bars, cafes and restaurants from 13 July 2020

- j. This was a decision taken collectively by Cabinet on 7 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/157-INQ000048852. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/158-INQ000048853), Annex 1 (exhibited at M2B/WG/JJ1/159-INQ000048854) and 2 (exhibited at M2B/WG/JJ1/160-INQ000048855) thereto, two Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/056-INQ000048850 & M2B/WG/JJ1/1561-INQ000136802 respectively) and a further paper entitled 'Hospitality (Pubs, Cafes and Restaurants)', which is exhibited at M2B/WG/JJ1/162-INQ000336880, upon which such decision was based.
- k. Again, alongside my involvement in the collective decision-making process at that Cabinet meeting, this was another matter in which I was engaged with local authority leaders. There were a number of planning issues and other practical issues that needed to be overcome and I made reference to such decisions as I was required to make in this regard at the beginning of this statement. I also recall that we provided businesses with financial support to enable them to have sufficient outdoor space to make re-opening worthwhile.



Re-opening of hairdressers and barbers from 13 July 2020

- l. This was a decision taken collectively by Cabinet on 7 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/157-INQ000048852. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/158-INQ000048853), Annex 1 (exhibited at M2B/WG/JJ1/159-INQ000048854) and 2 (exhibited at M2B/WG/JJ1/160-INQ000048855) thereto, two Ministerial Advices addressed to the First Minister (exhibited at M2B/WG/JJ1/056-INQ000048850 & M2B/WG/JJ1/162-INQ000136802 respectively) and a further paper entitled 'Close Contact Services', which is exhibited at M2B/WG/JJ1/163-INQ000176809, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Compulsory wearing of face coverings on public transport from 27 July 2020

- m. I do not have any specific recollection to recount in this regard, although I do remember it being discussed in a number of forums.

Re-opening of playgrounds, outdoor gyms and funfairs from 20 July 2020

- n. This was a decision taken collectively by Cabinet on 7 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/157-INQ000048852. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/158-INQ000048853), Annex 1 (exhibited at M2B/WG/JJ1/159-INQ000048854) and 2 (exhibited at M2B/WG/JJ1/160-INQ000048855) thereto, two Ministerial Advices addressed to the First Minister (exhibited at M2B/WG/JJ1/056-INQ000048850 & M2B/WG/JJ1/161-INQ000136802 respectively) and a further paper entitled 'Organised Outdoor Group Activities, Playgrounds and Outdoor Gyms', which is exhibited at M2B/WG/JJ1/164- INQ000336871, upon which such decision was based.
- o. This was another matter where, alongside my involvement in the collective decision-making process at that Cabinet meeting, I was also engaged with the local authorities upon such matters as these spaces are largely managed thereby. Much of the discussions to my recollection related to the availability of staff and the need to be able to move local government staff around to ensure adequate service delivery where these were local authority-managed

and / or where such re-opening required the re-introduction of complementary services provided thereby. Once more, these views would have been reported back to other core decision-makers during the process, as appropriate.

Re-opening of pubs, bars, cafes and restaurants for indoor customers from 3 August 2020

- p. This was a decision taken collectively by Cabinet on 28 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/165-INQ000350614. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/166-INQ000048858), Annex 1 (exhibited at M2B/WG/JJ1/167-INQ000048859) and 2 (exhibited at M2B/WG/JJ1/168-INQ000048860) thereto, the Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/169-INQ000221167) and a further paper entitled 'Indoor Hospitality (Pubs, Cafes and Restaurants', which is exhibited at M2B/WG/JJ1/170-INQ000350605), upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Re-opening of swimming pools, gyms, leisure centres and indoor play areas from 3 August 2020

- q. This was a decision taken collectively by Cabinet on 28 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/165-INQ000350614, although the re-opening date was 10 August 2020, not 3 August 2020. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/166-INQ000048858), Annex 1 (exhibited at M2B/WG/JJ1/167-INQ000048859) and 2 (exhibited at M2B/WG/JJ1/168-INQ000048860) thereto, the Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/169-INQ000221167) and two further papers entitled 'Indoor Gyms, Leisure Centres, Swimming Pools, Full Reopening Spas, and Indoor Fitness Centres', which is exhibited at M2B/WG/JJ1/161-INQ000350622 and 'Children and Play – Indoor Play Facilities', which is exhibited at M2B/WG/JJ1/172-INQ000222722, upon which such decision was based.
- r. Similarly to the re-opening of playgrounds considered above, discussions with local authorities as to staff availability to re-open these local authority-run

spaces ensued and the reporting of such matters played a specific part of my involvement in the collective decision-making process at that Cabinet meeting.

Children under 11 no longer required to stay two metres apart from each other or from adults and outdoor gatherings of up to 30 people allowed from 3 August 2020

- s. This was a decision taken collectively by Cabinet on 28 July 2020, the minutes of which are exhibited at M2B/WG/JJ1/165-INQ000350614. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/166-INQ000048858), Annex 1 (exhibited at M2B/WG/JJ1/167-INQ000048859) and 2 (exhibited at M2B/WG/JJ1/168-INQ000048860) thereto, the Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/169-INQ000221167) and a further paper entitled 'Assessment of specific restrictions and measures – Social distancing requirements', which is exhibited at M2B/WG/JJ1/163-INQ000350673, upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Four households forming an extended bubble and meeting up indoors providing the conditions "remain stable" from 22 August 2020

- t. This was a decision taken collectively by Cabinet on 18 August 2020, the minutes of which are exhibited at M2B/WG/JJ1/174-INQ000350567. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/175-INQ000048863), and the Annexes Key Indicators (exhibited at M2B/WG/JJ1/176-INQ000048865) and Assessment of Remaining Restrictions (exhibited at M2B/WG/JJ1/177-INQ000048864) thereto, and the Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/178-INQ000145498), upon which such decision was based. My involvement was limited to being involved in the collective decision-making process at that Cabinet meeting.

Up to 30 people allowed to attend an indoor meal following a wedding or funeral from 22 August 2020

- u. This was a decision taken collectively by Cabinet on 18 August 2020, the minutes of which are exhibited at M2B/WG/JJ1/174-INQ000350567. In advance of making this decision, Ministers were provided with a Cabinet Discussion Paper (exhibited at M2B/WG/JJ1/175-INQ000048863), and the Annexes Key Indicators (exhibited at M2B/WG/JJ1/176-INQ000048865) and

Assessment of Remaining Restrictions (exhibited at M2B/WG/JJ1/177-INQ000048864) thereto, and the Ministerial Advice addressed to the First Minister (exhibited at M2B/WG/JJ1/178-INQ000145498), upon which such decision was based.

- v. Insofar as my involvement in the collective decision-making process at that Cabinet meeting, I recall the specifics of this decision was directly involved with calibrating the response to both the current restrictions and the ability of venues to cope with changes. As local authorities provide the relevant registration services, they were also involved in these discussions in the ways already set out herein.

302. As may be seen from the chronology of weekly meetings with local authority leaders previously exhibited at M2B/WG/JJ1/017-INQ000101234, these continued throughout the specified period, including during the period in respect of which local restrictions / lockdowns were being discussed and subsequently implemented.

303. On 18 August 2020, the Minister for Health & Social Services published a Written Statement (a copy of which is exhibited at M2B/WG/JJ1/179-INQ000350544) outlining the introduction of the Coronavirus Control Plan for Wales, which sought to provide a means by which the risks of coronavirus would be managed over the forthcoming Autumn and Winter months. This confirmed the basis upon which decisions would be made, namely by reference to caution, proportionality and subsidiarity. The latter of these emphasised that decisions would be taken by reference to local knowledge and expertise to permit local decision-making by local-elected leaders. The Statement confirmed that measures at local, regional or national levels were all possible.

304. From 7 September 2020, and in accordance with the intention to deal with matters at a local level, Local Health Protection Areas with additional restrictions were put in place in a number of local authority areas. Reviews of these Areas were taking place each week, in conjunction with local authorities and other partners. For example, I exhibit at M2B/WG/JJ1/180-INQ000176858 the Ministerial Advice dated 24 September 2020 addressed to the First Minister (into which I, and all other Minister, were copied) in respect of the first weekly review of the Local Health Protection Areas.

305. I was also present at a meeting with local authority leaders chaired by the First Minister on 22 September 2020 where local restrictions were discussed. Key areas of particular concern at that time were Llanelli, Cardiff and Swansea, whilst Neath Port Talbot and Vale of Glamorgan had lower rates but these were increasing and the leaders of those authorities were keen to take preventative action by way of imposition of restrictions.

306. On 25 September 2020, the First Minister requested an urgent local interventions meeting for that morning, which I attended along with the Minister for Health & Social Services and the Counsel General and Minister for European Transition. At that meeting, we considered the advice from the Health Protection Advisory Group and concluded that the package of restrictions that were in place for Rhondda Cynon Taff should also be introduced for Llanelli, Cardiff and Swansea where the incidence rate was above or was imminently to reach 50 per 100,000. Decisions were made as to the timing of commencement of those restrictions with a further meeting to be convened on 27 September 2020 to discuss the ongoing position in Neath Port Talbot and the Vale of Glamorgan. I exhibit a note of the outcome of this meeting at M2B/WG/JJ1/181-INQ000349897, together with the relevant Ministerial Advice to the First Minister (into which I was copied) at M2B/WG/JJ1/182-INQ000349876.

307. On 27 September 2020, the First Minister, the Counsel General & Minister for European Transition, the Deputy Minister & Chief Whip and I met with local authority leaders, the Chief Executives for South East Wales, Swansea, Neath Port Talbot and Carmarthenshire, the Police Commissioners and Chief Constables, the Local Health Boards, the Welsh Ambulance Service Trust and Public Health Wales. This meeting considered the evidence on transmission in Torfaen, the Vale of Glamorgan and Neath Port Talbot and discussed whether to introduce local lockdown restrictions in those areas, together with other aspects of the local lockdown arrangements. Enforcement and compliance was also discussed and it was confirmed that this was generally positive, although there was some concern regarding behaviour in pubs and earlier drinking.

308. At the conclusion of this meeting, there was consensus amongst those in attendance that the three local authority areas should also become subject to the same package of restrictions in place for RCT and these would come into effect the following day. There were also discussions regarding communications and further consideration of potential cross-border issues to ensure the public was aware that the travel

restrictions applied to each individual local authority area separately and to prevent any misunderstanding that this was a regional lockdown. I have exhibited hereto an e-mail note of the outcome of that meeting at M2B/WG/JJ1/183-INQ000227478, the Ministerial Advice addressed to the First Minister (into which I was copied) at M2B/WG/JJ1/184-INQ000350721 and the First Minister's Written Statement issued later that day confirming the above at M2B/WG/JJ1/185-INQ000350602.

309. As indicated, weekly reviews of the Local Health Protection Areas continued. I exhibit at M2B/WG/JJ1/186-INQ000350599 the Ministerial Advice dated 1 October 2020 dealing with the second weekly review, and at M2B/WG/JJ1/187-INQ000116636 the Ministerial Advice dated 8 October 2020 dealing with the third weekly review. Such weekly reviews ensued until discussions turned to the firebreak lockdown in mid-October 2020. I have addressed the engagement with local government insofar as the firebreak lockdown is concerned in greater detail further below.

310. Alongside the above meetings set up specifically to consider these matters, the weekly local authority meetings in September and October 2020 continued and, whilst these were not generally minuted, the chronology exhibited earlier in this statement illustrates that the issue of Local Health Protection Areas was also expressly discussed at those meetings in early-October 2020. These meetings are also referenced in the Ministerial Advices exhibited above regarding the weekly reviews. From recollection, the issues relating to local restrictions and local lockdowns was routinely re-visited during these weekly meetings throughout the periods for which they were in place. For example, I particularly recall discussions regarding exactly what was meant by 'local' in various contexts. I am also aware that discussions were taking place between officials and Strategic Co-ordinating Groups in addition to those meetings in respect of which I was involved.

311. Insofar as the weekly meetings I chaired, I do not recall any of the local authority leaders ever being particularly difficult about the imposition restrictions. I specifically recall perhaps two occasions when a local authority leader raised an issue with the rating that they were being given. However, the meetings largely gave leaders the opportunity to air their concerns and / or issues, for information to be shared with them and / or answers to their questions to be provided, with such issues then generally being resolved during the course of the meeting in question. Without exception, the general view reached by the end of these meetings was that the recommendations being made were those which were appropriate.

312. I am very proud of the fact that the local authority leaders and I (and those other members of Welsh Government who attended our meetings on occasion) were consistently able to work as a coherent unit of people. Our meetings provided an opportunity for the local authorities to be heard and listened to and, having had this opportunity and the consequent discussions that ensued thereafter, we were always able to reach a consensus regarding the way forward that resulted in local authorities understanding and accepting why certain recommendations were being made. I am in no doubt that local authorities were sufficiently involved in discussions surrounding the decisions about local restrictions and local lockdowns.

313. During this period, I am aware from updates provided in the relevant dashboards at the time that the Welsh Government was developing a Race Equality Action Plan for Wales, along with an assessment of the impact of Covid-19 on disabled people. A matrix of possible interventions with the impact on transmission and contribution to other harms was also being prepared, which sought to capture equality impacts and the impact on children's rights. The intention behind these was to ensure that such factors were considered overtly and upfront as part of determining the appropriate control measures to be put in place. Alongside, the Welsh Government had commissioned from SAGE a document considering the intended health impacts of NPIs. TAC had also established a socio-economic harms sub-group to ensure that socio-economic issues, including equality issues, would continue to be fed into the analytical and technical work supporting decision-making. I am aware that such matters have been dealt with by those who were directly involved in the same, such as the Deputy Minister & Chief Whip, Jane Hutt, and I defer to their detailed knowledge in respect thereof.

314. Further, the Welsh Government continued to operate in the manner already described previously and the dashboard, which provided for the workstreams of various Ministers and officials, continued to place considerations of, and workstreams related to, vulnerable groups at the forefront of all matters. I exhibit an example of such a dashboard during the relevant period at M2B/WG/JJ1/188-INQ000129900. Insofar as I was personally concerned, considerations as to vulnerable groups remained a significant element of my portfolio responsibilities and was a matter of which I was always aware and which featured in the views I expressed during core decision-making discussions.

315. As to the extent to which I am asked about my view regarding how effective the local restrictions and lockdowns implemented after the first national lockdown were, my views at that time would have been formed based upon the advice and information we were receiving in advance of core decisions being made at Cabinet meetings, including that from the TAC and TAG teams.

***Report of the Equality, Local Government and Communities Committee***

316. On 29 April 2020, the Equality, Local Government and Communities Committee ("the Committee") of the Senedd commenced an inquiry into the impact of the pandemic upon equality.

317. On 5 May 2020, I attended an evidence session before the Committee. I exhibit at M2B/WG/JJ1/189-INQ000350674 the Record of that session. As may be seen, the issues I was asked to address included the co-ordination of the local government response to the pandemic, funding for / financial issues of local government, the adult social care fund, homelessness and support services, rental accommodation (from a landlord and tenant perspective), owner-occupiers, second homes and the resumption of local authority services such as recycling centres, waste collection and libraries.

318. On 7 August 2020, I received a copy of the Equality, Local Government and Communities Committee's report on inequality during the Covid-19 pandemic. A copy of this report is exhibited at M2B/WG/JJ1/190-INQ000066489.

319. On 14 September 2020, I was provided with a Ministerial Advice, jointly with the Minister for Health & Social Services, Minister for Education and the Deputy Minister & Chief Whip, seeking agreement to the sending of a draft response to the aforementioned report. A copy of the Ministerial Advice is exhibited at M2B/WG/JJ1/191-INQ000145260.

320. On 23 September 2020, I, jointly with the Minister for Health & Social Services, Minister for Education and the Deputy Minister & Chief Whip, wrote to the Chair of the Equality, Local Government and Communities Committee in order to provide the Committee with the Welsh Government's response to their report. I exhibit a copy of this response at M2B/WG/JJ1/192-INQ000066490.

321. To the extent to which the Inquiry wishes me to outline my understanding of why Recommendations 1 and 3 were made by the Committee in that report, the extent of my understanding arises from the details of the reasons provided for such



in the report itself. As may be seen from the response exhibited, Recommendations 1 and 3 were accepted by the Welsh Government.

322. To the extent to which the Inquiry asks me to consider various matters stemming from Recommendations 1 and 3, these generally fall outside the remit of my involvement with this report; my involvement was generally limited to those matters upon which I was asked about at the evidence session referenced above. Such Recommendations instead deal with the process for the assessment and analysis of the impact of equalities and data gathering upon such matters and these generally fell within the responsibilities of the Deputy Minister & Chief Whip. I am aware, for example, that she gave evidence to the Committee on such matters at a session held on 14 May 2020, which is referenced in the Committee's report. Further, it was the Deputy Minister & Chief Whip who responded to the debate on the report when this was held on 7 October 2020. Accordingly, and upon such matters, I defer to her greater knowledge of the same.

***Decisions relating to the period leading up to and including the firebreak lockdown and the further national lockdown imposed in December 2020***

323. As with the previous decisions relating to imposition of the various NPIs, any advice I was involved in giving to the First Minister or other core decision-makers concerning the firebreak lockdown in Autumn 2020 would have consisted of a reporting of the views of local government although, as demonstrated below, other Ministers were actively involved in this engagement during this period in any event.

324. Engagement with local government insofar as the firebreak lockdown is concerned transitioned seamlessly from the ongoing engagement that was already in place in respect of the existing Local Health Protection Areas and which I have outlined above. I have exhibited at M2B/WG/JJ1/193-INQ000349947 an e-mail chain confirming that the forthcoming weekly review meeting to be held with local authority leaders on 15 October 2020 to discuss Local Health Protection Areas would also raise the possibility of imposition of national restrictions and, in particular, a firebreak lockdown.

325. Accordingly, and on 15 October 2020, the First Minister and I met with all 22 local authority leaders and Chief Executives to discuss the possibility of a circuit-

breaker / firebreak lockdown. At this meeting, Cllr Morgan was asked to collate and coordinate the local authority proposals to the same following our discussions.

326. Later on 15 October 2020, a Cabinet meeting was called to consider the imposition of a circuit-breaker / firebreak lockdown. Minutes of this meeting are exhibited at M2B/WG/JJ1/194-INQ000048796. This was proposed in an attempt to reduce the significant increase in the transmission of the virus. At this stage, Ministers were asked only to take a decision in principle to then allow further work to take place to firm up proposals with a further meeting early the following week required to take a decision on substantive recommendations.

327. Advice provided to Ministers by the Chief Medical Officer (Wales), the Chief Scientific Adviser for Health and TAC confirmed that, as the UK Government's Chief Scientific Adviser, Sir Patrick Vallance had advised COBR, the UK Government's proposal for a three-tier system would not stop the rapid spread of the virus and a circuit-breaker system was preferable. It was confirmed that work was ongoing with local authorities and other delivery partners to ensure that they were ready to support the circuit-breaker lockdown. A decision was taken in principle at that meeting to introduce a circuit-breaker lockdown from Friday 23 October to cover three weekends, subject to necessary work being completed by officials.

328. The aforementioned local authority circuit-breaker response documentation requested at the meeting was received on 16 October 2020. This confirmed that a single WLGA response was not possible or appropriate in the circumstances as every authority's response was different. Notwithstanding, there were said to be common themes in their responses, summarised in the e-mail exhibited at M2B/WG/JJ1/195-INQ000349952, which confirmed the following:

- a. Most, but not all, authorities supported the proposal of a 2-week firebreak lockdown and would encourage full compliance with the Welsh Government's approach (although I distinctly recall that all local authorities eventually supported it following discussions);
- b. There was a requirement for communications and messaging about this lockdown to be clear from the outset with FAQs at the time of announcement and explicit detail about the specifics of the restrictions and a focus upon positive actions rather than limitations;
- c. Guidance and regulations needed to be shared with local government beforehand;

- d. The strategy behind the approach needed to be explicit with clearly defined objectives and exit criteria, and the overall approach to be evidence-based and shared with partners;
- e. There needed to be focus on individual and public wellbeing needs at the forefront of preparations;
- f. TTP and enforcement capacity to be increased;
- g. Parks and outdoor spaces to remain open, schools to remain open and construction work to continue unabated;
- h. Financial support for businesses was considered critical and clear and accessible support and funding to be part of any announcement;
- i. Protection of the most vulnerable was essential and local authorities considered they were best placed to make decisions on opening of care homes, weekly testing for social care staff and clarity on hospital discharges.

329. On 16 October 2020, I held a meeting with all of the local authorities to discuss the latest position on possible further restrictions prior to the forthcoming weekend. I exhibit the meeting note with Ynys Mon, Gwynedd and Powys Local Authorities at M2B/WG/JJ1/196-INQ000349954. The Minister for Health & Social Services was also in attendance, along with various officials. At this meeting, the local authorities were presented with the scientific evidence available, which supported the need for intervention at a national level. It was confirmed that the input of the local authorities would be fed into the forthcoming Cabinet discussions as to whether to implement a firebreak lockdown and it was agreed that they would be kept informed as to the outcome of those discussions.

330. Immediately thereafter, I also held a further meeting with the Leaders and Chief Executives of Ynys Mon and Gwynedd and the Chief Executive of Powys to discuss data from Public Health Wales and the potential local authorities to be added to the Local Health Protection Areas. I exhibit a note of this meeting at M2B/WG/JJ1/197-INQ000349953. At that meeting, those local authorities were reluctant to be added to the Local Health Protection Areas as they all wished to await the outcome of the decision upon whether there was to be a firebreak lockdown. It was agreed that those views would be taken into consideration with urgent advice on the matter to be submitted to Ministers and the local authorities to be informed of their decision as soon as possible.

331. On the evening of 18 October 2020 and the morning of 19 October 2020, Cabinet met further to discuss the making of a substantive decision on the firebreak lockdown. The minutes of 18 October 2020 are exhibited at M2B/WG/JJ1/198-INQ000048801 and the minutes of 19 October 2020 are exhibited at M2B/WG/JJ1/111-INQ000048802. As may be seen from the minutes of those meetings, the views of the local authorities were taken into account in reaching the decisions made. For example, on the issue of schooling, a decision was taken on 18 October 2020 that primary schools would remain open but the advice of TAC was that any school remaining open eroded the impact of the restrictions and the closing of all educational settings would have a significant impact. It was noted that the preference of local authorities was for the schools to remain open and Ministers sought further advice upon the risk of transmission in unregulated settings as opposed to schools before a final decision could be reached.

332. It was confirmed that the local authorities had, since providing their responses, received a briefing from TAC and that, whilst there had been some queries on whether certain facilities could remain open, it had been recognised that the priority was schools in light of the advice received.

333. At the further Cabinet meeting on 19 October 2020, a substantive decision was made to impose a two-week firebreak lockdown between 6pm on 23 October 2020 and the end of 8 November 2020. Upon the advice of the Chief Medical Officer (Wales) and TAC, a decision was made that secondary schools would re-open after half-term for children in years seven and eight only, with pupils also able to attend to sit exams whilst others would continue their learning from home for that week.

334. This demonstrates one such clear example of how the substantive engagement Welsh Government had with local government was fully considered and taken into account, notwithstanding the relatively tight timescales and fast pace of the decisions being made. Furthermore, not only was it taken into account but it directly fed into the core decisions being made by the Cabinet. However, it was just one of the many facets of the considerations being undertaken and inevitably had to be balanced against the medical and scientific advice also being provided.

335. The issue of enforcement of the firebreak lockdown had formed part of the engagement with local authorities prior to the substantive decision being taken. In

their responses, local authorities had indicated their views that enforcement powers and capacity needed to be increased and that there needed to be clear messaging.

336. This was a view echoed by Ministers at the Cabinet meeting on 18 October 2020, when it had been recognised that a clear set of FAQs (as had been proposed by the local government responses) would need to be produced to assist with the enforcement efforts. These FAQs were published on the Welsh Government's website and e-mailed to the respective local authority Leaders on 19 October 2020. I exhibit at M2B/WG/JJ1/199-INQ000349957 a copy of that e-mail. Leaders were also invited to direct any immediate questions arising to my Private Office for further answers to be provided by officials. I exhibit hereto an example of this working in practice; an e-mail at M2B/WG/JJ1/200-INQ000349958, whereby a Leader seeks clarification upon whether childbirth registrations were to remain open during the firebreak lockdown, with a response thereto being provided later that evening.

337. Following commencement of the firebreak lockdown, and on 31 October 2020, I sought a meeting (to be held the following day) with local authority leaders and Chief Constables and the Police and Crime Commissioners of the Welsh Police forces to discuss the incidence and spread of Covid-19 across the local authority areas. The e-mail requesting this meeting is exhibited at M2B/WG/JJ1/201-INQ000349965. Whilst recognising that there was significant enforcement being undertaken by the relevant organisations, I was particularly keen to understand how that enforcement work could be increased and expanded for the remainder of the firebreak period and how, if appropriate, there could be further Ministerial support to achieve the same. I understand that the meeting itself was not minuted.

338. Notwithstanding, following that meeting, and in response to a request made for the approach to enforcement by South Wales Police to be clarified, the Rt. Hon. Alun Michael JP, Police and Crime Commissioner for South Wales, wrote to me on 6 November 2020. This letter is exhibited at M2B/WG/JJ1/137-INQ000349988. This correspondence confirmed that the meeting held had been well-received in terms of the ability to deal with various issues in an engaged and co-operative manner and expressed gratitude for the engagement between us. It also reported that this had been followed by further engagement between the respective Police forces in an attempt to ensure a close alignment in approach and mend any gaps in communication. The approach to enforcement proposed was one of reporting that enforcement action was being taken, which was said to have strong community support as it was seen as being directed against the wrongdoers, rather than one of

threatening enforcement against the public on a widespread basis. I understand a similar letter was also written to my colleague, the Deputy Minister & Chief Whip, Jane Hutt.

339. My involvement in the giving of advice to the First Minister and other core decision-makers both concerning the easing of restrictions following the firebreak lockdown and in the run-up to Christmas 2020, and latterly in respect of the imposition of a further national lockdown in December 2020, is the same as that already outlined elsewhere. Insofar as the former is concerned, I do specifically recall discussing the issue of whether 'Winter Wonderland'-type events could and should be re-opened with local authorities and then feeding this back where appropriate.

340. On 11 December 2020, the First Minister issued a Written Statement detailing the updated Covid-19 Control Plan for Wales, which introduced a four-tier alert level system (exhibited hereto at M2B/WG/JJ1/202-INQ000023272). At that date, Wales was at Alert Level 3, which represented the strictest package of restrictions short of a lockdown. The Plan was thereafter published and a further Written Statement confirming the same issued on 14 December 2020 (exhibited hereto at M2B/WG/JJS/203-INQ000023273).

341. Insofar as to the extent that I am asked to provide an overview of the engagement that I had with local government during the period post-firebreak, initially in respect of the easing of restrictions and thereafter regarding the imposition of a further lockdown, this is very much on the same basis as that referenced throughout the entirety of my statement. The weekly meetings continued to serve the Welsh Government and local government well and remained a useful forum for discussions and engagement regarding what was occurring at that particular time to be considered, debated (where necessary) and resolved; all of the evidence I have given thus far regarding the effectiveness of these meetings continues to stand true during this period also.

342. I specifically recall the attendance at some of these meetings by TAC who were able to set out the epidemiology behind the current proposals and, as these predictions came to be proven, the more the local authority leaders would seek and rely upon such guidance in forming their own views.

343. For the December national lockdown in particular, I recall the leaders considering the projections which showed the evidence upon which the proposals were

based for each area. This was then followed by specific feedback and questions, following which everyone agreed that there should be a national lockdown. Notwithstanding, the increased prevalence in some areas over and above others, all leaders understood the evidence upon which a national lockdown had been recommended and all agreed that, in light of the rising cases and the projected evidence if action was not taken, that the proposal for a single set of national restrictions was the most appropriate. Again, I consider it a sign of the strong levels of communication and engagement between us that at no point during the entirety of the specified period did a local authority break away from the decisions being made by the Welsh Government.

344. The opinions expressed by the local authority leaders would certainly feed back into the core decision-making process and would be outlined to the Cabinet, along with my own views, not only in relation to supporting (or otherwise) the particular proposals being considered, but also insofar as the practicalities of enforcement issues.

345. Similarly, I have detailed elsewhere the engagement I had with local government and the Police regarding enforcement of the various restrictions during the specified period. Specifically as to issues concerning enforcement of the further lockdown in December 2020, I received no formal correspondence during this period and, for the reasons already set out herein, would not have expected to have received as such given the other mechanisms available for such matters to be raised directly with me at meetings.

346. In addition to the existing meetings with local authority leaders that remained ongoing, I do recall that I requested a meeting to take place on 16 December 2020 with local authority leaders, Chief Executives and the Police expressly to consider the following issues:

- a. A general discussion on enforcement to date, including issues encountered and what had worked well;
- b. Views on gaps in existing enforcement powers or areas which could be strengthened or clarified;
- c. Whether further powers were needed;
- d. Mutual approach to enforcement between local authorities and Police forces.

347. A copy of the e-mail chain requesting this meeting and setting out the agenda for the same is exhibited at M2B/WG/JJ1/204-INQ000350107. To the extent to which

they were able to attend in light of existing commitments, I also invited the Minister for Health & Social Services and the Deputy Minister & Chief Whip to that meeting.

348. The meeting took place on 16 December 2020; in attendance were all Chief Constables and Police and Crime Commissioners (or their deputies), all local authority Chief Executives and Leaders, NHS Confederation and the Deputy Minister & Chief Whip, Jane Hutt. As planned, this meeting dealt exclusively with enforcement and a note of the same is exhibited at M2B/WG/JJ1/205-INQ000350121. Topics of discussions at that meeting included the level of fines, the ability to enforce rules around self-isolation and concerns regarding non-compliance by business premises and shops and supermarkets.

***Decisions relating to NPIs in 2021 until May 2022***

349. During the period January 2021 to May 2022, the Welsh Government's approach to the core decisions concerning the imposition of, easing of or exceptions to NPIs continued in the same way as it had done throughout 2020. There continued to be 21-day reviews pursuant to the Regulations with Ministers receiving relevant evidence and advice in advance of Cabinet discussions and decisions being made upon such matters at those meetings with the benefit of the aforementioned advice and evidence.

350. Insofar as the individual review decisions made in Cabinet during that period, I respectfully refer the Inquiry to the Chronology of NPI decisions exhibited at M2B/WG/JJ1/205a-INQ000066076. My responsibility for decisions during this time continued to be as one of the Cabinet Ministers involved in the collective decision-making process in this regard.

351. Insofar as matters outside of Cabinet in which I was particularly involved as a result of my portfolio responsibilities, in the early period of January 2021, I recall there being a high level of engagement with local authorities regarding the opening and closure of schools. I exhibit at M2B/WG/JJ1/206-INQ000350153 a list of questions that the various local authorities had provided in advance of our weekly meeting on 8 January 2021 and, as can be seen, the issue of schools was very much at the forefront of considerations at that time.

352. Students returned to schools on a phased approach in February 2021 and, on 23 March 2021, I wrote to local authority leaders jointly with the Minister for Education



to emphasise the importance of the continued dialogue between Welsh Government and local government before any decisions for further closures were made. I exhibit a copy of that correspondence at M2B/WG/JJ1/207-INQ000350500.

353. Engagement with local government generally continued at the same level as it had done in 2020 by way of the weekly meetings. At these meetings, information continued to be shared with local authority leaders, including advance notice of forthcoming restrictions. These meetings continued to provide an invaluable opportunity for local authorities to discuss directly with Ministers those issues that were pertinent to them and to have the relevant answers either provided at those meetings, or actions planned to make the same available forthwith thereafter. As an example, I exhibit a summary of the points considered at one such meeting during this period on 1 April 2021 at M2B/WG/JJ1/208-INQ000350315.

354. Meetings of the SSPC also continued and presented a further opportunity for wider discussions between Welsh Government, local government and other third parties such as Trade Unions on the ongoing NPIs in place. Again, by way of example, I exhibit the minutes from the SSPC meeting which took place on 31 March 2021 at M2B/WG/JJ1/209-INQ000310719.

355. In addition, I was also engaged during this initial period in the arrangements for the Welsh Government elections taking place in May 2021. In January 2021, I was provided with a Ministerial Advice MA/JJ/0137/21, which I exhibit at M2B/WG/JJS/210-INQ000116679, in which I was asked to agree the introduction of the Welsh Elections (Coronavirus) Bill to the Senedd.

356. I continued to be involved in the Bill as it progressed through the Senedd. For example, on 22 January 2021, I was asked in a Ministerial Advice to agree various documents ahead of the Plenary debate scheduled for 26 January 2021, which I exhibit at M2B/WG/JJ1/211-INQ000145480. On 29 January 2021, I was asked to agree draft instructions to the Office of the Legislative Counsel regarding amendments identified to the Bill by officials, and I exhibit the relevant Ministerial Advice at M2B/WG/JJ1/212-INQ000145482. I was thereafter asked to agree such amendments in a Ministerial Advice dated 4 February 2021, which I exhibit at M2B/WG/JJ1/213-INQ000145484.

357. On 26 February 2021, I issued a Written Statement following the first review of the preparations for the holding of the poll for the 2021 Senedd election, and confirmed

that this would continue to be reviewed accordingly. A copy of that Statement is exhibited at M2B/WG/JJ1/214-INQ000350521.

358. Insofar as the housing responsibilities of my portfolio were concerned, the previous temporary increase in periods for notice seeking possession and the prohibition on the execution of warrants required review and reconsideration. By way of example of the decisions I was being asked to make during this period, on 15 March 2021, I was provided with a Ministerial Advice seeking my agreement to a further extension of the notice periods, which was due to expire on 31 March 2021. I exhibit this hereto at M2B/WG/JJS/215-INQ000350306, along with the further Ministerial Advice which sought agreement to the laying of the relevant Regulations to achieve the same at M2B/WG/JJ1/216-INQ000136851.

359. I made decisions to further extend the increased notice periods on a further three occasions. I exhibit the Ministerial Advices dated 28 May 2021 and 14 June 2021 at M2B/WG/JJ1/217-INQ000136855 and M2B/WG/JJ1/218-INQ000136857 respectively insofar as the first of those occasions, those dated 26 August 2021 and 17 September 2021 at M2B/WG/JJ1/219-INQ000350408 and M2B/WG/JJ1/220-INQ000350409 respectively insofar as the second, and those dated 9 December 2021 and 14 December 2021 at M2B/WG/JJ1/221-INQ000350456 and M2B/WG/JJ1/222-INQ000350457 respectively insofar as the third and final occasion. On 10 March 2022, I was presented with a further Ministerial Advice in which I was asked to agree to permit the existing restrictions to expire on 24 March 2022 without renewal; I exhibit this document at M2B/WG/JJ1/223-INQ000116745.

360. In terms of financial assistance, I was asked to agree to the further exploration of the implementation of a grant scheme to help tenants who were in significant rental arrears as a result of the pandemic, which was placing them at risk of homelessness. This was to replace the Tenancy Saver Loan Scheme which I had previously set up, and which was outlined earlier in this statement. I exhibit a copy of the Ministerial Advice dated 14 April 2021 at M2B/WG/JJ1/224-INQ000145289.

361. As already outlined, the Welsh Government elections took place in May 2021. I was re-elected and, following a Cabinet re-shuffle, I was appointed Minister for Climate Change. As set out above, this meant that whilst my housing responsibilities largely remained as they had been previously, the local government aspects of my portfolio were transferred to my colleague, Rebecca Evans, in her new role as Minister for Finance & Local Government.

362. As outlined in the opening sections of this statement, responsibility for transport issues fell within the remit of my portfolio following the election. Examples of relevant decisions I was required to make in this regard included the re-introduction of the 2 metre social distancing requirements on buses and trains. This decision was placed before me in a Ministerial Advice dated 22 December 2021, which I exhibit at M2B/WG/JJ1/225-INQ000350486, to support the restrictions that were to be introduced on 26 and 27 December 2021, in response to the increase in the transmission of the Omicron variant during that period.

363. Once more, the above matters are not intended to constitute an exhaustive narrative of every decision in which I was involved during the specified period. However, they provide a flavour of the decisions for which I was responsible aside from the Ministerial responsibilities being exercised in Cabinet decisions.

#### **Coordination and communication between the Welsh Government, the UK Government and the other Devolved Governments**

364. As to the structures with which I was involved that enabled communication between the Welsh Government, the UK Government and the other Devolved Governments, and as I outlined earlier in this statement, I was nominated as the Lead Minister for the GPSMIG on behalf of the Welsh Government. The e-mail confirming such nomination is exhibited at M2B/WG/JJ1/018-INQ000222507. This was a body specifically set up to deal with the pandemic response on a four nations basis. These meetings generally comprised UK Government Ministers, senior politicians from the Devolved Governments and other senior figures from Whitehall departments. From a Welsh Government perspective, senior policy officials with an interest in the subject-matter being discussed also usually attended the meetings in order to observe.

365. In addition, I am aware that the First Minister would regularly attend COBR meetings and, where appropriate, he would brief the Cabinet upon such matters arising from those meetings.

366. Insofar as there may have been other structures and / or mechanisms in place for communication between the respective Governments, I have deferred to those others who were involved in the same and who will be able to provide detailed, firsthand information as to their existence and processes.

367. I am unaware of any informal messaging platforms, such as WhatsApp, iMessage or texts, that were used by Welsh Ministers, senior civil servants or special advisers to communicate with the UK Government and / or the other Devolved Governments. I can confirm that all of my communication with those bodies took place in meetings of the bodies / groups already outlined herein. I was not part of any informal structures and / or mechanisms for communication between the UK Government and / or the Devolved Governments.

368. As to the communication I undertook with the UK Government and the Devolved Governments, in the early stages of the pandemic, the GPSMIG met virtually on a daily basis and these meetings represented an opportunity for communication between all four nations. Such frequency lessened as the pandemic response continued and these meetings ran until the end of May. The agendas for these meetings would cover a variety of issues and usually only permitted the attendance of one or two Welsh Government ministers. This meant that whoever was present on behalf of the Welsh Government would usually take responsibility on its behalf for dealing with all matters raised, even if those technically went beyond portfolio responsibilities. I was almost always in attendance at these meetings and would be accompanied by another Minister where relevant to the topics under discussion. We would often have advance notice of those matters on the agenda related to devolved matters and, when this was provided, officials would ensure we were fully briefed upon all such matters, with such briefings also provided to the UK Government in advance. A summary of the procedure for these meetings implemented by the Welsh Government to enable as effective participation in the same as we were permitted may be found in the Desk Instructions exhibited at M2B/WG/JJ1/226-INQ000349220.

369. By way of example, at a meeting held on 26 March 2020, the issues on the agenda were transport resilience and excess death management. The agenda for this meeting is exhibited in the e-mail chain at M2B/WG/JJ1/227-INQ000349216. Both the Minister for Economy & Transport and I were briefed and duly attended. There were a number of officials observing on behalf of the Welsh Government, including those from Economy and Transport, Excess Deaths Management and Project Team Covid-19. Decisions reached by the UK Government during the meeting and formal points of action arising therefrom would usually be circulated thereafter and I exhibit a copy of the same for this particular meeting at M2B/WG/JJ1/228-INQ000349218. At this particular meeting, points of action included provision for the Devolved Governments to share data to enable the dashboard to capture all relevant information on a national

level. Following the meeting, Welsh Government officials in attendance would often circulate an informal minute of the headline points occurring during the meeting, such as that exhibited at M2B/WG/JJ1/229-INQ000349217.

370. The formal actions arising from the GPSMIG were often not addressed directly to the Welsh Government by the UK Government as they related to a devolved area. However, those Welsh Government officials attending on behalf of the Project Team to observe were logging all actions from the meetings and, where necessary, asking policy colleagues to consider the implications for the Welsh Government and / or to engage with the UK Government upon such issues, as required and even where such engagement was not necessarily forthcoming on the UK Government side, with an example of this process in action being exhibited at M2B/WG/JJ1/230-INQ000349474. Further, such information sharing as had been agreed at meetings was also not actioned on occasion and Welsh Government officials would be required to chase this information in order to obtain the same, as occurred regarding the sharing of data regarding Universal Credit sign-ups, which is exhibited at M2B/WG/JJ1/231-INQ000349513.

371. The issues discussed at these GPSMIG meetings were incredibly wide-ranging, spanning from matters such as prisons, probation and courts, borders planning and resilience, and local authorities and local resilience forum preparedness to school provisions, children in care and agricultural labour. Such list is certainly not exhaustive and the overwhelming majority of issues involved in governance was, at one point or another, discussed at these meetings. These meetings were helpful in that they provided an opportunity for the Welsh Government to try and ascertain what the plans of the UK Government were in the areas being discussed, although the opportunity for involvement / participation of the Welsh Government was often a little more limited than hoped for.

372. Throughout my representation of the Welsh Government at the GPSMIG, I always strove to encourage open lines of communication between the four nations, particularly where the decisions of one impacted upon the other. At the meeting on 26 March 2020 referenced above, I was particularly keen to emphasise that I thought the sharing of good practices between the nations would be helpful in the response to excess death management. Similarly, at a meeting on 31 March 2020 when discussions turned to prisons, I requested there be close liaison between the Welsh Government and the Ministry of Justice as, whilst prisons were not a devolved matter, an early release scheme would necessitate the involvement of many devolved services

in order to support released prisoners. A note of that meeting is exhibited at M2B/WG/JJ1/232-INQ000349231.

373. Unfortunately, this was not always achieved and the position regarding the food delivery boxes to shielded individuals outlined in detail earlier in this statement is one such example where information was not shared, rendering a four nations approach to that programme impossible to implement. However, I found the interaction that I did have with the other Devolved Governments to be particularly useful in terms of looking at potential solutions to issues that were being experienced in every nation.

374. As indicated at the outset of this statement, I was particularly responsible for liaising with the UK Government on Excess Death Management, which included representing the Welsh Government at the Ministerial Meeting chaired by Penny Mordaunt MP when she was Paymaster General. From 26 March 2020, this was also discussed at the GPSMIG as outlined above. Between October 2020 and March 2021, small Ministerial groups chaired by Penny Mordaunt were set up to discuss Winter preparedness insofar as this issue was concerned. I exhibit, by way of example, a briefing note for one such meeting held on 13 October 2020 at M2B/WG/JJ1/233-INQ000350675.

375. Insofar as I am asked to comment upon the extent to which four nations decision-making considered (i) the impact of restrictions for people living and working on internal UK borders and (ii) any lessons learned from the pandemic responses of other multi-national state countries, I do not consider that I am sufficiently placed to answer such questions with any authority given my limited involvement in the consideration of such matters.

376. Similarly, and as to the extent to which there was four nations decision-making regarding the restrictions in place over Christmas in December 2020, I have already touched upon these matters elsewhere in this statement. However, I was not directly involved in the four nations decision-making process in this regard, with my knowledge deriving from updates provided from those Ministers (including the First Minister) that were. Accordingly, I defer to their greater knowledge insofar as such issues are concerned.

377. As to the extent to which I am asked for my personal view upon whether I considered that the Devolved Governments were adequately involved in core decision-

making by the UK Government, I do not believe that I am able to state very much more than I have already set out. To the extent to which I was involved in such communication and co-ordination with the UK Government as set out above, I have already expressed my view that the opportunity for involvement and participation of the Welsh Government in the GPSMIG meetings was often more limited than we generally hoped for and that, certainly insofar as some of my areas of relevance were concerned, there were instances when the UK Government proceeded with announcements without engaging with us; the food box delivery scheme being the obvious example. That being said, I am aware that a number of my colleagues had far greater involvement with the coordination efforts than I and so I would properly defer to their views for anything beyond my experiences detailed above.

378. Insofar as I am asked to provide an in-depth reflection upon the effectiveness of intergovernmental working, coordinated decision-making and communication between the Welsh Government, the UK Government and the other Devolved Governments, I do not consider myself to be appropriately placed to offer any further views in this regard than those already set out for the reasons detailed above.

#### **Coordination and communication between the Welsh Government and local authorities in Wales**

379. I have already indicated elsewhere in this statement that I am firmly of the view that there was adequate coordination and communication between Welsh Government and local government regarding the core decision-making during the pandemic. As stated above, this is something of which I am particularly proud, both in terms of the engagement of those local authorities and in terms of the willingness of my colleagues and other Ministers to also feed into the process where appropriate. My strong view is that such an approach served Wales well in its response to the pandemic generally.

380. To the best of my recollection, I am not aware of any informal means of communication used by Welsh Ministers, senior civil servants and special advisers to substantively communicate with local authorities upon matters that were otherwise the basis of formalised discussions at the weekly meetings. I recall having conversations with individual local authority leaders via WhatsApp, but these largely related to specific meeting arrangements or practical / logistical issues such as whether documents had been received. As the contact I had with leaders were of an administrative nature, I did not consider that these messages needed to be kept. I can

confirm that I no longer have those messages as my WhatsApp security settings are set to automatically delete messages.

381. Insofar as the key issues communicated to me by Welsh local authorities in respect of the pandemic response and the ways in which these were resolved, I have already detailed such matters at length earlier in this statement at the appropriate junctures and would respectively refer the Inquiry thereto. Similarly, I have already detailed the new structures that were created and the existing structures that were adapted to ensure effective co-working between the Welsh Government and the local government in response to the pandemic and respectfully refer the Inquiry thereto.

382. Finally, and to the extent to which I am asked to reflect upon my views as to what worked well and what could have been improved upon regarding the interrelations between Welsh Government and the local authorities, I have set out the same throughout every aspect of this statement. The engagement between us was vital to the pandemic response and, where there were issues or obstacles that arose along the way, these were swiftly identified and acted upon appropriately so as to remove them.

### **Covid-19 public health communications in Wales**

383. The Welsh Government website hosted a portal for all information relating to the pandemic, which included public information FAQs produced to support the key decisions, such as lockdowns, alert levels, guidance on shielding, face coverings, Test, Trace and Protect, and school closures and openings, along with guidance on the specific business sectors. Advice from TAC was also published on a designated page on the Welsh Government website. The co-ordination and publication of regular information in this way, which was also supported by regular public service broadcasts and dissemination through local authorities and other stakeholders, resulted in what I consider to have been an effective and highly organised approach to communicating public health messages.

384. On 17 March 2020, Cllr Morgan and I held a joint press conference to discuss the joint Welsh and local government response to the pandemic. The briefing script of this press conference is exhibited at M2B/WG/JJ1/234-INQ000350550. On the same date, we issued a Joint Statement, which is exhibited at M2B/WG/JJ1/046-



INQ000350551. The overarching message behind both of these was one of conveying that the Welsh Government and local government were committed to working together to overcome the challenges presented by the pandemic. On the Welsh Government's part, we particularly wanted to make clear that there was a commitment to ensuring that local government had the resources and support it needed to cope with the inevitable impact that the pandemic was going to have upon key public services.

385. In light of the strong commitment to working together on both sides, a joint press conference was considered the most appropriate forum by which to emphasise this to the public who, at this stage, were understandably concerned as to the likely forthcoming challenges.

386. My recollection is that generally we worked on the communications aspect of the pandemic alongside our local government colleagues throughout. Cllr Andrew Morgan and I worked closely together to try and ensure unified messaging and informed decision-making. I was always particularly keen when providing any statements to ensure that the hard work of local government was publicly recognised, such as the statement made in respect of the setting up of the food box delivery scheme, which is exhibited at M2B/WG/JJ1/235-INQ000349241. Not only was it important to me that the relevant credit be given where due, but this also provided the public with some insight into the cohesion between governments at both a national and local level.

387. At the outset of the pandemic, we collaborated (with various other organisations) upon providing weekly updates for care providers. An example of one such update published on 2 April 2020 is exhibited at M2B/WG/JJ1/236-INQ000349251.

388. Such collaborative working and communications process extended not only to presenting an external impression of the same, but also internally for the benefit of communications to the local authorities. For example, on 12 August 2020, Cllr Morgan and the Minister for Health & Social Services wrote jointly to the local authority leaders on the ongoing delivery of the Test, Trace, Protect programme for which they were responsible. I exhibit that correspondence at M2B/WG/JJ1/141-INQ000349792.

389. Where issues arose regarding inconsistencies in approach between Welsh Government and local government, I sought to address these wherever possible. For

example, in May 2020, it became apparent that a number of local authorities were interpreting the Regulations as requiring specific numerical limitations on the number of mourners permitted to attend funerals. However, the Regulations in place at that time did not impose a specific number but instead provided that the number of people permitted to attend a funeral was to be determined by reference to the risk linked to the size and layout of the venue, taking into account the ability to comply with social distancing requirements. When this was brought to my attention, I wrote a letter to the relevant local authorities, which is exhibited at M2B/WG/JJ1/237-INQ000350563, in order to advise them upon the approach to be taken to the implementation of the Regulations. This demonstrates just one such example of the ongoing discourse existing with local government.

390. Such an approach sought to ensure that the Welsh Government's public health messaging was aligned with local government public health messaging.

391. Insofar as those steps I took to ensure accessibility of communication for at-risk, vulnerable and minority groups, I recall raising concerns at an early stage that there were persons who were reliant upon public library facilities to access online services that would struggle in light of their closure and that consideration needed to be had to ensure accommodations were made for this. I exhibit the minutes of the CCG meeting at which this was raised at M2B/WG/JJ1/047-INQ000215172.

392. I have already referred at the outset of this statement to the decision I made regarding the re-purposing of an existing communications campaign to ensure that relevant Covid-19-specific information was provided in a housing context to the public, with a specific emphasis upon such information reaching vulnerable persons.

393. Further, I have provided considerable detail throughout as to the efforts made, in conjunction with local government, to identify and support vulnerable persons generally, which included ensuring that they were aware of important information where necessary. A key action taken early on was this identification of those who were at risk from the virus so they could be contacted directly by letter and given advice about shielding. This carried through to the provision of food parcels for those at-risk groups identified. More generally, we worked with stakeholders across local authorities and health and social care to ensure that messages were provided in the most appropriate form for specific groups.

394. Finally, there was also the availability of British Sign Language interpretation at the press conferences held by the Welsh Government.
395. Accordingly, and in my view, considerable steps were taken to ensure that the Welsh Government's Covid-19 public health communications were accessible for at-risk, vulnerable and minority groups.
396. It is further my view that the Welsh Government adequately explained the territorial extent of its decisions relating to Covid-19 (including NPIs) to the public. As detailed below, communication of the actions being taken by the Welsh Government and the required compliance with decisions were a regular feature of discussion at the CCG meetings and elsewhere, during which Ministers were supported by communication officials. Whilst there were challenges associated with the differing approaches taken by the nations, on the whole, I consider that the messaging was strong, consistent and any issues arising were addressed quickly.
397. Insofar as I am asked about any personal concerns I may have had regarding public confusion, likely issues such as these were always discussed at relevant meetings; both at Welsh Government-level and at local government-level. For example, I recall discussions over the potential for cross-border travel for hospitality purposes or visits to relatives when restrictions on the size of groups in Wales were different to those in England. However, the structures in place provided me with the opportunity to have input into the messaging and preparations at the time the decision was taken, which meant that I had no ongoing concerns personally regarding the potential for public confusion over the territorial extent of decisions at the time.
398. From the very outset, there was a recognition that messaging to the public and delivery partners, including local government, needed to be clear, concise and simple (as raised in CCG meetings on 11 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/027-INQ000215171 and 18 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/047-INQ000215172).
399. At a Cabinet meeting on 4 March 2020, the minutes of which are exhibited at M2B/WG/JJ1/238-INQ000216456, the Head of Strategic Communications was in attendance in order to provide an overview of communication issues to Ministers. He confirmed that there was a need to ensure that UK media platforms recognised the role of the Devolved Governments. He suggested that Ministers and the CMO (Wales) should do everything practicable to cover interview requests. I have detailed

elsewhere in this section some of the public-facing engagements I took on. Of course, as the pandemic progressed, I consider that Wales very much had its own frequent and substantial public-facing presence; the First Minister, the Chief Medical Officer (Wales) and the Minister for Health & Social Services, in particular, were publicly visible and accessible insofar as the regular press conferences and briefings given.

400. Indeed, on 16 March 2020 at a Cabinet meeting, the minutes of which are exhibited at M2B/WG/JJ1/033-INQ000048797, Ministers were informed that there would be daily press briefings led by Ministers. Cabinet agreed that there was a need for specific, clear Welsh communications, as most of the population followed UK-lead media outlets.

401. The potential for diverging communications was regularly discussed by Ministers at an early stage. During a Cabinet meeting on 30 March 2020, concern was expressed over messaging on public sector partner websites and Ministers agreed that officials would need to ensure that any such links to advice were links to Welsh Government advice and not communications from UK Ministers. The minutes of that meeting are exhibited at M2B/WG/JJ1/239-INQ000320732.

402. Following the first 21-day review, it was recognised at a CCG meeting on 17 April 2020 that maintaining communications with the public on the restrictions would be important. The minutes of that meeting are exhibited at M2B/WG/JJ1/240-INQ000349338.

403. I have already set out, elsewhere in this statement, examples where partners (including the Police and local authorities) raised requests for clear messaging, particularly regarding the difference in Regulations. The Welsh Government responded to such requests by ensuring that additional messaging about the specifics of the particular restrictions being taken in Wales was publicised and the efforts appeared to be recognised by those raising the initial concern.

404. Communications often appeared on the Agenda for Cabinet meetings as a distinct and separate item. For example, it was considered as such at a Cabinet meeting on 18 October 2020, in the context of the imposition of the firebreak lockdown. I exhibit the minutes of this meeting at M2B/WG/JJ1/241-INQ000349981. Given the differences in the approaches being taken by the Welsh Government and the UK Government, it was confirmed that the communications strategy would involve press conferences, written statements, a briefing pack and FAQs, along with extensive

discussions with stakeholders, television information notices and the publication of the TAC report.

405. In reflecting upon matters relating to public health communications during the pandemic, I consider that the regular, reliable rhythm of broadcast Covid-19 updates, led by a range of Ministers throughout the pandemic, was a key feature of communication which I consider worked well in setting out the main public messages. I also consider that the use of the Welsh Government website in the manner outlined at the outset of this section is another example of something that worked well. As already stated, the approach taken to any issues or obstacles was a dynamic one, meaning that these were addressed at the time (or in the discussions leading up to) the making of relevant decisions and so I have nothing further to add in this regard on such matters.

#### **Breaches of rules and standards by Ministers, officials and advisers**

406. At the relevant time, I was not independently nor personally aware of any alleged breaches of social restriction and lockdown rules by UK Government, Welsh and / or other Devolved Government Ministers, officials and advisers. I was aware via media reports of those breaches alleged by relevant persons in the UK Government but did not form a personal opinion thereupon as I do not consider it my place to do so. In Wales, and as far as I am aware, Ministers abided by the rules as they were set out.

407. The First Minister has always set a 'culture' of good collegiate leadership in Wales which I have always striven to adhere to. As Ministers, we were expected to be exemplary in our compliance with the rules and, as far as I am concerned, this was achieved.

408. To the extent to which I am asked to comment upon the impact of those matters pertaining to Wales and, in particular, the reference to Vaughan Gething and his family eating chips in a Cardiff park in May 2020, I was not personally made aware of any feedback and / or impact that the media reports of the same had upon public confidence and the maintenance of observance of those rules by the Welsh public.

409. Insofar as I am asked about the manner in which the Welsh Government dealt with this matter once it became public knowledge and the reference to a "subsequent

change in guidance”, I do not accept that any such change in guidance was ‘subsequent’ to any media reports. The decision was made in a Cabinet meeting prior to the same.

410. I am unaware of any specific situation where any alleged actions or behaviour of UK Government Ministers, officials and advisers had an effect upon those in the Welsh Government. The expectations placed upon us as Welsh Ministers were wholly independent and distinct from the UK Government and / or any of the other Devolved Governments. Thus, and to the extent to which I can offer a view on this issue, I do not consider that such actions had any effect on those in the Welsh Government.

### **Public health and coronavirus legislation and regulations**

411. Insofar as I am asked for my personal view upon whether it would have been quicker and / or more efficient to use pre-existing powers within the Civil Contingencies Act 2004 as the legal framework governing the UK’s response to Covid-19 rather than public health legislation, I do not consider that I have sufficient understanding and / or information as to the consequences of the utilisation of those pre-existing powers for me to properly form a view thereupon.
412. I understand that the UK Government took the decision to use public health legislation as the legal framework governing the UK’s response to Covid-19 rather than the pre-existing legislative framework of the Civil Contingencies Act 2004. I was not personally consulted on this choice and I understand that the Welsh Government in general was not consulted to any significant extent before the decision was made. The First Minister has dealt with this in his Module 2 statement to the Inquiry at M2-DRAKEFORD-01 and he is likely to be better placed than I to respond to queries regarding the consultation that the UK Government was or was not undertaking with the Welsh Government in the early stages of the pandemic.
413. I have already addressed above my inability to respond properly to questions regarding the appropriateness or otherwise of the decision to use public health legislation, whether now or at the time. However, on a general basis, if I had had concerns, I would have raised them in Cabinet meetings. At the time of preparing this statement, I do not recall raising any specific concerns regarding this particular decision taken by the UK Government.

414. As I was not consulted upon and / or involved in the decision by the UK Government to use public health legislation, I am unable to comment upon whether the decision to do so took into account the possibility that there could be a greater divergence of approaches across the UK in respect of the response to the UK.
415. Notwithstanding, and once the decision to use public health legislation was made, this meant that the Welsh Government had direct responsibility for the resulting decisions to be made thereunder and, at all times, we were driven by a desire and a duty to act in the best interests of the people in Wales, based upon the evidence that we were being provided with at the relevant time. As I have already outlined previously, there was no deliberate attempt to diverge from any approach taken by the UK Government and, in exercising our decision-making powers, our focus was on the impact of those decisions upon the people of Wales and the evidence as it specifically related to Wales.
416. Insofar as the processes adopted for the review and scrutiny of the Coronavirus laws and regulations, I have already made reference throughout this statement to the practical manner in which these were undertaken. Pursuant to Regulation 3 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, Welsh Ministers were required to review the need for restrictions and requirements imposed every 21 days, with the first review to be carried out on or before 15 April 2020.
417. I am aware that the specifics of this review process and the significant work of the officials supporting Ministers in complying with the same has already been set out at length in other statements to the Inquiry, including those of Andrew Goodall at M2B/WG/01 and so I do not seek to rehearse or repeat such matters herein.
418. On a practical basis and insofar as my own personal experiences, as already outlined elsewhere, these reviews would take place at Cabinet meetings, prior to which Ministers would receive a copy of the Ministerial Advice addressed to the First Minister in which he was asked to consider proposals for the imposition, retention or relaxation of existing regulations. Such Advice was usually accompanied by a suite of papers dealing with overviews of the package of measures, as well as the individual measures under discussions. I have already set out examples throughout this statement as to how such reviews worked in practice and, respectfully, do not seek to repeat the same.

419. As to the extent to which I am asked to explain why criminal sanctions were considered necessary, this was a legislative decision. I understand that Dylan Hughes has detailed in his statement M2B-WG-DH-01 to the Inquiry the process that led to the creation of the initial set of Regulations, which included the imposition of criminal sanctions. I defer to him as to the detailed process in this regard. However, I do recall that these were produced in a considerably accelerated timeframe as compared to the 'usual' process. At this early stage, that being at the time of the first national lockdown, restrictions were being imposed upon a four-nations approach and I understand that the Regulations were based upon a draft of those prepared by the UK Government.

420. In addition to this, there was plainly a need to encourage public compliance with the restrictions, and the specific necessity (and extent) of criminal sanctions is something that I also recall featured in discussions later on in the pandemic. For example, at the meeting I held regarding enforcement on 16 December 2020 there was discussion that increased criminal sanctions (by way of higher fines) posed a better deterrent than the initial fines imposed. A note of this meeting is exhibited at M2B/WG/JJ1/205-INQ000350121.

421. I note that the Inquiry asks me to reflect upon a number of matters at this juncture. However, I consider that I have generally addressed these throughout the course of this statement where they are relevant to the part I played in the pandemic response pursuant to my Ministerial responsibilities.

422. I set out early on in this statement my view as to the ability for Ministers to request further information and / or advice if there were concerns regarding the adequacy of the same at any time; I consider that this process served us well in particular.

423. As I have stated throughout this statement, my view is that the communications with and working relationships between the Welsh Government and local authorities were also something that worked well, particularly insofar as matters such as information sharing and communication, and coordination were concerned.

424. Insofar as I am asked to reflect upon the proportionality of legislation and Regulations, I have nothing further to add to matters already outlined elsewhere herein; proportionality was a key factor that expressly featured in all of our core decision-making and was addressed in the Cabinet papers placed before us in



advance of all such decisions. Again, I consider that this process worked well in ensuring that it remained one of the key concepts featuring in our decision-making.

425. As to the alignment of legislation and guidance, I am only able to address this where the same relates to matters falling within my portfolio responsibilities. To this extent, I have referenced an example of where any concerns regarding the alignment of legislation and guidance from a local authority perspective could be raised with my Office, thereby permitting officials to promptly respond to the same and ensure such alignment was maintained. Once more, this was a practice that worked well in my view.

### **Key challenges and lessons learned**

426. I have generally reflected on key issues and junctures throughout this statement as they have arisen organically in consideration of the various issues. For that reason, I don't have anything new to add beyond the views I have already expressed to this point.

427. Throughout the entirety of our core decision-making, and in my view, my fellow Ministers and I had the opportunity to (and duly did) fully consider the advice and evidence made available to us from the sources already outlined, explored the same fully during thorough discussions and generally engaged in a collective decision-making process that always focused upon what was in the best interests of the people of Wales as supported by the evidence available to us at the time.

428. Further, and as I have consistently emphasised throughout, I consider that the working relationship between the Welsh Government and local authorities was instrumental in the practical implementation of the pandemic response. Such relationship allowed us to ensure that the voices of local government were considered in our core decision-making process and that key services and responses were deployed efficiently and effectively. The delivery of food parcels to the shielded and the homelessness response are just two such examples of this in practice. I conclude this statement by repeating the gratitude set out at the outset of this statement to our local authority partners in this regard.

## Statement of Truth

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

**Signed:**

**Personal Data**

**Dated:** 7<sup>th</sup> December 2023