

Witness Name:

Statement No.:

Exhibits:

Dated:

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF LEE REYNOLDS

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#### **My background, role, and qualifications**

1. My educational background is I am a graduate (Economic and Social History) and post-graduate of Queens University of Belfast (Community Work) and Ulster-University (Political Communications and Public Affairs). This was supplemented by leadership programmes (John F Kennedy School of Government/Belfast Common Purpose); Public management (Columbia University New York), mediation and negotiation (University of Windsor and University of Waterloo); and opinion polling (Boston College).
2. My career prior to being employed by the Democratic Unionist Party (DUP) was in a variety of development and research roles within the voluntary and community sector with roles focusing on community development cultural development, urban regeneration partnership working and a social capital initiative.
3. I was employed by the DUP in 2010. I was employed in the Policy Unit and began as Director of Strategy. This involved some policy development for which I researched and drafted policy papers and positions, but focused also on strategic thinking; narrative messaging; polling, focus group and election result analysis; and boundary reviews. I also acted as the support officer to the DUP Haass talks team during this time.

4. With various changes in personnel and a number of Directors of Policy moving on to become Special Advisers I became the Director of Policy. This involved:
  - managing the policy unit staff (4 to 5 member team) including the drafting of the annual policy plan;
  - researching and drafting internal and external policy papers including engagement and consultation with private sector businesses and representative bodies, public sector and voluntary bodies;
  - policy support to DUP representatives at local government, Assembly (Ministers, Special Advisers and Ministers) and Westminster levels;
  - developing and delivering the annual Policy Plan;
  - development of the election manifesto for all levels of government.
5. The nature of the DUP as a small organisation means there is a close relationship with the Communications Unit. Therefore, I regularly contributed to or drafted statements, op-eds and speeches for party representatives including the Party Leader, Ministers, MPs etc. and develop and deliver party events e.g. Spring Policy Forum and Annual Party Conference.
6. I had also experience as a public representative serving twice as a Belfast City Councillor. In this role I was the party group leader twice and held various Committee positions. I was also the Northern Ireland Director for the Vote Leave campaign from April to June 2016.
7. As regards other relevant public service, I served on three public Ulster-Scots initiatives, two on a Bill of Rights for Northern Ireland, and a peace funding body.

#### **My role as a Special Adviser**

8. My time as a Special Adviser ("SpAd") began in early November 2020 and continued until the middle of June 2021. I had not served previously as a SpAd. I was appointed to the SpAd team for the First Minister, Arlene Foster MLA, working with Dr Phillip Weir and Emma Little-Pengelly during the COVID pandemic. I left position when Arlene Foster left as First Minister.
9. Within this team there was a division of duties with responsibility for individual departments and policy areas of the Executive Office (TEO) designated between us. If I remember correctly the Departments I shadowed were: Infrastructure; Communities

and Agriculture. There was thus a division of the internal responsibilities within TEO<sup>1</sup>. I can't recall all the areas I dealt with but they included Bill of Rights work, Freeports and Conflict Transformation. I also acted as the primary advisory support to the Junior Minister.

10. On the restoration of devolution in January 2020, it is my recollection that there was a DUP internal process where people were asked to express their interest in being a Special Adviser by submitting a Curriculum Vitae and indicating whether they had any departmental preferences when the institutions were restored in January 2020. I submitted this but was not appointed at that time. Three SpAds were appointed to TEO in Spring 2020 but one left shortly after with no immediate replacement. It was my understanding that the number of SpAds was revisited for two reasons - reducing workload on the two SpAds then in post, and the need to improve communication and the relationship with the DUP MLAs during the pandemic.
11. My role within the party was two-fold. I acted as primary liaison with the Communications Department on the First Minister's social media and political comments/speeches (these were obviously limited because of the pandemic) and to regularly engage with the MLA Group.
12. My primary role in the pandemic was to offer advice on the work of the Departments I shadowed, or TEO responsibilities as it related to Executive business. The secondary role was discussion of the full Executive business as part of the ministerial and SpAd team. This concerned all aspects of pandemic policies and strategy – levels of lockdown, lockdown support measures, regulations and guidance interpretation and planning for lifting lockdowns.
13. The pandemic response obviously dominated much of the work in TEO during my 7 months there as during this time there was both the introduction of a lockdown and the planning/process of lifting it.
14. It is my recollection that there was limited contact with SAGE. I believe their information was provided to central UK Government and primarily shaped central policy so the advice was likely discussed in meetings at the most senior levels of central and devolved government. However, the primary conduit for briefings from SAGE were the Chief Medical Officer ("CMO") and Chief Scientific Adviser ("CSA") for Northern Ireland. They were therefore the primary sources of advice. There were

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<sup>1</sup> There was a record of this division of TEO roles held by the private office, so they knew who was to be asked about what. In addition to individual responsibilities the Special Advisors would work jointly.

regular briefings from the CMO and the CSA including at Executive meetings. The CSA led the briefings on modelling except when he was on leave in 2021.

15. As such, it is also my recollection that there was limited contact directly between TEO and the UK Chief Medical Officer but that the UK and devolved medical officers were in regular contact. I did not therefore brief the FM as to the advice being provided by SAGE, the UK CMO or the NI CMO.
16. However, I would have offered general input on the models presented to us by the CMO and CSA. In my view, the core problem with the modelling was that only one scenario was being modelled (the likely spread of COVID-19) and not the consequences of lockdown measures. The modelling that was prepared was good quality but it was the absence of modelling for all policy considerations that was my concern. Thus, there was never the scope for a full and genuine comparison of the policy choices. The absence of a complete picture was discussed amongst the First Minister and Special Adviser team but, as there was no solution, there were no actions to pursue other than to retain the longer-term harms in thinking as much as possible.
17. It is my recollection that in terms of First Minister and TEO operation the pandemic always took priority in terms of the daily agenda. I can't recollect if there was a formal daily briefing on the pandemic but I believe that the First Minister received a daily update in terms of case numbers and other key metrics.
18. In most of this period the meetings were online rather than physical. I would have attended a range of meetings most especially Executive meetings. It is my recollection that some meetings (such as engagement with UK Government) were restricted to the First Minister and Dr Philip Weir and likewise meetings with FM and DFM were restricted to the point SpAd.
19. The operation was generally tightly knit in terms of the First Minister, Junior Minister, SpAds, and with the staff of the private office. Meetings outside that team were generally online or in communication through emails and papers.
20. I joined the SpAd team after the Bobby Storey funeral at which there had been wholesale breaches of COVID regulations and guidance by the Sinn Fein leadership and membership (including the then Deputy First Minister Michelle O'Neill) and a substantive failure by the Police Service of Northern Ireland (PSNI) to enforce the rules, nor collect the evidence to do so.

21. This in my opinion had harmed the relationship between the First Minister and the Deputy First Minister. It harmed the First Minister politically because she had showed some initial reluctance to call for the Deputy First Minister's resignation in the midst of a pandemic, and generally it opened the floodgates of the charge of 'hypocrites' every time measures had to be, or were, adopted to tackle the pandemic after the funeral. Thankfully, common sense prevailed amongst the public but I do believe it fed resentment. My impression is Sinn Fein became even keener on lockdowns after the funeral, trying to make their behaviour disappear down the memory hole by being wholesale backers of any new measures recommended by DoH.
22. In terms of the relationship between the FM and DFM, Dr Philip Weir was the point person for discussion with the Deputy First Minister's office amongst SpAds, both in general and on the pandemic, and he had a 'mirror' in the DFM's office (whose name I can't recall). The role of Dr Philip Weir needed to be respected so my primary contact with Sinn Fein SpAds was more on departmental or TEO matters that were more non-pandemic related is my recollection.
23. The relationships should also not solely be seen in a NI context. There was a broader political positioning before during and after the pandemic of the devolved administrations versus central government. This was driven partially by separatist sentiment, 'Remain v Leave' and anti-tory sentiments amongst the Scottish and Welsh governments and some parties in the Northern Ireland Executive. From my vantage point, this manifested itself in two primary forms – after pre-briefings from London of new measures, these would be announced in Scotland before Downing Street announced, as well as a general demand for more lockdown or less opening up when central government did so. Sinn Fein has taken interest in the SNP and sought to build a relationship between the parties. This was likely all part of that process, and I understand from media reports that Nicola Sturgeon and Michelle O'Neill were in WhatsApp communication.

#### **Initial understanding and response to COVID-19 (January 2020 to March 2020)**

24. The events leading up to the first lockdown in March 2020 took place before my service as a Special Adviser but I offer comments based on my experience when I was in post.
25. I would only offer four observations:
- (i) Missed opportunities/Slowness of delivery - Northern Ireland did not adopt sewage testing in this period despite its value as an earlier warning system for

the spread of the virus and its adoption elsewhere. My recollection is it was only bid for by DAERA during my time as a SpAd and that even then would take a few months to be operational (late into the second lockdown). Thus, a useful decision-making tool was unavailable due to a failure to act here. I do not know what caused this slowness to adopt it in the period prior to my service beginning. Likewise a COVID facility in a hospital took 81 days to establish ([Northern Ireland Nightingale hospital ready to open just 81 days after its approval | BelfastTelegraph.co.uk](#))

- (ii) UK alignment – At the early stages there would have been little understanding amongst the Northern Ireland public for the adoption of lesser measures by the Northern Ireland Executive as fears and ignorance of the virus were at their highest (as demonstrated by (iv) below). A key driver of alignment was resources. UK government decisions led to Northern Ireland receiving funding from the Barnett consequential. This enabled policy action at a devolved level. In later stages reliance on HM Treasury funding via the Barnett Consequential also acted as an impediment to the demands for more lockdown and less re-opening later in the pandemic - the devolved institutions couldn't pay for a lockdown by themselves.
- (iii) Borders 1 - In terms of cross-border issues, the pattern was pretty consistent throughout. The Irish government decided what it wanted to decide, whenever it wanted to decide it, as was their sovereign right. In the later stages, there were more nods to better communication, but I do not believe the fundamental approach changed.
- (iv) Borders 2 - The largest knock-on effect of the decision-making in RoI on Northern Ireland, was on the issue of school closures. Varadkar's announcement for Ireland on 12 March 2020 caused a chill factor in Northern Ireland with school attendance dropping and some schools opting to close unofficially. It is my opinion that school closures both in the UK and Ireland was where the data and science were not followed. The data from Asia and the first affected European countries clearly showed it was the oldest members of the population that faced the greatest risks and the risk to children was very low. Furthermore, it was consistently identified in all official advice that I can recall that lockdown would cause long-term harm to the educational development and physical and mental well-being of children. As such older people and care homes should have been the first priority, but schools became the media and

policy response focus with the policy of school closure being speedily introduced in the first wave and reintroduced in the second wave.

26. Save for the observations set out at paras 24 to 26, I cannot offer any further insights as I was not a SpAd during the relevant period.

### **The response to COVID-19 after Summer 2020**

27. The period from August to October 2020 was prior to my service as a SpAd. However, my understanding is that it was a basic function of the modelling that any loosening of lockdown and restrictions after the first lockdown would result in a rise in transmission and therefore case numbers would increase. The key question therefore was whether the resulting increase was expected/unexpected, or would it stabilise and remain at a manageable level, or not. As it transpired, the case numbers did not stabilise as had been hoped but I do not recall that there were concerns about underestimation in the models. Models always carry risks of under- and over-estimation and is why they usually provide a predictive range as well as likeliest scenario. In the event, the Executive responded to the increasing case numbers and introduced measures intended to limit transmission such as local lockdowns.
28. I would suggest all of the discussions about trying to limit spread and what measures should be taken, including those leading up to the introduction of the 'Circuit Breaker' lockdown in October 2020, were likely trying to balance a range of concerns, not simply concern about increasing COVID numbers. There were differences in the geographical spread across Northern Ireland and there would have been potential sensitivities around politics, or the sectors people work in, and their backgrounds which might have led to caution about identifying factors leading to higher rates of infection in certain areas. COVID would not necessarily spread in a geographically uniform manner so an area of one political identity could be higher than another without it automatically meaning that there was less compliance in those areas. Therefore, it could be a misrepresentation to conclude that on limited sets of data. In other areas, spikes were not amongst the general population but in particular workplaces, e.g. food processing. This appeared to be the close proximity that the work required (despite attempts to minimise it) and the housing conditions of their workers (overcrowding/houses of multiple occupancy). Significant proportions of their workers were from minority ethnic/EU migrant communities. This information spread widely could have led to scapegoating of these communities as well as impact upon confidence on the food supply system.

29. I was not present for a discussion on 13 October 2020 at the Executive where the DAERA Minister is recorded to have raised his concerns about not having robust scientific advice, but rather being presented with "assumptions". I can only speak with authority on my personal opinion on modelling and the scientific advice. I believe modelling is a useful tool but there is risk in making it the only tool. However, in determining pandemic policy at this time, it was becoming the only tool. In my view, this was because numbers generally provide decision-makers with a degree of certainty in their decision-making and models provide numbers. The caveats and health warnings around modelling would get downplayed as decision-makers in very difficult circumstances were grasping for the information that would assist insight into possible outcomes, and allow for better decision-making.
30. However, there was an imbalance between what could be modelled and what couldn't. The choice was between the benefits versus the costs of lockdown but only the benefits could be shown. The short to medium and long-term harms of lockdowns weren't modelled. Thus a model that showed a short-term rise in COVID cases looked 'real' and made the case for lockdown, while the longer-term lockdown harms were never quantified; they were vague and further away. For example, it was recognised that lockdown harmed early diagnosis of various conditions but there was no modelling to show, for example, that the number of lives saved next week by lockdown will be less than, the same as, or more than, future deaths that will result from a failure to diagnose life-threatening illnesses at an early stage.
31. I would therefore characterise the situation the leadership team found themselves in as being akin to being in a ship trapped in fog knowing there are rocks all around. The team is told there are two ways out. One way out is detailed and the second a general direction, which would you choose?
32. However, I do recognise that how public fears had been managed would have also made any decisions with a full and long-term view difficult to sell and defend, especially in a situation with only one of the two models available. The immediate risk would be a higher priority for many or most of the public, regardless of long-term concerns. The case for one route had data and the case for the other didn't.
33. Equally, modelling was COVID-focused and sought to predict infection levels and the impact lockdown measures could have upon those levels but nothing else. Anything economic was a bleak picture without government/taxpayer support and even that had its limits.



34. I believe the early November Executive discussions are a demonstration of the difficulties inherent in the modelling conundrum writ large. Those in favour of lockdown had a detailed model to support their case and those opposed did not, even though the CMO and CSA recognised the long-term costs. This led to significant tension among Ministers.
35. In addition, it was clear that there were leaks to the media in and around this time from actors involved in decision-making. In my opinion there were two forms of leaking going on that did not assist in Executive relationships and trust. First, there seemed to be strategic leaks from the Department of Health to shape the pitch on which the Executive played. Secondly, there were political leaks from the Executive including during Executive meetings themselves. This led ultimately to a measure being adopted to reduce the number of people who could attend Executive meetings but this mostly limited civil servant attendance, and, as the leaks were highly likely from a political source, this measure was unsuccessful.
36. In practical terms it was the other parties versus the DUP in terms of the level of policy response to the COVID situation at that time. It was also an example of the imbalance between the immediate and long-term impact decisions – tomorrow for COVID could be modelled, next year and after of other health risks couldn't, so one side had numbers the other did not.
37. The Economy Minister would have been very conscious that whatever resources were made available, it could not necessarily stretch to all sectors nor to the amount they necessarily needed. Traditionally the DUP would have had a good relationship with small businesses and the self-employed so were more open to their concerns and conscious that these were the most difficult to support comprehensively. A further consideration would have been what resources we had available.
38. The decision-making around how to manage Christmas 2020 in the period leading up to it, was significant. I would offer the following observations. As someone who had dealt with public queries at different stages of the pandemic (both inside and outside government) I noticed a shift in the nature of the queries raised. At the start of the pandemic, generally the public were asking 'how do I comply?' but later the sense from a growing number of queries being received was that people were searching for a loophole. Thus, while the majority of people were still generally supportive, there was a sense that there was a growing minority that needed greater persuasion. If the Executive were to have taken decisions preventing the public from having at least some semblance of a 'normal' Christmas, this would have entirely risked the

Executive's relationship with the public; increased frustrations with restrictions among the public; and ultimately led to less compliance. It was better to provide something rather than nothing. To do otherwise risked wholesale breaches. In short, people needed something to look forward to; that their sacrifices would see a reward. A Christmas of some sort was a small light at the end of the tunnel.

39. I am aware of a paper brought to the Executive by the Department of Health on 19 November 2020 in which no clear recommendation was made, but rather options were presented for consideration by the Executive. I believe this was in recognition that what was being faced was more than just a health situation. Thus, while modelling and health advice was a fundamental aspect, all aspects of the pandemic's response needed to be considered by the Executive. Accordingly, one paper from one department should not be the sole arbiter dictating the response. It is an example of where departmental silos do not represent the complexity of a situation - presenting options rather than recommendations recognises this. There should also be a wariness of trying to weaponise independent advice for what had become a more politicised debate.
40. In mid-November, some Ministers looked back on the decision in October to impose a 4 week lockdown and felt that this had not been long enough. However, this was looking back with hindsight. The decision taken in October was based on what was known at that time, and introducing more stringent or longer measures would have been at unknown future cost. Lockdowns and renewed lockdowns are an example of how once a power has been exercised once, that there is always a quicker willingness to use them again and again. However, impairing fundamental freedoms should never be considered to be the easier or quicker option. The decision to impose lockdown-type restrictions should be weighed with the same robustness each time, not simply waved through. In terms of data, if sewage testing data had been available, the evidence would have been stronger sooner.
41. My view is that reconsideration of what should have been done, requires a longer-range view and that it is not particularly helpful to focus on individual time periods such as the 'circuit breaker' lockdown period in October 2020. Rather, I believe there should have been a different approach taken more widely. In particular, a shielding strategy to protect the elderly and COVID vulnerable groups should have been the approach in the first wave, rather than full lockdown. I consider this a middle path between the unworkable 'herd immunity' and full lockdown. When the virus mutated and new strains emerged that were more transmissible (and potentially less deadly too) than early

COVID strains, then lockdown should have been a consideration but not the only one. In any scenario keeping schools open should have been an imperative throughout. Early decisions to impose lockdowns may have impacted on COVID Infections but at an unmodelled long-term cost.

42. There were a number of amendments to the measures to be put in place for the Christmas period. The approach taken in December 2020 was geared towards allowing Christmas to proceed. However, as the situation changed, there were a number of amendments made to the plan such that the time during which people could gather together to celebrate Christmas was curtailed as much as was credible. But, as outlined previously, its complete cancellation would have likely backfired. I would also highlight that the vaccination programme had commenced in December with Northern Ireland performing well in uptake so there was some optimism that this would start to have an impact on immunity as we moved into 2021.
43. Much of the COVID response was trying to manage the percentages. The expectation that people would be able to spend Christmas together was out in public and there was a strong public desire for it. Restricting Christmas gatherings to within 'bubbles' and shortening the time period was the best way to balance the expectation with rising case numbers.
44. It is my recollection that the CMO and CSA were accepting of the approach and recognised the need to allow people to celebrate Christmas, but the official records and their own statements will provide clarity.
45. Northern Ireland did see a peak in transmission in the first week of January 2021. There will be a peak at some stage of a virus with no widespread immunity amongst the population especially as it mutated into more transmissible strains, but this does not necessarily lead to the conclusion that the decisions taken around Christmas were wrong bearing in mind the real risk of lack of compliance/ losing public confidence if more stringent steps had been taken.
46. I am aware that the UK Government proposed a joint approach towards restrictions for Christmas, however Northern Ireland did not adopt this approach. I believe this was because Northern Ireland is a smaller place and more family focused. As such, Northern Ireland, as a devolved administration, decided to craft its own response to what it considered its own circumstances.

47. The possibility of confusion resulting from a lack of consistency across the UK was a risk but this was counterbalanced with the need to ensure the best decisions were taken for Northern Ireland, and, for example, the risk of non-compliance if a blanket ban was brought in.

48. I understand that the Deputy First Minister refused to sign off on a joint PM/FM/DFM/DFM's statement relating to Christmas 2020. I can only assume her opposition was to it being UK-wide. Sinn Fein have generally displayed a reluctance for UK-wide initiatives with a push for these to be 'all-island' instead.

#### **Executive COVID-19 Taskforce (ECT)**

49. I cannot recall very much about the ECT being established and its role. However, it is my recollection that its final outworkings did not look significantly different from what had been produced earlier in the pandemic, other than adding an additional category to the re-opening plan. There were a number of references in meetings to how very hard people were working across government to produce the proposals but this didn't seem to manifest itself in the final outworkings.

#### **Coordination with the Republic of Ireland (RoI)**

50. In March 2020, I was not involved in discussions concerning school closures and coordination with RoI as I was not then a SpAd. However, I would assume the scientific evidence the First Minister and Health Minister referred to by them at the time was based on data presented to them from other countries about who the 'at risk' groups were e.g. the elderly, the immune-compromised, and those with long-term health complaints.

51. I was also not involved in early discussions about the approaches taken to test and trace as between RoI and Northern Ireland, nor the impact of the shared border, or the structures in place to facilitate co-operation and co-ordination, and did not provide political advice to the First Minister on these issues so far as I can recall.

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

52. It is my recollection that there had been a joint approach as between the FM and DFM to communications in the first phase of the pandemic but this had ended because of the actions of the DFM in attending at the Bobby Storey funeral.

53. The attendant breaches of the rules were a wholesale and premeditated assault on the collective approach that had been taken by FM and DFM up until that point, with

the obvious harm that flowed from it. The impact on public trust was the same as if you imagine that the secret Downing Street parties had been televised while they were happening and not after the fact. It gave critics of restrictions an easily made charge of 'hypocrites' and made enforcement look non-existent, or worse, selective.

54. Sinn Fein brazened their way through as they do whenever they have done something purely in their own self-interest, and a largely compliant media let them do so.

#### **Leaks**

55. I can no longer recall the specific advice/guidance for SpAd positions but I considered the expectation of confidentiality was a given. Leaks were a serious and ongoing issue, that likely had the effect of harming relationships within the Executive. While I could not speak during Executive meetings, I would have thought the leaking would make any human being think twice about what they were going to say. However, I don't believe it got to the level of inhibiting decision-making. Politicians labour on regardless though the number and scale of the leaking was especially dispiriting. It also undermined the profile of the Executive. Every 'he said she said' out in public chips away at public confidence. I did not leak Executive papers to a journalist nor Executive discussions during the meeting.

#### **Part 4: Communications and documents**

56. I received a laptop, an Ipad and a mobile for use in my capacity as SpAd. I also had a personal mobile which was used primarily for party-focused communication.
57. I used WhatsApp on my personal device with ministers, advisers and party officials. I did not use Slack or Signal or Microsoft Teams chat channels. I would have texted/imessed. Sixteen folders of Whatsapp messages will be submitted.
58. I communicated with DUP ministers, Special Advisers and Party Officials who were in post during my period of service:

<b>Ministers</b>	<b>Special Advisers</b>	<b>Party Officials</b>
Arlene Foster	Dr Philip Weir	Timothy Johnston
Gordon Lyons	Emma Little Pengelly	John Robinson
Edwin Poots	Peter Martin	Clive McFarland

Diane Dodds	Alastair Ross	Andrew McIlrath
Gary Middleton	Mark Beattie	
Peter Weir		

59. In WhatsApp there were three group chats in which I recall being involved during my time in office: TEO DUP, Executive and FM & JM Comms.
60. These groups were used for group queries, internal communications, and co-ordination in meetings, plus venting and bad jokes. Individual communications would have been query focused.
61. I did not keep records of minutes of the meetings I attended as meetings at which government business was conducted always had an official note taker present.
62. I considered my use of Whatsapp groups as facilitating communication between minister/SpAd and internal party discussion, rather than official business. I found it a practical way of dividing the dual roles of a SpAd for official business, and the political role.
63. Other than some aspects of the Northern Ireland Code of Conduct for Special Advisers, I cannot recall other policies on device usage.
64. I returned the official devices with any information contained on them to TEO. I have retained the data on my personal phone. I do not recall deleting messages from a messaging platform or communications device.
65. Emails were deleted but this was driven by the size limits of my SpAd email box. I tried to delete the emails with large attachments to meet this requirement (i.e. an email with all Executive papers sent in advance of an Executive meeting to ministers and SpAds), not my communications. I found the limited storage capacity on my email system to be an impediment to doing the SpAd role. I have always preferred retaining reports and information for future reference, you can never be sure when it will be useful and relevant. This practice disrupted the direct retention of information. Legitimately or not, I considered it a mechanism for the civil service to maintain itself as the sole repository for information and thus was somewhat of a control/monitoring mechanism.
66. It is my recollection that I had to clear space in my inbox initially every 7-10 days. Following my request for a larger inbox being granted, I needed to clear space about

every 20-24 days. I do not recall using an auto-delete. I do not remember how many emails I deleted in total. I prioritised deleting emails usually to those sent to me as one of multiple recipients with various large attachments as they freed up the most space. I sought to retain relevant communications by not deleting them from my devices (with the exception of the email issues I have outlined). My interactions with the Content Management System were limited and I worked with the Civil Service to maintain what was appropriate/necessary.

67. The NICS is in possession of the devices. I do not know what work if any they have done to retrieve messages.

68. The use of messaging platforms in my opinion was not as an alternative to formal/minuted meetings.

69. I returned all my devices and I do not recollect deleting messages or emails. I believe I returned them as they were at the time I left post but I have read in the media that they were wiped by the NICS. I still retain possession of my private communication device from that period.

#### **Personal notebooks**

70. No, I do not have personal diaries or notebooks from that time.

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

71. I believe the First Minister worked diligently throughout my time with her to best manage the pandemic and its effects on Northern Ireland. On a personal level she is an individual who always gets energy from personal engagement so the shift to online would have been a greater personal challenge but she worked determinedly throughout. Despite the joint nature of the office, I do not consider myself to be in much of a position to comment on the Deputy First Minister's leadership or not. My contact with her was very limited throughout my service. For example, it is my recollection I had been in post for a few months before we first physically met. My experience of her in Executive meetings was simply her and her SF colleagues pushing their position. Her full participation in the Bobby Storey funeral was a massive failure of leadership.

72. In terms of broader reflections, after the pre-existing government planning for such a virus outbreak was abandoned I believe central UK policy became too much on the fly and copying what others were doing elsewhere. The UK had a pandemic plan. They decided to abandon this plan. This effectively meant they were starting with a blank

piece of paper. The new measures they adopted were the same or similar to other European countries and further afield that had been impacted by COVID prior to the UK i.e. full lockdown. In terms of the national and devolved actions it was largely cut and paste in terms of the policy measures adopted being the same/similar to those adopted in other countries, with the financial resources the key driver of those. The UK followed others in adopting the full lockdown tool as their means of response and continued with it as the policy response to COVID surges. As the pandemic developed, UK Government simply used the same tools with little reflection on could there be alternative ones. Policy became stuck in a binary choice between 'natural immunity/let it rip' and 'lockdown the country'. As the pandemic abated and then rose again lockdown was again seen as the only tool. After the lifting of the first lockdown, I was never aware of any discussion about how to deal with a future surge without repeating a full lockdown. The sense I got of the mood was the hope, perhaps forlorn, that more lockdowns wouldn't prove necessary. There could have been a policy middle way of a 'protective shield' (partial lockdown for groups at greatest risk etc). I accept this middle path would have greater challenges in terms of communication and compliance but would have reduced the long-term harms. It may have also taken time to develop and implement with a full lockdown needed to allow for that, but my sense was policy choices were stuck in a binary mode. A devolved nation going on its own with such a path would have seen the communication issues multiplied. There is also the question if they had followed a more nuanced path would they have received the full COVID resources from UKG that the other devolved institutions received.

73. There were a number of policy issues that need to be considered for future pandemics;

- (i) Follow the numbers, not fears – this would have prioritised older and at risk groups in the initial stages. The greatest example of this was school closures being a policy focus and priority, while care homes were not (and some decisions making the situation in them worse e.g. moving COVID-infected patients into such facilities). The numbers that should have been followed were the groups at greatest risk. All reliable data showed this was older people, people with ongoing health concerns, or obesity etc.
- (ii) Modelling is one tool but an imperfect one. In a period of chaos and flux, people like to find surety and modelling numbers seem to offer this. However, judgement is still needed and there should be dissent from their full predictive powers. Thus, in a situation where there is modelling for only one aspect of a crisis this can not be treated as the sole driver of policy and decision-making.



Decision-makers must remember the broader picture that modelling doesn't cover. The unquantified aspects can be as important, or more important, than what is capable of being quantified.

- (iii) Schools – do everything possible to keep them open - the educational, socialisation, mental and physical well-being costs to closure should have received greater concern and attention. It would have required flexibility from how they operated to do so to reduce the risk to others, but these challenges should not have been insurmountable.
- (iv) The use of military aid – this was exercised through powers of the Health Minister but my recollection is of unease/unhappiness about this by Sinn Fein. This support was considered essential to support the NHS at key pressure points in the pandemic. There is a question mark of what would have happened if it had been a SF Health minister.
- (v) Hospital design – there needs to be contingency in hospital building to account for potential pandemic demands e.g. to prevent the oxygen airpipe capacity issue. This issue arose because, during the pandemic, news stories appeared around an oxygen shortage in UK hospitals. The story was based on the rationing of oxygen to patients in some hospitals. There was no oxygen supply issue. Oxygen was often distributed from a central source in hospitals and the issue was the physical capacity of the piping in hospitals to get the oxygen to the patients. It had not been envisaged that such a number of patients would need those levels of oxygen simultaneously. To manage this, decisions had been taken to ration the amounts so that all could receive some. The pre-existing hospital infrastructure couldn't cope with these pandemic needs and thus this type of issue should be a consideration in future hospital design and fit out.
- (vi) Workforce planning – the COVID wards were partly staffed by nurses and other staff that ordinarily worked in medical environments with little or no fatal outcomes, thus it was emotionally much more difficult work. It was my recollection that in later stages the number of those from that background volunteering for COVID wards started to drop. How such staff could be better prepared and supported afterwards should be considered for their well-being and maintaining the needed staff resources. If I remember correctly there were some complaints about the bureaucracy for retirees to return to the workforce.

Therefore, perhaps consideration should be given to the maintenance of a reserve list like the armed forces maintain for ex-members.

- (vii) The wage support scheme – this was necessary and welcome but we had one of the most generous systems in Europe at 80% which did contribute to the national debt we are now trying to service, and has left lesser resources for COVID recovery in health and education. A lesser or tapered scheme would still have been as successful in my opinion. While a pandemic response needs a national response it is not the same as a war that can threaten the existence of the state itself. There will be a tomorrow but this seems to have been lost sight of.
- (viii) Civil Service staffing – The CSA had to take time off because of a non-COVID issue but it was a loss. The replacement was not of a comparable standard and the CSA and CMO worked better as a team. It is my recollection that there was a unit that was responsible for turning Executive decisions into regulations, guidance and advice. At least once the work of this unit was delayed as the two staff members were both on leave for a week. People are entitled to respite in intense periods but the lack of cover was concerning. Thus, contingency and more options for important positions and key units is needed to minimise disruption and delay to their work.

**Statement of Truth**

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

**Signed:** Personal Data

**Dated:** 11 / 03 / 2024