

Witness Name: Jane Hutt

Statement No: 1

Exhibits: 210

Dated: 8 December 2023

UK COVID-19 INQUIRY

WITNESS STATEMENT OF Jane Hutt MS

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 30 June 2023 and referenced M2B/WG/JH/01.

I, Jane Hutt MS, will say as follows: -

Introduction

1. In responding to the Covid-19 Inquiry I would like to reflect on my roles between January 2020 and May 2022 and give an overview of my response as Deputy Minister and Chief Whip covering the equalities, Violence Against Women, Domestic Abuse and Sexual Violence, third sector and crime and justice portfolio between January 2020 and May 2021 and as Minister for Social Justice from May 2021 – May 2022 and beyond.
2. My first thoughts are of great sympathy to the families of all those who lost their lives as a result of the pandemic, and I express my commitment to reviewing events and decisions which affected people's lives in Wales so that lessons can be learnt as a result of the unprecedented impact that a virus had globally, nationally and locally. The impact of the pandemic on people's lives directly and indirectly can never be underestimated.

3. I have been an elected member to, what is now known as the Senedd Cymru, Welsh Parliament, since its establishment in 1999. During that time, I have held the following positions and portfolios in government.
- Minister for Health and Social Services (1999-2005)
 - Minister for Assembly Business and Chief Whip (2005-2007)
 - Minister for Budget and Assembly Business (May 2007- July 2007)
 - Minister for Children, Education, Life-long Learning and Skills (July 2007 - 2009)
 - Minister for Business and Budget (2009-2010)
 - Minister for Finance (2010-2016)
 - Leader of the House and Chief Whip (2016-2017)
 - Deputy Minister and Chief Whip (2018-2021)
 - Minister for Social Justice from (May 2021 – May 2022)
 - Minister for Social Justice and Chief Whip (May 2022 to present).
4. Before being elected to the National Assembly for Wales in 1999, I was co-ordinator of the third sector organisation Chwarae Teg (Fair Play for Women in the Workplace). I was previously Director of Tenant Participation Advisory Service (Wales), TPAS. I was also co-ordinator of Welsh Women's Aid. These roles provided me with familiarity of the third sector and equality issues.
5. At the time of the pandemic, I was also a trustee of Vale for Africa, a charity based in my constituency area which worked with a Non-Governmental Organisation (NGO) in Uganda. I was also a trustee and co-chair of Vale People First, a membership charity based in my Senedd constituency which supported adults with learning disabilities. The impact of the pandemic was a key issue arising at Trustee meetings affecting members, staff and carers.
6. During the specified period (January 2020 – May 2022) I held the following roles:
- Deputy Minister and Chief Whip – 2018 until the elections in May 2021. My responsibilities in this portfolio are set out in the attached exhibits **M2B/WG/JH/01-01/INQ000116485** (January 2019) and **M2B/WG/JH/01-02/INQ000066140** (October 2020).

- Minister for Social Justice – I was appointed to this role following the Welsh Government elections in May 2021, I continue to hold this role and have subsequently been given the additional responsibility of Chief Whip, although this falls outside the specified period. My responsibilities are set out in **M2B/WG/JH/01-03/INQ000066141**), and a brief explanation of my responsibilities is set out below.
7. During the specified period I was responsible for key areas of policy of importance to the Welsh Government's pandemic response. I was responsible for overarching policy relating to equalities and human rights, violence against women and domestic abuse, the third sector, advice and advocacy and community safety. I note that although I had overall responsibility for equality matters, all Ministers are responsible for considering the equality impacts of their policies and decisions. I was also the lead minister for embedding the Well-Being of Future Generations Act (Wales) 2015 and for liaison with the Future Generations Commissioner. Although not devolved, I was also responsible for relations with the four Police and Crime Commissioners in Wales, the police, probation, youth justice and refugees and asylum seekers. These were all relevant policy areas where I maintained and strengthened partnership working throughout this period. As Minister for Social Justice, I gained further policy responsibilities (from May 2021), which included responsibility for liaison with the Children and Older People Commissioners; Fire and Rescue Services, including community fire safety, Social Partnership, Welfare Reform; Digital inclusion, Credit Unions; and the Basic Income Pilot. I was also responsible for liaising with the Equality and Human Rights Commission. The Deputy Minister for Social Partnership was also appointed who took responsibility for Fire and Rescue Services, Community Fire Safety and Social Partnership as well as Veterans policy and the development of the LGBTQ+ Action Plan within the Social Justice Portfolio.
8. Whilst, broadly, my responsibilities stayed the same throughout the period, during the pandemic response my focus, and where I invested the majority of my time, was very much on the areas I have outlined above.

9. Upon appointment to my role of Deputy Minister and Chief Whip, in December 2018, I was determined to address the inequalities faced by people with protected characteristics.
10. Equality and human rights have always been central to the work of the Welsh Government and our vision for Wales, including tackling stubborn structural inequalities in Wales. The Welsh Government made various commitments to tackling inequality and countering discrimination in our 2016-2021 'Taking Wales Forward' Programme for Government (**exhibited as M2B/WG/JH/01-04/INQ000187532**) and in our current Programme for Government (published in June 2021, following the cooperation agreement with Plaid Cymru (**exhibited as M2B/WG/JH/01-05/INQ000350345**).
11. One of the Welsh Government's well-being goals, under the Wellbeing of Future Generations (Wales) Act 2015, is 'a more equal Wales': a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).
12. The Welsh Government's Strategic Equality Plan 2020-2024 was published in April 2020 (**exhibited as M2B/WG/JH/01-06/INQ000350655**). The Plan set out our equality aims and objectives for the next four years, together with the main actions to achieve those objectives. Our approach was based in large part around the EHRC's *Is Wales Fairer?* Report, published in 2018. This report contains detailed evidence on the wide range of issues affecting people in Wales who share protected characteristics. This evidence is summarised in Chapter 2 of the Strategic Equality Plan.
13. The Welsh Government is committed to publishing annual reports on equality, which provide an overview of the Welsh Government's action to promote and strengthen equality and human rights during the relevant period. I **exhibit as M2B/WG/JH/01-07/INQ000350741 and M2B/WG/JH/01-08/INQ000350730** the combined annual reports for 2019 to 2020 and 2020 to 2021, and the combined Annual Equality Report 2021-2022. Covid-19 had massive impacts on individuals and communities across Wales, with very significant implications in relation to equality. This combined report provides an overview of how the Welsh

Government responded to the equality impacts of Covid-19, from the outbreak of the pandemic early in 2020 up to the end of March 2021. Chapter 6 contains a summary of the main actions taken by the Welsh Government, in relation to equality, to mitigate the impact of Covid-19.

14. Prior to the pandemic, I and my officials had developed strong working relationships with many organisations and individuals involved in delivering the work of my portfolio. We were able to draw on these relationships as we responded to the pandemic.
15. All these responsibilities proved to be relevant to the Welsh Government's response to the Covid-19 pandemic in terms of understanding direct and indirect impacts.
16. In line with my longstanding commitment to policy making and learning from people with lived experience I sought to engage with people, groups and communities throughout the pandemic expanding the membership of existing forums and increasing the frequency of meetings. I set out more details in my statement below.
17. I was also advised on a day-by-day basis by my officials, and by the team of Special Advisers and Specialist Policy advisers.

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

How did the Welsh Government make core decisions in response to the pandemic?

18. The Cabinet was the main decision-making body within the Welsh Government throughout the Covid-19 pandemic. I was already a member of Cabinet in my position as Chief Whip at the start of the pandemic. The meetings of Cabinet intensified during this period, particularly in recognition of the 21-day review process, and the First Minister widened membership to include all Deputy Ministers. I understand more information about Cabinet and the 21-day review process has been set out by Andrew Goodall, Permanent Secretary to the Welsh Government, in his statement M2B/WG/01 and the First Minister in his statements.

Formal minutes of the Cabinet meetings were taken by officials. I understand that the minutes and Cabinet papers have been provided to the inquiry.

19. Collective decisioning making took place at Cabinet whilst individual Ministers and Deputy Ministers continued to make decisions within their own respective portfolios. I would make these decisions after receiving Ministerial Advice. I understand the Ministerial Advice process is set out in more detail in Andrew Goodall's statement M2B/WG-01.
20. I have been asked about other groups; I understand details of the Shadow Social Partnership Council, the Star Chamber and TAG and TAC have similarly been set out by others, so I do not repeat them here. I attended the Shadow Social Partnership Council on invitation.
21. I chaired a number of partnership forums including the Third Sector Partnership Council and co-chaired the Policing Partnership Board and the Faith Communities Forum with the First Minister.
22. I am the Deputy Chair of the Wales Resilience Forum. However, this Forum is part of the emergency *planning* structure, not the *response* structure, and so it did not have a role in decision-making as part of the Welsh Government's response to the pandemic.
23. I set out below other groups which were established and which helped to inform decision making or provide feedback or advice to the Welsh Government. These were not core decision-making groups. Core, collective decisions were made at Cabinet, as set out above.
24. Given the pace of events, and the imperative of keeping up to date with information, the First Minister set up two additional Ministerial meetings. The first was the Covid-19 Core Group, which was a sub-group of the full Cabinet. The members of that Group were the First Minister, the Minister for Health and Social Services, the Minister for Education and the Minister for Housing and Local Government. Other Ministers were free to attend this group, and I attended regularly. Through this group, we obtained information and updates on Covid-19,

discussed key challenges and were able to co-ordinate issues between portfolios. No formal decisions were however taken in this group: that was the preserve of Cabinet. I exhibit, as examples, copies of the minutes of this group that met on 25 March 2020 at **M2B/WG/JH/01-09/INQ000216473**, 22 April 2020 as **M2B/WG/JH/01-10/INQ000311833**, 6 May 2020 as **M2B/WG/JH/01-11/INQ000222753**, I understand all notes of these meetings have been provided to the Inquiry. The First Minister invited a number of third parties to attend this group, including the Chair of the Welsh Local Government Association (“the WLGA”); Leaders of the opposition in the Senedd, and occasionally the Secretary of State for Wales; Police and Crime Commissioners/Chief Constables; Wales TUC; and Chief Executive of the Wales Council for Voluntary Action. The group met weekly, usually on a Wednesday morning. This group stepped down in September 2020 when the First Minister established a forum for regular meetings with the Leaders of the opposition.

25. The second was a series of regular Ministerial calls, which at the peak of the pandemic took place daily. These were an important way of exchanging information and identifying action points. I understand discussions would be noted in an email by the First Minister’s office after the call and circulated to Ministers.
26. All Ministers were provided with scientific and public health advice as part of Cabinet papers, through Ministerial Advice documents and through oral updates at the Ministerial calls and Covid-19 Core group. This advice was prepared by TAC/TAG and medical advice was provided by the Chief Medical Officer for Wales.
27. To set a routine to the discussions I had with officials to exchange information and agree action, daily meetings were established between April and July 2020. These meetings moved to weekly in September, following summer recess. I was particularly thankful for the advice of Specialist Policy Advisers in the field of Race and Disability alongside the Special Advisers who engaged on all areas of policy and responsibility. As examples, I exhibit the minutes of the meetings that took place on 8 April 2020 as **M2B/WG/JH/01-12/INQ000349304**; 6 May 2020 as **M2B/WG/JH/01-13/INQ000349388**; 28 May 2020 as **M2B/WG/JH/01-14/INQ000349509** and 9 June 2020 as **M2B/WG/JH/01-15/INQ000349588**.

External Groups that helped inform decision making

28. In addition to the meetings noted above, I attended several stand-alone advisory committees and Forums which were directly relevant to my portfolio. I chaired the Race Equality Forum, the Disability Equality Forum, the Faith Communities Forum, the Third Sector Partnership Council, the Refugee and Asylum Seeker Taskforce, and the Policing Partnership Board, on an ongoing basis. These forums and advisory groups existed prior to the pandemic although they met with greater frequency from April 2020 onwards. These were important meetings as they provided me with evidence and feedback on the impact of the pandemic from people with lived experience, for example from Black, Asian and Minority Ethnic communities and disabled people as well as faith community representatives; however, they were not forums where decisions were made. They helped me to reflect and focus on equality issues from the start of the Covid-19 pandemic throughout the period January 2020 to May 2022. I exhibit examples of minutes of these meetings and relevant Terms of Reference (ToR) later in this statement.
29. I also attended other meetings such as the Wales TUC Equalities Committee, meetings with Leaders of local government and Police and Crime Commissioners when invited or relevant to my portfolio area.
30. Beneath the Faith Communities Forum, a 'Reopening Places of Worship: Task and Finish Group sub-group' was established to consider the re-opening of Places of Worship. This was chaired by an official within the Communities Division (Communities and Tackling Poverty Directorate) and its membership comprised representatives of a broad range of faith communities in Wales. I understand this has been covered in detail within the corporate statement M2B-WG-CTPD-01.
31. On 1 April 2020, I agreed to jointly sponsor the Covid-19 Moral and Ethical Guidance for Wales Advisory Group (CMEAG) with the Minister for Health and Social Services and Minister for Housing and Local Government (see Ministerial Advice (exhibited as **M2B/WG/JH/01-16/INQ000097679**). The aim of the group was to offer ethical advice and support on coordination and implementation of Covid-19 related guidance and issues specific to Welsh public services, emerging

from UK MEAG (Moral and Ethical Advisory Group), NICE (National Institute for Health and Care Excellence), Royal Colleges, professional bodies, and any other relevant groups. Advice would be used to inform equitable and just management of Covid-19 health related incidents across Wales, and to bring together a wide range of ethical, faith and cultural viewpoints around death rituals. These meetings were chaired by Heather Payne, Senior Medical Officer for Women's and Children's Health. I did not attend these meetings but would receive oral updates where necessary from my officials, I also understand that CMEAG has been explained, and exhibits shared, in statements produced by Welsh Government officials.

32. The Violence Against Women, Domestic Abuse and Sexual Violence Stakeholder Group was a new group established by officials from the onset of the pandemic. It first met on 20 March 2020. The group brought together senior stakeholders from the sector. It was chaired by the Head of the Violence Against Women, Domestic Abuse and Sexual Violence branch in Communities Division (Communities and Tackling Poverty Directorate). I supported the setting up of this group by officials to ensure regular communication with the sector, to understand impacts of the pandemic and to seek their views on guidance and the implementation of regulations. I attended a number of these meetings and received regular feedback on issues and impacts. As an example, I exhibit minutes of the group on 24 April 2020 as **M2B/WG/JH/01-17/INQ000350653** and an emergency Firebreak meeting 28 October 2020 as **M2B/WG/JH/01-18/INQ000282200**. I recall inviting the Minister for Housing and Local Government's officials to attend the meeting, to discuss policy issues arising such as the policy the Minister developed with public health groups to support those with "no recourse to public funds" because of their immigration status, to help meet the needs of migrant women experiencing Violence Against Women, Domestic Abuse and Sexual Violence.

33. I was also the chair of the Strengthening and Advancing Equality and Human Rights in Wales Steering Group. This group was established before the pandemic. Its primary purpose was to oversee research commissioned by the Welsh Government to examine how to strengthen and advance equality and human rights in Wales (hence the name of the Group). One of the key themes of this research

was the impact of the pandemic on existing inequalities. The research was published on 26 August 2021, exhibited as **M2B/WG/JH/01-19/INQ000282171**, and the Welsh Government published a response on 23 May 2022 exhibited as **M2B/WG/JH/01-20/INQ000282185**. The actions set out in the response continue to be overseen by this Group, although it has now been re-named the Human Rights Advisory Group. I now co-chair this Group with the Counsel General.

34. The Equality Annual Report, Chapter 6, also refers to an Accessible Communication Group that was established by officials, which considered barriers to people accessing information during the time. The Group included a wide range of organisations, representing people who were deaf, blind or visually impaired, those with learning disabilities or who were autistic or neurodivergent. It also included organisations who represented refugees, children and the Gypsy, Roma and Traveller communities.
35. I also met the Women's Equality Network and Stonewall Cymru to ensure I was learning about the impacts of the pandemic and lockdown were being taken into account as the intersectional aspects of the impact of Covid-19 were becoming clearer.
36. Officials were also in contact with a number of stakeholder organisations operating in this area and attended a number of groups. I understand that these have been detailed in the Communities and Tackling Poverty Directorate statement of Tracey Burke M2B-WG-CTPD-01 and I do not repeat those here. Officials would feed back any relevant material to me.
37. I have been asked to reflect on the effectiveness and adequacy of decision-making structures and information/advice provided. The structures in place which focused on my particular portfolio responsibilities regarding equalities helped me to feel supported and informed during this period. These daily meetings and the forums and committees I have set out above all enabled effective two-way communication, provided me with evidence and lived experience of the impact of Covid-19 on the lives of vulnerable people and those with protected characteristics under the Equality Act 2010, and allowed me to seek the views of different groups of possible changes to regulations, which I would share in Cabinet discussions (or which fed

into equality impact assessments). They also helped me to understand the impact of regulations, including unintended consequences, as they were implemented. The First Minister ensured that everyone attending Cabinet meetings, including Ministers, the Chief Medical Officer (Wales), the Chief Scientific Adviser for Health and officials were able to contribute to discussions and provide updates.

38. It was also very helpful for me to attend on a regular basis the Covid-19 Core Group meetings which included the Leader of the Welsh Local Government Association, the CEO of Wales Council for Voluntary Action, representatives of the Police, the Secretary of State for Wales, and the General Secretary of the Wales TUC.

39. In considering whether structures, bodies and processes in place enabled an effective response, I would reflect that the developing momentum of decision-making meetings taking place at Cabinet level, guided by new and emerging evidence and scientific advice, helped to ensure that we were making decisions that were effective and efficient. The fact that we were meeting so regularly was vital for core decisions to be made with appropriate clinical advice, and as the pandemic unfolded, the socio-economic impact of Covid-19 became increasingly important to these decisions, which were accompanied by Equality Impact Assessments for Cabinet consideration. Likewise, the publication of the socio-economic report published by the Socio-economic sub-group of the Black, Asian and Minority Ethnic Advisory Group on 22 June 2020 was crucial in highlighting wider socio-economic impacts of structural racism that were revealed in its recommendations, exhibited as **M2B/WG/JH/01-21/INQ000227599**. The Welsh Government published its response to the report in September 2020 exhibited as **M2B/WG/JH/01-22/INQ000282184**.

40. Alongside the advice and guidance Ministers were given throughout the pandemic by the Chief Medical Officer (Wales), the Chief Scientific Adviser for Health, and via the equality impact assessments we also had feedback from businesses, the third sector, social partners, police and local government which all came into the mix of influences to inform decision making. As Ministers, we were given advice on differing views on the way forward, often including the differing views of the Governments of the four nations but also from actions and decisions taken

internationally. I do not recall disagreements being shared from within our Welsh Government advisers, but differing options were presented, for example on use of face masks.

41. When we took a decision to have a circuit breaker in the late autumn of 2020 this caused public and business concerns to be raised because we were taking a different approach to other UK nations.
42. It is hard to see how decision-making and advisory structures could be improved during the pandemic as I felt we were listening to the feedback about gaps and disproportionate impacts from an equalities perspective on a daily basis. We acted to establish new groups where needed, such as those listed above. The challenge was to ensure that the advice from these advisory groups was acknowledged and acted upon, with feedback provided to them. The frequency of the meetings provided a mechanism for this to happen. The parity of esteem given to public health, economic, educational and equality impacts required a fine balance in terms of decision making at all times during the pandemic. I had the stewardship role to ensure the equalities perspective was shared and understood at Cabinet.
43. I believe decisions were taken in a timely way due to the vital importance that was attached to our decision making as Ministers. This was led by the First Minister who engaged us fully in discussions leading up to making core decisions for which we were responsible. As noted above, this often included allowing for evidence giving and briefing from clinical and policy advisers before core decisions were made or following questions about the evidence which required further briefing. The frequency of our meetings meant we were making constant decisions throughout the pandemic, and I believe this allowed time for advice and consultation to influence these decisions including parliamentary scrutiny.
44. I believe the leadership of the First Minister throughout the pandemic was exemplary. He treated each and every one of his Ministers with respect and parity of esteem, as well as his clinical and policy advisers who were given full rein to give their advice at any point when it was necessary or requested. The First Minister's approach was to achieve consensus and collective decision making through his Cabinet. This was particularly important in considering the most difficult

decisions which would have a direct and indirect impact on people's lives and freedoms. If there were differing views on options presented, the First Minister would offer time for further reflection or for further advice to be provided. We would then reconvene the meeting and reach a decision. The times when the First Minister acted as 'first among equals' were rare in so much as he would reflect on the 'balance of view' which he felt provided the evidence to make a core decision for which he would take responsibility. To the best of my recollection, there was only one occasion when this occurred. That was around a decision in December 2020 about Christmas restrictions. After discussions, the First Minister made a decision reflecting on Cabinet members' views and the evidence made available.

45. Cabinet was the forum for collective decisions. There may have been individual Ministerial briefings and discussions from officials leading up to decisions, this would be the usual approach taken for Cabinet preparations, including in pre-pandemic times.

46. The Welsh Government does not permit the use of WhatsApp on its devices. I had been issued a Senedd phone prior to 1 January 2020. I did have WhatsApp on my Senedd phone. After the Senedd Election in May 2021, my constituency office placed an order for a new Senedd phone which is standard practice at the beginning of a new Senedd term. I understand that my constituency office team placed this order in August 2021. This order was not fulfilled until March 2022 when I was asked to return my old Senedd Apple iPhone to the Senedd ICT team and collect my new Senedd Apple Iphone. When I handed my old phone to the Senedd ICT team I was under the impression that all of the data from the old phone would be transferred to the new phone as I was retaining the same phone number. I believe that this was possible as it was linked to the same Apple Account. I believe that the data that was on the first phone handset was transferred to the new phone handset around this date, but I cannot be certain that all data transferred.

47. I have located a number of text messages exchanges relating to the Welsh Government's response to Covid-19 between me and, variously, Cabinet colleagues, Special Advisers, the Llywydd (Presiding Officer) of the Senedd, key stakeholders and officials. I have arranged for these messages to be disclosed to

the Inquiry. I cannot locate any text messages which pre-date March 2021. I do not believe that I would have deleted these messages. I understand from enquiries made on my behalf of the Senedd ICT support team that this could have been caused by the backup storage running out of space and consequently not being able to backup these message threads. The Senedd ICT team have also suggested that this could have occurred as a result of a technical error with the phone or its backup facility, but given the time that has elapsed, this would be impossible to investigate. I have located a number of WhatsApp chats which relate to the Welsh Government's response to Covid-19. I have succeeded in extracting some of them and will arrange for their disclosure. I note that they contain exchanges which pre-date March 2021.

48. I am only aware of one ministerial WhatsApp group which to the best of my recollections, was principally used to inform ministers of meetings, provide reminders and updates, exchange information and views, provide an opportunity to check in with other Ministers and provide each other with support. I was a member of that group but while I no longer have access to messages from that group, I have been told that the messages from the Ministerial group have been obtained from others I can confirm that this group and its exchanges did not form part of the Welsh Government's decision-making. Decisions were taken in accordance with the Welsh Government's documented processes and were formally recorded through Ministerial Advice.

49. I also exchanged text messages with the First Minister and his Special Adviser, as well as with the Specialist Policy Adviser for Disability. I do not have copies of these messages on my own phone but understand they have been provided by others. I did not use texts or private email to record decisions. Decisions were recorded through meeting notes (e.g. Cabinet minutes), decision notices or through official email. I kept personal notebooks during the relevant period to keep notes of virtual meetings. I have made these notebooks available to the Inquiry.

Ancillary matters

50. The response to Covid-19 was a team effort led by the First Minister, with a clear understanding of respected roles and relationships in terms of expertise and

authority. I did not have any concerns regarding the performance of the First Minister or any other Minister, Senior Civil Servants, or special advisers in relation to the pandemic.

51. I was not aware of criticism of my performance within core decision makers including the First Minister, Welsh Ministers, and senior advisers with regard to the response to Covid-19.

52. I did not consider resigning from my role in the period covered by the Inquiry. I was committed to responding to the Covid-19 pandemic in line with my portfolio responsibilities. I was particularly concerned to address the equality impacts, which I heard about directly as a result of the deepening engagement I had with people with lived experience of the pandemic. The voluntary sector also played a growing role in the pandemic response, and I had many years of experience of working with this sector. I was committed to strengthening the partnerships with all those who had responsibility on the front line and were experiencing the adverse impacts of the pandemic both directly and indirectly.

Initial understanding and responses to Covid-19 in Wales in the period January to the first national lockdown in March 2020

53. Key priorities for the Welsh Government in late January / February 2020 were to secure the Budget for 2020/21 and to respond to the floods which had devastated parts of Wales in February 2020. Preparing for Brexit was also a significant issue. I was focused on how, within my responsibilities, I could support those affected by the flooding, and I secured funds from the Community Facilities Grant to help with affected community buildings. I also visited communities to thank volunteers for the support they had given to those who had been affected by the floods. In January 2020, I did not have cause to ascertain the state of Wales's emergency preparedness to deal with a pandemic, especially following an intense period of preparing for no-deal EU exit. Although I was not directly responsible for pandemic preparedness after leaving my role as Health and Social Services Minister from 1999 to 2005, I was aware of Wales's preparedness plans, stretching back over

the previous decade, when the impact of pandemics in other parts of the world were considered. I was also aware of the Pan Wales Response Plan, which was published in 2019.

54. As far as I can recollect, I first became aware of Covid-19 in January 2020. My colleague the Minister for Health and Social Services made a Written Statement to the Senedd on 24 January 2020, stating that the Welsh Government was closely monitoring the emergency of a novel coronavirus in Wuhan in China, exhibited for ease as **M2B/WG/JH/01-23/INQ000320707**. He stated that the risk to the UK was assessed as low. Shortly thereafter, I began receiving daily email updates on what was described as the “Wuhan Novel Coronavirus”. These emails were provided by officials to the Minister for Health and Social Services and were copied to all Ministers and Deputy Ministers. The first of these updates was sent on 28 January 2020, exhibited as **M2B/WG/JH/01-24/INQ000320709**. The emails provided daily updates on Covid-19, the latest risk assessment at the time and identified relevant public health guidance. On 28 January 2020, the risk was low, and there were no imported cases into the UK at that stage. It is likely that I would have also seen reports on Covid-19 in the media, although I cannot recall now when this occurred. I did not provide any advice to the First Minister concerning the threat posed by Covid-19 in January 2020: it was not my role to do so.

55. Matters progressed during February and the risk increased. I continued to receive the daily email updates, and I reviewed the weekly Written Statements that were made by the Minister for Health and Social Services about Covid-19. Covid-19 was first discussed in Cabinet on 25 February 2020. Minutes of this meeting are exhibited as **M2B/WG/JH/01-25/INQ000129852**). I understand that all Cabinet minutes and papers have been made available to the Inquiry. The Minister for Health and Social Services confirmed that he would continue to issue weekly Written Statements to Members of the Senedd. The Chief Medical Officer (Wales) was also providing regular updates for the public and had issued guidance to those who might develop symptoms after returning from abroad. At that time, there had been no imported cases into the UK. It was reported that the risk assessment for the UK was deemed to be moderate. Information was being shared across all four UK Nations. Civil contingency measures were being tested and the Emergency

Co-ordination Centre (Wales) was ready to 'stand up' if required. Emergency legislation was being prepared by the UK Government. I was not involved in the development of this Bill.

56. By the time of the next Cabinet meeting, on 2 March 2020 (minutes are exhibited as **M2B/WG/JH/01-26-INQ000048787**), the issue of Covid-19 was the sole item on the agenda, and the first case of Covid-19 had been confirmed in Wales (on 28 February). The First Minister and Minister for Health and Social Services informed us that they had attended a COBR meeting with the Prime Minister that morning. We were told that COBR meetings would now take place twice a week. The latest evidence showed that the mortality rate from Covid-19 was closer to 1% rather than the 2-3% initially expected. Whilst this was low, the virus was very contagious and so even a low mortality rate could be significant. The focus remained on isolating and containing the virus.
57. It was noted in Cabinet on 2 March that the four UK Nations had agreed a UK Covid-19 Action Plan, which was to be published the next day. An Emergency Bill was being prepared by the UK Government. We were informed that the four governments of the UK and the Chief Medical Officers were working together, and information was being shared, however there was still room for improvement. A Welsh Media Plan was in place to provide public health information and the Emergency Co-ordination Centre (Wales) had been stepped up. It was noted that Cabinet would need to consider business continuity arrangements to ensure the business of government could continue in a scenario where a number of Ministers were required to self-isolate or were unavailable for a prolonged period of time.
58. The Action Plan was published the following day (exhibited as **M2B/WG/JH/01-27-INQ000022581**). The Plan noted that the available data suggested that the risk of severe disease and death increased among elderly people, and people with underlying health conditions, in the same way as for seasonal flu. The Plan also stated that illness was less common and usually less severe in younger adults. Illness also seemed rarer in people under 20 years of age. I believe that this was the first time that I became aware of this.

59. I became more directly engaged in Covid-19 when I visited the Chinese Christian Church in Canton, Cardiff on 2 March 2020. I had become aware of the impact of Covid-19 on Chinese communities in Wales, after receiving reports of hate crime experienced by Chinese takeaway businesses and by Chinese students due to the link to the emergence of the virus in Wuhan China. I met church leaders and students and liaised with the Victim Support Hate Crime Centre (to which the Welsh Government provides funding). I attach the note of the visit as **M2B/WG/JH/01-28/INQ000350651**.

60. An additional Cabinet meeting took place on 4 March to discuss Covid-19, I exhibit the minutes as **M2B/WG/JH/01-29/INQ000048789**. The number of cases in the UK had risen to 51. Although most people had contracted the virus abroad, there were two cases of direct transmission with the UK, and more were expected. There was still only one case in Wales. The First Minister established the Covid-19 Core Group on that day, as noted above. At this meeting, it was recognised that the spread of the virus would have implications for every portfolio. The modelling by the Scientific Advisory Group for Emergencies (“SAGE”) was reported. This included figures for the Reasonable Worst-Case Scenario (at that time) which would equate to around 160,000 people in Wales requiring some form of hospitalisation and there would be somewhere in the region of 25,000 deaths. My recollection is that I was very concerned to hear these shocking figures but, as it was very early days for these estimates to be shared, I hoped that these were worst case scenarios and would not actually come about. In relation to my portfolio, it was noted that there was a need to seek the support of the Third Sector to assist the health professionals in the community, where possible. It would also be important to raise civil contingency issues with recognised fora, such as the Policing and Partnership Board.

61. We had a further Cabinet meeting on 10 March (minutes are exhibited as **M2B/WG/JH/01-30/INQ000129909**). The First Minister had attended a COBR meeting on 9 March and reported back. We were told that COBR had considered restrictive measures on movement and discussed when more restrictive measures (such as self-isolation, home quarantining and “cocooning”) should be introduced. However, at this time there were still only six cases in Wales. We were advised

that if the measures were used prematurely, it would likely lead to the population being less receptive to messages at a time when the spread of the virus was more virulent. It was still hard to predict or understand how fast cases could spread, but I did recognise that Covid-19 was spreading fast in other parts of the world and the fall-out from the half term holiday when people went abroad and caught the virus was beginning to emerge.

62. Then, on 11 March, the World Health Organisation declared Covid-19 a global pandemic. The Core Covid-19 Group met on this day, I did not attend in order to fulfil a ministerial community cohesion commitment. On 12 March 2020, the four UK Chief Medical Officers raised the risk to the UK from moderate to “high”.

63. On 13 March 2020, all Ministers received key documents to update us on coronavirus from the First Minister’s office. This included (a) a Welsh Government “read out” of the COBR meeting held on 12 March; (b) a Written Statement from the Minister for Health and Social Services made to the Senedd that day, confirming that Wales was moving from the Contain to the Delay phase, and (c) a joint letter from the Welsh Government and the Welsh Local Government Association to all local authority leaders. We were also provided with an economic update. I exhibit the email as **M2B/WG/JH/01-31/INQ000226939** and the attachments as **M2B/WG/JH/01-32/INQ000226940**, **M2B/WG/JH/01-33/INQ000226941** and **M2B/WG/JH/01-34/INQ000226942**.

64. Cabinet met on Monday 16 March 2020 (minutes are exhibited as **M2B/WG/JH/01-35/INQ000048797**). We had wide ranging discussions including around the need to safeguard older people and how this would lead to further isolation and loneliness. The impact on multi-generational households was noted. The Minister for Health and Social Services was leading on what became known as the “shielding” plan: i.e. that extremely vulnerable people would be advised not to leave their homes and to arrange for others to deliver food, medicines etc to their homes. Proposals to encourage volunteers to help in social care settings were welcomed, but it was recognised that safeguarding issues would need to be addressed. I know that the First Minister also attended COBR on that day because he left the Cabinet meeting part way through in order to do so.

65. On 20 March 2020, the First Minister and I received a briefing note on support to be put in place for those who were shielding (exhibited as **M2B/WG/JH/01-36/INQ000226957**). This briefing was sent to me as it was envisaged that the Third Sector would play a significant role in supporting those who were shielding. The proposal was that those who were shielding would be asked to turn to family/friends or community organisations for support in the first instance. If that was not available, there would be a local authority call centre number to request deliveries of food and medicines and provision of social support. Local authorities would then signpost people to support provided by the Third Sector and coordinated by County Voluntary Councils funded by the Welsh Government. County Voluntary Councils provide local infrastructure to support volunteering within their areas. On a national level, the Third Sector's membership body is the Wales Council for Voluntary Action. Protocols were in the process of being agreed for working arrangements between local authorities and County Voluntary Councils. The Wales Council for Voluntary Action was also finalising guidance for County Voluntary Councils, who in turn were ready to provide support. I was working on a financial support package for the Third Sector to assist them in providing this essential assistance. This was announced on 27 March.
66. I was aware that regulations were made on 21 March 2020 which closed certain businesses where social mixing was prevalent, e.g. restaurants, cafes, bars, pubs, cinemas etc. Further regulations were made on 24 March 2020, after concerns had been raised about people travelling to tourist areas in Wales over the weekend. These regulations closed leisure business, footpaths and caravan parks. I was not involved in either of these decisions, although the broad principles were discussed at Cabinet.
67. On 23 March 2020, my officials provided me with a detailed briefing on current actions, risks, strategy and budget impacts. I exhibit this in full as **M2B/WG/JH/01-37/INQ000350619**. These concerned hate crime and equalities, impacts on the Gypsy, Roma and Traveller communities, refugees and asylum seekers, victims and survivors of domestic violence and the third sector. I noted with concern that there had been a threefold increase in reports of domestic abuse in China since the outbreak of Covid-19, and that a similar increase was expected here.

68. On the same day, Cabinet was held (minutes exhibited as **M2B/WG/JH/01-38/INQ000048923**). We were advised that the rate of transmission in London was increasing a lot faster than anticipated and there was a real risk of the NHS becoming overwhelmed. Officials were working on a plan for a lockdown in Wales, to enable the Welsh Government to mirror any decision of the UK Government, or to move separately if required. We all anticipated that a “lockdown” was imminent. We agreed to adopt a shielding plan and there were wide ranging discussions about the impact this would have on vulnerable groups, including disabled people and those affected by domestic abuse. Our intention was that volunteers would be able to assist in ensuring that the needs of people were met – e.g. by delivering prescriptions, delivering food, and helping combat loneliness by making telephone contact with those shielding. The shielding letter was to be sent to around 150,000 people in Wales as soon as possible. I exhibit at **M2B/WG/JH/01-39/INQ000226987**, a copy of the letter that was sent by the CMO(W) the next day. We all agreed that a clear communication plan was essential to convey public health messages to the public.
69. The First Minister attended a further COBR meeting on 23 March 2020. Later that day, at around 8pm, the First Minister made a televised statement announcing the first national lockdown in Wales. I do not recall the period of time between the COBR meeting and the First Minister’s statement in the evening. The First Minister made Regulations to give effect to these restrictions a few days later, on 26 March.
70. I recognised that the restrictions the Welsh Government were imposing were significant: they prevented the people of Wales from carrying out “ordinary” activities and introduced restrictions on every aspect of our lives. However, in light of the expert advice and modelling we had received, I felt that a lockdown was inevitable, and we had no choice but to introduce it. I was aware from the outset that the restrictions would not impact on everyone in the same way. For example, closing schools would obviously have significant consequences for children and a greater impact on women than men (as women are more often the primary carers for children). Imposing restrictions on people leaving their homes would have a greater impact on those living in overcrowded urban conditions without any outside space. Closing large sections of the economy would have an impact on employees

in those sectors, where there were predominantly female workers, younger workers, or Ethnic Minority workers. As I outline below, in the days and weeks that followed, we worked tirelessly across Government to put in place measures to mitigate the impact of the restrictions.

71. The regulations required the Welsh Ministers to review the necessity and proportionality of the restrictions every 21 days. I understand that the 21-day review process has been described by Andrew Goodall in his statement M2B/WG/01. I do not repeat that description here.

72. The first lockdown had an unprecedented impact on people's lives, our public services, and the economy, especially for those who were most vulnerable and isolated. The prospect and implications of moving to a lockdown were huge, requiring extensive response plans but it was important that action was taken on a UK wide basis.

Decisions in relation to NPIs

The First National Lockdown

73. As I have explained above, the First Minister announced the first national lockdown on the evening of 23 March 2020. Cabinet met again on the following day, 24 March 2020 (minutes are exhibited as **M2B/WG/JH/01-40/INQ000048924**). The First Minister provided Cabinet with an update on the previous day's COBR meeting and the national lockdown. We discussed the potential impact of the lockdown across a number of portfolio areas. So far as my portfolio was concerned, Ministers recognised the need to process grants and other offers of financial support including to the third sector. We also discussed support for those people who were shielding, support would need to be in place for young adults leaving care settings and additional help and guidance was required for those experiencing domestic violence.

74. On 27 March 2020, I announced an initial fund of £24 million to support the voluntary sector in Wales in responding to the pandemic (press notice is exhibited as **M2B/WG/JH/01-41/INQ000350656**). This funding was to provide immediate

support for those who were shielding and was intended to help coordinate the thousands of willing volunteers who wanted to help others during the crisis. The funding to support the sector was not fully achievable within my budget; the Minister for Finance and Trefnydd was asked to allocate funds to provide a support package for the third sector in Wales in response to Covid-19. I exhibit the MA as **M2B/WG/JH/01-42/INQ000145187**. I understand details of the support package have been set out in statement M2B/WG/CTPD/01. I urged people to visit the Volunteering Wales website to register their interest in volunteering and to get involved in the fight against the coronavirus. There were many people on furlough who wanted to contribute, and so we were supporting the Wales Council for Voluntary Action Third Sector Volunteering platform in liaison with local authorities.

75. At this time, I also wrote to the forums I have outlined above, as well as various other stakeholder groups, to thank them for all the work they had done to date to address the challenges we were facing in halting the spread of Covid-19, and for the advice and support they had provided to their communities. I referred to our strong relationship and reminded them of the mechanisms that were in place to share information and emerging issues with the Welsh Government, so that matters could be considered in our decision-making. I exhibit examples of the letter that I sent to the Disability Equality Forum, the Hate Crime Justice Board, Chinese communities and Faith communities as **M2B/WG/JH/01-43/INQ000282173** and **M2B/WG/JH/01-44/INQ000282172** and **M2B/WG/JH/01-45/INQ000282166**.

76. Covid-19 and the resulting restrictions on daily life in Wales increased the risk of violence against women, domestic abuse and sexual violence taking place. On 30 March 2020, I approved two guidance documents, which were then published on the Welsh Government website. The first was Covid-19 guidance for Violence Against Women Domestic Abuse and Sexual Violence Perpetrator Services (exhibited as **M2B/WG/JH/01-46/INQ000282257**). Services which worked with perpetrators were required to change the way they operated. The guidance advised services on managing the risks associated with both Covid-19 itself and changes in the way they operated. The second was guidance for Violence Against Women Domestic Abuse and Sexual Violence refuge services and followed similar lines, exhibited as **M2B/WG/JH/01-47/INQ000080926**. Updated guidelines were

published on 18 May 2020 to reflect public health guidelines with regards to self-isolation.

77. Cabinet also met on 30 March 2020 (minutes are exhibited as **M2B/WG/JH/01-48/INQ000048931**). The First Minister had written to Ministers on the previous Friday setting out the four main building blocks that would form the Government's response: an economic crisis fund, health and social care, public transport and voluntary sector and communities.
78. On 1 April 2020, I issued a statement on the support available for victims of domestic abuse, aimed to reassure victims that specialist services were still operating and ready to provide support. I outlined the various means of seeking help, including through the 24 hr Live Fear Free helpline or by making a silent 999 call, followed by 55 (to indicate that the victim cannot talk, but needs help). I exhibit this as **M2B/WG/JH/01-49/INQ000282192** I also posted a recording on the Welsh Government's Twitter feed outlining support available to those who may be at increased risk of domestic abuse and providing details of sources of help and advice.
79. Cabinet arrangements were discussed at the meeting of the Cabinet on 6 April 2020 (exhibited as **M2B/WG/JH/01-50/INQ000048791**). Cabinet meetings on a Monday would continue to be the forum for substantive government decisions. The Covid-19 Core Group on a Wednesday morning had evolved into the main information sharing meeting for Ministers. It was noted that Ruth Marks, Chief Executive, Wales Council for Voluntary Action would attend the next meeting to highlight both the impact of the pandemic on the Third Sector and its contribution to the response. The daily ministerial calls were also in place. The focus would be 'on the day' issues that would need to be responded to quickly. A policy co-ordination 'dashboard' was introduced to collate high-level strands of government activity in a simple visual form, to support Ministers through immediate issues and into recovery. This was to provide a clear overall picture of all the work being taken forward, and who was leading on each strand. The list was dynamic, and the intention was to update the dashboard weekly. I recognised the importance of identifying the cross-cutting issues across portfolios. It was also suggested that some thought should be given to the wider needs of under-represented groups. As

I recall, I routinely raised issues about equality matters in Cabinet meetings, as well as other meetings that were taking place, to ensure that the matters I was hearing about were shared with others.

80. On 9 April, I agreed to the development of a multi-media campaign to raise awareness of issues of domestic abuse and sexual violence during the coronavirus crisis, to agree the approach and key messaging in the communication brief and the redistribution of communication campaign funding. I exhibit Ministerial Advice JH/1247/20 as **M2B/WG/JH/01-51/INQ000103894**. The campaign was under the 'Live Fear Free' banner. It had clear and simple messaging to let those vulnerable to abuse know that help and support was still available. There was also a Ministerial call that day where cross-cutting issues regarding domestic violence. Black, Asian and Ethnic Minority communities, Gypsies, Roma and Travellers and others were discussed. I exhibit a summary of the call as **M2B/WG/JH/01-52/INQ000349305**. The vulnerability and isolation of older people was also discussed, as well as those who were digitally excluded and at risk of scams. An action point for me was to discuss with Ruth Marks, Wales Council for Voluntary Action and the Older Peoples' Commissioner what more could be done to protect and support older people. I subsequently met with both the Wales Council for Voluntary Action and the Older Peoples' Commissioner to discuss these issues.

81. On 14 April 2020, the Chair of Race Council Cymru, District Judge Ray Singh, wrote to the First Minister raising concerns about the impact of Covid-19 on Black, Asian and Minority Ethnic people (exhibited as **M2B/WG/JH/01-53/INQ000282183**). On 21 April 2020, I had a meeting with the First Minister to discuss the emerging disproportionate effects of Covid-19 on Black, Asian and Minority Ethnic communities. The First Minister agreed to set up the Black, Asian and Minority Ethnic Covid-19 Advisory Group to investigate these matters urgently. I exhibit the Terms of Reference for this group as **M2B/WG/JH/01-54/INQ000066077**. The group met for the first time on 29 April 2020 and the minutes are exhibited as **M2B/WG/JH/01-55/INQ000282064**. I was aware that the First Minister sent a formal response to Judge Singh on 13 May 2020, exhibited as **M2B/WG/JH/01-56/INQ000282169** thanking him for agreeing to co-chair the Advisory Group. The other co-chair was Dr Heather Payne (Senior Medical Officer

for Maternal and Child Health in the Welsh Government). The First Minister's letter also referred to the detailed response from the Chief Medical Officer (Wales) to the work carried out in Wales to investigate the reasons why people from Black, Asian and Minority Ethnic backgrounds were being disproportionately impacted by coronavirus. The Minister for Health and Social Services issued various Written Statements about this work. I understand that the First Minister has addressed this in his witness statement, so I do not repeat that here. Sub-groups were set up: the Risk Assessment sub-group (working on developing a workplace risk assessment tool for use by NHS and social care staff) and the Socioeconomic sub-group (set up to identify the range of socioeconomic factors and wider social matters influencing adverse Covid-19 health and social care outcomes). I exhibit Terms of Reference for these groups as **M2B/WG/JH/01-57/INQ000350682** and **M2B/WG/JH/01-58/INQ000350559**. I discuss the work of these sub-groups below.

82. The needs of Black and Ethnic Minority women were also coming to the fore as regards women whose immigration status meant that they had "No Recourse to Public Funds" (i.e. immigration legislation meant they could not claim benefits or other forms of financial assistance). I liaised with the Minister for Housing and Local Government on the need for public health measures to support these women, and victims of Violence Against Women Domestic Abuse and Sexual Violence to obtain assistance from local authorities under community care legislation (the Social Services and Well-Being (Wales) Act). The needs of asylum seekers and refugees were also being assessed in line with our Nation of Sanctuary responsibilities: although immigration is a reserved policy area, we strengthened our support and integration measures throughout the pandemic to support those organisations working with refugees and asylum seekers.
83. The first 21-day review of the main coronavirus regulations was due by 16 April. The Counsel General oversaw this review and Ministers were asked to put forward proposals for consideration. This initial review was not discussed at Cabinet, but Ministerial Advice was prepared for the First Minister, which was copied to all Ministers/Deputy Ministers, exhibited as **M2B/WG/JH/01-59/INQ000145553**. The decision was made to bring forward a number of minor amendments to the regulations. One of these amendments was to make clear that exercise more than

once a day was permitted for those with particular health conditions/impairments, a matter which I recall had been raised with me by representatives of disabled people in Wales.

84. On 16 April 2020, I held a Disability Equality Forum Covid-19 meeting with, and was joined by, the Deputy Minister for Health and Social Services. I exhibit the minutes of the meeting as **M2B/WG/JH/01-60/INQ000282066**. The Disability Equality Forum was fundamental to our understanding of the impact of Covid-19 on disabled people and was attended by key officials in order to gain evidence and demonstrate the importance of the Forum to Welsh Government decision making. Attendance included the CMO(W) (on more than one occasion), an official leading the Vaccination Programme, Transport officials and the Deputy Minister for Economy and Transport in relation to the impact of access to safe environments for disabled people. On this occasion, we discussed concerns that had been raised about the impact on disabled people of Schedule 12 to the Coronavirus Act 2020, which reduced the duty on local authorities to meet eligible care and support needs to a power to do so (essentially because of staffing constraints caused by the pandemic). I explained that rapid engagement was underway on the social care components of the legislation and the aim of the discussion was to ensure the views of disabled people were considered as part of the engagement exercise. Draft guidance had been published to support local authorities and this was discussed, noting that it was specific to Wales and reinforced that the UN Convention duties and rights were unaffected. The guidance (exhibited as **M2B/WG/JH/01-61/INQ000350818** also identified duties under the Equality Act 2010, including duties to make reasonable adjustments, the Public Sector Equality Duty and duties towards people with protected characteristics. We agreed to reconvene in a fortnight's time, and I confirmed that I would share the content of the meeting with the First Minister and other relevant Ministers.
85. Progress was also being made with plans for a community cohesion video. I was keen to move quickly on this as a result of growing concerns from Black Asian and Minority Ethnic communities. The video was translated into several languages and released shortly thereafter.

86. I had a meeting with Wales TUC Equality Committee Members and Union Equalities Officers on 21 April 2020 to discuss the equalities impact of Covid-19. Members of the meeting had an opportunity to ask questions and to provide evidence that could be used to ensure that equality considerations were at the forefront of all decisions being made as an immediate response to manage the situation. I confirmed that I would share the TUC's paper and the issues raised in discussion with Cabinet colleagues. I exhibit the notes of this meeting as **M2B/WG/JH/01-62/INQ000350565**.
87. On 22 April 2020, I chaired a Wales Race Forum meeting. I exhibit the minutes of the meeting as **M2B/WG/JH/01-63/INQ000282060** and a paper entitled "Emerging Themes" that was discussed at the meeting as **M2B/WG/JH/01-64/INQ000282140**. This was a wide-ranging meeting with a large volume of relevant representations from various group members, all of whom identified particular impacts of Covid-19 on Black, Asian and Minority Ethnic families and individuals. We discussed communication regarding the upcoming Ramadan period, and I agreed to write to the Imams in Wales. I also agreed to generally share concerns with my Ministerial colleagues. On 27 April 2020, I met with the Faith Forum regarding Ramadan.
88. On 24 April 2020, the Welsh Government published "*Leading Wales out of the coronavirus pandemic: a framework for recovery*" which set out the principles that we would apply when considering whether, and how, to relax restrictions. I exhibit the Framework as **M2B/WG/JH/01-65/INQ000182406**. The framework contained three pillars. The first set out the measures and evidence by which the Welsh Government would judge the current infection level and transmission rates for coronavirus in Wales. The second set out a series of principles by which the Welsh Government would examine proposed measures to ease the current restrictions, grounded in both scientific evidence and wider social and economic interests. The third set out how we would enhance our public health surveillance and response system to enable us to closely track the virus as restrictions are eased. All options for relaxing restrictions were evaluated against six key principles. The first four principles relating to the impact on the spread of Covid-19 (whether easing a restriction would have a negative effect on containing the virus, whether the measure was at the low end of risk of further infection, how the easement could be

monitored and enforced, and whether it was capable of being reversed if it had unintended consequences). The fifth principle was whether the measure would be of a relatively high positive economic benefit, whether it had a high impact on social and psychological wellbeing. The sixth principle was whether the measure had a high positive equality impact. As such, the equality impact of the restrictions and proposals to relax them, was considered at all times.

89. We were alive to the particular needs of the Black, Asian and Minority Ethnic communities from a very early stage; I wrote to Welsh Imams on 24 April 2020, detailing support on offer for communities, I exhibit this letter as **M2B/WG/JH/01-66/INQ000350654**.

90. On 27 April 2020, I raised in Cabinet the need for hate crime and domestic abuse and sexual violence helpline calls to be recorded in the next Data Monitor. I understand details of the Data Monitor, which was regularly shared with Cabinet, are set out in M2B/WG/KAS/01.

91. All Ministers were asked to identify priorities for exiting lockdown, which were considered as part of the work for the next 21-day review. My “top 5 proposals” were: (1) to understand how Covid-19 affects Ethnic Minority people; (2) consider the impact of lockdown on the Third Sector, especially Violence Against Women Domestic Abuse and Sexual Violence organisations; (3) provide accessible information; (4) consider widening permitted attendance at funerals, and permitting places of worship to open for small gatherings; and (5) revoke Part 2 of Sch 12 to the Coronavirus Act 2020, in order to reinstate the duty on local authorities to provide care and support to those assessed to need it. The proposal at (4) was taken forward as part of the 21-day reviews, and we were already working on (1)-(3). I have explained the approach taken to guidance on social care duties above. It was not possible to repeal these provisions at that time, but they were subsequently repealed on 22 March 2021.

92. On 29 April 2020, the Equality, Local Government and Communities Committee of the Senedd opened an inquiry into the impact of Covid-19 on equalities.

93. On the same day, I chaired the Welsh Government Faith Communities Forum. Representatives from various faiths expressed difficulties with places of worship being closed. Concerns were raised about the need for better sensitivity from the health services in respect of bereavement and I agreed to pass this on to colleagues. Some positive reports were given concerning online attendance at services and increases in congregation sizes as a result. I noted that Covid-19 was having a disproportionate effect on the most vulnerable in our communities and shared my concern that we must not deepen any inequalities throughout the pandemic but do what we could to mitigate them. I asked the Forum to consider specifically the impact on Black, Asian and Minority Ethnic people. We also discussed the Leading Wales out of the pandemic framework, and the possibility of re-opening places of worship for private prayer. It was generally felt that partial reopening would not be practical at the moment given the restraints. I raised these views in Cabinet on 7 May 2020, I exhibit the minute of the meeting as **M2B/WG/JH/01-67/INQ000048792**.

94. The following day, on 30 April 2020, I chaired the meeting of the Third Sector Partnership Council. I noted that the third sector had been crucial to the response to the pandemic, and that it would continue to be critical to the recovery. I invited members to engage in the Continuity and Recovery planning work that was being led by the Counsel General. I told the Council that I was keen to have more frequent meetings during the crisis to ensure the Welsh Government was aware of the immediate and ongoing issues facing the sector. Representatives then provided an update on activities. The representative for Ethnic Minority organisations noted that there had been a disproportionate impact from the crisis on Black, Asian and Minority Ethnic communities, with issues around language, and the communication of advice and support for these communities. The Welsh language representative reported similar issue. There had been a large increase in volunteering and County Voluntary Councils were working to match volunteers with opportunities for activities such as prescription delivery, food security and befriending schemes (telephone contact with people). I indicated that both the pandemic and the winter floods had shown the importance of the Third Sector. I wanted to start a conversation about issues, strengths, weaknesses, opportunities, to inform short, medium and long term recovery. I made sure that attendees were

aware of the First Minister's 'Leading Wales out of pandemic' framework. The minutes of these meetings were shared with all other Ministers, to ensure that they were also fully aware of the issues being raised. I exhibit the note of this meeting as **M2B/WG/JH/01-68/INQ000282189**.

95. I also chaired a meeting of the Disability Equality Forum on 30 April 2020. I exhibit the minutes of this meeting at **M2B/WG/JH/01-69/INQ000282065**. A number of further issues were raised about Schedule 12 to the Coronavirus Act, and the guidance that had been produced by the Welsh Government (emphasising the need to comply with equalities and human rights obligations), was welcomed. Members were invited to provide case examples of the impact of Schedule 12. Members also provided feedback on actions the Welsh Government could take to help better support disabled people, both during the current crisis and as part of the recovery phase. I also invited members to provide formal submissions to the ourfuturewales@gov.wales portal.
96. Cabinet meetings continued on a weekly basis throughout May 2020. The next review of the Regulations was due by 7 May 2020. This review, and all other 21-day reviews going forward, were considered by Cabinet. Decisions were then formalised in Ministerial Advice which was submitted to the First Minister to implement the decision and make any amendments to the Regulations.
97. During this time, a rise in contacts to the 24-hour Violence Against Women, Domestic Abuse and Sexual Violence helpline; Live Fear Free was noted.
98. The Counsel General was taking forward work on medium/longer term strategy for Continuity and Recovery. This was discussed in a Ministerial call on 25 April 2020, and I underlined once again the likely impact of coronavirus in deepening inequality. I asked that we find a way of engaging with the most disadvantaged groups in the Continuity and Recovery process. I encouraged representatives of the forums I was chairing and attending to participate in discussions in contributing to this work. It was recognised that there was a need to capture the voices of those with the lived experience.

99. On 14 May 2020, I reported during a Ministerial call the work done over the past weeks by the First Minister's Black, Asian and Minority Ethnic Covid-19 Advisory group chaired by Judge Ray Singh CBE to address the concerns raised by Black, Asian and Minority Ethnic health and care staff. I exhibit a note of this meeting as **M2B/WG/JH/01-70/INQ000349457**. A sub-group chaired by Professor Keshav Singhal CBE had produced a unique Risk Assessment tool which would now be reviewed by the Chief Medical Officer (Wales) and Andrew Goodall, Director General of Health and Social Services Group within the Welsh Government and Chief Executive of the NHS in Wales. The Risk Assessment Tool was published online on 26 May 2020. It was widely used throughout the pandemic to accurately assess the risk posed to NHS and later social care staff in their workplaces, so that those risks could be properly managed. Guidance and FAQs were issued with the Tool which was taken up widely including by the Police. The Tool was also made available for the Education, Childcare, Playwork, Youth Work and Further Education sectors to complete online through the Learning@Wales national e-learning platform. I exhibit the final version of the Risk Assessment tool as **M2B/WG/JH/01-71/INQ000023242** and the associated guidance as **M2B/WG/JH/01-72/INQ000082690**.

100. Also on 14 May 2020, I appeared before the Equality, Local Government and Communities Committee of the Senedd to give evidence to their inquiry about the impact of Covid-19. I explained to the Committee how the Welsh Government was assessing the impact of the pandemic on equality, and the steps we were taking to mitigate its effects on different protected groups. I told the Committee that we were examining how we could improve equality data collection, and also informed the Committee about the work being carried out by the Black, Asian and Minority Ethnic Covid-19 Advisory Group. I exhibit the transcript of my evidence as **M2B/WG/JH/01-73/INQ000350663**.

101. On 18 May 2020, I agreed, after considering Ministerial Advice, MA-JH-1631-20, to fund a Covid-19 edition of the Travellers Times for Gypsies and Travellers in Wales, exhibited as **M2B/WG/JH/01-74/INQ000145193**. Whilst a communications plan was in place, this contained mainly digital activity, but I was reminded by stakeholders that many community members did not access the

internet or use computers. A hard copy magazine would fill that gap. A Welsh edition of the Travellers Times had never been published before. The edition was to provide crucial public health advice.

102. Also on the same day, during a catch-up meeting with my officials, it was confirmed that Judge Ray Singh CBE and Professor Keshav Singhal CBE would attend the Wednesday Covid-19 Core Group meeting (on the 20 May) to provide an update on their work, in advance of the publication of the Risk Assessment Tool. Officials were tasked to liaise with faith stakeholders as to re-opening places of worship. I exhibit the note of this Covid-19 Core Group meeting as **M2B/WG/JH/01-75/INQ000221152**.
103. On 20 May, I met with Professor Matthew Williams, Cardiff University. My specialist disability advisor and officials from the Equalities division were also in attendance. The meeting established a working relationship between the Hate Lab and equalities officials. I exhibit a note of the meetings as **M2B/WG/JH/01-76/INQ000350661**.
104. On 21 May I chaired the Disability Equality Forum. Several Covid-19 related issues were discussed including, social isolation during the pandemic, the Welsh Government's 'Framework for Recovery', challenges and future ways of working. Although I was aware of the wider work being done across the Welsh Government to allow physical adaptations to roads and pavements to aid social distancing, in this meeting the impacts these measures could have on some disabled people, particularly those with loss of sight, was highlighted. RNIB and Guide Dogs Cymru presented a paper calling for the Welsh Government to support their 'Coronavirus Courtesy Code' campaign. I attach a note of this meeting as **M2B/WG/JH/01-77/INQ000350687**. I am also aware that RNIB and Guide Dogs Cymru wrote to my colleague, Lee Walters MS, to alert him to their concerns regarding sustainable transport measures (May 2020). They also responded to the Welsh Government's request for information on the re-opening of non-essential retail in June 2020.
105. The Third Sector Partnership Council met again on the 21 May; I exhibit the minutes as **M2B/WG/JH/01-78/INQ000282089**. It continued to meet throughout the period on 2 July 2020 **M2B/WG/JH/01-79/INQ000282273**; 15 July 2021

M2B/WG/JH/01-80/INQ000282178 and 17 Nov 2021 **M2B/WG/JH/01-81/INQ000282188**.

Easing of Restrictions in Wales Following the First National Lockdown

106. During the 21-day review process, the impact on protected groups and socioeconomic groups was analysed and from 27 May 2020, we were provided with impact assessments as part of the Cabinet papers. The information that had been gathered during the meetings I have outlined was fed into those assessments. Even before that date, we had been discussing and considering the particular impact of the restrictions on particular groups. I regularly discussed the impact of the restrictions on those experiencing domestic violence, and the isolation experienced by disabled people. We were also aware of the challenges of working from home for those in lower paid occupations. My officials were regularly providing contributions towards the 21-day review process on the consequences, implications and mitigation for the vulnerable people. I exhibit as examples **M2B/WG/JH/01-82/INQ000281996**, **M2B/WG/JH/01-83/INQ000281733** and examples of combined briefing papers that were prepared for my information as **M2B/WG/JH/01-84/INQ000350731** and **M2B/WG/JH/01-85/INQ000350732**.
107. Test, Trace and Protect was operational in Wales from 13 May 2020. I understand that the Minister for Health and Social Services has provided details about the operation of Test, Trace and Protect in his statement, and so I do not repeat it here. From an equality perspective, I emphasised the importance of a targeted approach to the development of Test, Trace and Protect, leading to the appointment by Local Health Boards of teams to engage with Black, Asian and Minority Ethnic leaders and communities to encourage participation in the scheme. I was also working on accessible communications in connection with Test, Trace and Protect, to ensure that communications were available in different languages.
108. On 1 June 2020, I attended the fourth meeting of the Black, Asian and Minority Ethnic Socio-economic subgroup chaired by Professor Emmanuel Ogbonna. I exhibit the note of this meeting as **M2B/WG/JH/01-86/INQ000282124**. In relation

to lessons learnt, and the desire for Wales to have its own race disparity unit and race equality strategy, I expressed that I believed in a collective effort. Work needed to be steered by the evidence and the people affected by these issues. I also attended the following meeting of the Subgroup on 15 June 2020 which I exhibit as **M2B/WG/JH/01-87/INQ000350637**, 29 June (exhibited as **M2B/WG/JH/01-88/INQ000350660**) and 27 July 2020 (exhibited as **M2B/WG/JH/01-89/INQ000350659**).

109. On 3 June 2020 the Faith Communities Forum met, and on this occasion, attendees were receptive to a less than full re-opening of places of worship, I exhibit a note of this meeting as **M2B/WG/JH/01-90/INQ000221188**. The work of the Black, Asian and Minority Ethnic Covid-19 Advisory Group subgroups was shared. Detailed discussions took place how reopening could take place safely at the Reopening of Places of Worship meetings. These discussions were fed back as part of the 21-day review process by officials whilst collating the equality impact assessment. At the Cabinet meeting on 17 June 2020, we agreed that private prayer in places of worship should be permitted, where social distancing was maintained, and gatherings did not take place. I exhibit minutes of the Cabinet meeting as **M2B/WG/JH/01-91/INQ000048799**. I understand the Inquiry has been provided with papers relevant to all Cabinet meetings and therefore I will not exhibit them all here. However, I exhibit the Equality Impact Assessment which was published following the decision on 18 June which reflects the reopening of places of worship, as **M2B/WG/JH/01-92/INQ000350833**.
110. On 4 June, the Disability Equality Forum met again. I chaired the session which was also attended by the CMO(W) and a representative from the Test, Trace and Protect Team in the Welsh Government. I exhibit the note of this meeting as **M2B/WG/JH/01-93/INQ000281763**. We discussed a number of matters, including the easement of shielding, and the importance of accessible information. A separate meeting was arranged to discuss Test, Trace and Protect.
111. In June 2020, the World Health Organisation changed its advice on the use of face coverings. TAC published advice on the use of face coverings in the context of Covid-19 on 8 June 2020. On 9 June 2020, the Welsh Government followed that

updated advice, and recommended that people in Wales wear 3-layer face coverings in situations where social distancing measures could be more difficult, e.g. on public transport. The advice we received was that maintaining social distancing and good hand hygiene were more effective to protect against coronavirus and that further evidence was needed on the benefits to the wider public of wearing face coverings. Over time, the issue of face coverings became more controversial, and their use was discussed in the Disability Forum. On the one hand, if others were wearing them, disabled people who were vulnerable might feel safer using public transport or leaving their homes. On the other hand, those with certain impairments might find it difficult to use face coverings, and so it was important to have clear exemptions from any requirements: e.g. those who were d/Deaf had difficulties using them if they were lip readers. Some people with asthma found them difficult to use, as did some with learning disabilities.

112. On 16 June 2020, I updated Ministers during our weekly call about the work of the Black, Asian and Minority Ethnic Covid-19 Advisory group. I reported that the Risk Assessment Tool developed in the subgroup chaired by Professor Keshav Singhal CBE had been launched in May and was currently being implemented by Local Health Boards. The Socio-economic subgroup led by Professor Emmanuel Ogbonna had produced a draft report with recommendations. I advised that I, along with the First Minister, I would be attending the next Black, Asian and Minority Ethnic Covid-19 Advisory group meeting. Ministers were asked to review the draft document. The report was published on 23 June 2020 to which I exhibit as **M2B/WG/JH/01-21/INQ000227599**. The report addressed the socio-economic factors that contributed to the disproportionate impact of Covid-19 on Black, Asian and Minority Ethnic people and communities, and made more than 30 recommendations. An evidence paper entitled “Covid-19 Black, Asian and Minority Ethnic Advisory Group – Potential impact of Covid-19 evidence paper” was published 14 July, which I exhibit as **M2B/WG/JH/01-95/INQ000349614**. The recommendations from this report were taken forward as part of the Anti-Racist Wales Action Plan.
113. The Welsh Government published a consultation on a draft Race Equality Action Plan for Wales on 24 March 2021, and the final Action Plan – now known as the

Anti-Racist Wales Action Plan - was published on 7 June 2022 (exhibited as **M2B/WG/JH/01-96/INQ000227788**). The implementation of this plan is overseen by the Anti-Racist Wales Steering Group, which later was known the Anti-Racist Wales Action Plan Accountability Group co-chaired by Professor Emmanuel Ogbonna and Dr Andrew Goodall.

114. The Disability Equality Forum met again on 23 June 2020, where the Deputy CMO(W) attended and we discussed a number of matters, including the latest advice on the use of face coverings. I exhibit the note of this meeting as **M2B/WG/JH/01-97/INQ000281763**. At this meeting, I invited the Disability Equality Forum to prepare a report on the impact of Covid-19 on disabled people. The Forum established a Steering Group to take forward this work, which was chaired by Rhian Davies, the Chief Executive Officer of Disability Wales. Welsh Government officials were part of this group and assisted in collating data for the report. The Steering group met at regular intervals between October 2020 and February 2021. Officials provided an evidence paper to the Steering Group, summarising the data relating to the impact of Covid-19 on disabled people that was contained in our equalities data repository. The resulting report was one of the first of its kind: it was co-produced by a Steering Group of disabled people representing Disabled People's Organisations (DPOs) and disability charities. The report, *Locked out: liberating disabled people's lives and rights in Wales beyond Covid-19* was published on 2 July 2021, and I discuss the report further below. I exhibit the report as **M2B/WG/JH/01-98/INQ000282167**.
115. On 29 June 2020, I announced additional £1.575 million revenue funding for Violence Against Women Domestic Abuse and Sexual Violence support, this was agreed in Ministerial Advice MA/JH/1740/20, exhibited as **M2B/WG/JH/01-99/INQ000103929**.
116. I kept the Third Sector informed of work towards the Anti-Racist Wales Action Plan at the Partnership Meeting on 2 July 2020 as well as noting the availability of the Emergency and Resilience Funds and the additional £1.575m that the Welsh Government had made available to the Violence Against Women, Domestic Abuse and Sexual Violence sector, bringing the total revenue funding for the Violence Against Women, Domestic Abuse and Sexual Violence sector in 2020-21 to over

£6.8m. We discussed permitting the opening of community centres and I explained that the Welsh Government understood the importance of opening up these spaces. I noted that it was vital that the Third Sector was involved in the preparations for reopening. I raised this during the Ministerial call on 6 July 2020 (note exhibited as **M2B/WG/JH/01-100/INQ000349674**) and it was confirmed that an Equality Impact Assessment would be undertaken for the reopening of community centres, which was part of the corporate impact assessment for 21-day reviews; this was published on 31 July 2020 (exhibited as **M2B/WG/JH/01-101/INQ000087140**). The need to involve the Wales Council for Voluntary Action was noted.

117. At the 21-day review on 7 July 2020, Cabinet agreed to relax a number of restrictions on a gradual and phased basis, including to permit places of worship to restart services. The relaxation continued to be considered at 21-day reviews and I understand that the outcome of each review is detailed in Andrew Goodall's statement M2B/WG/01. The First Minister announced on the 10 July that from the following Monday 13 July, Faith leaders could begin to gradually open places of worship when they were ready to do so safely. I exhibit this written statement as **M2B/WG/JH/01-102/INQ000023251**. Guidance was updated to reflect the reopening of places of worship on 20 July 2020 (**M2B/WG/JH/01-103/INQ000350601**). We also revised the published guidance for Violence Against Women, Domestic Abuse and Sexual Violence services (including perpetrators) for adjusting to the easement of restrictions (exhibited as **M2B/WG/JH/01-104/INQ000282258**), and updated guidance on marriages and civil partnership ceremonies (exhibited as **M2B/WG/JH/01-105/INQ000081286**).

118. As we moved into the summer, the public health position continued to improve, and restrictions were gradually relaxed. Equalities considerations continued to play a fundamental part in Cabinet deliberations. For example, during the 13 August 2020 Ministerial call where we discussed the Technical Advisory Cell document on face coverings, and I raised specific equality considerations including how to enable people to demonstrate that they were exempt from the requirements. I also raised the importance of Test, Trace and Protect outreach with communities where

there was a language barrier. I exhibit the note of this call as **M2B/WG/JH/01-106/INQ000349941**.

119. On 3 August 2020, the Minister for Health Social Services and I sent a joint letter to the Equality and Local Government Committee in response to their request for further evidence from the Welsh Government. I exhibit this letter as **M2B/WG/JH/01-107/INQ000299537**. In respect of my work, I outlined the strong network of Equality fora that I had been meeting with frequently throughout the pandemic. I explained that we were proactively collating, logging and summarising the key themes from a range of reports, briefings and insights in relation to the impact of Covid-19 on people with protected characteristics in Wales. This data was able to be used by officials when preparing equality impact assessments for a wide range of decisions across the Welsh Government, and particularly in respect of the 21-day reviews. I understand that details of this data collection exercise are set out in the statement M2B/WG/CTPD/01. I also summarised our approach to publishing impact assessments prepared for the 21-day reviews. I provided a link to the equality assessments that had been published and confirmed that further impact assessments would be published in due course. We both stated that the Welsh Government would look to learn the lessons of the past few months to ensure that consideration of impact remained an integral part of how decisions were made by the Welsh Government.
120. On 10 August 2020, the Equality, Local Government and Communities Committee of the Senedd published its report on inequality during the pandemic, entitled "Into Sharp Relief: Inequality and the Pandemic". I exhibit the report as **M2B/WG/JH/01-108/INQ000066489**. The Welsh Government responded to this report on 23 September 2020, by way of a joint letter from myself, the Minister for Health and Social Services, the Minister for Education and the Minister for Housing and Local Government. We agreed to take forward forty two of the forty-four Committee's recommendations. I exhibit our response as **M2B/WG/JH/01-109/INQ000066490**.
121. A second edition of the Violence Against Women, Domestic Abuse and Sexual Violence guidance was published on 17 August 2020, exhibited as **M2B/WG/JH/01-110/INQ000350729**. This took into account feedback received

from Welsh Women's Aid and Respect on the first edition of the guidance and contained additional information on safeguarding, all forms of Violence Against Women, Domestic Abuse and Sexual Violence, and linked to guidance from other organisations.

122. On 18 August 2020, the First Minister and the Minister for Health and Social Services published the Coronavirus Control Plan. This emphasised that while case rates had fallen and restrictions had been lifted gradually, we knew how quickly the virus could return and spread. The plan set out our proposals to take a more targeted approach to restrictions, based on the principles of caution, proportionality, and subsidiarity. The plan made provision for local responses to outbreaks, including through the use of local restrictions.
123. On the 29 August 2020, I announced an extension and additional funding for the Live Fear Free helpline. At this time, we were beginning to see week on week increases in calls/web/text contacts, and we anticipated seeing a continued increase in demand as lockdown restrictions were eased. In the announcement, I encouraged anyone who had suffered domestic abuse or violence, or who was concerned about a friend, relative or neighbour, to contact the Live Fear Free helpline. I exhibit the press notice as **M2B/WG/JH/01-111/INQ000350681**.

Decisions in the Period Leading up to and including the Firebreak

124. In early September 2020, there was an outbreak of coronavirus in Caerphilly, and local restrictions were put in place by the First Minister and the Minister for Health and Social Services. I was not involved in decisions to impose restrictions, but the incident was discussed, I recall in a Ministerial call, and I was aware that local regulations had been made after I was copied into a Ministerial Advice MA-FM-2952-20 sent to the First Minister on 8 September 2020 (exhibited as **M2B-WG-JH-01-112/INQ000116696**). Further restrictions were imposed later that month in other areas of Wales, including Rhondda Cynon Taff, Blaenau Gwent; Bridgend; Merthyr Tydfil; and Newport.

125. At a Cabinet meeting on 8 September 2020, we were advised that Wales, and the rest of the UK, were seeing an alarming increase in coronavirus cases. In light of this trend, we decided, in broad terms, to retain existing restrictions. We had a remote Cabinet “away day” on 9 September 2020 to plan for the forthcoming winter with coronavirus. A range of interventions were considered, including what we termed a “circuit breaker” (or firebreak) and potentially further lockdowns.
126. At the 14 September 2020 Cabinet meeting, given that the Welsh Government was now in a different phase of responding to the pandemic, it was proposed that the Delivery Workstream dashboard should be wound down by the end of September. Where interventions were ongoing, they would be transitioned into a “Restart” dashboard. The First Minister also informed us that the Wednesday morning meetings of the Covid-19 Core Group would not be reconvening in the Autumn. This was being replaced by Opposition Leaders’ Covid-19 briefing meetings, which would provide the leaders of the Welsh Conservatives and Plaid Cymru an opportunity to meet a Minister and senior official each week to discuss in detail an aspect of the response to the pandemic. We also approved the Welsh Government’s eight key priorities for Covid-19 reconstruction work. Our primary objective was to support those who had been most adversely affected by Covid-19, including Black, Asian and Minority Ethnic people and disabled people.
127. On 21 September 2020, the four nations’ Chief Medical Officers advised that the alert level should increase to level 4 (that meant the virus was in general circulation in the community and transmission was high and rising exponentially). Cabinet was held on that day. We discussed the Local Health Protection Areas that had been created in various local authority areas, imposing restrictions in those areas. It was agreed that, by 6pm the following day, people would not be allowed to enter or leave those local authority areas without a reasonable excuse, such as travel for work or education. People would only be able to meet outdoors, all licensed premises had to close at 11pm, and everyone over 11 had to wear face coverings in indoor public places (unless they were exempt). The rules on exemptions had been drafted to take account of the issues raised in the Disability Equality Forum. We were informed of the rapid spread of the virus across the UK. The First Minister advised us that he had a conversation with the Prime Minister earlier that day to discuss a number of measures being considered to control the rapid spread of the

virus. There would be a COBR meeting the following morning where all four Governments would be able to share experiences of responding to the recent increase of Covid-19 cases, before taking decisions on how best to control the situation within their administrative areas.

128. Decisions about local restrictions were questioned and contested and travel to and from places in and outside those local restrictions caused many questions and concerns to be raised especially relating to support networks and family contacts. Public response to these restrictions was widespread affecting our local constituency support teams and local Assembly Members with questions being asked and explanations requested. The regular Ministerial Statements and questions as well as the First Minister's weekly press conference were important so that we could share our reasoning with constituents, as well as sharing with constituents the Technical Advice Notes. I do not recall thinking there should have been a different set of arrangements as far as local restrictions were concerned and also thought that 'things could be worse' if we had not operated in that way.
129. I continued to chair various Forum meetings in the autumn of 2020 (e.g. Race Equality, Disability Equality and Third Sector Partnership Council) and used these to address lived equalities issues. For example, on 28 September 2020, I received representations from a Church and Leadership Consultant, asking for clarity as to whether it was permitted to cross a Health Protection Area boundary in order to attend a place of worship. I explored this further at the next Faith Communities Forum meeting on 1 October 2020, where concerns were raised e.g. that most Gurdwaras were in Cardiff but many worshippers lived in the valleys. I acknowledged the impacts. My officials continued to hold open engagement sessions with members of the forum to discuss issues around opening places of worship. These discussions were fed into equality impact assessments on the 21 day reviews (as well as on reviews of the local restrictions). I exhibit the note of the forum as **M2B/WG/JH/01-113/INQ000350690**.
130. On 24 September, the First Minister published the Welsh Government's response to the Black, Asian and Minority Ethnic Covid-19 Socio-Economic Report, exhibited as **M2B/WG/JH/01-114/INQ000282184**. We confirmed that work to develop a Race Equality Action Plan was underway and would be developed before the end

of the Senedd term (in May 2021). The Black, Asian and Minority Ethnic Covid-19 Advisory Group sub-groups had agreed to continue to meet. The Socio-economic subgroup agreed to monitor the implementation of its recommendations. I then took forward work on the Race Equality Action Plan. I return to this further below.

131. On 2 October 2020, the Welsh Government launched a review of Part 2 of Schedule 12 to the Coronavirus Act 2020. This review was discussed at the Disability Equality Forum later that month.
132. On 6 October, the Welsh Government published a report entitled 'Covid-19 Reconstruction: Challenges and Priorities' (exhibited as **M2B/WG/JH/01-116/INQ000066123**). It noted that the impact of the pandemic had not been distributed evenly and it had exacerbated pre-existing inequalities. Our goal was to deliver a more prosperous, equal and greener Wales and we set out our key priorities for the reconstruction to take forward during the remainder of the Senedd term.
133. I appeared before the Equality, Local Government and Communities Committee of the Senedd again on 12 October 2020. I exhibit the transcript of the session as **M2B/WG/JH/01-117/INQ000350680**. I gave evidence about the Welsh Government's strategic approach to tackling inequalities. I also gave evidence about the Black, Asian and Minority Ethnic Covid-19 Advisory Group reports and our response to those, including work on the Race Equality Action Plan. I also confirmed that I was keen to restart work with the Equalities and Human Rights Commission on a review of the operation of the public sector equality duty in Wales. That work had unfortunately had to be paused as a result of the pandemic but had now re-started.
134. As a result of the deteriorating public health position, Cabinet met to consider a "circuit break" or "firebreak" lockdown at an emergency meeting on 15 October. We were provided with detailed advice on this issue, including a Firebreak Options Paper, an equalities impact assessment, legal advice, and a detailed set of lockdown proposals. SAGE had recommended that a lockdown was needed in order to bring the R rate below 1. The Technical Advisory Cell recommended an urgent national firebreak to bring the R rate to below 1 and to use the time to refresh public messaging for the winter period. New modelling from Swansea

University also suggested the potential to reduce the R rate from around 1.4 to 0.8. We agreed in principle to adopt a circuit breaker for the whole of Wales to reduce the spread of the virus. I exhibit the minute of the Cabinet meeting as **M2B/WG/JH/01-118/INQ000048796**.

135. Further details were discussed at Cabinet on 18 and 19 October, including giving greater priority to children's rights and the impact of school closures. We decided to adopt a two-week firebreak, starting at 6pm on Friday 23 October and ending on Monday 9 November.
136. An integrated impact assessment was annexed to the Ministerial Advice sent to the First Minister prior to the lockdown announcement and all Ministers received this. I exhibit this Ministerial Advice as **M2B/WG/JH/01-119/INQ000176863**. I was very conscious that larger families were finding it difficult to provide space for children to complete homework and schoolwork, and that overcrowding was an issue, especially for Black, Asian and Minority Ethnic families and those in the private rented sector. It was also noted that stay at home measures could increase the demand on services providing support for victims of violence and abuse. Socio economic as well as race inequalities were also emerging regarding access to iPads and laptops for school students learning from home when schools were closed. I understand that the Minister for Education has explained the steps that were taken to address digital exclusion in her statement and so I do not expand on that here.
137. At the 26 October 2020 Ministerial call (during the firebreak), we were alerted to the issue of the sale of non-essential items in supermarkets. We discussed the socioeconomic impacts and the need to avoid disproportionate impact on low-income families.
138. On 27 October 2020, during the Ministerial call, we moved to discuss the post-firebreak regime. Equalities issues were again considered, Ministers supported opening community facilities for all activities (including celebrations and activities involving singing). It was noted that communications needed to be clear that local authorities needed time to prepare buildings for re-opening.

139. At a Ministerial Call on 29 October, the First Minister invited Ministers to provide feedback from stakeholders on the post-firebreak regime. I stated that the police were keen for joint messaging and expressed the view that the previous joint police / Welsh Government leaflet had worked well. The police wanted to know what the rules regarding “hotspot” travel would be. I also stated that volunteers and the Third Sector could be of support. I exhibit a note of this call as **M2B/WG/JH/01-120/INQ000349984**.
140. On the same day, Cabinet met to consider what rules should be put in place after the firebreak. I exhibit the minutes of this meeting as **M2B/WG/JH/01-121/INQ000048929**. Among our papers, we were provided with an Equalities Impact Assessment (exhibited as **M2B/WG/JH/01-122/INQ000048891**). The firebreak was expected to have a positive impact on the transmission curve, but it would take some time for results to emerge, and there could well be a need for further interventions during the winter. While the firebreak had positive results in reducing cases and transmission rates, it was noted that the firebreak would not solve the problem of current behaviours being insufficient to prevent transmission of the virus from spiralling out of control. Affecting behaviour change was therefore the most pressing challenge, with unenforceable rules appearing to have a diminishing effect. Any new rules would need to be accompanied by a change in behaviour to suppress the virus. The alternatives to behavioural change and stricter lockdowns were limited. As part of the discussion on additional measures to affect behavioural change, Ministers agreed that there should be a greater emphasis on remote working, particularly from home, and employers should be encouraged to do more to facilitate this. There would be a need to ensure mitigation measures were in place to counter any adverse impacts on women, disabled people and Black, Asian and Minority Ethnic people. We were all encouraged to consult with stakeholders before final decisions were taken. I consulted with the equality fora that I have described above. We again gave careful consideration to the equality impacts paper (noted above), for example, the EIA addressed the impact on disabled people. It recorded our understanding that Covid-19 had a significant disproportionate impact on disabled people and some people with chronic health conditions. Therefore, measures to bring the virus back under control and reduce transmission would have some positive impacts for

disabled people. Measures to mitigate the impact of the firebreak were proposed, including support for disabled carers, a helpline for disabled people, effective messaging to key groups in an easy to access/understand language and permitting additional household mixing to enable disabled people to be supported by a friend or a family member rather than carer, if that was their preference.

141. There was also a discussion around the disproportionate number of Fixed Penalty Notices which had been issued to people from Black, Asian and Minority Ethnic communities. It was agreed that officials would need to gather evidence on how the Fixed Penalty Notices had been applied, discuss proposals with the police and provide further advice to Ministers on the level of fines and how they should be applied. I understand that this is covered in detail in the statement referenced M2B/WG/JM-MEWL/01.
142. Cabinet also agreed that post-firebreak, all schools should return to full operations under Covid-19 safe conditions from 9 November, with blended learning provided to those required to self-isolate. This was particularly important for socio-economic reasons and because of indirect harms to children and young people. Given there were still a number of issues to be resolved it was agreed that Cabinet should meet again over the weekend (which subsequently happened on Sunday 1 November 2020).
143. At this meeting, it was noted that our plans for post-lockdown rules had been complicated by the UK Government's decision, the previous day, to place England in a lockdown from Thursday 5 November until 2 December at the earliest. The First Minister recommended to us that Wales should still exit the firebreak lockdown as planned, as this was the commitment we had made to the Welsh people. However, we should continue with our approach of lifting the restrictions in a gradual way. This would allow time to deal with any outstanding border issues and reinforce the gains that had been made during the firebreak. There would be a two-week review period. Given the graduated approach, we agreed that households would only be able to form a 'bubble' with one other household during the two-week period. We also agreed on a number of other restrictions regarding numbers at events, continued closure of certain premises etc. We were asked to consider a series of issues that had arisen as a result of the lockdown in England

and there was a need to obtain further information from UK Ministers on many aspects of what was proposed.

Decisions after the Firebreak Lockdown Leading up to Christmas 2020

144. The Third Sector Partnership Council meeting took place on 2 November 2020, I stressed that the post-firebreak regulations should be clearer and should remove some anomalies relating to community centres which was subsequently done by rule change. I exhibit the note of this meeting as **M2B/WG/JH/01-123/INQ000350738**.
145. On 5 November 2020, there was a discussion of remote working at the Ministerial call and there was an update on co-working spaces. Consideration was given to lower paid roles where it was more difficult / not achievable to work remotely, which impacted on women, particularly in relation to working from home and childcare. I exhibit a note of this call as **M2B/WG/JH/01-124/INQ000349986**.
146. I was not able to be present at the 16 November Cabinet as I was appearing before the Equality, Local Government and Communities committee, to give evidence to their enquiry into Covid-19 and the impact on the voluntary sector. I exhibit the transcript of the committee as **M2B/WG/JH/01-125/INQ000350639**.
147. At the 23 November 2020 Cabinet, I introduced a paper on 'A Race Equality Action Plan for Wales'. I exhibit the minutes and paper as **M2B/WG/JH/01-126/INQ000129860** and **M2B/WG/JH/01-127/INQ000129861**. The paper discussed the development of the new Action Plan and how to close the "implementation gap", to end fragmentation between policy intention and practical impact. Professor Emmanuel Ogbonna had agreed to co-chair a Steering group to oversee the development of the Plan (with the Permanent Secretary). The paper was approved by Cabinet. It set out a framework for improving the life chances and outcomes of Black, Asian and Minority Ethnic citizens in Wales. It was recognised that the pandemic had a disproportionate effect on Black, Asian and Minority Ethnic communities, particularly given that they were on the frontline of delivering health and social care, retail and transport. The adverse impact of the virus exposed stark socio-economic inequalities and the Black, Asian and Minority

Ethnic Covid-19 Advisory Group had performed a vital role in driving the Government's response to the impact of the pandemic on Black, Asian and Minority Ethnic people. There was a need to co-construct the Plan with Black, Asian and Minority Ethnic people and to take a cross-government approach to development of the action plan, with the aim of publication before the end of the current Senedd term. I discuss further below how, what subsequently became known as the Anti-Racist Wales Action Plan, was developed. It was adopted on 7 June 2022.

148. On 24 November 2020, UK-wide rules for Christmas were agreed. These included relaxing travel restrictions across the four nations and between tiers to provide a window for households to come together to celebrate Christmas.
149. Meanwhile, I approved three Ministerial Advice papers in relation to undertaking replacement Gypsy and Traveller Accommodation Assessments during the pandemic, grant funding to support volunteering and funding allocation for Disabled People Organisations (on 23 and 24 November). I exhibit these as **M2B/WG/JH/01-128/INQ000145204**, **M2B/WG/JH/01-129/INQ000145207** and **M2B/WG/JH/01-130/INQ000145206**.
150. Covid-19 winter planning was considered further at Cabinet on 26 November 2020. The aim was to consider implementing further restrictions in the near future to help guarantee that families could meet for up to five days over the Christmas period. Cases were rising throughout. We were provided with a Technical Advisory Cell Report which set out that the firebreak had the intended impact of a short, sharp early intervention to push back the epidemic by three weeks. The benefits of this period of negative growth had, however, largely been lost now. We agreed that action was needed after considering all the available evidence, including the modelling of the Reasonable Worst-Case Scenarios. Cabinet resolved to implement restrictions on an all-Wales basis, but the detail was to be considered the following morning.
151. We then had a further Cabinet meeting on 29 November where we received advice from the Chief Medical Officer (Wales) who stated that cases were rising (minutes exhibited as **M2B/WG/JH/01-131/INQ000048930**). The critical care bed situation

was currently stable, but it was expected that the relaxations around Christmas would only increase the burden on the NHS. The CMO(W) also highlighted the spread of infections via the hospitality business and that the consumption of alcohol could be a factor as people have an altered perception of risk. Restrictions on hospitality and indoor entertainment were proposed from 4 December along with a package of support. Cabinet agreed that pub, bars, restaurants, and cafes would have to close by 6pm and would not be allowed to serve alcohol but could provide takeaway services after that time. Indoor visitor attractions would have to close. We were provided with a full Equalities Impact Assessment examining the impacts of the proposed 4 December proposals, which I exhibit as **M2B/WG/JH/01-132/INQ000048900**.

152. Cabinet also noted the ending of the lockdown in England and that further work was needed on travel restrictions in and out of Wales. There was also a proposal for a further firebreak style restriction after Christmas, but the detail was to be discussed later.

153. In relation to my own portfolio, on 1 December 2020, I made an oral statement to the Senedd to mark the United Nations International day of disabled people. I exhibit my statement as **M2B/WG/JH/01-133/INQ000350691**. I highlighted the impact of the pandemic on disabled people, including isolation, disconnect, disrupted routines and diminished services that had greatly impacted the lives and mental wellbeing of many disabled people. I also drew attention to the latest available data from the Office for National Statistics which showed that in the period from March to July in Wales, 68% of Covid-19-related deaths were of disabled people, and that people with a learning disability were disproportionately more likely to die from Covid-19. I pointed to the emerging evidence that suggested that many of these sad deaths were rooted in socioeconomic factors. I reiterated our commitment to addressing these issues, and to the steps that were being taken. These included our ongoing commitment to the Social Model of Disability (recognising that people with impairments are disabled by the actions of society and not by their impairments), with our focus on identifying and removing barriers to disabled people's contributions. I referred to the ongoing work by Professor

Debbie Foster and my intention to refresh the “Action on Disability” framework, launched in 2019, in light of Covid-19.

154. At the Race Forum Meeting on 2 December 2020, I thanked the Forum for their valuable work and stressed that their continued involvement would be crucial in the months ahead as the Race Equality Action Plan was developed. An official from the Welsh Government’s Health and Social Services Group gave a presentation on how the Welsh Government, working with Public Health Wales, would deliver the ‘About the Vaccine’ campaign. It was explained that the campaign team were seeking feedback from trusted voices to help them communicate effectively with the minority ethnic communities. He invited Forum members to contact him directly to share their views, thoughts and feedback.
155. On 9 December 2020, Cabinet discussed further restrictions that may have been needed to be put into place after Christmas to prevent the spread of the virus. I exhibit the minutes of the meeting as **M2B/WG/JH/01-134/INQ000048793**. The number of cases was continuing to rise and there was concern that, with the likelihood of more people mixing around Christmas, there would be an increase in transmission rates. We considered a paper on new “Alert Levels in Wales” (which became known as the ‘traffic light system’). As part of the discussion about the detail of the Alert Levels, we considered the specific proposals for places of worship, support groups and facilities for disabled people. It was agreed that Cabinet would convene again the following afternoon to finalise arrangements. At that meeting, a hard-hitting message was agreed, and arrangements finalised. We were provided with an Equalities Impact Assessment and Children’s Impact Assessment at that meeting, which we considered. At Cabinet on 10 December, we agreed to adopt the new Alert Levels. We decided that, in principle, Wales would be placed into Alert Level 4 restrictions on 28 December. Secondary schools had moved to remote learning on this date, but primary schools and special schools remained open.
156. An updated Coronavirus Control Plan was published on 14 December which set out the four Alert Levels along with the associated measures which would be put in place.

157. The public health position continued to get worse. The CMO(W) advised an earlier move to Alert Level 4 and a change to plans to ease restrictions over Christmas. We discussed this on Ministerial calls on 15, 16 and 17 December 2020. We decided that Wales would move to Alert Level 4 from 28 December and that some businesses would close at the end of trading on Christmas Eve/Christmas Day. Our guidance was that Christmas mixing should be limited to two households.
158. A joint statement was issued with the UK Government and the Scottish Government on the approach to staying safe at Christmas. We then had further discussions about whether our position about Christmas household mixing would be issued as guidance or form part of our regulations. There were differences of view on this between Cabinet members. As we needed to decide on this urgently, the First Minister took the decision – he decided that the change should be made in the regulations.
159. However, cases were rising so fast that, on 19 December 2020 Cabinet met again to review Christmas restrictions. I exhibit the minutes of this meeting as **M2B/WG/JH/01-135/INQ000048803**. Cabinet agreed that Alert Level 4 restrictions were to be brought forward and imposed from midnight on that day. We were informed that the First Minister had met with the Chief Medical Officer (Wales) and Chief Scientific Advisor for Health (and others) about a new mutation of the virus. It was reported that 60% of new cases in South East England were of the new variant and cases were rising fast. The Deputy Chief Medical Officer (Wales) provided Wales-specific advice to us and advised that hospital admissions were running above the Reasonable Worst-Case Scenario. There were calls on the Government for early and robust measures from a range of public sector partners.
160. We felt that we could not expose people to the risk of this new, more virulent strain of Coronavirus. We therefore agreed to bring forward the Alert Level 4 restrictions to midnight that day (requiring non-essential retail, hospitality etc. to close from the end of trading). Christmas rules would also need to be changed so that two households could only come together to form a Christmas bubble on Christmas Day itself. Stay at home restrictions would also come into effect from that evening and those in holiday accommodation should make arrangements to leave Wales. We were all agreed that further steps needed to be taken. We concluded that,

having weighed the socio-economic harms of acting against the direct public health harms and harms associated with increased pressure on the NHS of not, the Government's overriding duty was to protect lives in Wales. The agreed relaxations (allowing the formation of Christmas bubbles for two households to come together) now applied only on Christmas day itself. It was my view that it was difficult to continue operating outside a UK wide context of arrangements for lockdowns. Movement could always take place between nations (although the Welsh police forces were very vigilant in their monitoring and enforcement of the regulations).

Decisions relating to NPIs in 2021 until May 2022

161. The new variant did indeed prove to be more transmissible. Cabinet met again on 29 December, and it was noted that there was a real threat to the NHS in Wales and its ability to respond. Critical care was under great pressure and Covid-19 cases had increased by 24% since 21 December. Following advice from the Joint Biosecurity Centre, the four UK Chief Medical Officers recommended that the CMO Alert Level should move from Level 4 to Level 5 – a material risk of healthcare services being overwhelmed. On 6 and 7 January 2021, Cabinet carried out a 3-week review of the Covid Regulations and decided that no significant changes were warranted.

162. On 11 January 2021, Cabinet considered some changes to restrictions and places of worship were discussed. I exhibit the minutes for this meeting as **M2B/WG/JH/01-136/INQ000057742**. An Options Paper – Places of Worship findings (Annex B) was also shared, it reported that most places of worship were voluntarily closing but the consensus was that mandating closure would be unhelpful for the faith communities. I exhibit the option paper as **M2B/WG/JH/01-137/INQ000057767**.

163. Ministers were provided with an update from the co-Chair of TAG on scientific evidence during a Ministerial Call on 19 January 2021. The number of people receiving their vaccine was rising and the effects of the restrictions were starting to show with evidence of decreasing positivity rates across most of Wales. The new mutation which was known to transmit faster had been found across Wales.

A NERVTAG document which had been leaked to the media showed that this variant had a higher severity rate across the board (not just for those who were already vulnerable). The co-Chair advised us that TAG continued to investigate the position with the medical and scientific community. We were advised that the relaxation of NPIs could lead to a further wave of the epidemic if not done cautiously. We were informed that further work was ongoing in relation to the effects of long Covid, the effects of Covid-19 on Black, Asian Minority Ethnic people and lower socio-economic communities, and discussions with the JCVI on vaccine prioritisation, and the evidence of transmission in rooms and small spaces.

164. On 21 January 2021, I chaired a meeting of the Strengthening Equality and Advancing Human Rights Steering Group. I noted that human rights were a key concern in relation to the ongoing engagement with organisations representing those at greatest risk of being adversely affected by Covid-19. The Steering Group provided an important forum of engagement around human rights and outcomes were used to directly inform Cabinet. I exhibit a note of this meeting as **M2B/WG/JH/01-138/INQ000350290**. I also had a Covid-19 update meeting on the same day with the Police and Crime Commissioner for South Wales (Alun Michael), who was the lead Police and Crime Commissioner for Wales at the time.
165. At the three-week review on 25 January 2021, the Chief Medical Officer (Wales) provided us with advice that community transmission rates had fallen. It was noted that vaccine coverage was steadily increasing. However, the precise impact of the new variant, which could be up to 70% more likely to be transmitted, was still being researched. There was some concern over critical care capacity. The exceptional circumstances were becoming normalised within the NHS and hospitals were being flexible to help manage the extraordinary number of additional patients, however this would have a long-term impact on the NHS to deliver other health services. Cabinet determined that Wales would remain at Alert Level 4 until at least 18 February as indicators remained high across Wales and the capacity of the NHS was a matter of concern. We made some ancillary changes to household mixing and outdoor exercise. At this review, we were again provided with an Equality Impact Assessment, which reminded us that the restrictions had adverse impacts on a range of groups, including, for example, those from Black, Asian and Minority Ethnic communities, younger people, women and victims of domestic

violence. Those impacts were set out in the assessment. I exhibit the impact assessment shared in preparation for this meeting as **M2B/WG/JH/01-139/INQ000129916**.

166. The following day (26 January 2021), a Ministerial call considered advice on potential challenges to the balancing of different harms of Covid-19 as the vaccination rolled out. The Counsel General presented us with two notes on restrictions. Given the public health risks, our focus had tended to be on justifying the lifting of public health restrictions. However, we needed to keep in mind that the restrictions themselves needed to be justified, and so it was important to continually question and challenge whether they remained necessary and proportionate. Sustaining hospital services and preventing them from being overwhelmed had been the principal objective, with the consideration of other harms being weighed against that. However, with the roll out of the vaccine, we would have to revisit this balancing exercise. The consensus was that higher community transmission could be manageable if the vaccine reduced the burden of severe disease on health services. It was noted that a willingness to comply with restrictions would diminish if there was no evidence that the NHS was under pressure. Equality impacts would continue to need to be considered carefully, taking account that Covid-19 and lockdown restrictions have a disproportionately adverse effect on some communities. The First Minister concluded that this was an important discussion and would continue over the coming weeks. I exhibit the minute of this meeting and the two papers as **M2B/WG/JH/01-140/INQ000350196**, **M2B/WG/JH/01-141/INQ000350194** and **M2B/WG/JH/01-142/INQ000350195**.

167. On 9 February 2021 there was agreement (at a Ministerial call, note exhibited as **M2B/WG/JH/01-143/INQ000350278**) that a view on vaccine refusal in the NHS/public workforce would be needed soon, and that further work would be undertaken to understand why people were refusing the vaccine. Strong messaging was needed to educate and encourage those who had anxieties about being vaccinated. Through advisers, I was aware of work on vaccine equity to tackle anti-vaccination communication and encourage vaccine take-up, particularly by those groups who were targeted by anti-vaccination myths and

miscommunication. The First Minister noted that he had sought advice from medical ethicists on ways of responding to these issues. There were a number of meetings and initiatives to publicise the benefits of the vaccine and allay fears and challenge myths about the vaccine. The role of Muslim doctors was very influential, and this linked across to the Faith Communities Forum which was already undertaking important work with a Places of Worship Subgroup to discuss the measures for places of worship across Christian, Muslim, and other faiths. They also played a part in dispelling myths about the vaccine: e.g., with talks in mosques and churches who invited faith leaders and medical colleagues to answer questions about the vaccine.

168. On 16 February 2021, at the 21-day review, Cabinet determined that Wales would remain at Level 4 with some minor modifications. On 19 February, the Welsh Government published an update to the Coronavirus Control Plan: Alert Levels in Wales (coming out of lockdown). The public health position in Wales was slowly improving as the vaccine rollout increased. However, new variants had created uncertainty about how swiftly cases might rise if restrictions were eased too suddenly and, as such, the Scientific Pandemic Influenza Group on Modelling was recommending a slower relaxation of the lockdown measures. Cabinet continued to look to balance the removal of restrictions as part of the 21-day review process.
169. In February 2021, the Senedd's Equality, Local Government and Communities Committee published its report into the impact of Covid-19 on the voluntary sector. On 2 March 2021, I published a Ministerial Response to that report. I exhibit both reports as **M2B/WG/JH/01-144/INQ000066503** and **M2B/WG/JH/01-145/INQ000066504**.
170. By the time of the 8 March 2021 Cabinet the public health position was improving. We agreed that the stay-at-home restrictions would be lifted from 13 March and replaced with stay local (and the re-opening of some businesses and educational settings). We also agreed that from 15 March 2021, all primary school children and Years 11 and 13 should return to school premises, with flexibility for other years to return. An onward timetable for further reopening was discussed and a full return to school was envisaged for 12 April. I exhibit the minute of this meeting as **M2B/WG/JH/01-146/INQ000057740**.

171. On 11 March 2021 I chaired the Third Sector Partnership Council. At this meeting, the Third Sector Partnership Council Covid Recovery Group Report was signed off. The Chief Executive of Wales Council for Voluntary Action, Ruth Marks, said that this meeting was important to mark a moment in time as we hopefully began to emerge from the crisis, and members wanted to put on record their thanks to me and my officials for the support we had given the sector. She stated that the contact and relationship between the Third Sector and the Welsh Government during the pandemic had made them the envy of UK colleagues. I exhibit a copy of the minutes as **M2B/WG/JH/01-147/INQ000350608**.
172. On 18 March 2021, I chaired the meeting of the Refugee and Asylum Seeker Taskforce. Although Covid-19 was not the focus of the meeting I provided an update on funding for the Sanctuary website and shared how mosques were supporting vaccination. I exhibit the minutes of this meeting as **M2B/WG/JH/01-148/INQ000350352**. I also attended a meeting with the First Minister, the Minister for Health and Social Services and the Deputy Minister for Health and Social Services and the steering group of disabled peoples' organisations and disabled people. We discussed the draft Locked Out: Liberating disabled people's lives and rights in Wales beyond Covid-19 report and heard from the authors about how the Welsh Government should take forward the recommendations in the report. I exhibit the minutes of the meeting as **M2B/WG/JH/01-149/INQ000350562**. I discuss this important report further below.
173. Travel restrictions were lifted from 27 March 2021 along with other regulation changes. The benefits of the proposed easements from an equalities perspective, especially for children living in overcrowded accommodation were highlighted (see Cabinet of 25 March 2021). Further, on 15 April 2021, during a Ministerial Call, we noted the value of reopening community centres, given the need to reduce isolation and support wellbeing. Discussion had taken place with Third Sector organisations and there was support from the sector for this easement measure. I exhibit the note of this call as **M2B/WG/JH/01-150/INQ000350320**.
174. At the 21-day review on 19 April 2021, a full move to Level 3 was agreed from 3 May 2021 and Level 2 from 17 May 2021 (subject to public health evidence).

175. On 10 May 2021, I raised a concern with Cabinet regarding day centres for disabled people which were remaining closed. We were also given Technical Advisory Cell advice on social distancing which included advice relating to long Covid. We were advised that the potential impact of 'Long Covid' and post Covid-19 conditions should continue to be considered when planning further relaxations as these conditions could also affect people less vulnerable to severe disease (including children) who may not have been vaccinated yet. We were also advised of behavioural considerations and that any relaxation in the need to social distance would need to be accompanied by careful communications so as not to create the impression of a new set of norms that applied beyond family and friends. I exhibit the minutes of the meeting as **M2B/WG/JH/01-151/INQ000057741**.

Decision Making after the Senedd Elections in May 2021

176. I was re-elected to the Senedd on 6 May 2021. The Labour party won 30 seats, was the largest party in the Senedd, and formed the new Government. Mark Drakeford was re-appointed as First Minister. I was appointed the Minister for Social Justice. The first Cabinet of the new government was held on 17 May 2021, and it was confirmed that normal Cabinet meetings would be on a Monday afternoon with a Ministerial call on Thursday morning.

177. Wales moved to Alert Level 2 on 17 May (as agreed at Cabinet on 10 May). An update to the Coronavirus Control Plan was published. This meant that there were further easements in terms of the number of people able to meet and the re-opening (subject to some restrictions) of venues such as theatres and concert halls. As the position improved still further, we moved to Alert Level 1 in June 2021 (following the 21-day review on 27 May 2021). This entailed changing the rules on meeting indoors in private dwellings, amending social distancing guidance in private homes and outdoors applying the maximum limit of 30 people meeting to all outdoor areas, including gardens. This was done on a phased basis with restrictions on outdoor activities were eased first, to be followed by easing restrictions on indoor activity because we were conscious there was still some

concern surrounding the Delta variant with 59 cases in Wales. On the other hand, we were aware that there was also a need to consider the increasing economic and social impacts of maintaining restrictions particularly on those on lower wage levels, younger people, those with low skills, disabled people, those with poor health and Black, Asian and Minority Ethnic people. Due to the spread of the Delta variant and a sustained increase in cases of coronavirus overall, we ultimately delayed moving fully to Alert Level 1 until 17 July 2021 (as decided at Cabinet of 16 June). We also published an updated Coronavirus Control Plan, including a new Alert level 0.

178. On 2 July 2021, the Welsh Government published the report from the Disability Equality Forum, which had been co-produced by Professor Debbie Foster and the Steering Group, chaired by the Chief Executive Officer of Disability Wales (“Locked out: liberating disabled people’s lives and rights in Wales beyond Covid-19”). This is a detailed report contained a thorough analysis of the impact of the pandemic on disabled people, exhibited as **M2B/WG/JH/01-152/INQ000282167**. BSL and Easy Read versions of the report were also published. The summary report explains how the Locked-Out Report was developed with a group of disabled people forming a Steering Group who met between October 2020 and February 2021. In the Easy Read summary, the Report describes what they found out about the impact of the pandemic on disabled people and suggestions for policy changes and response. The Report identified that disabled people did not get all the medical help they needed, had less access to public services and social support, had less access to public spaces and public life, struggled to live independently, and did not always feel their human rights were fully respected. Their recommendations included:

- ‘We want the Welsh Government to state clearly how important the social model of disability is.
- We want the history of disabled people’s rights to be taught in schools.
- Disabled people should have a say in big decisions that impact their lives.
- We want the Welsh Government to think about social factors and how they have had an effect.
- We want the UK Government to do the same for all four nations.

- We want the staff planning and delivering services to have training (because disabled people found it harder to access public services).
- Disabled people and Disabled Peoples Organisations should have a say in this training.'

179. I published the Welsh Government's response to the report on the same day, exhibited as **M2B/WG/JH/01-153/INQ000282168**. I confirmed that the Welsh Government was committed to the social model of disability and set out the steps that the Welsh Government had already put in place to address the recommendations. Professor Foster agreed to co-Chair with me a Disability Rights Task Force, which we established in October 2021, to take forward the remaining recommendations. This Task Force first met on 18 November 2021 and continues to meet, I exhibit examples of minutes of the meetings as **M2B/WG/JH/01-154/INQ000350734**, **M2B/WG/JH/01-155/INQ000282174**, and the Terms of reference as **M2B/WG/JH/01-156/INQ000350817** as well as those of the Prioritisation Working Group which works alongside as **M2B/WG/JH/01-157/INQ000350736** and **M2B/WG/JH/01-158/INQ000350737**.

180. Also on 2 July, I was asked to bring the socio-economic subgroup of the Black, Asian and Minority Ethnic Covid-19 Advisory Group (led by Professor Ogbonna) to a close. The group's report and recommendations had been published in June 2020 and were being implemented, as I have set out above. I wrote to members of the group thanking them for their work on 27 July. I exhibit a copy of the letter as **M2B/WG/JH/01-159/INQ000350684**.

181. On 5 July 2021, Cabinet discussed the position in England with regard to the full lifting of restrictions despite rising cases. It was agreed that there should be an ongoing requirement to wear face coverings on public transport and in certain indoor settings, guidance was given on risk assessments and the recommendations on work from home were accepted, but given the impact specifically on women, it was important to ensure that a full equality impact assessment was undertaken before ministers took the decision to move to the baseline alert level. This was continued through the subsequent Cabinet meetings in July.

182. On 9 July 2021, TAC published a paper on the Five Harms Arising from Covid-19 (in the context of considering potential baseline measures), exhibited as **M2B/WG/JH/01-160/INQ000239550**. The five harms were (1) harm directly arising from Covid-19 infections; (2) indirect Covid-19 harms due to surge pressures on health and social care system; (3) harms arising from population based health protection measures – e.g. educational harm, psychological harm and isolation from shielding; (4) economic harms, such as unemployment and reduced business income; and (5) harms arising from the way Covid-19 had exacerbated existing, or introduced new, inequalities into our society. I understand that a corporate statement for TAC/TAG has been submitted that details this work further.
183. On 29 July 2021, it was agreed to move to Level 0 from 7 August. This removed the remaining legal limits on people meeting up in private homes or public places, lifted requirements on hospital and retail settings and removed the 2-metre social distancing requirement. We received a Summary Impact Assessment and Health and Social Impact Assessment which we considered before making this decision. I exhibit these as **M2B/WG/JH/01-161/INQ000350390** and **M2B/WG/JH/01-162/INQ000057858**.
184. On 23 August 2021, it was noted that community transmission rates were increasing but hospital admissions were stable. We agreed to remain at Alert Level 0. Cabinet considered a paper that outlined concerns with vaccine uptake in Black, Asian and Minority Ethnic communities in particular, and proposed efforts to overcome this, such as mobile vaccine clinics within the community, vaccines to be given at mosques, continued work with community partners and umbrella organisations with the aim of increasing confidence in the vaccine. Similar efforts had been outlined for Gypsy, Roma and Travellers. We also had a wide-ranging discussion on the advantages and disadvantages of a domestic 'Covid pass'. There were a number of practical and ethical issues to consider. No final decisions on the Covid pass were taken at this time, and we asked officials to explore a number of matters around it. However, it was agreed it was important to signal at the press conference that the Government was exploring whether a Covid pass should be introduced while highlighting that the public health situation was deteriorating. It was hoped that this might encourage younger people to take up

the offer of a vaccine. I exhibit the minute of Cabinet as **M2B/WG/JH/01-163/INQ000057893** and relevant paper as **M2B/WG/JH/01-164/INQ000057862**.

185. At the next Cabinet meeting, on 13 September 2021, we considered a Discussion Paper on the Covid pass. It was noted that there was a need for evidence from the UK Government on the impact of reopening nightclubs on transmissions rates and any evidence UK Ministers had considered before deciding to postpone mandatory vaccine certification for certain venues in England. A number of practical issues were also discussed, including whether it was possible to have a Wales only model of the pass. Consideration would also need to be given to whether mandating the use of certification was an effective public health measure. I exhibit the minutes of the meeting as **M2B/WG/JH/01-165/INQ000057743**.
186. Rising cases were noted again, along with huge pressure on the NHS. To avoid the NHS becoming overwhelmed during the autumn and winter months and the reintroduction of curbs on civil liberties, it was important to develop targeted messaging to encourage people to continue to follow protective behaviours. There was concern about compliance, particularly the wearing of face coverings on public transport, and it was agreed that officials should discuss enforcement issues with the relevant authorities.
187. On 15 September 2021, Cabinet met again, and it was noted that it was not clear why England had changed its position on Sunday about introducing mandatory certification in England from 1 October. Given that the benefits of introducing certification to align with England and Scotland no longer existed, we considered a Wales only system. Cabinet concluded, given the time constraints and other practical issues, it would not be possible to introduce mandatory vaccine certificates for entry into high-risk venues by 1 October. However, this would remain an option and would be revisited should the UK Government introduce a system for England. Instead, the use of the Covid-pass would be mandated for use in nightclubs, high risk venues and major events.
188. On 30 September 2021, I sent a letter to the Deputy Minister for Mental Health and Wellbeing following the Cross-Party Group on Poverty I had attended on 29 September. We had heard from the Chief Executive of Faith in Families about the

growth in mental health issues being experienced by children which had been exacerbated during the pandemic. I asked the Deputy Minister to contact the Chief Executive of Faith in Families. I exhibit this letter as **M2B/WG/JH/01-166/INQ000350430** and the response received by the Deputy Minister for Mental Health and Wellbeing as **M2B/WG/JH/01-167/INQ000350733**.

189. On 4 October 2021, during our 21-day Cabinet review, it was noted that it would be helpful to extend the campaign aimed towards Ethnic Minority communities to encourage vaccine uptake, in addition to an action for health colleagues to discuss a campaign with the Royal College of Midwives with regards to vaccine uptake in pregnant women. I exhibit the note of this meeting as **M2B/WG/JH/01-168/INQ000057881**. Around this time there was a campaign, led by Public Health Wales, which was specifically around building confidence in the vaccine for pregnant and breastfeeding women. There was also ongoing communications and engagement activity, led by health communications team, aimed at Ethnic Minority people where evidence showed vaccine uptake was lower. Officials contributed to a vaccine community engagement plan and vaccine information materials in minority languages. This formed part of the Keep Wales Safe campaign, and a specialist multicultural media agency was subcontracted to develop further campaign materials and activity for Black, Asian and Minority Ethnic communities. I understand this has been detailed in the Health and Social Services Group corporate statement (M2B/HSSG/01).
190. I received Ministerial Advice MA-JH-3247-21 on 4 October 2021 on the impact of the pandemic on levels of indebtedness in advance of my appearance before the Equality and Social Justice Committee on 20 October 2021. The Committee was undertaking a short inquiry into this issue, and it was anticipated that they would conclude that coronavirus had a significant impact on levels of poverty in Wales. I exhibit the Ministerial Advice, impact paper, and the transcript of the committee session as **M2B/WG/JH/01-169/INQ000145594**, **M2B/WG/JH/01-70/INQ000350429** and **M2B/WG/JH/01-171/INQ000350643**.
191. At the 21-day review on 25 October 2021, we mandated the use of the Covid pass in entertainment venues. Cabinet agreed that more should be done to encourage people to return to working from home for the winter months, ever mindful of the

socioeconomic impacts on those not able to do so. There were cases where some employers were behaving as if the pandemic was over, which would need to be addressed.

192. I gave an oral statement on 9 November 2021 to discuss the work of the Wales and Africa programme, particularly in response to the Covid-19 pandemic, I exhibit my statement as **M2B/WG/JH/01-172/INQ000350688**. I also received a Violence Against Women, Domestic Abuse and Sexual Violence Progress report for the period 1 April 2020 – 31 March 2021, exhibited as **M2B/WG/JH/01-173/INQ000350740**, I also exhibit the Ministerial Advice associated with the report as **M2B/WG/JH/01-174/INQ000145580** and a copy of my Written Statement issued on 25 November 2021 as **M2B/WG/JH/01-175/INQ000350739**.
193. On 17 November, at the Third Sector Partnership Council meeting, I noted that I had written to the Sector in October to seek their help to ensure we could stay at Level 0. My letter had been cascaded across networks and I took on board feedback that there would be a feeling of injustice if community centres, for example, were closed ahead of pubs. It was also noted that the perceived lack of enforcement of the regulations (e.g. regarding face coverings by public transport operators) was making it more difficult for Third Sector organisations (and their volunteers) to enforce the regulations. I welcomed this feedback and stressed that members should continue to write to me and my officials to help me understand the views of our communities and our most vulnerable citizens. I exhibit the minutes of this meeting as **M2B/WG/JH/01-176/INQ000282188**.
194. I presented a paper to Cabinet on 22 November 2021, asking Cabinet to approve the publication of the National Strategy for tackling Violence against Women, Domestic Abuse and Sexual Violence for consultation. Cabinet noted concerns about the rise in domestic violence as a result of the pandemic, which had required more people, particularly women, to work from home. This had also been evidenced in a recent Estyn report (“Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales”, published in December 2021) which would be shared with Ministers. It was noted that IRIS, a specialist domestic violence and abuse training programme to help health professionals identify signs of domestic abuse and equip them with the knowledge they needed

to make referrals for further support, would be rolled out to GPs across Wales. Cabinet approved the paper and the consultation on the national strategy began. I exhibit the minute of the Cabinet as **M2B/WG/JH/01-177/INQ000130004** and the paper that was approved as **M2B/WG/JH/01-178/INQ000350704**.

195. Cabinet decided against the extension of the Covid pass on 25 November 2021. On 29 November 2021, the emergence of the 'Omicron' variant in South Africa was reported. It was agreed it would be important to continue to encourage all those who had not been vaccinated to come forward, particularly those in Black, Asian and Minority Ethnic communities. I exhibit the minutes of the meeting as **M2B/WG/JH/01-179/INQ000130006**.
196. In supporting the availability of Lateral Flow Tests, we noted at the 2 December 2021 Cabinet meeting, that the Third Sector, along with faith and Black, Asian and Minority Ethnic groups, could also have a role in distribution. We updated and strengthened the Guidance on face masks. I exhibit the minutes of the cabinet as **M2B/WG/JH/01-180/INQ000022559**.
197. During December, Cabinet considered the response to the Omicron variant, which was resulting in a rapid increase in infection rates. Given the high level of uncertainty surrounding Omicron we agreed to review the regulations weekly. We agreed to recommend that people should take a lateral flow test before going out. On 20 December 2021, the First Minister reported that there had been a COBR meeting the previous day, the outcome of which had been inconclusive. We concluded that measures to slow down transmission rates were necessary. In making these decisions, we considered TAC advice which favoured more stringent measures, along with an Impact Assessment and a paper setting out the balancing of the harms. We agreed to restrictions broadly equivalent to Alert Level 2 to be introduced from Boxing Day and a financial support package was introduced for businesses given the economic impact. We agreed that all indoor and outdoor events should be closed to spectators from Boxing Day. There would be a need to consider the implications for other indoor venues, such as cinemas, theatres and concert halls.

198. On 21 December 2021, following the offer of additional support from the UK Treasury, we agreed to impose a number of further restrictions in relation to social distancing, gatherings and licenced premises. Ministers also agreed there should be no extension to the use of the Covid pass at this stage and further thought should be given to its expansion when restrictions were lifted.
199. I updated Ministers with regard to my portfolio at Cabinet on 10 January 2022 (minutes exhibited as **M2B/WG/JH/01-181/INQ000057923**). In social justice matters, the faith communities were satisfied with the treatment of worship under Alert Level 2 measures, and there were no major support issues reported by the Third Sector, although they were reporting increased sickness absence. The police had reported an increase in pre pandemic levels and types of criminal activity including domestic abuse over the Christmas period. Absence levels were around 9%, double the usual rates which was challenging.
200. On 13 January 2022, during the weekly review of the regulations, we agreed to lift the restrictions on numbers outdoors from 21 January in light of TAC advice that outdoor risk was lower than previously understood. We indicated that we would return to Alert Level 0 from 28 January.
201. By 14 January 2022, Covid-19 cases were falling, and more people had received a booster of the vaccine. Restrictions were then gradually moved down to Alert Level 0 (from 21 January for outdoor activities and 28 January for indoor activities). By 11 February 2022, we returned to the three weekly review cycle.
202. Moving into February, Cabinet planned to move from regulation to guidance and this would require prior engagement with stakeholders. On 7 February 2022 at the 21-day review, Cabinet agreed to end use of the Covid pass from 18 February, specific Covid-19 risk assessments were to cease from 28 March, and reasonable measures to end on the same day as well as the removal of the requirement for face coverings in retail, public transport and health settings.
203. A transition plan (Together for a Safe Future) was presented on a Ministerial call on 3 March 2022.

204. We agreed to repeal the Covid-19 regulations on 23 May 2022. The legal requirement to wear face coverings in health and social care settings were to be allowed to expire on 30 May, to be replaced by guidance. We also received a report from the Chief Economist which noted a sharp slowdown in GDP growth and increased inflation. There were a number of long-term economic challenges, such as the aftermath of Brexit, the need to decarbonise, a decrease in birth rate with an associated reliance on in-migration and the impact of people working from home. Ministers agreed there was a need to highlight at the Shadow Social Partnership Council that the Welsh Government had very little capacity to respond to the economic situation. It was important also to discuss the consequences with the newly created Equality, Race and Disability Evidence Unit.

Race Equality Action Plan for Wales

205. Before the pandemic, I was already considering the development of a Race Equality Action Plan with the Race Equality Forum in 2019, in the context of the Strategic Equality Plans. The minutes from the Race Forum meetings in 2019 indicate that a separate Plan on race equality would be welcomed alongside the Gender Equality and Action for Disability Plans. Although work on the Plan was still in its early stages, the rapid realisation of the disproportionate impact of Covid-19 on Black, Asian and Minority Ethnic people and communities in late March/April 2020 highlighted the importance of this Plan. I have explained above how the First Minister's Advisory Group led to the setting up of the subgroup on socio-economic impacts of Covid-19 on Black, Asian and Minority Ethnic people. This work addressed many of the cross-government issues that would have been considered in a Race Equality Action Plan.

206. The work undertaken to develop the socio-economic report alongside other evidence that was emerging across the UK of disproportionate impacts provided early evidence of the impact of Covid-19 when NPIs were being considered, including easing restrictions and exceptions. I was receiving updates from the work of the subgroup and attended a number of meetings informing me of impacts and issues. To give an example of the relevance of this work I draw attention to the policy issues relating to poor housing, employment, economic and financial

insecurity, mental health needs and lack of data on the circumstances of Black, Asian and Minority Ethnic people in Wales. This led to a key recommendation for a Race Disparity Unit to be set up in the Welsh Government, with advice coming directly from Lord Simon Woolley, who headed a similar Unit in the Cabinet Office in Theresa May's Government. The Race Disparity Unit has now been established as part of an Equality Evidence Unit in the Welsh Government.

207. As I have explained above, the final Covid-19 Black, Asian and Minority Ethnic socio-economic report was published in July 2020, with the Welsh Government responding in September 2020. It was a powerful guide to NPI considerations, and the work was drawn on in equality impact assessments that were prepared for the 21-day reviews. For example, papers for the firebreak in the autumn of 2020 includes a section on socio economic impact and the following reference 'Across these sectors we will see a disproportionate impact on certain groups: younger workers (especially in hospitality) and Black, Asian and Minority Ethnic people (especially in parts of the hospitality sector and in transport services including taxis.' The report goes on to reference 'Black, Asian and Minority Ethnic COVID-19 Social Economic Sub-group report highlighted issues of overcrowding in homes for Black, Asian and Minority Ethnic people...'. Also, 'There is evidence from engagement with communities that some Black, Asian and Minority Ethnic families have not returned their children to school. One of the reported reasons being fear of the children being exposed to the virus in school and bringing it home with vulnerable relatives becoming unwell.'
208. Work to develop the Action Plan was accelerated after the socio-economic Sub-Group report was published. A Steering Group was set up, co-chaired by Professor Ogbonna and the Welsh Government's Permanent Secretary, Shan Morgan. There were a series of workshops, round table discussions and in-depth examination of specific policy areas over a six-month period, to ensure that the views and experiences of those most directly affected were heard and taken on board. A draft Action Plan was drawn up, and in March 2021 we consulted on the draft Plan. I exhibit the consultation document as **M2B/WG/JH/01-182/INQ000282160**. The consultation ran for a 12-week period and responses were then carefully considered. I exhibit the Welsh Government's response to the

consultation as **M2B/WG/JH/01-183/INQ000350685**. The socio-economic report provided the bedrock of evidence and policy recommendations that formed the basis of the Anti-Racist Wales Action Plan, which was published on 7 June 2022. I exhibit a copy of that Plan as **M2B/WG/JH/01-96/INQ000227788** and the Integrated Impact Assessment that accompanied it as **M2B/WG/JH/01-185/INQ000350686**.

Women's Equality Network

209. The Women's Equality Network ("WEN") is a representative women's network working to influence policy making and empower women to achieve equal status in corporate and civil life. WEN receives funding from the Welsh Government and a range of other charitable funders. I met with the Women's Equality Network throughout the period, and directly heard of the impact of Covid-19 on the life and work of Black, Asian and Minority Ethnic women. There was a growing awareness of the intersectional dimensions of the impact of Covid-19 on people with protected characteristics.
210. A series of virtual "WEN Cafés" were organised by the Women's Equality Network, offering opportunities for speakers and attendees to discuss a theme in detail, from policy to women's lived experience. Yasmin Khan, Violence against Women, Domestic Abuse and Sexual Violence National Advisor attended on behalf of Welsh Government on 1 May 2020 where Violence Against Women and Girls was the subject matter. I received feedback from this event from Catherine Fookes (Director, Women's Equality Network (WEN) Wales) on the 6 May (exhibited as **M2B/WG/JH/01-186/INQ000349408**). I responded to Catherine Fookes on 9 June, and I exhibit my letter as **M2B/WG/JH/01-187/INQ000349558**. On 15 May 2020, Uzo Iwobi CBE, my Specialist Policy Advisor on Race represented the Welsh Government at the Café event when the focus was Impact of Covid-19 on Black, Asian and minority ethnic women. Uzo Iwobi CBE chaired the WEN Café on 27 October 2020, when the topic addressed Black History Wales: The contribution of Black women to education Wales. The feedback from WEN was important because it was intersectional involving women's organisations supporting women

experiencing Violence Against Women Domestic Abuse and Sexual Violence, as well as Black, Asian and Minority Ethnic women and disabled women.

Implementation of the Socio-Economic Duty

211. Implementation of the Socio-economic Duty was a commitment in the Welsh Government's Programme for Government. The term "socio-economic duty" is a shorthand for the duty contained in section 1 of the Equality Act 2010. Essentially, it states that when a public authority makes strategic decisions, that authority must have due regard to the desirability of exercising them in a way designed to reduce the inequalities of outcome which result from socio-economic disadvantage. This duty has been on the statute book since 2010, but the UK Government refused to bring the duty into force. In 2018, the Welsh Ministers obtained powers to bring the section into force, and we intended to do this swiftly. A challenging timetable was put in place to implement the duty in Wales. We consulted on the proposals to bring in the duty between November 2019 and January 2020. The consultation showed commitment to the duty, but public bodies were asking for a longer lead in time. I exhibit the summary of consultation responses as **M2B/WG/JH/01-188/INQ000350692**. In February 2020, I decided to postpone the commencement date for a short period. Subsequently, due to the impact of Covid-19, the Welsh Government had to reprioritise its legislative programme. I exhibit the Ministerial Advice where this was approved as **M2B/WG/JH/01-189/INQ000350698**. The First Minister agreed that the commencement of the Socio-economic Duty would continue to be part of the revised Programme for Government. The legislative programme had to be rescheduled. In July 2020 I agreed to the new timetable, which would bring the duty into force on 31 March 2021. I exhibit the Ministerial Advice that I approved as **M2B/WG/JH/01-190/INQ000338529**. On 16 July 2020, I issued a Written Statement confirming our intentions. I exhibit this as **M2B/WG/JH/01-191/INQ000350689**. My officials used the extended lead in time to engage with public bodies subject to the duty, and to co-produce guidance, hold (virtual) events and help people understand how to embed the duty. Although there was a delay to the commencement of the duty it was very much under active discussion.

212. We were already assessing socio-economic impacts with the onset of the pandemic via our equality forums. The work being undertaken with the Covid-19 Black and Asian Minority Ethnic Advisory Group on Socioeconomic Impacts, and the Steering Group from the Disability Equality Forum (resulting in the Locked Out report) shows that we had socio economic considerations well in mind. I believe we were implementing the duty in spirit and purpose with stakeholder engagement in relation to decision making on NPIs with the 21-day reviews.
213. The fact that the socio-economic duty was not in force in 2020 did not mean that due regard was not given to socio-economic impacts. Advice provided to Cabinet through the 21-day review process contained information about socio-economic impacts. Indeed, socio-economic considerations were at the heart of our consideration of NPIs and formed a key element of the decision-making framework set out in Leading Wales of the Pandemic and Continuing the Conversation policy documents.

Engagement with the EHRC

214. The Welsh Government has had a long standing and constructive relationship with the Equality and Human Rights Commission (“the EHRC”). The Equality and Human Rights Commission has a Commissioner for Wales, and the Reverend Ruth Coombs is the Head of the Equality and Human Rights Commission in Wales.
215. Before the pandemic began, the Welsh Government was working with the Equality and Human Rights Commission to review the Welsh public sector equality duties. That review was paused as a result of the pandemic. The Equality and Human Rights Commission also suspended Public Sector Equality Duty reporting obligations for six months from March 2020. On 19 March 2020, it sent an open letter to the First Minister and I, which had also been sent to the Prime Minister. I exhibit the letter as **M2B-WG-JH-01-192/INQ000350683**. Further to this on 20 April 2020, the Reverend Ruth Coombs wrote to me (and the First Minister), exhibited as **M2B-WG-JH-01-193/INQ000350697** advising that the Equality and Human Rights Commission business plan had been published and that its work

was now re-focused on the pandemic. I replied in early August 2020, noting that our communities were facing unprecedented challenges as a result of Covid-19, and that we in the Welsh Government were aware that while everyone was adversely impacted, certain groups were being affected more than others. I informed the Equality and Human Rights Commission that we had a significant amount of work underway to address this, including issuing guidance reminding staff that when they were taking decisions at pace, we needed to ensure that these were not having unintended impacts. I exhibit my response as exhibit **M2B-WG-JH-01-194/INQ000349764** and the aide memoire shared with Welsh Government officials as an all-staff news article on its internal intranet on **M2B-WG-JH-01-195/INQ000350658**.

216. I then met with Reverend Coombs on 7 May 2020, where we discussed the continued consideration of equality and human rights in decision making processes, pandemic recovery planning (framework for recovery) and the commencement of the socio-economic duty as a tool for recovery. I exhibit a note of this meeting as **M2B-WG-JH-01-196/INQ000350662**.
217. Equality and Human Rights Commission representatives participated in many of the groups and forums that I have described above: e.g. the Disability Equality Forum, the Human Rights Steering Group, the Black, Asian and Minority Ethnic Advisory Committee and Black, Asian and Minority Ethnic socioeconomic subgroup, the External Implementation Board for the Socioeconomic Duty, the Covid 19 Moral and Ethical Advisory Group and the Race Equality Action Plan Steering Group. Any points raised by the Commission in these groups were carefully considered and fed into decision making in respect of NPIs in Wales.
218. The Equality and Human Rights Commission asked for copies of any EIAs that had been carried out or other evidence of how due regard had been given to the three equality needs in a letter sent to both the Minister for Health and Social Services and I on 1 July 2020, exhibited as **M2B-WG-JH-01-197/INQ000349665**. I have outlined our response to the committee above, my response is exhibited as **M2B/WG/JH/01-198/INQ000299537**. I understand that a copy of this response was also sent to the EHRC.

219. I have been asked whether the Welsh Government had any involvement in the production of coronavirus guidance issued by the Equality and Human Rights Commission for employers in Wales. I did not have any role in the production of this guidance. It is unlikely that anyone in Welsh Government did, as it is not our usual practice to work on guidance produced by another organisation.

Long Covid

220. Long Covid was discussed at Cabinet on various occasions and was recognised as one of the “direct harms” caused by Covid-transmission (see, for example, the discussion in the Cabinet papers on 16 November 2020). However, work on long Covid was primarily led by other Ministerial colleagues, such as the Minister for Health and Social Services.

Schedule 12 of the Coronavirus Act

221. I have been asked to explain why the Welsh Government agreed to the inclusion of Part 2 to Schedule 12 in the Coronavirus Act. As I referred to earlier in this statement, the effect of Schedule 12 was to reduce the duty on local authorities to meet eligible care and support needs to a power to do so (save in instances involving abuse or neglect). The Welsh Government agreed to the inclusion of Schedule 12, against a background within which local authorities would continue to do everything they could to meet their existing duties under the 2014 Act, to provide for the possibility that they would be unable to do so – as I have stated earlier, essentially due to staffing constraints as a result of the pandemic. In that circumstance, it was considered essential that local authorities were able to streamline their assessment arrangements and prioritise care so that the most urgent and acute needs were met – for example in relation to disabled people – thereby ensuring the best possible care for some of the most vulnerable people in our society during this exceptional period. The powers in the 2020 Act enabled local authorities to prioritise where necessary more effectively than they could under the 2014 Act prior to its amendment. The provisions were intended to avoid a situation in which local authorities, by continuing to try to comply with the standing

2104 Act duties, would be so overstretched that needs would not be met, thus potentially risking life.

222. The detailed effect of the provisions of the Coronavirus Act on this issue was as follows: Section 15 (relating to local authority care and support) and Part 2 of Schedule 12 provided that specific duties on local authorities in Parts 3 and 4 of the Social Services and Well-being (Wales) Act 2014 (the 2014 Act) to assess needs for care and support, and to meet those needs, were replaced with a duty on local authorities to meet needs for care and support where an adult or adult carer may be experiencing or at risk of abuse or neglect. Local authorities had a power to meet other needs and could continue to meet other needs if they were able to and to prioritise provision as necessary. Local authorities were permitted to provide urgent care to individuals without a full care and/or support assessment under the 2014 Act, and without a financial assessment, and to prioritise the provision of care and support.

223. I have been asked whether I consider that the Welsh Government should have agreed to the inclusion of Schedule 12 in the Coronavirus Act. As I have identified in this witness statement, I consulted with the Disability Equality Forum throughout the pandemic to ascertain the impact of the pandemic on disabled people and the Welsh Government's actions to respond to it via legislation and regulations in relation to NPIs. I listened to concerns about the impact on the equality and human rights of disabled people as a result of decisions taken. I also recognised that there was significant concern regarding the risks of services being overwhelmed due to the unprecedented demands on social care to meet the need of citizens. I was assured the intent was not to permit the withdrawal of services from disabled people but, as I said above, to allow prioritisation of services, if this proved to be needed, to address the most acute needs. However, I tested this in the Disability Equality Forum asking for examples of any services withdrawn as referred to in paragraph 95. I was conscious of and committed to upholding the human and civil rights of those disproportionately impacted, I also ensured that I regularly consulted with the DMHSS on this issue.

224. I have been referred to an excerpt of the witness statement provided to the Inquiry by Jon Luxton, specialist adviser to the Welsh Government, in which he has stated

that he considered that Schedule 12 “broke the social contract between disabled people and the state”. I have been asked whether I agree with this view. A social contract exists between disabled people and all levels of the state, including local government. Authorities have duties of care towards their population, including disabled people, which are manifested in a range of ways including how authorities carry out their social care functions. With the implementation of Schedule 12, local authorities remained under a duty to meet needs in order to protect a person from experiencing or being at risk of abuse or neglect. Local authorities’ continuing duties under the European Convention on Human Rights also continued, including the right to life under Article 2, the right to freedom from inhuman and degrading treatment under Article 3, the right to private and family life under Article 8 and the right to enjoy rights and freedoms without discrimination, under Article 14. Local authorities’ duties to promote well-being, as well as their general and specific overarching duties under Part 2 of the 2014 Act and the associated Code of Practice, also remained in place. This included the duty to have regard to the UN Principles for Older People. The Coronavirus Act also left unaltered the requirement in the Part 2 Code of Practice (General Functions) that “when exercising social services functions in relation to disabled people who need care and support and disabled carers who need support, local authorities must have due regard to the UN Convention on the Rights of Persons with Disabilities.” Against the above statutory background, the Coronavirus Act allowed decisions to be taken regarding social care functions at local level, taking out intervening processes, in order to secure the prioritisation of services to address the most acute needs. As noted in the written statement which accompanied the suspension of the provisions (which I exhibit as **M2B/WG/JH/01-198a/INQ000350676**), no local authority in Wales implemented the 2020 Act provisions, although there would have been instances when individuals had directed or experienced adjustments to their care and support due to the impact of the pandemic on staffing and other vital resources. It was important that these issues were raised and discussed at the Disability Equality Forum meetings I chaired on 16 and 30 April 2020 (the minutes of which I exhibited above as **M2B/WG/JH/01-60** and **M2B/WG/JH/01-69**) with Forum members raising questions and concerns about impacts of schedule 12 of the Coronavirus Act and this was followed with consultation on the statutory guidance that was being produced to guide local authorities: ‘Adult social services during the

Covid-19 pandemic: guidance'. The guidance, which I exhibit as **M2B/WG/JH/01-198b/INQ000353330**, was published on 30 April 2020.

225. I have been asked whether the guidance produced by the Welsh Government for local authorities was sufficient so as to protect the rights of disabled people in Wales. Throughout the pandemic I consulted with disabled people via the Disability Equality Forum to ensure we were listening to their concerns and making decisions that would respect and uphold their rights. I consider that the guidance was an important adjunct to the operation of the 2020 Act for the purposes of clarity, to inform the way in which local authorities exercised their relevant functions and fulfilled their statutory duties under the 2020 and 2014 Acts, and for reassurance to other stakeholders regarding the manner in which it was to operate. It is important to note that the final guidance states that modifications should only be exercised as a last resort where this is essential in order to maintain the highest level of services. It was also helpful to note the views of the Association of Directors of Social Services (ADSSM) Cymru, who had reassured the Welsh Government that they would do 'everything they could to continue meeting existing duties prior to the Coronavirus Act provisions coming into force. In times of emergency the need for rapid decision-making can lead to the voice of the citizen being lost. Careful and considered consultation and communication are a necessity not a luxury'.

226. I have been asked whether there was temporary guidance in place, after Schedule 12 of the Coronavirus Act came into force (on 1 April 2020) and before the publication of the Welsh Government guidance (on 30 April 2020); and, if not, I have been asked to explain how the rights of disabled people were accounted for during that period. The provisions of the 2020 Act took their place alongside a number of other protections contained within the statutory framework (as outlined in paragraph 220) so the purpose of the guidance was to reassure and clarify the position regarding the rights and entitlements of disabled people. Before Schedule 12 came into force on 1 April 2020, on 19 March 2020 the pan-UK 'Responding to Covid-19 - Ethical Framework for adult social care' had been published by the Department of Health and Social Care (exhibited as **M2B/WG/JH/01-INQ000366611**) this provided a clear structure for local authorities to measure their

decisions against and reinforced that the needs and well-being of individuals were to be central to decision-making. This document continued to be available to guide the actions of social services departments throughout the period and was referenced in the Wales guidance when it was published. In the period between the coming into force of Schedule 12 on 1 April 2020 and the Welsh Government guidance being published on 30 April 2020, Welsh Government officials consulted with key stakeholders including Disability Wales upon the draft guidance. Other consultees included RNIB, Wales Vision Forum, Carers Trust Wales, Carers Wales and Disability Wales, All Wales People First, MENCAP, All Wales Parent and Carers, and the National Autistic Society. This period of consultation was commenced on 8 April 2020 and the draft Welsh guidance was circulated to consultees at that time. It was of course open to local authorities to use the draft Welsh guidance to inform their practice prior to it being finalised and published. The Wales guidance also resembled the guidance issued by the Department for Health and Social Care in relation to England as referred above; I understand some Welsh local authorities had reference to the latter in the period prior to the Welsh guidance being published.

227. I have been referred to an excerpt of Jon Luxton's witness statement in which he states that his understanding was that Scotland had not implemented an equivalent provision (to Schedule 12). I have been asked whether this was also my view and if so, why there was a difference between Scotland and Wales in this respect. The detail of the legislative framework applying in Scotland would be for the Scottish Government to advise on. However, the understanding within Welsh Government was (and remains) that all four nations had adopted equivalent or similar provisions to those that applied in Wales. This is reflected in paragraphs 25, 26 and 27 of the Ministerial Advice (MA/JM/4197/20) that was submitted to me and others on 4 December 2020, regarding the responses received to the rapid review of Schedule 12 that was carried out in October 2020, which I refer to as exhibit **M2B/WG/JH/01-198d/INQ000144934**).
228. I have also been asked to explain why it was not possible to repeal Schedule 12 sooner, and in particular at the time when I set out to Cabinet my top 5 priorities for exiting lockdown at the end of April 2020, which included my proposal to revoke

Part of Schedule 12, as detailed earlier in my statement at paragraph 87. In addition to discussions in the Disability Equality Forum on the timing and repeal of Part 2 of Schedule 12, the Assembly Equality, Local Government and Communities Committee also considered these provisions and their impact as part of the Committee's inquiry into Covid-19 and inequality (the report of which, published in August 2020, I exhibit as **M2B/WG/JH/01-198e/INQ000066489**). This was followed up by Welsh Ministers who undertook a rapid engagement on these provisions which commenced on 5th October 2020 and concluded on 2nd November 2020. Analysis of the outcome of the engagement informed the decisions to suspend the provisions with effect from 1 April 2021.

Co-ordination and communication between the Welsh Government, the UK Government and other Devolved Governments

229. I attended several meetings of the General Public Sector Ministerial Implementation Groups (GPSMIG) between April and June 2020 when matters related to my portfolio area were discussed or to represent Welsh government. For example, I attended on the 3 April, when prisons were discussed; we were presented with the Covid-19 deaths worst case scenario for prisons, and agreed measures for addressing capacity and release of low-risk prisoners (including women and pregnant mothers). I also attended on 21 May when the impact of Covid-19 on vulnerable people and disabled people was discussed; the need for accessible communication was raised as an action in addition to data gaps. In relation to the issues addressed at the GPSMIG 3 April, I recall having two conversations with Lucy Frazer KC, Minister for State for Prisons, 31 March and 4 May 2020 regarding the imminent release of women and low risk offenders.

230. I was not directly involved in any other Ministerial "four nations" mechanisms that existed during the pandemic. I do not recall having any other conversations or meetings with my counterparts in the UK Government or the other Devolved Governments about the pandemic. I did not exchange any WhatsApp, texts or messages with members of the UK Government or other Devolved Governments. I understand that the First Minister has addressed intergovernmental working and

communications between the Welsh Government and the UK Government in his statement. Given the nature of my role, I have nothing to add here.

231. I recall that I did write to the Secretary of State for the Home Office on one occasion, on 12 May 2020, (exhibited as **M2B/WG/JH/01-199/INQ000349462**) to share the concerns of the Welsh Government in relation to the growing evidence that Covid-19 was having a disproportionate impact on Black, Asian, Minority or Ethnic communities. I noted the Office of National Statistics provisional analysis that had been published that day, which showed that the risk of death from Covid-19 among some ethnic groups was significantly higher than those of white ethnicity. I welcomed the recent announcement that the UK Department for Health and Social Care was launching a formal review, and I confirmed that Public Health Wales would contribute to that wider analysis. I informed the Secretary of State that the Welsh Government had set up its Advisory Group to better understand the risks facing Black, Asian and Minority Ethnic individuals in Wales, and I confirmed that our group would work closely with other UK nations and with Public Health England. I noted that death certification and registration were not devolved and were the responsibility of the Home Office. I invited the Secretary of State to record data on ethnicity on death certificates so that we could all better understand the impact of Covid-19. A response was received on 2 July 2020 from Kevin Foster MP, Minister for Future Borders and Immigration, which I exhibit as **M2B/WG/JH/01-200/INQ000349669**.

232. I was also aware that my officials were liaising with their counterparts on a four-nations basis, to discuss common matters relating to specific policy areas.

Co-ordination and communication between the Welsh Government and local authorities in Wales

233. Before the pandemic there was already a robust set of mechanisms to enable liaison between and engagement with the Welsh Government and local authorities on policy matters. This was principally the responsibility of the Minister for Housing and Local Government, but all ministers could deal with issues in their portfolio via the Local Government Partnership Council and its subgroups. These provided a basis for the rapidly developing coordination and communications which were

required for decision-making during the pandemic in Wales. With the development of virtual working, it was possible to bring together all 22 local authorities, the leaders, chief executives and other colleagues, including Police and Crime Commissioners to consult and inform on decisions that were being made on a daily basis. The “Team Wales” approach was well established and lent itself to this communication involving a cross-party range of local authority leaders. The Welsh Local Government Association also greatly assisted the close working arrangements which were required and helped achieve consensus in the most difficult times. Local authorities were able to feedback from the front line on the direct and indirect impacts of the pandemic.

234. As far as I was concerned, these mechanisms served the Welsh Government and local authorities effectively during the pandemic with the strengthening of relationships becoming evident between Welsh Government and local government. The leader of the Welsh Local Government Association, Cllr Andrew Morgan, also took a pivotal role in liaising with the First Minister and ministerial colleagues, by attending the Covid-19 Core Group meetings along with representatives from the Police, and the Secretary of State for Wales. The First Minister was clear in his expectation that we were open and transparent in our dealings with local authorities. I welcomed the attendance of Third Sector representatives and Police and Crime Commissioners at these meetings, and their engagement was particularly useful when considering the 21-day reviews.

Covid-19 public health communications in Wales

235. I was mindful of how our messages reached different groups, particularly vulnerable groups or those with protected characteristics and agreed specific campaigns or communication. For example, I have described above how I initiated a campaign aimed at victims and survivors of domestic abuse so that they understood services and support remained available that that they could reach out for help despite lockdown measures.

236. I also published a special Welsh edition of the Traveller Times, as many Gypsy and Traveller community members do not access digital information. The Traveller Times is an England only publication but also read by people in Wales, therefore it was important that those in Wales had information about regulations and guidance relevant to Wales.
237. Social media channels were also a key method of sharing information during this time, I shared a large amount of content on the Welsh Government Communities social media pages, I exhibit a printout of some examples of these as **M2B/WG/JH/01-201/INQ000350735**.
238. Through advisers I was aware of work on vaccine equity to tackle anti-vaccination communication and encourage vaccine take-up, particularly by those groups who were targeted by anti-vax myths and miscommunication.
239. It was important that people could access communication from the Welsh Government, the availability of British Sign Language at each of our press-conferences was a sign of this. I recall asking if British Sign Language could be used at the first press conference the First Minister on the emerging impact of Covid-19 and it was confirmed that this was being arranged. The consistency of provision of British Sign Language at the weekly press conferences was welcomed by the Disability Equality Forum. There was also regular access to those providing British Sign Language interpretation at meetings I held with disabled people during the pandemic.
240. I have also outlined the role of the Accessible Communications Group earlier in this statement. I knew it was vital that communications were accessible to people and families in Wales. This could range from an elderly person living on their own, to a disabled person with a carer who were both vulnerable, or a woman at risk of domestic violence, as well as a refugee or asylum seeker for whom English was not a language they were familiar with. This meant that at every step of the way, with risks and NPIs, we had to reach out and communicate in a way that was accessible to all. In response to feedback, the Chief Medical Officer (Wales) adapted his correspondence. We ensured that there was communication in

different languages. We checked regularly in the Disability and Race Equality Forums to ensure that communications were accessible. It was fed back to me that the First Minister's press conference was a huge source of comfort to people as they could understand what he was saying and the way he spoke to people with care and concern, always acknowledging grief and loss that people were experiencing. As noted above, we ensured that there was British Sign Language provision for televised press conferences. It was also important to reach out to people to encourage them to attend forums and meetings.

241. I ensured that my officials engaged positively with communities during the summer of 2020 as the Black Lives Matter movement grew following the killing in the United States of George Floyd, and I attended virtual meetings with people from across Wales who were setting up forums and groups in support of Black Lives Matter where examples of racism and structural inequalities in the provision of service were reported back to me. As an example, I exhibit a note of one of these meetings, 29 July 2020 where I met with representatives of Black Lives Matter Wales group, where we discussed their Black Lives Matter manifesto and the work they were doing in Wales (**exhibit M2B/WG/JH/01-202/INQ000350743**). On 14 July 2020 I met Sophie Howe, who was the Future Generation Commissioner for Wales at the time, to discuss Black Lives Matter, Black, Asian Minority Ethnic young people's groups, the Race Equality action plan, and a note is exhibited as **M2B/WG/JH/01-203/INQ000350742**.

Breaches of rules and standards by Ministers, officials and advisers

242. I was aware of allegations of serious rule-breaking behaviour by UK Government ministers, advisers or officials through reports in the media, particularly reports about the Prime Minister's Special Advisor's visit to Barnard Castle, and the UK Secretary of State for Health seen in an embrace with an aide during periods when restrictions were in force. I was also aware, from media reports, of feedback from the public as to those breaches. The feedback I gleaned was mainly a feeling of public disappointment in the reported behaviour. There was a widespread view among the Welsh public, especially in the early days of the pandemic, that the

rules needed to be respected particularly in support of those who were vulnerable. This view was held, in particular, among those who were vulnerable, those who were shielding, and those who were caring for vulnerable people.

243. In the Welsh Government we had a clear collective understanding that we were responsible for our actions and our behaviour. I considered that we should be exemplary in our leadership roles, and I think that the First Minister set an excellent example. His weekly Friday press conferences became important events for the public because of the trust they placed in him and his leadership. This was relayed to me many times by constituents and people still take the opportunity to say this to me and ask after him and his well-being. The public were aware of actions and behaviours in other administrations comma but looked to the Welsh Government for trust and confidence.

244. I recall a press report around May 2020 alleging that the Minister for Health and Social Services had breached the coronavirus rules by eating chips in a park with his wife and young son. My understanding was that this did not breach the rules and the First Minister swiftly confirmed this. I did not receive any feedback from the public about this incident, and we were regularly informed that compliance with the regulations in Wales by the public remained high. We regularly discussed any proposed changes to guidance on outdoor exercise in Cabinet but have no direct memory of when the changes were made except for the decision to allow a person to take exercise e.g. running with a companion to protect women in particular who were taking exercise after work on their own in the dark.

Public health and coronavirus legislation and regulations

245. As I have explained above, after early May 2020, the 21-day reviews were conducted at Cabinet and we made decisions about what restrictions, if any, it was necessary and proportionate to impose to protect public health. Lawyers then drafted the regulations, and they were formally adopted by the First Minister. I did not play any part in that drafting exercise. The Regulations, once made, were laid in the Senedd, and had to be approved or they would lapse. I attended all debates

on the regulations and voted in support of the motions in line with my role as a minister in the Welsh Government and Chief Whip, in that role I ensured that voting advice was adhered to by all Welsh Labour members in the Senedd following discussion in our pre plenary Labour group meetings.

246. I was aware that the regulations created new criminal offences, and I liaised regularly with Police and Crime Commissioners to discuss any issues over enforcement. I accepted that criminal sanctions were necessary. The sanctions made it clear to the public that they had to follow these restrictions and there was no choice about it. They gave powers to the police and other enforcement agencies to take practical steps to enforce them where required. They brought home the seriousness of the situation, and also acted as a deterrent to rule breaking behaviour.

247. Once established, I thought the 21-day review process worked well, and we were all able to have our say over the restrictions, even though many of us were participating virtually and were not meeting in person. I was aware though that the regulations were changing frequently, and these frequent changes sometimes made it difficult for the public to understand how they were supposed to act. The reason for frequent changes was because we wanted to act in response to the most up to date advice and to relax restrictions as soon as it was safe to do so. We did our best to explain that, and I think the First Minister did that exceptionally well.

Key challenges and lessons learned

248. The decisions we made during the pandemic were of a different magnitude to any I had made previously in my Ministerial career. We often had to make agonising choices, knowing that taking a particular decision to save lives would inevitably have significant consequences for the people of Wales. Every time we asked the people of Wales to make those sacrifices, they did so, often at great personal cost to themselves. People working on the front line kept the country going, and we owe them a great debt. But we were aware throughout that our decisions did not impact on everyone in Wales in the same way. I have described in this statement

the ways in which the restrictions we had to impose impacted differently on different protected groups. My overall approach and intention was to serve people in Wales with protected characteristics by listening and learning from their experiences to inform our decision making in Cabinet, regarding the clinical and public health response to Covid-19, the impact of the NPIs and the ensuing legislation which needed to be informed by equality impact assessments.

249. I gave evidence to the Equalities, Local Government and Communities Committee of the Senedd on a number of occasions between January 2020 and the election in May 2021. I have referred to some of these evidence sessions already in this statement. I gave oral evidence to this Committee on 14 May 2020 (**exhibit 73**), 12 October 2020 (**exhibit 117**), 16 November 2020 (**exhibit 125**), 21 January 2021 (which I exhibit as **M2B/WG/JH/01-204/INQ000350640**) and 11 March 2021 (which I exhibit as **M2B/WG/JH/01-205/INQ000350641**). I have also referred to the reports produced by this Committee, and the Welsh Government's response to them. After the election in May 2021, I appeared before the Equality and Social Justice Committee on 20 September 2021 (which I exhibit as **M2B/WG/JH/01-206/INQ000350642**), 20 October 2021 (**exhibit 171**), 24 January 2022 (which I exhibit as **M2B/WG/JH/01-207/INQ000350644**) and 31 March 2022 (which I exhibit as **M2B/WG/JH/01-208/INQ000350645**). Not all of these post-election sessions were focused directly on the response to the Covid-19, but they all touched in some way on addressing the impact of the pandemic. Other than these reviews conducted by the Senedd, I have not contributed to any internal or external reviews or lessons learned exercises.

250. I have been asked by the Inquiry to reflect upon the timelines and /effectiveness of measures, with the benefit of hindsight.

National Lockdown

251. As I have explained, the first national lockdown had an unprecedented impact on peoples' lives, our public services and the economy, especially for those who were most vulnerable and isolated. In my view, the decision to enter into lockdown on 23 March 2020 was inevitable: cases were rising rapidly and the NHS was coming

under pressure. There was no treatment and no vaccine. We were advised that if more stringent action was not taken imminently, there would be considerable loss of life and the NHS would not be able to cope. In the light of what we knew at the time, I agreed entirely with the First Minister's decision to enter into lockdown on the evening of 23 March 2020. The lockdown was effective in that the transmission rate of the virus fell, cases dropped, and the NHS did not become overwhelmed. At the time, it is hard to see how the lockdown could have been introduced earlier and it was important it was a UK wide implementation.

Local Restrictions

252. Local restrictions were imposed as what we considered to be a proportionate response to local outbreaks. However, travel to and from places in and outside those local restrictions raised many questions and concerns, especially relating to support networks and family contacts. The virus continued to spread, and we ended up having to impose Local Health Protection Areas across many parts of Wales. I held and I continue to hold the belief that the regular Ministerial Statements, the publication of the Technical Advice Cell summaries, and the First Minister's weekly press conferences were important to ensure that a clear explanation was given for these measures and what was permitted and what was not. I don't recall thinking there should have been a different set of arrangements as far as local restrictions were concerned, and also thought 'things could be worse' if we hadn't operated in that way. I think the Local Health Restrictions were proportionate at the time and were preferable to more widespread national lockdown measures.

Firebreak

253. Both SAGE and TAC advised that a firebreak or circuit breaker was necessary to reduce transmission/case rates and to reduce pressure on the NHS. The decision to have a firebreak in Wales was in itself a hard one to make, as the UK Government was not going to take the same action. By this stage the differences between our approach in Wales which was regarded as 'more cautious' on many fronts, and the divergence of decision making in the four nations was beginning to

have an impact on public opinion inside and outside Wales. I believe the firebreak was a necessary step given the public health situation in October 2020. However, as I have stated there were challenges introducing this restriction ahead of other nations. This was a time when people had strong views in support of the 'cautious' approach Wales was taking but there was concern about the impact on businesses and questions about 'who could see who' were always being asked in terms of support for vulnerable people. I think the firebreak was for the right period of time, and it was effective in reducing the "R" rate and the number of Covid-19 cases in Wales. I also consider it was important that the Welsh Labour Government was supported by other political parties for these significant decisions to be made.

254. It was difficult to continue operating outside a UK wide context of arrangements for firebreak and lockdowns. For example, it was recognised that movement could always take place between nations despite the respective police forces in Wales being very vigilant in their monitoring and enforcement of the regulations. We learnt how difficult this was with our borders being so close with England where there was a different set of rules. We fully engaged with the Police forces in Wales, updating them on our decision making and inviting feedback on the operational impact of the NPIs. I believe they were confident in the decisions we were taking even when they were different from UK Government, and they worked in partnership with us at all times. However, the Police also worked very carefully on the basis of their decision to approach the management of regulations on the basis of Engage, Explain, Encourage and Enforce - engaging with members of the public; explaining the coronavirus laws and regulations; encouraging compliance and only as a last resort enforcing through fixed penalty notices.

255. We knew that the need for a firebreak had been advised by the Chief Medical Officer (Wales) and we had the Technical Advice summary papers from TAC to support the decision. We had to act in the best interest of the people of Wales, especially those who were most vulnerable. From my meetings with groups of disabled people who were scared to go out, I understood that they welcomed this decision to reduce the transmission rate and the spread of the virus. I would say my reflections on this question were not so much about 'lessons learnt' rather than what our experience was of the impact of the firebreak on policy and public opinion.

256. We also learnt that there was a growing wave of 'anti lockdown' campaigners who fiercely opposed restrictions, and this became a very political debate, and I was challenged personally on more than one occasions in my constituency on this.
257. We knew how difficult the firebreak would be for small businesses and the community sector who were losing income as a result of the firebreak. This was particularly so as the UK Government refused to make financial support available to those impacted by the firebreak in Wales. It was important to talk to all those representatives of these sectors which I did, particularly with the Third Sector. Again, evidence of the need to communicate and respond to these economic as well as social needs was important and a lesson for how decisions are made.

December 2020 National Lockdown

258. The public health condition had become worse by the start of December, and we were again being advised of the need for a national lockdown. In line with my response to questions about 'lessons learned' we knew we needed to reach out and listen to those who were most vulnerable to make sure we made the right decisions about providing support in relation to the December national lockdown. This was particularly important to get the right balance about how families and lone adults could support each other over the Christmas period whilst protecting them as much as possible from the risk of contracting and transmitting the virus. We were entering the cold winter months and it was clear that if you had a garden you had more opportunity for your permitted household to be outside than families and individuals in flats. The financial, as well as psychological, needs of people were very evident to us as a Cabinet and the pressures of the keyworkers in the front line of the NHS as well as public transport and retail was clear.
259. As Welsh Government Ministers we constantly looked to ourselves, as a Government, our relationships with local government, the Third Sector and police to uphold our sense of purpose and unity recognising that our action, our behaviour and commitment to safeguard the people of Wales had to be exemplary if we were

to be trusted as we moved ahead with the vaccination campaign and the work to move out of the pandemic which was just beginning.

General lessons learned

260. More generally, the experience of responding to the pandemic also highlighted for me the important role the Third Sector and volunteers play. I believe the national voluntary sector infrastructure was important to harness and co-ordinate the volunteers who played such a vital role in providing support during the lockdowns and for vulnerable groups throughout the pandemic. Funding was awarded to the Wales Council for Voluntary Action and the County Voluntary Councils and other organisations to provide this support and networking. It was also important that the voluntary sector was part of the Local Resilience Forums to ensure full collaboration with all sectors.
261. I also believe that the Violence Against Women Domestic Abuse and Sexual Violence (Wales) Act 2015 with its duties and responsibilities for local authorities supported by specialist services worked well, together with weekly operational meetings. The close liaison with the Police and monitoring our Live Fear Free 24/7 Helpline to ensure people were seeking help worked well and as was our close working with those who were protecting and supporting victims and survivors of abuse.
262. I was also proud of the funding and support of outreach teams which was important for the Test Trace and Protect Teams which were run by the public sector and not contracted out to the private sector. These outreach teams were important as the disproportionate impact of Covid-19 was being experienced by Black, Asian and Minority Ethnic people and communities and outreach was vital to allay concerns and fears. The teams were also effective in addressing some of the anti-vaccination myths that were spreading. We asked all Local Health Boards to assess the measures to support Black, Asian and Minority Ethnic communities to engage with the Test, Trace, Protect programme, as a result of this work, dedicated Black, Asian and Minority Ethnic outreach workers were appointed in each Local Health Board area to maximise the outreach for Test, Trace, Protect.

263. Finally, I consider our earlier intense engagement with those who were most disproportionately affected by Covid-19 allowed us, as a Government, to develop trust with people with lived experience. This was evident as early as the first national lockdown when we reached out, we gained enormously from the feedback from the experience of people and communities adversely affected. I believe the relationships formed with groups and communities helped the Welsh Government consider the needs and views of communities and people disproportionately affected by Covid-19 at every stage of the decision-making process. In June 2021, the Welsh Government funded the North Wales Covid Support Hubs pilot which funded six Community Support Hubs across the most deprived areas of North Wales to provide support to residents throughout the pandemic, during a visit to one of the hubs in March 2022, I heard firsthand how the hubs were successful in bringing local services together, provided a safe space for people to meet (safely in a line with social distance requirements at the time) and access to LFD covid tests, food, advice and support. The hubs provided support around Digital Inclusion, Mental Health, Fuel Poverty, Food Security and Financial Inclusion.
264. In terms of our policy development, we learned that we had to be much stronger in our policy responses to address some of the structural inequalities that were emerging for Black, Asian Minority Ethnic people and communities and disabled people. This led to us revising the Race Equality Plan to be an Anti-Racist Action Plan for Wales and the setting up of a Disability Rights Taskforce (and preparation of the Disability Rights Action Plan, to be published in 2024). This emerged very quickly as a result of the first National Lockdown.
265. I have prepared this witness statement to the best of my ability to recall the decisions we took to respond to the pandemic and to learn lessons for the future. I recognise the impact of the pandemic is still affecting many people and services which we are addressing in current policy development and decision making. The findings of the evidence we secured during the pandemic regarding socio-economic inequalities are also influencing our development of plans to address these inequalities in the social justice portfolio and across the Welsh Government.

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.

Personal Data

Signed:

Dated: 8th December 2023