

Witness Name: John Loughran (Special Advisor)

Statement No: Module 2c, statement 1

Dated: 19 March 2024

## **UK COVID-19 INQUIRY**

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### **WITNESS STATEMENT OF John Loughran**

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I, John Loughran will say as follows:

#### **A. Introduction**

1. I was awarded a Bachelor of Social Science (BSSc) joint honours degree in Politics and Scholastic Philosophy (1995) and a Master of Arts (MA) degree in Irish Politics (2001) from The Queen's University, Belfast. I was awarded an Advanced Diploma in Management Practice (2005) and a Master of Laws (LLM) in Human Rights Law (2013) from the Ulster University. I have also participated on the US State Department sponsored International Visitors' Programme, at Boston College (2005) on theme of 'Public Policy, Advocacy and Think Tanks' and completed professional development courses at Stanford University, CA. (Peace Processes, Civic Participation and Dialogue) and the University of Minnesota (Restorative Justice).
2. From 1998 I worked in the community and voluntary sector across a variety of roles. This involved the design, delivery and implementation of strategic programmes and initiatives designed to advance community relations, it also required seeking and securing funding in public and philanthropic investment. I was also involved in the delivery of PEACE programmes and the delivery of publicly awarded contracts. During this period, I also undertook field work and exchange visits to Nicaragua, the Basque Country, Israel/Palestine, South Africa, Cyprus, Thailand, Afghanistan, Georgia, Nepal and Moldova working with a range of international NGOs. I served as a member of the Victims Forum and Belfast Policing and Community Safety Partnership as well as serving on the Boards of a number of organisations to include: Relatives for Justice, the Ashton Centre and Belfast Taxi's CIC.

3. In 2016 I was appointed as a Ministerial Special Adviser to the former Deputy First Minister, Martin McGuinness MLA. In this role I was responsible for the provision of advice to the deputy First Minister in areas of: Community Relations, Equality and Human Rights, the Social Investment Fund, Historical Institutional Abuse, Urban Villages and Victims Issues, Executive Action Plan on Tackling Paramilitarism, Criminal Activity and Organised Crime.
  
4. After the suspension of Stormont institutions in January 2017 I worked for Sinn Féin and then was assigned to work in the Office of Michelle O'Neill MLA, from March 2017 until January 2020. I worked as Special Adviser to the Minister for Communities, Deirdre Hargey MLA from 11 January 2020 to early February 2020 and then as Ministerial Special Adviser to the Deputy First Minister, Michelle O'Neill MLA from then to 03 February 2022. During this period I was the lead policy advisor on Equality, Victims and Human Rights, Historical Institutional Abuse, Communities in Transition, Stormont House Legacy Implementation, Good Relations/T:BUC, Civic Engagement, FICT, Racial Equality Strategy, Anti-Poverty and tackling disadvantage, Children and Young People, SEUPB/Peace Plus, Social Investment Fund, Delivering Social Change and Diary/Constituency liaison. I also had lead responsibility for advising the deputy First Minister on Executive Business across the departments of Justice, Communities and Education.

#### **Special Advisor role**

5. As stated, I had previously worked as Special Adviser to former deputy First Minister Martin McGuinness. When the institutions were restored as part of the *New Decade New Approach* in January 2020 I was appointed by the Minister of Communities to take up the position of Special Advisor. I was asked by the Minister to take on the role of Special Adviser and, following on from this, the appointment process was by way of submission of CV to Private Office. This was followed up by a phone call from the Permanent Secretary at the Department of Finance, Sue Gray.
  
6. I worked as Special Adviser to the Minister for Communities, Deirdre Hargey MLA specifically from 11 January 2020 to 02 February 2020. My role was to advise the Minister on policy areas within the department that included: Benefits and Pensions, Housing, Support for Children, Regeneration, Sport, Museums and Libraries, Arts, culture and languages, PRONI, Social Inclusion, Voluntary and Community, Historic Environment and Law and legislation.

7. I worked as Special Adviser to the Deputy First Minister, Michelle O'Neill MLA from 03 February 2020 to 03 February 2022 as the lead policy advisor on Equality, Victims and Human Rights, Historical Institutional Abuse, Communities in Transition, Stormont House Legacy Implementation, Good Relations/T:BUC, Civic Engagement, FICT, Racial Equality Strategy, Anti-Poverty and tackling disadvantage, Children and Young People, SEUPB/Peace Plus, Social Investment Fund, Delivering Social Change and Diary/Constituency liaison. At this time from February 2020 – February 2022 I also had lead responsibility for advising the deputy First Minister on Executive Business across the issues of Justice, Communities and Education. Throughout the pandemic I continued to provide advice on these policy areas. I was present at meetings when Covid matters were discussed however I did not provide advice in this area. In a manner consistent with the code of Conduct for Special Advisors I liaised with the Party, briefing party representatives and Assembly members on issues of departmental and Executive policy.
  
8. The provision of advice was informed by considering published data and reports, attending briefings with officials, and processing department submissions. At all times I sought to give the Minister advice that was informed and comprehensive. Having responsibility for such a broad portfolio of policy areas meant that there were other areas of departmental business on which I was not informed to give advice to the deputy First Minister, essentially all policy areas outside of my areas of departmental responsibility. Within the Office other advisors had lead responsibility for other aspects of departmental business therefore I was not provided with the specifics of advice given by the lead advisor to the deputy First Minister on Covid related matters on a consistent basis.

**Special Advisor role during the pandemic**

9. I have been asked to clarify if I had any roles or responsibilities in terms of the provision of advice or support to the deputy First Minister as part of the Executive's response to Covid-19. I had no substantive input to the advice given to the deputy First Minister on Covid related matters. I had no role in briefing the deputy First Minister as to the advice being provided by SAGE; the UK Chief Medical Officer; the Northern Ireland Chief Medical Officer. I had no role in briefing the dFM on modelling outcomes; providing strategic advice. I had no role in determining what issues needed to be regarded as priorities or what was on the daily agenda for consideration during the pandemic.

10. While the deputy First Minister was fully engaged in the Executive's response to the Covid pandemic other business areas within the department were continuing, and my focus at this time was to ensure that these were also brought to the attention of the deputy First Minister for decision. Covid was an issue that was obviously discussed at most meetings, while I was present however I was not personally giving advice to the dFM on Covid related matters.
11. During the course of the pandemic, I routinely attended dFM team meetings (i.e. Ministers and advisors), these meetings were frequent but not always daily. I also attended regular dFM Private Office meetings and Sinn Féin Ministerial Team meetings which were held in advance of Executive Meetings. As already stated I did not have policy responsibility for advising the deputy First Minister on Covid-19, however I did work within a team where Covid-19 was being discussed in my presence, for example I attended meetings where Covid issues were being discussed with a range of business bodies (retail sector and travel agents), hospitality sector, women's sector, women's aid, trade unions, RCN, Equality Commission, hospice, faith leaders, NICCY, PSNI and other sectoral voices.
12. There were occasions during the pandemic when I attended virtual meetings when the Health Minister, CMO and CSA were present. My role at these meetings was essentially to be supportive to the deputy First Minister to ensure forward flow of information to the appropriate advisors. I attended such meetings in a listening capacity. I did not routinely attend meetings between the dFM and senior civil servants on Covid matters.
13. I have been asked to give my opinion on the nature of the relationship between the First Minister and the Deputy First Minister during the pandemic. In my opinion the relationship was business-like and productive. From my experience the Private Offices remained in regular contact and co-operated regularly with each other. From my own perspective the working relationship that I had with Special Advisors in the FM Office were also business-like and constructive. There was often direct Special Advisor engagement and meetings with officials as we sought to agree policy positions for Ministerial sign off.

**Initial understanding and response to Covid-19 (January 2020 - March 2020) Impact of absence of power-sharing**

14. The Inquiry is aware that power-sharing in Northern Ireland collapsed in early 2017 until January 2020. Ministers returned to office on 11 January 2020. I understand the issue of the absence of power-sharing and how this impacted upon preparedness was examined

in Module 1. I took up my post on 03 February 2020 as an advisor to the deputy First Minister Michelle O'Neill MLA. Prior to this date I worked as Special Adviser to the Minister for Communities, Deirdre Hargey MLA from 11 January 2020. Coming back to government after three years brought added challenges in my opinion. Ministers and Special Advisors had to build new working relationships with Private Office staff and senior department officials. Ministers also had to deal with the backlog of issues that could not be addressed by civil servants in the absence of Ministers.

15. The immediate priorities were the implementation of New Decade New Approach, dealing with issues related to austerity and the dire financial situation facing the Executive, issues related to BREXIT, legacy issues related to victims of conflict, growing the economy and attracting inward investment. As things bedded down there was a focus on making internal processes as efficient as they could be.
16. The absence of power sharing and a functioning government for three years was a less than optimum starting point for the incoming Executive to deal with Covid-19. The new Executive, within less than a month had to deal with an unprecedented global health pandemic. The absence of policy development and implementation for 3 years prior impacted the response to the pandemic in my opinion. The situation was compounded by the generational underinvestment and impact of austerity on public services which was most acutely evident across the health and social care sector.
17. As already mentioned, there was a backlog of departmental and Executive decisions and this contributed to a significant volume of business requiring Ministerial attention and decision. I believe Ministers quickly applied themselves to the challenges at hand. From my experience Ministers worked extremely hard to address the issues. I am not aware of a lack of trust or lack of cohesion between Ministers at this time.

#### **Initial understanding and readiness**

18. I have been asked by the Inquiry to specify the first time I became aware of Covid-19. During January 2020 I was working as an advisor to the Minister for Communities. I have no recollection of Covid being raised as an issue during this period. I believe the first time I personally became aware of a pandemic was not from my work but from watching the news and reports relating to Wuhan.

19. While I was personally aware of the media reports throughout January and February of what was happening in Wuhan in 2020, I am not aware when this was first formally raised within the deputy First Minister's office as an issue of potential concern, or when it was understood within the dFM's office that the virus would be a global pandemic. As an advisor to the deputy First Minister, I did not have policy responsibility for Covid related matters, therefore I cannot assist the Inquiry with this question.
20. I am not aware when the first official briefing about Covid-19 took place. I have been asked what the principal sources of information were, available to Ministers during January and February 2020 as to the likely spread and impact of Covid-19. As an advisor I did not have policy responsibility for Covid related matters however from my observations at meetings I believe that the principal source of information came from the Department of Health, the CMO and CSA.
21. During January 2020 I was working as an advisor to the Minister for Communities therefore I cannot comment on the type(s) of briefings being given to the dFM (and/or the dFM and FM jointly) during January 2020 as to the development of Covid-19. From February 2020 as an advisor to the dFM I did not have policy responsibility for Covid related matters, so I am not in a position to answer this question.
22. I have been asked to comment on the views, advice or minutes from SAGE and how they were being conveyed to the dFM and or the dFM and FM jointly in the early part of the pandemic. Throughout the pandemic I was the lead policy advisor on Equality, Victims and Human Rights, Historical Institutional Abuse, Communities in Transition, Stormont House Legacy Implementation, Good Relations/T:BUC, Civic Engagement, FICT, Racial Equality Strategy, Anti-Poverty and tackling disadvantage, Children and Young People, SEUPB/Peace Plus, Social Investment Fund, Delivering Social Change and Diary/Constituency liaison. I did not consider any information or provide advice to the deputy First Minister outside these policy areas as I would not have been equipped to do so therefore I cannot assist the Inquiry with this question.
23. I have been asked if there were any other early, principal sources of information used to inform briefings to the dFM (and/or the dFM and FM jointly) as to the transmission and likely impact of Covid-19 in Northern Ireland and what was the early understanding within dFM's office as to the likely trajectory of Covid- 19 in Northern Ireland. From my observations at meetings the principal sources of information came from the Health Minister, CMO and CSA.

### **Initial strategy and decision-making**

24. I have been asked about any strategies being considered or adopted in January and February 2020 by the government in Northern Ireland as a response to the developing pandemic. I did not consider any information or provide any advice outside the policy areas already identified; I am therefore not in an informed position to answer this question. I observed at this time the Department of Health were the lead department however I was aware that other Ministers were very concerned and actively thinking of ways to help, particularly those most vulnerable in our communities.
25. I have been asked to comment on the understanding within the dFM's office that the peak of the virus was expected to occur at the end of May or the start of June and at what point was it understood that the peak would come much sooner. Throughout the pandemic I provided advice on the department and Executive policy areas set out above therefore I cannot assist with any details relating to this.
26. I have been asked if there were any specific policies or plans being drawn up by the deputy First Minister's office as part of the early response to the pandemic. I cannot provide any information relating to Covid policies as I was not involved. At this time, I was working hard in other areas. Although I was not personally involved, I do recall Ministers were actively thinking about ways in which their Departments could help, thinking about what interventions and initiatives were possible and what budgets would be needed etc.

### **Concerns with suppression of Covid-19**

27. I have been asked to comment on concerns regarding a second wave. As already mentioned, I provided advice on the policy areas set out above. I did not consider any information or provide advice to the deputy First Minister about issues such as a second wave as I would not have been equipped to do so, however I recall the deputy First Minister being concerned about a second wave and raising this as an issue of concern. I recall on 10 June 2020 in a meeting with the Northern Ireland Committee of The Irish Congress of Trade Unions (NIC-ICTU) the dFM raising the issue of second wave. [INQ000279384].
28. The CMO/CSA and the Department of Health were the source of information to the dFM around modelling and issues relating to behavioural fatigue. I can advise that personally

at this time I was following the news and the message at this time was clearly to slow the spread of the virus and reduce transmission rates as much as possible.

29. I have been asked about the information conveyed at a SAGE meeting on 10 March 2020.

I did not attend meetings with officials from the UK Government or SAGE. I was not present at this meeting. At this time, I can advise that Ministers and other Special Advisors were increasingly worried about the UK Governments handling of the pandemic as it seemed to be inconsistent with the advice being given by WHO and out of step with what was happening in other European countries especially after the 11 March declaration of a pandemic by WHO.

30. I have been asked about any particular dates or moments when it was understood that

Covid-19 was not under control here; that the peak was imminent or that health services would be overwhelmed. At that time, I remember the real frustration from the deputy First Minister that we needed to move quickly to tackle Covid-19. Some Ministers were concerned about the UK Governments handling of the pandemic and the lack of action. I recall at this time dFM was calling for more decisive interventions such as the closure of schools etc. I did not consider any information pertaining to this issue. I did not give any advice on these issues. As a Special Advisor I observed as we moved into March the situation was becoming more critical with transmission rates rising exponentially. I recall the cancellation of the visit of the First Minister and deputy First Minister to the US for St Patricks Day, this was a clear signal of how serious the situation was, the decision for the schools to close was also another moment when I personally understood the seriousness of the situation.

#### **Early understanding of data, testing and tracing capabilities in Northern Ireland**

31. I am personally not aware of any issues relating to Northern Ireland's capacity to test and trace between January and March 2020. During my time as Special Advisor I was not involved in decisions relating to testing and tracing or the scalability of test and trace.

32. I cannot comment on the reliability of data or modelling used to predict the peak of the pandemic or to what extent was reliance placed upon the figures being produced by the central government.

#### **Health services**



33. I personally did not consider any information or provide advice to the deputy First Minister about the impact of Covid-19 on the health service. However, by virtue of my attendance at certain meetings when Covid was discussed I was aware that there was a real concern in the dFM's team that the health service would be overwhelmed, this concern appeared to be shared by other Ministers and advisors. I believe all information pertaining to the impact that Covid-19 would have on the Health Service in terms of potentially overwhelming it was provided by the Department of Health and the CMO/CSA although I was not directly involved.

#### **Planning documents**

34. I have been asked to identify the principal planning documents, for the development of the pandemic, which were formulated and in place and upon which the dFM was relying between January and March 2020. I was not involved in the Covid-19 response therefore I cannot assist with these questions. I cannot comment on how detailed these plans were.

#### **Borders**

35. My recollection was that the deputy First Minister was of the opinion that we should have used our advantage as an island as a defence against Covid-19 on the basis that Ireland is a single epidemiological unit. I believe the deputy First Minister was of the view that the Executive should maximise the strategic advantage afforded to us as an island in dealing with the health pandemic however this approach required the agreement of other Ministers in the Executive. Given the number of people and communities living along the border and the porous nature of the border any policy position or intervention that proposed to close the border was neither practical nor deliverable, in my opinion.

#### **Alignment with UK government (January to lockdown)**

36. I cannot comment on any policy position of the Executive to align with the UK government's decision making in responding to the pandemic as I was not involved in any such discussions. I did not provide any political advice to the deputy First Minister with regard to the adoption of an approach of alignment with the UK government.

37. My recollection from this time was that the deputy First Minister had serious concerns about the UK government approach to the unfolding pandemic. The deputy First Minister was particularly concerned about the pace of the UK Government's response and their

reluctance to cancel large scale sporting events which brought thousands of people together at the start of the pandemic. I believe that the Executive's alignment in the early days of the pandemic, with the Westminster government, was largely based on the Executive's financial dependence and the advice from the Department of Health which was being led by the UK structures.

38. I cannot comment on the advice provided by the CMO or the CSA to the deputy First Minister. I was not present for all meetings when advice was provided by the CMO/CSA. I do not know if this advice was independent of that given by their UK counterparts. I am not aware if the CMO or CSA were providing briefings based upon their interpretation of the information coming out of SAGE (or other sources of information or data) or if they were providing advice based upon the views of their UK counterparts.

39. I have been asked if the Executive had the resources and expertise, in the early part of the pandemic, so as to come to any independent view, as to the best way for Northern Ireland to respond to the pandemic. I was not directly involved in Covid planning therefore I cannot give an opinion on what resources and expertise were utilised. I do however recall at the time Ministers were concerned with the slow response of the UK Government and the fact that the Department of Health and his officials were taking their lead from London.

40. I have been asked to comment on the debates between January 2020 and the first lockdown. In particular, if there was sufficient and informed debate about the available options for responding to the pandemic. This was an unprecedented global health emergency. The nature of the unfolding emergency did not lend itself to protracted discussion and debate. All governments needed to react quickly to the situation.

#### **The decision to lock down**

41. I believe that the deputy First Minister wanted a swift response to Covid-19 in particularly an earlier lockdown, this was against a backdrop of growing public anxiety and concern. My recollection from that time was the very real frustration from the deputy First Minister about the slow response by the UK Government particularly relating to sporting events such as Cheltenham going ahead in England and the large number of people from across the island of Ireland who travelled to this event. There was a real concern about this delay in lock down and how it was impacting on transmission rates locally.

42. From memory the possibility of a lockdown was first raised by the UK Government a few days prior to the announcement on the 23 March 2020. I cannot comment on the principal channels of communication between the UK Government and the deputy First Minister about this as I was not present. I did not have any communication with anyone in the UK Government about lockdown.
43. Given the pace of events I believe that the planning was as detailed as was possible in the limited time that was available between when the lockdown became inevitable and its eventual announcement. This was an unprecedented global health emergency and all Governments had to act quickly.
44. I have been asked to comment on the extent to which the Executive had been able to take into account and plan for the needs of those who stood to suffer disproportionate disadvantage by a lockdown. The deputy First Minister was committed to ensuring that all policy interventions addressed the needs of vulnerable people such as those with a disability, those living in socioeconomic deprivation, street homeless, women and children exposed to violence in the home. I am aware that preparatory work was taking place across all departments in preparing for Covid-19 for example the Department of Communities was working extremely hard to ensure support for children with special needs and the provision of free school meals while schools were closed and also those most vulnerable were supported financially and emotionally. I am aware that work was ongoing to address issues such as fuel and food poverty and that Ministers were engaging with the Voluntary and Community Sector to scope out what measures were required to help the most vulnerable.
45. In light of the transmission rates locally, the possibility of many deaths and the health service being overwhelmed there was no viable alternative to a lockdown in my opinion. I believe that a regional testing strategy would have strengthened the Executive's response to the pandemic between January and the announcement of the lockdown. I believe that having local Ministers who designed responses to look after those most vulnerable in their communities worked very well.

#### **Civil contingency arrangements in the first part of the pandemic**

46. The role of the NI Hub is described as having supported strategic level multi-agency coordination and shared situational awareness in respect of the response to the Covid-19 epidemic. Its objectives included *"to support the Executive and the Civil Contingencies*

*Group to make timely and informed decisions in response to the strategic management of any Covid-19 outbreak here...* [INQ000145786, page 11]. I had no direct involvement with the NI Hub. I am therefore not in an informed position to answer this question. I am not aware of any changes made to the operation of the NI Hub after the publication of the Lessons Learned Review, or what alternative arrangements were put in place.

47. The document titled "*C3 Covid-19 Response: Lessons Learned Review and Future Roadmap*" (the Lessons Learned Review) [INQ000023223] found that the Civil Contingencies Group (CCG) was not an effective forum for debate and decision-making and also that it did not use the SitRep as a basis for its decision-making. I am aware that the CCG was the strategic body which headed up the civil contingencies response across departments and supported Executive decision making in relation to Covid. I was not involved in Covid policy therefore I cannot comment on the role of the CCG or confirm if it was an effective decision-making body. I am not aware of the reasons for standing down the CCG and scaling down the NI Hub on or around 21 May 2020 [INQ000065778]. I cannot assist the Inquiry with an overall assessment of the civil contingency arrangements.

#### **The response to Covid-19 after summer 2020**

48. On 20 August 2020, the "*Executive agreed...imposition of restrictions in response to high rates of transmission in local areas should not be adopted at this time but this option should be kept open*" [INQ000048486]. The Health Minister is noted to have observed "*rather than regional lockdowns. Look at local area enforcement targeted*". A number of Ministers appear to discuss what they consider to be a worrying trend and the need to avoid a lockdown [INQ000065790]. On 10 September 2020, the Executive agreed to a number of localised restrictions [INQ000048488]. The Health Minister is noted as saying that he was against an increase in general restrictions as some areas were not seeing increases like other areas. The Health Minister was noted as asking for localised restrictions as soon as possible with the support of the CMO and CSA. The CMO is reported to have said: "*least worst option, material risk to population, will lead to increase in cases. Profoundly concerned re risk, urge Mins to take affirmative action as in paper. May need worse action soon. Don't have days to wait*" [INQ000065769]. On 5 November 2020, the CMO gave evidence to the Northern Ireland Assembly Health Committee and stated: "*As we saw during the summer months, there are unfortunate results when we relax measures. In June, R was somewhere in the region of 0.5 or 0.7. We relaxed*

*measures and allowed some sectors to open up, and, by October, R had got to between 1.4 and 1.6*.<sup>1</sup>

49. It is my understanding that the easing of restrictions over the Summer period was planned by Ministers and was in line with the advice from the Department of Health. I was not directly involved in the decision to ease restrictions. I recall at this time a view within the Executive by Ministers and advisers that the pandemic was unfortunately with us for a sustained period and in light of this fact people should get some relief from the restrictions over the summer when the weather was better. I recall the CMO advising Ministers on 26 June 2020 *'messaging is well rehearsed out door is better, more space to socially distance.....community transmission rates are currently very low'* [INQ000304280\_0002]. Throughout the pandemic I did not consider any information or provide advice to the deputy First Minister outside my policy areas as I would not have been equipped to do so.
50. I am aware that during the Northern Ireland Health Committee meeting on 15 October 2020, there was a suggestion that modelling work had significantly underestimated the development of the pandemic here. I was not involved in any discussions about the spread of the pandemic at this time. I cannot comment if Ministers were prepared for the transmission rates at this time as I was not directly involved.
51. At the Executive Committee meeting on 8 October 2020, the CMO is reported to have said *"never more concerned as CMO than I am now. Short window of opportunity. Sooner rather than later - intervention now to avoid situation in 2/3 weeks"* [INQ000065756]. I recall at this time a concern that the situation was deteriorating and that the Executive needed to act quickly, this is simply an observation, I was not directly involved in any policy decisions.
52. I am not aware of any sensitivity around identifying the geographical areas with higher rates of infection. I am aware of the observations by the DAERA Minister at [INQ000065756]. In my opinion, throughout the course of the pandemic, transmission rates varied in different locations for a variety of reasons, there was no particular sensitivity around identifying geographical areas with higher rates of infection.

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<sup>1</sup> Committee for Health Meeting Thursday 5 November 2020, available at: <https://niassembly.tv/committee-for-health-meeting-thursday-5-november-2020/>.

53. I believe that the decision on 16 October 2020 to implement the 'circuit breaker' was the correct decision due to the concerns identified at this time. It was clear that people were very concerned about the rise in transmission rates. I was not involved in providing any advice to the deputy First Minister in relation to this issue.
54. The minutes of the Executive Committee meeting on 13 October 2020 record that the DAERA Minister commented that there was "*no science, just assumptions...want to see science - didn't get science. Sick of assumptions from experts*" [INQ000065753]. I believe that these comments related to the DAERA Minister's view that he was not in favour of interventions. I believe that the deputy First Minister's approach was to be guided by the medical and scientific advice. The proposal at the meeting of 9 November 2020 was that the existing restrictions would be extended for two weeks [INQ000116294]. I have no understanding why the extension was considered controversial by the DUP or why they engaged the cross-community veto. All other ministers were supportive of the Department of Health's proposals for a 2-week extension.
55. The Communities Minister complained at the meeting of 9 November 2020 about flaws in the modelling. I was aware that the modelling like much of the scientific data and advice was not an exact science. I have no understanding of Communities Minister's complaint.
56. The Economy Minister is recorded as saying "*not honest discussion at this Exec..this meeting not helping...distraught with tone of meeting*". Comments made to Ministers during the course of it included "*this is about theatrics - leaked last night, leaking in live time - Sam McBride*"; "*you want to embarrass us*"; "*failure of leadership*"; "*DUP blocked all proposals - put lives of citizens in danger*"; "*Only Covid deaths matter to SDLP. All deaths matter to me*"; "*Mid December - hospitals over-run - will they take comfort from DUP position?*". It is understood that the Justice Minister intervened to say "*adjourn now - or will do damage to working relationships. Not helpful discourse*". I believe that the tensions between Ministers centres around opposing views on implementing lockdowns and NPIs and their timings. However, I was not directly involved in this discussion.
57. A SitRep dated 17 November 2020 [INQ000065956] recorded that "*The Executive will do all it can to "protect" as much of the Christmas period as possible, However, Prof Ian Young said mid-December could be the "big risk period" (BBC News).*" I cannot comment on the this as I did not provide advice on this issue.

58. The next Executive Committee meeting that considered Covid-19 after the meeting on 9 November 2020 was on 19 November 2020. Executive Paper E (20) 267 (C) *Modelling the course of the COVID epidemic and the impact of different interventions and recommendations* stated:

*"As much as we agree that we must be informed by the science, that science, and the modelling, can only support our decision-making – there is no one definitive and specific response or guide to the challenges we face".*

59. The recommendation in the paper was:

*"It is recommended that the Executive considers the information above and concludes on the appropriate response"* [INQ000048498].

60. In a letter to the Health Minister dated 19 November 2020 [INQ000130122], the Finance Minister stated as regards this paper:

*"This paper does not contain a recommendation from you as Health Minister or from the CMO/CSA. This is not sufficient and falls short of what is expected from a Health Minister when the Executive is expected to make decisions to steer society through the coronavirus pandemic. It is my position, and I have continually said it at Executive meetings, that we must be guided by the medical and scientific advice. That remains the case. Such advice needs to be clear and concise and spell out exactly what the Executive needs to do in order to bring transmission rates down and protect our health service."*

61. The recommendation in the Executive Paper of 19 November 2020 [INQ000137370] was *"It is recommended that the Executive considers the information above and concludes on the appropriate response."* Throughout the pandemic from my observations at meetings Ministers followed the advice of the scientific advisors and the direction of the Department of Health and the CMO/CSA. I am aware at this time that there was a concern that there was insufficient direction and no recommendation from the Health Minister. I was not directly involved in any policy decisions relating to restrictions.

62. In the meeting of 19 November 2020, the Infrastructure Minister is reported to have said *"presented with medical/scientific advice 5 weeks ago. We chose not to act"*. The FM is recorded as having responded: *"had advice 5 weeks ago, made different decision. We had hoped R would fall, stay down during restrictions"*, to which the CSA is noted to have added *"thought R would reduce further, stay down longer"*. The Justice Minister is said to have observed *"agreed 4 weeks, schools 2 weeks - clear advice from CSA, we took*

*different decisions*" [INQ000065739]. I believe there was a view among Ministers and advisors that the extension to the restrictions should have taken place earlier.

63. On 3 December 2020, the Executive discussed the restrictions that would be put in place when the Regulations expired on 10 December 2020. The minutes of the meeting record that the Executive agreed the proposals "*as set out at Annex A to Executive Memorandum E (20) 277 (C) - Restrictions from 11 December 2020, and as amended following discussion*" [INQ000048501]. The Executive amended these proposals at the meeting on 17 December 2020 to come into operation on 26 December 2020 [INQ000048504, page 8]. It was announced on 18 December 2020 that Northern Ireland would enter into a period of restriction on 26 December 2020. These restrictions would be in place for six weeks. There would be a one-week period of additional restrictions from 26 December to 2 January. On 21 December 2020, it was announced that there would be an additional limitation in that Christmas bubbling would be reduced to one day only on a date between 23 and 27 December. I was not involved in the decisions taken in December 2020 therefore I cannot assist.

64. The witness statement from Holly Clark, Deputy Director of the Constitution and Rights Group, NIO to Module 2C states:

*"As Christmas 2020 approached, the UK government proposed a joint approach towards restrictions during this period with all Devolved Administrations. A joint statement to be issued by all UK jurisdictions regarding restrictions was then proposed on 16 December 2020 (exhibit HC/201[INQ000091442]). Alignment on this statement was encouraged by the NIO and CDL, but the NIE decided not to endorse this statement, which was published with the support of the Scottish and Welsh governments. Instead, the NIE adopted a different course regarding NPIs over the Christmas period, and published their own statement on 21 December 2020 to this effect."* [see INQ000148325, paragraphs 139-140].

65. I was not directly involved with the decision for the Executive to adopt its own approach in relation to Christmas. However, I do not believe that this approach was confusing or damaging to public confidence because in my opinion the messaging was clear and the different approach by the Executive reflected our different local circumstances.

66. On 24 December 2020, the Health Minister sent a WhatsApp to the "Health 4 Nations Group". The Health Minister stated: "*Hi, apparently there was a joint PM/FM/FM's*



*statement prepared last week signed off by all CMOs cautioning everyone to be careful and the actions that needed to be followed across the UK, it didn't issue as our dFM refused to sign at the last minute for political reasons, would it be possible to resurrect it for today's mtg and issue from the 4 of us? ..."* [INQ000095177]. I cannot explain what is meant by this statement. I do not know why the Health Minister made this statement.

### **Executive Covid Taskforce**

67. I am aware that the Executive Covid Taskforce (ECT) was established in December 2020. This was established as a replacement for the Hub. I had no involvement with the ECT therefore I cannot comment on how effective it was. I am not aware of any hesitation or reluctance from any Minister or Department in relation to the establishment of the ECT [INQ000065721] or its role.

### **Coordination with the Republic of Ireland**

68. I did not provide any political advice to the deputy First Minister with regard to engagement and/or coordination with the Republic of Ireland. I am aware from my attendance at meetings that that the dFM wanted greater coordination. The issue of "pub" tourism was discussed at a meeting on 8 September 2020, Ministers wanted to avoid people travelling to the Republic of Ireland if pubs were not open in the North and vice versa [INQ000286271\_0002].

69. The Independent SAGE Report refers to the memorandum "*Covid-19 Response – Public Health Cooperation on an All-Ireland Basis Between: The Department of Health, Ireland (and its Agencies); and the Department of Health, Northern Ireland (and its Agencies)*" (the All-Ireland MOU): The All-Ireland MOU contains the affirmation that "*Everything possible will be done in coordination and cooperation between the Irish government and the Northern Ireland Executive and with the active involvement of the health administrations in both jurisdictions to tackle the outbreak. Protection of the lives and welfare of everyone on the island is paramount, and no effort will be spared in that regard*". I had no involvement with the All-Ireland MOU.

### **Advice in relation to public health communications**

70. I have been asked to set out and explain the extent to which there was a joint approach by the deputy First Minister and the First Minister in communications to the public about Covid-19 as the pandemic progressed. Other advisors were dealing with communications so they are better paced to address this issue. I can only comment on my observations on areas I was working and I believed there was a genuine desire by both offices to work together.

71. In my opinion alleged breaches of rules and standards by Ministers, Officials and advisors both within the Executive and the UK Government clearly impacted on public confidence.

72. I have been asked to comment on the issue of public health messaging in Northern Ireland and if it was complicated by potentially coming from three broad sources (the NI Executive; central government and the Republic of Ireland). I believe that there are obvious benefits in a single message.

### **Leaks**

73. The Special Advisors Code of Conduct details that advisors should not disclose official information. I was aware of and followed the NICS Code of Ethics and Standards. I fully understood that I could not discuss or reveal the content of official documents or discussions outside the relevant people who were dealing with or who needed to be made aware of such documents or discussions.

74. On numerous occasions, the Inquiry has seen evidence of one or more Ministers complaining about leaks of papers for the Executive Committee [e.g. INQ000065724, INQ000065764 and INQ000065757] or of the content of Executive Committee meetings being passed to journalists, on occasions while the meeting was ongoing (e.g. [INQ000048497, page 8]). The leaking of information from the Executive Committee was an ongoing issue often raising tension and frustrations among Ministers. This made dealing with difficult issues much more challenging and as a consequence restricted open discussion. As an advisor I did not share any department or Executive papers with anyone and I have no knowledge of such practice.

### **Communications and documents**

75. I was issued with a phone, iPad and Laptop via Private Office on taking up my role in The Executive Office February 2020. I returned the devices in February 2022 when my employment ceased.
76. I had a personal mobile phone which I used for text messages, iMessage and Whatsapp. These were not used to conduct government business. I no longer have this device.
77. I used text message and WhatsApp during the Specified Period for logistical purposes only such as arranging meetings or agendas, to raise queries or confirm agendas etc.
78. I communicated with the following Ministers; Deputy First Minister Michelle O'Neill MLA, Junior Minister Declan Kearney MLA, Deirdre Hargey MLA, Conor Murphy MLA and Carál Ní Chuilín MLA.
79. I communicated with the following Special Advisors: Stephen McGlade, Dr Dara O'Hagan, and Michelle Canning (Deputy First Minister Special Advisors); Philip Weir, Richard Bullick, Emma Little Pengally (First Minister Special Advisors); Ronan McGinley (Department of Communities Special Advisor); Eoin Rooney (Department of Finance Special Advisor) and also with the Deputy First Minister Private Office Paula Magill, Donal Moran, Tim Losty, Carol Morrow, Gerard Willis and June Ingram.
80. I communicated with NICS Officials Gareth Jonston, Dr Mark Browne, Orla McStravick, Michael McGinley, Siobhan Broderick, Erin Craig (Executive Information Service). TEO Group – Executive Meeting Comms - DFM Executive Meeting Comms – Carol Morrow, Donal Moran, Paula Magill, Gerard Willis, Michelle O'Neill, Declan Kearney, Stephen McGlade, John Loughran and Michelle Canning. The purpose of communications with individuals was to schedule meetings, get clarification on logistical issues and as a reminder for meetings.
81. The Northern Ireland Code of Conduct for Special Advisors states that:
- “Special Advisors must keep accurate official records, including minutes of relevant meetings, and handle information as openly and transparently as possible within the legal framework. Special Advisors must use official email systems for communications relating to official business. Exceptionally, where this is not possible, the Special Adviser must copy any message to their official email account. Information generated in the course of government business must be handled in accordance with the*

*requirements of the law (including the Freedom of Information Act (Fol), GDPR and Public Records Act), regardless of how it is communicated.”.*

Any meetings I attended was in an official capacity and had an official minute taker present. I did not conduct official business using the Messaging Platforms. All my comments were recorded on the official system.

82. During this period I was not aware of specific policies which related to the use of Messaging Platforms. Messaging platforms were used to arrange meetings or agendas, to raise queries or for logistical issues.

83. I was aware that officials would retain any communications that took place with officials on either my government issued mobile device or my personal mobile device. When I returned my government supplied mobile devices I reset them prior to returning them as I understood this to be the practice. My emails were linked to the NICS email system so TEO will be in a position to advise further. I have no recollection of deleting messages. To my knowledge and belief, the Messaging Platforms used on Ministers' NICS-supplied devices or personal mobile device(s) were not used as an alternative to formal or minuted meetings.

84. On returning mobile devices I reset these before returning to Private Office. At that time, I understood that to be standard practice. In relation to emails, the devices were linked to the NICS email system, so any emails I would have sent would have been recorded on the system and processed in line with NICS guidelines.

#### **Personal notebooks**

85. I did not keep any notebooks, daybooks or planners (either physical or electronic) or diaries. Where there were action points or indeed points of clarity sought on papers these would have been recorded on the NICS system.

#### **Particular messages**

86. Please consider the following text message exchange between David Sterling and Peter May on 7 May 2020:

*Peter May: Long conversation with Mike who couldn't believe the health paper had been agreed at Executive. He had wanted to put pages in to the public*

*facing document about the economy but I think I have persuaded him a better option would be a separate paper on economic recovery either next Thurs or Mon week. We can see where Philip is on the need to put more economic stuff in.'*

*David Sterling: DUP are just not at the match at the moment. I raised our concerns about the Health paper with Philip Weir and John Loughran this morning but might as well not have bothered. Mark Goodfellow agreed with me that Arlene was distracted at our discussion about the paper yesterday afternoon.*

87. I have no recollection of this exchange. I can only imagine that David Sterling raised this at the end of a conversation where 'any other matter' was being discussed. Had there been a scheduled and formal conversation of a Health Paper David Sterling would have known that this was not an area that I was responsible for and that he would have been better placed to raise with my colleague Dr Dara O'Hagan. As such I would not have provided any advice to the deputy First Minister in respect of same.

#### **Leadership, key challenges and lessons learned**

88. This was an exceptional and unprecedented health emergency. Despite differences in approach TEO Ministers demonstrated a level of professionalism and partnership that at its core was designed to protect people. Their commitment and dedication were core to guiding the Executive's response to the pandemic.
89. Throughout the pandemic I shared the deputy First Minister's view that earlier and more widespread interventions were likely to be more effective. A key challenge was that a consensus amongst ministers for that approach did not exist therefore the political management of the pandemic became a difficult balancing act. This was an unprecedented global health emergency the likes of which has never been experienced before and I genuinely believe that Ministers and Officials tried their very best to work together.
90. It was evident that the responsibility of managing the pandemic weighed heavily on all Ministers who had just taken Office weeks earlier. Managing different views and positions within a newly established Executive was challenging that said it was clear to me that the Executive did the best they could with the resources made available. At times it was

evident that Covid and the uncertainty that it brought weighed heavily on officials who did their level best during very difficult circumstances.

91. In terms of lessons learned I believe the single most important lesson is that public services, particularly health, need to be properly resourced and functioning effectively if we should face a similar crisis or pandemic in the future.

Statement of Truth

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

**Signed:**

**Personal Data**

**Dated: 19 March 2024**