

Thursday, 16 May 2024

1
2 (10.00 am)
3 **LADY HALLETT:** Mr Scott.
4 **MR SCOTT:** Good morning, my Lady. May I call Sue Gray.
5 **LADY HALLETT:** Ms Gray, I understand you have come specially
6 to help the Inquiry, and I'm very grateful for your
7 commitment; I appreciate how busy you must be at the
8 moment.

9 **THE WITNESS:** Thank you very much.

10 **MS SUE GRAY (affirmed)**

11 **Questions from COUNSEL TO THE INQUIRY**

12 **MR SCOTT:** Good morning, Ms Gray.
13 You provided the Inquiry with a witness statement
14 that's dated 19 March. Please ignore the date in the
15 top right corner. It's there on the screen,
16 INQ000449439.
17 And if we can go to page 25, please, there's your
18 signature and there's a statement of truth there, and
19 that's dated 19 March 2024.

20 As far as you're aware, are the contents of that
21 statement true?

22 **A.** Yes.

23 **Q.** And are you content to rely on that statement in
24 evidence to the Inquiry?

25 **A.** Yes.

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1 how it operates in Westminster.
2 **A.** Okay, thank you. I think it is very different. In the
3 UK Government, the Prime Minister issues
4 a Ministerial Code to his ministers, and in that
5 Ministerial Code there was a very clear -- a whole
6 section, actually, on collective responsibility. It
7 sets out very clear what is expected of ministers.
8 That, you know, when they go to meetings they have
9 an opportunity to be free and frank in those Cabinet
10 discussions and Cabinet committees, but obviously those
11 discussions stay private and whatever decisions are
12 taken, you know, you roll in behind them. There are
13 very clear processes about clearance of papers for those
14 committees, and also about making announcements.

15 And that is very different to Northern Ireland
16 where, although you have a Ministerial Code and you have
17 the Pledge of Office, but actually it doesn't talk about
18 collective responsibility, so they're quite different.

19 **Q.** So in Northern Ireland, part of the Ministerial Code is
20 to support and to act in accordance with all decisions
21 of the Executive Committee and the Assembly. That would
22 tend to suggest that after a decision has been taken,
23 the ministers need to have some semblance of collective
24 responsibility for those decisions; would you agree with
25 that?

3

1 **Q.** If I can just run through your background, briefly. So
2 as at April 2018 you were a director general, propriety
3 and ethics, in the Cabinet Office. Prior to that, how
4 long had you been working in the Civil Service?
5 **A.** I'd probably been in the Civil Service for about
6 35 years.
7 **Q.** In April 2018 you then took up the post as permanent
8 secretary to the Department of Finance on secondment?
9 **A.** Yes.
10 **Q.** And then you left that post in May 2021, to take up the
11 role of second permanent secretary in the
12 Cabinet Office, with a responsibility for the Union and
13 Constitutional Directorate?
14 **A.** Yes.
15 **Q.** As far as the Inquiry's aware, you are the only civil
16 servant who had experience, at a senior level, both in
17 Stormont and in Westminster during the course of the
18 pandemic?
19 **A.** Yes.
20 **Q.** So it's that aspect that we're particularly keen to
21 focus on today and your ability to bring to bear your
22 knowledge and experience of how both systems operate.
23 If I could start, please, with collective
24 responsibility and your assessment of how collective
25 responsibility operates in Northern Ireland compared to

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1 **A.** I do agree with that.
2 **Q.** And it doesn't appear that there is any equivalent sense
3 of collective responsibility before a decision has been
4 taken, so if ministers want to express a different view
5 in public they're free to do so; would you agree that
6 that seems to be the approach to the Ministerial Code?
7 **A.** Yes, because it's not specific.
8 **Q.** Is the situation different, then, before a cabinet
9 decision would be taken in Westminster?
10 **A.** No -- well, obviously I'm not going to say that
11 everything is perfect there, but, you know, there is --
12 people do respect the process, and cabinet -- you know,
13 often issues get resolved in cabinet committees, not
14 always at cabinet, but, you know, you don't read
15 about -- you occasionally read about differences of
16 views, but there tends to be a certain discipline.
17 **Q.** Part of the different features of Northern Ireland is
18 the power-sharing arrangement --
19 **A.** Yes.
20 **Q.** -- compared to Westminster with the --
21 **A.** Yes.
22 **Q.** -- government of the day. It's right that you have had
23 experience of working within the Cabinet Office when
24 there was a coalition.
25 **A.** Yeah.

4

1 Q. What was your experience of how collective
2 responsibility worked in a coalition setting?
3 A. So I was in Cabinet Office between 2010 and 2015 for the
4 Conservative/Liberal Democrat coalition, and in fact
5 I was in Cabinet Office just before that, so whenever
6 the -- you know, part of the discussions to form
7 a coalition government in -- there was, like, five days
8 in May -- part of those discussions was to agree how the
9 two parties would work. And actually the
10 Ministerial Code from that time -- I haven't got it with
11 me, but I think from that time -- set out a process for
12 collective responsibility within a coalition government,
13 and actually provided for a process which was called
14 something like -- where you -- where collective
15 responsibility had to be set aside, because, you know,
16 the two parties were not going to agree, and there was
17 a -- it was made clear that that would be exceptional.

18 Sorry, I can't actually remember the whole words,
19 but it was from that Ministerial Code in that period.

20 That process would be exceptional and that there was
21 a process. So if the two parties were not going to
22 agree, there was a special meeting and, you know, the
23 Cabinet Secretary would be part of that meeting, and the
24 process would be set out so that, I suppose, in a way,
25 the two parties were encouraged to reach agreement when

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1 provisions of the Ministerial Code, whether any
2 additions, there's no reason why a system like that
3 couldn't operate in Northern Ireland?

4 A. I'd like to think it could. I don't know whether
5 five-party -- you know, when I was here I was in a five
6 party work -- you know, it was a five-party coalition.
7 And, you know, we had tested it in two parties, two
8 large parties, we had tested it, with very different
9 views on certain issues. Whether five parties,
10 you know -- but I would like to think that you could set
11 down a process similar to that.

12 The very rigour of having to produce a paper,
13 you know, in the Cabinet Office to record the differing
14 views and that balancing of options, I think --
15 you know, it was a very helpful process.

16 Q. Thank you.

17 Just also in terms of the Ministerial Code, my Lady
18 asked the experts on Monday that leaking by ministers
19 would be a breach of the Ministerial Code. Do you agree
20 with that?

21 A. I ... I think, you know, I think a lot depends on the
22 severity of the leak, but I think if it is a serious
23 leak then, yes, I think there would be a breach of
24 whether it's the Ministerial Code, the special adviser
25 code or the Civil Service Code, depending on where it

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1 they could, which was the norm, which was the main, but
2 where there was an exceptional issue where they were
3 going to be -- take different views, there was a process
4 for that, and then they would be allowed to talk about
5 their different positions.

6 Q. So when you say they're allowed to talk about their
7 decisions, you mean in public?

8 A. In public and in Parliament. And I -- you know, there
9 was a particular instance, and I can't remember either,
10 sorry, what it was --

11 Q. It's not a memory test, Ms Gray, don't worry about
12 specifics.

13 A. But they both, both the Prime Minister and the Deputy
14 Prime Minister, took different positions, and they both,
15 quite unusually, made statements in Parliament on
16 whatever that issue was. So there was a very clear
17 process, but it was not something that was taken
18 lightly.

19 Q. As part of those competing statements, for example, did
20 that lead to any breakdown in trust between them?

21 A. No, actually, I think as -- you know, they demonstrated,
22 I think, great leadership in how they handled those
23 issues, didn't break down in trust because actually it
24 was a very honest and open and frank process.

25 Q. As far as you're concerned, in terms of all the

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1 would come from.

2 Q. Sir David Sterling, in his evidence, said to the effect
3 of if somebody really wants to leak there's not much you
4 can do to stop them. Again, would that be something
5 that you would agree with?

6 A. I think if somebody wants to leak, unfortunately I think
7 they may find a way, but I think you have to set
8 a culture, I think you have to set some processes. So
9 another difference would be in -- you know, for the
10 Cabinet, and actually for a number of other meetings in
11 UK Government, you don't bring phones into the room,
12 you know, you are made to leave your phones outside.

13 And personally I think that's, you know, a helpful
14 thing. I think it makes people focus on the actual
15 discussion that they're having. But also, you know, it
16 is quite easy, I think, if you're in a meeting and
17 you've got your phone -- you know, people could find it
18 easy to, sort of, like, record what is happening,
19 whereas actually if there are no phones ...

20 It's also from a security point of view as well: if
21 you're in sensitive discussions, you know, it is best to
22 leave the phones outside.

23 Q. And obviously --

24 LADY HALLETT: Sorry, just before you go on, Mr Scott.

25 A. Yes.

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1 **LADY HALLETT:** Can I just emphasise that when I've been
 2 asking questions about leaking, I am not trying to clamp
 3 down on legitimate whistleblowers.
 4 **A.** No, no.
 5 **LADY HALLETT:** I am talking about people leaking basically
 6 for political advantage.
 7 **A.** Yes, and actually sometimes I think leaking to actually
 8 try either -- and make sure people know what your point
 9 is that you've made or that you're trying to steer --
 10 you know, you are trying to get -- to influence that
 11 discussion. No, I appreciate that.
 12 **LADY HALLETT:** But on any view, it must surely be breaching
 13 something to --
 14 **A.** Yeah.
 15 **LADY HALLETT:** -- stream live a meeting of what would be the
 16 cabinet committee -- the cabinet --
 17 **A.** Yeah, I think that would be a terrible thing, and it
 18 would be seen for that.
 19 And, you know, the other issue in UK Government is
 20 that there is an Independent Adviser on Ministers'
 21 Interests, it's called ministers' interests, but
 22 actually they -- you know, that person will often be
 23 asked to do an independent investigation if there is
 24 an allegation of a breach of the Ministerial Code. And
 25 there isn't anything like that here, I don't think.

9

1 **A.** Yeah.
 2 **Q.** Who would set that culture about how ministers should
 3 behave in terms of approaching leaks and other issues?
 4 **A.** So personally I think, you know, leadership comes from
 5 the top and I think -- you know, so it's the leadership,
 6 but I think also ministers are part of that leadership,
 7 so, you know, it's hard to see why they would, you know,
 8 think that would be okay.
 9 **Q.** If I can then move to direction of civil servants.
 10 So we've heard that there's no power of the head of
 11 the Civil Service to direct any civil servant to perform
 12 a task in Northern Ireland. Does that cause you, in
 13 your experience of being a permanent secretary -- did
 14 that cause you difficulties at times, that there was no,
 15 effectively, oversight of the entirety of the Civil
 16 Service about where resources should be allocated?
 17 **A.** It is a very -- obviously it's a very different system
 18 here. You -- you know, and I understand why that is,
 19 respecting all the various, you know, agreements and
 20 statute. But you very much, you know, the Civil Service
 21 Code which would have applied to me here in
 22 Northern Ireland was very much about me supporting the
 23 minister that I worked for, whereas in, actually, the
 24 UK Civil Service you support the government of the day,
 25 and --

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1 That may have changed since I've left.
 2 **MR SCOTT:** In terms of -- we've heard about leak enquiries
 3 for example, how effective would it be to conduct a leak
 4 enquiry as opposed to, as you just were outlining,
 5 an independent figure who would be able to have some
 6 kind of oversight and overview? Are the two processes
 7 comparable or are there benefits of either?
 8 **A.** So when I was here, I was asked to conduct a leak
 9 investigation. I think it related to some messages from
 10 somebody's phone, which I think a journalist -- I can't
 11 remember the exact detail -- had recovered or had seen
 12 those messages. You know, what you can do is you can --
 13 obviously, if it's an official phone, you can check the
 14 official phone records to see if there -- you know, if
 15 calls were made or, you know, around that time, you can
 16 obviously check any messages that they've also sent.
 17 And obviously on a personal phone you don't have that
 18 opportunity.
 19 And I think on the investigation we did, we used all
 20 of our internal resources to try to identify what had
 21 happened, but I think that sometimes an independent
 22 investigation, actually just the nature of
 23 an independent investigation can be fruitful.
 24 **Q.** Because one word that you said about leaking was about
 25 "culture".

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1 **Q.** Just --
 2 **A.** Yes.
 3 **Q.** -- to come in on that because your statement says to
 4 support ministers in --
 5 **A.** Yes.
 6 **Q.** -- developing and implementing the policies. Isn't the
 7 Civil Service Code actually to support ministers and the
 8 Executive as a whole in developing those policies? It's
 9 wider than just the minister?
 10 **A.** I don't know whether that version of the code was in
 11 place at the time I was here.
 12 **Q.** Right.
 13 **A.** I think that may have been, I can't remember quite
 14 rightly, but I think we had -- you know, following the
 15 RHI report, I think we had an updated -- there was
 16 probably work done on an updated code, so I think when
 17 I was here I think it was supporting the minister.
 18 **Q.** Okay. But that addition of supporting the Executive
 19 would mean that there is that look to supporting the
 20 global approach --
 21 **A.** Yeah.
 22 **Q.** -- of the government?
 23 **A.** Yeah, I think that would be the intention and we had it
 24 in the UK Government, not in the Civil Service Code
 25 because that is very clear, but actually in the special

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1 adviser code, it was a form of words that we introduced
 2 in the coalition years, actually, about supporting the
 3 government as a whole.

4 **Q.** Because whatever department, whatever job, whatever role
 5 civil servants perform, whatever political party their
 6 minister may be a part of, civil servants in
 7 Northern Ireland are obliged to act in an apolitical
 8 way?

9 **A.** Yeah.

10 **Q.** And so they'd be supporting ministers whatever their
 11 department, whatever their role as well?

12 **A.** Yeah.

13 **Q.** So why would it be problematic for the head of the Civil
 14 Service to have the ability to direct civil servants to
 15 perform a task or fulfil a role subject to any oversight
 16 from any ministers who were in place in terms of the
 17 democratic accountability?

18 **A.** I'm not sure, I mean, it just isn't the way or it wasn't
 19 the way that it worked here. The head of the Civil
 20 Service, you know, I think -- you know, for example,
 21 would have chaired the NICS board, that actually,
 22 you know -- where, you know, individual departments, if
 23 they had differences of views, it wasn't -- it just
 24 wasn't a factor that the head of the Civil Service,
 25 you know, overrode those decisions or --

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1 **A.** Not if it's subject to the agreement of the relevant
 2 minister.

3 Sorry, just, sorry, I should have mentioned when we
 4 were talking about collective responsibility in the
 5 coalition years, I forgot to mention actually there was
 6 this -- they had a quad, they had a quad meeting.
 7 I don't know if you're familiar with that?

8 And so you had the Prime Minister and the
 9 Chancellor, both of the Conservative Party, and the
 10 Deputy Prime Minister and the Chief Secretary, both of
 11 the Liberal Democrats, and they actually would meet,
 12 often, you know, weekly, I think, where they would talk
 13 about some of the issues that were facing them.

14 Sorry, I meant to mention that. And it was a really
 15 important part, actually, of making the coalition work
 16 effectively.

17 **Q.** And that was aside from Cabinet meetings, that was a --

18 **A.** Absolutely, absolutely, and, you know, they would
 19 discuss and I think, you know, in a way setting aside
 20 collective responsibility was very much a last resort,
 21 but they would discuss some of those issues at that
 22 meeting.

23 **Q.** You say in your statement that in Northern Ireland civil
 24 servants serve their minister rather than the government
 25 of the day, and that inevitably leads to an element of

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1 **Q.** Yes, it may be the way that it wasn't done --

2 **A.** Yeah.

3 **Q.** -- just in terms of your experience --

4 **A.** Yeah --

5 **Q.** -- of it working in Westminster --

6 **A.** Yeah, yeah.

7 **Q.** It is beneficial to have the ability to direct --

8 **A.** Yes. And actually in Westminster that happens.
 9 You know, it is not unusual for the Cabinet Secretary,
 10 so, you know, to call together relevant permanent
 11 secretaries if there's an issue to be discussed or to be
 12 resolved. That is a proper role for the
 13 Cabinet Secretary to get those permanent secretaries in
 14 the room to talk about whatever the issue is and to try
 15 to get matters agreed and resolved, and, if necessary,
 16 would actually, you know, take a view about a particular
 17 priority.

18 **Q.** So then I come back to the question I had: would there
 19 be a problem -- and if you can't answer this without
 20 thinking more about it, then please do say -- can you
 21 foresee any problem of, in Northern Ireland, the head of
 22 the Civil Service having the power to direct civil
 23 servants to perform a task or fulfil a role subject to
 24 the agreement of any relevant ministers that would apply
 25 at that time?

14

1 silo working.

2 When no ministers were in place, so prior to
 3 11 January 2020, all the way through to 2017, did that
 4 same level of silo working happen?

5 **A.** I think so. I think though -- you know, I joined
 6 probably halfway through the period without ministers,
 7 so joining in May 2018, and I think, you know, there
 8 is -- there was a way of working which respected the
 9 individual departments.

10 Also, you know, departments were trying to follow
 11 whatever had previously been agreed by ministers when
 12 they were in office, so in terms of their policies and
 13 priorities, rather than depart from those, they were
 14 trying to, you know, follow what had previously been
 15 agreed.

16 **Q.** So again coming back to culture --

17 **A.** Yeah.

18 **Q.** -- is it a cultural thing within the Civil Service that
 19 there seems to be this tendency to work in silos in
 20 Northern Ireland departments?

21 **A.** I think there is, there is definitely a culture issue
 22 about working in silos. I wouldn't say it's just for
 23 Northern Ireland.

24 Sorry --

25 **LADY HALLETT:** Have you got the fly, Mr Scott?

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1 **MR SCOTT:** It landed on the microphone.
 2 **LADY HALLETT:** It's taken a shine to me too, I'm afraid.
 3 **A.** Sorry. There is also an element of silo working in the
 4 UK Civil Service, but I, actually reflecting on, you
 5 know, my own role when I went back to Whitehall, for the
 6 first, you know, six to nine months I was in the Cabinet
 7 Office, and then there was a machinery of government
 8 move and so some of my responsibilities went to the
 9 Department for Levelling Up, Housing and Communities,
 10 and I also became -- you know, I also then held second
 11 permanent secretary there, so I was in two departments
 12 performing that role.
 13 I think that's quite hard to think that that would
 14 be possible to do here, and actually there was
 15 tremendous benefits from having -- you know, being in
 16 two departments. You're able to use the weight of both
 17 departments to get things done.
 18 **MR SCOTT:** You say that there is an element of silo working
 19 in Westminster. Is it more pronounced in
 20 Northern Ireland, do you think?
 21 **A.** Yeah.
 22 **Q.** What do you think could be done to try to change that
 23 silo working?
 24 **A.** So I do -- I mean, I do think, you know, with the
 25 right -- the approach and the culture, and I think that

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1 **Q.** No, although I think in the corporate statement from the
 2 Department of Finance it sets out that there are times
 3 when there were schemes being created where actually
 4 there was going to be expenditure attached and the
 5 Department of Finance wasn't involved at all.
 6 **A.** Yes.
 7 **Q.** So there may have been working, as you say --
 8 **A.** Yeah.
 9 **Q.** -- but would you agree it doesn't seem ingrained in the
 10 way that departments operate, that there is that natural
 11 tendency to work with each other?
 12 **A.** Yeah, I think it is, yeah.
 13 **Q.** Then just the other aspect of your statement where you
 14 say, the absence of an Executive and Assembly:
 15 "In that situation there was inevitably a tendency
 16 for government, in the form of NICS, to be reactive
 17 rather than proactive."
 18 Do you think that that tendency caused the
 19 government to react rather than be proactive in the
 20 initial response to the pandemic in January and
 21 February 2020?
 22 **A.** I think it was a very -- a really pressured time,
 23 I would say. You know, we had just had -- the Executive
 24 had just re-formed. You know, ministers were walking in
 25 the door as, you know, this was -- this was becoming

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1 is from both Civil Service and ministerial leadership,
 2 to actually, you know, you can -- you could actually
 3 have greater collaboration across departments.
 4 **Q.** Because plainly there's the respect for the boundaries
 5 of the departments and the constitutional structures in
 6 Northern Ireland, but inevitably there are going to be
 7 areas where departments need to work together.
 8 **A.** Yeah.
 9 **Q.** It doesn't necessarily need to get to the level of
 10 reaching a cross-cutting decision but there does have to
 11 be departmental working at times; do you agree with
 12 that?
 13 **A.** Yes, and I would say that in -- you know, from my time
 14 here actually, you know, in the Covid period where the
 15 Department of Finance and I have to say, you know, I am
 16 actually hugely proud of the work they did, and actually
 17 for the whole of the Civil Service. There was great,
 18 there was collaboration across departments at that
 19 working level to deliver some of the support schemes,
 20 you know, to make sure that we were delivering the best
 21 and developing the best, and a lot of the transformation
 22 programmes that were happening were, you know, very much
 23 in collaboration with teams across departments. So it
 24 does happen, and I don't want to give an impression that
 25 it doesn't happen.

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1 clear, you know, what we would need to do.
 2 Relationships were still being -- you know,
 3 relationships were being formed between ministers and
 4 the Civil Service, and, you know, the Assembly was now
 5 back, so, you know, lots of work, additional work,
 6 coming in. And so I -- yeah, I think the reactive
 7 nature -- it was a reactive nature.
 8 **Q.** But again, just pressing that a little further, that's
 9 a cultural aspect, isn't it, in terms of reactivity
 10 rather than proactiveness, that's your words in your
 11 statement?
 12 **A.** Yeah.
 13 **Q.** And so while those features might not have helped any
 14 cultural change, it's still probably a lingering feature
 15 of the absence of ministers that there was this lack of
 16 proactiveness in government departments?
 17 **A.** Yes.
 18 **Q.** You left in 2021, had you noticed any shift in change
 19 from reactivity to proactiveness prior to returning
 20 back to the Cabinet Office?
 21 **A.** Could you just explain a bit more about what you mean
 22 by ...
 23 **Q.** Well, it's just -- as you say in your statement, there
 24 was a tendency to be reactive rather than proactive.
 25 That was your assessment of the way that the Civil

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- 1 Service tended to operate. My question is: in that year
2 and a half or so between when ministers returned and
3 then when you returned back to the Cabinet Office, had
4 you seen a shift in mindset from what you've identified
5 in your statement was the mindset in January 2020?
- 6 **A.** Yeah. So I think that there had been movement, and
7 I think, you know, a greater willingness and opportunity
8 to perhaps, you know, share and seek information from,
9 you know, and work with others in other departments.
- 10 So, for example, you know, in the Department of
11 Finance we had probably for the first time actually
12 reached out in a very proactive way with the Treasury,
13 with, you know, the finance minister forming, you know,
14 really strong relationships actually with the Treasury,
15 with Treasury ministers, the Chief Secretary in
16 particular, and I think that enabled us to look to be
17 more proactive and to think ahead in a way that perhaps,
18 you know, we hadn't done previously.
- 19 **Q.** Then one of the aspects that the Inquiry's been
20 considering is data retention.
- 21 **A.** Yes.
- 22 **Q.** And we've been looking at this concept of IT Assist, and
23 the IT Assist fell within the Department of Finance;
24 that's right?
- 25 **A.** Yeah.

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- 1 log on, you know, you just sort of tick something and it
2 goes into the filing system.
- 3 **Q.** Do you think that because it was so resource-intensive
4 that maybe people were less likely to put everything on
5 there that they otherwise would if it was a simpler
6 system?
- 7 **A.** I think I was very fortunate in that I had somebody who
8 was virtually full-time doing this, and I suspect,
9 you know, others may not have had that, that time.
- 10 **Q.** Then one final question, Ms Gray: do you consider there
11 are any structural changes which could be made to the
12 government in Northern Ireland to make it more
13 responsive to an emergency?
- 14 **A.** I think this, I suppose, this comment, which I think is
15 actually on the part of both Northern Ireland and the
16 UK Government, I think there is, there would be real
17 benefit in Northern Ireland, and in fact the other
18 devolved governments, in Scotland and Wales, being a --
19 involved in discussions that take place in Westminster
20 from a very early stage. Not -- you know, sometimes
21 unfortunately, you know, they are not brought in at the
22 earliest stages of development, and it -- you know,
23 conversations happen a bit further down the road, and
24 I think that's quite difficult sometimes for the
25 devolved governments, who will not have the capacity and

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- 1 **Q.** What's your experience of document retention by civil
2 servants and/or ministers in Westminster compared to in
3 Stormont?
- 4 **A.** So when I -- when I arrived here, actually I felt that,
5 you know -- obviously within my own office, you know,
6 document retention, you know, there was a very clear
7 process for logging and recording documents, and,
8 you know, emails and that. And it was actually -- it
9 was quite a time-consuming operation, so -- and then
10 I think if -- you know, when you're, you know, searching
11 for material, it just wasn't as intuitive as, you know,
12 you might think, as well as I think in Whitehall and
13 Westminster there had been quite a lot of work done
14 around record-keeping and a fairly big review, which
15 I think ended up with a cloud-based, you know, system,
16 which was perhaps easier, and I know that -- you know,
17 I encouraged obviously the department to talk to the
18 Westminster team that were actually -- had done that
19 review, so that we could try to, you know, see if there
20 were improvements that we could make to make it,
21 I suppose -- you know, it was quite -- it was very
22 resource-intensive to record -- you know, obviously,
23 you know, my office recorded it, but all the material.
24 But I think it was very resource-intensive. So how
25 could we make it much easier, that rather than having to

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- 1 resources as the Westminster government, to be involved.
- 2 So I would say that I think both -- and I think then
3 the devolved governments as well, when -- if they are
4 invited to that sort of approach, that they need to
5 embrace it as well. So I think both, both governments,
6 I would say, could be -- yes, could make changes.

7 **MR SCOTT:** No further questions, thank you.

8 Questions from THE CHAIR

- 9 **LADY HALLETT:** Ms Gray, one of the problems that may be
10 identified in some of the submissions about to be made
11 to me is that the Department of Health was the lead
12 government department -- I've got used to the lead
13 government department model now, whether it was
14 appropriate in a civil emergency is another matter.
15 They didn't suggest triggering what I'm obliged to call
16 NICCMA, Northern Ireland's civil contingencies
17 management arrangements. Anyway, they didn't trigger
18 the emergency arrangements.

19 **A.** Thank you very much.

20 **LADY HALLETT:** I do hate acronyms.

- 21 Anyway, they didn't trigger them because, I suspect,
22 given the answers that I was -- I heard from
23 Sir David Sterling, they didn't have the resources.
24 Actually, it wasn't Sir David, it was somebody else.
25 Anyway, they didn't have the resources. In other words

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1 of staff. So by triggering NICCMA they were taking
2 staff away from the work they say they were doing.
3 **A.** Yeah.
4 **LADY HALLETT:** And because the Department of Health didn't
5 trigger or suggest that NICCMA be triggered, nobody else
6 did, because they're all working in silos.

7 Can you think of any possible solution to that kind
8 of problem, apart from more staff, obviously, but ...?

9 **A.** Yeah, so I think in cabinet -- yes, sorry, in the
10 Westminster model, the civil contingencies, there is
11 a Civil Contingencies Secretariat which is, you know,
12 hugely influential, I think, and it sits in the
13 Cabinet Office, and it clearly, you know, it reports
14 directly to the Cabinet Secretary and therefore to the
15 Prime -- you know, so it's got an authority, it has --
16 and it is taken, you know, it is a hugely serious body
17 that is just -- you know, can be stood up immediately.
18 And I think it is, you know -- people, you know -- it is
19 recognised for what it is.

20 In the Northern Ireland model, which I think the --
21 probably the Executive Office probably has
22 responsibility for civil contingencies, and I don't
23 think the Executive Office has a similar power,
24 I suppose, or function as the Cabinet Office equivalent.

25 So I think that, you know, for future, in a way you
25

1 giving authority and actually recognising that it is
2 a really essential part of government, and, you know,
3 making it recognised that actually people want to go and
4 work there. People want to do this. It's seen --
5 they're valued for doing it. But I think if, you know,
6 it stays within a line department, as we would call
7 them, then I don't think it would get the importance or
8 the recognition that it deserves, which is why, if the
9 Executive Office here, I think, had that
10 responsibility -- and was given the authority to take it
11 forward.

12 **LADY HALLETT:** Thank you very much indeed. I'm really
13 grateful for your help.

14 **THE WITNESS:** No, thank you very much.

15 **LADY HALLETT:** I am sorry it was such a short -- well, maybe
16 you're not sorry it is a short period.

17 **THE WITNESS:** No.

18 **LADY HALLETT:** Thank you so much for coming.

19 **THE WITNESS:** Thank you.

20 **(The witness withdrew)**

21 **LADY HALLETT:** Right, I think that now completes the
22 evidence, and we're on to closing submissions.

23 Ms Campbell, I think you're up first.

24 **Submissions on behalf of the Northern Ireland Covid Bereaved
25 Families for Justice by MS CAMPBELL KC**

27

1 need to, sort of, take it out a little bit, probably, if
2 it's -- you know, if it's in a particular lead
3 department, if they are thinking about the resourcing
4 and why they wouldn't do it, it would be -- there should
5 be another way of actually making sure that that gets
6 triggered, and I think there is a role for the Executive
7 Office.

8 **LADY HALLETT:** Thank you very much. I'm very grateful.
9 Sorry, I knew there was another thought going through my
10 head. Does it in part go back to what I heard about in
11 Module 1, I think, which is the way in which resilience
12 and preparedness for civil emergencies is treated within
13 all sorts of governments, not necessarily just in
14 Northern Ireland --

15 **A.** Yeah.

16 **LADY HALLETT:** -- and that basically you may have ministers
17 quite interested in ensuring we're properly prepared for
18 a terrorist incident, say, a malicious threat --

19 **A.** Yeah.

20 **LADY HALLETT:** -- as opposed to a natural hazard, but
21 natural hazards aren't taken quite as -- they may be
22 taken seriously by some, but -- by other ministers,
23 not -- is it giving some oomph behind resilience and
24 preparedness?

25 **A.** I think so. I think it's giving oomph and I think it's
26

1 **MS CAMPBELL:** My Lady, history has taught us that whenever
2 disparate groups of people are thrown together in grief,
3 in shared loss, but motivated by an innate sense of
4 injustice because their loved ones have died needlessly,
5 or prematurely, and they know innately that something
6 has gone very badly wrong, those people are generally
7 proven to be all too right.

8 That may be true of the bereaved in this
9 jurisdiction more than any other. It is certainly true
10 of the Northern Ireland Covid Bereaved Families for
11 Justice.

12 But it's also true that for so many families the
13 path to understanding the truth of how their loved one
14 died is often painful and bittersweet, and that has
15 certainly been the case for the last three weeks.
16 Although our members who attended these hearings or
17 followed on line by other means were forewarned of much
18 of the evidence that they would hear, hearing it so
19 starkly outlined has nonetheless been very, very
20 difficult. Every omission or oversight or failure
21 represents a fork in the road, a missed opportunity that
22 had it not been made might mean the person they loved
23 and lost would still be here or might mean that families
24 would have been comforting loved ones in their death, or
25 they would have been given the sendoff that they so

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1 deserved, and it would certainly mean that the grieving
2 process would have been a great deal easier.
3 And, my Lady, this past three weeks has been
4 littered with oversights, omissions and failings.
5 The impact of the three-year absence of our
6 Assembly, the years of underfunding of our health and
7 Civil Service, single year budgets, leaving departments
8 ravaged and worn, the silo approach of the Department of
9 Health and other departments, the failures of the TEO to
10 step up and step in, the unedifying dispute as to which
11 department was to take the lead, the failure to stand up
12 NICCMA to ensure a cross-governmental approach, the
13 failures in test, trace and isolate, the prolonged
14 absence of a Chief Scientific Adviser, the apparently
15 boundless power of our Chief Medical Officer, who wore
16 far too many hats, the failures in leadership from
17 Westminster, the devaluing of an all-Ireland memorandum
18 of understanding, the failure to properly consider in
19 advance of or during the pandemic the need to protect
20 our older people and those who were medically
21 vulnerable, or indeed at any stage to consider the
22 unequal impact of NPIs and other measures, the reckless
23 policy of hospital discharge, the attendance of
24 ministers at the funeral of Bobby Storey, the
25 consequence of that attendance upon public messaging and
29

1 well be true, but the road to ruin is paved with good
2 intentions, and good intentions, my Lady, is no
3 substitute for prompt and decisive action, political
4 maturity and good leadership.
5 But from the outset, decisive action, political
6 maturity and good leadership were in remarkably short
7 supply.
8 My Lady, we know the warning signs had reached
9 Northern Ireland by, at the latest, 25 January, when the
10 CMO received the Professor Woolhouse email. That email
11 chain made clear that the statistics were grave and
12 unlikely -- and likely to be particularly grave for
13 older people and those who were medically vulnerable.
14 It was or should have been, you were told by your
15 experts, obvious at an early stage that
16 a cross-governmental response was required, and yet it
17 was to be almost a full eight weeks before that
18 realisation was reached in Stormont. That was precious
19 time that we couldn't afford to lose.
20 We have witnessed, both in writing and in evidence,
21 the unedifying finger pointing as to whose fault that
22 might have been. The Department of Health, determined
23 to take the lead at the time but working in a silo,
24 would like it to be recorded that the Executive Office
25 could have stepped up and stepped in at any time.
31

1 public confidence, delays in decision-making in autumn
2 2020 unquestionably leading to that fatal spike in
3 January 2021, the deliberate, egregious and abusive use
4 of the cross-community vote, the leaks, the spins, the
5 sectarianism, the political sniping, the wiping of
6 phones and other devices, the corrosive, mean and
7 hostile WhatsApp chats. Unfortunately I could go on.
8 At every turn the evidence has been devastating.
9 Dysfunctional, it most certainly was. Time doesn't
10 permit an examination of it all in this closing address
11 and we will of course follow up with greater detail in
12 writing, but allow me to touch on some.
13 It's entirely right that I should acknowledge at the
14 outset that in January 2020 we had a fledgling Assembly,
15 ministers, officials, advisers and support staff, all
16 keen, some green, all determined to get to work on the
17 issues of the day, not expecting that that issue was to
18 be a fast-approaching global health pandemic.
19 While doubtless they were willing to put in the
20 hours as they increasingly, albeit belatedly, realised
21 the weight of responsibility that lay on their
22 shoulders, they were caught unaware and hopelessly ill
23 prepared.
24 You have been told repeatedly that everybody was
25 motivated for the right reasons and that, my Lady, may
30

1 That is undoubtedly correct. It was the First
2 Minister and deputy First Minister who rejected the
3 invitation to Exercise Nimbus, it was they who were
4 demonstrably content to let Health take the lead, who
5 thought of this as a health pandemic until it was too
6 late.
7 The protestations of the First Minister and deputy
8 First Minister, that they were out of the loop or that
9 the political structures in Northern Ireland militated
10 against them getting involved, must be viewed against
11 the reality that they did not try to get involved. They
12 did not attempt to peer over the walls of the silo nor
13 ask for information to be brought to them.
14 But it's equally true that Minister Swann and
15 Mr Pengelly held their grip too tightly for too long.
16 Why wasn't there a report back after Nimbus directly to
17 the First Ministers pointing out that the response
18 needed to be cross-governmental and preparations needed
19 to be stepped up? Why didn't they, as the letter of
20 6 February 2020 advised, trigger central crisis
21 arrangements when Covid arrived on our shores at the
22 latest by 27 February 2020, or, as you queried, my Lady,
23 perhaps even before that date still?
24 The response from Mr Swann and Mr Pengelly of "Well,
25 the TEO didn't ask" or "Well, they could have triggered
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1 it without us asking for it", is immature and
 2 self-justifying.
 3 What about the Civil Service? Officials had been in
 4 post when ministers were not, senior roles occupied by
 5 experienced civil servants such as Chris Stewart or
 6 David Sterling, from whom you heard. They gave,
 7 my Lady, deeply dissatisfactory evidence. Mr Stewart
 8 knew, and had been repeatedly forewarned by
 9 Bernie Rooney about the dire state of civil
 10 contingencies. The CCPB was, she told him in autumn
 11 2019, not fit for purpose. Yet with a pandemic looming
 12 throughout February 2020, it appears it was business as
 13 usual for Mr Stewart.

14 You will well recall the paper presented to the
 15 Executive Office board on 25 February which seeks
 16 a review of civil contingency arrangements, remarkably,
 17 and I quote, "for an unforeseen emergency event or
 18 situation", in which Covid gets a single mention, and
 19 even then only in passing.

20 We expect you will easily reject his account that
 21 this was an example of forward planning for a time after
 22 Covid while work on the pandemic preparedness was well
 23 under way. Rather, there was none of the requisite
 24 sense of urgency to build up civil contingencies for the
 25 threat that was very much already upon us.

33

1 hadn't been asked to activate NICCMA until on or about
 2 15 March, offering with it what he termed a concession
 3 that it might have been done a few days before.

4 My Lady has already seen there has been much
 5 discussion about whose responsibility it was to trigger
 6 NICCMA. We saw the NICCMA protocol as recently as
 7 yesterday. We see the details of the list of those who
 8 can request for it to be activated, lead government
 9 department, senior PSNI officers and so on. The list
 10 does not include the Chief Medical Officer, and yet,
 11 according to Sir David, it was the Chief Medical Officer
 12 who asked for NICCMA to be activated on 14 or 15 March.
 13 The Chief Medical Officer.

14 If that is correct, then we owe the CMO a debt of
 15 gratitude for at least someone finally got there. But
 16 why was it not the Department of Health, the Minister of
 17 Health, the Executive Office themselves? And if it was
 18 the CMO in what capacity did he do that: in his role as
 19 a senior manager within the Department of Health or as
 20 an independent medical adviser for a nation in the grips
 21 of a pandemic?

22 Of course, my Lady, that was not the only occasion
 23 when the role of the CMO appears to stray far from a job
 24 description, if indeed there is such a thing. It must
 25 of course be acknowledged that the CMO worked

35

1 Sir David Sterling's evidence provided no more
 2 comfort. Insistent though he was that there was
 3 "ongoing engagement" and that, as he put it, there would
 4 have been regular reviewing of things, on a daily basis,
 5 there is, regrettably, precious little to show for that.
 6 It appears that, notwithstanding the accepted need for
 7 cross-governmental preparations, the answer to
 8 Ms Dobbin's repeated questions as to who was over all
 9 the plans, who understood how they intersected with each
 10 other, who had that role, remains elusive.

11 Mr Stewart might have had some responsibility for
 12 that at early stages, liaising with
 13 permanent secretaries, Sir David perhaps later, neither
 14 of them at any stage advising ministers that the time
 15 had come for a meaningful cross-governmental response.

16 The proof, my Lady, comes on or about 15 March, when
 17 Karen Pearson is approached over the course of that
 18 Bank Holiday weekend and has to start the strategic
 19 response from scratch, without so much as a Post-it note
 20 from her colleagues to go on. To her credit, she gets
 21 to work, and in that environment, that had been without
 22 structure until that point, it's not difficult to
 23 understand why the deputy First Minister, Ms O'Neill,
 24 described her arrival as a breath of fresh air.

25 Sir David was keen to stress that the Civil Service

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1 tirelessly. Perhaps more than anyone we can see the
 2 product of his work through the thousands of pages of
 3 disclosure, of emails, of directions, of attendance at
 4 meetings at all levels, of statements that he produced.
 5 And it's important that that is acknowledged.

6 However, you will want to consider carefully
 7 Bernie Rooney's account of the CMO's telephone call to
 8 her on 30 January, when she responsibly, fully, and on
 9 the instructions of her manager, sought to brief the
 10 First Minister and deputy First Minister on the COBR
 11 meeting the day before.

12 Was it really for the CMO to intervene in
 13 Ms Rooney's Executive Office function? Even if he did
 14 think that the briefing prepared by Ms Rooney and
 15 approved by the Deputy CMO was so inadequate as to
 16 require his amendment, was there no way of achieving
 17 that without asserting that all future Executive Office
 18 submissions must personally be signed off by him?

19 My Lady, given his role in the Department of Health
 20 and the much prized departmental independence, is that
 21 not a clear conflict between his departmental role and
 22 his independent CMO role?

23 On 16 March in the Executive meeting it was noted by
 24 Baroness Foster that schools would close "when the CMO
 25 advised it". A seismic decision delegated to the CMO.

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1 It was the CMO who signed the MoU, the memorandum of
2 understanding, with the Republic, a document that he
3 was -- that was the product of a meeting between heads
4 of state just a few weeks prior, and which really did
5 call for cross-governmental buy-in.

6 Is it because that MoU was a CMO or Department of
7 Health-led document that it appears that it failed to
8 deliver what it promised in a pandemic that everyone
9 seems to agree called for a five-nation, two-island
10 approach?

11 My Lady, you asked Mr Poots about who would take
12 important decisions about the safety of mass gatherings
13 to be permitted to proceed in the North? In trying to
14 understand where the power to take that kind of decision
15 that would impact on people's lives would lie, you asked
16 him, "Well, would it be the First Minister or the deputy
17 First Minister?"

18 Mr Poots was ultimately unable to help in his
19 evidence. But the answer might, surprisingly, come in
20 a text message between the CMO and the CSA on
21 23 June 2020, in which the CMO indicates that Mr Poots
22 had connected with him to discuss a drive-in concert
23 planned for 3 July. In fact, open source media reports
24 indicate that there was a three-day series of music
25 events planned in the Titanic Quarter. It appears from

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1 angered by the sense of "one rule for us and another for
2 them", cast aside any caution and lost confidence in the
3 Executive in a way that was never to be fully restored.

4 The immediate cessation of public press conferences
5 delivered a blow to what had been a united presentation
6 by the Executive, which we know is relatively rare in
7 any circumstance. Even when those press conferences
8 resumed in September, a line wasn't drawn under it, and
9 we have seen in this room that it continues to infect
10 relations.

11 You pushed Sir David Sterling on this, my Lady: what
12 was the impact of that attendance on the functioning of
13 the Executive? There was, he told us, a discernible
14 chill in relations. The public manifestation was
15 a cessation of press conferences, but actually, he said,
16 it was business as usual behind the scenes.

17 My Lady, I don't know if you expected a different
18 answer from Sir David, but to those of us from here,
19 that answer was entirely predictable. Grand public
20 gesture politics, all the while business as usual behind
21 the scenes.

22 My Lady, Northern Ireland Covid-19 Bereaved Families
23 for Justice are tired of it. They had every right to be
24 angry at the Sinn Féin attendance at that funeral.
25 Angry they were and angry they remain. They had every

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1 the message exchange that Mr Poots was lobbying the CMO
2 to ensure that those concerts would proceed, including
3 with options for patrons to mingle outside their cars.

4 My Lady, that a senior minister in the Executive
5 Office was turning not to his Executive colleagues but
6 to the CMO for decisions of that nature is staggering,
7 and it lays bare a problem in our power structure, one
8 to which we will return in writing.

9 My Lady, exactly a week after Mr Poots' plea to
10 ensure those concerts would proceed, on 30 June
11 Sinn Féin ministers attended the Bobby Storey funeral.
12 The sight of that funeral, played and replayed as it was
13 on TV screens, was breathtakingly insensitive. It
14 caused hurt, anger and outrage to the bereaved and all
15 who stood with them and behind them.

16 While apologies have been fulsome in hindsight, it
17 remains staggering that those who attended did not have
18 the foresight to understand the hurt that they would
19 cause to the public and to the Executive, or if they
20 did, they attended regardless. It should not have
21 happened and its consequences were grave.

22 There are no statistics available as to the impact
23 of that display on public behaviours, but coming out of
24 restrictions and coming into summer 2020, it's entirely
25 reasonable to assume that some members of the public,

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1 right to expect that in mature political discussions
2 that behaviour would be thoroughly condemned. But they
3 also had every right to expect that mature political
4 leaders would find a way through it, with minimal impact
5 on public confidence and the work of the Executive.

6 We know, however, not least from the evidence of
7 Baroness Foster yesterday, that it continues to infect
8 political discussions into autumn 2020 and beyond.

9 My Lady, Northern Ireland Covid Bereaved Families
10 for Justice and many of those who stand with them are
11 tired of political point-scoring being valued above
12 political progress.

13 It's a shocking further indictment of our Executive
14 that, having largely drifted towards decisions that were
15 ultimately imposed on them from Westminster in
16 March 2020, when the time came in autumn to actually
17 make Northern Ireland specific decisions, supported by
18 an enhanced understanding of this virus as well as
19 Northern Ireland specific data and recommendations,
20 which we know was not available in March, the Executive
21 got it so very, very wrong.

22 We saw yesterday, so expertly developed by
23 Ms Dobbin, the information that was available to the
24 Executive, the advice that was given, the decisions that
25 were called for. We know that the position of the

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1 First Minister in particular, written in a letter to the
2 head of the Civil Service as far back as 29 March 2020,
3 but publicly stated often thereafter, was:

4 "We must follow medical and scientific advice at all
5 times. Politics should play no part in the decisions
6 made."

7 A laudable aim, but one that was not to withstand
8 the test of time.

9 My Lady, the facts of autumn 2020 have been
10 rehearsed and need no elucidation. The deliberate and
11 orchestrated deployment of a cross-community vote by the
12 DUP in an Executive meeting that was not going their way
13 was, as Minister Long put it, an egregious abuse of
14 power. They had no choice, we're told, but to do so.
15 That was claimed as recently as yesterday.

16 They had a very simple choice, my Lady. They could
17 have chosen to respect the rights of the majority of
18 their colleagues, to unite across departments, across
19 communities, across political persuasions, but in
20 opposition to them. But they couldn't allow themselves
21 to be outnumbered, even in the face of public health
22 measures that were strongly recommended and were to
23 prove all too necessary.

24 My Lady, the first responsibility in a democratic
25 society is to protect and safeguard the lives of its

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1 care, and it was carried out and put into practice
2 without any input from the Chief Medical Officer or any
3 consultation with the Chief Scientific Adviser.

4 As a policy, it has been variously described to you
5 as very clearly "potentially disastrous" and "quite
6 reckless" by Mr Lynch, a policy got badly wrong by
7 Mr Poots, and a failure by Lord Weir.

8 My Lady, it was all that and more. While of course
9 the discussion of this module focused on care homes, it
10 must be remembered and acknowledged that the reality was
11 much broader and the ramifications went right through
12 our communities. Deaths at home, deaths in hospital,
13 deaths of children, deaths of those with disabilities,
14 must not be overlooked in this module or indeed in
15 future.

16 My Lady, in conclusion, we commend Ms Dobbin
17 King's Counsel and her team who have undertaken
18 a Herculean task in these last three weeks, but even
19 Ms Dobbin could only scratch the surface of what was
20 happening and what was not happening here in Northern
21 Ireland, not for want of skill or want of determination
22 but for want of time. At the end of just 11 days of
23 evidence, in some respects we have watched the trailer
24 to a film. We, the press and the public, have had
25 a glimpse at the highlights and the low points of the

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1 citizens. It's impossible to divorce that unedifying
2 debacle in November 2020 from the chaos in the run-up to
3 Christmas and from that shocking spike in deaths in
4 early 2021.

5 Standing in stark juxtaposition in autumn 2020, in
6 our mind's eye we can see Marion Reynolds standing on
7 that patch of grass outside Marie's window, watching her
8 aunt fade away before her eyes, unable, even with her
9 own professional experience, to navigate the care system
10 to ensure her aunt got the level of care and support
11 that she both needed and richly deserved.

12 And those of us who can only see that in our mind's
13 eye are the lucky ones. Too many others recall being in
14 that situation, painfully disempowered and yet
15 accepting, because they were told it was for the greater
16 good, not willing to go into the homes of their elderly
17 parents who needed their support so much, staying away
18 from hospitals where loved ones were dying.

19 From the very onset of the pandemic, older people
20 and the medically vulnerable were failed. The discharge
21 of hundreds of people from hospitals to their own homes,
22 to care homes, to our communities, was carried out, we
23 have learned in this module, without meaningful or
24 effective pre-planning on how best to protect older
25 people or those who rely on residential or domiciliary

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1 Northern Irish Covid story, but the real film, the
2 longer, the more detailed story, remains to be fully
3 understood.

4 To some extent we will return to it in future
5 modules, but long before we get together again in the
6 autumn, it really is for our newly-formed Assembly, at
7 this time, in 2024, to get to work, to consider for
8 themselves the full story, to understand and to learn
9 from those scenes that have been and have not been
10 played out in these hearings, and to start to put right
11 the wrongs, the errors, the gaps and the oversights, so
12 that no longer can it be said that our government was so
13 unprepared and so ill equipped for a health pandemic or
14 any other equivalent emergency.

15 My Lady, you have now reached the end of Module 2.
16 We hope you have enjoyed your time in Belfast. You will
17 now, we know, begin to draw together the evidence that
18 you've heard, to reach your conclusions and to draft
19 your recommendations. And we await them eagerly. But
20 in relation to many of the issues, there is no need for
21 our administrative and political leaders to wait or to
22 delay. Many gaps have been exposed, promises to learn
23 lessons have been made from that seat in that witness
24 box. There is a great deal of work to be done by those
25 who represent us.

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1 If I may borrow the words of the late Mo Mowlam,
2 a woman who made an enormous impact on this part of the
3 world, the message from the Northern Ireland bereaved to
4 those who represent us is, now, "Bloody well get on and
5 do it."

6 Thank you.

7 **LADY HALLETT:** Thank you very much indeed, Ms Campbell, I'm
8 extremely grateful, thank you.

9 Mr Friedman, I think you're going next.

10 **Submissions on behalf of Disability Action Northern Ireland**
11 **by MR FRIEDMAN KC**

12 **MR FRIEDMAN:** My Lady, we act for Disability Action
13 Northern Ireland. It is a disabled people's
14 organisation, or DPO, run by and for disabled people,
15 and we want to thank you and Ms Dobbin and her team for
16 all the work you've done here.

17 Given everything you have heard about the admitted
18 extent to which disabled people were overlooked during
19 the pandemic response, it's important to recall some
20 basic features of the civil rights of disabled people
21 that do not yet have a home in Northern Ireland.

22 As my Lady, knows, DPOs are to be distinguished from
23 charities and other organisations that represent
24 disabled people rather than enabling them to represent
25 themselves. DPOs take issue with the feature of

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1 strong, and the connection to their constituencies is
2 particularly embedded. The narratives that guide them
3 and the prisms through which they see the world are
4 specific and at times fundamentally incompatible with
5 those they now sit alongside. But in their own way,
6 each of the witnesses you heard genuinely struggled with
7 the moral dilemmas of the pandemic's wicked choices.

8 We mention those features because it is a puzzle
9 that in a place of such orientation towards its
10 communities, where legal organisations, universities and
11 civil society groups have striven to engage with the
12 possibilities of human connection in spite of conflict
13 and dissent, that Northern Ireland failed to deal more
14 effectively with this crisis and particularly failed to
15 be more inclusive in its recognition and protection of
16 disabled people.

17 As to why that was so, the DPO offer the following
18 answers: first, a basic feature of government should be
19 the ability to respond to emergency, but in
20 Northern Ireland civil contingency organisation was
21 weak, even in the context of the problems of disaster
22 management across the UK. This Inquiry has laid bare
23 that the Civil Contingencies Act 2004 creates only
24 superficial duties on local government and blue light
25 responders, but no duties on central government and no

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1 pandemic policy, however well intentioned, which focused
2 on the vulnerable without consulting disabled people
3 because in practice it enabled disabled people to be
4 lost even when decision-makers believed that they were
5 being seen.

6 That is a societal problem beyond Northern Ireland.
7 Normal personhood is assumed to be autonomous,
8 independent, and self-sufficient. Disabled people are
9 treated as other, charitable objects, and recipients of
10 a narrow concept of care. This notion of vulnerability
11 is prone to be highly transactional, hence in pandemic
12 crisis all of the four nation governments, including
13 this one, focused on getting benefits paid, setting up
14 telephone lines, sending letters to people who were on
15 lists and creating hit and miss food parcel
16 distribution.

17 DPOs take issue with the label of the vulnerable
18 because it detracts from the requirement to create
19 systems that are more responsive to the plurality of the
20 human condition and the value of our relationships. We
21 are all vulnerable at times, but it is systems of
22 political and economic asset distribution that make some
23 of us more vulnerable than others.

24 Which brings us to Northern Ireland. This is
25 a place where the moral convictions of politicians are

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1 mechanism to audit local readiness. It left the state
2 unconscionably unprepared for a pandemic. Further,
3 until lessons learned after the 2017 Grenfell Tower
4 fire, that system was starkly lacking in human-centred
5 focus and was distant from the needs of ordinary people.

6 In Northern Ireland, the legal framework is even
7 lighter. Only the PSNI and the Maritime and Coastguard
8 Agency are statutory responders. Neither the Executive
9 Office, the Department of Health or local government are
10 subject to enforceable duties. The evidence makes clear
11 that the whole so-called system resided in a civil
12 contingency framework last updated in 2011 that neither
13 compelled planning nor checked it. Its governmental
14 home was an understaffed and underskilled policy branch
15 in the Executive Office, with no hard power to compel
16 other departments to do anything.

17 In this situation, people like Karen Pearson had
18 little option but to take the Operation Yellowhammer
19 no-deal Brexit planning and apply it to a whole-society
20 humanitarian Covid crisis. The foundational Executive
21 steps, including Pearson's paper on 19 March 2020, were
22 not organised around human-centredness at all. They
23 concerned maintaining the movement of people and things.
24 They used the civil contingency language of business
25 continuity and sectors, which does not fit easily with

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1 socially marginalised parts of the population.
 2 Yellowhammer was a bad fit for Covid. There is no
 3 poor people's sector or disabled people's sector, and
 4 when the notion of sector was used in this context, it
 5 essentially meant the traditional charities focused on
 6 clinical vulnerability and underscoring the medical
 7 model of disability. Hence the single dedicated
 8 ministerial meeting with equality groups during the
 9 first six months of the pandemic was with a group of
 10 local charities concerned with shielding. That was on
 11 15 July 2020, and attendees included the British Heart
 12 Foundation, Macmillan Cancer Trust and Action on Mental
 13 Health.

14 The stakeholders brought together by the Executive
 15 Covid Taskforce after December 2020 combined the
 16 business sector, faith leaders and somewhat random
 17 groupings around sport, marching bands, transport and
 18 freight. All of these organisations are relevant actors
 19 in social partnership in a pandemic, but they cannot
 20 provide for disabled people's perspective or lay claim
 21 to disabled people's rights.

22 The second reason why Covid decision-making
 23 floundered for disabled people in Northern Ireland lies
 24 in the deliberate design of its constitutional
 25 arrangements that have produced peace but are yet to
 49

1 console themselves that this was due to the pressures of
 2 time and uniqueness of the crisis is still not getting
 3 the problem.

4 As time passed during 2020, organisations in other
 5 parts of the UK and Northern Ireland produced key
 6 reports on the disproportionate impact of the pandemic
 7 and countermeasures on disabled people.

8 My Lady, these reports, including the work done by
 9 Disability Action, sponsored by the Northern Ireland
 10 Equality Commission, simply did not register at
 11 Executive Office level, and made no impact at all on any
 12 cross-government strategy.

13 The establishment of the Executive taskforce ought
 14 to have provided correction, but it did not. Disabled
 15 people were not mentioned at all in its *Moving Forward*
 16 strategy, published in March 2021, and disability is
 17 mentioned only once in its Covid recovery plan of
 18 August 2021 with regard to improving skills to advance
 19 employment.

20 The Inquiry has spent time establishing how
 21 cross-government strategy was delayed in starting. For
 22 disabled people during the pandemic, it never began.

23 My Lady, in all other jurisdictions you have
 24 studied, the need to take steps to immediately locate
 25 planning at the centre of the Executive and integrate
 51

1 produce good government.

2 Everything that my Lady has learned, across all four
 3 of the government decision-making modules indicates that
 4 this is a structure that will definitely not serve
 5 socially marginalised groups and especially disabled
 6 people, however much the governments actually want to do
 7 so.

8 There needs to be a lead department and department
 9 focus on disabled people, but the formation and delivery
 10 of policy has to work across multiple departments in
 11 health, communities, education and finance. Until
 12 Northern Ireland has that capacity for joined up
 13 government, it is destined as a state to be stuck with
 14 barriers and attitudes that work against disabled
 15 people, as turned out to be the case here.

16 Starting with the centre of government, from the
 17 Executive Office disclosure and admissions of individual
 18 witnesses we can see that Nuala Toman's critique that
 19 disabled people were largely invisible during Covid
 20 decision-making and their voices unheard, is a literal
 21 statement of events. It is a step towards change that
 22 witnesses across the political and Civil Service
 23 establishment were all so emphatic in their evidence
 24 that oversight of disabled people and other marginalised
 25 groups was a key failing, but anyone who seeks to
 50

1 health department leadership into a broader
 2 whole-society government response was taken as
 3 axiomatic, but in Northern Ireland it was a problem.

4 It is difficult to understand the tensions between
 5 the Department of Health and the rest of the government
 6 without understanding the reasonable apprehension in
 7 Northern Ireland that if you allow Executive Committee
 8 control over decision-making, it will likely run aground
 9 due to political disagreement, and so hoarding power in
 10 the Health Department was seen as the least worst choice
 11 to make Covid political decision-making viable.

12 But the Department of Health, as Robin Swann
 13 accepted, left its nation in a state of serious risk,
 14 because it did not ring the alarm bell early or loud
 15 enough to prompt ministerial colleagues to stand up
 16 whole-society preparedness.

17 Not only was there a lack of communication with
 18 other departments and the Executive Office, but within
 19 the department itself. Mr Swann was not aware of advice
 20 given by his own departmental officials in February 2020
 21 regarding the standing up of NICCMA or of the contents
 22 of letters sent out from the Department of Health
 23 signed off by the CMO.

24 The deeper flaw, however, lies in the state of
 25 post-conflict politics and political institutions, and
 52

1 disabled people were failed by both. Historic party
2 political narratives and perspectives still held their
3 clutch, even at the expense of available evidence, and
4 at key moments within this crisis they came to the fore.
5 There are two very clear examples.

6 Sinn Féin, suddenly and without any consultation,
7 calling to close all schools in the North because
8 the South had done so was a folly, not just because
9 no one had begun to think about who would look after the
10 children, including those with special educational
11 needs, but because emptying the schools without
12 lockdowns, furlough schemes or wider planning could
13 actually contribute to spreading the virus and could
14 have put lives at risk.

15 Likewise, when the DUP used a cross-community vote
16 to defeat the proposed two-week extension of the
17 circuit-breaker that would have protected all
18 communities, they did so contrary to a crescendo of
19 advice from SAGE and the CMO that Covid in
20 Northern Ireland was the highest in Europe, and they did
21 it on the basis of anecdote and empathy towards
22 hairdressers and café owners and the like, claiming with
23 utter cynicism that this was a matter of significance to
24 constitutional minority rights.

25 In both these disputes, disabled people were not
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1 that were taken to support disabled people, she admitted
2 that these were insufficient without proper consultation
3 with DPOs. It is clear that the essence of the measures
4 was paying benefits on time and setting up helplines
5 that worked for some but not for all. The two ministers
6 in the DFC role do not appear to have raised the
7 position of disabled people under the pandemic response
8 in the Executive Committee or the Assembly at any time.

9 Hargey's initiative to expand the emergency
10 leadership group beyond established stakeholders in
11 business and unions did not lead to the inclusion of
12 Disability Action or other DPOs even though they knew of
13 the organisation, its work and staff.

14 In part this was a structural problem. The
15 departmental corporate statement indicates that there
16 was no single officer or unit with overriding
17 responsibility for the needs of disabled people, but it
18 was also a cultural problem. While the DFC did not
19 consult with DPO at all on the risk posed by the virus
20 or the NPIs, let alone on the design of any mitigating
21 measures, the answers given by the minister in oral
22 evidence also portrayed a lack of understanding as to
23 how fuller engagement might work. She mentioned two
24 disability-related organisations, the NOW Project and
25 Inspire Wellbeing. Neither of those groups are DPOs.

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1 considered, let alone served by the politics. Standing
2 back, institutionally the multiple tensions of forced
3 coalitions allowed for heartbreaking irresponsibility in
4 political leadership. TEO and the Executive Committee
5 in the first wave effectively abdicated decision-making
6 to a Chief Medical Officer ensconced in an overheating
7 Department of Health, and in the second wave the
8 Executive Committee and its voting process failed to
9 protect the Department of Health when it really
10 mattered.

11 My Lady, this was the nadir of the peace process.
12 Elderly people who survived the Troubles died. Disabled
13 people who do not enjoy proper enfranchisements under
14 this political system died and otherwise suffered.

15 As to Nuala Toman's critique that "We are not seen
16 and we are not heard", the fundamental problem for
17 disabled people is that no government department or
18 programme of government in Northern Ireland has ever
19 lived long enough for any part of the state to take
20 responsibility for their interests and their rights.

21 Under the *New Decade, New Approach* document, the
22 Department for Communities was given the leadership role
23 on disabled people but received it too soon before the
24 pandemic to lead in any meaningful way.

25 Although Minister Hargey drew attention to the steps
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1 They are also organisations working only within one
2 aspect of disability, learning disability and mental
3 health, and in answers to questions from CTI,
4 Minister Hargey cited DFC's work with Advice NI as
5 an example of co-production. Advice NI is a general
6 charity providing advice on benefits, personal and
7 business debt, tax credit and related matters. It's
8 effectively a CAB equivalent, plainly not a substitute
9 for meaningful structured consultation with disabled
10 people.

11 The DFC has promised a definitive strategy for
12 disabled people, and it said it would be ready for
13 December 2021, but due to the further collapse of
14 power-sharing there is still no programme of government
15 that might begin to deliver on the promise of the Good
16 Friday Agreement to supplement the Human Rights Act by
17 creating a bill of rights to deal also with disabled
18 people's entitlements under international law.

19 Finally, the Covid state failed its disabled people
20 because by comparison with the other parts of the UK,
21 government in Northern Ireland was the least focused on
22 disabled people's issues. Ministers and civil servants
23 here need to feel the embarrassment of comparison.

24 In Wales, government officials made contact with
25 DPOs by mid-March 2020 to seek their planning advice.

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1 Regular fortnightly meetings between DPOs and the
2 Minister for Social Justice started by April 2020.
3 Welsh Government then sponsored a DPO-led inquiry into
4 the impact of Covid measures and thereafter established
5 a disability taskforce to lead on recovery and
6 a whole-society disability strategy.

7 In Scotland, a strong tradition of social engagement
8 with disabled people faltered in the first weeks of
9 Covid, albeit regular meetings with DPO started with
10 ministers and civil servants in May 2020 and went on for
11 several months. In Scotland, the Social Renewal
12 Advisory Board reported as early as January 2021 and
13 contained two major figures in the Scottish DPO movement
14 as well as ministers and senior civil servants.

15 I'm going to say, even in England, which the DPO
16 have strongly criticised, senior ministers dedicated
17 meetings on the distinct impact of Covid on disabled
18 people in May, October and November 2020, whereas in
19 Northern Ireland the issue of massively disproportionate
20 impact on disabled people did not cause the Executive
21 Committee or even a special meeting of ministers to meet
22 once.

23 My Lady, it is essential for the Northern Ireland
24 political establishment to appreciate that for all its
25 commitment to community, and the reality that most of

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1 My Lady, where that leaves us is that it is time for
2 this public inquiry, engaged as it is with the fate of
3 disabled people and other marginalised groups, to
4 challenge the insularity and irresponsibility of the way
5 that this place can be governed, because it doesn't have
6 to be this way, and those in power who care about it can
7 make it change.

8 Thank you.

9 **LADY HALLETT:** Thank you very much indeed, Mr Friedman, I'm
10 very grateful.

11 I shall return at 11.40.

12 **(11.22 am)**

(A short break)

14 **(11.40 am)**

15 **LADY HALLETT:** Ms Anyadike-Danes.

16 **Submissions on behalf of the Commissioner for Older People
17 for Northern Ireland by MS ANYADIKE-DANES KC**

18 **MS ANYADIKE-DANES:** Thank you, my Lady, and thank you for
19 affording me the opportunity to address you at the end
20 of these 11 days of oral hearings.

21 As my Lady knows, I act on behalf of the
22 Commissioner for Older People in Northern Ireland and
23 his office was established in 2011 with the principal
24 aim of safeguarding and promoting the interests of older
25 people in Northern Ireland, a group who at the last

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1 the politicians hail from grassroots and remain proud of
2 their connection to them, its connections to its
3 communities has not properly extended to disabled once,
4 and that the ultimate answer to why it did not do better
5 is that it did not yet know how.

6 The DPO have asked the Inquiry in all its modules to
7 consider how a new and broader ethics of care must
8 become more mainstreamed into state and society after
9 Covid. Northern Ireland needs to be shaken out of its
10 complacency that it is yet truly working together in
11 a state of social partnership with all its people. That
12 needs to happen not least because its politics is in the
13 custody of political parties who have committed to place
14 humanity over their competing visions of state. Failure
15 to govern for disabled people during Covid, therefore,
16 is a lesson to all parts of this place.

17 The advocacy of groups like Disability Action and
18 the situation of one in four people who are disabled in
19 Northern Ireland needs to be a key part of the
20 continuing post-conflict transition. The "post" in the
21 post-conflict requires recognition that there is
22 a plurality of communities in Northern Ireland, not just
23 Nationalists and Unionists, but as yet the mechanisms
24 and the dominant political narratives have been
25 insufficient to govern for them.

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1 census in 2021 represents approximately 23% of the total
2 population, and it is a growing group.

3 For the purposes of the Act, older people are
4 defined solely by the fact that they are 60 years or
5 older and, as such, they represent a cross-section of
6 society, and whilst there are those who are healthy and
7 should have a good quality of life for many years,
8 nonetheless, as a group, they are more highly
9 represented in the Northern Ireland figures of those
10 with disabilities, mental health issues, comorbidities
11 and those on hospital waiting lists, and they require
12 not just health services but most especially social
13 services.

14 A considerable number of them live and are cared for
15 in community placements, provision of which is
16 outsourced by their health and social care trusts to
17 privately-owned providers.

18 None of this is new. Accordingly, the Department of
19 Health as the lead department in the government's
20 response to the pandemic should have factored it into
21 the planning and the response to the pandemic and the
22 government should have ensured that it was properly
23 addressed in its response, and we're here because they
24 did not, and older people and others who were known to
25 be vulnerable paid a terrible price for that failure,

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1 and their families are living with its consequences.

2 The issue for the Commissioner is how and why that
3 happened. This is the learning that he hopes
4 the Inquiry will identify, and in fact to a large extent
5 it has already identified it. The older people that
6 the Commissioner represents now are largely those who
7 directly experienced the consequences of the
8 government's planning and decision-making and survived
9 it. Many of them lived through life-changing events.
10 They are seeking to make sense of what happened, and to
11 know changes will be made to ensure that other older
12 people do not have to endure anything similar or lose
13 their lives as so many did. They hope that this will be
14 done through the recommendations that you, my Lady, will
15 make, and also the focus that the public can bring on
16 what the government does with those recommendations.

17 The purpose of this closing is to highlight some of
18 what the evidence has shown in relation to just two
19 principal issues, because we can deal at greater length
20 in the written.

21 Firstly, the apparent absence of section 75 of the
22 Northern Ireland Act in planning and decision-making.
23 Secondly, areas for improvement.

24 So starting with section 75, that places a statutory
25 obligation on public authorities in carrying out their

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1 and decision-making of the government's response to the
2 pandemic. At times it seems as though years of accepted
3 practice on the implications of section 75 were ignored
4 in the face of the looming pandemic, notwithstanding the
5 knowledge that those whose lives were most at risk were
6 in those protected groups. The evidence on this is
7 stark.

8 Jenny Pyper acknowledged that the extent of the
9 impact of NPIs on different groups within society was
10 not assessed in any systematic way, and while she states
11 that initially the pace of decision-making was such that
12 it simply was not possible to do the normal section 75
13 or EQIA reviews that would have been a part of Civil
14 Service process, she concedes that an opportunity was
15 missed by the Covid Taskforce to perhaps have
16 an equality workstream. This could have considered the
17 huge amount of information from the social care system.
18 It would also have provided a direct contact for
19 Disability Action and the Commissioner for Older People,
20 and a means of providing stakeholder involvement.

21 But that didn't happen. Karen Pearson acknowledged
22 that "we could have done more, we should have done more
23 ... should have found a way to make time", and it was
24 a failure of planning in the months leading up to
25 March 2020, when it was known there would be a pandemic,

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1 functions to have due regard for the need to promote
2 equality of opportunity, which includes access to
3 appropriate health and social care services, between
4 what are known as the nine protected categories.

5 Older people feature heavily in two of those
6 categories, age and persons with disabilities. They are
7 also highly represented in those requiring the health
8 and social care services. By the beginning of 2020,
9 when the prospect of a pandemic was beginning to be
10 recognised and that steps would need to be taken to
11 protect the public, the Department of Health would have
12 had decades of experience of applying section 75.

13 Consideration of the protected categories should
14 have been embedded in the very DNA of the approach to
15 all public sector decision-making, including civil
16 contingency planning. The whole of Northern Ireland now
17 knows the extent to which older people and others who
18 are in those protected categories were particularly
19 adversely impacted by the government's response to the
20 pandemic, and no matter how many times the numbers of
21 them who suffered and died of Covid is stated, it still
22 has the capacity to shock, and so it should. It will
23 remain a lasting shame.

24 What this hearing has exposed is the extent to which
25 section 75 was not properly factored into the planning

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1 that time wasn't used to think about the impact that
2 there would almost certainly be on a number of different
3 people in society.

4 Dr Joanne McClean also acknowledged that there
5 should have been a broader risk assessment role for the
6 PHA about the particular vulnerabilities, for example,
7 of disabled people in the community and helping to
8 inform decision-making, but none of that explains why
9 there was such a glaring omission from planning,
10 especially when the likely consequences of it for the
11 vulnerable are entirely foreseeable. Without an insight
12 into and understanding of why it happened, it's
13 difficult to exclude the possibility of it happening
14 again, and the closest explanation lies in the evidence
15 on the role and focus of the department and its Chief
16 Medical Officer.

17 So, for example, the evidence of Edwin Poots, he
18 acknowledged the failure to take into account older
19 people, disabled people, young people, as the focus was
20 almost entirely on our response to Covid-19 to the
21 complete ignorance of anything else, and with that focus
22 being driven by the Department of Health and the advice
23 of Professor Sir Michael McBride, the CMO.

24 So, section 75 failure is just one example,
25 unfortunately, of a wider failure in pre-pandemic

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1 planning and of decision-making throughout the duration
2 of the pandemic. Any planning for a Northern Ireland
3 response to a health pandemic would need to take in the
4 distinctive features of its structures and population.

5 Northern Ireland has an integrated health and social
6 care system, your Ladyship has heard about that. The
7 evidence of Richard Pengelly was that, in the context of
8 the pandemic, that could have been an advantage, as it
9 should have provided greater oversight, but he had to
10 concede that the integration was more illusory than real
11 and there were no tangible benefits for the patients.

12 The Commissioner for Older People's evidence was
13 perhaps more direct: it could have been an advantage,
14 should have been an advantage, but the opportunities for
15 it to be so were wasted. Instead, it operated to the
16 detriment of those in care homes.

17 It was generally accepted during the hearing that
18 Northern Ireland's health and social care system was
19 extremely fragile, it had insufficient funds and not
20 enough staff. The delivery of social care was heavily
21 dependent on the private sector and it was in urgent
22 need of reform.

23 Also none of that was new, as it had been an ongoing
24 discussion for 30 or 40 years and is the subject of
25 detailed reports. However, the evidence shows that

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1 the Commissioner's words, older people were left
2 horribly exposed.

3 Well, so much for what should have been factored in.
4 That leaves the inevitable question of: when should it
5 have been factored in?

6 The graphic that the Inquiry produced showing the
7 two waves is remarkably stark. Whereas the first wave
8 in Northern Ireland was bad, the second wave was worse.
9 It was higher, and more prolonged. Those waves and the
10 concentration of deaths amongst older people and other
11 vulnerable groups represent what the government should
12 have been seeking to avoid with early and appropriate
13 information and planning. However, the distinct
14 impression from listening to the evidence over these
15 11 days is that there was a lack of urgency, and that is
16 simply incomprehensible in the circumstances.

17 The timeline shows that the first SAGE meeting on
18 Covid took place on 22 January, the first COBR meeting
19 on 24 January, the CMO had his first engagement with
20 other UK CMOs that day, and the Scientific Pandemic
21 Influenza Group on Modelling, which is comprised mainly
22 of infectious disease modellers, met on 27 January.

23 Robin Swann, as Minister of Health, attended the
24 COBR meeting on 29 January, and attended SAGE meetings,
25 the first being on 6 February. The following day WHO

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1 there was nonetheless a failure to factor in the
2 implications of those structural weaknesses and its
3 frailties into planning. And while Sir David Sterling
4 claimed that the knowledge that the Bengoa report was
5 sitting on the shelf waiting to be taken forward would
6 have been at the front of all ministers' minds in
7 January and February of 2020, and that there would have
8 been a recognition that the health service would be
9 under particular stress which would be exacerbated by
10 the structural problems which had built up over the
11 years, amazingly the understanding of this did not seem
12 to have crystallised until in and around the start
13 of March. Consequently, there would not have been time
14 for much, if any, of that to have influenced
15 pre-pandemic planning, and indeed it seems clear that it
16 didn't.

17 However, that could all have happened subsequently,
18 when the transmission rate of Covid-19 started to rise
19 markedly and a government response was required, those
20 weaknesses in the structure for delivering adult social
21 care and their implications could and should have been
22 appreciated and factored into planning to avoid
23 potentially disastrous outcomes for older people later
24 on, and again it seems clear that didn't happen, or at
25 least not to any appreciable extent, and, to use

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1 declared Covid-19 a public health emergency and the next
2 day the UK had its first confirmed case. On 4 February
3 WHO published guidance on scaling up country
4 preparedness and response operations, and then there is
5 a significant period, in the context of the pandemic,
6 until the first case is confirmed in Northern Ireland on
7 27 February.

8 There was time. The information the Department of
9 Health obtained from these early meetings and the
10 regular attendance of its officials at that time would
11 have left them in no doubt about the seriousness of the
12 position and the implications of that for
13 Northern Ireland, given the state and capacity of its
14 health and social care system. But unfortunately, it
15 did not seem to lead to a commensurate level of urgency,
16 whether in the pre-pandemic phase and prior to the first
17 wave or after the first lockdown and prior to the second
18 wave.

19 A striking illustration of that is the position of
20 Professor Ian Young. He went on leave on
21 12 February 2020, seemingly without having made any
22 contribution to pre-pandemic planning, but, more
23 importantly, without any replacement or even arrangement
24 for one having been made, and it appears little was done
25 by way of modelling or the provision of the scientific

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1 advice that he would have been expected to provide until
2 his return at the end of March. The explanation was
3 there were insufficient data points at that stage,
4 effectively there was no basis from which to develop
5 a model.

6 However, the UK modelling group met before there
7 were any confirmed Covid-19 cases, and also
8 Professor Young went on leave after a series of COBR and
9 SAGE meetings when there were already worrying signs as
10 to the potential rate of Covid transmission and its
11 seriousness, yet he does not seem to have indicated what
12 might be done in his absence or to have any recommended
13 liaison with UK modellers and/or their counterparts in
14 Germany and Italy, which already had cases, so that
15 preliminary work could start.

16 There is no explanation of why, since at the time he
17 left he would have no idea whether Northern Ireland
18 could afford to wait until his return at the end of
19 March before getting started on modelling. A lack of
20 urgency, an inconsistency which typified the
21 government's response.

22 The Inquiry has many examples from which to conclude
23 that the period leading up to Christmas in which the
24 restrictions were imposed, lapsed, brought back in
25 again, was the very antithesis of what planning during

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1 chaos.

2 So then now finally what needs to be improved.

3 Older people and the public in general were
4 repeatedly told: we're all in it together. But they
5 were not, in any meaningful sense. Older people in care
6 homes and the disabled and socially disadvantaged did
7 not have an equal experience of either the pandemic or
8 the impact of the government's response to it. They
9 suffered, and died, in disproportionately high numbers.
10 The Commissioner hopes that recommendations can be made
11 to inform planning for the future and to minimise the
12 risk of that happening again.

13 Dr Joanne McClean identified an important part of
14 the problem lay with the health inequalities in society,
15 and that was contributed to by socioeconomic
16 circumstances and education level, and she acknowledged
17 that there is an onus on the Executive and on government
18 to realise that there are unfair inequalities that need
19 to be tackled, not just because they caused an issue in
20 the pandemic but just because they can and should be
21 tackled. Addressing that probably lies outside the
22 scope of this module. However, in the light of the
23 evidence heard, the Commissioner suggests the following
24 could contribute to improved planning and
25 decision-making in preparing and responding to a health

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1 the pandemic should be.

2 Senior counsel for the bereaved has only so
3 eloquently listed some of them and your own senior
4 counsel has also, very well indeed, exposed them.

5 The evidence from Baroness Foster on her response to
6 the urgings of the Minister of Health and CMO to
7 implement a lockdown circuit-breaker as the situation
8 became far more serious than in March are just difficult
9 to understand. The source of any expert advice to
10 justify her contrary view to what they were urging then
11 is entirely unclear, including to allow aspects of
12 society to remain open and available to people.

13 Given the risks to older people in care homes and
14 vulnerable people in the community and to hospital
15 capacity, it's difficult to know what to make of her
16 statement that for, and I quote now:

17 "... but for those of us who need to get our hair
18 cut every couple of weeks, it was becoming a real
19 issue ..."

20 Or that coffee shops had bought stock in the
21 anticipation of opening and:

22 "... if we hadn't allowed them to open for that week
23 all of that stock would have been lost ..."

24 Decision-making on something as serious as the
25 protection of vulnerable lives seemed to descend into

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1 pandemic.

2 First, establishing a better structure for providing
3 the Executive with timely, independent, specialist
4 advice including re-considering the roles of the Chief
5 Medical Officer and the Chief Scientific Adviser. The
6 evidence showed that the CMO's multiple roles could
7 become blurred and his position as a departmental
8 official deprived the Executive and other departments of
9 a properly independent view. They had no basis from
10 which to properly assess the advice he was giving them.

11 Two, ensuring that greater significance is given to
12 the role of the Chief Social Work Officer. It was known
13 that older people in care homes or in receipt of
14 domiciliary care were likely to be disproportionately
15 affected by the pandemic and many of the restrictions
16 imposed. So the lack of reference to any significant
17 input from the Chief Social Work Officer for planning is
18 striking.

19 Three, developing a mechanism to better use the
20 available experience and expertise of those in the third
21 sector and bodies such as the Commissioner. This would
22 have improved the government's planning and response at
23 the time and could have avoided some of the chaos that
24 undermined public confidence and compliance. The offer
25 by Karen Pearson to talk to equality groups about doing

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1 more in civil contingencies space and developing a civil
2 contingency risk register will force a consideration of
3 vulnerability in section 75, is a welcome start. But
4 what is required is a proper structure so that it is
5 more than a commitment from an albeit dedicated
6 individual.

7 Then just to conclude, my Lady, the Commissioner was
8 hoping that there would be answers and an understanding
9 of how and why vulnerable older people were so badly
10 failed by the Northern Ireland Government's response to
11 the pandemic. Regrettably, the answer to the "how"
12 question is far more deeply depressing and concerning
13 than he thought possible, whilst the answer to the "why"
14 question is not really there.

15 In his view, it needs to be, not least to build the
16 public's trust and confidence in the government's
17 ability to adequately respond to the next pandemic so
18 that lives are protected. The evidence heard has done
19 little to start that process, but it must happen,
20 because without such trust and confidence the public may
21 not respond with the necessary compliance to whatever
22 measures are considered necessary in the future, and
23 that will be to the detriment of everyone.

24 Thank you very much indeed.

25 **LADY HALLETT:** Thank you very much indeed.

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1 extraordinarily difficult task that they faced, in
2 seeking to persuade the public to comply with
3 regulations which, as Mr Todd explained to you, were
4 often produced at short notice, were often hard to
5 understand, and harder still to apply, which changed
6 very frequently, and about which there was insufficient
7 guidance from government.

8 As you know, the police's aim was to achieve
9 compliance, and in that, enforcement, by the imposition
10 of fixed penalty notices or other means, was the last
11 and not the first resort.

12 As the Chief Medical Officer said in his evidence,
13 "We couldn't police the virus into submission", or, to
14 put it another way, as Karen Pearson noted, "You can't
15 arrest your way out of a pandemic".

16 The truth is that, for the reasons which I touched
17 on in my opening submissions, and as was explained by
18 Mr Todd in his careful evidence to you on this point,
19 the PSNI faced the most formidably difficult challenge
20 of all of the police services in the United Kingdom when
21 it came to the Covid regulations. Community trust and
22 public confidence have been harder won here than
23 anywhere else, as you know.

24 The PSNI's approach to that challenge was,
25 of course, shaped by this very specific policing

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1 Mr Phillips.

2 **Submissions on behalf of the National Police Chiefs' Council**
3 **by MR PHILLIPS KC**

4 **MR PHILLIPS:** My Lady, in my brief opening submissions on
5 behalf of the NPCC on the first day of this hearing,
6 I suggested that the focus of the hearing would be, and
7 would rightly be, on high-level political
8 decision-making and political governance in
9 Northern Ireland, rather than on police work, and so
10 it's proved.

11 So although Mr Todd, who led the police response to
12 the pandemic here, was your penultimate witness, the
13 striking thing about the evidence which preceded his was
14 how little time was spent on policing.

15 What then did you learn from the limited evidence
16 which did touch on that topic?

17 First, I'd suggest that those non-political
18 witnesses who were asked about policing here in the
19 pandemic were united in their view that the police's
20 approach to the Covid regulations, set out by the NPCC
21 and then adopted here by the PSNI, was appropriate and
22 fair.

23 The four Es approach -- and I know that I don't have
24 to spell out the four words for you -- was a realistic
25 and proportionate response by the police to the

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1 context. The operational decisions which were taken by
2 its leaders, and by Alan Todd in particular, drew on
3 their unrivalled experience of those unique conditions.

4 Those decisions were not for politicians or anyone
5 else to make, but, as one of the senior officials put it
6 to you, the PSNI were placed in a nigh on impossible
7 position, and of course the Bobby Storey funeral was
8 a paradigm example of that.

9 That, my Lady, is a background, but also the answer
10 to the suggestions made in some of the witness
11 statements, though not pursued with any vigour in the
12 evidence that you heard, that the PSNI's approach could
13 have been more robust.

14 Those comments, with respect, misunderstand the
15 PSNI's operational strategy and decision-making, and
16 fail to take account of the context which I've just
17 outlined.

18 Moreover, the statistical information with which
19 we've provided the Inquiry, shows, ironically, that the
20 period during which it has been suggested that the
21 police had eased off, namely in the autumn of 2020, was
22 in fact the peak of enforcement in terms of FPNs.
23 You'll remember the details of fines and other
24 enforcement measures in about September that year, which
25 Mr Todd gave you in his evidence yesterday.

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1 My Lady, turning back to the more general question
2 of enforcing the Covid regulations, I would suggest that
3 Naomi Long, Minister for Justice during the pandemic,
4 accurately and fairly summed up the position in her
5 witness statement when she said, at paragraph 198:

6 "It was an unprecedented ask of police officers and
7 staff in an unprecedented time. I believe that,
8 overall, the PSNI endeavoured to enforce the regulations
9 fairly, sensitively and proportionately; advise the
10 Executive of the limitations of their powers and of the
11 regulations and/or guidance; and work in a collaborative
12 manner throughout."

13 My Lady, we will, of course, put in written
14 submissions, but that's all I wish to say at this stage,
15 and I think I'm well within my allotted time.

16 **LADY HALLETT:** You are, Mr Phillips, thank you very much
17 indeed.

18 Ms Murnaghan.

19 **Submissions on behalf of the Department of Health Northern
20 Ireland by MS MURNAGHAN KC**

21 **MS MURNAGHAN:** My Lady, these Inquiry proceedings over the
22 past 11 days, preceding weeks, have brought a forensic
23 focus to how the Northern Ireland Executive responded to
24 the pandemic. This has been a necessary but also
25 a difficult and illuminating process. It may, in these

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1 preparation for and response to Covid-19 was inevitably
2 far from perfect. Criticisms have been levied against
3 actions and inactions taken by the Department of Health,
4 and we have no doubt that where such criticisms are
5 merited the department will seek to learn lessons from
6 those failings.

7 Nevertheless, and without being in any way
8 defensive, such criticisms must be viewed in the context
9 of this being a situation where there were no easy
10 answers and only incomplete evidence. Indeed, in the
11 vast majority of occasions, the department was faced
12 with investigating and advising on the least harmful
13 options.

14 We must also keep in view the reality that these
15 issues were being addressed by a relatively small group
16 of people who were working at an unprecedented pace,
17 over long hours, for many months, each of whom was
18 making significant personal sacrifices for the good of
19 their community.

20 My Lady, as Anthony Hidden QC commented in the
21 Clapham Junction rail incident report, there is almost
22 no human action or decision that cannot be made to look
23 more flawed and less sensible in the misleading light of
24 hindsight.

25 A full exploration and understanding of the factual

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1 circumstances, be tempting to recall the words of the
2 late Queen, albeit in a somewhat different context, in
3 fact at an Irish state banquet in 2011, when she said
4 that, with the benefit of hindsight, there are things
5 that we "wish had been done differently or [indeed] not
6 at all".

7 In an ideal world, my Lady, Northern Ireland's
8 health and social care system would have been less
9 fragile at the beginning of 2020, its government and
10 political system would have been more stable, ministers
11 would have had time to bed into their respective
12 departments, and its government wide civil contingency
13 system would have been in a better place.

14 Undoubtedly, as Covid-19 reached our shores, the
15 global challenges caused by the paucity of testing
16 capacity was regrettable, but not unforeseeable, given
17 that the genome was only identified on 10 January.

18 Greater testing capacity at an earlier stage would
19 have made significant differences, in that it would have
20 allowed for more informed policy choices to have been
21 made and, indeed, as the pandemic progressed, the
22 continuation of Executive unity would have also been
23 a further significant benefit.

24 However, my Lady, it is trite to say that we do not
25 live in an ideal world and Northern Ireland's

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1 and evidential position which pertained at the time is
2 of course necessary to ensure that we are better
3 prepared from any future pandemic. However, to identify
4 the true learning, we must also be cautious to avoid the
5 temptation of proceeding on the basis of preconceived
6 theories or opinions, assuming positions of simplicity
7 and certainty when in reality there was only complexity
8 and uncertainty.

9 The Department of Health does acknowledge that other
10 parts of government may have been frustrated at times by
11 a perception that the department was not always promptly
12 sharing evidence with it. However, we can say there was
13 no intention to delay the delivery of updated advices;
14 rather, the timely provision of information was hampered
15 by limitations on the acquisition of reliable data,
16 ongoing uncertainties over the virus, and
17 an ever-changing situation.

18 We would also say that in leading the health
19 response, the department acted in a prompt and timely
20 manner when it stood up the silver tactical command
21 structures on 22 January 2020, when it activated the
22 Department of Health emergency response plan, and it
23 stood up its gold command five days later on
24 27 January 2020.

25 Questions have, of course, been asked in these

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1 proceedings about the extent to which the department
2 should have sounded the alarm about the impending threat
3 of the virus. The department contends that it provided
4 regular updates to the Executive, to the Assembly, to
5 the Civil Service and the wider public in respect of the
6 unfolding situation.

7 To take just one of those limbs, in the seven
8 statements made by Minister Swann to the Assembly, these
9 powerfully demonstrate how open the department was with
10 the information it had at the time. From the statements
11 that Minister Swann made to the Assembly from 24 January
12 to 19 March, it is clear, we say, that a robust message
13 was delivered. This message clearly articulated the
14 evolving situation. Right up to the point when the WHO
15 declared the global pandemic on 11 March 2020, the
16 department's focus was on providing assurance to the
17 Assembly and indeed the wider society that plans were in
18 place to deal with the virus.

19 Moreover, as the information about the pandemic
20 increased, the statements reflected the change in that
21 evolving situation. Some examples, we say, confirm the
22 fact that the Assembly was updated throughout. These
23 include the minister's statement on 24 January 2020,
24 which was before the first case was identified in
25 the UK, and at that stage the evidence was that the risk

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1 on 3 February, was after the first two cases were
2 identified in the UK, and he had already briefed the
3 Executive that morning, and to the Assembly he said:

4 "I want to [assure] members that while the risk has
5 been raised from low to moderate there is no cause for
6 alarm [but this] does not mean we think the risk to
7 individuals in the UK has changed ... rather ... we
8 should plan for all eventualities."

9 He continued to confirm that he had spoken to the
10 First and deputy First Ministers and he said:

11 "... [I] have been assured that all the necessary
12 resources of Government will be available to help keep
13 our people safe. I have updated my Executive colleagues
14 at our meeting this morning and have their full support
15 and commitment."

16 In a fourth statement, on 26 February, the minister
17 said:

18 "It is important ... [to] remain calm and focused
19 ... we should continue to plan and be ready for all
20 eventualities."

21 He made a fifth statement on 28 February, the day
22 after the first case in Northern Ireland, and he made
23 that by way of urgent oral statement, and he advised
24 that it was not unexpected that we would have a case in
25 Northern Ireland at that point.

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1 to the UK public remained low. However, the minister
2 said:

3 "... there can be no room for complacency. There
4 may well be cases in the UK at some stage. I have been
5 assured that we are well prepared for these types of
6 incidents. I am confident that my colleagues in the
7 Executive and across the Assembly will understand that
8 while it is important that we remain vigilant, we need
9 to take a proportionate response to what is an emerging
10 issue."

11 The minister made a second statement to the Assembly
12 some five days later, on 29 January, which was still
13 before the first case was identified, and he said:

14 "While the current risk is assessed as low for the
15 UK, members will appreciate this is a rapidly evolving
16 situation. Hence this risk assessment is under constant
17 review. Therefore there can be no room for complacency
18 and my priority as Minister is still to ensure effective
19 measures are in place [in] Northern Ireland. To this
20 end I have ... participated in a COBR meeting this
21 evening which comprised UK Government Ministers and
22 Ministers from the Devolved Administrations. We have
23 given our firm commitment to a coordinated approach to
24 this extremely important issue."

25 The minister's third statement to the Assembly, made

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1 That was swiftly followed by a sixth statement at
2 which stage Northern Ireland still only had one positive
3 case, and there was one case that had been identified
4 two days earlier in the Republic of Ireland, and during
5 that he reiterated:

6 "I remain in close contact with other UK Health
7 Ministers and I will continue to take part in weekly
8 COBR ministerial meetings to ensure our joined up
9 approach in tackling this disease ... I can also advise
10 that I along with the First and deputy First Ministers
11 participated in a COBR Ministerial meeting this morning
12 which was chaired by the Prime Minister ..."

13 He continued:

14 "Across the [Northern Ireland Civil Service]
15 planning has been stepped up to ensure a co-ordinated
16 response from all sectors of Government. I am aware TEO
17 is leading the work on assessing essential services and
18 key sectors' resilience and that they convened
19 a cross-departmental meeting on 20 February where
20 information on ... all possible eventualities was shared
21 and all Departments were asked to review business
22 continuity plans. A tabletop exercise is planned in
23 coming days where our planning and preparation across
24 government will be discussed."

25 He continued to say:

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1 "Complacency is our enemy -- but so too are panic
2 and hysteria.

3 As we [have] said, we will continue to [plan] for
4 all eventualities."

5 My Lady, we say it is notable that these statements
6 pre-dated the WHO declaring the virus as a global
7 pandemic, which happened on 11 March. One recalls that
8 this was a time when there was considerable uncertainty,
9 but there is evidence of considerable preparation and
10 planning under way.

11 Finally, the minister made a seventh statement on
12 19 March, after -- at which stage we had had our first
13 death from coronavirus in Northern Ireland. That
14 statement provided a considerable amount of detail of
15 the actions that had been taken and what was planned to
16 come.

17 Reflecting on the consistent and increasingly urgent
18 messaging from the minister in these brief excerpts, it
19 is contended that the concerns that insufficient actions
20 were taken to sound the alarm are without merit.

21 These communications should also be viewed in the
22 context wherein the permanent secretary,
23 Mr Richard Pengelly, for the department had specifically
24 briefed his permanent secretary colleagues on 7 and
25 21 February 2020, in the course of which he emphasised

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1 Finally, my Lady, we say, looking at the overall
2 picture, it is important also to acknowledge what was
3 achieved. The threat that was posed by Covid-19 was
4 unparalleled, and so too was the scale of the response
5 that was activated. Restrictions that previously would
6 have been unthinkable in peacetime were introduced and,
7 more importantly, were assiduously adhered to by the
8 vast majority of the population.

9 Without minimising the dreadful consequences for
10 many in our society, it is nonetheless relevant to note
11 that Northern Ireland, in its response to the pandemic,
12 fared better when compared with other nations in the UK.

13 Moreover, the SAGE autumn 2020 four nations
14 comparison exercise, which is found at INQ000422240,
15 emphasised that the interventions in Northern Ireland in
16 the second wave proved to be the most effective of those
17 imposed by the other devolved administrations and
18 central government.

19 The Department of Health maintains that the advices
20 that it gave in respect of the key decisions on
21 restrictions, whether to introduce NPIs, or lockdowns in
22 March 2020, and again later that year, were the correct
23 ones.

24 My Lady, throughout these oral hearings you have
25 heard a variety of themes which have suggested that

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1 the need for his colleagues to pay urgent consideration
2 to sector resilience in the face of the growing threat.

3 Moreover, this Inquiry has heard the clear view of
4 its expert advisers, Professors O'Connor and Gray, that
5 too much weight was placed on one department, and that
6 department was the Department of Health.

7 My Lady, there are several themes which the
8 department would seek to expand on in its written
9 closing statement which are, regrettably, too detailed
10 to be extensively rehearsed in these closing remarks.
11 These topics will include evidence to demonstrate the
12 manner in which the department fully understood and
13 appreciated the gravity of the impending pandemic. But
14 it is submitted that the Department of Health could only
15 ever have led on the health response to the pandemic and
16 could never have taken charge of a wider co-ordinated
17 cross-governmental response. In part, this is due to
18 the fact that the department had no sight of or
19 expertise in other non-health sectors, and the factors
20 involved.

21 In its written closing statement, the department
22 will seek to address its understanding of its role as
23 the lead government department, the activation of
24 NICCMA, and its understanding of the appropriate scope
25 and reach of its responsibilities.

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1 alternative responses could or should have been taken,
2 whether in the form of NPIs, or the timings of school
3 closures, or lockdowns. The restrictions that were
4 imposed undoubtedly exacted a heavy price on our
5 society. However, in the absence of a widespread
6 vaccine at that stage, these were the best or possibly
7 better put as the least worst options to take.

8 It is incontrovertible that these difficult
9 decisions and restrictions which were imposed saved many
10 lives, and while our health service and our health and
11 social care teams suffered from the severe impacts of
12 Covid, from which it will take many years to recover,
13 ultimately the health service did not collapse, and for
14 that, my Lady, we can be thankful.

15 We can also be very thankful for those who worked
16 tirelessly to the very best of their ability to protect
17 our citizens. We acknowledge the many sacrifices of the
18 population of Northern Ireland to protect those who were
19 and remain the most vulnerable.

20 Few of us emerged from the pandemic unscarred.
21 Those scars should inspire us to ensure that the legacy
22 of this pandemic must be that we are better prepared for
23 the next one.

24 Thank you.

25 **LADY HALLETT:** Thank you very much indeed, Ms Murnaghan.

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1 For those who question the need for and cost of this
2 Inquiry, I suggest they listen to those closing
3 submissions.

4 Ms Dobbin.

5 **Closing remarks by LEAD COUNSEL TO THE INQUIRY for MODULE 2C**

6 **MS DOBBIN:** My Lady, may I address you on two things,
7 please?

8 As you know, whilst these hearings have ended, your
9 work continues apace, and of course pursuant to that,
10 with your permission, the Inquiry has adduced in
11 evidence and published on its website through the course
12 of these hearings a number of documents. This comprises
13 the documents that have been brought up on screen and
14 during the hearings, and indeed the statements of
15 witnesses who have given oral evidence.

16 But we expect, as with previous modules, that you
17 will wish to consider a wider body of material for the
18 purposes of writing your report, and to that end the
19 Module 2C team have provisionally identified a list of
20 additional documents which we will also seek your
21 permission to adduce.

22 This will include, amongst other items,
23 approximately 60 statements of witnesses who have not
24 given oral evidence but whose statements you may wish to
25 rely upon for the purposes of compiling your report.

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1 **Closing remarks by THE CHAIR**

2 **LADY HALLETT:** Thank you all very much. That now completes
3 our hearings in Belfast for Module 2C, core
4 decision-making and political governance in
5 Northern Ireland.

6 I hope that we've covered the most important issues
7 under that heading thoroughly and rigorously. I know
8 there are other issues of concern to the people of
9 Northern Ireland, for example care homes, discharge of
10 patients to care homes, test and trace, issues that
11 we've only touched on during the course of this Inquiry,
12 vaccines, use of do not resuscitate notices, but these
13 are all issues, I can assure people, we shall cover in
14 later modules in far more detail.

15 We shall also be exploring a large number of other
16 issues, including a more detailed examination of the
17 impact of the pandemic on the population of the
18 United Kingdom, for example the impact on mental health.

19 So they are not issues that are being ignored; they
20 are issues to which I shall return.

21 Having heard the oral evidence in this case and, as
22 Ms Dobbin has just mentioned, I received the written
23 evidence, I will now begin my analysis of all that
24 material gathered by the Inquiry team.

25 I will then, if I can, conduct a comparative

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1 So we propose to circulate a list of those documents
2 to core participants so that they have the opportunity
3 to review the documents which we have suggested, and
4 either object to those or to, indeed, propose additional
5 documents which they think you ought to take into
6 account for the purposes of your report.

7 Thereafter, with your permission, the Inquiry will
8 adduce in evidence and publish those documents, again,
9 on its website.

10 The second matter, my Lady, as you might recollect,
11 at the very outset of the Inquiry, the issue as to why
12 the Executive Office had not disclosed the Executive
13 Committee minute notes of 2 July was set out to you, and
14 you heard that the TEO would produce a report which set
15 out the findings of an investigation into that.

16 I can confirm that that report was received by
17 the Inquiry yesterday evening. You have not, of course,
18 had a chance to consider it, and obviously that will be
19 the first thing that you will do, but I think it's
20 appropriate that I obviously set out that that has been
21 received and will be considered.

22 **LADY HALLETT:** Thank you, Ms Dobbin. Obviously, I will need
23 to take time to reflect upon its contents and see what
24 more, if anything, I intend to do.

25

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1 analysis with Modules 2, 2A and 2B. I don't know the
2 extent to which that will be possible, because I was
3 always warned to be wary of making comparisons unless
4 you have exactly similar circumstances, but I will do my
5 best if it is possible.

6 I also obviously wish to examine carefully the
7 issues that are specific to Northern Ireland, just as
8 there are issues specific to Scotland and issues
9 specific to Wales, and I assure everybody, again, that
10 I will cover those matters fully and fairly in my
11 report.

12 The report will take some time, and I make no
13 apologies for that, it's too important to rush, and so
14 I ask people to bear with us. I hope that we'll be able
15 to publish it as soon as possible, and I promise you the
16 teams will be working extremely hard to make that
17 possible.

18 I hope too that I'll be able to include in it
19 recommendations that will make the system stronger and
20 better able to withstand the challenge of a national
21 civil emergency on the scale of the Covid-19 pandemic.

22 I know it is important to all those who have
23 suffered that we do make -- that I do make
24 recommendations and that they are implemented as soon as
25 possible, because they hope to reduce the suffering of

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1 others in the future.
 2 I should like to thank the bereaved families and
 3 everyone else who suffered, and all those who have
 4 contributed to these hearings: the material providers,
 5 the witnesses, the core participants, and of course
 6 the Inquiry team, both front of stage and backstage,
 7 including our technical team behind their wall of blue.
 8 I believe that it was worth what is, I'm afraid,
 9 quite a large cost in bringing -- in preparing for the
 10 hearings and in bringing the hearings to Belfast. But,
 11 as I've always said, this is a UK-wide inquiry, it is
 12 not a London/Westminster-specific inquiry.
 13 I hope that my feelings are shared by the people of
 14 Northern Ireland, that it was worth bringing the Inquiry
 15 here, and I particularly I hope that the bereaved feel
 16 that it was worth it. Some of them have been present
 17 throughout, and thank you for your constant support, but
 18 I know that many others have been following online, and
 19 I thank them too.
 20 I would also like to thank the people of Northern
 21 Ireland for the warmth of their welcome; and yes,
 22 Ms Campbell, we have found it to be a very warm welcome.
 23 So thank you all very much indeed. I think the next
 24 main hearings will not now be until the autumn, although
 25 there are many other preliminary hearings to be

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1 considered before then.
 2 Thank you.
 3 **MS BRENDA DOHERTY:** Baroness Hallett, can I just thank you
 4 for coming to Northern Ireland, because it has meant
 5 a lot to us families (inaudible) travel to London. So
 6 for a lot of the people that you've seen here every day,
 7 we wouldn't get to London, so thank you for coming to
 8 Northern Ireland, we really appreciate it.
 9 **LADY HALLETT:** Thank you for saying that.
 10 **(12.31 pm)**
 11 **(The hearing concluded)**

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