

Thursday, 23 May 2024

1
2 (10.00 am)
3 **LADY HALLETT:** Mr Keith.
4 **MR KEITH:** My Lady, today's witness is Dr Simon Case.
5 **DR SIMON CASE (sworn)**
6 **Questions from LEAD COUNSEL TO THE INQUIRY**
7 **LADY HALLETT:** Dr Case, thank you very much for coming to
8 help the Inquiry at what I know must be an extremely
9 busy time for you.
10 **MR KEITH:** Could you commence, please, by giving us your
11 full name.
12 **A.** Simon Case.
13 **Q.** I'm going to call you Dr Case, if I may, because you
14 have a doctorate of philosophy from the University of
15 London. You're not a doctor of medicine, to make that
16 plain.
17 Dr Case, please don't hesitate to ask me to repeat
18 any questions if they're not clear.
19 As is well known, you weren't able to give evidence
20 in the autumn on account of your ill health. Happily
21 your medical condition has somewhat improved, hence your
22 appearance today, but we will nevertheless be taking
23 regular breaks in the course of your evidence. If you
24 need an additional break, please do not hesitate to tell
25 us.

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1 **LADY HALLETT:** Thank you.
2 **MR KEITH:** Dr Case, may we commence, please, just by
3 establishing some of the building blocks in terms of
4 your career. You are, of course, currently the
5 Cabinet Secretary, and head of the Civil Service. You
6 replaced Mark Sedwill, now Lord Sedwill, as
7 Cabinet Secretary on 9 September 2020; is that correct?
8 **A.** That's correct.
9 **Q.** Prior to that point, between 6 April 2020 and
10 21 May 2020, had you been a director general in the
11 Cabinet Office?
12 **A.** That's correct.
13 **Q.** In fact you were on loan to the government from the
14 Royal Household and, as director general in the
15 Cabinet Office, you were primarily responsible for
16 co-ordinating the government's efforts to support
17 non-shielded vulnerable people; is that correct?
18 **A.** That's correct.
19 **Q.** Do we take it from that that you were not involved in
20 the primary Covid response of February and March 2020?
21 **A.** That's correct.
22 **Q.** On 22 May, did you then become formally the number two,
23 the second permanent secretary in Number 10?
24 **A.** That's correct.
25 **Q.** There wasn't, in fact, a first permanent secretary, that

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1 **A.** Thank you.
2 **Q.** Before you give your opening statement, which I know you
3 want to do, could you just confirm that you have
4 provided the Inquiry with two statements: a corporate
5 statement dated 25 January 2023, I think it's a 43-page
6 statement, but it's signed in any event at the end, with
7 the usual declaration, 24 January; and then you provided
8 a second, more personal, witness statement, dated
9 9 June, again signed on the last page, page 71, by you
10 and containing the usual declaration.
11 **A.** I can confirm these are mine.
12 **Q.** Thank you very much.
13 **A.** Well, first, I'd like to say thank you, my Lady, and to
14 your Inquiry team for your understanding in rearranging
15 my oral evidence. I recognise that this delay must have
16 been particularly frustrating for the bereaved families
17 who have been waiting so long for answers.
18 I'd like to pay tribute to those who died and to
19 those who lost loved ones during the pandemic. It's so
20 important that through this Inquiry we learn the lessons
21 from this period so that we are as prepared as possible
22 for next time. I'd also just finish by -- I'd like to
23 recognise the contribution of the thousands of civil
24 servants and healthcare staff who worked on the response
25 to Covid-19.

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1 is just a curiosity of nomenclature, you were the only
2 permanent secretary at Number 10?
3 **A.** That's exactly right, Mr Keith, it's an oddity of Civil
4 Service grading structures which I'm sure my Lady
5 doesn't want to hear about.
6 **Q.** You're quite right.
7 You had responsibility for co-ordinating, in a very
8 general sense, the government's Covid-19 response from
9 central government?
10 **A.** That's correct.
11 **Q.** In the performance of that role, did you come to
12 establish and then lead, because it reported to you, the
13 Covid-19 Taskforce?
14 **A.** That's correct.
15 **Q.** Then, as I've said, in September, from 9 September
16 onwards, you became Cabinet Secretary and head of the
17 Civil Service, and did you formally at that point rejoin
18 the Civil Service, having earlier been on loan?
19 **A.** That's exactly right, yes.
20 **Q.** When you say in your statement that you had rejoined the
21 Civil Service, is that because you had formerly carried
22 out a number of roles in the Civil Service under the --
23 or in the administrations of, I think, Theresa May and
24 David Cameron?
25 **A.** Yeah. Correct, I had been in the Civil Service,

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1 exactly -- specifically in Number 10 under David Cameron
2 and Theresa May, then went on -- left the Civil Service
3 to go to the Royal Household and then returned as
4 a civil servant.

5 **Q.** May we turn, please, to WhatsApps. It is, I think,
6 understood that you were a prolific user of WhatsApp.
7 You have provided properly to this Inquiry a very
8 significant number of WhatsApps which reflect your role
9 in the response to Covid and reflect your views on the
10 performance of the administration which you served.

11 In response to those who might suggest that the
12 WhatsApps are merely tittle-tattle or gossip, would you
13 agree that your WhatsApps talk in blunt terms about the
14 performance of the government and its personalities and
15 its broad strategic direction?

16 **A.** Absolutely, yes. They are ... they are very raw,
17 in-the-moment, human expressions. They're not the whole
18 story, but I recognise they're part of the story. Many
19 of them now require apology for, you know, things that
20 I said and the way I expressed myself, but I recognise
21 that they're -- for this Inquiry, they are an important
22 part of giving you -- I think your expert witness,
23 Mr Thomas, sort of described them as giving you the
24 context, and I would agree with that.

25 **Q.** They are, of course, not the whole record, they must be

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1 secretary in Number 10 rather than of Number 10. The
2 report -- the general administration of Number 10 was
3 under Martin Reynolds, reporting directly to
4 Mark Sedwill as Cabinet Secretary. My responsibility
5 was, as you've said, the overall Covid response, hence
6 not being involved in the development of that policy as
7 permanent secretary, and not as Cabinet Secretary
8 either. I understand that policy, the Number 10 policy,
9 was developed inside Number 10.

10 **Q.** All right.

11 Could we have, please, INQ000218356, page 1, which
12 is, in fact, the WhatsApp user policy of March 2021.

13 You will see halfway down the page, Dr Case, that
14 the policy suggests that WhatsApps can be used for
15 confirming who is in the office, confirming a time for
16 a meeting or confirming receipt of a document. So very
17 much technical or mechanistic information.

18 "WhatsApp chat should NOT:

19 "Include any discussion about detailed policy or
20 policy development."

21 And:

22 "If you find a chat is unexpectedly developing into
23 a more sensitive conversation, you should move the chat
24 onto the No10 IT system and continue it there."

25 So even in March 2021, and we'll come on to the most

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1 put into context, but may we approach them on the basis
2 that they do form an important part of the historical
3 record?

4 **A.** Yes. I mean, in the context of this Inquiry, yes.

5 **Q.** Thank you.

6 Was there a policy in Number 10 during your time as
7 permanent secretary, or when you first became
8 Cabinet Secretary, relating to the retention or
9 disclosure of WhatsApps?

10 **A.** Not that I remember specifically. The first specific
11 policy relating to WhatsApps that I am aware of was one
12 that came in in March 2021. WhatsApps, of course, would
13 have been covered by a more general approach to,
14 you know, the duties for record-keeping and what have
15 you, but I think it was March 2021 as far as I know that
16 the first specific Number 10 policy came in on the
17 retention of WhatsApps.

18 **Q.** In your witness statement, you suggest that
19 responsibility for dealing with WhatsApps generally
20 rested with the Prime Minister's principal private
21 secretary, then Martin Reynolds. Did you, as permanent
22 secretary, or, later, Cabinet Secretary, have any role
23 in the development of the policy?

24 **A.** No. If I may just explain a slight curiosity, actually,
25 during my time as permanent secretary, I was permanent

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1 recent policy in a moment, there was an expectation that
2 WhatsApps should only be used for relatively anodyne
3 communications, and that if communications were
4 sensitive they ought to be moved to official IT systems?

5 **A.** Correct.

6 **Q.** It's obvious why that was so, isn't it, Dr Case?
7 Firstly, it promoted good government and record-keeping.
8 And, secondly, it provided for necessary accountability.
9 If something sensitive was being debated or views were
10 being expressed, they had to be recorded in the
11 interests of transparency?

12 **A.** Yeah. And obviously the other reason on the
13 Number 10 -- sorry, the Prime Minister's location point,
14 that's to do with the security around the
15 Prime Minister.

16 **Q.** It's fair to say, isn't it, that to a very large extent
17 that policy was not followed, because of course there
18 are a very significant number of WhatsApps from you and
19 many others in which frank and, perhaps, indiscreet
20 views are expressed on government policy,
21 administrators, politicians, really all the main moving
22 parts of government, during the course of this terrible
23 crisis?

24 **A.** Yes. Yeah, as you say, that's certainly true.

25 I think, I mean, that I would say it's there, I --

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1 the core, sort of, real decisions and discussions
 2 I think were taking place, you know, in meetings,
 3 face-to-face meetings or virtual meetings, and being
 4 recorded. You know, the Inquiry itself has many records
 5 of the many meetings and what have you. But it's
 6 certainly true that by the time -- by the time this
 7 policy had come in, that was an ingrained way of
 8 working.

9 **Q.** You yourself expressed concern about the
 10 Prime Minister's own use of WhatsApps, because in
 11 a WhatsApp exchange, ironically, with Jack Doyle --

12 **A.** Yep.

13 **Q.** -- in November 2020, you discussed whether or not it was
 14 true to say that the Prime Minister wasn't making
 15 government decisions in fact via WhatsApp?

16 **A.** Yeah, there were a number of times, I think particularly
 17 as Cabinet Secretary, where I intervened to try to get
 18 serious discussions off WhatsApps. The Inquiry has
 19 access to those moments where, you know, I'm saying "Can
 20 we get things off WhatsApp and can we make sure we're
 21 having proper discussions with the right people in the
 22 room". So yeah, that's true.

23 **LADY HALLETT:** The then Prime Minister?

24 **A.** Sorry, the then Prime Minister. Yes. Sorry, you're
 25 quite right, my Lady.

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1 because that sort of makes me sound like the thing that
 2 many people think I am, sort of too Sir Humphrey-ish,
 3 it's just, on the important issues, trying to resolve
 4 them on WhatsApp, not being clear that you've got all
 5 the right expertise on that group or what have you,
 6 there's dangers to decision-making.

7 **Q.** Well, it's fairly obvious, isn't it? Important
 8 decisions need to be debated in the correct structure,
 9 with a proper, appropriate, degree of transparency?

10 **A.** Yeah.

11 **Q.** And if you make major decisions by WhatsApp, people will
 12 never know that you have done. That's the bottom line?

13 **A.** Yes. The record-keeping, you know, is an important part
 14 of it. It's not the only part of it, but it is
 15 an important part of it.

16 **Q.** Coming forward to the current policy, Dr Case,
 17 INQ000421804, there is now a policy on using
 18 non-corporate communication --

19 **A.** Yeah.

20 **Q.** -- channels for government business, and this applies
 21 both to corporate phones and to personal phones. It is
 22 concerned with non-corporate channels.

23 **A.** Yeah.

24 **Q.** So using WhatsApp at work or at home.

25 Can we please look at paragraph 14 on page 2,

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1 **MR KEITH:** Could we have INQ000303252, page 26.

2 In April of 2021 -- thank you very much -- at
 3 21.13.48, right at the top of the page, Dr Case:

4 "Who the hell has briefed the Times and Telegraph
 5 that I advised [the Prime Minister] to change his phone
 6 number? I don't think this is true, by the way --
 7 I certainly don't remember ever having told him this!
 8 We've all told him to get off WhatsApp ..."

9 Why was it necessary to tell him to get off
 10 WhatsApp? What was the danger of him, the
 11 Prime Minister, using WhatsApp?

12 **A.** I think -- I think -- in this particular context, there
 13 were two issues that had come up. One, that he, the
 14 Prime Minister, was sort of frustrated that lots of
 15 people had been sort of contacting him from outside
 16 government on WhatsApp and was expressing frustration,
 17 to which the answer was, "Well, get off the" --
 18 you know, "Don't give people your telephone number and
 19 get off WhatsApp."

20 The other one is to do with making sure that --
 21 you know, I don't want to sound like I'm a Luddite,
 22 that -- because obviously, as you've said, I use --
 23 prolific user of WhatsApp myself, but was -- we have to
 24 make sure that serious issues are addressed in a --
 25 I don't want to say formulaic or bureaucratic way,

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1 because this identifies the sort of information which is
 2 required not to be put on to WhatsApp or at least, if it
 3 is, to be moved thereafter onto an official channel,
 4 a government system.

5 It's called "significant government information",
 6 which "materially impacts the direction of a piece of
 7 work or that gives evidence of a material change to
 8 a situation".

9 If I may observe, that's a wonderful piece of prose.

10 Could you help us with it? In particular, can
 11 her Ladyship be assured that the application of that
 12 policy does mean that the types of WhatsApps that you
 13 sent, and which you received, which commented bluntly
 14 and frankly on the performance of ministers and
 15 officials and on the merits of government
 16 decision-making, would fall within this policy, would be
 17 regarded as significant government information? Because
 18 defining it --

19 **A.** Yeah.

20 **Q.** -- as something merely that impacts the direction of
 21 a piece of work or which gives evidence of material
 22 change to a situation might not, in fact, encompass the
 23 sort of WhatsApps which you've agreed need to be
 24 recorded?

25 **A.** Yeah, so, I mean, it's a very fair challenge. I'm

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1 not -- I don't think that the plain reading of that and
2 the sort of -- the normal government practice would
3 cover this material that I think is important to this
4 Inquiry that gives you the context. I think this
5 sort of significant government information is
6 a formulation of language that's been around for quite
7 a long time, that flows from, sort of, the
8 responsibilities we have to retain information.

9 I think generally the sorts of things that we're
10 talking about would not be material to -- that sort of
11 more personal colour is not the sort of material that
12 would be kept, because it hasn't been kept in the past,
13 whether it was on WhatsApp or -- you know, it's not the
14 sort of material that appears in the Public Records
15 Office, for example, from previous administrations. And
16 I'm sure that that's something that you'll want to
17 consider, my Lady.

18 **Q.** So there is an issue, therefore, as to whether or not
19 this policy is tight enough in terms of obligating the
20 recording or transfer to government systems of important
21 expressions of interest and of observations and
22 commentary on WhatsApp?

23 **A.** Yeah, I mean, and certainly, you know, the sort of
24 material that the Inquiry's got and has used, and I'm
25 sure we'll discuss it, is -- you know, when you go --

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1 it's over 600 pages, but 9 were lost in the process of
2 transferring them to hand over to the Inquiry.

3 I can only apologise for that, my Lady. It's
4 entirely my error. As I said, we offered to recover
5 this material for the other participants, I offered to
6 do that, but I actually understand the Inquiry has got
7 this material from other participants itself, so
8 I haven't needed to -- as I say, I can only apologise,
9 it's my own idiocy and nothing else.

10 **Q.** We're bound to ask, Dr Case, why was the
11 Cabinet Secretary himself, or herself, attempting to
12 export and preserve group messages from their own phone?
13 I mean, presumably you have people who can help you with
14 that, or technical support, and why did you end up
15 deleting only some groups?

16 **A.** As I say, honestly, I was trying to just get this done
17 as part of preparing my witness material. We have an IT
18 department. Lesson learnt, I should not ever try this
19 myself again.

20 **Q.** During the course of the Covid pandemic, did you become
21 aware that WhatsApp messages would be likely to be
22 needed to be retained and then provided to an Inquiry?

23 **A.** I mean, yes, I mean, I think we were all -- we were
24 all -- we were all clear that all sorts of records would
25 be kept. You know, I remember advising the

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1 when you go through history and previous crises, it's
2 the sort of material that you would have only got
3 through diaries and that sort of thing from individuals
4 who would have taken part.

5 You know, as I say, it wouldn't have occurred -- I'm
6 somebody who spent three very happy years as a PhD
7 student down at the Kew public records office, and I can
8 tell you the sort of -- the colour of the sort that
9 you've got, and I'm sure we'll discuss, isn't there.
10 The best you get is sort of a handwritten note from
11 Churchill or Clement Attlee in the margins. You don't
12 get this -- you don't get the sort of material that this
13 Inquiry has got through WhatsApps.

14 **Q.** Turning to your own personal position, you've provided
15 to the Inquiry obviously a great deal of material.
16 You've also provided through your team a number of
17 threads of one-to-one messages between yourself and
18 others. But you say in your statement that you were
19 unable to provide some group messages to which you were
20 part --

21 **A.** That's correct.

22 **Q.** -- because you accidentally deleted them?

23 **A.** Yes, that's correct. We, at the start, identified 39,
24 I think, WhatsApp strings that I'd got that were
25 relevant. I've submitted 30 to the Inquiry, I think

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1 Prime Minister early on, in, I think it was, the autumn
2 or even the late summer of 2020, that there should be
3 a public inquiry. So yes, absolutely.

4 **Q.** On INQ000265619, you WhatsApped Mr Johnson's principal
5 private secretary, Martin Reynolds -- it's page 68 -- on
6 20 December 2021, 18.13.19.

7 **A.** Yeah.

8 **Q.** The last entry:

9 "Simon Case: [The Prime Minister] is mad if he
10 doesn't think his WhatsApps will become public via
11 Covid Inquiry -- but he was clearly not in the mood for
12 that discussion tonight! We'll have that battle in the
13 new year."

14 So was it -- had it been the former Prime Minister's
15 position that he didn't believe that his WhatsApps would
16 reach the public domain?

17 **A.** I can't -- I cannot honestly tell you I remember the
18 exact context of this. I can't quite work out why we
19 were discussing that -- you know, why we were discussing
20 this issue at this particular point, I'm afraid. But
21 clearly the Prime Minister said something that I'm
22 reacting to.

23 **Q.** Imran Shafi, who was another of the former
24 Prime Minister's private secretaries, told this Inquiry
25 that you had asked him to remove -- in accordance with

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1 the policy, we presume -- his work-related messages or
 2 WhatsApp messages from his phone.

3 **A.** Yeah.

4 **Q.** He says, however, that he wasn't told to keep them or to
 5 provide the Cabinet Office with a record of any
 6 substantive or significant work-related messages. Do
 7 you recall him not being told to keep records?

8 **A.** No, I mean, I can't -- I don't think I can specifically
 9 remember the conversation with Mr Shafi. I had the
 10 discussion with a number of colleagues, you know, during
 11 this period, in which my line was a standard one, which
 12 was: if you've got stuff on your personal phone and
 13 you're leaving, then obviously you shouldn't be taking
 14 that material with you. But that you should record this
 15 all in a notebook or ask for confirmation that it had
 16 all been recorded in a notebook.

17 **Q.** On a related point, one of the core participants has
 18 raised the issue, based upon something said by
 19 Priti Patel MP in her Rule 9 statement, of whether there
 20 was proper record-keeping of the discussions of the
 21 ministerial quad in particular. Do you recall the
 22 record-keeping system for that particular body?

23 **A.** So the quad was largely active in the first wave, so,
 24 sort of, before I was there. During -- when -- when the
 25 quad -- so the Prime Minister, the Chancellor, the

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1 I must ask you: did you say that to
 2 Sir Patrick Vallance?

3 **A.** I don't remember saying that. At this time I remember
 4 real concern -- because Chris, Patrick, a number of
 5 colleagues knew that I was advising the
 6 Prime Minister -- that I thought there would have to be
 7 a full public inquiry, that they were really concerned
 8 about when we would start it and how it would operate.

9 You know, they were, I think, particularly worried
 10 that we'd start it during the pandemic and, you know, it
 11 would make life very difficult for them to keep doing --
 12 that's what I remember, the context. I do not remember
 13 saying such things, but obviously they're Sir Patrick's
 14 words, not mine.

15 **Q.** Turning to your role as the director general in the
 16 Cabinet Office and the steps you took to ensure that the
 17 interests of non-shielded vulnerable groups were
 18 properly protected, when you arrived in office in April
 19 of 2020, you expressed considerable concern to
 20 Helen MacNamara, from whom the Inquiry has heard,
 21 concerning the atmosphere in the Cabinet Office,
 22 concerning unnecessary debates about whom you should be
 23 reporting to, and about the behaviour.

24 Could we have, please, INQ000303253 at page 1.

25 This is a WhatsApp thread dated 3 April 2020, and,

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1 Health Secretary and the Chancellor of the Duchy of
 2 Lancaster -- met, I don't think it was particularly
 3 frequently, they would be recorded, I believe, via
 4 private secretary record.

5 **Q.** Is that a private secretary keeping notes?

6 **A.** Keeping notes, should be in a notebook, and then should
 7 be in an email, which would be distributed to those as
 8 a record. But usually, actually, mainly to get people
 9 to take action. And standard practice in Number 10 is
 10 that those -- or certainly in my time as a private
 11 secretary there, was that you would copy those read-outs
 12 to the people that we call the duty clerks, or PM posts,
 13 so that that could go onto the file, the record that
 14 they keep of all the correspondence and material
 15 relating to the Prime Minister.

16 **Q.** In relation to your approach to the inevitable
 17 Inquiry --

18 **A.** Yeah --

19 **Q.** -- Sir Patrick Vallance, in his diary -- and you've
 20 referred to the importance of diaries, and perhaps
 21 Sir Patrick Vallance is the modern day Johnson or
 22 Crossman -- he says in his diaries that in November 2020
 23 you said to him that any Inquiry should go on for
 24 a decade or more, that you wanted someone like
 25 Lord Saville to chair it so as to keep it going forever.

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1 without spending too much time on it, we can see,
 2 for example, in the third entry, 21.43:

3 "Simon Case: ... [the slides] don't really seem to
 4 say anything about how we are actually fixing the
 5 various problems."

6 21.51.29, Helen MacNamara talks about the "bitching"
 7 and the "egos", and "sheep and goats" and "people are
 8 scared".

9 At 21.54:

10 "Crisis [and] pygmies [equals] toxic behaviours."
 11 The "crisis" is obviously a reference to Covid-19.
 12 Your reference to "pygmies", was that an observation on
 13 the ability of individuals in the Cabinet Office and
 14 Number 10?

15 **A.** I can't remember precisely what it is, but I think that
 16 would be a fair conclusion to draw. I can't tell you
 17 for sure but that's the plain reading.

18 **Q.** You were concerned about the effect of that combination,
 19 that the behaviour of individuals in Number 10 and the
 20 Cabinet Office was toxic?

21 **A.** Yeah.

22 **Q.** Please explain to us why that mattered. Were you just
 23 concerned because it's an unpleasant thing to occur on
 24 your watch, or was it that the behaviour and the
 25 performance of people at the centre of government was

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1 materially impacting upon the government's response to
2 this crisis, it was affecting governance?

3 **A.** Could I just expand a little bit on what you say when
4 I arrived to --

5 **Q.** Please.

6 **A.** -- help?

7 I worked in Downing Street and the Cabinet Office
8 for, you know, big chunks of my career before I went off
9 to work for the Royal Household, and as is always true
10 at, sort of, the centre of power, I think probably
11 everywhere -- you know, it doesn't all -- you know,
12 there are always pretty big egos and there are always
13 things to manage. But I'd worked there through -- in
14 either Number 10 or the Cabinet Office through a whole
15 range of crises. I should say, nothing the size and
16 scale of Covid. I don't think any of us -- I don't
17 think any peacetime government had ever dealt with
18 anything like it. But through thick and thin, through
19 egos, which are always there, there was a real sense of
20 team spirit, trying to, sort of, work efficiently and
21 effectively. I found -- actually, I found reading
22 Helen MacNamara's both written evidence and oral
23 evidence quite difficult, just as I found preparation
24 for this, re-reading this material, quite emotionally
25 difficult, because it reminded me of quite how difficult

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1 inefficient and, sort of, more difficult than it had to
2 be, and it was, sort of, more unhappy. Did it actually
3 lead to decisions being delayed as a result of those
4 behaviours? I'm not sure it -- I'm not sure it did.

5 I think it made it inefficient and sometimes ineffective
6 in ... things. But did it -- you know, did we lock down
7 later or unlock later because of behaviours? I'm not --
8 I'm not sure. I'm not sure that we did.

9 **Q.** Did the nature of the individuals and personalities in
10 Number 10 and the Cabinet Office lead to a more
11 dysfunctional and sclerotic administration? Putting
12 aside the big ticket issues, lockdowns and
13 non-pharmaceutical interventions, on which, obviously,
14 decisions had to be made eventually in one shape or
15 form, but the day-to-day administration, did it become
16 anarchic, dysfunctional and extremely difficult?

17 **A.** So it was definitely dysfunctional and it was difficult,
18 but, oddly enough, it wasn't -- sclerotic isn't quite
19 the right word. If anything, the problem is it was
20 almost too dynamic. You know, it was difficult to
21 settle on a course of action and be sure that the course
22 of action would be consistent. I think that's, it's,
23 sort of, almost the opposite of sclerosis.

24 **Q.** You referred to flip-flopping, trolleying and the
25 well known, and it's been said repeatedly in the

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1 it was, that good people were working incredibly hard in
2 impossible circumstances, with choices where it seems
3 there was never right -- never a right answer.

4 But that lack of, sort of, team spirit, the
5 difficult atmosphere, we were trying to run everything
6 from the centre of government, despite trying to run the
7 response to a global pandemic. Duplication of effort,
8 overlapping meetings, kind of -- good people were just
9 being smashed to pieces. That's what I saw.

10 **Q.** We will look at some of those references in your
11 WhatsApps later, Dr Case, but -- you refer to people
12 being smashed about and systems being smashed, but your
13 reference there in this particular WhatsApp to pygmies,
14 was not a physical or an anthropological reference, you
15 were referring there to the performance or the ability
16 of individuals, because, plainly, you're making
17 a different point to the one you've just made now, which
18 is that the crisis was so great it would have
19 overwhelmed anybody. You're referring to the ability of
20 individuals. That was the problem, wasn't it?

21 **A.** Yeah -- I mean, sorry, I failed to answer the second
22 part of your point, which was about: how did it actually
23 affect people outside? I can't answer this question in
24 the -- with the clarity that I'm sure you'd like. What
25 I know is that it felt that decision-taking was

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1 evidence, inability of the former Prime Minister to make
2 a decision and stick to it.

3 **A.** Yeah. I mean, that material's there. Those are,
4 you know, examples, that I obviously now deeply regret,
5 of expressing my in-the-moment frustrations with the
6 former Prime Minister. Actually I think particularly
7 during -- I didn't know the Prime Minister very well at
8 all, in fact barely, when I started working in
9 Downing Street, so I didn't really understand how he
10 took decisions. I mean, after -- you know, I would say
11 sort of into 2021 I sort of thought I'd started to get
12 the rhythm of it.

13 In, you know, his style is very much wanting the
14 debate to play out in front of him. Competition for
15 ideas and views I think is really how he made decisions.
16 He'd really want to test and see, you know, perhaps
17 sometimes in a way that actually lawyers would recognise
18 in a way that lots of others don't, that, you know,
19 hearing the debate playing out before taking a view,
20 I think, sort of -- I also think I didn't really
21 understand at that time how personally and politically
22 difficult -- I'm not -- that's not a big P politics, I'm
23 talking about how, particularly -- and I'm sure we'll
24 come on to the details of the second lockdown and the
25 unlocking -- I don't think I really understood how, at

24

1 quite a deep, ideological level, the Prime Minister
 2 found the mass locking up of the population, the
 3 harms -- he was always really thinking -- particularly
 4 focusing about children and education, the sort of --
 5 the damage, as he saw it, that was being done to society
 6 through those big decisions on the lockdowns.
 7 I don't think I understood at the time, in a way
 8 that I do now, quite how personally difficult that was
 9 for him. As well as the style. Because his clarity of
 10 thought and -- I mean, Boris Johnson's sort of
 11 strengths -- well, he's one of -- you know, a great
 12 communicator, he's one of those people who can stand at
 13 a podium and make people that he's never met, doesn't
 14 have a lot of common -- doesn't have a huge amount in
 15 common with, make them think he's articulating their
 16 hopes and their dreams and their fears. You know, he's
 17 a great communicator. That clarity -- that ideology and
 18 that communication, you know, when it came -- I know
 19 this is off topic, sorry, my Lady, but on things like
 20 the vaccine roll-out, which I know you'll come on to,
 21 his ability to, sort of, see with absolute clarity what
 22 needed to be done, how we communicated it, was in stark
 23 contrast to, I think, the difficulty that he found
 24 during the summer and the autumn. And to -- totally off
 25 topic, but on subjects like Ukraine, the way that he

25

1 say "This is what -- this is the direction we're going
 2 and this is what we've got to do". So I found it
 3 incredibly frustrating that on one day I thought,
 4 "Right, okay, we've got this, I can safely now talk to
 5 my colleagues and say this is the direction we're going
 6 in and we've taken this decision, let's now plan on this
 7 basis", and then -- well, you can see it, you've got the
 8 material, the Inquiry's talked about it a lot already,
 9 you know, the following day it was like, well, we're now
 10 somewhere else. That was really difficult, as a sort of
 11 technocrat, to -- as the gearbox trying to connect the
 12 Prime Minister to the system.
 13 Of course I was frustrated. I wish we'd had the
 14 decision on day one and we'd stuck to it. As I said,
 15 I think that's how people like me want the world to
 16 work, but isn't how the world works. All prime
 17 ministers have their own ways of taking decisions. Some
 18 prime ministers, you know, go through endless detail
 19 and, if anything, their problem is they scrutinise
 20 everything and then they delay the decision because they
 21 just want, you know, endless amounts of information.
 22 That -- read your diaries again, they're in there. Each
 23 Prime Minister has their own approach to doing it and,
 24 as I say, in my job I found it very frustrating. But
 25 I -- you know, I just don't think I really understood

27

1 could see with absolute clarity on a values base what
 2 was the right thing to do to support Ukrainians against
 3 Putin and galvanise, sort of, global action is a good
 4 example of -- you know, that he could do things with
 5 absolute clarity.

6 So there was something about that period in
 7 particular which I think he found particularly
 8 difficult.

9 **Q.** In essence, would you agree that the incredibly
 10 difficult decisions which he had to make, and he
 11 personally had to make --

12 **A.** Yeah.

13 **Q.** -- affected him so viscerally and gave rise to such
 14 internal agonising debate that it had an impact upon the
 15 proper management of the system of which he was --

16 **A.** Yeah.

17 **Q.** -- of course, the head?

18 **A.** You know, on the -- sort of the -- I was the, sort of,
 19 technocrat employed to connect political will to
 20 administrative action across the system. So, you know,
 21 it was real frustration that was being -- effectively(?)
 22 by the person -- you know, I was the one who had to take
 23 what he and his ministerial team were deciding and go
 24 and tell other members of the Covid Taskforce, tell the
 25 rest of Whitehall, talk to Simon Stevens at the NHS and

26

1 how difficult he was finding it personally.

2 **Q.** But the impact wasn't confined, of course, to you,
 3 Dr Case --

4 **A.** No, no, sorry --

5 **Q.** -- there was an impact upon the proper performance of
 6 the machinery of government?

7 **A.** Yes.

8 **Q.** Is that the nub of it?

9 **A.** Of course.

10 **Q.** Yes.

11 **A.** Sorry, I was -- I agree with you, but, sorry, I was
 12 rambling. Sorry.

13 **Q.** No, it wasn't at all, Dr Case, it really wasn't.

14 Can we now look at non-shielded vulnerable groups.

15 **A.** Yeah.

16 **Q.** In a paper dated 3 April -- INQ000083379 -- "Mapping of
 17 non-shielded vulnerable groups", we can see there that
 18 you set out, I think this was -- it may not have been
 19 your paper. I think it was a paper presented to the
 20 general public services MIG.

21 **A.** I've spotted this as well. I think we need to go away
 22 and check whether -- actually whether that date's
 23 correct, because I'm not -- this looks too early for
 24 this articulation of the problem to me. I'm wondering
 25 if it should actually be 3 May. But I'm sure we can go

28

1 on to the point, it's just I think between us we should
 2 actually do what we can to check whether it's in fact
 3 the correct date on that paper.

4 **Q.** By all means, thank you.

5 Do you recollect this paper? I mean, is the reason
 6 why you believe it might have been May was because you
 7 recall contributing to it or --

8 **A.** I think it's late April or May.

9 **Q.** All right.

10 **A.** Now, the trouble is this is four years ago, it could be
 11 a memory of being shown this on arrival, but I'm sure we
 12 can get to the key point without worrying about the
 13 date.

14 **Q.** The point about this document is that it attempted to
 15 identify/target vulnerable groups. So if you look over
 16 the page at page 2, you can see that specific concerns
 17 are expressed regarding socially vulnerable people,
 18 isolating at home, vulnerable children and free school
 19 meals households, individuals with no access to public
 20 funds, rough sleepers, and so on.

21 This is dated possibly April, possibly May. There
 22 is no doubt whatsoever that the government turned to
 23 identify who vulnerable groups consisted of --

24 **A.** Yeah.

25 **Q.** -- and what had to be done to protect them in the teeth

29

1 consideration of these vulnerable groups in existence
 2 that you could have had recourse to or did have recourse
 3 to, and that is why the general public services MIG and
 4 why you were obliged to be addressing vulnerabilities in
 5 April and May. Bluntly, it had not been thought of
 6 before then.

7 **A.** I think it probable -- there was more thinking than
 8 I realised. The Inquiry has it, I certainly put it in
 9 my witness statements as an exhibit, an email that
 10 I wrote to Michael Gove and Mark Sedwill after my first
 11 few days in post saying: actually, you know, I'd started
 12 off thinking there wasn't a lot going here, actually
 13 when you talk to departments there probably is a bit
 14 more work doing on.

15 So, for example, DEFRA were doing the work on how to
 16 get food to vulnerable -- and they were thinking about
 17 how to work with supermarkets to spread not just to
 18 shielding groups but to other vulnerable groups, how we
 19 could work with supermarkets to get more food delivery
 20 slots for them. DfE -- sorry, I mustn't do that -- the
 21 Department of Education, you know, obviously was
 22 thinking about vulnerable children and, you know, in
 23 particular about trying to make sure that they were in
 24 school as they could have been.

25 What I think was going on, though, is that was

31

1 of this crisis. A lockdown, however, had already been
 2 imposed. It was imposed on 23 March. Why was this
 3 consideration, necessary consideration to vulnerable
 4 groups, not being addressed or raised earlier? Why was
 5 this work not done at the time that the decision-making
 6 was going on as to whether or not a lockdown should be
 7 applied at all?

8 **A.** Obviously, you know, as I say, I can't answer that one
 9 because I wasn't around. What I remember is, you know,
 10 in around this time the then Cabinet Secretary
 11 Mark Sedwill getting in touch with me and saying --
 12 you know, there had been this huge focus on the
 13 vulnerable group, what became known as shielding, and
 14 I think it was then a combination of the
 15 Cabinet Secretary and Michael Gove, as Chancellor of the
 16 Duchy of Lancaster, who had really, sort of, said "Hold
 17 on a minute, there's -- we haven't done enough thinking
 18 about this."

19 So my belief is, by being asked to come in and do
 20 this, it looks like an admission that not enough had
 21 been done early on, but I -- honestly, it's outside my
 22 personal experience as to what discussions took place in
 23 the first lockdown.

24 **Q.** But certainly when you took over the position that you
 25 did in the Cabinet Office, there was no pre-existing

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1 sort of happening in departments and probably maybe
 2 wasn't being given all the effort it needed to. So when
 3 I arrived, there was a standard Cabinet Office
 4 co-ordination job, but then a challenge of how to
 5 articulate what we were already doing and then identify
 6 what the gaps were. The gap between needs and
 7 provision -- sorry to talk in, sort of, technocratic
 8 sort of ways -- but citizens' needs, "Here's the
 9 provision, is there a gap in the middle?", that was
 10 really the task as I came in.

11 **Q.** There are ample references in the material, Dr Case, to
 12 you observing that there was too much siloed government,
 13 so different departments were working in tandem and
 14 there was insufficient communication, but also that
 15 a great deal of the practical steps, the necessary
 16 practical steps to assist vulnerable people, were being
 17 taken outwith central government, by charities --

18 **A.** Yes.

19 **Q.** -- local authorities, supermarkets, volunteers, and so,
 20 on the one hand, central government wasn't performing
 21 its function adequately, and on the other hand there was
 22 a distinct limit as to what it could do; is that the nub
 23 of it?

24 **A.** Yeah, that's right. And, I mean, this is an example
 25 almost, to me, the point I made earlier about the centre

32

1 trying to do too much, and almost -- there is this --
 2 there is this long-standing challenge, a cultural
 3 challenge, at the centre. This goes back, it's not
 4 recent, it's always through the decades, read the
 5 history books, it's all there, that, sort of, if the
 6 Prime Minister can't see it, it must not be happening.
 7 And actually, that's not really how government works.
 8 A vast amount of stuff happens that prime ministers
 9 don't see day in and day out. Of course they couldn't.

10 And in particular -- you know, one of the particular
 11 issues around vulnerability, as you say, is a vast
 12 amount of the provision is being -- was being done at
 13 local authority level and through the charity sector.
 14 So actually through my time on the non-shielded
 15 vulnerable programme I spent a lot of time talking to
 16 the then head of the British Red Cross, who was the
 17 chair of the voluntary sector emergency response group,
 18 again just trying to understand what charities working
 19 at a very local level were hearing about what was
 20 working, what wasn't working, getting that information
 21 back to us, so we could then work with charities and
 22 local authorities to get that provision in place.

23 **Q.** Can you recall to what extent the ethnicity of
 24 non-shielded vulnerable people came up for debate and
 25 also to what degree, as you were beginning to look at

33

1 in your recommended actions or in the recommended
 2 actions, what was identified as being needed included
 3 cross-government analysts with the "relevant experience
 4 in understanding this cohort", that is to say the cohort
 5 of non-shielded vulnerable people, "to ensure data and
 6 analysis to quantify and refine focus on target groups
 7 and identify ... essential services".

8 Stripping out, if you'll forgive me, the perhaps
 9 somewhat bureaucratic language, there was a shortage of
 10 data in central government to inform you as to what, in
 11 practice, the needs of these people were and how they
 12 could be met; you just didn't really know what was going
 13 on on the ground, that's the bottom line?

14 **A.** Spot on.

15 **Q.** Yes. It's obvious from the material, Dr Case, that it
 16 understandably took some time to get the data available,
 17 and it's obvious from your witness statement that
 18 a great deal of work was done to get the datastreams up
 19 and running. You had the dashboard.

20 **A.** Yeah.

21 **Q.** You had the setting up of the Downing Street data
 22 service --

23 **A.** Yeah.

24 **Q.** -- 10DS.

25 **A.** Yeah.

35

1 the needs of vulnerable people, it was understood that
 2 the pandemic had hit ethnic minorities far harder than
 3 other sectorial groups?

4 **A.** Honestly I think this is one of the things that not
 5 enough attention was paid to early on. I think my
 6 memory is that the questions about ethnic minority
 7 groups really well and truly came onto the -- onto the
 8 sort of top tier radar possibly in sort of May --
 9 probably actually June, I think, 2020. I think there
 10 was a PHE -- sorry, Public Health England -- study done,
 11 and that galvanised quite a lot of action from that
 12 point on.

13 We didn't get the -- in particular the
 14 communications and provision of testing right during the
 15 autumn in, sort of, certain -- certain communities, and
 16 we did actually learn the hard lessons for when it came
 17 on to vaccine roll-out about how to understand the
 18 needs, how to communicate, who were the voices that need
 19 to be encouraging certain communities to come forwards.
 20 But I think it was a slow learning process.

21 **Q.** Then, turning to another considerable difficulty that
 22 you encountered, that there was then the issue of data
 23 and analysis.

24 **A.** Yeah.

25 **Q.** At the bottom of this page, on page 2, we can see that

34

1 **Q.** A great deal of work was done by the Office for National
 2 Statistics and Sir Ian Diamond, there were Covid
 3 surveys -- in fact a mass of data eventually.

4 When were you able to report to the Prime Minister
 5 that you had adequate data in order to be able to start
 6 understanding the needs of socially vulnerable people?

7 **A.** Oh, I would say that's really into the autumn, I would
 8 say.

9 **Q.** That, if I may say so, accords with other evidence that
 10 my Lady has heard concerning the paucity of data at the
 11 beginning of the pandemic, and the inadequacy of the
 12 datastreams.

13 Do you happen to know whether or not, today, the
 14 structures and the building blocks remain for the speedy
 15 provision of data in the event of a comparable crisis?

16 **A.** Yes, very much so. You know, alongside the lessons that
 17 I am sure my Lady will identify, we've obviously been
 18 identifying lessons inside government as we go and
 19 data -- sorry, I'm a bit of a data obsession --
 20 obsessionist -- we've created a sort of National
 21 Situation Centre -- sorry, again, all these long
 22 slightly odd titles -- the Joint Data and Analysis
 23 Centre, crucially, the Office for National Statistics
 24 and what we now call our levelling up department, are
 25 working to get us -- sorry again for the language --

36

1 a much more granular level -- you know, a much more
 2 detailed level -- to try and not use that word -- about
 3 what's happening at local levels, sort of, day in, day
 4 out, so that we can understand -- it's not perfect, it's
 5 like, you know, painting the Forth Bridge, you have to
 6 keep going back over it, but we've invested an awful lot
 7 in getting much more micro-level data about what's going
 8 on in the economy, in society, all of sort of thing,
 9 much broader data sets or ranges of data than previously
 10 we were collecting.

11 **Q.** In an email in May -- I won't take you to it -- you were
 12 in fact, as you say, still reporting on the lack of
 13 data. You said:

14 "Meaningful reporting about what is happening on the
 15 ground is rare and the upward communication of
 16 meaningful data at a regional or national level is even
 17 rarer, so central government does not have the
 18 information it requires."

19 **A.** Yeah.

20 **Q.** So that's a very good summary of --

21 **A.** Yeah.

22 **Q.** -- the position in the summer.

23 **A.** Yeah.

24 **Q.** Another issue, structural issue, concerned the -- again,
 25 language that perhaps you'll explain to us -- the

37

1 data, this is one of the areas where it was better than
 2 most.

3 **Q.** Yes, because this, in fact -- this deals with
 4 shielded --

5 **A.** Correct.

6 **Q.** -- people, and shielded people or the position of the
 7 clinically extremely vulnerable and those who required
 8 shielding had, of course, been directly addressed at the
 9 time that the lockdown decision had been taken?

10 **A.** Yes.

11 **Q.** And in summary, is this right: during the week between
 12 16 and 23 March, when the final decision was taken to
 13 impose the lockdown, part of the time lapse was taken up
 14 with considering the needs of those who would require
 15 shielding and putting into place the practical measures
 16 for their protection?

17 **A.** Look, I wasn't there at the time. As it were, I've read
 18 the same evidence you have and that accords with my
 19 understanding.

20 **Q.** So, yes, shielding was -- shielded people were ahead of
 21 the game in terms of the delivery of services and
 22 protection. But right at the bottom of the page you
 23 will see, in answer to the question "What are the
 24 barriers to progress?":

"Decisions are not aligned where there are

39

1 interdependencies across departments within central
 2 government.

3 If we look at INQ000083541 which is the dashboard
 4 for 6 May 2020, and page 4.

5 **A.** Slightly foreboding. I don't know why we made it look
 6 like that.

7 **Q.** Yes, the --

8 **A.** Sorry.

9 **Q.** -- black background looks rather forbidding.

10 If you look at page 4, we can see there figures on
 11 how many are vulnerable, how the government's
 12 performing, and obviously there were very sensible
 13 questions being posed and answered on the face of this
 14 document. You were concerned with the hospitalisation
 15 rate, who was clinically vulnerable, you were concerned
 16 with the delivery of food packages, the delivery of care
 17 to the clinically extremely vulnerable and so on.

18 So obviously all self-evidently highly worthy and
 19 sensible.

20 **A.** I would just, the thing to point out, this was one of
 21 the areas where the data was most advanced on the
 22 clinically extremely vulnerable group because obviously
 23 they'd been sort of working with GPs and whatnot to
 24 identify -- I know the cohort was refined for later
 25 periods, but, I mean, even though there are gaps in this

38

1 interdependencies across Departments."

2 Is that a way of saying that central government
 3 departments were just not speaking sufficiently to each
 4 other, and there was no body in place to bring together
 5 the administrators and officials to talk about the
 6 reality of what needed to be done?

7 **A.** Yep, that's -- your ability to translate Whitehall speak
 8 is very good.

9 **Q.** And was it in part because of that that you drove the
 10 institution of the Covid Taskforce, so that there would
 11 be a unitary body, a single body, where everybody could
 12 speak to each other face-to-face and make the necessary
 13 decisions?

14 **A.** My experience of this programme was, absolutely, one of
 15 the key inspirations behind Covid Taskforce.

16 **Q.** The Covid Taskforce was, however, not instituted until
 17 the late summer?

18 **A.** Correct.

19 **Q.** Why did it take so long?

20 **A.** I'm not sure I can answer that one, as -- you know, as
 21 soon as I got asked to do the permanent secretary job
 22 co-ordinating all of this, it was pretty much my first
 23 recommendation.

Why was it not done before that? I mean, perhaps
 it's just one of those things where everybody had been

40

1 working flat out, the structures had been set up, and,
2 as it were, a fresh pair of eyes, it's easier for a new
3 person to see: why don't we just do that rather than
4 that? But I can't -- I can't, I'm afraid, give you
5 a clear answer.

6 **Q.** As the months rolled by in the Cabinet Office, from the
7 beginning of April, when you joined, through April, May
8 and June, was there any significant reduction in the
9 degree of chaos and lack of understanding as to what
10 needed to be done? I ask you that because, of course,
11 I'm about to show you some of your emails and WhatsApps
12 with Helen MacNamara.

13 **A.** Yeah.

14 It took a long time. It took us many months to get
15 to, you know, a better -- a better place. I think
16 Simon Ridley in his evidence said to you: no, the
17 Covid Taskforce was better than what had gone before,
18 but it wasn't perfect and it took us a long time to,
19 sort of -- announcing a taskforce has some effect but it
20 actually takes quite a long time for the patterns of
21 human behaviour and ways of working -- it was a new
22 institution in government, working across government.
23 It takes time to establish those relationships and,
24 you know, get it to where it got to. You know, it
25 took --

41

1 military language and say, "What -- what on earth?
2 You know, why don't you just say that's, you know,
3 dropping a bomb or something? Why are we talking about
4 effect? What does that mean?"

5 I think you're absolutely right and it's probably
6 something that we should reflect more on, is whether the
7 institutional language takes away the humanity. And
8 I think it's sort of something that Helen MacNamara
9 I thought rather powerfully brought out is -- all the
10 way through: how do you connect decision-makers in
11 a very human way to the outcomes of the decisions that
12 they're taking.

13 **LADY HALLETT:** I don't think it's just the lack of humanity,

14 I think it obscures the message.

15 **A.** Mm.

16 **LADY HALLETT:** And if you're trying to get a message across
17 to decision-makers, who are the politicians, don't you
18 have to have a clarity of message?

19 **A.** Yeah. Well, certainly many politicians are in the same
20 place as you, my Lady, of complaining about: could you
21 just tell me what you mean.

22 **LADY HALLETT:** Odd, that.

23 Sorry, Mr Keith.

24 **MR KEITH:** I was only going to observe that I think Dr Case
25 is itching to say something about the anthropological

43

1 **LADY HALLETT:** Can I raise -- sorry, finish your answer.

2 **A.** No, no.

3 **LADY HALLETT:** Can I raise with you one of my hobby horses,
4 which, as you may know, is the use of plain English.

5 **A.** Sorry.

6 **LADY HALLETT:** No, no, no, it's just that I've always argued
7 that the use of what you call, was it, Whitehallese or
8 Civil Service --

9 **A.** Yeah --

10 **LADY HALLETT:** -- that it obscures communication, and one of
11 the things, as I read this document that we have up on
12 screen, "Shielded (clinically extremely vulnerable)",
13 because I don't understand it, because of the use of
14 Whitehallese, I wonder if the use of that language
15 obscures your message, and therefore people who would
16 have to take the decision to put in place a taskforce
17 are not getting the impact of the message because it's
18 got these silly expressions. Sorry to use the word
19 silly.

20 **A.** Well, I mean, I think it's a very ... each profession
21 ends up, as part of its own anthropology, developing its
22 own language and ways of working and to -- sometimes
23 they do exactly what you say. I mean, I think lots of
24 us who were civilians who spent a lot of our careers
25 working with colleagues in the military look at the

42

1 disadvantages of the legal profession but he couldn't
2 quite bring himself to say anything.

3 **A.** Sorry, one of the things my counsel advised me not to
4 go -- and I'm already making him uncomfortable, I know.

5 **MR KEITH:** My Lady, is that a convenient moment?

6 **LADY HALLETT:** Yes, of course. I think we're going to have
7 more than one break, so we're going to have ten-minute
8 breaks; is that right?

9 **MR KEITH:** Thank you.

10 **LADY HALLETT:** Ten minutes, please.

11 (11.00 am)

(A short break)

13 (11.10 am)

14 **LADY HALLETT:** Mr Keith.

15 **MR KEITH:** Dr Case, in late April you had a series of very
16 frank exchanges with Helen MacNamara concerning the
17 workings of government.

18 Could we have INQ000303253 at page 5, please. Thank
19 you very much.

20 I just want to identify some of the broad strands or
21 themes from these multiple exchanges, Dr Case.

22 At 11.36.39, there's a reference by you to
23 Lord Sedwill believing that a minister was required to
24 be put in charge.

25 **A.** Yeah.

44

1 **Q.** Obviously for the purposes of political accountability
 2 and also because in Whitehall that tends to promote
 3 speedier and more direct action.
 4 At 13.06.01, she refers to the different
 5 responsibilities of departments and ministers, the
 6 maddening nature of the proportion of time spent on
 7 process and organograms as opposed to actual work.
 8 At 13.13.42 you talk about the chaos, too many
 9 programmes, the tension, that the system is being run as
 10 a communications forum rather than as a system for
 11 taking decisions.
 12 At 13.14.86, at the bottom of the page:
 13 "Decisions in Whitehall [don't] equal facts on the
 14 ground. Not enough people at the centre know this ..."
 15 The lack of vision and patience.
 16 Over the page, 13.20.15, as you were saying earlier,
 17 you recognised that what is actually required to be done
 18 is in fact being done by people in the voluntary and
 19 charitable sector, local authority or individual police
 20 officer/GP/supermarket worker, and it's all very distant
 21 from, of course, Number 10.
 22 13.25.28, the endless talking.
 23 13.28.48, shocking how strategy advice is being
 24 developed, the appalling sight of the realisation, in
 25 essence, of a lack of evidence-based government.

45

1 you've said it in your statement and you've said it
 2 publicly, by and large individually people in Number 10
 3 and the Cabinet Office gave their very best, they gave
 4 their all in the service of their country and in the
 5 opposition of the pandemic and to fight the pandemic,
 6 but their work was, to a considerable extent, undone by
 7 the behaviour or the lack of ability of some individuals
 8 who were in a position to make a difference, and who
 9 failed them. Is that a fair summary?
 10 **A.** Yeah, yeah, but, I mean, these are collective problems.
 11 I mean, these are Helen and I whingeing about things
 12 that we also had a responsibility to fix. It's not,
 13 you know, there's an easy version of this, that this was
 14 all down to just a few people. But we were all in this
 15 together.
 16 **Q.** SpAds.
 17 **A.** Yeah.
 18 **Q.** Did the system for special political advisers help or
 19 ultimately hinder the promotion of good government in
 20 the face of the crisis?
 21 **A.** Actually I -- I don't think it hindered. I don't think
 22 it's a sort of structural issue around special advisers.
 23 I mean, there's -- I don't think you've heard -- and
 24 I know you've received written evidence, I think, from
 25 Henry Cook, who was the -- during my time in Number 10

47

1 And Helen MacNamara talks of, in response, the
 2 arrogance, the waste, the contempt for Parliament.
 3 13.38.18, right at the bottom of the page, the lack
 4 of transparency.

5 In your concurrent WhatsApp messages with
 6 Mr Hancock -- I won't take you to them -- you referred
 7 to the fact that you found the Cabinet Office to be, to
 8 use your words, a "totally dysfunctional mess".

9 So just dividing out, please, some of those themes,
 10 firstly the reference to too many departments. In
 11 hindsight, was the government machinery simply
 12 inadequately efficient? It just wasn't lean enough, and
 13 it took time, as you've said, in order to change the
 14 structures, to change the supertanker of government in
 15 a more appropriate direction?

16 **A.** Yes. I mean, look, it's not -- because people were
 17 working very hard, they were doing -- they were very
 18 talented people. Clearly Helen and I were having
 19 a particularly sort of down day when we were having this
 20 exchange. But, yes, this is what the Covid Taskforce
 21 was supposed to help fix.

22 **Q.** The arrogance and the waste? The arrogance appears to
 23 be a reflection on the individual personalities. It's
 24 a reference to the people.

25 And bearing in mind what you've already said, and
 46

1 and then as Cabinet Secretary, Henry Cook was the lead
 2 special adviser for Covid. Absolutely outstanding, long
 3 experience of government, really good at working with
 4 officials and helping us translate the politics and the
 5 political will and the direction into the -- well,
 6 actually the action that's required. So I don't --
 7 I don't think there's a structural issue around special
 8 advisers in Covid, is my view.

9 **Q.** It was an individual issue?

10 **A.** Yeah, I mean, you know, there were rubbing points and
 11 I'm sure we'll come on to those.

12 **Q.** Well, we can probably address them shortly. There is
 13 ample material to indicate that Mr Cummings -- well,
 14 he's described as a genius by many, many people in
 15 government.

16 **A.** Yeah.

17 **Q.** His ability to be able to strategise and to see the
 18 problems before they arose is notable, but you and
 19 Helen MacNamara speak repeatedly of the culture of fear
 20 that he generated and also the chaos and the
 21 unwillingness of other people to work with him as
 22 a result; is that a fair summary?

23 **A.** Yes. I mean, if I may add, you know, as some people
 24 have said, he's sort of -- you've described that he had
 25 qualities that -- obviously really important to the

48

1 senior politicians in a number of guises that he worked
 2 with. As other people have said, he could be very
 3 challenging. He was particularly challenging to senior
 4 officials who he didn't think were, sort of, up to the
 5 mark. He was very challenging to senior people.
 6 Actually, my view is -- actually, my, probably,
 7 experience was his reputation was worse than the
 8 reality, I think, in the end. It was my experience --
 9 I think there were -- I mean, I think there are two
 10 important things to note. One is, actually, when
 11 I arrived in Downing Street as the permanent secretary
 12 to do the Covid -- actually from that point Mr Cummings
 13 wasn't particularly involved in the Covid response for
 14 the first couple of months. He -- as incidence started
 15 to sort of certainly flatten off in mid to late July, he
 16 started to become much more involved. He took
 17 a particular sort of responsibility and interest in the
 18 mass testing and Moonshot programme, but actually a lot
 19 of the descriptions that you've had and, you know, some
 20 of them are really difficult, from Helen and her report,
 21 actually didn't particularly -- the worst of it didn't
 22 actually match my experience of coming into Number 10
 23 working on Covid.

24 **Q.** But that's your personal take.

25 **A.** Yes.

49

1 the Prime Minister's door. In Number 10, that group
 2 would have been seen as, sort of, the top of the shop.
 3 And the relationships between Mr Cummings and the other
 4 three were poor, and that, you know, that did not help
 5 at all.

6 **Q.** May we please be absolutely clear about this. In this
 7 very same WhatsApp string -- in fact we needn't look at
 8 it, but page 10 -- you yourself referred to somebody who
 9 had been asked to join Number 10, a particular aspect
 10 of --

11 **A.** Yes.

12 **Q.** I won't say which aspect because that would give the
 13 game away.

14 **A.** That's correct, yeah.

15 **Q.** And that particular person said "the set-up [in
 16 Number 10] is too mad to touch"?

17 **A.** Yes.

18 **Q.** And he wouldn't or she wouldn't come and join.

19 **A.** Correct.

20 **Q.** And you yourself say:

21 "Good people [were] being put off ... because it is
 22 such a rat's nest."

23 **A.** Yeah, that's all correct.

24 **Q.** This is the permanent secretary in Number 10 describing
 25 his own organisation as a "rat's nest"?

51

1 **Q.** As the head of the Civil Service, ultimately, and as
 2 Cabinet Secretary, you noted in --

3 **A.** Yeah.

4 **Q.** -- WhatsApp messages with her and others that there was
 5 an actual culture of fear --

6 **A.** Yeah, there was.

7 **Q.** -- that people wouldn't speak up in meetings because
 8 they were concerned about his potential response. You
 9 yourself described individuals, and you were obviously
 10 referring to him, as "these people round the
 11 Prime Minister", "these animals in Number 10"?

12 **A.** Feral, I think.

13 **Q.** Feral.

14 **A.** I actually think --

15 **Q.** You referred directly to the practical consequences,
 16 which is that people wouldn't speak when they were
 17 obliged to speak, and people wouldn't come and work in
 18 Downing Street despite being approached?

19 **A.** Yeah, so that's all true. I think the really difficult
 20 thing was that in particular there were very bad
 21 relationships between Mr Cummings, Lord Lister, who
 22 you've heard from, Martin Reynolds, and
 23 Stuart Glassborow. Those were all the people who
 24 actually sat, by and large, outside the Prime Minister's
 25 office, directly. You know, sort of the desks outside

50

1 **A.** Yeah.

2 **Q.** And one which is putting off able people joining you who
 3 were required to join on account of the pandemic?

4 **A.** That's correct.

5 **Q.** Right.

6 **A.** It took -- I mean, we did get very good people to come
 7 into the Covid Taskforce, but it sort of -- that ended
 8 up being quite a separate entity, with its own sort of
 9 culture and ways of working, from the rest of Number 10.

10 **Q.** Another thread is cabinet governance.

11 On INQ000303253, page 9, on 10 May at 9.43.29, so in
 12 the middle of the page, Helen MacNamara says:

13 "[The Prime Minister] doesn't believe in cabinet
 14 [government] and departments, neither does
 15 [Dominic Cummings]."

16 That may have been putting it too high, and
 17 obviously everyone will bear in mind what you've said
 18 about the frank but, perhaps, unfortunate phraseology of
 19 WhatsApps, but were you concerned that, as
 20 Helen MacNamara told her Ladyship, cabinet governance
 21 was being circumvented and that the cabinet itself was
 22 not being given -- and I'm quoting from her statement --
 23 the full scientific picture or able to properly be part
 24 of accountable decision-making?

25 **A.** Yeah. This issue around the way cabinet is treated is

52

1 not unique to this problem. Look at the Chilcot report
2 around Iraq and many others around cabinet government
3 not being the way it's described by the ideals of
4 Hennessy and Jennings and people like this, and that
5 sort of thing. It's not been like that for quite a long
6 time. I think -- but we did take steps to fix this.

7 So there was a particular issue, I think, around
8 cabinet not being talked through the decisions, not
9 being given access to the data, that we fixed by making
10 sure there were regular weekly sessions with Chris and
11 Patrick and the data team, to try to fix this. So, yes,
12 I was concerned and we took steps.

13 **Q.** Meetings between whom? Cabinet and Sir Chris Whitty --

14 **A.** Correct.

15 **Q.** -- and Sir Patrick Vallance?

16 **A.** We would do -- I think it was weekly we did data
17 sessions with them, so that they and our data people
18 could talk cabinet through what was happening.
19 Basically talk -- a dashboard session for the cabinet
20 so -- and they could ask all the questions they wanted
21 about what was going on, the science, the latest
22 position.

23 **Q.** But in terms of accountable decision-making, is it not
24 the position that, even by the time of the second
25 lockdown, and the third lockdown in January, that the

53

1 diversity as it had, was sidelined to some degree and,
2 at the same time, within the Cabinet Office and
3 Number 10 there was a lack of diversity. There are
4 references to --

5 **A.** Yeah.

6 **Q.** -- obviously a lack of -- well, remarkable absence of
7 women --

8 **A.** Yes.

9 **Q.** -- in Number 10 and the Cabinet Office, the invisibility
10 of children, the invisibility of the position of ethnic
11 minorities, and vulnerable groups, and those in poverty
12 stricken areas. So there was no real means by which
13 diversity of view was being channelled into the ultimate
14 decision-making body, the Prime Minister, and the two or
15 three people around him?

16 **A.** There was -- there was diversity of view in some
17 regards. I don't think there was the sort of full
18 diversity that you're describing, I can tell you that
19 not everybody in the room agreed all the time, that
20 certainly would be an incorrect description of what was
21 going on --

22 **Q.** I'm sure there was no unanimity of opinion on every
23 topic.

24 **A.** Yeah, I can -- I'm sure we'll come on to those as well.

25 The -- but we did -- we made, certainly in relation to

55

1 core decision -- core decision-making was taking place
2 in Number 10 still by the Prime Minister and
3 particularly by Covid-O --

4 **A.** Yeah.

5 **Q.** -- and cabinet was, to a certain extent, brought into
6 the decision-making loop generally only after Covid-S --
7 sorry, Covid-O had made the ultimate decision?

8 **A.** Yep, I mean, that's correct. The decisions were taken
9 in Covid-S or Covid-O. Which they were entitled to do.
10 They have the status of -- they had the status of full
11 cabinet committees, so that is cabinet responsibility
12 for decision-making delegated to those cabinet -- so
13 there's nothing, there might be something in terms of
14 the diversity of views, et cetera.

15 **Q.** Yes.

16 **A.** But it is procedurally perfectly normal for cabinet
17 committees to take decisions. What was unusual was that
18 those cabinet committee decisions were then actually
19 taken to cabinet. It was more, I would say, cabinet
20 discussed the decision that had been taken, people
21 raised points, sometimes changed things at the margins,
22 but that's how it worked.

23 **Q.** So, and you've just referred to it, the absence of
24 diversity. You and Helen MacNamara and others were
25 concerned that, on the one hand, cabinet, with such

54

1 the Civil Service, made very deliberate steps to try to
2 address this. So in the senior leadership of the
3 Covid Taskforce, you know, we were -- tried to make sure
4 we had sort of 50/50 on gender balance.

5 But actually that's important -- there was also the
6 issue of the breadth of experience. So one of the
7 things when we set up the Covid Taskforce that I wanted
8 to do was make sure we brought in people from government
9 departments or other places where they'd actually been
10 working in the real world on things -- so, for example,
11 Kate Josephs, who came in came from the education
12 system, Kathy Hall, who came in and worked in
13 NHS trusts -- to make sure that sitting around the table
14 with the Prime Minister we had people who were much
15 closer -- who'd had real, much closer exposure and
16 experience of real world decision-making and the effects
17 on public services.

18 **Q.** INQ000303253, page 16, 19 May, at the bottom of the
19 page.

20 So, page 16 of this document, Helen MacNamara said
21 to you --

22 **A.** Yeah.

23 **Q.** -- "This has been the most actively sexist environment I
24 have ever worked in."

25 **A.** Yes.

56

- 1 **Q.** It is plain, and we needn't go into the detail of it,
2 that your predecessor, Mark Sedwill, was -- well,
3 essentially came to be forced to agree to leave the post
4 of Cabinet Secretary, although he didn't actually leave
5 until September, and it's plain that Mr Johnson, at the
6 behest of Mr Cummings, drove through those -- that
7 change.
- 8 But other than in relation to the prospective
9 departure of the Cabinet Secretary, what other major
10 personnel changes were made in Downing Street to address
11 these issues of lack of diversity, sexism, the toxicity
12 of the atmosphere that Helen MacNamara referred to?
- 13 **A.** In --
- 14 **Q.** So what actually was done?
- 15 **A.** So inside Downing Street I'm not sure I can give you the
16 sort of the full run -- I can give you the run on Covid,
17 which goes on to sort of what I've said, is that we, on
18 a number of different fronts, tried to diversify the --
19 sorry, that's a terrible way to describe recruiting
20 people from a range of different backgrounds, but we
21 actually, as I've just said, tried to bring in people
22 with different perspectives into the senior leadership
23 of the Civil Service team working on Covid.
- 24 **Q.** Who were the major, who were the --
- 25 **A.** Kathy Hall, Kate Josephs, that I just mentioned --

57

- 1 **Q.** -- and you had endlessly debated?
- 2 **A.** I think that's right and I think that, you know, the
3 former Prime Minister acknowledged that himself in his
4 own evidence. I don't think it was until November and
5 Mr Cummings' departure that the set of changes to the
6 political team happened, if I remember correctly.
- 7 **Q.** Turning to a different topic, and reverting back to the
8 issue of the MIGs. So the ministerial implementation
9 groups met -- well, at least the general public services
10 ministerial implementation group, of which you were
11 a part, met for the last time in May, on 21 May, and on
12 22 May you were appointed as the permanent secretary,
13 and therefore you left your role as the senior
14 responsible officer --
- 15 **A.** Correct.
- 16 **Q.** -- the SRO, to use other terminology, on the GPS, the
17 general public services, MIG, ministerial implementation
18 group. And the MIGs were then disbanded and replaced by
19 Covid-S and Covid-O.
- 20 You yourself had raised the issue of domestic
21 abuse --
- 22 **A.** Yeah.
- 23 **Q.** -- to women and girls and how they were an important
24 group who needed to be protected and to have their
25 interests safeguarded. When the GPSMIG was disbanded,

59

- 1 **Q.** Right.
- 2 **A.** -- who came in as leaders of the Covid Taskforce
3 alongside Simon Ridley, who you've heard from.
- 4 **Q.** Putting aside the Covid Taskforce, which was a new body
5 which was instituted in order to --
- 6 **A.** Yes.
- 7 **Q.** -- address some of the structural problems which you've
8 identified, what major personnel changes were there
9 within Number 10?
- 10 **A.** I don't think the major changes in personnel in
11 Number 10 changed until November/December 2020, and
12 January 2021, when the Prime Minister changed the top of
13 his political team. Lord Lister left and he brought in
14 a different set of special advisers and made sure that
15 there were more women at the top of, I think, his senior
16 political team.
- 17 **Q.** And Mr Cummings had, of course, himself left in --
- 18 **A.** Oh, he'd left in November, mid-November.
- 19 **Q.** Other than that, and those changes were brought about,
20 of course, almost a year later or a year after the
21 dawning of the crisis, there were no real political
22 changes, were there, in Downing Street during that
23 summer and autumn, and notwithstanding the very serious
24 issues that Helen MacNamara --
- 25 **A.** I think that's right.

58

- 1 do you happen to know who took over your role as the
2 SRO --
- 3 **A.** Yeah.
- 4 **Q.** -- for that particular group?
- 5 **A.** I don't, I cannot remember the name ...
- 6 **Q.** Was it somebody on Covid-O or S? Because there were no
7 MIGs thereafter.
- 8 **A.** No, it was somebody who went -- who -- I think there may
9 be a period where it was effectively my deputy from the
10 non-shielded vulnerable programme, an excellent official
11 called Kay Withers took it. I think there was a month
12 or so when it was sort of operating directly to
13 Michael Gove as the lead minister, but then after that
14 point, if I remember correctly, they then -- that became
15 a sub-unit under Simon Ridley in the Covid Taskforce.
- 16 **Q.** With other vulnerable groups or --
- 17 **A.** Yes, with other -- all of that, the set of groupings
18 that we -- that were in that presentation we had was
19 covered by, I think, that team in the Covid Taskforce.
- 20 **Q.** The minutes of Covid-O and Covid-S show that domestic
21 abuse was never -- was very rarely, if at all, discussed
22 in the format of those committees. Are we therefore to
23 take it that it was confined to the Covid Taskforce,
24 which of course didn't really get up and going in the
25 autumn?

60

1 **A.** Sorry if I'm disagreeing with your point. My
 2 recollection is actually they were -- they did come up
 3 in Covid-S meetings, because the Home Secretary in
 4 particular, then Priti Patel, I remember raising it,
 5 I may be thinking of cabinet perhaps, but I know that it
 6 was something she raised regularly in ministerial fora.

7 **Q.** All right. In the summer of 2020 the Covid Taskforce
 8 which had just started or just commenced established
 9 a project on disproportionately impacted groups and
 10 there was a small team -- and I'm using the words in
 11 fact from Simon Ridley's statement -- created in the
 12 taskforce to lead on disproportionately impacted groups.

13 You may not be able to remember, but if the needs of
 14 vulnerable groups were being addressed by Covid-S and
 15 Covid-O and by the centre of government, why was it
 16 necessary to have to institute another or a new small
 17 team in the taskforce to deal with such matters?

18 **A.** I think this is to do with the way -- I mean, this is
 19 about how you divide up labour and organise things, so
 20 they would -- that's probably a good example -- they sat
 21 in the Covid Taskforce making sure -- working with the
 22 rest of government, government departments --
 23 Covid Taskforce wasn't responsible for the delivery of
 24 all of these things, they would co-ordinate with
 25 departments and they'd make sure that -- across all the

61

1 equivalent during Brexit, it takes a while for Covid-O
 2 and Covid-S to start. We had the MIGs --

3 **A.** Yeah.

4 **LADY HALLETT:** Why is there no structure that, as it were,
 5 immediately steps into action when you have a national
 6 civil emergency?

7 **A.** Well, I think, a rather good recommendation,
 8 potentially.

9 I think -- I think it is because, sort of, the COBR
 10 system, in relation to certainly, sort of, domestic
 11 crises, sort of developed from the 1970s onwards, and
 12 the sense was: we manage crises through COBR. The
 13 problem had always been with COBR is that it's very
 14 effective in certain circumstances, on the day of
 15 a terrorist attack, you know, serious flooding, those
 16 sorts of things -- we've actually for a long time had
 17 this problem about how you deal, as the -- sort of, the
 18 specialists call it, once you've gone from the acute to
 19 the chronic. And there hasn't been such a strong
 20 tradition. And actually that is where I think, as you,
 21 sort of, said, the S and the O model, originally XS and
 22 XO, Covid as Covid-O, is now -- I believe that's,
 23 sort of, now in the DNA of Whitehall about how you deal
 24 with these major issues.

25 **LADY HALLETT:** Thank you.

63

1 work of the Covid Taskforce, they would make sure those
 2 issues were properly represented.

3 So I think, if I remember correctly, there were two,
 4 maybe three Covid-O meetings specifically on those
 5 groups. In Covid-S papers and maybe Covid-O papers,
 6 they -- and sort of -- and advice to the Prime Minister,
 7 it was making sure that those issues were raised there.
 8 So I think that's what that team was doing, if
 9 I remember correctly.

10 **Q.** All right.

11 Now may we turn to the question of the devolved
 12 administrations?

13 **A.** Yes.

14 **LADY HALLETT:** Just before you do, could I ask a question,
 15 Dr Case: the O and S systems -- sorry, I'm going to call
 16 them --

17 **A.** Yes.

18 **LADY HALLETT:** -- had operated during
 19 Operation Yellowhammer, during the Brexit arrangements.
 20 I would have expected that if you had a national civil
 21 emergency there would be structures in place so they
 22 swept into action. So COBR comes into action when
 23 there's an emergency.

24 **A.** Yes.

25 **LADY HALLETT:** But having used Covid-O and Covid-S or the

62

1 **A.** But, you know, a firm recommendation wouldn't be amiss.

2 **MR KEITH:** I think my Lady will have had in mind that the
 3 evidence from at least a couple of witnesses who
 4 observed that COBR is particularly good for dealing with
 5 immediate single-event crises --

6 **A.** Yeah.

7 **Q.** -- rather than the sort of crisis which might envelop
 8 a whole country?

9 **A.** Exactly right. I think -- maybe it's not in this
 10 module, might be in the first module, very experienced
 11 Bruce Mann, who was one of the original, sort of --
 12 I mean one of the brains behind CCS, I think was always
 13 pretty clear about this failure to -- you know, our
 14 inability to think beyond the initial crisis.

15 And I think, you know, certainly for as long as I'd
 16 have this job, I will be certainly recommending to
 17 whoever the Prime Minister may be that that XS/XO model
 18 is a good way of managing that breadth of business,
 19 alongside a taskforce.

20 However, the thing that we need to tackle through
 21 that is exactly this question about the diversity of
 22 thought. The problem with XS -- sorry, Covid-S in
 23 particular is they're small meetings, they don't usually
 24 have that many ministers there, usually because you are
 25 talking about really sensitive, difficult issues, so you

64

1 actually -- most prime ministers in the end prefer
 2 smaller meetings on the really difficult decisions.
 3 The thing we have to crack is how we get the
 4 diversity of thought into a -- you know, into that
 5 space. So I think, as I say, I would continue to
 6 recommend Covid-S Covid-O style models, but I don't yet
 7 personally have the answer, and perhaps my Lady does,
 8 about how we balance that need for the small meeting, to
 9 do the really difficult stuff that prime ministers need
 10 to do, with the funnelling mechanism to make sure around
 11 that table you've got all of the views that you need.

12 Some of that you can do through the paperwork and
 13 through a taskforce and make sure you've got right teams
 14 making sure the issues are fed through, and maybe that
 15 is -- maybe that's the answer that we have to stick to,
 16 but in my view it needs more thought, and I'm sorry
 17 I can't offer a more concrete answer.

18 **Q.** Document INQ000183934 is your -- well, it's a document
 19 responding to your report with Helen MacNamara of
 20 26 May 2020 concerning cabinet committees.

21 **A.** Oh, yes. I remember this handwriting.

22 **Q.** Yes. That is -- well, perhaps you would confirm whose
 23 handwriting it is?

24 **A.** Oh, that is definitely Boris Johnson's handwriting. It
 25 took me a while to learn how to decipher it.

65

1 **A.** Absolutely right.

2 **Q.** Because power drained towards or was dragged towards
 3 Covid-S and Covid-O.

4 "There needs to be a mechanism [you recognise] to
 5 discuss on a four nation approach ... you could convene
 6 a Joint Ministerial Committee meeting when needed
 7 instead. COBR would stop meeting on Covid, unless we
 8 re-entered a crisis situation. It will be important for
 9 Ministers to continue to engage with the city Mayors ...
 10 Do you agree to use the JMC to manage conversations with
 11 the [devolved administrations]? And only use COBR if we
 12 re-enter a crisis situation?"

13 Now, he didn't in fact annotate the document to say
 14 yes or no, as he had done at the top of the page, and in
 15 his comments on the box return, on the front page, he
 16 said nothing about the relationship with the DAs or the
 17 structure.

18 The reality proved to be, did it not, that COBR
 19 stopped, effectively, sitting, the MIGs ended, the JMC
 20 was never, if ever --

21 **A.** I don't think --

22 **Q.** -- convened --

23 **A.** I don't know it was ever convened on Covid.

24 **Q.** -- and the structural relationship or the mechanism for
 25 dealing with the DAs in the face of a pan-United Kingdom

67

1 **Q.** And we can see --

2 **A.** Don't know whether I've lost the knack.

3 **Q.** We can see, right at the bottom of the page, it says:

4 "Simon C [that's you, Simon Case] to hold pen [and]
 5 draw up ..."

6 Because the then Prime Minister was asking for
 7 proposals in response to a document which had --

8 **A.** Yeah.

9 **Q.** -- proposed standing down the MIGs, as you've said, and
 10 establishing Covid-O and Covid-S.

11 But I want to ask you, please, page 3 --

12 **A.** Yeah.

13 **Q.** -- about what was to be done with the devolved
 14 nations --

15 **A.** Yes.

16 **Q.** -- or the devolved administrations.

17 At paragraph 6 you said this:

18 "... the [devolved administrations] have been
 19 involved in decision making through the MIGs and in
 20 COBR."

21 Pausing there, Dr Case, the MIGs were being stood
 22 down, COBR convened less and less?

23 **A.** Correct.

24 **Q.** And indeed from May onwards it convened very few times
 25 indeed?

66

1 crisis, which affected them of course no less --

2 **A.** Correct.

3 **Q.** -- than London, was not put into place or if it was it
 4 just didn't happen?

5 **A.** That's absolutely right.

6 **Q.** How was that ball dropped?

7 **A.** I think, as I say ... as you say, because the
 8 Prime Minister didn't annotate this and I just don't
 9 have a clear memory, I'm sort of trying to piece it back
 10 together. I think as the Prime Minister said, in either
 11 his own written evidence or oral evidence -- former
 12 Prime Minister, sorry, Mr Johnson -- said he actually
 13 had a real aversion to sitting around a table, sort of,
 14 with First Ministers, I think he said like some -- "Like
 15 we're some form of the EU" or something like that.

16 **Q.** He said:

17 "... as though the United Kingdom were a kind of
 18 mini EU of four nations and we were meeting as
 19 a 'council' in a federal structure."

20 **A.** Yeah, so, you know, he had a real aversion to it. He
 21 delegated it very much to Michael Gove, as Chancellor of
 22 the Duchy of Lancaster, so I remember asking that --
 23 I think it was in June -- well, it's in the documents,
 24 I think it was June -- that Michael Gove would chair
 25 regular meetings. I think, in fact, they didn't -- they

68

1 didn't start happening until September or October time,
2 I think --

3 **Q.** That's correct.

4 **A.** -- you already heard that in evidence.

5 Matt Hancock, as the Health Secretary, I think did
6 still keep having regular contact with the health
7 ministers. Chris Whitty did the four CMOs, the
8 four nation CMOs, which I think was a real engine room
9 for us. And there were others, such as Sue Gray, who
10 was then our permanent secretary -- I'm thinking about
11 union matters -- ran weekly meetings. It's absolutely
12 correct that at the First Minister level the
13 Prime Minister and First Ministers only got together in
14 those COBRs that were called before the big new crisis
15 moment, so the second lockdown, for example.

16 So I think it's a combination -- I think it's
17 politics and personality.

18 **Q.** Let me ask you: it's obvious that no structure was put
19 in place to replace the regular meetings of COBR, which
20 had allowed the DAs full participation. The JMC never
21 convened and the Gove calls didn't start, as you say,
22 until September/October. At the highest political
23 level, there was no mechanism by which the
24 United Kingdom and its four constituent nations could
25 confer. Was that because you appreciated that the

69

1 Recovery Council to coordinate the response to the
2 crisis, along the same lines as the National Economic
3 Council responded to the financial crisis.

4 "Do you want to see further advice and discuss this
5 with the Chancellor?"

6 Did somebody else intervene in this process of
7 seeking the Prime Minister's views and express their own
8 views, rather peremptorily?

9 **A.** That's how I read that. So I think the front page of
10 this document, if I remember correctly, of this box
11 return, there's a handwritten scribble from Dom --

12 **Q.** Yes.

13 **A.** -- that says "I've handwritten some thoughts on this".

14 **Q.** Hm.

15 **A.** You know, so I'm assuming the actual -- this is the
16 actual version that the Prime Minister saw.

17 **Q.** Yes?

18 **A.** And I assume "NO! Dom" is -- is that -- that's him
19 saying no, yeah.

20 **Q.** If we go back to page 1, please, we see the top --

21 **A.** Oh, sorry, that might be page 1 of the note rather than
22 the --

23 **Q.** Page 2, top right-hand corner, yes:

24 "I've scribbled in annexes... Dom."

25 So then going back to that page, page 4, was it

71

1 Prime Minister just did not want it to take place

2 because he believed, as you've said, it was optically
3 wrong?

4 **A.** I -- that's my memory of the sense of the time, and

5 I think that's also what he said. I mean, one of --

6 sorry, there's another thing I should have said.

7 I remember writing to Matt Hancock, Rishi Sunak as

8 Chancellor, and Michael Gove on the formation of Covid-S

9 and Covid-O, and I think I wrote in that letter the

10 expectation was that the devolved administrations --

11 I don't think I used the language "by default", it

12 should be more often than not that they were invited to

13 Covid-Os. I haven't done the maths to see how often

14 they were invited but I don't think it was as often as

15 was intended either.

16 **Q.** Yes, you did indeed say that, and the reality was, in

17 fact, they didn't attend all the Covid-Os, and they

18 didn't attend the Covid-Ss at all.

19 **A.** No, they didn't, definitely didn't attend the Covid-Ss,

20 yeah.

21 **Q.** Could we look, please, at page 4.

22 There is a rather remarkable paragraph, paragraph 8,

23 where you and Helen MacNamara suggest to your own

24 Prime Minister that he might want to discuss with the

25 Chancellor whether he wanted to establish an Economic

70

1 usual for a special political adviser, however eminent
2 and powerful, to reject a serious policy proposal being
3 advanced to the Prime Minister in this way?

4 **A.** Oh, I mean -- I mean, yes. I mean, if you go -- I mean,

5 look at the papers being released at the moment from the

6 Tony Blair era, you've got, you know, Jonathan Powell,

7 who was a political adviser, chief of staff, writing

8 things on notes. The thing that I think matters,

9 importantly, and constitutionally, is that, you know,

10 this is the advice from senior officials. What hasn't

11 happened here is he hasn't taken it out and said

12 "I don't want the Prime Minister to see Civil Service

13 advice"; it's just that, you know, as is quite normal,

14 the special adviser has given their own perspective on

15 the advice. You know, that's actually normal.

16 **Q.** Could we have, please, INQ000265763.

17 It's a message chain between yourself and

18 Michael Gove.

19 **A.** Yeah.

20 **Q.** On page 2, which is 7 September 2020 --

21 **A.** Yes.

22 **Q.** -- at 15.21.55 --

23 **A.** Yeah. It was --

24 **Q.** I think --

25 **A.** -- the bottom one, the "daft" -- "daft ... question" --

72

1 Q. Oh, yes, thank you very much. Yes, very good, Dr Case.
 2 Mr Gove in fact told my Lady about this exchange and
 3 was asked about the "daft laddie question", but to
 4 remind ourselves, he says:
 5 "... is the [Prime Minister's] day structured in the
 6 way you would want to enable all the decisions that need
 7 to be taken are taken in a timely way? Are the right
 8 people in the room in every meeting to drive progress?
 9 Are the right people excluded? And are the right
 10 [cross-Whitehall] arrangements in place to ensure early,
 11 rapid, rigorous implementation of those decisions
 12 without falling over each other?"
 13 I'm sure you will say immediately, Dr Case, that
 14 this wasn't the complete answer, but you said:
 15 "The answer to all of these questions is no!"
 16 On one view, it is a very worrying feature that even
 17 by September of 2020 you were unable to answer the
 18 question "Are the right cross-Whitehall arrangements in
 19 place?" with a yes.
 20 A. Yeah. I think this is the day or the day before
 21 I become Cabinet Secretary, which I think is why Mr Gove
 22 was posing the question at this point. My remit had
 23 obviously gone -- was now significantly beyond Covid, so
 24 I don't think this is actually just about Covid, this is
 25 on the eve of becoming Cabinet Secretary. And the

73

1 than there was under Mr Johnson.
 2 Q. Dr Case, you had had -- you corporately, the
 3 government -- nine months --
 4 A. Yeah.
 5 Q. -- to get cross-Whitehall arrangements in place. And
 6 this isn't a reference, is it, just to the particular
 7 form, format or characteristics of a Johnsonian sofa
 8 government. This is a reference to the structural
 9 arrangements across Whitehall.
 10 But you were unable to say that the right
 11 arrangements were in place, even then?
 12 A. Well, as I'm sure you'll go on to, I mean, that's right,
 13 and I don't -- you know, I -- your -- the way you put
 14 it, it's correct. It was very difficult to get
 15 structured ways of working during this time. Incredibly
 16 difficult.
 17 Q. During as long as the first nine months of this crisis?
 18 A. Yes. There were -- things were better, I can tell you
 19 that. I think, you know, during the summer, Covid-S
 20 Covid-O -- I mean, I'm limiting to Covid, as I know it's
 21 your main interest -- Covid-S, Covid-O, Covid Taskforce
 22 I think brought much more structure to Covid
 23 decision-taking, and I think other witnesses have,
 24 sort of, backed that up from outside, not to -- not me,
 25 sort of, singing to my own tune. It -- you know,

75

1 answer was no.
 2 And, I mean, I'd worked in, you know,
 3 Downing Street -- I mean, you know, for David Cameron
 4 and Theresa May. They took their decisions in
 5 a different way, they set up their structures in
 6 a different way. I've obviously since been
 7 Cabinet Secretary to Liz Truss and now Rishi Sunak. No
 8 two prime ministers do it in the same way -- that fits
 9 their character and style of working.
 10 The, I don't think we really ever got to this place
 11 with Mr Johnson. I think we made, sort of, progress,
 12 I think -- I mean, particularly in relation to Covid
 13 through, sort of, 2021 -- late 2020/2021, we were
 14 getting into sort of a regular pattern. But it was --
 15 you know, it was a tussle to get, in my view, the right
 16 people in the room when I first started. I think,
 17 you know, there's material where I'm saying "We've got
 18 to get Matt Hancock into the room, he's the
 19 Health Secretary, he needs to be there at these
 20 discussions", and others are saying, "Well, we don't
 21 want him there", for X or Y reason, which I imagine
 22 we'll come on to. But, you know, it was a challenge to
 23 get the order -- as I say, other prime ministers, even
 24 though they do things differently and there had been
 25 debate in those things, they -- there was more structure

74

1 I think our critical partners across Treasury, the
 2 health system, what have you, thought our dashboard
 3 structure, Covid-S, Covid-O, taskforce, made things
 4 better.
 5 But I think this is much more broad, about all of
 6 government, as I say, because I think this is the eve of
 7 becoming Cabinet Secretary, and it took us a long time
 8 to get the right rhythm and structures across other
 9 areas of government too.
 10 Q. Getting it right and getting the structures in place
 11 were what government was meant to do.
 12 A. Yeah.
 13 Q. That is your job, it was your primary function?
 14 A. Yeah, I was Cabinet Secretary and, as you can see, and
 15 I think you will see elsewhere, I'd set about trying to
 16 fix it. I'd tried to fix it in relation to Covid when
 17 I got the job of co-ordinating the Covid response as
 18 permanent secretary in Number 10. I think as you can
 19 see on the non-shielded vulnerable work, I tried to
 20 sort of bring it all together. This was what I was
 21 trying to do, was -- you know, this is at the heart of
 22 the job of the Civil Service, is we -- you know, we've
 23 got to create reliable structures. We have to work with
 24 the personalities we've got. Our job is to keep the
 25 government going as best we can and, you know, adapt to

76

1 the personalities around us and try to make it work.
 2 That's our job. But it, you know, sadly it doesn't
 3 always turn up on day one, it takes time to build.
 4 **Q.** The absence of those structures represented a serious
 5 failure of governance for those long months between
 6 February 2020 and the autumn?
 7 **A.** I'd say, as I said, things improved but even now --
 8 you know, even at the end, not perfect.
 9 **Q.** Can we now look at another feature of the system at the
 10 highest level of government, namely the bilaterals
 11 between the Prime Minister --
 12 **A.** Yeah.
 13 **Q.** -- and the Chancellor.
 14 Could you just explain very briefly what
 15 Prime Ministerial and Chancellor bilats are, Dr Case.
 16 **A.** Yeah. Usually weekly meetings between the
 17 Prime Minister and the Chancellor. Generally they would
 18 be -- the attendance varies depending on the particular
 19 personalities. I think in -- during the Blair/Brown
 20 era, very few other people attended those meetings.
 21 During the Johnson/Sunak era, generally they would have
 22 been attended by private secretaries, principal private
 23 secretaries to both Prime Minister and Chancellor, and
 24 probably, you know, a senior special adviser each. And
 25 sometimes Cabinet Secretary or other senior officials

77

1 the Chancellor an unfair advantage over other elements
 2 of Covid decision-making because -- sorry, I --
 3 sort of -- I may be anticipating incorrectly the --
 4 sort of the thrust, but, I mean, the Prime Minister had
 5 a lot of time with, for example, you know, Chris and
 6 Patrick, you know, as it were, without the Chancellor
 7 there as well. Those -- in my recollection, Chris,
 8 Patrick and Rishi Sunak as Chancellor were the most
 9 important voices, you know, in -- for Boris Johnson
 10 in -- during Covid period that I saw.
 11 **Q.** Credit to you, Dr Case, you correctly anticipated what
 12 I was about to ask you.
 13 **A.** Yeah.
 14 **Q.** Because at the time, and we have obviously WhatsApps
 15 between yourself and Tom Shinner and Simon Ridley, and
 16 also WhatsApps between you and Boris Johnson --
 17 **A.** Yeah.
 18 **Q.** -- in June and October 2020. You express your concern
 19 that the bilateral process, and it may be thought to
 20 reflect quite well on the current Prime Minister, had
 21 become a forum at which the former Prime Minister was
 22 bounced or forced into a U-turn, or indeed, as you
 23 described it -- these are your own words:
 24 "It can't always be you agreeing with Rishi ..."
 25 **A.** I mean, one's the Prime Minister and one's the

79

1 would attend.
 2 **Q.** The obvious purpose of a bilateral is to provide
 3 an important forum at which the Chancellor can express
 4 his or her views to the Prime Minister?
 5 **A.** Yeah, I mean, the relationship between the first Lord of
 6 the Treasury and the second, ie the Prime Minister and
 7 the Treasury -- and the Chancellor, is --
 8 **Q.** Yes.?
 9 **A.** -- one of the most important relationships in government
 10 and can make or break a government.
 11 **Q.** The secret's in the wording, on the face of the tin,
 12 isn't it? The Prime Minister is the First Lord of the
 13 Treasury, and the Chancellor the --
 14 **A.** Literally that is the wording on the Prime Minister's
 15 letterbox on the door of Downing Street, Number 10.
 16 **Q.** Did that system of bilaterals, at which the
 17 Prime Minister was expected to listen to his Chancellor
 18 and thereafter to form his own view, work well in your
 19 opinion?
 20 **A.** Yes, I think they did. I think Mr Johnson and Mr Sunak,
 21 certainly through the sort of Covid period, I think had
 22 a good relationship. I didn't see all those meetings,
 23 I thought it was a pretty candid relationship, which is
 24 vital.

25 I don't think ... I don't think it sort of afforded

78

1 Chancellor. You know, in the end the Prime Minister is
 2 the -- you know, is the boss, and certainly in my
 3 experience Rishi Sunak was always very clear that that
 4 was the nature of the relationship.

5 I mean, it's no secret they were very different
 6 personalities, they took decisions in different ways,
 7 but they were -- they were good meetings, and it was
 8 good -- you know, it was a good relationship. It was
 9 a really important relationship.

10 I think, I mean, obviously it had been an important
 11 relationship for a while, but I'm struck, by going back,
 12 as far as preparation for this, reading the May 2020
 13 roadmap where the discussion -- the discussion of the
 14 economic consequences of lockdown start to appear in
 15 that May roadmap. And that discussion is the key
 16 thread. Balancing Covid health and outcomes against the
 17 economic consequences of lockdown is for me the sort of
 18 the key theme of the May unlocking and then ramp back up
 19 to the second lockdown.

20 **Q.** So important a relationship, Dr Case, that you were
 21 driven to WhatsApp your own Prime Minister to tell him
 22 that the relationship between him and his Chancellor was
 23 being operated in such a way that you had to advise him
 24 to stop agreeing all the time with his own Chancellor.

25 **A.** Yes, well, that -- yeah. That would be -- that would be

80

1 reasonable, because the Chancellor is -- the
 2 Chancellor's job, quite properly, is to put forward the
 3 economic case, the economic argument.
 4 Usually Chancellors are very senior political
 5 figures who've got a broader view than that, but that is
 6 at the core of the Chancellor's job. The
 7 Prime Minister's job is to balance that with a lot of
 8 other considerations. So I think that's me saying to
 9 the Prime Minister: you do the job of Prime Minister and
 10 he'll do the job of Chancellor.
 11 **Q.** But it was what he was not doing that you felt
 12 emboldened to write to him to say "You can't always bend
 13 to the will of the Chancellor, you are the
 14 Prime Minister"?
 15 **A.** Yes, I mean, just as you -- well, I mean, that statement
 16 of the blindingly obvious relationship between the two
 17 of them.
 18 **Q.** Well, yes.
 19 Just then dealing, finally, with, in this area, the
 20 Helen MacNamara report.
 21 **A.** Yeah.
 22 **Q.** We needn't go to it in detail. Helen MacNamara gave
 23 evidence before my Lady. Her review, to which you
 24 assisted --
 25 **A.** Yeah.

81

1 we've already covered -- they recommended: a change in
 2 leadership around Covid, which I did through the
 3 Covid Taskforce leadership; clarifying roles and
 4 responsibilities, basic stuff, we made sure across the
 5 Covid Taskforce -- you know, didn't do it on day one, it
 6 took us a few weeks but, you know, actually who was
 7 responsible for what and to whom were they responsible
 8 for; organisational resilience, which is one of the
 9 things that -- I mean, people -- I said it, you know,
 10 people were absolutely shattered, they'd been working
 11 seven days a week, all hours, they know they'd made
 12 mistakes, so we just did the simple things like make
 13 sure that proper rotas were in place so people weren't
 14 working all of the hours, we made sure that secondments
 15 were time limited, so people could roll in and roll out.
 16 There was -- one of the other things that I think was
 17 a real challenge, certainly, and I remember talking to
 18 this with Helen, and it came out of this review, or
 19 recommendations that I should do, is that in that first
 20 phase, before I joined -- strategy and, sort of,
 21 delivery or implementation are sort of awful words --
 22 again, I'm sorry, my Lady -- but, you know, thinking and
 23 doing were being all muddled up, and so, often, the
 24 urgent decisions were actually crowding out the
 25 long-term thinking. So we very deliberately set up in

83

1 **Q.** -- to a very large extent, revealed the toxic and
 2 misogynistic atmosphere in Number 10. And you'll
 3 recall, because you've said you've refreshed your memory
 4 on the evidence, her report referred to the "superhero
 5 bunfight" culture and the bad behaviour, showboating,
 6 belittling others, the macho culture and so on. And she
 7 said that the female perspective was being missed in
 8 advice and decision-making and so on.
 9 What did you do? How was that culture addressed,
 10 and did it dissipate?
 11 **A.** Er --
 12 **Q.** I should say, before you answer, my Lady heard evidence
 13 from Martin Reynolds who said that, even by the autumn,
 14 it remained an ongoing cultural issue --
 15 **A.** Yeah.
 16 **Q.** -- and your own statement has said, with the benefit of
 17 hindsight, it took too long to address this culture.
 18 **A.** Yep. Absolutely right. It did on -- sort of agree with
 19 the premise. I mean, in terms of what I did in relation
 20 to my direct responsibility, ie the Covid Taskforce, we
 21 actually had alongside that report, and I've submitted
 22 it as -- I've exhibited it as part of my statement, we
 23 actually had an external group give us recommendations
 24 about things that needed to change and how we should --
 25 how I should go about setting up the taskforce. So

82

1 the Covid Taskforce a split between, these are the
 2 people who are doing the long-term thinking and these
 3 are the people doing the delivery.
 4 And we talked already about getting the right
 5 balance of people, the right sort of experience in. So
 6 we did that. So that's what we did in the
 7 Covid Taskforce.
 8 I agree completely with Martin, in terms of
 9 Number 10, it was -- you know, it was autumn,
 10 you know -- well, winter, sort of early 2021, before it
 11 got there.
 12 But, you know, the ... Mr Johnson is somebody who --
 13 he admitted, I think, in his own evidence that he just
 14 didn't get the -- certainly didn't get the gender
 15 balance right for this. He's also somebody who sort of
 16 thrives on, as I said, the sort of competition, the
 17 debate playing out in front of them, and -- because
 18 that's how he took decisions. So that element of
 19 competition didn't -- that was how he ran his
 20 premiership.
 21 **Q.** Forgive me.
 22 **A.** Sorry.
 23 **Q.** My question was --
 24 **A.** Sorry.
 25 **Q.** -- directed at what was done in Number 10 about the

84

1 toxic, sexist, misogynistic culture, and you've answered
 2 by way of references to the changes in the working
 3 practices, the rotas, the hours, the institution of the
 4 Covid Taskforce, also what Mr Johnson himself referred
 5 to as the disputatious culture.

6 **A.** Yeah.

7 **Q.** What was done about the individuals who were directly
 8 contributing to that toxic --

9 **A.** Oh, sorry, yeah --

10 **Q.** -- macho, misogynistic and sexist atmosphere?

11 **A.** I'm sorry, I mean, as you can --

12 **Q.** Were they moved on or not?

13 **A.** Not -- I think not until later.

14 **Q.** Not ever, Dr Case.

15 **A.** No, I think some of them were -- I mean, by 2021 there
 16 had been a pretty wholesale change around the Number 10
 17 political team, I think.

18 **MR KEITH:** All right.
 19 My Lady, is that a convenient moment?

20 **LADY HALLETT:** Certainly. We'll break now for -- I shall be
 21 extremely generous and give you 12 minutes -- until
 22 12.20, and then we'll have a shorter stint before lunch.

23 **(12.08 pm)**

24 **(A short break)**

25 **(12.20 pm)**

85

1 individual teams, so officials, people like me, helping
 2 run the meetings, prepare the papers. I think it was
 3 divided. And so it was only -- the balancing act, as
 4 you're sort of talking about, was only done, really at
 5 the -- the structures before I joined Number 10 were
 6 a 9.15 meeting and that sort of thing. So I -- that's
 7 why I thought the Covid Taskforce/Covid-S particular
 8 thing was important was -- having a single team of
 9 officials who could synthesise the issues in papers that
 10 then went to Covid-S, Covid-O I thought was important.

11 **Q.** May her Ladyship infer from the fact that there was no
 12 real body for the debate, for the discussion of how
 13 these difficult competing interests, interests and
 14 issues, should be weighed up and balanced -- should she
 15 infer that, at the time of the lockdown in March 2020,
 16 there had been, in fact, no real debate about the
 17 economic and social consequences of a lockdown, there
 18 had been no real weighing up of these countervailing
 19 interests, because the reality of the crisis that faced
 20 the government was that in March 2020 it was the public
 21 health agenda, the absolute need just to prevent the NHS
 22 from collapsing and the need to bring the R rate down,
 23 that won the day?

24 **A.** I need to be careful here because I wasn't in those
 25 meetings, obviously, but I -- that's my reading as well.

87

1 **MR KEITH:** Your statement, Dr Case, makes plain that one of
 2 the aims of the putting in place of a central
 3 organisational design, as you called it, for the Covid
 4 response, that is to say a unitary body that could
 5 ultimately determine the broad direction of the
 6 government's response, was to ensure that there was
 7 a proper forum for the weighing up of the intensely
 8 difficult considerations that had to be considered. So,
 9 bluntly, a body in which the factors such as the -- the
 10 primary factors such as the public health need to
 11 impose, for example, a lockdown in order to get the
 12 R rate back down below 1, and the countervailing need to
 13 ensure that the country and its citizens were -- are not
 14 destroyed in the process.

15 **A.** Yeah.

16 **Q.** And it's obvious that the Covid Taskforce was enabled to
 17 start addressing those issues, as was, we can see,
 18 Covid-S.

19 To what extent had there been a forum before the
 20 Covid Taskforce was instituted for the weighing up the
 21 trade-offs in that balance?

22 **A.** I don't -- I'm not aware that there was one. I think it
 23 was one of the challenges in particular of the -- and
 24 I think it was four separate MIG structures. They
 25 almost siloed the things. And then I think supported by

86

1 **Q.** In the press, and in the public arena, due in part to
 2 the calls from those who might be described as
 3 anti-lockdown advocates, the calls from
 4 Professor Heneghan and others, there was a very lively,
 5 a very real, a very obvious, a highly polarised debate
 6 taking place about whether or not the public health
 7 demands of the crisis and the need for a lockdown should
 8 accede to and be outweighed by the need to avoid
 9 economic and societal damage.

10 **A.** Yeah.

11 **Q.** How could the government possibly have got itself in the
 12 position whereby that vital and necessary debate was not
 13 being properly addressed within its own organs, other
 14 than -- and obviously it was being discussed on a daily
 15 basis -- between you, the Prime Minister,
 16 the Chancellor, Sir Chris Whitty, Sir Patrick Vallance,
 17 and a small handful of officials in Number 10?

18 **A.** So I wasn't part of those discussions. I'd started
 19 to --

20 **Q.** I say "you" --

21 **A.** Sorry, okay, understood, the collective.

22 I think -- look, I mean, I certainly need to be very
 23 careful of this -- I mean, this is my assessment --
 24 because I don't have ... is that in relation to the
 25 first lockdown, the clear -- the danger presented by

88

1 Covid and the -- probably the lack of understanding
2 about the virus meant the imperative in the first
3 lockdown felt incredibly clear to those that were there.
4 I don't know, I wasn't there, I suspect there was a lot
5 more debate than my characterisation suggests. But
6 I think that would be my assessment, is that the thing,
7 the problem that we're fixing is clear and we must act.

8 I think that debate that you're describing, led
9 by -- you characterised it as sort of anti-lockdown --
10 that was absolutely at play during, I would say, July,
11 August, September, October 2020.

12 I think, oddly enough, because of the arrivals of
13 the vaccine, the decision around the third lockdown, in
14 early 2021, felt less difficult. We'd had the Alpha
15 variant, but by that stage we had vaccines that
16 worked -- again, the clarity of the decision-making was
17 of course the government didn't really want to have to
18 lock down again and, sort of -- the harms that we were
19 talking about. But the vaccines meant there was a route
20 out.

21 All the way through the autumn, late summer/autumn,
22 the Prime Minister and, I think, the Chancellor at the
23 time were looking for: what's the route out? And until
24 vaccines came along, that gave us the route out. There
25 was an end. But that middle period, that debate was

89

1 balances, those impacts were set out.

2 So I think if you look at the papers from -- I think
3 we had the first meeting of Covid-S on, I think it was,
4 June, June -- early June, all the way through in those
5 papers we are talking about the balance of Covid health,
6 non-Covid health, societal impact and economic impact.
7 And that's really what the taskforce was trying to do,
8 was bring all of those inputs together.

9 I think on, sort of, a super advisory body that
10 almost sits above SAGE -- I mean, in the end, the
11 question is: how many layers do you need before you
12 actually get to ministers who would take -- you know,
13 how many experts sitting on experts do you need before
14 you get to ministers? In the end they're the ones who
15 have to take the decisions.

16 I think there is an interesting question, that
17 I know you've addressed and I'll be quick on it, you
18 know, around this idea of the economic sort of SAGE
19 question --

20 **Q.** Can we come on to --

21 **A.** Sorry --

22 **Q.** -- that later.

23 **A.** Okay.

24 **Q.** That is a side issue.

25 **A.** All right.

91

1 really active and really difficult.

2 **Q.** Is there not, therefore, a very -- a powerful argument
3 that there should have been, and perhaps consideration
4 should have been given to, the setting up of an advisory
5 structure like SAGE, but SAGE of course is a scientific
6 advisory group dealing primarily with a particular
7 epidemiological and --

8 **A.** Yeah.

9 **Q.** Well, perhaps the quasi-medical side of things.

10 But a body that could have helped the Prime Minister
11 and senior politicians and Number 10 weigh up those
12 competing considerations, to assess, for example, what
13 any quality-adjusted life years assessment might come up
14 with; and I'll ask you a few questions about that in
15 a moment.

16 Why wasn't such a body thought about that could have
17 provided a proper, transparent, accountable structure
18 within the heart of government to do what was plainly
19 not being done in any sort of systemic and carefully
20 formulated way?

21 **A.** I think the establishment of the Covid Taskforce, as you
22 said in your opening earlier on, was an attempt to bring
23 together those imperatives, impacts, inputs and make
24 sure that in the material going then, by that stage, to
25 ministers in Covid-S or Covid-O, that that -- those

90

1 **Q.** On the societal and economic impacts --

2 **A.** Yeah.

3 **Q.** -- of a lockdown.

4 **A.** So that was coming in. I mean, that material was coming
5 in from the Treasury, I mean, really through the Office
6 of Budgetary Responsibility, who do all the forecasting,
7 the bank -- the Bank of England.

8 I think the weakness early on, certainly in my time,
9 was that the economic data and the forecasting was quite
10 static. It was sort of done quarter by quarter. By the
11 autumn, and certainly early 2021, the system of getting
12 data about what was happening on the transmission of the
13 virus, hospitalisation, intensive care, you know,
14 whatever, all to do with ... that system was built up to
15 give us quite a rich picture, a regional -- what was
16 happening. I don't think then we really had that quite
17 such rich picture from the economic side.

18 We've addressed this largely through changes that
19 we've made to how ONS collect data, the way the Bank of
20 England does, et cetera, now. But I think at that
21 point, what I remember on the economic -- on the daily
22 dashboard meetings is each day you'd come in the
23 dashboard meeting, the team would talk about the
24 highlights, and each day there would be something new to
25 say about Covid, because there would be daily data, the

92

1 ONS would give us their weekly survey. On the economic
2 data we didn't really have the same thing. We had
3 long-term quarter-by-quarter forecasts from the bank or
4 the OBR. We had some economic data, which had actually
5 come from the private sector, where -- they helped us
6 understand what footfall was at shopping centres once
7 they were re-opened, Transport for London were giving us
8 the data about the number of people using the transport
9 system. But it didn't feel as rich and as dynamic as
10 the Covid data did.

11 **Q.** Is that why you'll recall Ben Warner said in his
12 evidence that there was a paucity of economic data? It
13 wasn't that there was a shortage of data per se, it was
14 just that the data, economic data being received by
15 Number 10 was of a particular type and frequency?

16 **A.** Yeah, I think that's right.

17 **Q.** All right.

18 **A.** And apologies to Treasury colleagues if I've
19 mischaracterised it, but that is my memory.

20 **Q.** In the autumn the Prime Minister asked you whether or
21 not any sort of quality-adjusted life years --

22 **A.** Yeah.

23 **Q.** -- estimate had been done on the costs of lockdown.
24 And just pausing there --

25 **A.** Yes.

93

1 **Q.** -- necessary and a price worth paying or that it wasn't?

2 **A.** Yes. No. You're absolutely right. We actually had,
3 I think, two different goes at trying a sort of QALY --
4 as it's called -- approach. So actually I think the
5 first was in the summer, not long after I'd started in
6 the Covid Taskforce, because actually one of my
7 predecessors -- in fact you've heard from him --

8 **Q.** If I can interrupt you.

9 **A.** -- Lord O'Donnell --

10 **Q.** You said --

11 **A.** -- proposed --

12 **Q.** -- in fact, to the Prime Minister that you'd attempted
13 it in the summer but there'd been insufficient data or
14 evidence to do the assessment.

15 **A.** Yeah. So if I --

16 **Q.** May I ask: who did it?

17 **A.** We did it --

18 **Q.** Who did that assessment?

19 **A.** In the Covid Taskforce.

20 **Q.** But the Covid Taskforce wasn't operating, effectively,
21 until late May/June.

22 **A.** It was -- May, yeah. So it was -- when I set up the
23 Covid Taskforce in May, that's -- certainly the first
24 time I know we had a go was in that summer, and we'd
25 tried to do it inside the Covid Taskforce.

95

1 **Q.** -- the quality-adjusted life years measure or assessment
2 is a system by which, bluntly, a view can be reached as
3 to whether or not a lockdown is worth the candle in
4 terms of the damage that is undoubtedly done --

5 **A.** Yeah.

6 **Q.** -- and also whether or not, in the absence of
7 a lockdown, what the consequences will be in terms of
8 death and injury --

9 **A.** Yes.

10 **Q.** -- and whether or not, in the general scale of things,
11 and there's no easy way of putting it, that is a price
12 worth paying.

13 **A.** Yeah.

14 **Q.** It's a vital issue.

15 **A.** Yes.

16 **Q.** Because only by understanding the terrible consequences
17 of either route can you weigh them up.

18 **A.** Yeah.

19 **Q.** But there was no body, there was no system, there was no
20 committee, there was no structure in the summer and the
21 early autumn that was actually looking specifically at
22 whether or not any kind of scientific measure of
23 quality-adjusted life years would drive the conclusion
24 that either a lockdown was --

25 **A.** Yeah.

94

1 **Q.** Are we talking about one paper or a meeting, or what was
2 it?

3 **A.** Well, I think ... I think the team of analysts that we
4 had had a go. I think we had ... we had a couple of
5 meetings on it, but I don't think we ever took it to
6 ministers because it just simply wasn't advanced enough.

7 **Q.** In hindsight --

8 **A.** Yes.

9 **Q.** -- would you accept that that lack of analysis --

10 **A.** Yes.

11 **Q.** -- was critical?

12 **A.** Yeah, absolutely, and the thing about the QALY process,
13 as I understand it, in the health system today, it's
14 underpinned by a very sort of serious analytical
15 underpinning that's been built up over years. I think
16 it's done by NICE, if I remember correctly. And,
17 I'm sorry, I can't remember the -- to spell out the --
18 that ac -- that group. But there's a really -- it's
19 taken sort of years to develop it and it's a really
20 sophisticated system.

21 So a system like that in government actually that
22 works across would be a very interesting thing to
23 sort of set up. Because I -- it's very difficult to do
24 it in the moment. I think it would have to be a sort of
25 a system that was established and run through peacetime

96

1 so that it was valuable in wartime. Forgive the
 2 analogy, but ...
 3 **Q.** Can we just focus on the importance of the submission,
 4 Dr Case. In October, on 28 October, the Prime Minister
 5 himself --
 6 **A.** Yeah.
 7 **Q.** -- in his box return comments --
 8 **A.** Yeah. That's right, yeah.
 9 **Q.** -- on the front sheet of a report prepared for him by
 10 the Covid Taskforce, listed I think at least
 11 22 agonising points --
 12 **A.** Yes, he did, it was extraordinary, yeah.
 13 **Q.** -- in the face of having to make the decision as to
 14 whether or not there should be a second lockdown,
 15 two days before the lockdown was decided. And he
 16 exclaimed in the course of those -- in that
 17 cri de coeur --
 18 **A.** Yeah.
 19 **Q.** -- "If we carry on with this endless lockdown strategy,
 20 there must logically come a moment when the attempt to
 21 protect the population is MORE HARMFUL than the
 22 disease."
 23 This was two days before the second --
 24 **A.** Second lockdown, yeah.
 25 **Q.** -- national lockdown. There had been ample time for the

97

1 **A.** Yeah.
 2 **Q.** Right.
 3 **A.** It is not correct to say there were no attempts to
 4 articulate the economic, societal and non-Covid health
 5 consequences of lockdowns when you go through the papers
 6 all the way through July, August --
 7 **Q.** There was a general -- forgive me.
 8 **A.** -- September, October. There are general attempts to
 9 describe them but there was not a numerical model that
 10 was being done.
 11 I agree that would be a very sensible thing, a very
 12 good thing to have running. As I say, I think it
 13 actually is -- as I understand the system that supports
 14 it in the health world, it's a really sophisticated
 15 thing that would be -- I think it would be a very
 16 sensible thing to build and get going so that in future
 17 you're not having to do it then.
 18 **Q.** Dr Case, the generalists in the Civil Service and the
 19 politicians were only too aware of the price that would
 20 be paid by virtue of a lockdown or a second lockdown.
 21 It was obvious. Everybody in the entire country knew
 22 what the price would be for another lockdown in terms of
 23 economic and societal damage. But that wasn't the
 24 point. The point is there was no developed, scientific,
 25 advisory structure that could at least help to resolve

99

1 government -- as the press had been calling, as
 2 scientists in the public domain had been calling -- for
 3 this analysis to be carried out to help the
 4 Prime Minister decide which side of the awful lockdown
 5 debate he would ultimately fall --
 6 **A.** Yeah.
 7 **Q.** -- and it just wasn't done, was it?
 8 **A.** No, as I said, we had attempts at it but we could not --
 9 we could not make a system, generate a system that did
 10 it.
 11 Actually, by the way, I think, going back to
 12 an earlier point about the value of the
 13 Chancellor/Prime Minister bilateral, I think the
 14 Chancellor was really -- the then Chancellor, Mr Sunak,
 15 was very hot on this QALY approach, and I think that's
 16 an example of him raising questions with the
 17 Prime Minister that the Prime Minister's then
 18 articulating.
 19 **Q.** And obviously the Chancellor, wearing as he does
 20 a Treasury hat, was concerned to avoid the terrible
 21 economic consequences of a lockdown, and therefore
 22 promoted at every available opportunity the argument --
 23 **A.** Yeah.
 24 **Q.** -- don't lock down because any QALY assessment will show
 25 that the price you pay for a lockdown is just too great?

98

1 that conundrum?
 2 **A.** Correct.
 3 **Q.** And months passed, months and months, and then it wasn't
 4 until after the second lockdown was actually in place,
 5 on 2 November, in an email chat, a WhatsApp chat between
 6 Simon Ridley and a number of Number 10 officials, did he
 7 ask for SAGE to produce estimates and modelling on the
 8 non-Covid health and societal impacts of a lockdown.
 9 So it wasn't until after the second lockdown had
 10 even started that that call went out for assistance.
 11 **A.** Correct. Look, I agree with your whole thrust here.
 12 It's a thing that we must get -- we must fix in advance
 13 of any ... it won't just be pandemic, it would be
 14 valuable across other --
 15 **Q.** Indeed.
 16 **A.** -- other decisions that government has to take, and
 17 possibly not even just in crisis times.
 18 **Q.** Now I just want to ask you some specific questions about
 19 a handful of disparate and particular areas.
 20 Shortly before you became permanent secretary on
 21 20 May, the May 2020 roadmap was published, I think it
 22 was published on 13 --
 23 **A.** Yeah.
 24 **Q.** -- May. And it announced step 1. I apologise, it
 25 wasn't published on 13 May, I think step 1 was going to

100

1 take place on 13 May.

2 Shortly thereafter, there were some WhatsApp
3 messages between you and Mark Sedwill, in fact on
4 22 May, in which you refer to Mark Sedwill having
5 suggested that Sir Patrick Vallance and Sir Chris Whitty
6 be excluded from a meeting with the Prime Minister at
7 which the easing, the roadmap, was to be discussed. And
8 you said:

9 "Your call about not including Patrick and Chris was
10 genius -- it removed that dynamic."

11 In what way, Dr Case, was it sensible or advisable
12 to describe the government's own scientific and medical
13 advisers as being a "dynamic" who were required to be
14 removed from a meeting to discuss the lifting of
15 interventions?

16 **A.** Because the Prime Minister had already had many, many
17 discussions with Chris and Patrick about it, and
18 sometimes, to go back to trying to get decisions that
19 sort of worked and stuck with the Prime Minister, if --
20 if there were too many people in the room putting
21 forward competing views, it would be difficult to get to
22 a decision that would stick.

23 Actually what happened in that instance was the
24 Prime Minister had already agreed, I believe,
25 an approach with Chris and Patrick to the next steps,

101

1 Chancellor and the Prime Minister discussed that
2 package:

3 "... primary schools as planned, [Year 10 to 12]
4 limited; open up the outdoor economy ... all
5 non-essential retail ... from 15 June ..."

6 They were removed from the meeting to make it easier
7 to open up --

8 **A.** No.

9 **Q.** -- the roadmap, were they not?

10 **A.** No, that's the exact opposite of what I've just said,
11 Mr Keith. The Prime Minister had already agreed,
12 I believe, the proposed package with Chris and Patrick
13 in line, I think, if I remember -- I think, again,
14 I think I'm remembering this right, we'd pre-agreed the
15 right answer with the Prime Minister and Chris and
16 Patrick, and this was an exercise in making sure the
17 Chancellor was comfortable with it. I think -- I think
18 the dynamic that Mark and I are talking about was that
19 we thought this ought -- I think Mark -- Mark's view was
20 it's easier to get these things agreed with the
21 Chancellor, ie getting the Chancellor to agree with
22 something he may not -- might not like, if the
23 Prime Minister's proposing it rather than Chris and
24 Patrick are proposing it. I think that's the dynamic.

25 **Q.** On 5 June -- on 2 June and 5 June, in WhatsApp messages,

103

1 and quite straightforwardly then agreed that with the
2 Chancellor.

3 **Q.** Dr Case, how can you possibly describe the government's
4 own Chief Scientific Adviser and Chief Medical Officer
5 as being simply a competing view? They were
6 an absolutely essential part --

7 **A.** Yes.

8 **Q.** -- of the dynamic and debate --

9 **A.** Absolutely.

10 **Q.** -- because they were generally proponents for a public
11 health intervention?

12 **A.** Yeah.

13 **Q.** So to take them out of the equation, to take them out of
14 the audience with the Prime Minister, you're skewing the
15 advice being given to him and therefore the outcome?

16 **A.** I'm sorry, Mr Keith, I'm going to disagree with you
17 here, because, as I said, the Prime Minister had already
18 discussed these matters a great deal with Chris and
19 Patrick, and if anything, if I remember this meeting
20 correctly, it was about getting the Chancellor on board
21 with the proposals that Chris and Patrick had supported.
22 I think that's the dynamic.

23 **Q.** But then why was it necessary for you to praise
24 Mark Sedwill for suggesting that they be removed from
25 the meeting? That meeting was the meeting at which the

102

1 you referred respectively to you having a fairly big
2 bust-up with the Prime Minister:

3 "... I lost my rag with him over his flip-flopping."

4 **A.** Yeah.

5 **Q.** Then on 5 June:

6 "The Prime Minister has had a complete U-turn after
7 a meeting with the Chancellor."

8 **A.** Yeah.

9 **Q.** Was this not the position, that when the Prime Minister
10 spoke to the Chancellor, he ended up --

11 **A.** Yeah.

12 **Q.** -- believing that --

13 **A.** Yeah.

14 **Q.** -- the country had to be opened up as quickly as
15 possible in order to preserve its economy, and then when
16 he saw his Chief Scientific Adviser and Chief Medical
17 Officer, he backed and veered the other way? So the
18 Civil Service decided that the best way to resolve the
19 conundrum to prevent the flip-flopping was to remove
20 Sir Chris Whitty and Sir Patrick Vallance from the
21 equation and thereby allow the easing?

22 **A.** No, that is an incorrect characterisation of that. It's
23 certainly true that later that dynamic that you
24 described, you know, was much more of an issue, that --
25 you know, with Chris and Patrick, it was "Let's agree

104

1 this", and with the Chancellor, when it came up, you'd
 2 agree that. But in that particular instance you're
 3 talking about, the dynamic is the reverse, which is the
 4 best way to get the Chancellor to agree something is the
 5 Prime Minister's pre-agreed it with Chris and Patrick.
 6 **Q.** The best way to get the Chancellor to agree is to give
 7 him what he wanted, which was the easing and the release
 8 from the economy?
 9 **A.** Well, yes, had that been the circumstance, yes, in that
 10 instance.
 11 **Q.** You then led, fairly soon thereafter, the review of the
 12 2-metre social distancing guidance.
 13 **A.** Yeah.
 14 **Q.** This was a semiformal review --
 15 **A.** Yeah.
 16 **Q.** -- of what was known as the 2-metre rule. What the
 17 government had announced was that there would be
 18 a 1 metre plus --
 19 **A.** Yep, correct.
 20 **Q.** -- rule, but at around the same time it was
 21 understandably thought, well, that there may be a good
 22 basis for reducing the 2-metre rule to just 1 metre, and
 23 you prepared a report from Her Majesty's Government
 24 titled "Review of the two metre social distancing
 25 guidance" --

105

1 **A.** -- turning it into a slightly, you know ... so --
 2 **Q.** Well, perhaps we can look at it.
 3 Let's have INQ000283296, page 2.
 4 At 7.10.20, if we could scroll in, please. It's
 5 quite difficult to see --
 6 **A.** It's the "On [the] 2m rule, I was" --
 7 **Q.** Yes.
 8 "On [the] 2m rule ..."
 9 So this is 11 June, so before --
 10 **A.** Yep.
 11 **Q.** -- the report is ... before, I think, you'd had the
 12 final meetings with the CMO and the Government Chief
 13 Scientific Adviser to decide what you were going to
 14 recommend.
 15 **A.** Yeah.
 16 **Q.** "On the 2-metre rule, I was planning to bring the
 17 'review' to a conclusion a week tomorrow."
 18 **A.** Yeah.
 19 **Q.** Well, why is the "review" in parenthesis?
 20 **A.** I'd first used "review" in parentheses on 8 June in
 21 a discussion with Chris and Patrick. It was -- I hated
 22 it being called a review, and had tried very hard to
 23 persuade our ministers not to announce it as a "review".
 24 This was a piece of policy work, advisory work being
 25 done, overseen by myself, Chris, Patrick and

107

1 **A.** Correct.
 2 **Q.** -- on 24 June, and the review panel was led by you --
 3 **A.** Yep.
 4 **Q.** -- but it included the government's Chief Scientific
 5 Adviser, the Chief Medical Officer and the Chief
 6 Economic Adviser.
 7 Did you approach that review with an open mind,
 8 Dr Case?
 9 **A.** I did, yes. Ministers I knew wanted to go down to
 10 1 metre because I think, if I remember correctly, there
 11 had already been some work done in the economic
 12 departments about how that would, you know, support the
 13 economy, but obviously we didn't give them 1 metre, we
 14 gave them 1 metre plus.
 15 **Q.** On 11 June, so two weeks before the report was
 16 published, you WhatsApped the Prime Minister and before
 17 the report had been drafted, at least in its final
 18 iteration, you told the Prime Minister that you would
 19 announce your intention, that is to say the intention of
 20 the review committee, to drop to 1 metre from 1 July.
 21 So you prejudged your own review and you had told the
 22 Prime Minister what you would be likely to do?
 23 **A.** No, I think this is a sort of slightly dangerous example
 24 of taking a single line in a WhatsApp and --
 25 **Q.** Right.

106

1 Clare Lombardelli.
 2 This word "review" is sort of bandied about in
 3 government to somehow give a piece of work additional
 4 independent status. It's no such thing. We were four
 5 advisers to government, to ministers, producing our
 6 advice, that's what it was. Unfortunately I lost this
 7 battle about not calling it a review, so I rather
 8 petulantly kept referring to it as "review", I think, in
 9 the submission. As I said, I first -- the first example
 10 I found is with -- actually with Chris and Patrick on
 11 8 June, so before I'd used it with the Prime Minister.
 12 And I think this discussion is actually about the timing
 13 rather than the --
 14 **Q.** When the review was announced it was called a review.
 15 When it was debated in government circles it was called
 16 a review. When it was published it was called a review.
 17 Did you put the word "review" in inverted commas on
 18 11 June because it was, in truth, a put-up job? You had
 19 no real intention of seeing where the committee would go
 20 and what conclusion it would reach; you intended,
 21 perhaps understandably, to do your master's bidding and
 22 to bring in what he was desperate for you to recommend,
 23 which was that the 2-metre rule could be reduced to
 24 1 metre?
 25 **A.** Well, self-evidently that can't be correct, Mr Keith.

108

1 **LADY HALLETT:** Forgive me, Dr Case.
 2 I'm not entirely sure that was a fair question,
 3 Mr Keith.
 4 **MR KEITH:** Well ...
 5 **LADY HALLETT:** Is it based on the fact that the word
 6 "review" is in inverted commas? Because if so, Dr Case
 7 has explained it.
 8 **MR KEITH:** Well, then, let's look, please, at 07.31 --
 9 **LADY HALLETT:** Sorry, did you want to carry on with this
 10 point?
 11 **A.** Well, I was just going to say, I think -- I mean, my
 12 answer is: no, it wasn't a put-up job.
 13 **MR KEITH:** Right.
 14 **A.** I knew, as I went into leading this review, with three
 15 eminent colleagues, that economic ministers wanted us to
 16 go down to 1 metre. I knew that. As you'll see in the
 17 conclusions of the review, we went through this
 18 extremely carefully, we went through international
 19 comparators, scientific evidence, the economic impact --
 20 this is an example going back to QALYs where we actually
 21 tried to weigh things up, and we recommended 1 metre
 22 plus.
 23 If I may quote, we concluded:
 24 "We recommend 2 metres and, where that is not
 25 economically or practically viable, 1 metre with risk
 109

1 meeting on a daily basis, I think, by that point.
 2 But, I mean, just specifically this is about the
 3 timetable. The timetable of 4 July, which is what this
 4 message is really about, as you see, I'm responding to
 5 his -- him saying:
 6 "I think I need [this] in time for July 4."
 7 This is me basically responding saying we'll have it
 8 ready for 4 July. I'd already agreed that timetable
 9 with Chris, Patrick and Clare before I described it to
 10 the Prime Minister.
 11 **Q.** Why then did you refer to the intention of the committee
 12 "our intention", to drop to 1 metre in advance of that
 13 committee even forming a view as to whether you would
 14 recommend that it be dropped to 1 metre?
 15 **A.** As I said, Mr Keith, I can't quite remember what I was
 16 thinking at 07.31 and 10 seconds on 11 June 2020.
 17 I honestly cannot tell you quite why I used the phrasing
 18 I did. As I read this, this is about the timetable, not
 19 about the conclusions, and, as I've now said several
 20 times, we didn't recommend 1 metre; we recommended
 21 2 metres and, where that is not economically and
 22 practically viable, 1 metre with risk mitigation.
 23 **Q.** You do know, don't you, that Sir Patrick Vallance in his
 24 evening notes on 11 June --
 25 **A.** Yes, I --
 111

1 mitigation is acceptable."
 2 And we recommended a clear communications campaign
 3 to ensure people didn't adopt 1 metre without
 4 mitigation.
 5 So even though there's no doubt I was under
 6 political pressure to deliver 1 metre, that is not what
 7 I delivered. I delivered what we as a panel, because
 8 all of the recommendations were signed off by all four
 9 of us very explicitly, we delivered what we thought was
 10 the right balance.
 11 **Q.** At 07.31.10 -- if we could scroll back out, and
 12 I believe it's on the same page -- you said to
 13 Mr Johnson:
 14 "Okay -- then we are simpatico. I conclude the
 15 'review' next Friday. You ... consider the conclusions
 16 ... and then we announce our intention, assuming
 17 incidence continues to fall, to drop to 1m from 4 July."
 18 As at 07.31 on 11 June, had Sir Chris Whitty,
 19 Sir Patrick Vallance, yourself, and the fourth member of
 20 the committee, I think was the Chief Economic --
 21 **A.** Clare Lombardelli, yes.
 22 **Q.** Yes, the Chief Economic Adviser -- actually met to
 23 decide whether or not you would recommend that the
 24 2-metre rule be reduced to 1 metre?
 25 **A.** I think we'd been meeting on an almost -- we'd been
 110

1 **Q.** -- recorded that the paper from Number 10, the
 2 Cabinet Office and then in brackets, you, Dr Case,
 3 concerning the 1-metre/2-metre review, he says:
 4 "Some person has completely rewritten the same
 5 advice as though it is the definitive version. They
 6 have just cherry picked."
 7 **A.** Yes.
 8 **Q.** So what was that about?
 9 **A.** I mean, he addressed this in his own advice, which is --
 10 there's one bit he didn't mention. So, first of all, it
 11 was an internal first go by somebody in the
 12 Cabinet Office. I don't think the thing that
 13 Sir Patrick realises: the person who rewrote it was one
 14 of his own staff members on loan to us to do the review.
 15 So it was one of the government scientists who'd been
 16 loaned to me to support the review had rewritten it, so
 17 it was one of his own staff.
 18 **Q.** Why was another member of the committee completely put
 19 out that a version of the advice had been rewritten and
 20 was purporting to be the definitive version?
 21 **A.** You're asking me to describe how Patrick Vallance felt
 22 that evening when writing his diary. I'm not sure I can
 23 do that. As I've said, he's already addressed in his
 24 evidence that it was a Cabinet Office internal paper
 25 that never went anywhere, so it wasn't part of the
 112

1 review. And, as I've said, secondly, it was actually
 2 written by one of his own scientific staff.
 3 **Q.** All right, well, we have your evidence.
 4 The local lockdown in Leicester --
 5 **A.** Yeah.
 6 **Q.** -- briefly, please, before lunch.
 7 A local lockdown was announced on 29 June, you'll
 8 recall, and your witness statement makes plain that the
 9 data concerning cases in Leicester had been highly
 10 inadequate?
 11 **A.** Yeah.
 12 **Q.** And what happened was the inadequacy of the data meant
 13 that only at the eleventh hour, indeed the 59th minute,
 14 was central government, in the form of yourself and the
 15 Prime Minister and others, told that cases were out of
 16 control in Leicester. Number 10 had received
 17 reassurance for some time that public health measures in
 18 Leicester had the situation under control -- I'm reading
 19 in fact from your statement -- and the alarm was only
 20 raised when the decision was very pressing indeed?
 21 **A.** Yeah.
 22 **Q.** In the WhatsApps between yourself and Jack Doyle, who
 23 was in the communications department, I think, of
 24 Number 10 --
 25 **A.** Yeah, that's right.

113

1 framework and local lockdowns and this was the first
 2 time we got there, and it just -- it -- we went -- it
 3 felt from my end, I'm sure this isn't how it felt
 4 locally to local health officials, but it felt we went
 5 from nought to a million miles an hour and needing to
 6 pass statutory instruments through Parliament without
 7 any discussion or build-up.
 8 I think some of that probably was because actually
 9 the data -- again, this is back to what -- I just don't
 10 know whether the data was there. The organisation that
 11 we were relying on to pull these data together was the
 12 JBC, Joint Biosecurity Centre, that had been -- I think
 13 it was probably in only its first or second week of
 14 operation.
 15 So I think my frustration is actually that the
 16 system wasn't there to support the decision-making.
 17 Sorry, it's a very long answer, sorry.
 18 **Q.** Can I attempt to draw the threads together.
 19 Firstly, in relation to the first time that this
 20 local restriction process was applied, there was
 21 a pretty serious failure of government in terms of --
 22 **A.** Yeah.
 23 **Q.** -- the very late emergence of the problem, firstly.
 24 Secondly, when you enquired into what had gone
 25 wrong, it became apparent to you that there were

115

1 **Q.** -- and also in your Number Ten Action group WhatsApp
 2 communications, and also with Sir Chris Wormald at the
 3 DHSC, you expressed your alarm and concern that
 4 Number 10 had not been aware of the incipient problem
 5 and how it had suddenly burst into the open at a very
 6 late stage, and --
 7 **A.** I think it was -- actually there was more concern than
 8 that. I think I'd seen flickers in the data about
 9 Leicester in the fortnight before, and I'd specifically
 10 asked: is everything under control?
 11 **Q.** I think you were reassured --
 12 **A.** And I'd been assured. And then I think what happened is
 13 over a day, it was maybe within the day, we suddenly got
 14 told that we needed to do this Leicester and
 15 Leicestershire -- bits of Leicestershire lockdown, which
 16 included, if I remember correctly, getting statutory
 17 instruments passed through Parliament. Which was not
 18 straightforward when it came to the local MPs.
 19 You know, there was a disagreement with the local mayor,
 20 who had refused to accept the Public Health England
 21 data, so Chris Whitty had to spend time with him.
 22 It was -- you know, and we'll come on to tiering,
 23 which was pretty unsatisfactory -- it was -- we'd
 24 talked -- in the May roadmap talked about smarter NPIs.
 25 We'd had things going through Covid-S about a contain

114

1 a number of causes. Firstly, local mayors, who
 2 of course had to deal with the consequences of the
 3 imposition of a local lockdown, simply didn't trust the
 4 government's own data?
 5 **A.** Correct.
 6 **Q.** Secondly, there was a general lack of trust in the
 7 government because this all came after the
 8 Barnard Castle scandal?
 9 **A.** Yeah, that's true, yes.
 10 **Q.** Thirdly, you became aware that there were significant
 11 problems within the Department of Health and Social Care
 12 because although Mr Hancock was, as ever, very ... I'm
 13 genuinely stumped for the right word. Mr Hancock was,
 14 as ever, very proactive in his approach to --
 15 **A.** Yes.
 16 **Q.** -- getting things done.
 17 **A.** He was enthusiastic.
 18 **Q.** Enthusiastic, thank you.
 19 There was a complete absence of strategic and policy
 20 support in the DHSC to make that enthusiasm --
 21 **A.** Yeah.
 22 **Q.** -- work?
 23 **A.** I think that's the bit of the thing I think actually is,
 24 was unfair. Actually after this, I had been surprised
 25 about -- I mean, all the way through I was quite

116

1 surprised at the meetings on Covid with the
 2 Prime Minister. We'd have the Health Secretary there
 3 and we'd have Chris Whitty, as the Chief Medical
 4 Officer, but we wouldn't have a senior official from
 5 DHSC. You know, a senior official who was working on
 6 something. It might have rotated.

7 And that was out of keeping with the practice for
 8 most other departments: when we were meeting on
 9 education, the Education Secretary would be supporting
 10 individuals.

11 And I was quite worried, but actually, after this
 12 incident, I spoke to Chris Wormald, who was the
 13 permanent secretary, to say, "You know, is this
 14 all right? Are you being excluded from these meetings?
 15 You know, is this a problem?" And actually he reassured
 16 me that, in fact, what was happening is they were having
 17 quite extensive pre-meetings with Matt, with the then
 18 Health Secretary, before he came over. So actually
 19 I think my criticism about DHSC was -- they didn't come
 20 to the meetings at senior official level at this time
 21 but I think it was -- I was being unfair.

22 **Q.** The issue of the DHSC was a perennial one --
 23 **A.** Yeah.
 24 **Q.** -- was it not?
 25 **A.** I think particularly in the first lockdown, from the

117

1 **Q.** -- please don't attempt to move away from your
 2 endorsement of his position, perhaps in --
 3 **A.** Oh, yeah, no, sorry, I --
 4 **Q.** "I told [the Prime Minister] to sack [Mr] Hancock ...
 5 and replace him with Gove.
 6 "Simon Case: I think that's a great move."
 7 **A.** Sorry, I wasn't -- that wasn't my suggestion -- and
 8 I never discussed that, I don't think, with the
 9 Prime Minister.

10 But on -- but the important point on DHSC, actually
 11 one of the thing -- that pulling together the policy
 12 about local lockdowns, of course, is something that
 13 ended up inside the Covid Taskforce and the test and
 14 trace operation, so those concerns were addressed.

15 **MR KEITH:** Thank you.
 16 **LADY HALLETT:** Right, just -- as we're not sitting according
 17 to our normal pattern, I shall return at 2.05, sit till
 18 3.10, take a 15-minute break, and then sit 3.25 to 4.30
 19 or thereabouts. We'll definitely finish your evidence
 20 today, Dr Case.
 21 **(1.05 pm)**
 22 **(The short adjournment)**
 23 **(2.05 pm)**
 24 **LADY HALLETT:** Mr Keith.
 25 **MR KEITH:** In the course of this morning's evidence,

119

1 evidence that I've seen, there was real -- real
 2 tensions.
 3 **Q.** But that, those problems persisted throughout the summer
 4 because --
 5 **A.** Yes.
 6 **Q.** -- on 3 June, with reference to the Civil Service, and
 7 I'm not going to name individual names, but with
 8 reference to the Civil Service and the DHSC, you said of
 9 this particular person, "he is hardly convincing senior
 10 ranks of [government] that the health system is on it".
 11 On 29 June you referred to the failure on the part of
 12 the Civil Service side of the DHSC to drive the policy
 13 side of the operational lockdown on Mr Hancock's behalf?
 14 **A.** Yeah.
 15 **Q.** And you also, in a number of other WhatsApp messages,
 16 debated the need to -- the need for Lord Sedwill to tell
 17 the Prime Minister to sack Mr Hancock?
 18 **A.** That's -- that's Lord Sedwill --
 19 **Q.** Yes.
 20 **A.** -- referring to his --
 21 **Q.** Yes.
 22 **A.** -- conversation or something. He was reporting that
 23 conversation to -- yeah, so you're right --
 24 **Q.** I'm so sorry, Dr Case --
 25 **A.** Oh.

118

1 Dr Case, we were looking at the government's
 2 consideration of whether the consequences of lockdown
 3 were so awful that there had to be a proper formal
 4 consideration of alternatives and whether or not there
 5 was a viable alternative in terms of the weighing up of
 6 the issues and the QALY analysis.

7 Another part of that debate concerned or involved
 8 segmentation, and in July you discussed the issue of
 9 population segmentation with Mark Sedwill.

10 **A.** Mm.
 11 **Q.** And without in any way suggesting that you had reached
 12 concluded positions, you were debating, you were talking
 13 around the alternatives and one of them was -- I think
 14 it was described by him as a Stalinist segmentation
 15 whereby the virus -- it's not permitted to kill the old
 16 and the sick because nobody ever permits a virus to do
 17 anything, but there was a recognition that there could
 18 be a system by which -- or process by which part of the
 19 population is segmented, shielded essentially --
 20 **A.** Yes.
 21 **Q.** -- and part of the population is allowed to get on with
 22 life after a fashion.
 23 What work was done in reality on pursuing
 24 segmentation as a policy possibility in the summer of
 25 2020?

120

1 **A.** If I remember correctly, I think during July, maybe
2 August, early September, work was done to look at this.
3 I think, in the end, it finished up in a note to the
4 Prime Minister, I think, in September, which effectively
5 concluded that large-scale segmentation was impractical.
6 And if I remember correctly, the recommendation was the
7 shielding programme needed to be developed. The version
8 that was ruled out was a very large-scale segmentation.

9 And I think along the way in producing that there
10 were various conversations with public services, and if
11 I remember correctly I think maybe even, sort of, some
12 of the supermarkets and that sort of thing, about the
13 practicalities of large-scale segmentation. You know,
14 ie that anybody above a certain age group would be
15 segmented from everyone else and --

16 **Q.** Pausing you there, segmentation by age?

17 **A.** Yes, I think that was the main focus of the work.
18 Because shielding, the shielding programme, as it were,
19 was segmentation by vulnerability. I'm not sure whether
20 that's quite a right word, but by clinical definition of
21 vulnerability. The work that was done on segmentation
22 was -- yeah, exactly, it was a crude age thing. Where,
23 you know, the reality became that you would -- you would
24 have to totally divide society in its purest form.
25 Supermarkets would have to be open certain hours of the

121

1 **Q.** -- who called upon the government to justify the second
2 lockdown and who asked the government: why didn't you
3 contemplate an alternative? Why didn't you put into
4 place a practical alternative to lockdown that would
5 have obviated the need for it?

6 What do you say to them? Why wasn't segmentation or
7 the QALY analysis or the other steps that might have
8 been taken to provide the government with an option, an
9 alternative, taken?

10 **A.** Two points, if I may. We talked about QALYs this
11 morning and I've acknowledged that was, sort of,
12 a mistake.

13 On segmentation, I think the version of segmentation
14 that was actually developed, in fact through the whole
15 pandemic, ie shielding of the clinically extremely
16 vulnerable, ended up being the best form of segmentation
17 because it was done by, sort of, vulnerability to the
18 virus.

19 I think the problem with the age version of
20 segmentation which was being put forward -- you know,
21 because I think there was a crude look at the statistics
22 that said, well, if you're above -- if you're below
23 a certain age your probability of ending up in hospital
24 or whatever -- hospitalisation rates are low.

25 Yeah, the problem with that, of course, is that that

123

1 day when only certain people of certain age could come
2 in. You would -- intergenerational households couldn't
3 function. So it was ruled out as sort of impractical in
4 that sense.

5 **Q.** How developed did the thinking become? I mean, was it
6 appreciated at a relatively early stage that the
7 practicalities made it something that was impossible to
8 pursue, or did it progress after a fashion but then
9 ultimately run into the ground?

10 **A.** I think it's the latter. I think it was maybe six or
11 eight weeks' work that was started, you know, it wasn't
12 a cursory look. As I said, I think there was dialogue
13 with -- you know, you actually look at the
14 practicalities but I think was then ruled out in that
15 form. And I don't -- I'm not aware that any other form
16 of segmentation -- I can't quite think what that would
17 be, but was explored.

18 **Q.** I asked you earlier this morning about your
19 acknowledgement of the understandably vocal debate in
20 the public arena about whether or not segmentation or
21 a form of shielding --

22 **A.** Yeah.

23 **Q.** -- presented itself as a viable alternative to lockdown,
24 and you're obviously aware of the many people who --

25 **A.** Yeah.

122

1 still ends up admitting that you're allowing some
2 people, as it were, who beats the stats -- you're
3 actually allowing that some younger people would get the
4 virus and would be hospitalised and what have you.

5 The other argument I remember being put forward
6 against segmentation was -- actually, I think it was by
7 Patrick Vallance -- was the problem with segmentation
8 was at some point you had to stop. Which, of course,
9 once you'd got vaccines, fine. But if you had a bit of
10 the population -- if you had a segment of the population
11 where, in effect, you were letting the virus circulate
12 rapidly, and it would keep doing that, and it would
13 mutate, at what point are you allowing that segment of
14 the population to reintegrate without vaccines or what
15 have you? How do you eventually stop segmenting?

16 I think that was one -- actually, again, quite
17 a practical point, which was: once you've started doing
18 this, if you've got very high transmission of the virus
19 amongst one set of the population, how do you ever stop,
20 if the other side of the population can't get that virus
21 but it's spreading rapidly?

22 **Q.** So shades, in fact, of the herd immunity debate from --

23 **A.** Yeah, I suppose, yes.

24 **Q.** -- earlier in the year?

25 **A.** Yeah, I think -- I think that's right.

124

1 Q. I don't want to put words in your mouth, but was this
 2 the position, then: that the government reached the view
 3 that, for practical and epidemiological reasons --
 4 A. Yeah.
 5 Q. -- segmentation as a process to allow society to
 6 continue to function --
 7 A. Yeah.
 8 Q. -- without the need for a lockdown proved not to be
 9 possible?
 10 A. Certainly that was the conclusion of the work.
 11 Of course there were lots of other things that we
 12 tried to do, you know, in the run-up to the second
 13 lockdown, to avoid it, tiering, mass testing and all of
 14 these sorts of things, to desperately try to avoid
 15 a second national lockdown --
 16 Q. We'll come to those.
 17 A. -- but segmentation was ruled out, I think. I think it
 18 was September that the Prime Minister accepted the
 19 advice.
 20 Q. Would you acknowledge that the government failed to
 21 demonstrate publicly --
 22 A. Yeah.
 23 Q. -- that it was considering any --
 24 A. Yes.
 25 Q. -- a possible alternative to a lockdown, if the R rate

125

1 to lockdown, there was a high degree of confusion, at
 2 least, in terms of the government's understanding of its
 3 own position and what --
 4 A. Yeah.
 5 Q. -- the public made of your position.
 6 A. Yes, I think absolutely, absolutely fair. There were
 7 times when, you know, almost within a day, a minister
 8 would do what we call the morning round, you know, going
 9 on the television and radio in the morning and sort of
 10 say one thing, and by the end of the day the government
 11 had actually announced a different position. I think
 12 that happened on a couple of occasions, which, exactly
 13 as you say, confused the public, because it wasn't
 14 giving them the information that, "Well, you know, what
 15 do you want me to do? You know, what am I supposed to
 16 do?"
 17 There was another period, I mean, again part of that
 18 autumn, late summer/autumn period, as part of this move
 19 to try to find alternatives to lockdown, we made a real
 20 drive to put more of the data, more of the dashboard
 21 into the public domain, including getting more regional
 22 data out there, because the argument was if you give
 23 people the data they'll make -- they'll make decisions
 24 for themselves about how they lead their lives.
 25 I think the problem is we put -- ended up putting so

127

1 and the public health arguments demanded -- otherwise
 2 demanded a lockdown, and it failed to make plain that it
 3 was considering alternatives, because in the public
 4 arena --
 5 A. Yeah.
 6 Q. -- at any rate, the government has been very severely
 7 criticised for at least appearing not to have considered
 8 anything but --
 9 A. Yeah.
 10 Q. -- a public health driven lockdown?
 11 A. I think it's a very fair criticism.
 12 There were a number of occasions where this desire
 13 to have simple, clear, unambiguous messages coming out
 14 of government about the strategy meant that there wasn't
 15 enough engagement on the alternatives, and, as you say,
 16 I think this is a case where there could have been
 17 explanation, there could have been more explanation of
 18 what we'd done to explore alternatives and why they
 19 wouldn't work. You know, it was a sort of failure of
 20 transparency.
 21 Q. It does rather appear that, in relation to a number of
 22 issues, the U-turn on exam results, the face mask
 23 policy, face covering policy --
 24 A. Yeah.
 25 Q. -- the issue of whether or not there was an alternative

126

1 much data out that, you know, people couldn't
 2 necessarily understand it, whatever -- that sort of went
 3 from very simple messaging to sort of hyper
 4 transparency, and that wasn't very successful either.
 5 Q. In your own WhatsApp to Helen MacNamara in August 2020
 6 you described the U-turn on exam results as being "the
 7 most awful governing I think I have ever seen" --
 8 A. Yeah.
 9 Q. -- and you said:
 10 "Lots of people should lose their heads."
 11 A. Yeah.
 12 Q. Elsewhere you described the "total chaos" of government.
 13 Explain, please, why or how the government got
 14 itself in the position in which there appears to have
 15 been U-turns, a lack of a coherent strategy, a lack of
 16 a coherent approach being explained to the public, and
 17 an extraordinary inability to be able to rationalise
 18 a position and then stick to it.
 19 A. It wasn't for want of trying, I can tell you, and,
 20 you know, my frustrations are laid bare in the material
 21 that you have.
 22 Now, some of the explanation is, of course, because
 23 of the inherent complexity of the challenge of the virus
 24 and the wider impacts of the virus on society, economy,
 25 non-Covid health, et cetera.

128

1 Some of it is that, as it were, new things were
2 learnt. And the obvious point there is on variants:
3 when new variants turned up, the facts -- as it were, in
4 that Keynesian sort of thing, "The facts have changed so
5 I've changed my mind".

6 But it was also just very difficult, in a sort of
7 human sense, to keep the discipline of government
8 together, to sort of keep everybody on the same page.
9 People had strong views. You know, we tried to keep
10 cohering the view but, you know, weren't always
11 successful.

12 I mean, exams, you mean -- you mentioned. I mean,
13 exams are a separate issue, and I think you're doing
14 a module on education. I mean, the thing about that
15 that was, sort of, very frustrating was that, of course,
16 exactly the same thing had happened in Scotland just
17 before. And, again, some of us had asked questions
18 about: are we okay? Is -- you know, I think it's two or
19 three weeks before the Scottish exam results come out,
20 and sort of again said: are we on top of this? Is this
21 going to be okay? And then exactly the same thing
22 happened in England. It was frustrating.

23 **Q.** Eat Out to Help Out.

24 **A.** Yeah.

25 **Q.** My Lady's heard evidence, quite extensive evidence,
129

1 try to pull together a coherent account of this.

2 I mean, what is clear is that the Prime Minister
3 thought they had been consulted.

4 **Q.** Can I assist you? We're not delving into --

5 **A.** Sorry, okay.

6 **Q.** -- the merits of the scheme.

7 **A.** Yeah.

8 **Q.** That's for other witnesses and has been for other
9 witnesses. Or the impact --

10 **A.** Okay.

11 **Q.** -- or any of, I suppose, the societal consequences.

12 Just in terms of the process by which the scheme
13 came to be promulgated, it's quite obvious that very few
14 people knew about it?

15 **A.** Yeah. I think because it had been worked up as what we
16 call a budget measure sort of between -- sort of, in the
17 Prime Minister/Chancellor space, where budget work is
18 done, as I say ... yeah, that -- as I say, I didn't --
19 I didn't know, and actually the -- the concerns about
20 it -- in fact I think I didn't know until about -- about
21 until late August, actually, when Matt Hancock raised
22 his concerns with me.

23 **Q.** Yes, in the context of whether it would be extended or
24 whether --

25 **A.** Yeah, yeah, which it wasn't.
131

1 about that scheme, and there is evidence to suggest --
2 well, quite plain evidence to suggest that
3 Sir Chris Whitty and Sir Patrick Vallance were unaware
4 of it and that it was -- when it was presented --

5 **A.** Yeah.

6 **Q.** -- to the cabinet on 8 July, some ministers, but
7 particularly Mr Hancock, for them it was the first time
8 they'd heard of the scheme.

9 **A.** Yeah.

10 **Q.** Were you aware that Sir Chris Whitty and
11 Sir Patrick Vallance had not been approached for their
12 views on the scheme?

13 **A.** No, in fact I wasn't aware of Eat Out to Help Out until
14 it was announced either. It hadn't -- it hadn't --
15 you know, I think you've already heard from Simon Ridley
16 it didn't come through the Covid Taskforce, so I don't
17 think we were aware.

18 **Q.** You were the permanent secretary in Number 10.

19 **A.** Well, permanent secretary in Number 10 working on Covid,
20 and it didn't -- it didn't --

21 **Q.** But you didn't know about --

22 **A.** No --

23 **Q.** -- the Eat Out to Help Out scheme?

24 **A.** -- no. And I think -- I mean, obviously -- I mean,
25 my Lady, I know you have to -- I'm sure you'll have to
130

1 **Q.** He raised concerns --

2 **A.** It wasn't to be, and I raised that with the Prime
3 Minister, and I think he already knew about the
4 scientists' concern in late August.

5 **LADY HALLETT:** Were you saying just a moment ago, Dr Case,
6 that the Prime Minister thought that people like
7 Chris Whitty and Patrick Vallance had been consulted?

8 **A.** That's my understanding, is that he thought they had
9 been consulted. Apologies if I've misrepresented his
10 evidence, but my -- certainly my reading of his written
11 evidence -- I haven't seen everything that he said to
12 you in oral evidence -- was he thought that they had
13 been consulted.

14 **LADY HALLETT:** Oh, I see, that's not coming from what you
15 knew at the time --

16 **A.** No, sorry, sorry, apologies, no, it's from what I'd read
17 in the material.

18 **LADY HALLETT:** Thank you.

19 **MR KEITH:** Mr Sunak in his witness statement said the policy
20 was subsequently approved and signed off by Number 10.
21 Mr Johnson said in his statement before the scheme was
22 implemented he had discussions with Mr Sunak, and that
23 he understood it had been discussed with the relevant
24 advisers.

25 Can we now, please, come to the autumn of 2020. And
132

1 I want to try to focus on the overarching strategic
2 considerations. By this time you, of course, were
3 Cabinet Secretary.

4 **A.** Yeah.

5 **Q.** There is ample material in the WhatsApps and the policy
6 documents, the materials prepared by the
7 Covid Taskforce, to suggest that by the end of August
8 government knew that the numbers were rising.

9 **A.** Yeah.

10 **Q.** The government knew also that one of the primary
11 features of a viral pandemic is the wave and, therefore,
12 that a second wave was very likely. And indeed, your
13 own communications show that you discussed with the
14 Prime Minister the emergence of the second wave in
15 France and other Western European countries, and he and
16 you agreed that you'd have to be mad to think that it
17 wouldn't come to the United Kingdom.

18 There was at the beginning of September no vaccine.

19 **A.** Correct.

20 **Q.** Although there had been a debate about the Moonshot
21 project --

22 **A.** Yes.

23 **Q.** -- of getting test and trace to a position whereby the
24 population at large --

25 **A.** Yeah, it was mass asymptomatic --

133

1 we were using the language of an R budget. I think
2 people will have spoken to you about this concept of
3 R budget. This is mostly in relation to unlocking.

4 I wonder if that didn't actually trap us into
5 a certain way of thinking, which was an R budget --
6 again, it's sort of one of those read -- a read-across
7 from how we do financial budgets, which is you -- the
8 Chancellor will get from somewhere and the
9 Prime Minister will get a forecast which will have in
10 it: this is how much room you've got to play with, this
11 is how much money you've got to spend on tax cuts or
12 more public service spending.

13 The problem I think in the autumn goes -- there's --
14 I can make an argument that it actually goes back to the
15 unlocking in the summer. The R budget mentality
16 thought: well, okay, if R is 0.6, that means we've got
17 0.4 of R to spend, so let's unlock as fast as we can up
18 to the point of 0.4.

19 What this -- what we didn't have was
20 an incidence-based measure. In the roadmap, and all the
21 way through the summer -- all the way through the
22 autumn, we were trying mass testing, we were trying
23 tiering in ever strengthening forms, you know, Hands,
24 Face, Space, rule of six, and all of those little nudges
25 on the tiller that were going on. They may have worked,

135

1 **Q.** Mass asymptomatic --

2 **A.** -- with testing was the goal, which couldn't be achieved
3 in the timescale.

4 **Q.** But by September/October -- well, certainly in
5 September, although there was a great deal of goodwill
6 and a great deal of optimism that it would work, the
7 signs that it wouldn't work were already becoming
8 apparent.

9 So the government was faced with a terrible
10 predicament, was it not: they knew -- you knew the
11 second wave was coming, you had no practical
12 vaccine-related or test and trace methods at your
13 disposal to deal with the second wave, and therefore you
14 knew you would have to contemplate at some point the
15 possibility of another lockdown with all the terrible
16 consequences that ensued, because you knew from the
17 first lockdown what they were?

18 **A.** Yes.

19 **Q.** Is that all a fair summary so far?

20 **A.** It is, I think it goes, this -- this avoiding second
21 lockdown actually goes right back to May. I think when
22 you read the May roadmap -- that roadmap is worth
23 looking at. It talks about harms. It -- you -- quite
24 soon after sort of when I'd started the Number 10 -- the
25 Covid Taskforce job, we'd already got this mentality --

134

1 they could have worked -- test and trace is probably the
2 best example -- but they couldn't ever work in
3 a high-incidence environment, which is what we had.

4 **Q.** Can I pause you there?

5 **A.** Sorry, I'm going off on a --

6 **Q.** No, no, no, it's plainly very important. I wanted you
7 to explain some of the thinking about the incidence
8 level.

9 Had the position been or was the position that in
10 the summer, as part of the roadmap and the easing off,
11 the United Kingdom had been unlocked, eased, at a point
12 at which the levels of circulation of the virus in the
13 population --

14 **A.** Yeah.

15 **Q.** -- were, relatively speaking, at a higher level --

16 **A.** Yes.

17 **Q.** -- than the incidence rates in other comparable Western
18 European countries?

19 **A.** Yeah, I think -- I think there's a -- that's true.
20 I was always told at the time there may be an artefact
21 of the data, which is -- of course we were doing very
22 sophisticated -- we had more testing going on than
23 others, but I think -- I'm sure it is right that we were
24 unlocking at higher incidence than others, which always
25 made it harder for our -- for our -- measures that we

136

1 were doing to try to avoid the second lockdown probably
 2 were less successful because of that high incidence.
 3 **Q.** So to some extent the die were cast by the beginning of
 4 September, because the United Kingdom had gone beyond
 5 the point at which it had made decisions about easing
 6 and the roadmap --
 7 **A.** Yeah.
 8 **Q.** -- the incidence levels had remained relatively high and
 9 had started to go up, and so by that time, early
 10 September, the government's hands had already been tied,
 11 because anything that you did in terms of rules of six,
 12 or circuit-breakers, or local restrictions, or, as it
 13 turned out, tiers --
 14 **A.** Yeah.
 15 **Q.** -- and then a lockdown, were all going to be less
 16 effective, or at least, alternatively, when imposed
 17 they'd all have to be imposed for longer --
 18 **A.** Yeah.
 19 **Q.** -- and to greater or more severe effect --
 20 **A.** Yeah.
 21 **Q.** -- because you were dealing with a background --
 22 **A.** Yeah.
 23 **Q.** -- of a high level of incidence.
 24 **A.** Yes. I agree with that articulation and say it's only
 25 myself having gone back in the last few weeks in
 137

1 outbreak.
 2 If you've got the virus -- we were talking all the
 3 time about -- you know, Chris Whitty used to talk about
 4 a number of pandemics going on at the same time. There
 5 was the pandemic in the general population, there was
 6 the pandemic in hospitals, and then there was the
 7 pandemic in care homes. The problem was our pandemic in
 8 the general population, the incidence remained so high
 9 that these measures couldn't work as effectively as they
 10 did elsewhere.
 11 **Q.** So is this the position, Dr Case: there were a number of
 12 serious failings on the part of the government? One,
 13 and it's a problem that you faced throughout the whole
 14 of 2020, there had been no scaled-up test and trace
 15 process which would have allowed you --
 16 **A.** Yeah.
 17 **Q.** -- a way out of the conundrum?
 18 **A.** Correct.
 19 **Q.** Two, you had eased off too much in the summer, which had
 20 allowed incidence levels of circulation of the virus to
 21 remain high, which came back to haunt you in the autumn,
 22 because it then restricted your freedom of manoeuvre
 23 when it came to dealing with the rocketing rates in the
 24 autumn.
 25 Three, in the autumn, although some people had
 139

1 preparation and re-reading all this stuff, thinking: is
 2 that -- was that the big problem?
 3 Because I remember us discussing -- I remember
 4 discussing with the then Prime Minister in particular
 5 the German experience, where it looked like -- I think
 6 it was German and Belgian -- where there seemed like
 7 relatively small measures that they were doing -- like
 8 they'd brought in a curfew, I think, on their
 9 hospitality and their pubs at one point, and it seemed
 10 to work in -- I can't remember which city it was in, but
 11 it looked like it worked.
 12 And we said, well, why is it such a small measure
 13 looks like it's working there? And the answer that we
 14 got back, you know, from the discussions with Chris and
 15 Patrick and the data people was: well, actually these
 16 interventions are happening at a much lower level of
 17 incidence. The test and trace -- actually test and
 18 trace was sort of much maligned through the autumn as
 19 not being effective. Actually I think it was
 20 an impossible job that we did -- we set them, because
 21 incidence was so high, unlike in Germany and other
 22 examples of test and trace where, if you've got a very
 23 small number of people with the virus, low incidence,
 24 and you go in with a test and trace mechanism, you have
 25 a pretty good chance of actually locking down that
 138

1 called for a circuit-breaker, and SPI-M-O had --
 2 **A.** Yes.
 3 **Q.** -- called for a circuit-breaker, Mr Cummings had called
 4 for a circuit-breaker, a number of others, the
 5 government didn't impose a circuit-breaker in September,
 6 but instead tried the tier process --
 7 **A.** Yeah.
 8 **Q.** -- in October?
 9 **A.** Yes, correct.
 10 **Q.** But those two decisions proved to be inadequate --
 11 **A.** Correct.
 12 **Q.** -- to deal with the rocketing rate of the virus?
 13 **A.** Correct.
 14 **Q.** So that's the third failing.
 15 Then the fourth problem -- perhaps not a failing but
 16 a problem -- was that in trying to resolve what should
 17 be done, there was a high level of confusion at the
 18 heart of government, perhaps reflective of how
 19 impossible a task it was -- you were being, as you
 20 described, buffeted by significant internal and external
 21 pressures. Bluntly, you just couldn't see your way out
 22 of the sack --
 23 **A.** Yeah.
 24 **Q.** -- that you were in?
 25 **A.** Yeah, and as we've discussed this morning, the
 140

1 consciousness around the harms, the, sort of, hidden
2 and, sort of, less hidden harms, was a real -- much more
3 part of the conversation in the internal
4 decision-making. You know, there is this sort of --
5 a, sort of, an expression I think that gets used,
6 about -- you know, about boiling frogs. I don't know if
7 you've ever heard of it -- I won't bother -- but this
8 idea that we'd got sort of trapped into a way of
9 thinking and wrestling that meant we couldn't actually
10 see what was really happening and take the decisive
11 action. You know, sort of prisoners of our own
12 mentality, which was we were desperate to avoid another
13 lockdown. We'd ... you know there was just all these
14 attempts to try to come up with solutions, and we were
15 just prisoners of our own thinking.

16 **Q.** And bluntly, the government, as we've discussed, the
17 structures and the processes and the systems for
18 allowing you to release yourself from your own
19 self-imposed prison were not up to the job?

20 **A.** The debate was there, we just couldn't bring it to
21 a conclusion. As you said -- I mean, interestingly,
22 circuit-breakers, the idea of circuit-breakers had come
23 up, I think, in several papers that were put to Covid-S,
24 even before SAGE, on 21 September, it included it in one
25 of their --

141

1 a very long time. This is the sort of -- sorry, I'm
2 going on -- this was the sort of debate that was playing
3 out, and we couldn't -- we just couldn't get out of
4 those -- the clarity of thought that probably was
5 needed.

6 **Q.** On 22 September the Prime Minister announced his
7 decision, which is that, instead of there being
8 a circuit-breaker, which was one of the options --

9 **A.** Yeah.

10 **Q.** -- on the short list of options proposed by SAGE and
11 SPI-M-O and latterly by Covid-S, there would be
12 a mixture of options, a mixture of packages A and B?

13 **A.** Oh, yeah.

14 **Q.** The early closing of pubs and bars.

15 **A.** Yeah.

16 **Q.** Table service only, expanded face coverings and so on,
17 and a call to work from home.

18 So that opportunity for a circuit-breaker which
19 might, and one can't put it any higher than that, but
20 that is the word that Sir Chris Whitty --

21 **A.** Yes.

22 **Q.** -- used, might have made a difference in terms of
23 obviating the need for a lockdown later or at least
24 shortening its length, might have made a difference,
25 that opportunity was lost?

143

1 **Q.** First week of September, SPI-M-O raised it.

2 **A.** It was, I think it -- if I remember it, it was, sort of,
3 in -- it was in papers in July and August, this idea of
4 circuit-breakers, so -- but we -- the debate was there
5 about it, but just couldn't take the decision, you know,
6 just couldn't get the agreement to do something other
7 than just keep trying all these things desperately to
8 avoid a national lockdown.

9 And, you know, now it looks like -- it's sort of --
10 you wonder: how on earth did we make that mistake?
11 You know, at the time it felt like just reasonable
12 attempt after reasonable attempt to avoid that second
13 lockdown, because it was so damaging.

14 The language at the time, and this isn't,
15 you know ... about in particular -- every time you get
16 an economic sort of crisis or dip or crash, one of the
17 long-term effects in particular is youth unemployment,
18 and the unemployment at lower end of the wages, which --
19 you know, that part of our workforce, as it was then, is
20 disproportionately female, young and ethnic minority.
21 These were in all of the forecasts, these were the sorts
22 of things that were being discussed, is: this is --
23 these are -- call it scarring. Economists sort of call
24 it long-term scarring in the economy, you know, human
25 beings who lose their job and then can't get jobs for

142

1 **A.** Yeah, because the interesting thing is -- well,
2 interesting is again the wrong word. There is,
3 interestingly, a counterfactual on the circuit-breaker
4 in that the Welsh Government did decide to do the
5 circuit-breaker, I think it had some impact but not --

6 **Q.** The reason it didn't was for the same reasons you've
7 already expanded upon --

8 **A.** Yeah.

9 **Q.** -- which is that by then the incidence rate --

10 **A.** Was too high.

11 **Q.** -- was so high --

12 **A.** No, I agree.

13 **Q.** -- that it wasn't going to work.

14 **A.** Yes.

15 **Q.** Sir Chris Whitty has already rationalised that issue,
16 and had already rationalised that point, when he said
17 a circuit-breaker in September, if that opportunity had
18 been taken, might have made the difference.

19 Secondly, the tiers. Mr Hancock has said in
20 evidence that he knew that tiers wouldn't work. Would
21 it be fair to say that tiers, implemented as they
22 were --

23 **A.** At the time they were as well, I think -- I don't think
24 were going to work. We didn't see it -- I didn't have
25 that same clarity of thought that Mr Hancock says.

144

1 I think we thought they were going to work.
 2 I know -- I think Chris and Patrick were very
 3 concerned that tiering of the -- there are all these,
 4 remember, Tier 1, Tier 2, Tier 3, they were very
 5 concerned that basic Tier 3 wouldn't work. We had to go
 6 to the top end of Tier 3 and all this sort of thing --
 7 **Q.** They said on 11 October --
 8 **A.** That's right, yeah.
 9 **Q.** -- the level 3 baseline was highly unlikely to work.
 10 **A.** Yeah.
 11 **Q.** So even before tiers were imposed, which they were by
 12 public announcement on 12 October, the scientific
 13 advisers were concerned about --
 14 **A.** They were concerned about the low level. Actually the
 15 first Tier 3, which was agreed voluntarily with, I think
 16 it was Steve Rotherham who was -- I think you might have
 17 heard from or had evidence from -- was the mayor in
 18 Liverpool, he actually agreed that they needed to go in
 19 at the top end of Tier 3, it wasn't the bottom end. And
 20 then I think we had Manchester not long afterwards which
 21 had to be imposed, it couldn't be negotiated.
 22 But, sorry, I --
 23 **Q.** Yes. Liverpool was the 14th, Greater Manchester on the
 24 20th into Tier 3 --
 25 **A.** Yeah.

145

1 wasn't -- the decisions to unlock were, sort of -- it
 2 was a rhythm that was pre-determined. Yes, we delayed
 3 one step, I think, in the late summer -- was it July,
 4 I think we delayed by two weeks one element -- but that
 5 roadmap to get out of the third lockdown was all about
 6 the conditions had to be right to let us unlock.
 7 **Q.** You failed to avail yourself of the opportunity of
 8 a circuit-breaker in September when it might have made
 9 a difference. You put into place a tier system which
 10 was fundamentally flawed and quickly came to an end.
 11 There was, you've already agreed, an insufficient
 12 analysis concerning alternatives to lockdown, QALY
 13 analysis, segmentation tried but for practical and
 14 epidemiological reasons couldn't be pursued.
 15 So by the end of October isn't the nub of it that
 16 the government left itself with no option --
 17 **A.** Correct.
 18 **Q.** -- but to self-impose a lockdown?
 19 **A.** Yes.
 20 **Q.** And to make matters worse, do you acknowledge that it's
 21 now recognised that there isn't really a hard edged
 22 balance between public health outcomes and economic
 23 damage, because a lockdown if imposed earlier, when
 24 incidence is lower, is likely to be shorter and less
 25 devastating than the lockdown which you in fact imposed?

147

1 **Q.** -- then South Yorkshire, Coventry, Slough and
 2 Stoke-on-Trent, Tier 2.
 3 **A.** This is all detail you know. I agree with Chris Whitty.
 4 Could tiering have worked if we'd started earlier at
 5 a higher level? Possibly it could have done. It's
 6 another of those "what if" moments that ... but I think
 7 as you said a number of times, and we agree on, the high
 8 incidence through late summer and autumn was the thing
 9 that was -- that was the underlying current, if you
 10 like, that we were swimming against.
 11 **Q.** Yes.
 12 So to stand back, then, from its decision on easing
 13 in the summer, the government had put itself in
 14 a position whereby its options became much more limited,
 15 it eased off too soon, it was an outlier in that regard,
 16 and the chickens came home to roost in the autumn?
 17 **A.** Yeah. And contrasts, if I may --
 18 **Q.** Yes.
 19 **A.** -- you know, with the lesson being learnt: different
 20 world, third lockdown, roadmap, vaccines. But the
 21 crucial thing about "data not dates", which I know
 22 you've heard evidence on, or had written evidence on,
 23 was the thing.
 24 The unlocking in the May roadmap was done by date
 25 and it was a very clear drumbeat. It wasn't ... it

146

1 **A.** Those are my instincts as well. I know that this has
 2 been looked at. I know, I think it was either earlier
 3 this year or earlier last year, the Royal Society looked
 4 at this question of -- you know, these questions of NPIs
 5 and what form worked and how, and they struggled to
 6 quantify -- the Royal Society doing -- I think it was
 7 a global literature search -- I mean, they struggled to
 8 be clear a couple of years on that the evidence was
 9 there.
 10 That was -- as you put it, Mr Keith, that was
 11 certainly -- that sort of feels instinctively right.
 12 I just -- I've not seen the sort of the serious data,
 13 evidence-driven thing that really proves that. But
 14 I agree with your instinct.
 15 **Q.** But on 20 September the Prime Minister convened that
 16 roundtable scientific discussion which I think you
 17 organised and perhaps you, I think, called for, although
 18 I think parentage is perhaps disputed because
 19 Sir Patrick Vallance has said that, perhaps, he'd called
 20 for it. But in any event, the Prime Minister received
 21 the ideas of Professor Gupta --
 22 **A.** Yeah.
 23 **Q.** -- Professor Carl Heneghan, because he wanted to hear
 24 alternative views to -- because he'd been criticised
 25 quite roundly in the press --

148

1 A. Yes.

2 Q. -- to the effect that he'd been receiving the wrong
3 scientific advice.

4 To be fair, the former Prime Minister made plain
5 that he knew the views of Sir Chris Whitty and
6 Sir Patrick Vallance.

7 A. Yes, of course.

8 Q. He knew -- of course he knew the public health debate
9 and he knew what factors weighed heavily in favour of
10 a lockdown, but he wanted to hear the opposing --

11 A. Yeah.

12 Q. -- argument.

13 At that meeting, and you were there --

14 A. Yes.

15 Q. -- did Professor Gupta and Professor Heneghan, whilst
16 faithfully advancing their positions, in fact argue
17 forcefully for there to be no intervention? Putting it
18 another way, how strongly did they advance the
19 anti-lockdown case as it happened?

20 A. I -- sort of, this meeting, sort of, achieved perhaps
21 mythical status afterwards. I don't -- I don't
22 personally remember really strong anti-lockdown cases
23 being put forward. In fact I think it's -- I think it
24 is -- I've exhibited it in my evidence, in fact -- each
25 of the individuals that were there submitted a page or
149

1 about the prospect of a second lockdown --

2 A. Yes.

3 Q. -- but the reality was, as you have now --

4 A. By late September it was --

5 Q. By late September it was just already too late, wasn't
6 it?

7 A. Yeah.

8 Q. The die had been cast, because of the earlier failures?

9 A. Yeah, I think, as I say, it goes -- I think it goes back
10 to ...

11 Q. Yes.

12 I think you accept and you said in a WhatsApp
13 that ... or at least -- I'm afraid I was just about to
14 "verbal" you, Dr Case.

15 Sir Patrick Vallance says in his evening notes that
16 you said to him, following the decision that a second
17 lockdown be imposed, "They should have done this a month
18 ago"?

19 A. Yeah.

20 Q. So --

21 A. I mean, that's obviously not -- as we've discussed,
22 there were earlier -- there could have been other things
23 that were done --

24 Q. No, quite.

25 A. -- differently.

151

1 two as to sort of summarise, so if I've misremembered
2 wrong, I apologise.

3 Actually I thought probably the most interesting
4 contribution to that meeting was from, apologies if
5 I get his name wrong, but I think it was Anders Tegnell,
6 who was --

7 Q. Sweden.

8 A. Sweden. Who described -- you know, there were a lot of
9 people saying, well, why -- and still are saying, why
10 didn't we do the Swedish model. But he gave a very
11 astute observation about how society in Sweden works
12 very differently. They did very little through the law.
13 That's actually the contribution that sort of stood out.

14 And of course we had people -- I think John Edmunds
15 was there, if I remember correctly, as well, who was
16 putting forward a stronger lockdown case.

17 So it was a real -- it was an interesting
18 discussion. But I don't -- I don't think it sort of was
19 the lightning, sort of, rod. It wasn't quite the shard
20 of light on the whole thing that maybe some people have
21 made it out to be.

22 Q. But it's important to acknowledge, isn't it, that the
23 government, and particularly Mr Johnson, took steps to
24 inform himself of the bona fide and the genuine and
25 rational arguments advanced by those who were concerned
152

1 Q. So actually the government was in the very worst of all
2 worlds: it missed the opportunities to avoid a lockdown,
3 and then through its own failings, having pre-determined
4 that there would have to be a lockdown because of the
5 earlier decisions, it then failed to impose it speedily
6 enough?

7 A. Yeah, I think Chris Wormald -- I said to you about these
8 things should have been imposed, sort of, two weeks
9 earlier and I think that feels right.

10 Q. So whichever way, in fact, whichever angle one
11 approaches these extremely difficult decisions, the
12 government erred on almost every level?

13 A. Yes. You know, clearly, with hindsight, absolutely
14 clear that all of the -- as I say, I -- the sort of
15 thought and the discussion that we've been having about
16 the incidence I think goes back. I think at the time,
17 as I said, it wasn't -- it was a desperate attempt to
18 avoid a second lockdown because of the consequences of
19 that second lockdown.

20 Q. Of course.

21 A. And so, you know, as you say, we erred but, you know,
22 it -- we erred because of the building up of a series of
23 decisions -- as you said -- actually you put it that in
24 the end we had no choice to do it, because all the
25 things that we tried, we either didn't try early enough
152

1 or hard enough or we unlocked too early.
 2 **Q.** It's self-induced lack of intent, Dr Case: you erred
 3 because of your earlier governmental decisions. You
 4 said in a WhatsApp with Helen MacNamara --
 5 **A.** Yeah.
 6 **Q.** -- "We are back here" -- this is after the lockdown
 7 decision was taken, the second lockdown decision --
 8 "because the state has failed".
 9 You didn't say "We are back here because the nature
 10 of this virus, its tendency to re-emerge
 11 epidemiologically as a second wave. Because of the
 12 societal and economic nature and make-up of this
 13 country, we've just had no option but to reimpose
 14 a lockdown". You said:
 15 "... the state has failed. [And] We have some
 16 massive questions to ask ourselves."
 17 **A.** Yeah. It was -- so, I mean, I think it was that
 18 evening, the evening before the Prime Minister announced
 19 the lockdown, or the day of, I can't remember, but,
 20 I mean, that's what it felt like. It felt -- you know,
 21 it was, sort of, how -- how have we ... you know, we
 22 have tried, I think at every stage, to act through the
 23 best of intentions to find the right balance to avoid
 24 these harms, but yet we just didn't ... yeah, we just
 25 didn't come up with the right answer. It was a very
 153

1 want to appear", and I'd had a go at trying to get them
 2 out of the --
 3 **Q.** Ah.
 4 **A.** It's the other way round, I think, that's --
 5 **Q.** That's what he means by "had a go"?
 6 **A.** Had a go, not at him, I had a go at trying to get them
 7 out of the press conference.
 8 **Q.** Right.
 9 **A.** And I think actually, in the end, the person who brought
 10 sort of total clarity I think was actually -- they ended
 11 up arriving at Downing Street, I think, if I remember
 12 correctly, and bumped into Dom Cummings, and
 13 Dom Cummings was the one who said "Of course you can't
 14 appear". I think it was to do with the Prime Minister's
 15 press conference that evening --
 16 **Q.** After the rose garden --
 17 **A.** -- and actually I think it was Dominic Cummings who
 18 said, "Of course you can't be there, because you'll be
 19 asked all about Barnard Castle".
 20 **Q.** You state in your witness statement your belief that the
 21 breaches registered with the public, they eroded public
 22 trust in the legitimacy of the government's response to
 23 Covid, and together with the confused communications and
 24 the complex and confusing guidance, led to a very
 25 significant dropping off in the public's adherence to
 155

1 dark day.
 2 **MR KEITH:** Yes.
 3 My Lady, is that a convenient point for the next
 4 break? I actually only have about ten minutes more to
 5 go.
 6 **LADY HALLETT:** I was going to go a bit longer.
 7 If that's -- are you okay with that?
 8 **A.** Yeah, of course. Of course, yeah.
 9 **MR KEITH:** Barnard Castle.
 10 **A.** Yeah.
 11 **Q.** Mr Cummings drove to Barnard Castle to test his
 12 eyesight, and then gave a press conference in May to
 13 explain his driving.
 14 In Sir Patrick Vallance's diaries around that time,
 15 25 May, he suggests that he and Sir Chris Whitty came
 16 under considerable pressure from you to attend and be
 17 seen to join a press conference. It's not at all clear
 18 whether it's -- it was Mr Cummings' press conference or
 19 a later one, I suspect a later one with Mr Johnson, and
 20 Sir Patrick complained in his diary and gave evidence to
 21 this effect: that "Simon Case had a go at us", had tried
 22 to persuade them to join what was a highly political
 23 press conference.
 24 **A.** I think you're reading that the wrong way round, aren't
 25 you? I'd had a go, he'd rung me up and said "We don't
 154

1 Covid rules?
 2 **A.** Yeah and, I mean, I've exhibited that, you know, they
 3 were doing tracking, polling on people's confidence in
 4 the government response and I think actually through
 5 late April and into May almost it just declined and
 6 I ... you know, after the clarity of Stay Home --
 7 sort of -- Save Lives, Protect the NHS, the muddle
 8 I think made it very difficult for the public to sort of
 9 understand and trust what the government was trying to
 10 do and of course, you know, much later on with Partygate
 11 and all that sort of thing, you know, it's just,
 12 you know ...
 13 **Q.** It was a terrible self-imposed wound?
 14 **A.** I mean, yeah, I mean, and it sort of -- I'm sure to the
 15 bereaved it sort of feels like a terrible insult.
 16 **Q.** You've given evidence today, if I may say so, very
 17 candidly, although it's a matter for my Lady, of course,
 18 as always. You've accepted a very significant number of
 19 failings on the part of the government, and you've
 20 described the root causes of those failings,
 21 responsibility for which cannot be placed solely at the
 22 door of the virus, it has to be placed at the door of
 23 Number 10 --
 24 **A.** Well, on all of our shoulders, all of us who were there
 25 at the time.
 156

1 Q. You must have given, since those terrible events,
2 a great deal of thought as to the root cause of the
3 dysfunctionality, if you agree that's what it was, in
4 Number 10. The issue of data --

5 A. Yeah.

6 Q. -- was ultimately resolved. Thanks to you, the issue of
7 structure was ultimately resolved, with the CTF, the
8 Covid Taskforce. But the dysfunctionality continued, it
9 would appear. What was the root cause of that?

10 A. (Pause). Between us we couldn't -- we couldn't get
11 the -- we couldn't get the right balance of
12 personalities and people. It took us too long to get
13 those things right.

14 Q. Was that why, is that why you've agreed today and in
15 your witness statement and in your WhatsApps that the
16 government failed at a number of fundamental levels and
17 contributed to the worst governing, to use your words,
18 ever seen?

19 A. (Pause). There's language in those WhatsApps that we've
20 discussed, they come out of a raw, human, in-the-moment,
21 you know, it is not -- it's not a roundly considered
22 view in those moments but, yeah, I felt -- there were
23 some dark days when it felt we just couldn't -- we just
24 couldn't get it right.

25 Q. Happily, Dr Case, you are our Cabinet Secretary. What

157

1 a limit. You know, democracy is the one that --
2 democracy is the thing that gives us the Prime Minister
3 of the day, and if that's the Prime Minister of the day,
4 people like me have to do our best to try and, you know,
5 work with, you know, what the electorate, you know, give
6 the country or want the country -- want for the country.

7 The final thing which we haven't touched on -- and
8 I don't know to what extent it's in the scope of
9 my Lady's sort of thinking -- is actually scrutiny,
10 external scrutiny. If you think about how government
11 really works and the pressures, why do governments
12 act -- well, actually pressures from outside, not of the
13 data sort and what's happening in the real world, but
14 what does Parliament think? What does your political
15 party think? What's the media saying? How's the public
16 reacting? And it's -- a Cabinet minister, a current
17 serving Cabinet Minister recently put it to me that one
18 of the big mistakes was Parliament not functioning
19 properly. Parliament is a thing that obviously
20 exercises real scrutiny and control, it's one of the
21 things that holds the executive true and to account, and
22 actually parliamentary scrutiny didn't really work in
23 the way that it does in normal times, because obviously
24 Parliament wanted to follow the same rules as everyone
25 else, but that for me is one of the pressures that

159

1 can the Civil Service do to help prevent this sort of
2 unhappy tale ever occurring again?

3 A. I think ... I think decisions are sort of a consequence
4 of a number of -- sorry. Sorry to the tech people --
5 a sort of consequence of a number of different inputs.
6 Sorry to use that language, but just allow me for
7 a moment. There's what happening in the world, so
8 that's sort of the data, your understanding of the
9 world. There's processes. You know, very much the
10 domain of the Civil Service is making sure we've got the
11 right processes in place to support good
12 decision-making. Actually I think we were very
13 conscious, certainly I know during the Covid Taskforce
14 time and the Covid-S, Covid-O, we had ringing in our
15 ears the criticisms of the Blair government around the
16 decision-taking around Iraq, when there were absolutely
17 no -- you know, it was sofa government galore and the
18 processes didn't work, so we ended up getting there.

19 They're also a function of two other things, so one
20 of them is the characters and the personalities, and in
21 particular obviously it's always been true in politics
22 that senior ministers, prime ministers are a big part of
23 that. What can you do about that? Well, some of that
24 is about the structures and processes and the people you
25 put around them to manage those characters. But there's

158

1 was -- is a really important thing in the day-to-day of
2 how government approaches its decisions, and it didn't
3 function like it normally does.

4 LADY HALLETT: Can I ask: one of the things that concerns
5 me, you mentioned there lessons learned from what you
6 called sofa government of Tony Blair and the decision to
7 invade Iraq. Do I get the impression that lessons may
8 be learned for a few weeks or a few months but then are
9 forgotten?

10 (Pause)

11 Covid-O, Covid-S, is that an example?

12 A. Yes.

13 LADY HALLETT: I mean, everyone knew it worked for Brexit.
14 It seemed to have been quite efficient.

15 A. Yes. So, yeah, I think --

16 LADY HALLETT: So why didn't someone think of it
17 immediately?

18 A. I'm sorry, I don't know, I sort of --

19 LADY HALLETT: I appreciate you weren't there.

20 A. No, but it just -- but when I came and I heard about how
21 it had been functioning, like, this is actually a really
22 rather good model of managing all of this, and
23 Helen MacNamara felt the same thing, which is why we
24 recommended it to the Prime Minister. Some lessons do
25 get learnt for a short time, in the way that you put.

160

1 I mean, look, you know, there's other things. To go
2 back to the Iraq Inquiry, you know, the Chilcot
3 checklist, something it's in there, but it was
4 recommended. Every time ministers meet now to take
5 decisions of matters of peace and war or, you know, on
6 Ukraine or the Red Sea at the moment, the Chilcot
7 checklist sits there as a reminder of the things that
8 need, you know, as a matter of good government and good
9 decision-taking, these are the things.

10 So I think there are some lessons that really stick.
11 I think the ones that are really difficult are the
12 cultural ones. So I'm sort of very conscious --
13 you know, the Civil Service today isn't the Civil
14 Service of the sort of 1950s and 60s; we've got a lot
15 more to do to change who we are and where we're from and
16 what our skills are. Culture change is really difficult
17 and needs long, long consistent commitment to that
18 change, and I think those are the things that are
19 really -- are the ones that are really difficult to make
20 stick.

21 **LADY HALLETT:** Totally understand that. Changing culture is
22 something I've worked with over the years and I know how
23 difficult it can be. But can I go back to my point
24 about learning lessons. So, for example, when the
25 pandemic struck, we had to scale up infrastructure --

161

1 pointing in the wrong direction because those are the
2 lessons of the last war, and that's the thing that we
3 have to -- you know, we can see the elements: you'll
4 need things like data, you'll need good structures and
5 processes which I hope Covid-S and Covid-O, or XS, XO,
6 continues, I think it is a good model -- it's actually
7 not a million miles away from an approach that
8 Tony Blair took in his second administration with his
9 Prime Minister's Delivery Unit, with just getting
10 ministers and people who deliver things around the table
11 and talk about what works and what doesn't. They're
12 there.

13 So the structural changes I think are coming, we've
14 changed how we do our resilience and planning, and this
15 may be something that you've heard evidence on this
16 Module 1. One of the mistakes that I think we made at
17 the -- one of the problems we had at the start of Covid
18 was that the Civil Contingencies Secretariat that ran
19 COBR, they're actually responsible for running the
20 immediate crisis response, but they were also
21 responsible for the long-term what we call resilience
22 planning. How do you get these things right in the
23 long term? We've since separated those out. So, again,
24 the immediate of running COBR meetings on whatever isn't
25 crowding out long-term thinking that has to be decades

163

1 **A.** Yes.

2 **LADY HALLETT:** -- and get things to be flexible, get
3 manufacturers to do things they hadn't been doing
4 before. To what extent have we, since the pandemic,
5 said, "Oh, right, we're out of the pandemic", and the
6 structures have been dismantled?

7 **A.** Some have, not all. So, you know, one of the lasting
8 changes is what we call now the UKHSA, the Health
9 Security Agency, there's material that I've submitted
10 on: in the summer of 2020 we were focused on creating
11 the equivalent of the American Centers for Disease
12 Control, so there's a good example of a lasting
13 structural change deliberately designed to be at the
14 heart of the next -- should we have another pandemic or
15 outbreak of anything, there at the heart, still in its
16 infancy as an organisation.

17 There are other things we've done structurally, it's
18 often our way in sort of the bureaucratic world. So
19 a National Situation Centre which is now a permanent
20 thing, it's there along with our joint data analysis
21 and -- sorry -- more of this sort of alphabet spaghetti
22 sort of stuff, but we've created these structures to
23 answer the challenges.

24 The thing that, of course, is our real -- our real
25 problem is the Singapore problem: you build your guns

162

1 long.

2 And perhaps the other thing is increasingly,
3 you know, the more we go to the 20th century and 21st
4 century, the answer to these problems don't just lie in
5 government. There are things that we've got to get
6 right but, as we've already discussed on the
7 non-shielded vulnerable, so many of those things were
8 actually down to individual police officers, social
9 workers, whatever; so much of the answer to this lie in
10 the private sector. So getting the relationship right
11 between government and its thinking and the private
12 sector is vital too.

13 Sorry, I'm going on.

14 **LADY HALLETT:** No, no, I'm inviting you to offer your
15 thoughts.

16 **A.** Sorry.

17 **LADY HALLETT:** A lot of what we needed but didn't have were
18 things like arrangements with manufacturers --

19 **A.** Yes.

20 **LADY HALLETT:** -- to produce PPE, or laboratory facilities,
21 although obviously a great deal of fantastic work was
22 done by way of research. But to what extent are the
23 Civil Service currently ensuring they have in place
24 arrangements that can just step in, in a national civil
25 emergency, and say "Right, you might normally

164

1 manufacture raincoats but you're going to be
 2 manufacturing PPE", once we work out what kind of virus
 3 we're protecting people from?
 4 **A.** I understand the point, and of course the Civil Service
 5 does advise on those things, but there has to be
 6 ministers that decide that we are going to spend
 7 taxpayers' money on that sort of resilience. We can
 8 give all of the advice we like, which is: we need to be
 9 better prepared, we need to have sort of dual use
 10 factories, those sort of things; but ministers decide in
 11 the end how to use taxpayers' money.
 12 **LADY HALLETT:** Right. Well, that brings to me to my final
 13 question --
 14 **A.** Uh-oh.
 15 **LADY HALLETT:** -- very neatly. Sorry.
 16 I have heard it said by some experienced politicians
 17 that the trouble with being a minister in power is that
 18 the temptation is to focus on the immediate --
 19 **A.** Yeah.
 20 **LADY HALLETT:** -- and not the long term.
 21 **A.** Yeah.
 22 **LADY HALLETT:** To handle the crisis that's before you, not
 23 prepare for the crisis that might come next year.
 24 **A.** Yeah.
 25 **LADY HALLETT:** How can one increase the importance of
 165

1 structures going.
 2 The things that -- of course, ministers, they're
 3 reacting to politics, they're reacting to what the
 4 public demand, but it does rely on people like me and my
 5 colleagues saying: well, actually you do need this
 6 National Security Council subset on this because we do
 7 need to keep coming back to you on an annual basis or
 8 whatever with our pandemic preparedness plan.
 9 So I think actually structures, trying to get
 10 consistency of structure, which of course is you don't
 11 want to go too far, the criticism of the Civil Service
 12 is we cling too much to structures that are outdated,
 13 but some of those really important things I think you
 14 can do.
 15 On the public, I think again it comes back to
 16 transparency, as in answers to sort of some of
 17 Mr Keith's questions. There is -- it's quite -- to
 18 a lot of people it looks like dull stuff, "Why is the
 19 government spending money on this? You know, I want
 20 this thing immediately now", and the government are
 21 saying, "Well, we've got to set aside hundreds of
 22 millions of pounds for a rainy day sort of preparation"
 23 and, as you sort of heard, you can have a great pandemic
 24 flu preparedness plan, and be told they have, and it
 25 turns out that's not the pandemic that hits you, you
 167

1 preparedness and resilience and having in place the
 2 necessary infrastructure to respond to a crisis --
 3 **A.** Yeah.
 4 **LADY HALLETT:** -- with ministers when the natural
 5 temptation is: well, I may spend a fortune on that, as
 6 you say, and then it may not get used --
 7 **A.** Yeah.
 8 **LADY HALLETT:** -- as opposed to making sure that even if
 9 I spend a fortune on that the public will understand
 10 because we're preparing for pandemic.
 11 Memories fade.
 12 **A.** Yes.
 13 **LADY HALLETT:** Apart from those who sadly lost loved ones --
 14 **A.** Yeah.
 15 **LADY HALLETT:** -- or suffered terribly during the pandemic,
 16 memories are fading. So how do we keep the politicians
 17 thinking of it, and how do we keep the public onside
 18 supporting them in their decisions?
 19 **A.** Two things. I think this is where -- sorry to sound
 20 like the bureaucrat -- it's actually the structures
 21 matter. So, you know, we now have a National Security
 22 Council subgroup that sits all the time under
 23 the chairmanship of the Deputy Prime Minister on
 24 resilience, it's thinking about these long-term problems
 25 and, you know, it's there, and actually keeping those
 166

1 have to be careful.
 2 So I think the answer has to lie in communicating
 3 around more generic capabilities that can be turned, not
 4 just to a pandemic but something else, you know, you
 5 suddenly find yourself at -- well, I mean, Russia
 6 decides to invade Ukraine, huge challenge, where are we
 7 going to get our energy supplies from? Right, well, it
 8 turns out that investment in alternatives to gas turned
 9 out to be a really rather important thing that we'd
 10 done. You have to ... you know, you have to do that.
 11 And I should add on that there is a group in
 12 Parliament under the chairmanship of Bernard Jenkin who
 13 chairs the liaison committee that brings all of the
 14 other select committee chairs together, to think about
 15 how Parliament can play its role in driving strategic
 16 thinking more into government through its scrutiny
 17 function. There's nothing like making government think
 18 harder about strategy and long-term thinking, if
 19 permanent secretaries and ministers are regularly in
 20 front of Parliament being answered -- having to answer
 21 questions about: how are you doing on that long-term
 22 thinking?
 23 **LADY HALLETT:** Thank you very much.
 24 Have you completed your questioning?
 25 **MR KEITH:** My Lady, Ms Nimmo, who misses nothing, has just
 168

1 reminded me there are two more questions which, with
 2 your permission --
 3 **LADY HALLETT:** From you? Oh, yes, yes, of course.
 4 **MR KEITH:** Would the attendance of the Minister for Disabled
 5 People or the Minister for Equalities at Covid-O and
 6 Covid-S have been a more suitable --
 7 **A.** Yeah.
 8 **Q.** -- mechanism for ensuring that the interests of
 9 vulnerable groups were properly taken into account in
 10 the decision-making?
 11 **A.** Yeah, I think that's, that's a strong argument because
 12 they're supported by -- again, a terrible word --
 13 equalities hub, there's a machinery that supports them,
 14 so I think that would be valuable.
 15 **Q.** I omitted earlier to ask you to confirm what might be
 16 thought to be fairly obvious, which is that the impact
 17 of Mark Sedwill's departure and the process by which he
 18 came to depart in September in summer, in the summer of
 19 2020, caused considerable damage to Civil Service morale
 20 and the general functioning in those higher echelons of
 21 government?
 22 **A.** Yeah, it was really destabilising.
 23 **Q.** The third and final question is -- well, it's more of
 24 a comment: what you've said about structures and Covid-O
 25 and Covid-S, XO, XS and so on, doesn't really address
 169

1 administrations?
 2 **A.** Yeah. So a number of different structures. The one
 3 that I chair, I actually chair a weekly meeting of
 4 permanent secretaries, which obviously all the way
 5 through this period was largely focused on Covid, and
 6 there were actually a second meeting each week through
 7 a good chunk of 2020 where we'd come together.
 8 In addition to that, there were -- we've already
 9 talked about the Chief Medical Officer, who's the
 10 permanent secretary equivalent, meeting regularly with
 11 his Chief Medical Officer counterparts.
 12 And the final one is Sue Gray, who was our permanent
 13 secretary who oversaw the relationship with the devolved
 14 administrations, she also had weekly meetings with
 15 her -- with permanent secretary and other counterparts
 16 from the devolved administrations.
 17 **Q.** In particular, the group that you chaired --
 18 **A.** Yeah.
 19 **Q.** -- did you find that a useful tool in discussions with
 20 the devolved administrations? What benefit did that
 21 bring?
 22 **A.** Well, I think actually incredibly valuable. The ...
 23 particularly those meetings tend to be a more -- they
 24 were more sort of free-flowing discussions about the
 25 issues and challenges that we were facing. You know,
 171

1 and can't address fundamentally the issue of which you
 2 spoke, which is that one of the undoubted benefits of
 3 democracy is you get what you vote for.
 4 **A.** Yeah.
 5 **LADY HALLETT:** Right, we shall break now. I shall return at
 6 3.30 for the last session, Dr Case. Thank you for your
 7 help.
 8 **(3.15 pm)**
 9 **(A short break)**
 10 **(3.30 pm)**
 11 **LADY HALLETT:** Ms Mitchell.
 12 **Questions from MS MITCHELL KC**
 13 **MS MITCHELL:** I am obliged, my Lady.
 14 Dr Case, I appear as instructed by Aamer Anwar &
 15 Company on behalf of the Scottish Covid Bereaved.
 16 I just have a few questions to ask you this afternoon.
 17 We've heard earlier on in your evidence about the
 18 interaction, or lack of it, between the then
 19 Prime Minister and the ministers of devolved
 20 administrations, in particular the First Ministers. So
 21 we understand that background, but what I would like to
 22 understand is: what, if any, formal structures were in
 23 place at senior Civil Service level to allow for you, as
 24 Cabinet Secretary, to liaise with the heads of
 25 departments of the Civil Service in the devolved
 170

1 other meetings have sort of set agenda and that sort of
 2 thing, but those more free-flowing discussions with
 3 counterparts about, "Well, we're seeing this, how is
 4 this working?", I think that's real sort of value in
 5 understanding where you are, you know, with your
 6 counterparts.
 7 **Q.** We've also heard that you talked about the absolute
 8 importance of structures, particularly in a pandemic,
 9 and given, as her Ladyship has reflected, that we're
 10 looking to learn lessons from the pandemic, were there
 11 any additional structures which you would have liked to
 12 have been in place to ensure co-operation between the
 13 UK Government and the devolved administration?
 14 And I should explain the reason that I'm asking is
 15 that we heard, for example, earlier in your evidence you
 16 talked about the issues of politics and personality, and
 17 I'm wondering if we can learn from the experiences that
 18 we have had to try and limit as much as possible those
 19 difficulties in --
 20 **A.** Yeah.
 21 **Q.** -- providing some form of structure.
 22 **A.** Yeah, I think, I mean, a good thought is I think it
 23 probably would be valuable to have -- actually not just
 24 in pandemic but, you know, in emergencies, having
 25 a sort of set structure about senior official
 172

1 engagement. That tends to happen around the COBR table,
2 of course, but again that's not really the point. The
3 point is when we get in -- as we were discussing with
4 my Lady earlier, it's actually the chronic phase is the
5 really difficult one. So actually having sort of set
6 structures around that engagement I think would be
7 valuable.

8 **Q.** Can you envisage as to how that would look?
9 For example, who would it be important to have at those
10 meetings?

11 **A.** So I certainly think you'd want permanent secretary
12 colleagues from the devolved administrations and perhaps
13 other sort of key senior officials, and then, depending
14 on the nature of the crisis, you know, the
15 Cabinet Secretary, might be the National Security
16 Adviser; and of course if we follow through the model,
17 if it's a very serious go on -- you've actually got
18 a taskforce lead, you'd want them in there, and,
19 you know, potentially the most relevant departments. So
20 I think you'd want that blend of experience and
21 viewpoints.

22 **Q.** What benefit do you think that would bring?

23 **A.** I think -- I think you are -- I think the point stands
24 from your earlier question, which is there's always --
25 the reality of politics is there's always going to be

173

1 about is the personality differences and the fact that
2 I think particularly in relation to Great Britain, where
3 it is a sort of single epidemiological zone, people
4 interacting across all of those boundaries, but we
5 actually had different rules in place in different parts
6 of Great Britain within an epidemiological zone, and,
7 I mean, that's -- that's -- that's what I sort of mean
8 by the strain.

9 **Q.** Can I then ask whether or not there were any practical
10 steps taken to try and rectify those strains? Was there
11 anything done to ease it?

12 **A.** I sort of refer back to the earlier points, I think in
13 particular the four CMOs meeting was absolutely vital in
14 keeping the flow of information and the discussion about
15 either individual or collective action. You know, there
16 were also important moments, if I remember correctly,
17 I think it was in September 2020 we did a four nations
18 joint statement, there were moments like that that
19 I think were important about recognising the -- I think
20 it said we recognised there's a second wave coming. But
21 those sorts of structures, the ones that we've already
22 mentioned, I think were the answer.

23 **Q.** So the answer to our first and second questions, that if
24 we have better communications not only at governmental
25 level but also at a Civil Service level --

175

1 politics and personalities. By the way, you're not
2 guaranteed there aren't personalities at senior official
3 level, they're not -- some of them aren't shrinking
4 violets, that -- but that would allow the discussions,
5 perhaps slightly freer of politics, to go on. I think
6 that would be the value.

7 **Q.** Can I move on to ask about an issue which you raise in
8 your statement. I don't need it brought up, but you
9 spoke in regulation to the information given to the
10 public about Covid and the regulations and --

11 **A.** Yeah.

12 **Q.** -- the guidance, and you explained, and as indeed we've
13 heard from others, that it was complex and confusing,
14 you referenced the Stay Alert message, but you also
15 say -- and just for reference this is at paragraph 6.29
16 of your statement, for the Inquiry -- that the
17 complexity of the rules was symptomatic of how the
18 response to the pandemic had strained the balance and
19 interaction between the UK, devolved and local
20 administrations.

21 What I would like to ask you is: how do you consider
22 that the balance and interaction between the UK and
23 devolved administrations was strained?

24 **A.** I think, I mean, I sort of -- I'm just adding to the
25 evidence that you've heard, what I'm really talking

174

1 **A.** Yeah.

2 **Q.** -- then that will assist managing personality --

3 **A.** Yeah.

4 **Q.** -- and the inevitable strains?

5 **A.** Yeah.

6 **Q.** Were there any attempts made at the time, other than
7 the CMOs, were there any person-to-person civil servant
8 attempts to make matters --

9 **A.** Better.

10 **Q.** -- run more smoothly?

11 **A.** So, as I mentioned, the main one was Sue Gray's weekly
12 meetings across the devolved nations, that was
13 important. They were -- there were very particular
14 moments of tension where I would speak directly to my
15 counterparts, you know, just pick up the phone to one of
16 my permanent secretary counterparts to say, "Are we --
17 you know, there's a bit of politics going on here, how
18 do we -- how do we get through this?"

19 So there were a lot of -- and there was a lot of
20 sort of civil ser -- I mean, we're colleagues, we work
21 together day in, day out, so that was happening, you
22 know, all the time.

23 **MS MITCHELL:** I'm obliged.

24 I had one more question, my Lady, but that's been
25 covered, I'm obliged to my learned friend Counsel to the

176

1 Inquiry. So those are my questions.

2 **LADY HALLETT:** Thank you very much, Ms Mitchell.

3 **MS MITCHELL:** I'm obliged.

4 **LADY HALLETT:** Mr Metzger. He usually sits behind
5 Ms Mitchell. Oh, he is there.

6 Mr Metzger.

7 **MR METZER:** My Lady.

8 **Questions from MR METZER KC**

9 **MR METZER:** Dr Case, I shall be asking you a few questions
10 about one topic only on behalf of the Long Covid groups.

11 You were part of a WhatsApp group including the then
12 Prime Minister. On 17 May 2020 he shared an article
13 about people suffering from the prolonged symptoms of
14 Covid-19, and I wonder if we can please call up
15 INQ000102087.

16 **A.** Yeah. I think that's come up.

17 **Q.** Thank you. As a direct result of this article, was any
18 advice sought on the prolonged symptoms of Covid-19?

19 **A.** I'm afraid I can't remember whether this particular
20 interaction sparked advice. I remember ... I think it's
21 probably later in 2020, probably into the late summer,
22 maybe the autumn, when I think it was Chris Whitty
23 started to talk about Long Covid --

24 **Q.** Yes.

25 **A.** -- in the meetings with the Prime Minister. But

177

1 2020, what I remember is ... is sort of, as I say,
2 Chris Whitty talking to the Prime Minister, you know,
3 with the Covid Taskforce people in the room, about the
4 possibilities of there, you know, being long-term
5 effects of Covid. I can't tell you precisely why
6 that -- why that piece of advice came at that particular
7 time. I can't remember quite what the -- you know, what
8 the moment was. But I can tell you that, you know,
9 advice was coming straight from -- I mean, probably
10 advice is strong -- sort of commentary about the
11 develop(sic) of the understanding of Long Covid -- as
12 we, you know, later called it -- was coming from Chris
13 directly to the Prime Minister.

14 **Q.** Yes, that is later in time, but you accept that's
15 a ten-month delay, and I'm just particularly going to
16 ask you about a parliamentary paper on short and
17 long-term effects of Covid-19 which was published in
18 early September 2020. That's INQ000023854. We don't
19 need to go to it.

20 **A.** Yeah.

21 **Q.** Can you assist as to: why couldn't the Covid Taskforce
22 prepare something similar at that time?

23 **A.** I don't ... the direct answer is I don't know. I don't
24 know who sort of saw it and what was done with the
25 parliamentary advice. What I recall, I think I recall

179

1 I'm afraid I don't -- I can't -- I mean, I'm happy to
2 check. I don't know whether it's possible to check and
3 come back, I don't know whether that route's available
4 but I can't tell you I know for sure.

5 **Q.** Yes, I think you're right to recall that, but that is
6 much later in time.

7 **A.** Yeah.

8 **Q.** The Cabinet Office received advice from the DHSC on
9 25 June 2020 -- we don't need to call it up, but it's
10 INQ000069853 -- that there could well be a number of
11 longer term health impacts of Covid-19.

12 You describe the role of the Covid Taskforce -- and
13 for reference, it's paragraph 3.10 of your corporate
14 statement, we don't need to go to it -- as ensuring the
15 government received the most up-to-date advice on the
16 state of play on the ground, was guided by the science
17 and -- these words I emphasise -- continued to adopt
18 a holistic approach to decision-making to ensure that
19 the impact of all decisions was assessed in the round.
20 That's what you said.

21 Can you assist, please, then, as to why it took
22 until -- not until April 2021 for the CTF to prepare
23 advice for Cabinet Office on the long-term effects of
24 Covid-19?

25 **A.** So if I -- if I remember correctly, in the autumn of

178

1 this, as I think it was Patrick, in and around that late
2 summer/early autumn time -- actually it was a little
3 bit, I think alongside the discussions around
4 segmentation that Mr Keith was asking me about
5 earlier -- was this idea that it was just fine for
6 children to get Covid because they bounced through it.
7 I seem to remember Patrick being clear that it wasn't
8 that straightforward and that in fact the impacts --
9 there could well be lasting impacts of Covid. Again,
10 I can't tell you what precisely was done. I'm happy to
11 check on that parliamentary report and who saw it.

12 **Q.** Yes. I simply wanted just to ask you whether in
13 principle the Covid Taskforce could, I suggest --

14 **A.** Yeah.

15 **Q.** -- have prepared something similar?

16 **A.** Yeah. Yeah.

17 **Q.** So help me then with this: how could Cabinet Office
18 factor Long Covid into decisions around NPIs, including
19 the imposition of the later lockdowns, if they were not
20 provided with either timely advice or data on it?

21 **A.** I think ... again, if I remember correctly, in the
22 papers that were coming to Covid-S and Covid-O around
23 the decisions around the second lockdown, there were --
24 there were discussions or references in that to the
25 long-term impact of Covid. So I think it was -- I think

180

1 it was discussed, I'm not going to pretend I think it
 2 was discussed in detail, I think it was much more in
 3 2021, but in -- if I'm remembering correctly, I think
 4 it's in the papers Covid-S and Covid-O. Apologies if
 5 I've misremembered.

6 **Q.** With the greatest of respect, I'm not sure you are right
 7 about that.

8 **A.** Okay, sorry, apologies.

9 **Q.** Well, I'm just -- do you agree in principle --

10 **A.** Yes.

11 **Q.** -- that it's necessary, if you're going to factor in
 12 Long Covid into decisions around NPIs, to have timely
 13 advice and data?

14 **A.** Yes.

15 **Q.** Thank you.

16 I'm going to suggest to you, finally, that, simply
 17 put, was it that Cabinet Office did not take into
 18 account that a significant number of people would suffer
 19 long-term effects of Covid-19 when carrying out that
 20 balancing exercise required to make a decision to lock
 21 down?

22 **A.** I think that's true to an extent in the -- in relation
 23 to the 2020 period. I think in 2021 the -- it factored
 24 more in the decision-taking.

25 **Q.** Yes, I think that's --

181

1 abuse.

2 So you referred to this in your evidence: when you
 3 came back into government at the beginning of April, you
 4 were looking at SROs, senior responsible officers, very
 5 early on, and you were looking at non-shielded
 6 vulnerable, and you wrote in an email to Michael Gove --
 7 and that's what you referred to --

8 **A.** Yeah.

9 **Q.** -- in your evidence. I'm not going to ask them to bring
 10 it up, but for the reference it's INQ000137204, and it
 11 was 7 April, and you said that there was a great deal of
 12 work going on now that you'd looked at it, there were
 13 myriad SROs working away but they were working away in
 14 silos and they were not sufficiently joined up. So that
 15 was your view --

16 **A.** Yes.

17 **Q.** -- as of 7 April.

18 We've in fact seen -- we have two documents that
 19 show the programmes for the SROs. There were ten SROs.
 20 They included non-shielded vulnerable, and I think you
 21 became that SRO?

22 **A.** Correct.

23 **Q.** And they included vulnerable children. There was no
 24 separate SRO for domestic abuse?

25 **A.** I can't remember without, but --

183

1 **A.** And of course that's --

2 **Q.** -- the second and third lockdowns, so you agree with me
 3 on that.

4 **A.** Yeah.

5 **MR METZER:** Thank you very much indeed. That's all I ask.

6 **LADY HALLETT:** Thank you very much, Mr Metzger.

7 Ms Davies.

8 Ms Davies is over that way.

9 **THE WITNESS:** Thank you.

10 **Questions from MS DAVIES KC**

11 **LADY HALLETT:** Have you got a green light?

12 **THE WITNESS:** This reminds you of Covid, "You're on mute".

13 **MS DAVIES:** Southall Black Sisters and Solace Women's Aid --

14 **A.** Yeah.

15 **Q.** -- so you will know from that that my focus of inquiry
 16 is about domestic abuse.

17 And you may want to look at me, but it would be
 18 helpful if you could direct your answers to
 19 her Ladyship, and that's not being rude to me at all.

20 **A.** Thank you.

21 **Q.** My questions derive from some of the questioning this
 22 morning to you in two chunks, one was about the
 23 non-shielded vulnerable that you took responsibility for
 24 when you came back into government at the beginning of
 25 April, and the other was a later chunk on domestic

182

1 **Q.** There are lists.

2 **A.** I'll take your word for it.

3 **Q.** Thank you.

4 Then you reported to cabinet on 24 April, and this
 5 is a document that -- if we can bring up INQ000088638,
 6 please, and now I'm aware that you haven't had notice of
 7 this document, you may not have had a chance to review
 8 it in your preparations, but those are the cabinet
 9 minutes of 24 April. Do we have them up?

10 **A.** Yes, they're there.

11 **Q.** Good.

12 On page 1, we can see that that's the date and the
 13 ministers present.

14 On page 2, we can see that you're present.

15 Then if we go to page 4, you are invited by the
 16 Foreign Secretary -- he is, of course, deputising for
 17 the Prime Minister at that time -- to present on the
 18 non-shielded vulnerable programme.

19 If we go down to the bottom of what we currently
 20 have up, you will see the final paragraph:

21 "Continuing, SIMON CASE, CABINET OFFICE, said that
 22 the three areas where there was the highest risk of the
 23 government failing to meet the needs of non-shielded
 24 vulnerable individuals were ... [and the second one is]
 25 domestic abuse, where the risk was acute ..."

184

1 So that was your view?

2 **A.** Yes.

3 **Q.** And you were concerned that they were failing --

4 government was failing to meet those needs?

5 **A.** Correct. I think the -- well, I won't explain.

6 I don't -- you know, very clear that if people couldn't

7 get out of their home, that the victims of domestic

8 abuse were -- yeah, the risk was going to be acute if

9 they couldn't --

10 **Q.** Yes.

11 **A.** -- they couldn't get out of their houses.

12 **Q.** If we could just stay on that document for a moment and

13 go to page 6 ... I don't know, is that up? It's not up

14 on my screen.

15 **A.** It's up on mine.

16 **Q.** So that is the discussion.

17 **A.** Yes. Sorry, this is a cabinet committee, so the way we

18 do this is the points --

19 **Q.** In general terms, yes.

20 **A.** You don't record who made the points, yep.

21 **Q.** If we can scroll down actually to further down that

22 page, to paragraph (g) --

23 **A.** Yeah, got it.

24 **Q.** -- and that's probably, I would guess, a point made by

25 the Home Secretary, although it may be that because it's

185

1 **Q.** But just on that, you were asked and agreed this morning

2 about the inadequacy of data at that time, but is it

3 fair to say that by 24 April cabinet has the data

4 confirming the rising calls for help in domestic abuse

5 and therefore confirming the obvious inference that

6 domestic abuse increases as a result of lockdown?

7 **A.** Yeah, I think the Home Office were getting this data

8 from relevant charities and passing it to the

9 Cabinet Office.

10 **Q.** Yes.

11 Two days later, presumably as a result of the

12 discussion at cabinet, then we have a paper -- and I'm

13 not going to put that to you, but you proposed that

14 there is a gold SRO in overall co-ordination of the ten

15 SROs. You also say that in your witness statement.

16 Does that ring a bell?

17 **A.** Yes, it does.

18 **Q.** It's not clear, either from your witness statement or

19 the documents, whether a gold SRO was ever appointed.

20 Can you help?

21 **A.** I cannot. Is it possible to check these things and come

22 back to the Inquiry afterwards? I don't know what the

23 procedure is. But on things like that which are just

24 factual which I don't know, I'm happy to check and

25 answer the question in writing if needed.

187

1 cabinet we're not allowed to speculate on --

2 **A.** I mean, I'd be very sure it was the Home Secretary

3 because, as I mentioned in questioning to Mr Keith, she

4 was really focused on this and how the Home Office

5 could -- what more they could do with the relevant

6 charities. I think they --

7 **Q.** Yes.

8 **A.** -- put out more funding for the charities and got the

9 police to think more about how they could assist.

10 **Q.** So she, if we're working on the basis it is her, she

11 does give us the data, the latest data available on the

12 victims of domestic abuse, was revealing the scale of

13 the problem, and it's quite telling: helplines had

14 received a 52% increase in volume of calls, but the

15 demand for refuges and shelters had fallen, indicating

16 that the victims were increasingly unable to leave their

17 abusers. So there was both a demand for help but

18 difficulty in actually leaving?

19 **A.** Correct.

20 **Q.** And I --

21 **A.** If I'm right, one of the responses, I think, that was

22 between government and the charitable sector was the --

23 do I remember it right, was it the Ask for ANI?

24 **Q.** That's next year, that's 2021 --

25 **A.** Sorry.

186

1 **LADY HALLETT:** Thank you. There's certainly ways we can do

2 it.

3 **MS DAVIES:** Thank you.

4 Thank you, my Lady.

5 So that's helpful, we don't know that, but you'll

6 let us know. Then, as you discussed with Mr Keith, by

7 the end of May the MIGs are abolished, they're replaced

8 by Covid-S and Covid-O at ministerial level and later

9 the Covid Taskforce; and are the SROs abolished at the

10 same time?

11 **A.** The SROs in, which were largely in departments,

12 continued -- sorry, I have to look this way. It feels

13 very, very rude.

14 **Q.** Whichever is most comfortable.

15 **A.** They continued in departments. Yes, they did.

16 **Q.** Right. You said also this morning that the work of the

17 non-shielded vulnerable continued in the taskforce, and

18 you struggled for the name but you thought it was

19 Kay Withers --

20 **A.** Yeah.

21 **Q.** -- after a while --

22 **A.** That's right.

23 **Q.** -- and then by a small group, you said.

24 **A.** Yes, that's right, and I think Simon Ridley addressed

25 this. I think he said it went into -- into the

188

1 Covid Taskforce under him.

2 **Q.** Again, nothing specifically on domestic abuse either
3 within the SROs or within the Covid Taskforce. Again,
4 we've looked at lists.

5 **A.** Fine. Again, I'll take your word for it.

6 **Q.** So would you agree that the work on domestic abuse,
7 which is a subject that several different government
8 departments have various responsibilities for, the
9 Home Office, Department for Levelling Up --

10 **A.** Yes.

11 **Q.** -- Department of Education and so forth, Ministry of
12 Justice; would you agree that work on domestic abuse
13 should really have had a specific co-ordinator at the
14 centre in times of crisis?

15 **A.** I think in a crisis such as this that idea of having --
16 yeah, I think that's actually a rather good idea.

17 **Q.** Is it fair to say that the failure to have a specific
18 co-ordinator, given that we're now learning the lessons,
19 meant that domestic abuse work effectively fell through
20 the cracks, that the Home Office and the other
21 departments were doing what each one was doing, but
22 nobody was co-ordinating across government; is that
23 fair?

24 **A.** My honest answer is I don't know, because I sort of
25 don't know the detail of how the teams across those

189

1 **Q.** This is my very last question: fair to say that that's
2 why -- the working in silos point -- that's why on
3 24 April when you were presenting to cabinet you
4 described domestic abuse as one of the areas where there
5 was the highest risk of government failing to meet
6 needs -- and I'll just finish the question, then you can
7 reply to both points -- and that that analysis didn't
8 change throughout the period of Covid, despite the
9 Covid Taskforce, despite Covid-O and Covid-S?

10 **A.** Again, I'm ... I'm sort of -- later on, once I become
11 Cabinet Secretary, I'm just not sure I would have seen
12 the detail of what was going on, so I -- sort of I think
13 that the thrust I can agree with, but the precise point
14 I just don't --

15 **Q.** If you don't know, you don't know.

16 **A.** -- I didn't know from my position the detail of what was
17 going on in the Covid Taskforce to join up departments.
18 You know, I mean, I'm sure the analysis was right that
19 there was unmet need, I think particularly in relation
20 to domestic abuse, because of the terrible circumstances
21 that victims must have been in of being trapped in
22 houses with -- well, wherever with abusers, I suspect
23 it's right that there was unmet need.

24 **MS DAVIES:** Thank you very much.

25 Thank you, my Lady.

191

1 departments were working together. Actually I would
2 expect -- but this is just an expectation -- that they
3 would have been working quite closely together on
4 a subject like this, because they would be working
5 closely together in peacetime, not just in crisis. But
6 certainly, you know, as we've discussed at length, the
7 idea of having sort of somebody in the centre of
8 government whose job title is "Make sure this all works"
9 is a good idea.

10 **Q.** Without that someone in the centre of government, there
11 is a real risk of everybody working in silos, as you put
12 it when you emailed Mr Gove at the beginning of April?

13 **A.** There is, but I refer back to a thing -- there's
14 a phenomenon always which is the centre of government
15 can often believe that if it's not seeing something in
16 government, it's not happening. Actually there's a lot
17 of often very good working across government that
18 doesn't involve the Cabinet Office or the Prime Minister
19 telling them to; people do just get on with it. But,
20 I mean, the strength of the point is that I think
21 probably across domestic abuse and the other sorts of
22 groups that we identified through the non-shielded
23 vulnerable programme, having dedicated officers whose
24 job it is to think about that and co-ordinate would be
25 a good idea.

190

1 **LADY HALLETT:** Thank you, Ms Davies.

2 The next two questioners are both behind you.

3 Mr Thomas has just stood up, he's behind you to your
4 right, and then it'll be Mr Jacobs in front of him.

5 **THE WITNESS:** Can I turn round to see the questions --

6 **LADY HALLETT:** Yes, of course.

7 **THE WITNESS:** -- and then look back this way?

8 **LADY HALLETT:** I won't consider it disrespectful either.

9 It's probably easier because you can then face the
10 questioner.

11 **Questions from PROFESSOR THOMAS KC**

12 **PROFESSOR THOMAS:** Good afternoon, Dr Case. Can you hear me
13 okay?

14 **A.** Yeah, I can.

15 **Q.** I represent FEMHO, the Federation of Ethnic Minority
16 Healthcare Organisations.

17 I only have a very small handful of questions for
18 you, but let me just briefly set the context.

19 So as the legal representative of FEMHO, one of the
20 things that we are deeply concerned about is the
21 disproportionate impact that the pandemic had on Black,
22 Asian and minority ethnic communities, particularly
23 given the significant number of healthcare workers from
24 these backgrounds who were right on the frontline.

25 Early reports, such as that that was contained in

192

1 The Guardian on 10 April 2020, highlighted an alarming
2 trend amongst ethnic minority healthcare workers. So
3 I have in mind the report that they were being
4 disproportionately impacted; the first ten doctors were
5 from ethnic minority -- who died -- backgrounds; and at
6 about this time, with the Prime Minister hospitalised
7 and the absence of clear leadership during his illness,
8 it's vital to understand who within Number 10 was
9 actively addressing this issue.

10 Additionally, it's critical for this Inquiry to
11 delve into what the initial understanding was of these
12 disproportionate deaths, whether viewed merely from
13 a physiological anomaly or whether it had a deeper, more
14 deeper meaning such as structural issues within the
15 healthcare system.

16 So, can I now turn to the questions. As I say, it's
17 only a handful of questions.

18 In your witness statement at paragraph 2.4, you
19 mention presenting on the non-shielded vulnerable
20 programme to the Covid-19 strategy ministerial group on
21 24 April. So this would have been some two weeks after
22 that report that I've just mentioned.

23 First question: what specific information did you
24 possess or know regarding the disproportionate impact of
25 the virus on the BAME community, especially considering

193

1 **Q.** Secondly, in the discussion surrounding the non-shielded
2 vulnerable programme to the Covid-19 strategy
3 ministerial group, was ethnicity acknowledged as
4 a potential risk factor contributing to the significant
5 disproportionate impact on these communities?

6 **A.** I don't -- I don't think it -- I don't remember it
7 being, but I'd want to check notes and minutes of the
8 meeting to be sure, but I don't think it was.

9 **Q.** Thirdly, given the absence of the Prime Minister due to
10 his hospitalisation from 5 April to 26 April, was the
11 surge in the disproportionate deaths within the BAME
12 community recognised as an urgent matter, particularly
13 concerning frontline healthcare workers? You know, the
14 very people we were clapping for every Thursday.

15 **A.** So I -- if -- I don't -- I don't think I would have had
16 visibility of it, if it was. Obviously, you know, the
17 Deputy Prime Minister, Dominic Raab, had taken the
18 Prime Minister's place whilst he was ill and the team
19 was working, but I'm afraid I simply -- I don't -- at
20 that time I could see what I was working on, the
21 non-shielded vulnerables; I don't -- I couldn't see
22 myself what was going on in other bits of the forest.
23 So I'm not sure I can actually help you, with apologies.

24 **Q.** You may have touched upon my last question -- but let me
25 put it to you, just to see if you have -- which is: who,

195

1 the significant representation of Black, brown
2 healthcare workers on the frontline?

3 **A.** So at that time I don't think I had any information
4 specifically on this. If I remember correctly, the
5 focus on these, sort of the -- there's material that
6 I think I've exhibited -- comes later. I think after
7 the June 2020 PHE report where we start to focus much
8 more on the disproportionate representation of ethnic
9 minorities by age group.

10 When I was doing the non-shielded vulnerable work,
11 actually the, I think the specific issue about
12 healthcare workers -- I mean, and this is the silo
13 problem -- would have been coming to the health MIG,
14 through that route rather than through the non-shielded
15 vulnerable group.

16 **Q.** But you agree -- as you say, there may have been a bit
17 of a silo there -- this is the sort of information that
18 should have been shared?

19 **A.** I certainly didn't -- I remember becoming very conscious
20 of the -- this, as we've already -- I discussed with
21 Mr Keith earlier, but it was later, it wasn't April.

22 **Q.** There was a Public Health England report in 2019 that
23 was talking about structural racism within the NHS.
24 Were you aware of that?

25 **A.** No, I wasn't.

194

1 if anyone, held the highest authority in addressing the
2 disproportionate impact on the BAME communities and the
3 safety of frontline healthcare workers during the
4 Prime Minister's absence?

5 **A.** Again I'm not sure. As I say, the Deputy
6 Prime Minister, Dominic Raab, had the overall control --

7 **Q.** You seem a little bit uncertain about that.

8 **A.** Yeah, I'm -- I actually don't know who would have been
9 the equalities minister at that time, but it also would
10 have been with Matt Hancock, of course, as
11 Health Secretary, in relation to health workers.

12 **Q.** Respectfully, there seems to be some hesitancy. That
13 might just be down to the passage of time, but equally
14 it might be because there was genuine confusion about
15 who held this brief. Would that be fair?

16 **A.** Yeah, it could have been actually my hesitation is
17 because I wasn't there and I'm trying to cast my mind
18 back to actually what I have direct knowledge of, and
19 I have limited direct knowledge and I just don't want to
20 mislead you in my answers.

21 **Q.** I understand.

22 Let me finish with this: would you agree with this,
23 certainly those who I represent have the perception that
24 little was done despite the fact that knowledge was
25 there -- and I've given you the alarming article about

196

1 the first doctors who died were Black or brown. Would
2 you agree that, looking back on this, there does appear
3 to be some dilatoriness in terms of addressing this?
4 Would that be fair?

5 **A.** Yeah, I think I'd sort of said similar to Mr Keith this
6 morning. I know -- I don't know whether it was your
7 exchange or one of your colleagues' exchange with
8 Simon Ridley about the development of the work on our
9 ethnic minority groups. I touched on it this morning.
10 It was one of the areas where I think we were too slow.

11 **PROFESSOR THOMAS:** Dr Case, thank you very much.

12 **LADY HALLETT:** Thank you, Mr Thomas.

13 Mr Jacobs.

14 Questions from MR JACOBS

15 **MR JACOBS:** Good afternoon, Dr Case. I ask questions on
16 behalf of the Trades Union Congress.

17 We're going to look, if we may, at page 144 of
18 Sir Patrick Vallance's diaries. It's an entry from
19 12 August 2020, it refers to a meeting in which you were
20 present with the then Prime Minister, Mr Cummings and
21 others. What it says is:

22 "We suggested that more carrot and incentives
23 required to make people take a test, self-isolate etc
24 but they always want to go for stick not carrot."

25 Firstly, the carrot that was referred to in that
197

1 support, it went on for a long time. I think in the end
2 there was resolution. It was a discussion that largely
3 happened between the test and trace team and the
4 Treasury directly, if I remember correctly. But I,
5 you know --

6 **Q.** Let's --

7 **A.** -- I recognise the point.

8 **Q.** Yes. Let's hazard a guess that by "they" he means the
9 Prime Minister and the Chancellor; would it have been
10 your impression that the instinct was to reach for the
11 stick and not the carrot?

12 **A.** This is August ... I mean, certainly at this time the
13 former Prime Minister, Mr Johnson, was very focused on
14 enforcement, I think around this time he'd had a meeting
15 with chief constables, with the Home Secretary, it was
16 very much, you know, get people to comply at that time.
17 I don't think that was his view all the way through.
18 I think the Chancellor was doing -- always doing the
19 Chancellor's job, which is "I'll pay for things if you
20 can show that they deliver value for money, so please
21 show me the evidence they'll work".

22 **Q.** Okay.

23 One observation you made in your evidence earlier
24 this afternoon was a lower income workforce which is
25 disproportionately young, female and ethnic minority; do
199

1 meeting, would that include financial support for those
2 self-isolating?

3 **A.** Yeah, again, sorry for turning my back on you whilst
4 I answer.

5 Yeah, that's exactly right. The -- there was a very
6 big debate all the way through August, September and
7 I think even into October, possibly even longer, about
8 financial support for those who were self-isolating.
9 Test and trace, who were sort of in the lead, I think,
10 were consistently saying that the financial support for
11 those self-isolating wasn't enough.

12 **Q.** And was the idea in general terms that those on lower
13 incomes who also happened to be working in care homes,
14 in transport, in supermarkets, et cetera, may struggle
15 to have no or restricted pay for two weeks?

16 **A.** Yeah, that was the point that I remember Dido Harding
17 and her team making, yes.

18 **Q.** Is Sir Patrick's impression of that big debate, as you
19 describe it, a fair one, namely that they always want to
20 go for the stick and not the carrot?

21 **A.** It's sort of obviously difficult to comment on someone
22 else's words, as I don't quite know who he means by
23 "they" but, you know, as I say, I think the
24 characterisation of it taking a lot of pushing from the
25 test and trace organisation to increase the financial
198

1 you think there was adequate consideration of that as
2 a feature and whether financial support for
3 self-isolation may be a part of addressing some of that
4 disproportionate impact?

5 **A.** That point was discussed, definitely discussed more
6 broadly, but certainly in the discussions -- and there
7 wouldn't have been many that I was in on this -- I don't
8 remember that featuring particularly in this particular
9 discussion around self-isolation.

10 As I said, I have to be careful that a lot of these
11 conversations -- you know, I will have been in the
12 discussions with ministers, but there would have been
13 a lot of discussions outside and so, you know, official
14 to official, that I may not have been party to where
15 that was discussed, but I don't remember it being
16 discussed particularly.

17 **Q.** Put simply, should it have been?

18 **A.** Yes.

19 **MR JACOBS:** Those are my questions, thank you very much.

20 **LADY HALLETT:** Thank you very much, Mr Jacobs.

21 I think that completes the questioning for Dr Case,
22 Mr Keith?

23 **MR KEITH:** My Lady, it does.

24 **LADY HALLETT:** Thank you very much, Dr Case, I'm really
25 grateful to you. It's been a long day for you. I hope
200

1 it hasn't been too much occasionally like a seminar when
2 I've got involved.

3 **THE WITNESS:** No, sorry, I thought that was my fault.

4 **LADY HALLETT:** No, I asked you the questions. But I'm
5 delighted too to see that your health seems to be
6 improving. So thank you for your help.

7 **THE WITNESS:** Thank you.

8 **(The witness withdrew)**

9 **Closing remarks by THE CHAIR**

10 **LADY HALLETT:** Right, that now completes the oral evidence
11 for Module 2, the bulk of which of course we concluded
12 last December.

13 Since then I've heard evidence in Edinburgh, Cardiff
14 and most recently in Belfast, and I can assure the
15 members of the public that the Inquiry teams for each
16 module have already begun work on producing their
17 analysis of the evidence, both written and oral, and
18 I will consider all the evidence that has been gathered
19 and the submissions before reaching any conclusions.
20 There may be additional submissions as a result of
21 Dr Case's evidence today, and I will happily receive
22 them.

23 We are close to publishing the report for Module 1,
24 and I will publish the report for Module 2, 2A, 2B and
25 2C as soon as we reasonably can.

201

1 I hope to make recommendations where appropriate to
2 make the United Kingdom and the devolved nations better
3 able to face threats such as the Covid pandemic in the
4 future, and I want to make those recommendations before
5 the memories of some fade.

6 So thank you all very much, and I think the next
7 substantive hearings will commence in Module 3, the
8 healthcare module, at the beginning of September.
9 September 9, I think it is. There will be other
10 hearings, preliminary hearings, but those will be the
11 next evidential hearings.

12 So thank you all.

13 **MR KEITH:** Thank you, my Lady.

14 **(4.16 pm)**

15 **(The hearing concluded)**

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203

1 I should say this: that as I went around the
2 United Kingdom, although I understood clearly the
3 distinct differences in the context of each devolved
4 nation, I also detected a large number of common themes,
5 and I have decided that because of the number of common
6 themes, to save duplication and to try and get the
7 report out as soon as possible, I will address them in
8 a single report. But I want to reassure the people of
9 Scotland, Wales and Northern Ireland that in doing so
10 I will ensure that the issues specific to their country
11 are properly addressed.

12 So I'd like to conclude by thanking again all those
13 who have been involved in the hearings for Modules 2,
14 2A, B and C, all the witnesses, the material providers,
15 the core participants and their legal teams, and
16 of course to the Inquiry team. We could not have
17 completed the hearings without everyone's very
18 substantial assistance.

19 I do know that the Inquiry makes great demands on
20 people and organisations, and that I have set a very
21 challenging timetable. This, I'm afraid, is
22 a consequence of the extremely broad terms of reference
23 set by Mr Johnson as Prime Minister, and of my
24 determination to fulfil those broad terms of reference
25 within a reasonable timeframe.

202

INDEX		PAGE
3	DR SIMON CASE (sworn)	1
4		
5	Questions from LEAD COUNSEL TO THE INQUIRY ...	1
6		
7	Questions from MS MITCHELL KC	170
8		
9	Questions from MR METZER KC	177
10		
11	Questions from MS DAVIES KC	182
12		
13	Questions from PROFESSOR THOMAS KC	192
14		
15	Questions from MR JACOBS	197
16		
17	Closing remarks by THE CHAIR	201

18
19
20
21
22
23
24
25

204

LADY HALLETT: [64] 1/3 1/7 3/1 9/23 42/1 42/3 42/6 42/10 43/13 43/16 43/22 44/6 44/10 44/14 62/14 62/18 62/25 63/4 63/25 85/20 109/1 109/5 109/9 119/16 119/24 132/5 132/14 132/18 154/6 160/4 160/13 160/16 160/19 161/21 162/2 164/14 164/17 164/20 165/12 165/15 165/20 165/22 165/25 166/4 166/8 166/13 166/15 168/23 169/3 170/5 170/11 177/2 177/4 182/6 182/11 188/1 192/1 192/6 192/8 197/12 200/20 200/24 201/4 201/10 MR JACOBS: [2] 197/15 200/19 MR KEITH: [23] 1/4 1/10 3/2 10/1 43/24 44/5 44/9 44/15 64/2 85/18 86/1 109/4 109/8 109/13 119/15 119/25 132/19 154/2 154/9 168/25 169/4 200/23 203/13 MR METZER: [3] 177/7 177/9 182/5 MS DAVIES: [3] 182/13 188/3 191/24 MS MITCHELL: [3] 170/13 176/23 177/3 PROFESSOR THOMAS: [2] 192/12 197/11 THE WITNESS: [6] 182/9 182/12 192/5 192/7 201/3 201/7 ' council ' [1] 68/19 ' review ' [2] 107/17 110/15 0 0.4 [2] 135/17 135/18 0.6 [1] 135/16 07.31 [3] 109/8 110/18 111/16 07.31.10 [1] 110/11 1 1 July [1] 106/20 1 metre [16] 105/22 106/10 106/13 106/14 106/20 108/24 109/16 109/21 109/25 110/3 110/6 110/24 111/12 111/14 111/20 111/22 1-metre/2-metre [1] 112/3 1.05 pm [1] 119/21 10 [55] 3/23 4/2 5/1 6/6 6/16 7/1 7/1 7/2 7/8 7/9 8/13 18/9 20/14 20/19 21/14 23/10 45/21 47/2 47/25 49/22 50/11 51/1 51/8 51/9 51/16 51/24 52/9 54/2 55/3 55/9 58/9 58/11 76/18 78/15 82/2 84/9 84/25 85/16 87/5 88/17 90/11 93/15 100/6 103/3 112/1 113/16 113/24 114/4 130/18 130/19 132/20 134/24 156/23 157/4 193/8 10 April 2020 [1] 193/1 10 May [1] 52/11 10 seconds [1] 111/16 10.00 am [1] 1/2 10DS [1] 35/24 11 [2] 107/9 145/7 11 June [4] 106/15 108/18 110/18 111/24 11 June 2020 [1] 111/16 11.00 am [1] 44/11 11.10 am [1] 44/13 11.36.39 [1] 44/22 12 [1] 103/3 12 August 2020 [1] 197/19 12 minutes [1] 85/21 12 October [1] 145/12 12.08 pm [1] 85/23 12.20 [1] 85/22 12.20 pm [1] 85/25 13 [1] 100/22 13 May [2] 100/25 101/1 13.06.01 [1] 45/4 13.13.42 [1] 45/8 13.14.86 [1] 45/12 13.20.15 [1] 45/16 13.25.28 [1] 45/22 13.28.48 [1] 45/23 13.38.18 [1] 46/3 14 [1] 11/25 144 [1] 197/17 14th [1] 145/23 15 June [1] 103/5 15.21.55 [1] 72/22 16 [3] 39/12 56/18 56/20 17 May 2020 [1] 177/12 18.13.19 [1] 16/6 19 [11] 2/25 4/8 20/11 177/14 177/18 178/11 178/24 179/17 181/19 193/20 195/2 19 May [1] 56/18 1950s [1] 161/14 1970s [1] 63/11 1m [1] 110/17 2 2 June [1] 103/25 2 metres [2] 109/24 111/21 2 November [1] 100/5 2-metre [6] 105/12 105/16 105/22 107/16 108/23 110/24 2.05 [1] 119/17 2.05 pm [1] 119/23 2.4 [1] 193/18 20 December 2021 [1] 16/6 20 May [1] 100/21 20 September [1] 148/15 2019 [1] 194/22 2020 [41] 3/7 3/9 3/10 3/20 9/13 16/2 18/22 19/19 19/25 34/9 38/4 58/11 61/7 65/20 72/20 73/17 77/6 79/18 80/12 87/15 87/20 89/11 100/21 111/16 120/25 128/5 132/25 139/14 162/10 169/19 171/7 175/17 177/12 177/21 178/9 179/1 179/18 181/23 193/1 194/7 197/19 2020/2021 [1] 74/13 2021 [18] 6/12 6/15 7/12 7/25 10/2 16/6 24/11 58/12 74/13 74/13 84/10 85/15 89/14 92/11 178/22 181/3 181/23 186/24 2023 [1] 2/5 2024 [1] 1/1 20th [1] 145/24 20th century [1] 164/3 21 May [1] 59/11 21 May 2020 [1] 3/10 21 September [1] 141/24 21.13.48 [1] 10/3 21.43 [1] 20/2 21.51.29 [1] 20/6 21.54 [1] 20/9 21st [1] 164/3 22 agonising [1] 97/11 22 May [3] 3/22 59/12 101/4 22 September [1] 143/6 23 March [2] 30/2 39/12 23 May 2024 [1] 1/1 24 April [5] 184/4 184/9 187/3 191/3 193/21 24 January [1] 2/7 24 June [1] 106/2 25 January 2023 [1] 2/5 25 June 2020 [1] 178/9 25 May [1] 154/15 26 [1] 10/1 26 April [1] 195/10 26 May 2020 [1] 65/20 28 October [1] 97/4 29 June [2] 113/7 118/11 2A [2] 201/24 202/14 2B [1] 201/24 2C [1] 201/25 2m [2] 107/6 107/8 3 3 April [1] 28/16 3 April 2020 [1] 19/25 3 June [1] 118/6 3.10 [2] 119/18 178/13 3.15 pm [1] 170/8 3.25 [1] 119/18 3.30 [1] 170/6 3.30 pm [1] 170/10 30 [1] 14/25 39 [1] 14/23 4 4 July [3] 110/17 111/3 111/8 4.16 pm [1] 203/14 4.30 [1] 119/18 5 5 April [1] 195/10 5 June [3] 103/25 103/25 104/5 50 [1] 56/4 50/50 [1] 56/4 52 [1] 186/14 59th [1] 113/13 6 6 April 2020 [1] 3/9 6.29 [1] 174/15 600 pages [1] 15/1 60s [1] 161/14 68 [1] 16/5 7 7 April [2] 183/11 183/17 7 September 2020 [1] 72/20 7.10.20 [1] 107/4 71 [1] 2/9 8 8 July [1] 130/6 8 June [2] 107/20 108/11 9 9 June [1] 2/9 9 September [1] 4/15 9 September 2020 [1] 3/7 9 were [1] 15/1 9.43.29 [1] 52/11 A a, [1] 141/5 a, sort [1] 141/5 Aamer [1] 170/14 Aamer Anwar [1] 170/14 ability [7] 20/13 22/15 22/19 25/21 40/7 47/7 48/17 able [9] 1/19 36/4 36/5 48/17 52/2 52/23 61/13 128/17 203/3 abolished [2] 188/7 188/9 about [181] 4/5 5/13 7/19 9/9 13/10 19/8 19/22 19/23 20/4 20/6 20/18 22/12 22/22 24/23 25/4 26/6 27/8 29/12 29/14 30/18 31/16 31/22 31/23 32/25 33/19 34/6 34/17 37/2 37/7 37/14 40/5 41/11 43/3 43/20 43/25 45/8 47/11 50/8 51/6 52/18 53/21 58/19 61/19 63/17 63/23 64/13 64/21 64/25 65/8 66/13 67/16 69/10 73/2 73/3 73/24 76/5 76/15 79/12 82/24 82/25 84/4 84/25 85/7 87/4 87/16 88/6 89/2 89/19 90/14 90/16 91/5 92/12 92/23 92/25 93/8 96/1 96/12 98/12 100/18 101/9 101/17 102/20 103/18 105/3 106/12 108/2 108/7

A	access [3] 9/19 29/19 53/9	113/1 114/7 115/8 115/15 116/23 116/24 117/11 117/15 117/18 119/10 122/13 123/14 124/3 124/6 124/16 127/11 131/19 131/21 134/21 135/4 135/14 138/15 138/17 138/19 138/25 141/9 145/14 145/18 150/3 150/13 152/1 152/23 154/4 155/9 155/10 155/17 156/4 158/12 159/9 159/12 159/22 160/21 163/6 163/19 164/8 166/20 166/25 167/5 167/9 171/3 171/6 171/22 172/23 173/4 173/5 173/17 175/5 180/2 185/21 186/18 189/16 190/1 190/16 194/11 195/23 196/8 196/16 196/18	administrators [2] 8/21 40/5	89/16 89/18 103/13 115/9 124/16 127/17 129/17 129/20 135/6 144/2 158/2 163/23 167/15 169/12 173/2 180/9 180/21 189/2 189/3 189/5 191/10 196/5 198/3 202/12
about... [94] 108/12 111/2 111/4 111/18 111/19 112/8 114/8 114/24 114/25 116/25 117/19 119/12 121/12 122/18 122/20 123/10 126/14 127/24 129/14 129/18 130/1 130/21 131/14 131/19 131/20 131/20 132/3 133/20 134/23 135/2 136/7 137/5 139/3 139/3 141/6 141/6 142/5 142/15 145/13 145/14 146/21 147/5 150/11 151/1 151/13 152/7 152/15 154/4 155/19 158/23 158/24 159/10 160/20 161/24 163/11 166/24 168/14 168/18 168/21 169/24 170/17 171/9 171/24 172/3 172/7 172/16 172/25 174/7 174/10 175/1 175/14 175/19 177/10 177/13 177/23 179/3 179/10 179/16 180/4 181/7 182/16 182/22 186/9 187/2 190/24 192/20 193/6 194/11 194/23 196/7 196/14 196/25 197/8 198/7	account [6] 1/20 52/3 131/1 159/21 169/9 181/18	acute [3] 63/18 184/25 185/8	advanced [4] 38/21 72/3 96/6 150/25	
accountability [2] 8/8 45/1	accountable [3] 52/24 53/23 90/17	adapt [1] 76/25	advancing [1] 149/16	
accounted [3] 59/3 123/11 195/3	achieved [2] 134/2 149/20	add [2] 48/23 168/11	advantage [1] 79/1	
acknowledge [3] 125/20 147/20 150/22	acknowledged [3] 59/3 123/11 195/3	adding [1] 174/24	advice [26] 45/23 62/6 71/4 72/10 72/13 72/15 82/8 102/15 108/6 112/5 112/9 112/19 125/19 149/3 165/8 177/18 177/20 178/8 178/15 178/23 179/6 179/9 179/10 179/25 180/20 181/13	
acknowledgement [1] 122/19	across [19] 26/20 38/1 40/1 41/22 43/16 61/25 75/9 76/1 76/8 83/4 96/22 100/14 135/6 175/4 176/12 189/22 189/25 190/17 190/21	addition [1] 171/8	advisable [1] 101/11	
act [4] 87/3 89/7 153/22 159/12	action [14] 18/9 23/21 23/22 26/3 26/20 34/11 45/3 48/6 62/22 62/22 63/5 114/1 141/11 175/15	additional [4] 1/24 108/3 172/11 201/20	advise [2] 80/23 165/5	
above [3] 91/10 121/14 123/22	actions [2] 35/1 35/2	Additionally [1] 193/10	advised [2] 10/5 44/3	
absence [8] 54/23 55/6 77/4 94/6 116/19 193/7 195/9 196/4	active [2] 17/23 90/1	address [8] 48/12 56/2 57/10 58/7 82/17 169/25 170/1 202/7	adviser [12] 48/2 72/1 72/7 72/14 77/24 102/4 104/16 106/5 106/6 107/13 110/22 173/16	
absolute [5] 25/21 26/1 26/5 87/21 172/7	actively [2] 56/23 193/9	addressed [13] 10/24 30/4 39/8 61/14 82/9 88/13 91/17 92/18 112/9 112/23 119/14 188/24 202/11	advising [2] 15/25 19/5	
absolutely [21] 5/16 16/3 40/14 43/5 48/2 51/6 67/1 68/5 69/11 82/18 83/10 89/10 95/2 96/12 102/6 102/9 127/6 127/6 152/13 158/16 175/13	actual [4] 45/7 50/5 71/15 71/16	addressing [6] 31/4 86/17 193/9 196/1 197/3 200/3	advisory [5] 90/4 90/6 91/9 99/25 107/24	
abuse [17] 59/21 60/21 182/16 183/1 183/24 184/25 185/8 186/12 187/4 187/6 189/2 189/6 189/12 189/19 190/21 191/4 191/20	actually [131] 6/24 15/6 18/8 20/4 21/21 22/22 23/2 24/6 24/17 28/22 28/25 29/2 31/11 31/12 33/7 33/14 34/9 34/16 41/20 45/17 47/21 48/6 49/6 49/6 49/10 49/12 49/18 49/21 49/22 50/14 50/24 54/18 56/5 56/9 57/4 57/14 57/21 61/2 63/16 63/20 65/1 68/12 72/15 73/24 82/21 82/23 83/6 83/24 91/12 93/4 94/21 95/2 95/4 95/6 96/21 98/11 99/13 100/4 101/23 108/10 108/12 109/20 110/22	adequate [2] 36/5 200/1	affected [2] 26/13 68/1	
abusers [2] 186/17 191/22	adherence [1] 155/25	adequately [1] 32/21	affecting [1] 21/2	
ac [1] 96/18	adjournment [1] 119/22	adhered [1] 32/21	afforded [1] 78/25	
accede [1] 88/8	adjusted [4] 90/13 93/21 94/1 94/23	adhered [1] 155/25	afraid [7] 16/20 41/4 151/13 177/19 178/1 195/19 202/21	
accept [4] 96/9 114/20 151/12 179/14	administration [6] 5/10 7/2 23/11 23/15 163/8 172/13	adhered [1] 155/25	after [22] 24/10 31/10 54/6 58/20 60/13 95/5 100/4 100/9 104/6 116/7 116/24 117/11 120/22 122/8 134/24 142/12 153/6 155/16 156/6 188/21 193/21 194/6	
acceptable [1] 110/1	administrations [15] 4/23 13/15 62/12 66/16 66/18 67/11 70/10 170/20 171/1 171/14 171/16 171/20 173/12 174/20 174/23	adhered [1] 155/25	afternoon [4] 170/16 192/12 197/15 199/24	
accepted [2] 125/18 156/18	administrative [1] 26/20	adhered [1] 155/25	afterwards [3] 145/20 149/21 187/22	
		adhered [1] 155/25	again [32] 2/9 15/19 27/22 33/18 36/21 36/25 37/24 83/22	

A	172/7 174/14 175/16 175/25 187/15 188/16 196/9 198/13 202/4 alternative [8] 120/5 122/23 123/3 123/4 123/9 125/25 126/25 148/24 alternatively [1] 137/16 alternatives [8] 120/4 120/13 126/3 126/15 126/18 127/19 147/12 168/8 although [10] 57/4 116/12 133/20 134/5 139/25 148/17 156/17 164/21 185/25 202/2 always [24] 21/9 21/12 21/12 21/19 25/3 33/4 42/6 63/13 64/12 77/3 79/24 80/3 81/12 129/10 136/20 136/24 156/18 158/21 173/24 173/25 190/14 197/24 198/19 199/18 am [8] 1/2 6/11 11/2 36/17 44/11 44/13 127/15 170/13 American [1] 162/11 amiss [1] 64/1 amongst [2] 124/19 193/2 amount [3] 25/14 33/8 33/12 amounts [1] 27/21 ample [4] 32/11 48/13 97/25 133/5 analogy [1] 97/2 analysis [13] 34/23 35/6 36/22 96/9 98/3 120/6 123/7 147/12 147/13 162/20 191/7 191/18 201/17 analysts [2] 35/3 96/3 analytical [1] 96/14 anarchic [1] 23/16 Anders [1] 150/5 Anders Tegnell [1] 150/5 angle [1] 152/10 ANI [1] 186/23 animals [1] 50/11 annexes [1] 71/24 annotate [2] 67/13 68/8 announce [3] 106/19 107/23 110/16 announced [8] 100/24 105/17 108/14 113/7 127/11 130/14 143/6 153/18 announcement [1] 145/12	announcing [1] 41/19 annual [1] 167/7 anodyne [1] 8/2 anomaly [1] 193/13 another [16] 16/23 34/21 37/24 52/10 61/16 70/6 77/9 99/22 112/18 120/7 127/17 134/15 141/12 146/6 149/18 162/14 answer [33] 10/17 22/3 22/21 22/23 30/8 39/23 40/20 41/5 42/1 65/7 65/15 65/17 73/14 73/15 73/17 74/1 82/12 103/15 109/12 115/17 138/13 153/25 162/23 164/4 164/9 168/2 168/20 175/22 175/23 179/23 187/25 189/24 198/4 answered [3] 38/13 85/1 168/20 answers [4] 2/17 167/16 182/18 196/20 anthropological [2] 22/14 43/25 anthropology [1] 42/21 anti [4] 88/3 89/9 149/19 149/22 anti-lockdown [4] 88/3 89/9 149/19 149/22 anticipated [1] 79/11 anticipating [1] 79/3 Anwar [1] 170/14 any [31] 1/18 2/6 6/22 7/19 17/5 18/23 21/16 21/17 41/8 90/13 90/19 93/21 94/22 98/24 100/13 115/7 120/11 122/15 125/23 126/6 131/11 143/19 148/20 170/22 172/11 175/9 176/6 176/7 177/17 194/3 201/19 anybody [2] 22/19 121/14 anyone [1] 196/1 anything [11] 20/4 21/18 23/19 27/19 44/2 102/19 120/17 126/8 137/11 162/15 175/11 anywhere [1] 112/25 Apart [1] 166/13 apologies [7] 93/18 132/9 132/16 150/4 181/4 181/8 195/23 apologise [4] 15/3 15/8 100/24 150/2	apology [1] 5/19 appalling [1] 45/24 apparent [2] 115/25 134/8 appear [7] 80/14 126/21 155/1 155/14 157/9 170/14 197/2 appearance [1] 1/22 appearing [1] 126/7 appears [3] 13/14 46/22 128/14 application [1] 12/11 applied [2] 30/7 115/20 applies [1] 11/20 appointed [2] 59/12 187/19 appreciate [1] 160/19 appreciated [2] 69/25 122/6 approach [13] 6/1 6/13 18/16 27/23 67/5 95/4 98/15 101/25 106/7 116/14 128/16 163/7 178/18 approached [2] 50/18 130/11 approaches [2] 152/11 160/2 appropriate [3] 11/9 46/15 203/1 approved [1] 132/20 April [27] 3/9 10/2 19/18 19/25 28/16 29/8 29/21 31/5 41/7 41/7 44/15 156/5 178/22 182/25 183/3 183/11 183/17 184/4 184/9 187/3 190/12 191/3 193/1 193/21 194/21 195/10 195/10 April 2021 [1] 178/22 are [116] 2/11 2/21 3/4 5/12 5/16 5/16 5/21 5/25 8/18 8/20 10/24 20/4 20/7 21/12 21/12 21/19 24/3 29/17 32/11 36/24 38/11 38/25 39/23 39/25 39/25 42/17 43/3 43/17 43/19 47/10 47/11 49/9 49/20 55/3 60/22 64/24 65/14 73/7 73/7 73/9 73/9 73/18 74/20 77/15 79/23 81/4 81/13 83/21 84/1 84/2 84/3 86/13 91/5 96/1 99/8 103/18 103/24 110/14 117/14 123/24 124/13 128/20 129/13 129/18 129/20 138/16 142/23 145/3 148/1	150/9 153/6 153/9 154/7 157/25 158/3 158/22 160/8 161/9 161/10 161/11 161/11 161/15 161/16 161/18 161/18 161/19 161/19 162/17 163/1 163/13 164/5 164/22 165/6 166/16 167/12 167/20 168/6 168/19 168/21 169/1 172/5 173/23 176/16 177/1 181/6 184/1 184/8 184/15 187/23 188/7 188/9 192/2 192/20 200/19 201/23 202/11 area [1] 81/19 areas [8] 38/21 39/1 55/12 76/9 100/19 184/22 191/4 197/10 aren't [3] 154/24 174/2 174/3 arena [3] 88/1 122/20 126/4 argue [1] 149/16 argued [1] 42/6 argument [8] 81/3 90/2 98/22 124/5 127/22 135/14 149/12 169/11 arguments [2] 126/1 150/25 arose [1] 48/18 around [40] 8/14 13/6 30/9 30/10 33/11 47/22 48/7 52/25 53/2 53/2 53/7 55/15 56/13 65/10 68/13 77/1 83/2 85/16 89/13 91/18 105/20 120/13 141/1 154/14 158/15 158/16 158/25 163/10 168/3 173/1 173/6 180/1 180/3 180/18 180/22 180/23 181/12 199/14 200/9 202/1 arrangements [8] 62/19 73/10 73/18 75/5 75/9 75/11 164/18 164/24 arrival [1] 29/11 arrivals [1] 89/12 arrived [4] 19/18 21/4 32/3 49/11 arriving [1] 155/11 arrogance [3] 46/2 46/22 46/22 artefact [1] 136/20 article [3] 177/12 177/17 196/25 articulate [2] 32/5 99/4 articulating [2] 25/15 98/18
----------	--	---	---	---

A	attend [5] 70/17 70/18 70/19 78/1 154/16	187/22 190/13 192/7 196/18 197/2 198/3	74/19 77/18 79/3 79/19 79/24 80/25 80/25 85/20 86/8 87/14 87/24 88/2 88/8 88/22 89/6 91/17 92/24 92/25 94/2 94/7 96/22 96/24 97/14 98/3 99/11 99/15 99/15 99/20 99/22 100/13 100/13 101/6 101/7 101/13 101/21 102/24 104/14 105/17 105/21 106/22 108/23 108/25 110/24 111/14 112/20 117/9 120/3 120/18 121/7 121/14 121/25 122/17 124/4 125/8 128/17 129/21 131/13 131/23 132/2 133/16 134/2 136/20 137/15 137/17 140/10 140/17 143/11 144/21 145/21 145/21 147/6 147/14 147/24 148/8 149/4 149/17 150/21 151/17 152/4 154/16 155/18 155/18 156/21 156/22 160/8 161/23 162/2 162/13 163/15 163/25 165/1 165/5 165/8 167/24 168/1 168/3 168/9 169/14 169/15 169/16 171/23 172/23 173/6 173/9 173/15 173/25 174/6 177/9 178/10 180/9 182/17 185/8 185/25 186/2 190/4 190/24 192/4 195/8 196/12 196/13 196/14 196/15 197/3 197/4 198/13 200/3 200/10 201/5 201/20 203/9 203/10	87/19 87/24 88/24 89/12 92/25 94/16 95/6 96/6 96/23 98/24 101/16 102/10 102/17 106/10 108/18 109/6 110/7 115/8 116/7 116/12 118/4 120/16 121/18 123/17 123/21 126/3 127/13 127/22 128/22 131/15 134/16 137/2 137/4 137/11 137/21 138/3 138/20 139/22 142/13 144/1 147/23 148/18 148/23 148/24 151/8 152/4 152/18 152/22 152/24 153/3 153/8 153/9 153/11 155/18 159/23 163/1 166/10 167/6 169/11 180/6 185/25 186/3 189/24 190/4 191/20 192/9 196/14 196/17 202/5
articulation [2] 28/24 137/24	attendance [2] 77/18 169/4	backed [2] 75/24 104/17	because people [1] 46/16	
as [295]	attended [2] 77/20 77/22	background [3] 38/9 137/21 170/21	become [9] 3/22 15/20 16/10 23/15 49/16 73/21 79/21 122/5 191/10	
As I said [4] 15/4 27/14 111/15 200/10	attention [1] 34/5	backgrounds [3] 57/20 192/24 193/5	becoming [4] 73/25 76/7 134/7 194/19	
As I say [1] 193/16	Attlee [1] 14/11	bad [2] 50/20 82/5	been [117] 2/16 2/17 3/10 4/18 4/25 6/13 10/15 13/6 13/12 16/14 17/16 23/25 28/18 29/6 30/1 30/12 30/21 31/5 31/24 36/17 38/23 39/8 39/9 40/25 41/1 51/2 51/9 52/16 53/5 54/20 56/9 56/23 63/13 63/19 66/18 74/6 74/24 77/22 80/10 83/10 85/16 86/19 87/16 87/18 90/3 90/4 93/23 95/13 96/15 97/25 98/1 98/2 105/9 106/11 106/17 110/25 110/25 112/15 112/19 113/9 114/4 114/12 115/12 116/24 123/8 126/6 126/16 126/17 128/15 130/11 131/3 131/8 131/15 132/7 132/9 132/13 132/23 133/20 136/9 136/11 137/10 139/14 144/18 148/2 148/24 149/2 151/8 151/22 152/8 152/15 158/21 160/14 160/21 162/3 162/6 169/6 172/12 176/24 190/3 191/21 193/21 194/13 194/16 194/18	
Asian [1] 192/22	audience [1] 102/14	balance [13] 56/4 65/8 81/7 84/5 84/15 86/21 91/5 110/10 147/22 153/23 157/11 174/18 174/22	because [117] 1/13 4/12 4/21 8/17 9/10 10/22 11/1 12/1 12/17 13/12 14/22 19/4 20/23 21/25 22/16 23/7 25/9 27/20 28/23 29/6 30/9 38/22 39/3 40/9 41/10 42/13 42/13 42/17 45/2 46/16 50/7 51/12 51/21 60/6 61/3 63/9 64/24 66/6 67/2 68/7 69/25 70/2 76/6 79/2 79/14 81/1 82/3 84/17	
aside [3] 23/12 58/4 167/21	August [11] 89/11 99/6 121/2 128/5 131/21 132/4 133/7 142/3 197/19 198/6 199/12	balanced [1] 87/14	be [203] 1/8 1/22 5/25 7/14 8/2 8/4 8/10 11/8 12/2 12/3 12/11 12/16 12/23 13/10 13/12 15/21 15/21 15/22 15/25 16/2 17/13 18/3 18/6 18/7 18/7 19/6 19/22 20/16 23/2 23/14 23/21 23/22 25/22 28/25 29/10 29/25 30/6 31/4 33/6 34/19 35/12 36/5 40/6 40/11 41/10 44/24 45/17 46/7 46/23 48/17 49/2 51/6 52/23 54/13 55/20 57/3 59/24 60/9 61/5 61/13 62/21 64/1 64/10 64/16 64/17 66/13 67/4 67/8 67/18 70/12 71/21 73/7	
ask [27] 1/17 15/10 17/15 19/1 41/10 53/20 62/14 66/11 69/18 79/12 90/14 95/16 100/7 100/18 153/16 160/4 169/15 170/16 174/7 174/21 175/9 179/16 180/12 182/5 183/9 186/23 197/15	August 2020 [1] 128/5	balances [1] 91/1		
asked [13] 16/25 30/19 40/21 51/9 73/3 93/20 114/10 122/18 123/2 129/17 155/19 187/1 201/4	authorities [2] 32/19 33/22	balancing [3] 80/16 87/3 181/20		
asking [6] 66/6 68/22 112/21 172/14 177/9 180/4	authority [3] 33/13 45/19 196/1	ball [1] 68/6		
aspect [2] 51/9 51/12	autumn [29] 1/20 16/1 25/24 34/15 36/7 58/23 60/25 77/6 82/13 84/9 89/21 89/21 92/11 93/20 94/21 127/18 127/18 132/25 135/13 135/22 138/18 139/21 139/24 139/25 146/8 146/16 177/22 178/25 180/2	BAME [3] 193/25 195/11 196/2		
assess [1] 90/12	avail [1] 147/7	bandied [1] 108/2		
assessed [1] 178/19	available [4] 35/16 98/22 178/3 186/11	bank [4] 92/7 92/7 92/19 93/3		
assessment [7] 88/23 89/6 90/13 94/1 95/14 95/18 98/24	aversion [2] 68/13 68/20	bare [1] 128/20		
assist [6] 32/16 131/4 176/2 178/21 179/21 186/9	avoid [11] 88/8 98/20 125/13 125/14 137/1 141/12 142/8 142/12 152/2 152/18 153/23	barely [1] 24/8		
assistance [2] 100/10 202/18	avoiding [1] 134/20	Barnard [4] 116/8 154/9 154/11 155/19		
assisted [1] 81/24	aware [13] 6/11 15/21 86/22 99/19 114/4 116/10 122/15 122/24 130/10 130/13 130/17 184/6 194/24	Barnard Castle [3] 116/8 154/9 154/11		
assume [1] 71/18	away [7] 28/21 43/7 51/13 119/1 163/7 183/13 183/13	barriers [1] 39/24		
assuming [2] 71/15 110/16	awful [5] 37/6 83/21 98/4 120/3 128/7	bars [1] 143/14		
assure [1] 201/14	B	base [1] 26/1		
assured [2] 12/11 114/12	back [39] 33/3 33/21 37/6 59/7 68/9 71/20 71/25 80/11 80/18 86/12 98/11 101/18 109/20 110/11 115/9 134/21 135/14 137/25 138/14 139/21 146/12 151/9 152/16 153/6 153/9 161/2 161/23 167/7 167/15 175/12 178/3 182/24 183/3	based [4] 17/18 45/25 109/5 135/20		
astute [1] 150/11		baseline [1] 145/9		
asymptomatic [2] 133/25 134/1		basic [2] 83/4 145/5		
at [210]		basically [2] 53/19 111/7		
atmosphere [5] 19/21 22/5 57/12 82/2 85/10		basis [7] 6/1 27/7 88/15 105/22 111/1 167/7 186/10		
attack [1] 63/15		battle [2] 16/12 108/7		
attempt [7] 90/22 97/20 115/18 119/1 142/12 142/12 152/17		be [203] 1/8 1/22 5/25 7/14 8/2 8/4 8/10 11/8 12/2 12/3 12/11 12/16 12/23 13/10 13/12 15/21 15/21 15/22 15/25 16/2 17/13 18/3 18/6 18/7 18/7 19/6 19/22 20/16 23/2 23/14 23/21 23/22 25/22 28/25 29/10 29/25 30/6 31/4 33/6 34/19 35/12 36/5 40/6 40/11 41/10 44/24 45/17 46/7 46/23 48/17 49/2 51/6 52/23 54/13 55/20 57/3 59/24 60/9 61/5 61/13 62/21 64/1 64/10 64/16 64/17 66/13 67/4 67/8 67/18 70/12 71/21 73/7		
attempted [2] 29/14 95/12		beat [1] 52/17		
attempting [1] 15/11		bearing [1] 46/25		
attempts [6] 98/8 99/3 99/8 141/14 176/6 176/8		beats [1] 124/2		
		became [10] 4/16 6/7 30/13 60/14 100/20 115/25 116/10 121/23 146/14 183/21		

<p>B</p> <p>been... [13] 196/8 196/10 196/16 199/9 200/7 200/11 200/12 200/14 200/17 200/25 201/1 201/18 202/13</p> <p>before [42] 2/2 17/24 21/8 24/19 31/6 40/24 41/17 48/18 62/14 69/14 73/20 81/23 82/12 83/20 84/10 85/22 86/19 87/5 91/11 91/13 97/15 97/23 100/20 106/15 106/16 107/9 107/11 108/11 111/9 113/6 114/9 117/18 129/17 129/19 132/21 141/24 145/11 153/18 162/4 165/22 201/19 203/4</p> <p>beginning [9] 33/25 36/11 41/7 133/18 137/3 182/24 183/3 190/12 203/8</p> <p>begun [1] 201/16</p> <p>behalf [4] 118/13 170/15 177/10 197/16</p> <p>behaviour [6] 19/23 20/19 20/24 41/21 47/7 82/5</p> <p>behaviours [3] 20/10 23/4 23/7</p> <p>behest [1] 57/6</p> <p>behind [5] 40/15 64/12 177/4 192/2 192/3</p> <p>being [72] 7/6 8/9 8/10 9/3 11/4 17/7 22/9 22/12 22/12 23/3 25/5 26/21 29/11 30/4 30/19 32/2 32/16 33/12 33/12 35/2 38/13 45/9 45/18 45/23 50/18 51/21 52/8 52/21 52/22 53/3 53/8 53/9 55/13 61/14 66/21 72/2 72/5 80/23 82/7 83/23 88/13 88/14 90/19 93/14 99/10 101/13 102/5 102/15 107/22 107/24 117/14 117/21 123/16 123/20 124/5 128/6 128/16 138/19 140/19 142/22 143/7 146/19 149/23 165/17 168/20 179/4 180/7 182/19 191/21 193/3 195/7 200/15</p> <p>beings [1] 142/25</p> <p>Belfast [1] 201/14</p> <p>Belgian [1] 138/6</p> <p>belief [2] 30/19</p>	<p>155/20</p> <p>believe [9] 16/15 18/3 29/6 52/13 63/22 101/24 103/12 110/12 190/15</p> <p>believed [1] 70/2</p> <p>believing [2] 44/23 104/12</p> <p>belittling [1] 82/6</p> <p>bell [1] 187/16</p> <p>below [2] 86/12 123/22</p> <p>Ben [1] 93/11</p> <p>Ben Warner [1] 93/11</p> <p>bend [1] 81/12</p> <p>benefit [3] 82/16 171/20 173/22</p> <p>benefits [1] 170/2</p> <p>bereaved [3] 2/16 156/15 170/15</p> <p>Bernard [1] 168/12</p> <p>Bernard Jenkin [1] 168/12</p> <p>best [10] 14/10 47/3 76/25 104/18 105/4 105/6 123/16 136/2 153/23 159/4</p> <p>better [10] 39/1 41/15 41/15 41/17 75/18 76/4 165/9 175/24 176/9 203/2</p> <p>between [32] 3/9 14/17 29/1 32/6 39/11 50/21 51/3 53/13 72/17 77/5 77/11 77/16 78/5 79/15 79/16 80/22 81/16 84/1 88/15 100/5 101/3 113/22 131/16 147/22 157/10 164/11 170/18 172/12 174/19 174/22 186/22 199/3</p> <p>beyond [3] 64/14 73/23 137/4</p> <p>bidding [1] 108/21</p> <p>big [12] 21/8 21/12 23/12 24/22 25/6 69/14 104/1 138/2 158/22 159/18 198/6 198/18</p> <p>bilateral [3] 78/2 79/19 98/13</p> <p>bilaterals [2] 77/10 78/16</p> <p>bilats [1] 77/15</p> <p>Biosecurity [1] 115/12</p> <p>bit [11] 21/3 31/13 36/19 112/10 116/23 124/9 154/6 176/17 180/3 194/16 196/7</p> <p>bitching [1] 20/6</p> <p>bits [2] 114/15</p>	<p>195/22</p> <p>black [5] 38/9 182/13 192/21 194/1 197/1</p> <p>Blair [5] 72/6 77/19 158/15 160/6 163/8</p> <p>Blair/Brown [1] 77/19</p> <p>blend [1] 173/20</p> <p>blindingly [1] 81/16</p> <p>blocks [2] 3/3 36/14</p> <p>blunt [1] 5/13</p> <p>bluntly [6] 12/13 31/5 86/9 94/2 140/21 141/16</p> <p>board [1] 102/20</p> <p>body [13] 17/22 40/4 40/11 40/11 55/14 58/4 86/4 86/9 87/12 90/10 90/16 91/9 94/19</p> <p>boiling [1] 141/6</p> <p>bomb [1] 43/3</p> <p>bona [1] 150/24</p> <p>bona fide [1] 150/24</p> <p>books [1] 33/5</p> <p>Boris [4] 25/10 65/24 79/9 79/16</p> <p>Boris Johnson [2] 79/9 79/16</p> <p>Boris Johnson's [2] 25/10 65/24</p> <p>boss [1] 80/2</p> <p>both [7] 11/21 21/22 77/23 186/17 191/7 192/2 201/17</p> <p>bother [1] 141/7</p> <p>bottom [11] 11/12 34/25 35/13 39/22 45/12 46/3 56/18 66/3 72/25 145/19 184/19</p> <p>bounced [2] 79/22 180/6</p> <p>bound [1] 15/10</p> <p>boundaries [1] 175/4</p> <p>box [3] 67/15 71/10 97/7</p> <p>brackets [1] 112/2</p> <p>brains [1] 64/12</p> <p>breaches [1] 155/21</p> <p>breadth [2] 56/6 64/18</p> <p>break [10] 1/24 44/7 44/12 78/10 85/20 85/24 119/18 154/4 170/5 170/9</p> <p>breaker [10] 140/1 140/3 140/4 140/5 143/8 143/18 144/3 144/5 144/17 147/8</p> <p>breakers [4] 137/12 141/22 141/22 142/4</p> <p>breaks [2] 1/23 44/8</p> <p>Brexit [3] 62/19 63/1 160/13</p>	<p>Bridge [1] 37/5</p> <p>brief [1] 196/15</p> <p>briefed [1] 10/4</p> <p>briefly [3] 77/14 113/6 192/18</p> <p>bring [14] 40/4 44/2 57/21 76/20 87/22 90/22 91/8 107/16 108/22 141/20 171/21 173/22 183/9 184/5</p> <p>brings [2] 165/12 168/13</p> <p>Britain [2] 175/2 175/6</p> <p>British [1] 33/16</p> <p>broad [6] 5/15 44/20 76/5 86/5 202/22 202/24</p> <p>broader [2] 37/9 81/5</p> <p>broadly [1] 200/6</p> <p>brought [9] 43/9 54/5 56/8 58/13 58/19 75/22 138/8 155/9 174/8</p> <p>brown [3] 77/19 194/1 197/1</p> <p>Bruce [1] 64/11</p> <p>Bruce Mann [1] 64/11</p> <p>budget [6] 131/16 131/17 135/1 135/3 135/5 135/15</p> <p>Budgetary [1] 92/6</p> <p>budgets [1] 135/7</p> <p>buffeted [1] 140/20</p> <p>build [4] 77/3 99/16 115/7 162/25</p> <p>build-up [1] 115/7</p> <p>building [3] 3/3 36/14 152/22</p> <p>built [2] 92/14 96/15</p> <p>bulk [1] 201/11</p> <p>bumped [1] 155/12</p> <p>bunfight [1] 82/5</p> <p>bureaucrat [1] 166/20</p> <p>bureaucratic [3] 10/25 35/9 162/18</p> <p>burst [1] 114/5</p> <p>business [2] 11/20 64/18</p> <p>bust [1] 104/2</p> <p>bust-up [1] 104/2</p> <p>busy [1] 1/9</p> <p>but [249]</p> <p>C</p> <p>cabinet [84] 3/5 3/7 3/11 3/15 4/16 6/8 6/22 7/4 7/7 9/17 15/11 17/5 19/16 19/21 20/13 20/20 21/7 21/14 23/10 30/10 30/15 30/25</p>	<p>32/3 41/6 46/7 47/3 48/1 50/2 52/10 52/13 52/20 52/21 52/25 53/2 53/8 53/13 53/18 53/19 54/5 54/11 54/11 54/12 54/16 54/18 54/19 54/19 54/25 55/2 55/9 57/4 57/9 61/5 65/20 73/21 73/25 74/7 76/7 76/14 77/25 112/2 112/12 112/24 130/6 133/3 157/25 159/16 159/17 170/24 173/15 178/8 178/23 180/17 181/17 184/4 184/8 184/21 185/17 186/1 187/3 187/9 187/12 190/18 191/3 191/11</p> <p>cabinet committee [1] 54/18</p> <p>Cabinet Office [26] 3/11 3/15 17/5 19/16 19/21 20/13 20/20 21/7 21/14 23/10 30/25 32/3 41/6 46/7 47/3 55/2 55/9 112/2 112/12 178/8 178/23 180/17 181/17 184/21 187/9 190/18</p> <p>Cabinet Secretary [25] 3/5 3/7 4/16 6/8 6/22 7/4 7/7 9/17 15/11 30/10 30/15 48/1 50/2 57/4 57/9 73/21 73/25 74/7 76/7 77/25 133/3 157/25 170/24 173/15 191/11</p> <p>call [17] 1/13 18/12 36/24 42/7 62/15 63/18 100/10 101/9 127/8 131/16 142/23 142/23 143/17 162/8 163/21 177/14 178/9</p> <p>called [17] 12/5 60/11 69/14 86/3 95/4 107/22 108/14 108/15 108/16 123/1 140/1 140/3 140/3 148/17 148/19 160/6 179/12</p> <p>calling [3] 98/1 98/2 108/7</p> <p>calls [5] 69/21 88/2 88/3 186/14 187/4</p> <p>came [29] 6/12 6/16 25/18 32/10 33/24 34/7 34/16 56/11 56/11 56/12 57/3 58/2 83/18 89/24 105/1 114/18 116/7 117/18 131/13 139/21 139/23 146/16 147/10 154/15 160/20 169/18 179/6 182/24 183/3</p>
---	---	---	---	---

C	carrot [5] 197/22 197/24 197/25 198/20 199/11	104/23 125/10 132/10 134/4 148/11 158/13 173/11 188/1 190/6 194/19 196/23 199/12 200/6	character [1] 74/9 characterisation [3] 89/5 104/22 198/24 characterised [1] 89/9 characteristics [1] 75/7 characters [2] 158/20 158/25 charge [1] 44/24 charitable [2] 45/19 186/22 charities [6] 32/17 33/18 33/21 186/6 186/8 187/8 charity [1] 33/13 chat [5] 7/18 7/22 7/23 100/5 100/5 check [8] 28/22 29/2 178/2 178/2 180/11 187/21 187/24 195/7 checklist [2] 161/3 161/7 cherry [1] 112/6 chickens [1] 146/16 chief [15] 72/7 102/4 102/4 104/16 104/16 106/4 106/5 106/5 107/12 110/20 110/22 117/3 171/9 171/11 199/15 Chilcot [3] 53/1 161/2 161/6 children [6] 25/4 29/18 31/22 55/10 180/6 183/23 choice [1] 152/24 choices [1] 22/2 Chris [43] 19/4 53/10 53/13 69/7 79/5 79/7 88/16 101/5 101/9 101/17 101/25 102/18 102/21 103/12 103/15 103/23 104/20 104/25 105/5 107/21 107/25 108/10 110/18 111/9 114/2 114/21 117/3 117/12 130/3 130/10 132/7 138/14 139/3 143/20 144/15 145/2 146/3 149/5 152/7 154/15 177/22 179/2 179/12 Chris Whitty [8] 69/7 114/21 117/3 132/7 139/3 146/3 177/22 179/2 Chris Wormald [2] 117/12 152/7 chronic [2] 63/19 173/4 chunk [2] 171/7 182/25 chunks [2] 21/8	182/22 Churchill [1] 14/11 circles [1] 108/15 circuit [14] 137/12 140/1 140/3 140/4 140/5 141/22 141/22 142/4 143/8 143/18 144/3 144/5 144/17 147/8 circuit-breaker [2] 144/3 144/5 circuit-breakers [4] 137/12 141/22 141/22 142/4 circulate [1] 124/11 circulation [2] 136/12 139/20 circumstance [1] 105/9 circumstances [3] 22/2 63/14 191/20 circumvented [1] 52/21 citizens [1] 86/13 citizens' [1] 32/8 city [2] 67/9 138/10 civil [38] 2/23 3/5 4/3 4/17 4/18 4/21 4/22 4/25 5/2 5/4 42/8 50/1 56/1 57/23 62/20 63/6 72/12 76/22 99/18 104/18 118/6 118/8 118/12 158/1 158/10 161/13 161/13 163/18 164/23 164/24 165/4 167/11 169/19 170/23 170/25 175/25 176/7 176/20 civilians [1] 42/24 clapping [1] 195/14 Clare [3] 108/1 110/21 111/9 Clare Lombardelli [2] 108/1 110/21 clarifying [1] 83/3 clarity [12] 22/24 25/9 25/17 25/21 26/1 26/5 43/18 89/16 143/4 144/25 155/10 156/6 clear [22] 1/18 11/4 15/24 41/5 51/6 64/13 68/9 80/3 88/25 89/3 89/7 110/2 126/13 131/2 146/25 148/8 152/14 154/17 180/7 185/6 187/18 193/7 clearly [5] 16/11 16/21 46/18 152/13 202/2 Clement [1] 14/11 Clement Attlee [1] 14/11 clerks [1] 18/12
Cameron [3] 4/24 5/1 74/3 campaign [1] 110/2 can [99] 2/11 7/14 9/19 9/20 11/25 12/10 14/7 15/3 15/8 15/13 17/8 20/1 25/12 27/4 27/7 28/14 28/17 28/25 29/2 29/12 29/16 33/23 34/25 37/4 38/10 40/20 42/1 42/3 48/12 55/18 55/24 57/15 57/16 65/12 66/1 66/3 75/18 76/14 76/18 76/25 77/9 78/3 78/10 85/11 86/17 91/20 94/2 94/17 95/8 97/3 102/3 107/2 112/22 115/18 128/19 131/4 132/25 135/14 135/17 136/4 158/1 158/23 160/4 161/23 161/23 163/3 164/24 165/7 165/25 167/14 167/23 168/3 168/15 172/17 173/8 174/7 175/9 177/14 178/21 179/8 179/21 184/5 184/12 184/14 185/21 187/20 188/1 190/15 191/6 191/13 192/5 192/9 192/12 192/14 193/16 195/23 199/20 201/14 201/25 can't [32] 16/17 16/18 17/8 20/15 20/16 22/23 30/8 33/6 41/4 41/4 65/17 79/24 81/12 96/17 108/25 111/15 122/16 124/20 138/10 142/25 143/19 153/19 155/13 155/18 170/1 177/19 178/1 178/4 179/5 179/7 180/10 183/25 candid [1] 78/23 candidly [1] 156/17 candle [1] 94/3 cannot [5] 16/17 60/5 111/17 156/21 187/21 capabilities [1] 168/3 Cardiff [1] 201/13 care [5] 38/16 92/13 116/11 139/7 198/13 career [2] 3/4 21/8 careers [1] 42/24 careful [4] 87/24 88/23 168/1 200/10 carefully [2] 90/19 109/18 Carl [1] 148/23 carried [2] 4/21 98/3	carry [2] 97/19 109/9 carrying [1] 181/19 case [65] 1/4 1/5 1/7 1/12 1/13 1/17 3/2 7/13 8/6 10/3 11/16 15/10 16/9 20/3 22/11 28/3 28/13 32/11 35/15 43/24 44/15 44/21 62/15 66/4 66/21 73/1 73/13 75/2 77/15 79/11 80/20 81/3 85/14 86/1 97/4 99/18 101/11 102/3 106/8 109/1 109/6 112/2 118/24 119/6 119/20 120/1 126/16 132/5 139/11 149/19 150/16 151/14 153/2 154/21 157/25 170/6 170/14 177/9 184/21 192/12 197/11 197/15 200/21 200/24 204/3 Case's [1] 201/21 cases [3] 113/9 113/15 149/22 cast [3] 137/3 151/8 196/17 Castle [4] 116/8 154/9 154/11 155/19 cause [2] 157/2 157/9 caused [1] 169/19 causes [2] 116/1 156/20 CCS [1] 64/12 Centers [1] 162/11 central [9] 4/9 32/17 32/20 35/10 37/17 38/1 40/2 86/2 113/14 centre [15] 20/25 21/10 22/6 32/25 33/3 36/21 36/23 45/14 61/15 115/12 162/19 189/14 190/7 190/10 190/14 centres [1] 93/6 century [2] 164/3 164/4 certain [11] 34/15 34/15 34/19 54/5 63/14 121/14 121/25 122/1 122/1 123/23 135/5 certainly [36] 8/24 9/6 10/7 13/23 18/10 30/24 31/8 43/19 49/15 55/20 55/25 63/10 64/15 64/16 78/21 80/2 83/17 84/14 85/20 88/22 92/8 92/11 95/23	chaos [4] 41/9 45/8 48/20 128/12		

C				
<p>cling [1] 167/12 clinical [1] 121/20 clinically [6] 38/15 38/17 38/22 39/7 42/12 123/15 close [1] 201/23 closely [2] 190/3 190/5 closer [2] 56/15 56/15 closing [3] 143/14 201/9 204/17 CMO [1] 107/12 CMOs [4] 69/7 69/8 175/13 176/7 co [12] 3/16 4/7 32/4 40/22 61/24 76/17 172/12 187/14 189/13 189/18 189/22 190/24 co-operation [1] 172/12 co-ordinate [2] 61/24 190/24 co-ordinating [5] 3/16 4/7 40/22 76/17 189/22 co-ordination [2] 32/4 187/14 co-ordinator [2] 189/13 189/18 COBR [14] 62/22 63/9 63/12 63/13 64/4 66/20 66/22 67/7 67/11 67/18 69/19 163/19 163/24 173/1 COBRs [1] 69/14 coeur [1] 97/17 coherent [3] 128/15 128/16 131/1 cohering [1] 129/10 cohort [3] 35/4 35/4 38/24 collapsing [1] 87/22 colleagues [9] 17/10 19/5 27/5 42/25 93/18 109/15 167/5 173/12 176/20 colleagues' [1] 197/7 collect [1] 92/19 collecting [1] 37/10 collective [3] 47/10 88/21 175/15 colour [2] 13/11 14/8 combination [3] 20/18 30/14 69/16 come [37] 4/11 7/25 9/7 10/13 24/24 25/20 30/19 34/19 48/11 50/17 51/18 52/6 55/24 61/2 74/22 90/13 91/20 92/22 93/5 97/20 114/22</p>	<p>117/19 122/1 125/16 129/19 130/16 132/25 133/17 141/14 141/22 153/25 157/20 165/23 171/7 177/16 178/3 187/21 comes [3] 62/22 167/15 194/6 comfortable [2] 103/17 188/14 coming [15] 1/7 11/16 49/22 92/4 92/4 126/13 132/14 134/11 163/13 167/7 175/20 179/9 179/12 180/22 194/13 commas [2] 108/17 109/6 commence [3] 1/10 3/2 203/7 commenced [1] 61/8 comment [2] 169/24 198/21 commentary [2] 13/22 179/10 commented [1] 12/13 comments [2] 67/15 97/7 commitment [1] 161/17 committee [12] 54/18 67/6 94/20 106/20 108/19 110/20 111/11 111/13 112/18 168/13 168/14 185/17 committees [4] 54/11 54/17 60/22 65/20 common [4] 25/14 25/15 202/4 202/5 communicate [1] 34/18 communicated [1] 25/22 communicating [1] 168/2 communication [5] 11/18 25/18 32/14 37/15 42/10 communications [10] 8/3 8/3 34/14 45/10 110/2 113/23 114/2 133/13 155/23 175/24 communicator [2] 25/12 25/17 communities [5] 34/15 34/19 192/22 195/5 196/2 community [2] 193/25 195/12 Company [1] 170/15 comparable [2] 36/15 136/17</p>	<p>comparators [1] 109/19 competing [4] 87/13 90/12 101/21 102/5 competition [3] 24/14 84/16 84/19 complained [1] 154/20 complaining [1] 43/20 complete [3] 73/14 104/6 116/19 completed [2] 168/24 202/17 completely [3] 84/8 112/4 112/18 completes [2] 200/21 201/10 complex [2] 155/24 174/13 complexity [2] 128/23 174/17 comply [1] 199/16 concept [1] 135/2 concern [7] 9/9 19/4 19/19 79/18 114/3 114/7 132/4 concerned [20] 11/22 19/7 20/18 20/23 37/24 38/14 38/15 50/8 52/19 53/12 54/25 98/20 120/7 145/3 145/5 145/13 145/14 150/25 185/3 192/20 concerning [9] 19/21 19/22 36/10 44/16 65/20 112/3 113/9 147/12 195/13 concerns [6] 29/16 119/14 131/19 131/22 132/1 160/4 conclude [2] 110/14 202/12 concluded [5] 109/23 120/12 121/5 201/11 203/15 conclusion [6] 20/16 94/23 107/17 108/20 125/10 141/21 conclusions [4] 109/17 110/15 111/19 201/19 concrete [1] 65/17 concurrent [1] 46/5 condition [1] 1/21 conditions [1] 147/6 confer [1] 69/25 conference [6] 154/12 154/17 154/18 154/23 155/7 155/15 confidence [1] 156/3 confined [2] 28/2 60/23</p>	<p>confirm [4] 2/3 2/11 65/22 169/15 confirmation [1] 17/15 confirming [5] 7/15 7/15 7/16 187/4 187/5 confused [2] 127/13 155/23 confusing [2] 155/24 174/13 confusion [3] 127/1 140/17 196/14 Congress [1] 197/16 connect [3] 26/19 27/11 43/10 conscious [3] 158/13 161/12 194/19 consciousness [1] 141/1 consequence [3] 158/3 158/5 202/22 consequences [13] 50/15 80/14 80/17 87/17 94/7 94/16 98/21 99/5 116/2 120/2 131/11 134/16 152/18 consider [5] 13/17 110/15 174/21 192/8 201/18 considerable [5] 19/19 34/21 47/6 154/16 169/19 consideration [7] 30/3 30/3 31/1 90/3 120/2 120/4 200/1 considerations [4] 81/8 86/8 90/12 133/2 considered [3] 86/8 126/7 157/21 considering [4] 39/14 125/23 126/3 193/25 consisted [1] 29/23 consistency [1] 167/10 consistent [2] 23/22 161/17 consistently [1] 198/10 constables [1] 199/15 constituent [1] 69/24 constitutionally [1] 72/9 consulted [4] 131/3 132/7 132/9 132/13 contact [1] 69/6 contacting [1] 10/15 contain [1] 114/25 contained [1] 192/25 containing [1] 2/10 contemplate [2] 123/3 134/14</p>	<p>contempt [1] 46/2 context [10] 5/24 6/1 6/4 10/12 13/4 16/18 19/12 131/23 192/18 202/3 Contingencies [1] 163/18 continue [4] 7/24 65/5 67/9 125/6 continued [5] 157/8 178/17 188/12 188/15 188/17 continues [2] 110/17 163/6 Continuing [1] 184/21 contrast [1] 25/23 contrasts [1] 146/17 contributed [1] 157/17 contributing [3] 29/7 85/8 195/4 contribution [3] 2/23 150/4 150/13 control [6] 113/16 113/18 114/10 159/20 162/12 196/6 conundrum [3] 100/1 104/19 139/17 convene [1] 67/5 convened [6] 66/22 66/24 67/22 67/23 69/21 148/15 convenient [3] 44/5 85/19 154/3 conversation [5] 7/23 17/9 118/22 118/23 141/3 conversations [3] 67/10 121/10 200/11 convincing [1] 118/9 Cook [2] 47/25 48/1 coordinate [1] 71/1 copy [1] 18/11 core [6] 9/1 17/17 54/1 54/1 81/6 202/15 core participants [2] 17/17 202/15 corner [1] 71/23 corporate [5] 2/4 11/18 11/21 11/22 178/13 corporately [1] 75/2 correct [46] 3/7 3/8 3/12 3/17 3/18 3/21 3/24 4/10 4/14 4/25 8/5 11/8 14/21 14/23 28/23 29/3 39/5 40/18 51/14 51/19 51/23 52/4 53/14 54/8 59/15 66/23 68/2 69/3 69/12 75/14 99/3 100/2 100/11 105/19 106/1 108/25 116/5 133/19</p>

<p>C</p> <p>correct... [8] 139/18 140/9 140/11 140/13 147/17 183/22 185/5 186/19</p> <p>correctly [21] 59/6 60/14 62/3 62/9 71/10 79/11 96/16 102/20 106/10 114/16 121/1 121/6 121/11 150/15 155/12 175/16 178/25 180/21 181/3 194/4 199/4</p> <p>correspondence [1] 18/14</p> <p>costs [1] 93/23</p> <p>could [61] 1/10 2/3 7/11 10/1 12/10 18/13 19/24 21/3 26/1 26/4 29/10 31/2 31/19 31/24 32/22 33/21 35/12 40/11 43/20 44/18 49/2 53/18 53/20 62/14 67/5 69/24 70/21 72/16 77/14 83/15 86/4 87/9 88/11 90/10 90/16 98/8 98/9 99/25 107/4 108/23 110/11 120/17 122/1 126/16 126/17 136/1 146/4 146/5 151/22 178/10 180/9 180/13 180/17 182/18 185/12 186/5 186/5 186/9 195/20 196/16 202/16</p> <p>couldn't [26] 33/9 44/1 122/2 128/1 134/2 136/2 139/9 140/21 141/9 141/20 142/5 142/6 143/3 143/3 145/21 147/14 157/10 157/10 157/11 157/23 157/24 179/21 185/6 185/9 185/11 195/21</p> <p>Council [4] 71/1 71/3 166/22 167/6</p> <p>counsel [4] 1/6 44/3 176/25 204/5</p> <p>counterfactual [1] 144/3</p> <p>counterparts [6] 171/11 171/15 172/3 172/6 176/15 176/16</p> <p>countervailing [2] 86/12 87/18</p> <p>countries [2] 133/15 136/18</p> <p>country [10] 47/4 64/8 86/13 99/21 104/14 153/13 159/6 159/6 159/6 202/10</p>	<p>couple [5] 49/14 64/3 96/4 127/12 148/8</p> <p>course [58] 1/23 3/4 5/25 6/12 8/17 8/22 15/20 23/21 23/21 26/17 27/13 28/2 28/9 33/9 39/8 41/10 44/6 45/21 58/17 58/20 60/24 68/1 89/17 90/5 97/16 116/2 119/12 119/25 123/25 124/8 125/11 128/22 129/15 133/2 136/21 149/7 149/8 150/14 152/20 154/8 154/8 155/13 155/18 156/10 156/17 162/24 165/4 167/2 167/10 169/3 173/2 173/16 182/1 184/16 192/6 196/10 201/11 202/16</p> <p>Coventry [1] 146/1</p> <p>cover [1] 13/3</p> <p>covered [4] 6/13 60/19 83/1 176/25</p> <p>covering [1] 126/23</p> <p>coverings [1] 143/16</p> <p>Covid [188] 2/25 3/20 4/8 4/13 5/9 7/5 15/20 16/11 20/11 21/16 26/24 36/2 40/10 40/15 40/16 41/17 46/20 48/2 48/8 49/12 49/13 49/23 52/7 54/3 54/6 54/7 54/9 54/9 56/3 56/7 57/16 57/23 58/2 58/4 59/19 59/19 60/6 60/15 60/19 60/20 60/20 60/23 61/3 61/7 61/14 61/15 61/21 61/23 62/1 62/4 62/5 62/5 62/25 62/25 63/1 63/2 63/22 63/22 64/22 65/6 65/6 66/10 66/10 67/3 67/3 67/7 67/23 70/8 70/9 70/13 70/17 70/18 70/19 73/23 73/24 74/12 75/19 75/20 75/20 75/21 75/21 75/21 75/22 76/3 76/3 76/16 76/17 78/21 79/2 79/10 80/16 82/20 83/2 83/3 83/5 84/1 84/7 85/4 86/3 86/16 86/18 86/20 87/7 87/7 87/10 87/10 89/1 90/21 90/25 90/25 91/3 91/5 91/6 92/25 93/10 95/6 95/19 95/20 95/23 95/25 97/10 99/4 100/8 114/25 117/1 119/13 128/25 130/16 130/19</p>	<p>133/7 134/25 141/23 143/11 155/23 156/1 157/8 158/13 158/14 158/14 160/11 160/11 163/5 163/5 163/17 169/5 169/6 169/24 169/25 170/15 171/5 174/10 177/10 177/14 177/18 177/23 178/11 178/12 178/24 179/3 179/5 179/11 179/17 179/21 180/6 180/9 180/13 180/18 180/22 180/22 180/25 181/4 181/4 181/12 181/19 182/12 188/8 188/8 188/9 189/1 189/3 191/8 191/9 191/9 191/9 191/17 193/20 195/2 203/3</p> <p>Covid Inquiry [1] 16/11</p> <p>Covid Taskforce [46] 26/24 40/10 40/15 40/16 41/17 46/20 52/7 56/3 56/7 58/2 58/4 60/15 60/19 60/23 61/7 61/21 61/23 62/1 75/21 82/20 83/3 83/5 84/1 84/7 86/16 86/20 90/21 95/6 95/19 95/20 95/23 95/25 97/10 119/13 130/16 133/7 134/25 157/8 158/13 178/12 179/3 188/9 189/1 189/3 191/9 191/17</p> <p>Covid Taskforce/Covid-S [1] 87/7</p> <p>Covid-19 [11] 2/25 4/8 20/11 177/14 177/18 178/11 178/24 179/17 181/19 193/20 195/2</p> <p>Covid-19 Taskforce [1] 4/13</p> <p>Covid-O [30] 54/3 54/7 54/9 59/19 60/6 60/20 61/15 62/4 62/5 62/25 63/1 63/22 65/6 66/10 67/3 70/9 75/20 75/21 76/3 87/10 90/25 158/14 160/11 163/5 169/5 169/24 180/22 181/4 188/8 191/9</p> <p>Covid-Os [2] 70/13 70/17</p> <p>Covid-S [33] 54/6 54/9 59/19 60/20 61/3 61/14 62/5 62/25 63/2 64/22 65/6 66/10 67/3</p>	<p>70/8 75/19 75/21 76/3 86/18 87/10 90/25 91/3 114/25 141/23 143/11 158/14 160/11 163/5 169/6 169/25 180/22 181/4 188/8 191/9</p> <p>Covid-Ss [2] 70/18 70/19</p> <p>crack [1] 65/3</p> <p>cracks [1] 189/20</p> <p>crash [1] 142/16</p> <p>create [1] 76/23</p> <p>created [3] 36/20 61/11 162/22</p> <p>creating [1] 162/10</p> <p>Credit [1] 79/11</p> <p>cri [1] 97/17</p> <p>cri de coeur [1] 97/17</p> <p>crises [5] 14/1 21/15 63/11 63/12 64/5</p> <p>crisis [30] 8/23 20/10 20/11 21/2 22/18 30/1 36/15 47/20 58/21 64/7 64/14 67/8 67/12 68/1 69/14 71/2 71/3 75/17 87/19 88/7 100/17 142/16 163/20 165/22 165/23 166/2 173/14 189/14 189/15 190/5</p> <p>critical [3] 76/1 96/11 193/10</p> <p>criticised [2] 126/7 148/24</p> <p>criticism [3] 117/19 126/11 167/11</p> <p>criticisms [1] 158/15</p> <p>cross [5] 33/16 35/3 73/10 73/18 75/5</p> <p>cross-government [1] 35/3</p> <p>cross-Whitehall [3] 73/10 73/18 75/5</p> <p>Crossman [1] 18/22</p> <p>crowding [2] 83/24 163/25</p> <p>crucial [1] 146/21</p> <p>crucially [1] 36/23</p> <p>crude [2] 121/22 123/21</p> <p>CTF [2] 157/7 178/22</p> <p>cultural [3] 33/2 82/14 161/12</p> <p>culture [11] 48/19 50/5 52/9 82/5 82/6 82/9 82/17 85/1 85/5 161/16 161/21</p> <p>Cummings [13] 48/13 49/12 50/21 51/3 52/15 57/6 58/17 140/3 154/11 155/12 155/13 155/17 197/20</p>	<p>Cummings' [2] 59/5 154/18</p> <p>curfew [1] 138/8</p> <p>curiosity [2] 4/1 6/24</p> <p>current [4] 11/16 79/20 146/9 159/16</p> <p>currently [3] 3/4 164/23 184/19</p> <p>cursory [1] 122/12</p> <p>cuts [1] 135/11</p> <hr/> <p>D</p> <p>daft [3] 72/25 72/25 73/3</p> <p>daily [4] 88/14 92/21 92/25 111/1</p> <p>damage [6] 25/5 88/9 94/4 99/23 147/23 169/19</p> <p>damaging [1] 142/13</p> <p>danger [2] 10/10 88/25</p> <p>dangerous [1] 106/23</p> <p>dangers [1] 11/6</p> <p>dark [2] 154/1 157/23</p> <p>DAs [3] 67/16 67/25 69/20</p> <p>dashboard [7] 35/19 38/3 53/19 76/2 92/22 92/23 127/20</p> <p>data [64] 34/22 35/5 35/10 35/16 35/21 36/3 36/5 36/10 36/15 36/19 36/19 36/22 37/7 37/9 37/9 37/13 37/16 38/21 39/1 53/9 53/11 53/16 53/17 92/9 92/12 92/19 92/25 93/2 93/4 93/8 93/10 93/12 93/13 93/14 93/14 95/13 113/9 113/12 114/8 114/21 115/9 115/10 115/11 116/4 127/20 127/22 127/23 128/1 136/21 138/15 146/21 148/12 157/4 158/8 159/13 162/20 163/4 180/20 181/13 186/11 186/11 187/2 187/3 187/7</p> <p>datastreams [2] 35/18 36/12</p> <p>date [5] 29/3 29/13 146/24 178/15 184/12</p> <p>date's [1] 28/22</p> <p>dated [5] 2/5 2/8 19/25 28/16 29/21</p> <p>dates [1] 146/21</p> <p>David [3] 4/24 5/1 74/3</p> <p>David Cameron [3] 4/24 5/1 74/3</p>
--	--	--	---	---

D	27/14 27/20 30/5 39/9 39/12 42/16 43/10 43/17 52/24 53/23 54/1 54/1 54/6 54/7 54/12 54/20 55/14 56/16 66/19 75/23 79/2 82/8 89/13 89/16 97/13 101/22 113/20 115/16 141/4 142/5 143/7 146/12 151/16 153/7 153/7 158/12 158/16 160/6 161/9 169/10 178/18 181/20 181/24	delayed [3] 23/3 147/2 147/4 delegated [2] 54/12 68/21 deleted [1] 14/22 deleting [1] 15/15 deliberate [1] 56/1 deliberately [2] 83/25 162/13 delighted [1] 201/5 deliver [3] 110/6 163/10 199/20 delivered [3] 110/7 110/7 110/9 delivery [8] 31/19 38/16 38/16 39/21 61/23 83/21 84/3 163/9 delve [1] 193/11 delving [1] 131/4 demand [3] 167/4 186/15 186/17 demanded [2] 126/1 126/2 demands [2] 88/7 202/19 democracy [3] 159/1 159/2 170/3 demonstrate [1] 125/21 depart [1] 169/18 department [7] 15/18 31/21 36/24 113/23 116/11 189/9 189/11 departments [22] 31/13 32/1 32/13 38/1 40/1 40/3 45/5 46/10 52/14 56/9 61/22 61/25 106/12 117/8 170/25 173/19 188/11 188/15 189/8 189/21 190/1 191/17 departure [3] 57/9 59/5 169/17 depending [2] 77/18 173/13 deputising [1] 184/16 deputy [4] 60/9 166/23 195/17 196/5 derive [1] 182/21 describe [7] 57/19 99/9 101/12 102/3 112/21 178/12 198/19 described [16] 5/23 48/14 48/24 50/9 53/3 79/23 88/2 104/24 111/9 120/14 128/6 128/12 140/20 150/8 156/20 191/4 describing [3] 51/24 55/18 89/8 description [1] 55/20 descriptions [1]	49/19 design [1] 86/3 designed [1] 162/13 desire [1] 126/12 desks [1] 50/25 desperate [3] 108/22 141/12 152/17 desperately [2] 125/14 142/7 despite [5] 22/6 50/18 191/8 191/9 196/24 destabilising [1] 169/22 destroyed [1] 86/14 detail [8] 27/18 57/1 81/22 146/3 181/2 189/25 191/12 191/16 detailed [2] 7/19 37/2 details [1] 24/24 detected [1] 202/4 determination [1] 202/24 determine [1] 86/5 determined [2] 147/2 152/3 devastating [1] 147/25 develop [2] 96/19 179/11 developed [7] 7/9 45/24 63/11 99/24 121/7 122/5 123/14 developing [2] 7/22 42/21 development [4] 6/23 7/6 7/20 197/8 devolved [18] 62/11 66/13 66/16 66/18 67/11 70/10 170/19 170/25 171/13 171/16 171/20 172/13 173/12 174/19 174/23 176/12 202/3 203/2 DfE [1] 31/20 DHSC [9] 114/3 116/20 117/5 117/19 117/22 118/8 118/12 119/10 178/8 dialogue [1] 122/12 Diamond [1] 36/2 diaries [6] 14/3 18/20 18/22 27/22 154/14 197/18 diary [3] 18/19 112/22 154/20 did [71] 3/22 4/11 4/17 6/21 15/14 15/20 19/1 22/22 23/2 23/4 23/6 23/6 23/8 23/9 23/15 30/25 31/2 34/16 40/19 47/18 51/4 52/6 53/6 53/16 55/25 61/2 67/18 69/5	69/7 70/1 70/16 71/6 78/16 78/20 82/9 82/10 82/18 82/19 83/2 83/12 84/6 84/6 93/10 95/16 95/17 95/18 97/12 98/9 100/6 106/7 106/9 108/17 109/9 111/11 111/18 122/5 122/8 137/11 138/20 139/10 142/10 144/4 149/15 149/18 150/12 171/19 171/20 175/17 181/17 188/15 193/23 didn't [63] 16/15 24/7 24/9 24/20 34/13 35/12 49/4 49/21 49/21 57/4 60/24 67/13 68/4 68/8 68/25 69/1 69/21 70/17 70/18 70/19 70/19 78/22 83/5 84/14 84/14 84/19 89/17 93/2 93/9 106/13 110/3 111/20 112/10 116/3 117/19 123/2 123/3 130/16 130/20 130/20 130/21 131/18 131/19 131/20 135/4 135/19 140/5 144/6 144/24 144/24 150/10 152/25 153/9 153/24 153/25 158/18 159/22 160/2 160/16 164/17 191/7 191/16 194/19 Dido [1] 198/16 Dido Harding [1] 198/16 die [2] 137/3 151/8 died [3] 2/18 193/5 197/1 difference [5] 47/8 143/22 143/24 144/18 147/9 differences [2] 175/1 202/3 different [20] 22/17 32/13 45/4 57/18 57/20 57/22 58/14 59/7 74/5 74/6 80/5 80/6 95/3 127/11 146/19 158/5 171/2 175/5 175/5 189/7 differently [3] 74/24 150/12 151/25 difficult [38] 19/11 21/23 21/25 21/25 22/5 23/1 23/16 23/17 23/20 24/22 25/8 26/8 26/10 27/10 28/1 49/20 50/19 64/25 65/2 65/9 75/14 75/16 86/8 87/13 89/14 90/1 96/23 101/21 107/5
----------	---	---	---	--

D	180/3 180/24 200/6 200/12 200/13 disease [2] 97/22 162/11 dismantled [1] 162/6 disparate [1] 100/19 disposal [1] 134/13 disproportionate [8] 192/21 193/12 193/24 194/8 195/5 195/11 196/2 200/4 disproportionately [5] 61/9 61/12 142/20 193/4 199/25 disputatious [1] 85/5 disputed [1] 148/18 disrespectful [1] 192/8 dissipate [1] 82/10 distancing [2] 105/12 105/24 distant [1] 45/20 distinct [2] 32/22 202/3 distributed [1] 18/7 diversify [1] 57/18 diversity [10] 54/14 54/24 55/1 55/3 55/13 55/16 55/18 57/11 64/21 65/4 divide [2] 61/19 121/24 divided [1] 87/3 dividing [1] 46/9 DNA [1] 63/23 do [108] 1/24 2/3 3/19 6/2 8/14 10/20 15/6 17/6 17/21 19/12 25/8 26/2 26/4 27/2 29/2 29/5 30/19 31/20 32/22 33/1 36/13 40/21 41/3 42/23 43/10 49/12 53/16 54/9 56/8 60/1 61/18 62/14 65/9 65/10 65/12 67/10 71/4 74/8 74/24 76/11 76/21 81/9 81/10 82/9 83/5 83/19 90/18 91/7 91/11 91/13 92/6 92/14 95/14 95/25 96/23 99/17 106/22 108/21 111/23 112/14 112/23 114/14 120/16 123/6 124/15 124/19 125/12 127/8 127/15 127/15 127/16 135/7 142/6 144/4 147/20 150/10 152/24 155/14 156/10 158/1 158/23 159/4 159/11 160/7 160/24 161/15 162/3 163/14 163/22 166/16 166/17 167/5 167/6	167/14 168/10 173/22 174/21 176/18 176/18 181/9 184/9 185/18 186/5 186/23 188/1 190/19 199/25 202/19 doctor [1] 1/15 doctorate [1] 1/14 doctors [2] 193/4 197/1 document [13] 7/16 29/14 38/14 42/11 56/20 65/18 65/18 66/7 67/13 71/10 184/5 184/7 185/12 documents [4] 68/23 133/6 183/18 187/19 does [19] 12/12 37/17 43/4 52/14 65/7 92/20 98/19 126/21 159/14 159/14 159/23 160/3 165/5 167/4 186/11 187/16 187/17 197/2 200/23 doesn't [10] 4/5 16/10 21/11 25/13 25/14 52/13 77/2 163/11 169/25 190/18 doing [27] 19/11 27/23 31/14 31/15 32/5 46/17 62/8 81/11 83/23 84/2 84/3 124/12 124/17 129/13 136/21 137/1 138/7 148/6 156/3 162/3 168/21 189/21 189/21 194/10 199/18 199/18 202/9 Dom [5] 71/11 71/18 71/24 155/12 155/13 Dom Cummings [2] 155/12 155/13 domain [4] 16/16 98/2 127/21 158/10 domestic [18] 59/20 60/20 63/10 182/16 182/25 183/24 184/25 185/7 186/12 187/4 187/6 189/2 189/6 189/12 189/19 190/21 191/4 191/20 Dominic [4] 52/15 155/17 195/17 196/6 Dominic Cummings [1] 52/15 Dominic Raab [2] 195/17 196/6 don't [113] 1/17 10/6 10/7 10/18 10/21 10/25 13/1 14/11 14/12 17/8 18/2 19/3 20/3 21/16 21/16 24/18 24/25 25/7 27/25 33/9 38/5 41/3 42/13 43/2 43/13	43/17 45/13 47/21 47/21 47/23 48/6 48/7 55/17 58/10 59/4 60/5 64/23 65/6 66/2 67/21 67/23 68/8 70/11 70/14 72/12 73/24 74/10 74/20 75/13 78/25 78/25 86/22 88/24 89/4 92/16 96/5 98/24 111/23 112/12 115/9 119/1 119/8 122/15 125/1 130/16 141/6 144/23 149/21 149/21 150/18 150/18 154/25 159/8 160/18 164/4 167/10 174/8 178/1 178/2 178/3 178/9 178/14 179/18 179/23 179/23 179/23 185/6 185/13 185/20 187/22 187/24 188/5 189/24 189/25 191/14 191/15 191/15 194/3 195/6 195/6 195/6 195/8 195/15 195/15 195/19 195/21 196/8 196/19 197/6 198/22 199/17 200/7 200/15 done [52] 11/12 15/16 25/5 25/22 29/25 30/5 30/17 30/21 33/12 34/10 35/18 36/1 40/6 40/24 41/10 45/17 45/18 57/14 66/13 67/14 70/13 84/25 85/7 87/4 90/19 92/10 93/23 94/4 96/16 98/7 99/10 106/11 107/25 116/16 120/23 121/2 121/21 123/17 126/18 131/18 140/17 146/5 146/24 151/17 151/23 162/17 164/22 168/10 175/11 179/24 180/10 196/24 door [4] 51/1 78/15 156/22 156/22 doubt [2] 29/22 110/5 down [20] 7/13 14/7 23/6 46/19 47/14 66/9 66/22 86/12 87/22 89/18 98/24 106/9 109/16 138/25 164/8 181/21 184/19 185/21 185/21 196/13 Downing [11] 21/7 24/9 35/21 49/11 50/18 57/10 57/15 58/22 74/3 78/15 155/11 Downing Street [11] 21/7 24/9 35/21 49/11 50/18 57/10 57/15 58/22 74/3 78/15	155/11 Doyle [2] 9/11 113/22 Dr [55] 1/4 1/5 1/7 1/13 1/17 3/2 7/13 8/6 10/3 11/16 15/10 22/11 28/3 28/13 32/11 35/15 43/24 44/15 44/21 62/15 66/21 73/1 73/13 75/2 77/15 79/11 80/20 85/14 86/1 97/4 99/18 101/11 102/3 106/8 109/1 109/6 112/2 118/24 119/20 120/1 132/5 139/11 151/14 153/2 157/25 170/6 170/14 177/9 192/12 197/11 197/15 200/21 200/24 201/21 204/3 Dr Case [49] 1/7 1/13 1/17 3/2 7/13 8/6 10/3 11/16 22/11 28/3 28/13 32/11 35/15 43/24 44/15 44/21 62/15 66/21 73/1 73/13 75/2 77/15 79/11 80/20 85/14 86/1 97/4 99/18 101/11 102/3 106/8 109/1 109/6 112/2 118/24 119/20 120/1 132/5 139/11 151/14 153/2 157/25 170/6 170/14 177/9 197/11 197/15 200/21 200/24 Dr Case's [1] 201/21 Dr Simon Case [1] 1/4 drafted [1] 106/17 dragged [1] 67/2 drained [1] 67/2 draw [3] 20/16 66/5 115/18 dreams [1] 25/16 drive [4] 73/8 94/23 118/12 127/20 driven [3] 80/21 126/10 148/13 driving [2] 154/13 168/15 drop [3] 106/20 110/17 111/12 dropped [2] 68/6 111/14 dropping [2] 43/3 155/25 drove [3] 40/9 57/6 154/11 drumbeat [1] 146/25 dual [1] 165/9 Duchy [3] 18/1 30/16 68/22 due [2] 88/1 195/9 dull [1] 167/18
----------	--	--	---	---

D	81/3 87/17 88/9 91/6 91/18 92/1 92/9 92/17 92/21 93/1 93/4 93/12 93/14 98/21 99/4 99/23 106/6 106/11 109/15 109/19 110/20 110/22 142/16 147/22 153/12 economically [2] 109/25 111/21 Economists [1] 142/23 economy [7] 37/8 103/4 104/15 105/8 106/13 128/24 142/24 edged [1] 147/21 Edinburgh [1] 201/13 Edmunds [1] 150/14 education [7] 25/4 31/21 56/11 117/9 117/9 129/14 189/11 Education Secretary [1] 117/9 effect [7] 20/18 41/19 43/4 124/11 137/19 149/2 154/21 effective [3] 63/14 137/16 138/19 effectively [8] 21/21 26/21 60/9 67/19 95/20 121/4 139/9 189/19 effects [6] 56/16 142/17 178/23 179/5 179/17 181/19 efficient [2] 46/12 160/14 efficiently [1] 21/20 effort [2] 22/7 32/2 efforts [1] 3/16 egos [3] 20/7 21/12 21/19 eight [1] 122/11 eight weeks' [1] 122/11 either [15] 7/8 21/14 68/10 70/15 94/17 94/24 128/4 130/14 148/2 152/25 175/15 180/20 187/18 189/2 192/8 electorate [1] 159/5 element [2] 84/18 147/4 elements [2] 79/1 163/3 eleventh [1] 113/13 eleventh hour [1] 113/13 else [6] 15/9 27/10 71/6 121/15 159/25 168/4 else's [1] 198/22 elsewhere [3] 76/15	128/12 139/10 email [5] 18/7 31/9 37/11 100/5 183/6 emailed [1] 190/12 emails [1] 41/11 emboldened [1] 81/12 emerge [1] 153/10 emergence [2] 115/23 133/14 emergencies [1] 172/24 emergency [5] 33/17 62/21 62/23 63/6 164/25 eminent [2] 72/1 109/15 emotionally [1] 21/24 emphasise [1] 178/17 employed [1] 26/19 enable [1] 73/6 enabled [1] 86/16 encompass [1] 12/22 encountered [1] 34/22 encouraging [1] 34/19 end [24] 2/6 15/14 49/8 65/1 77/8 80/1 89/25 91/10 91/14 115/3 121/3 127/10 133/7 142/18 145/6 145/19 145/19 147/10 147/15 152/24 155/9 165/11 188/7 199/1 ended [8] 52/7 67/19 104/10 119/13 123/16 127/25 155/10 158/18 ending [1] 123/23 endless [4] 27/18 27/21 45/22 97/19 endlessly [1] 59/1 endorsement [1] 119/2 ends [2] 42/21 124/1 energy [1] 168/7 enforcement [1] 199/14 engage [1] 67/9 engagement [3] 126/15 173/1 173/6 engine [1] 69/8 England [6] 34/10 92/7 92/20 114/20 129/22 194/22 English [1] 42/4 enough [14] 13/19 23/18 30/17 30/20 34/5 45/14 46/12 89/12 96/6 126/15 152/6 152/25 153/1 198/11 enquired [1] 115/24	ensued [1] 134/16 ensure [9] 19/16 35/5 73/10 86/6 86/13 110/3 172/12 178/18 202/10 ensuring [3] 164/23 169/8 178/14 enter [1] 67/12 entered [1] 67/8 enthusiasm [1] 116/20 enthusiastic [2] 116/17 116/18 entire [1] 99/21 entirely [2] 15/4 109/2 entitled [1] 54/9 entity [1] 52/8 entry [3] 16/8 20/2 197/18 envelop [1] 64/7 environment [2] 56/23 136/3 envisage [1] 173/8 epidemiological [5] 90/7 125/3 147/14 175/3 175/6 epidemiologically [1] 153/11 equal [1] 45/13 equalities [3] 169/5 169/13 196/9 equally [1] 196/13 equals [1] 20/10 equation [2] 102/13 104/21 equivalent [3] 63/1 162/11 171/10 Er [1] 82/11 era [3] 72/6 77/20 77/21 eroded [1] 155/21 erred [4] 152/12 152/21 152/22 153/2 error [1] 15/4 especially [1] 193/25 essence [2] 26/9 45/25 essential [3] 35/7 102/6 103/5 essentially [2] 57/3 120/19 establish [3] 4/12 41/23 70/25 established [2] 61/8 96/25 establishing [2] 3/3 66/10 establishment [1] 90/21 estimate [1] 93/23 estimates [1] 100/7 et [4] 54/14 92/20 128/25 198/14	et cetera [4] 54/14 92/20 128/25 198/14 etc [1] 197/23 ethnic [11] 34/2 34/6 55/10 142/20 192/15 192/22 193/2 193/5 194/8 197/9 199/25 ethnicity [2] 33/23 195/3 EU [2] 68/15 68/18 European [2] 133/15 136/18 eve [2] 73/25 76/6 even [21] 7/25 16/2 37/16 38/25 53/24 73/16 74/23 75/11 77/7 77/8 82/13 100/10 100/17 110/5 111/13 121/11 141/24 145/11 166/8 198/7 198/7 evening [6] 111/24 112/22 151/15 153/18 153/18 155/15 event [4] 2/6 36/15 64/5 148/20 events [1] 157/1 eventually [3] 23/14 36/3 124/15 ever [20] 10/7 15/18 21/17 56/24 67/20 67/23 74/10 85/14 96/5 116/12 116/14 120/16 124/19 128/7 135/23 136/2 141/7 157/18 158/2 187/19 every [8] 55/22 73/8 98/22 142/15 152/12 153/22 161/4 195/14 everybody [6] 40/11 40/25 55/19 99/21 129/8 190/11 everyone [4] 52/17 121/15 159/24 160/13 everyone's [1] 202/17 everything [4] 22/5 27/20 114/10 132/11 everywhere [1] 21/11 evidence [59] 1/19 1/23 2/15 12/7 12/21 21/22 21/23 24/1 36/9 39/18 41/16 45/25 47/24 59/4 64/3 68/11 68/11 69/4 81/23 82/4 82/12 84/13 93/12 95/14 109/19 112/24 113/3 118/1 119/19 119/25 129/25 129/25 130/1 130/2 132/10 132/11 132/12 144/20 145/17 146/22 146/22 148/8 148/13 149/24 154/20 156/16 163/15
----------	--	---	---	--

E	173/20	29/2 36/3 37/12 39/3 45/18 46/7 51/7 61/11 67/13 68/25 70/17 73/2 87/11 87/16 95/7 95/12 101/3 109/5 113/19 117/16 123/14 124/22 130/13 131/20 147/25 149/16 149/23 149/24 152/10 175/1 180/8 183/18 196/24	77/6 February 2020 [1] 77/6 fed [1] 65/14 federal [1] 68/19 Federation [1] 192/15 feel [1] 93/9 feels [4] 148/11 152/9 156/15 188/12 fell [1] 189/19 felt [14] 22/25 81/11 89/3 89/14 112/21 115/3 115/3 115/4 142/11 153/20 153/20 157/22 157/23 160/23 female [3] 82/7 142/20 199/25 FEMHO [2] 192/15 192/19 Feral [2] 50/12 50/13 few [12] 31/11 47/14 66/24 77/20 83/6 90/14 131/13 137/25 160/8 160/8 170/16 177/9 few weeks [1] 137/25 fide [1] 150/24 fight [1] 47/5 figures [2] 38/10 81/5 file [1] 18/13 final [8] 39/12 106/17 107/12 159/7 165/12 169/23 171/12 184/20 finally [2] 81/19 181/16 financial [7] 71/3 135/7 198/1 198/8 198/10 198/25 200/2 find [5] 7/22 127/19 153/23 168/5 171/19 finding [1] 28/1 fine [3] 124/9 180/5 189/5 finish [5] 2/22 42/1 119/19 191/6 196/22 finished [1] 121/3 firm [1] 64/1 first [42] 2/13 3/25 6/7 6/10 6/16 17/23 30/23 31/10 40/22 49/14 64/10 68/14 69/12 69/13 74/16 75/17 78/5 78/12 83/19 88/25 89/2 91/3 95/5 95/23 107/20 108/9 108/9 112/10 112/11 115/1 115/13 115/19 117/25 130/7 134/17 142/1 145/15 170/20 175/23 193/4 193/23 197/1	experienced [2] 64/10 165/16 experiences [1] 172/17 expert [1] 5/22 expertise [1] 11/5 experts [2] 91/13 91/13 explain [9] 6/24 20/22 37/25 77/14 128/13 136/7 154/13 172/14 185/5 explained [3] 109/7 128/16 174/12 explanation [3] 126/17 126/17 128/22 explicitly [1] 110/9 explore [1] 126/18 explored [1] 122/17 export [1] 15/12 exposure [1] 56/15 express [3] 71/7 78/3 79/18 expressed [7] 5/20 8/10 8/20 9/9 19/19 29/17 114/3 expressing [2] 10/16 24/5 expression [1] 141/5 expressions [3] 5/17 13/21 42/18 extended [1] 131/23 extensive [2] 117/17 129/25 extent [11] 8/16 33/23 47/6 54/5 82/1 86/19 137/3 159/8 162/4 164/22 181/22 external [3] 82/23 140/20 159/10 extraordinary [2] 97/12 128/17 extremely [11] 1/8 23/16 38/17 38/22 39/7 42/12 85/21 109/18 123/15 152/11 202/22 eyes [1] 41/2 eyesight [1] 154/12	factor [3] 180/18 181/11 195/4 factored [1] 181/23 factories [1] 165/10 factors [3] 86/9 86/10 149/9 facts [3] 45/13 129/3 129/4 factual [1] 187/24 fade [2] 166/11 203/5 fading [1] 166/16 failed [9] 22/21 47/9 125/20 126/2 147/7 152/5 153/8 153/15 157/16 failing [6] 140/14 140/15 184/23 185/3 185/4 191/5 failings [4] 139/12 152/3 156/19 156/20 failure [6] 64/13 77/5 115/21 118/11 126/19 189/17 failures [1] 151/8 fair [18] 8/16 12/25 20/16 47/9 48/22 109/2 126/11 127/6 134/19 144/21 149/4 187/3 189/17 189/23 191/1 196/15 197/4 198/19 fairly [4] 11/7 104/1 105/11 169/16 faithfully [1] 149/16 fall [3] 12/16 98/5 110/17 fallen [1] 186/15 falling [1] 73/12 families [1] 2/16 fantastic [1] 164/21 far [5] 6/15 34/2 80/12 134/19 167/11 fashion [2] 120/22 122/8 fast [1] 135/17 fault [1] 201/3 favour [1] 149/9 fear [2] 48/19 50/5 fears [1] 25/16 feature [3] 73/16 77/9 200/2 features [1] 133/11 featuring [1] 200/8 February [2] 3/20	First Minister [1] 69/12 First Ministers [3] 68/14 69/13 170/20 firstly [6] 8/7 46/10 115/19 115/23 116/1 197/25 fits [1] 74/8 fix [7] 46/21 47/12 53/6 53/11 76/16 76/16 100/12 fixed [1] 53/9 fixing [2] 20/4 89/7 flat [1] 41/1 flatten [1] 49/15 flawed [1] 147/10 flexible [1] 162/2 flickers [1] 114/8 flip [3] 23/24 104/3 104/19 flip-flopping [3] 23/24 104/3 104/19 flooding [1] 63/15 flopping [3] 23/24 104/3 104/19 flow [1] 175/14 flowing [2] 171/24 172/2 flows [1] 13/7 flu [1] 167/24 focus [9] 30/12 35/6 97/3 121/17 133/1 165/18 182/15 194/5 194/7 focused [4] 162/10 171/5 186/4 199/13 focusing [1] 25/4 follow [2] 159/24 173/16 followed [1] 8/17 following [2] 27/9 151/16 food [3] 31/16 31/19 38/16 footfall [1] 93/6 fora [1] 61/6 forbidding [1] 38/9 forced [2] 57/3 79/22 forcefully [1] 149/17 foreboding [1] 38/5 forecast [1] 135/9 forecasting [2] 92/6 92/9 forecasts [2] 93/3 142/21 Foreign [1] 184/16 Foreign Secretary [1] 184/16 forest [1] 195/22 forever [1] 18/25 forgive [5] 35/8 84/21 97/1 99/7 109/1 forgotten [1] 160/9 form [13] 6/2 23/15
----------	--------	--	--	--	--	--

<p>G</p> <p>government... [11] 184/23 185/4 186/22 189/7 189/22 190/8 190/10 190/14 190/16 190/17 191/5</p> <p>government's [13] 3/16 4/8 21/1 38/11 86/6 101/12 102/3 106/4 116/4 120/1 127/2 137/10 155/22</p> <p>governmental [2] 153/3 175/24</p> <p>governments [1] 159/11</p> <p>GP [1] 45/20</p> <p>GPs [2] 38/23 59/16</p> <p>GPSMIG [1] 59/25</p> <p>grading [1] 4/4</p> <p>granular [1] 37/1</p> <p>grateful [1] 200/25</p> <p>Gray [2] 69/9 171/12</p> <p>Gray's [1] 176/11</p> <p>great [19] 14/15 22/18 25/11 25/17 32/15 35/18 36/1 98/25 102/18 119/6 134/5 134/6 157/2 164/21 167/23 175/2 175/6 183/11 202/19</p> <p>Great Britain [2] 175/2 175/6</p> <p>greater [2] 137/19 145/23</p> <p>Greater Manchester [1] 145/23</p> <p>greatest [1] 181/6</p> <p>green [1] 182/11</p> <p>ground [5] 35/13 37/15 45/14 122/9 178/16</p> <p>group [24] 11/5 14/19 15/12 30/13 33/17 38/22 51/1 59/10 59/18 59/24 60/4 82/23 90/6 96/18 114/1 121/14 168/11 171/17 177/11 188/23 193/20 194/9 194/15 195/3</p> <p>groupings [1] 60/17</p> <p>groups [24] 15/15 19/17 28/14 28/17 29/15 29/23 30/4 31/1 31/18 31/18 34/3 34/7 35/6 55/11 59/9 60/16 61/9 61/12 61/14 62/5 169/9 177/10 190/22 197/9</p> <p>guaranteed [1] 174/2</p> <p>Guardian [1] 193/1</p> <p>guess [2] 185/24 199/8</p>	<p>guidance [4] 105/12 105/25 155/24 174/12</p> <p>guided [1] 178/16</p> <p>guises [1] 49/1</p> <p>guns [1] 162/25</p> <p>Gupta [2] 148/21 149/15</p> <hr/> <p>H</p> <p>had [208]</p> <p>had Manchester [1] 145/20</p> <p>hadn't [3] 130/14 130/14 162/3</p> <p>halfway [1] 7/13</p> <p>Hall [2] 56/12 57/25</p> <p>Hancock [13] 46/6 69/5 70/7 74/18 116/12 116/13 118/17 119/4 130/7 131/21 144/19 144/25 196/10</p> <p>Hancock's [1] 118/13</p> <p>hand [5] 15/2 32/20 32/21 54/25 71/23</p> <p>handful [4] 88/17 100/19 192/17 193/17</p> <p>handle [1] 165/22</p> <p>hands [2] 135/23 137/10</p> <p>handwriting [3] 65/21 65/23 65/24</p> <p>handwritten [3] 14/10 71/11 71/13</p> <p>happen [4] 36/13 60/1 68/4 173/1</p> <p>happened [11] 59/6 72/11 101/23 113/12 114/12 127/12 129/16 129/22 149/19 198/13 199/3</p> <p>happening [15] 32/1 33/6 37/3 37/14 53/18 69/1 92/12 92/16 117/16 138/16 141/10 158/7 159/13 176/21 190/16</p> <p>happens [1] 33/8</p> <p>happily [3] 1/20 157/25 201/21</p> <p>happy [4] 14/6 178/1 180/10 187/24</p> <p>hard [6] 22/1 34/16 46/17 107/22 147/21 153/1</p> <p>harder [3] 34/2 136/25 168/18</p> <p>Harding [1] 198/16</p> <p>hardly [1] 118/9</p> <p>HARMFUL [1] 97/21</p> <p>harms [6] 25/3 89/18 134/23 141/1 141/2 153/24</p> <p>has [37] 1/21 9/4 9/18 10/4 13/24 14/13</p>	<p>15/6 17/17 19/20 27/23 31/8 36/10 41/19 56/23 72/14 82/16 100/16 104/6 109/7 112/4 126/6 131/8 144/15 144/19 148/1 148/19 153/8 153/15 156/22 163/25 165/5 168/2 168/25 172/9 187/3 192/3 201/18</p> <p>hasn't [5] 13/12 63/19 72/10 72/11 201/1</p> <p>hat [1] 98/20</p> <p>hated [1] 107/21</p> <p>haunt [1] 139/21</p> <p>have [202] 1/14 2/3 2/15 2/17 5/7 6/13 6/14 6/22 7/11 9/5 10/1 10/23 11/5 11/12 13/8 14/2 14/4 14/5 15/13 15/17 16/12 19/6 19/24 22/18 25/14 25/14 27/17 28/18 29/6 31/2 31/2 31/24 37/5 37/17 39/18 42/11 42/16 43/18 43/18 44/6 44/7 44/18 48/24 49/2 51/2 52/16 54/10 56/24 59/24 61/16 62/20 63/5 64/2 64/16 64/24 65/3 65/7 65/15 66/18 68/9 70/6 72/16 75/23 76/2 76/23 77/21 79/14 85/22 88/11 88/24 89/17 90/3 90/4 90/10 90/16 91/15 93/2 96/24 99/12 107/3 111/7 112/6 113/3 117/2 117/3 117/4 117/6 121/24 121/25 123/5 123/7 124/4 124/15 126/7 126/13 126/16 126/17 128/7 128/14 128/21 129/4 130/25 130/25 133/16 134/14 135/2 135/9 135/19 135/25 136/1 137/17 138/24 139/15 143/22 143/24 144/18 144/24 145/16 146/4 146/5 147/8 150/20 151/3 151/17 151/22 152/4 152/8 153/15 153/21 153/22 154/4 157/1 159/4 160/14 162/4 162/6 162/7 162/14 163/3 164/17 164/23 165/9 165/16 166/21 167/23 167/24 168/1 168/10 168/10 168/24 169/6</p>	<p>170/16 172/1 172/11 172/12 172/18 172/23 173/9 175/24 180/15 181/12 182/11 183/18 184/7 184/9 184/20 187/12 188/12 189/8 189/13 189/17 190/3 191/11 191/21 192/17 193/3 193/21 194/13 194/16 194/18 195/15 195/24 195/25 196/8 196/10 196/16 196/18 196/19 196/23 198/15 199/9 200/7 200/10 200/11 200/12 200/14 200/17 201/16 202/5 202/13 202/16 202/20</p> <p>haven't [6] 15/8 30/17 70/13 132/11 159/7 184/6</p> <p>having [23] 4/18 9/21 10/7 46/18 46/19 62/25 69/6 87/8 97/13 99/17 101/4 104/1 117/16 137/25 152/3 152/15 166/1 168/20 172/24 173/5 189/15 190/7 190/23</p> <p>hazard [1] 199/8</p> <p>he [103] 10/13 16/9 16/11 16/15 17/4 17/4 18/22 24/9 24/15 25/3 25/5 25/23 25/25 26/4 26/7 26/10 26/10 26/15 26/23 28/1 44/1 48/20 48/24 49/1 49/2 49/3 49/4 49/5 49/14 49/15 49/16 51/18 57/4 58/13 67/13 67/14 67/15 68/12 68/14 68/16 68/20 68/20 70/2 70/5 70/24 70/25 72/11 73/4 74/19 81/11 84/13 84/13 84/18 84/19 97/12 97/15 98/5 98/19 100/6 103/22 104/10 104/16 104/17 105/7 108/22 112/3 112/9 112/10 116/17 117/15 117/18 118/9 118/22 132/1 132/3 132/8 132/11 132/12 132/22 132/23 133/15 144/16 144/20 145/18 148/23 149/5 149/8 149/8 149/9 149/10 150/10 154/15 154/15 155/5 169/17 177/4 177/5 177/12 184/16 188/25 195/18 198/22 199/8</p> <p>he'd [7] 24/16 58/18 148/19 148/24 149/2</p>	<p>154/25 199/14</p> <p>he'll [1] 81/10</p> <p>he's [11] 25/11 25/12 25/13 25/15 25/16 48/14 48/24 74/18 84/15 112/23 192/3</p> <p>head [5] 3/5 4/16 26/17 33/16 50/1</p> <p>heads [2] 128/10 170/24</p> <p>health [37] 1/20 18/1 34/10 69/5 69/6 74/19 76/2 80/16 86/10 87/21 88/6 91/5 91/6 96/13 99/4 99/14 100/8 102/11 113/17 114/20 115/4 116/11 117/2 117/18 118/10 126/1 126/10 128/25 147/22 149/8 162/8 178/11 194/13 194/22 196/11 196/11 201/5</p> <p>Health Secretary [6] 18/1 69/5 74/19 117/2 117/18 196/11</p> <p>healthcare [10] 2/24 192/16 192/23 193/2 193/15 194/2 194/12 195/13 196/3 203/8</p> <p>hear [4] 4/5 148/23 149/10 192/12</p> <p>heard [24] 19/20 36/10 47/23 50/22 58/3 69/4 82/12 95/7 129/25 130/8 130/15 141/7 145/17 146/22 160/20 163/15 165/16 167/23 170/17 172/7 172/15 174/13 174/25 201/13</p> <p>hearing [3] 24/19 33/19 203/15</p> <p>hearings [6] 202/13 202/17 203/7 203/10 203/10 203/11</p> <p>heart [5] 76/21 90/18 140/18 162/14 162/15</p> <p>heavily [1] 149/9</p> <p>held [2] 196/1 196/15</p> <p>Helen [25] 19/20 20/6 21/22 41/12 43/8 44/16 46/1 46/18 47/11 48/19 49/20 52/12 52/20 54/24 56/20 57/12 58/24 65/19 70/23 81/20 81/22 83/18 128/5 153/4 160/23</p> <p>Helen MacNamara [20] 19/20 20/6 41/12 43/8 44/16 46/1 48/19 52/12 52/20 54/24 56/20 57/12 58/24 65/19 70/23</p>
---	---	--	--	--

H	highlights [1] 92/24	198/13	43/11 129/7 142/24 157/20	106/9 111/18
Helen MacNamara... [5] 81/20 81/22 128/5 153/4 160/23	highly [5] 38/18 88/5 113/9 145/9 154/22	honest [1] 189/24	humanity [2] 43/7 43/13	I didn't [8] 24/7 24/9 24/20 78/22 131/18 131/19 131/20 144/24
Helen MacNamara's [1] 21/22	him [35] 10/7 10/8 10/9 10/10 10/15 16/25 17/7 18/23 24/14 25/9 26/13 44/4 48/21 50/10 55/15 71/18 74/21 80/21 80/22 80/23 81/12 95/7 97/9 98/16 102/15 104/3 105/7 111/5 114/21 119/5 120/14 151/16 155/6 189/1 192/4	honestly [5] 15/16 16/17 30/21 34/4 111/17	Humphrey [1] 11/2 hundreds [1] 167/21 hyper [1] 128/3	I do [3] 19/12 25/8 202/19
hell [1] 10/4	himself [7] 15/11 44/2 58/17 59/3 85/4 97/5 150/24	hope [3] 163/5 200/25 203/1	I	I don't [75] 10/6 10/21 10/25 13/1 17/8 18/2 19/3 21/16 21/16 24/25 25/7 38/5 42/13 43/13 47/21 47/21 47/23 48/6 48/7 55/17 58/10 59/4 60/5 65/6 70/11 70/14 72/12 73/24 74/10 75/13 78/25 78/25 86/22 88/24 89/4 92/16 96/5 112/12 119/8 122/15 125/1 130/16 141/6 144/23 149/21 149/21 150/18 150/18 159/8 160/18 174/8 178/1 178/2 178/3 179/23 179/23 179/23 185/6 185/13 187/22 187/24 189/24 194/3 195/6 195/6 195/6 195/8 195/15 195/15 195/21 197/6 198/22 199/17 200/7 200/15
help [20] 1/8 12/10 15/13 21/6 46/21 47/18 51/4 98/3 99/25 129/23 130/13 130/23 158/1 170/7 180/17 186/17 187/4 187/20 195/23 201/6	hinder [1] 47/19	hopes [1] 25/16	I actually [4] 15/6 154/4 171/3 196/8	I don't [75] 10/6 10/21 10/25 13/1 17/8 18/2 19/3 21/16 21/16 24/25 25/7 38/5 42/13 43/13 47/21 47/21 47/23 48/6 48/7 55/17 58/10 59/4 60/5 65/6 70/11 70/14 72/12 73/24 74/10 75/13 78/25 78/25 86/22 88/24 89/4 92/16 96/5 112/12 119/8 122/15 125/1 130/16 141/6 144/23 149/21 149/21 150/18 150/18 159/8 160/18 174/8 178/1 178/2 178/3 179/23 179/23 179/23 185/6 185/13 187/22 187/24 189/24 194/3 195/6 195/6 195/6 195/8 195/15 195/15 195/21 197/6 198/22 199/17 200/7 200/15
helped [2] 90/10 93/5	hindered [1] 47/21	horses [1] 42/3	I advised [1] 10/5	I do [3] 19/12 25/8 202/19
helpful [2] 182/18 188/5	hindsight [4] 46/11 82/17 96/7 152/13	hospital [1] 123/23	I agree [7] 28/11 84/8 99/11 100/11 137/24 146/3 148/14	I don't [75] 10/6 10/21 10/25 13/1 17/8 18/2 19/3 21/16 21/16 24/25 25/7 38/5 42/13 43/13 47/21 47/21 47/23 48/6 48/7 55/17 58/10 59/4 60/5 65/6 70/11 70/14 72/12 73/24 74/10 75/13 78/25 78/25 86/22 88/24 89/4 92/16 96/5 112/12 119/8 122/15 125/1 130/16 141/6 144/23 149/21 149/21 150/18 150/18 159/8 160/18 174/8 178/1 178/2 178/3 179/23 179/23 179/23 185/6 185/13 187/22 187/24 189/24 194/3 195/6 195/6 195/6 195/8 195/15 195/15 195/21 197/6 198/22 199/17 200/7 200/15
helping [2] 48/4 87/1	his [60] 10/5 16/10 16/15 17/1 17/2 18/19 18/22 24/13 25/9 25/21 26/23 41/16 48/17 49/7 50/8 51/25 58/13 58/15 59/3 67/15 68/11 78/4 78/17 78/18 80/22 80/24 84/13 84/19 93/11 97/7 104/3 104/16 111/5 111/23 112/9 112/14 112/17 112/22 112/23 113/2 116/14 118/20 119/2 131/22 132/9 132/10 132/19 132/21 143/6 150/5 151/15 154/11 154/13 154/20 163/8 163/8 171/11 193/7 195/10 199/17	hospitalisation [4] 38/14 92/13 123/24 195/10	I also [2] 24/20 202/4	I do [3] 19/12 25/8 202/19
helpline [1] 186/13	himself [7] 15/11 44/2 58/17 59/3 85/4 97/5 150/24	hospitalised [2] 124/4 193/6	I am [3] 6/11 36/17 170/13	I do [3] 19/12 25/8 202/19
hence [2] 1/21 7/5	hinder [1] 47/19	hospitality [1] 138/9	I answer [1] 198/4	I do [3] 19/12 25/8 202/19
Heneghan [3] 88/4 148/23 149/15	hindered [1] 47/21	hospitals [1] 139/6	I apologise [2] 100/24 150/2	I do [3] 19/12 25/8 202/19
Hennessy [1] 53/4	hindsight [4] 46/11 82/17 96/7 152/13	hot [1] 98/15	I appear [1] 170/14	I do [3] 19/12 25/8 202/19
Henry [2] 47/25 48/1	his [60] 10/5 16/10 16/15 17/1 17/2 18/19 18/22 24/13 25/9 25/21 26/23 41/16 48/17 49/7 50/8 51/25 58/13 58/15 59/3 67/15 68/11 78/4 78/17 78/18 80/22 80/24 84/13 84/19 93/11 97/7 104/3 104/16 111/5 111/23 112/9 112/14 112/17 112/22 112/23 113/2 116/14 118/20 119/2 131/22 132/9 132/10 132/19 132/21 143/6 150/5 151/15 154/11 154/13 154/20 163/8 163/8 171/11 193/7 195/10 199/17	hour [2] 113/13 115/5	I appreciate [1] 160/19	I do [3] 19/12 25/8 202/19
Henry Cook [2] 47/25 48/1	hindsight [4] 46/11 82/17 96/7 152/13	hours [4] 83/11 83/14 85/3 121/25	I are [1] 103/18	I do [3] 19/12 25/8 202/19
her [16] 12/11 17/19 49/20 50/4 52/20 52/22 78/4 81/23 82/4 87/11 105/23 171/15 172/9 182/19 186/10 198/17	his [60] 10/5 16/10 16/15 17/1 17/2 18/19 18/22 24/13 25/9 25/21 26/23 41/16 48/17 49/7 50/8 51/25 58/13 58/15 59/3 67/15 68/11 78/4 78/17 78/18 80/22 80/24 84/13 84/19 93/11 97/7 104/3 104/16 111/5 111/23 112/9 112/14 112/17 112/22 112/23 113/2 116/14 118/20 119/2 131/22 132/9 132/10 132/19 132/21 143/6 150/5 151/15 154/11 154/13 154/20 163/8 163/8 171/11 193/7 195/10 199/17	Household [3] 3/14 5/3 21/9	I arrived [3] 21/4 32/3 49/11	I do [3] 19/12 25/8 202/19
her Ladyship [5] 12/11 52/20 87/11 172/9 182/19	historical [1] 6/2	households [2] 29/19 122/2	I ask [6] 41/10 62/14 95/16 160/4 182/5 197/15	I do [3] 19/12 25/8 202/19
Her Majesty's [1] 105/23	history [2] 14/1 33/5	houses [2] 185/11 191/22	I asked [1] 122/18	I do [3] 19/12 25/8 202/19
herd [1] 124/22	hit [1] 34/2	how [89] 19/8 20/4 21/25 22/22 24/9 24/15 24/21 24/23 24/25 25/8 25/22 27/15 27/16 28/1 31/15 31/17 31/18 32/4 33/7 34/17 34/18 35/11 38/11 38/11 43/10 45/23 54/22 59/23 61/19 63/17 63/23 65/3 65/8 65/25 68/6 70/13 71/9 82/9 82/24 82/25 84/18 84/19 87/12 88/11 91/11 91/13 92/19 102/3 106/12 112/21 114/5 115/3 122/5 124/15 124/19 127/24 128/13 135/7 135/10 135/11 140/18 142/10 148/5 149/18 150/11 153/21 153/21 159/10 160/2 160/20 161/22 163/14 163/22 165/11 165/25 166/16 166/17 168/15 168/21 172/3 173/8 174/17 174/21 176/17 176/18 180/17 186/4 186/9 189/25	I assist [1] 131/4	I do [3] 19/12 25/8 202/19
herd immunity [1] 124/22	hits [1] 167/25	how [89] 19/8 20/4 21/25 22/22 24/9 24/15 24/21 24/23 24/25 25/8 25/22 27/15 27/16 28/1 31/15 31/17 31/18 32/4 33/7 34/17 34/18 35/11 38/11 38/11 43/10 45/23 54/22 59/23 61/19 63/17 63/23 65/3 65/8 65/25 68/6 70/13 71/9 82/9 82/24 82/25 84/18 84/19 87/12 88/11 91/11 91/13 92/19 102/3 106/12 112/21 114/5 115/3 122/5 124/15 124/19 127/24 128/13 135/7 135/10 135/11 140/18 142/10 148/5 149/18 150/11 153/21 153/21 159/10 160/2 160/20 161/22 163/14 163/22 165/11 165/25 166/16 166/17 168/15 168/21 172/3 173/8 174/17 174/21 176/17 176/18 180/17 186/4 186/9 189/25	I attempt [1] 115/18	I do [3] 19/12 25/8 202/19
here [8] 31/12 72/11 87/24 100/11 102/17 153/6 153/9 176/17	Hm [1] 71/14	households [2] 29/19 122/2	I become [2] 73/21 191/10	I do [3] 19/12 25/8 202/19
Here's [1] 32/8	hobby [1] 42/3	houses [2] 185/11 191/22	I believe [5] 18/3 63/22 101/24 103/12 110/12	I do [3] 19/12 25/8 202/19
herself [1] 15/11	hold [2] 30/16 66/4	houses [2] 185/11 191/22	I came [1] 32/10	I do [3] 19/12 25/8 202/19
hesitancy [1] 196/12	holds [1] 159/21	houses [2] 185/11 191/22	I can [18] 2/11 14/7 15/3 15/8 17/8 27/4 40/20 55/18 57/15 57/16 75/18 112/22 128/19 135/14 179/8 191/13 195/23 201/14	I do [3] 19/12 25/8 202/19
hesitate [2] 1/17 1/24	holistic [1] 178/18	houses [2] 185/11 191/22	I can't [19] 16/17 16/18 20/15 20/16 22/23 41/4 41/4 65/17 96/17 111/15 122/16 138/10 153/19 177/19 178/1 179/5 179/7 180/10 183/25	I do [3] 19/12 25/8 202/19
hesitation [1] 196/16	home [14] 11/24 29/18 61/3 143/17 146/16 156/6 185/7 185/25 186/2 186/4 187/7 189/9 189/20 199/15	houses [2] 185/11 191/22	I cannot [3] 16/17 60/5 187/21	I do [3] 19/12 25/8 202/19
hidden [2] 141/1 141/2	Home Office [4] 186/4 187/7 189/9 189/20	houses [2] 185/11 191/22	I certainly [5] 10/7 31/8 88/22 173/11 194/19	I do [3] 19/12 25/8 202/19
high [14] 52/16 124/18 127/1 136/3 137/2 137/8 137/23 138/21 139/8 139/21 140/17 144/10 144/11 146/7	Home Secretary [4] 61/3 185/25 186/2 199/15	houses [2] 185/11 191/22	I chair [1] 171/3	I do [3] 19/12 25/8 202/19
higher [5] 136/15 136/24 143/19 146/5 169/20	homes [2] 139/7	houses [2] 185/11 191/22	I conclude [1] 110/14	I do [3] 19/12 25/8 202/19
highest [5] 69/22 77/10 184/22 191/5 196/1		houses [2] 185/11 191/22	I couldn't [1] 195/21	I do [3] 19/12 25/8 202/19
highlighted [1] 193/1		houses [2] 185/11 191/22	I delivered [2] 110/7 110/7	I do [3] 19/12 25/8 202/19

I	I remember [38] 6/10 15/25 16/17 19/3 19/12 30/9 59/6 61/4 62/3 62/9 65/21 68/22 70/7 71/10 83/17 92/21 102/19 103/13 106/10 114/16 121/1 121/6 121/11 124/5 138/3 138/3 150/15 155/11 175/16 177/20 178/25 179/1 180/21 186/23 194/4 194/19 198/16 199/4	111/17 I want [5] 66/11 133/1 167/19 202/8 203/4 I wanted [2] 56/7 136/6 I was [23] 6/25 15/16 17/24 19/5 26/18 26/22 27/13 28/11 43/24 76/20 79/12 107/16 109/11 110/5 111/15 116/25 117/11 117/21 136/20 151/13 154/6 194/10 200/7 I wasn't [9] 30/9 39/17 87/24 88/18 89/4 119/7 130/13 194/25 196/17 I went [2] 21/8 202/1 I were [1] 46/18 I whingeing [1] 47/11 I will [7] 64/16 200/11 201/18 201/21 201/24 202/7 202/10 I won't [5] 37/11 46/6 51/12 141/7 185/5 I wonder [3] 42/14 135/4 177/14 I worked [1] 21/7 I would [17] 5/24 8/25 24/10 36/7 36/7 38/20 54/19 62/20 65/5 89/10 170/21 174/21 176/14 185/24 190/1 191/11 195/15 I wrote [2] 31/10 70/9 I'd [29] 2/13 2/18 2/22 2/22 14/24 21/13 24/11 31/11 64/15 74/2 76/15 76/16 77/7 88/18 95/5 107/20 108/11 111/8 114/8 114/9 114/12 132/16 134/24 154/25 155/1 186/2 195/7 197/5 202/12 I'll [6] 90/14 91/17 184/2 189/5 191/6 199/19 I'm [107] 1/13 4/4 9/19 10/21 12/25 13/16 13/24 14/5 14/9 16/20 16/21 22/24 23/4 23/4 23/7 23/8 23/8 24/22 24/22 24/23 28/23 28/24 28/25 29/11 36/19 40/20 41/4 41/11 44/4 48/11 52/22 55/22 55/24 57/15 61/1 61/10 62/15 65/16 68/9 69/10 71/15 73/13 74/17 75/12 75/20 80/11 83/22	85/11 86/22 96/17 102/16 102/16 103/14 109/2 111/4 112/22 113/18 115/3 116/12 118/7 118/24 121/19 122/15 130/25 136/5 136/23 143/1 151/13 156/14 160/18 161/12 164/13 164/14 172/14 172/17 174/24 174/25 176/23 176/25 177/3 177/19 178/1 178/1 179/15 180/10 181/1 181/3 181/6 181/9 181/16 183/9 184/6 186/21 187/12 187/24 191/10 191/10 191/11 191/18 195/19 195/23 196/5 196/8 196/17 200/24 201/4 202/21 I'm afraid [7] 16/20 41/4 151/13 177/19 178/1 195/19 202/21 I'm sorry [1] 96/17 I've [34] 4/15 14/25 28/21 39/17 42/6 57/17 57/21 66/2 71/13 71/24 74/6 82/21 82/22 93/18 103/10 111/19 112/23 113/1 118/1 123/11 129/5 132/9 148/12 149/24 150/1 156/2 161/22 162/9 181/5 193/22 194/6 196/25 201/2 201/13 I've changed [1] 129/5 Ian [1] 36/2 Idea [11] 91/18 141/8 141/22 142/3 180/5 189/15 189/16 190/7 190/9 190/25 198/12 ideals [1] 53/3 ideas [2] 24/15 148/21 identified [4] 14/23 35/2 58/8 190/22 identifies [1] 12/1 identify [7] 29/15 29/23 32/5 35/7 36/17 38/24 44/20 identify/target [1] 29/15 identifying [1] 36/18 ideological [1] 25/1 ideology [1] 25/17 idiocy [1] 15/9 ie [5] 78/6 82/20 103/21 121/14 123/15 if [127] 1/13 1/18 1/23 6/24 7/22 8/3 8/9 11/11 12/2 12/9 16/9 17/12 23/19 27/19	28/25 29/15 33/5 35/8 36/9 38/3 38/10 42/14 43/16 48/23 59/6 60/14 60/21 61/1 61/13 62/3 62/8 62/20 67/11 67/20 68/3 71/10 71/20 72/4 91/2 93/18 95/8 95/15 96/16 97/19 101/19 101/20 102/19 102/19 103/13 103/22 106/10 107/4 109/6 109/23 110/11 114/16 121/1 121/6 121/10 123/10 123/22 123/22 124/9 124/10 124/18 124/20 125/25 127/22 132/9 135/4 135/16 138/22 139/2 141/6 142/2 144/17 146/4 146/6 146/9 146/17 147/23 150/1 150/4 150/15 154/7 155/11 156/16 157/3 159/3 159/10 166/8 168/18 170/22 172/17 173/16 173/17 175/16 175/23 177/14 178/25 178/25 180/19 180/21 181/3 181/4 181/11 182/18 184/5 184/15 184/19 185/6 185/8 185/12 185/21 186/10 186/21 187/25 190/15 191/15 194/4 195/15 195/16 195/25 196/1 197/17 199/4 199/19 ill [2] 1/20 195/18 illness [1] 193/7 imagine [1] 74/21 immediate [4] 64/5 163/20 163/24 165/18 immediately [4] 63/5 73/13 160/17 167/20 immunity [1] 124/22 impact [17] 26/14 28/2 28/5 42/17 91/6 91/6 109/19 131/9 144/5 169/16 178/19 180/25 192/21 193/24 195/5 196/2 200/4 impacted [3] 61/9 61/12 193/4 impacting [1] 21/1 impacts [10] 12/6 12/20 90/23 91/1 92/1 100/8 128/24 178/11 180/8 180/9 imperative [1] 89/2 imperatives [1] 90/23 implementation [5] 59/8 59/10 59/17 73/11 83/21
----------	--	--	--	---

I	income [1] 199/24 incomes [1] 198/13 incorrect [2] 55/20 104/22 incorrectly [1] 79/3 increase [3] 165/25 186/14 198/25 increases [1] 187/6 increasingly [2] 164/2 186/16 incredibly [6] 22/1 26/9 27/3 75/15 89/3 171/22 indeed [10] 66/24 66/25 70/16 79/22 100/15 113/13 113/20 133/12 174/12 182/5 independent [1] 108/4 INDEX [1] 203/16 indicate [1] 48/13 indicating [1] 186/15 indiscreet [1] 8/19 individual [7] 45/19 46/23 48/9 87/1 118/7 164/8 175/15 individually [1] 47/2 individuals [13] 14/3 20/13 20/19 22/16 22/20 23/9 29/19 47/7 50/9 85/7 117/10 149/25 184/24 induced [1] 153/2 ineffective [1] 23/5 inefficient [2] 23/1 23/5 inevitable [2] 18/16 176/4 infancy [1] 162/16 infer [2] 87/11 87/15 inference [1] 187/5 inform [2] 35/10 150/24 information [15] 7/17 12/1 12/5 12/17 13/5 13/8 27/21 33/20 37/18 127/14 174/9 175/14 193/23 194/3 194/17 infrastructure [2] 161/25 166/2 ingrained [1] 9/7 inherent [1] 128/23 initial [2] 64/14 193/11 injury [1] 94/8 inputs [3] 90/23 91/8 158/5 INQ000023854 [1] 179/18 INQ000069853 [1] 178/10 INQ000083379 [1] 28/16	INQ000083541 [1] 38/3 INQ000088638 [1] 184/5 INQ000102087 [1] 177/15 INQ000137204 [1] 183/10 INQ000183934 [1] 65/18 INQ000218356 [1] 7/11 INQ000265619 [1] 16/4 INQ000265763 [1] 72/16 INQ000283296 [1] 107/3 INQ000303252 [1] 10/1 INQ000303253 [4] 19/24 44/18 52/11 56/18 INQ000421804 [1] 11/17 inquiry [35] 1/6 1/8 2/4 2/14 2/20 5/7 5/21 6/4 9/4 9/18 13/4 14/13 14/15 14/25 15/2 15/6 15/22 16/3 16/11 16/24 18/17 18/23 19/7 19/20 31/8 161/2 174/16 177/1 182/15 187/22 193/10 201/15 202/16 202/19 204/5 Inquiry's [2] 13/24 27/8 inside [5] 7/9 36/18 57/15 95/25 119/13 inspirations [1] 40/15 instance [3] 101/23 105/2 105/10 instead [3] 67/7 140/6 143/7 instinct [2] 148/14 199/10 instinctively [1] 148/11 instincts [1] 148/1 institute [1] 61/16 instituted [3] 40/16 58/5 86/20 institution [3] 40/10 41/22 85/3 institutional [1] 43/7 instructed [1] 170/14 instruments [2] 114/17 115/6 insufficient [3] 32/14 95/13 147/11 insult [1] 156/15 intended [2] 70/15	108/20 intensely [1] 86/7 intensive [1] 92/13 intent [1] 153/2 intention [6] 106/19 106/19 108/19 110/16 111/11 111/12 intentions [1] 153/23 interacting [1] 175/4 interaction [4] 170/18 174/19 174/22 177/20 interdependencies [2] 38/1 40/1 interest [3] 13/21 49/17 75/21 interesting [6] 91/16 96/22 144/1 144/2 150/3 150/17 interestingly [2] 141/21 144/3 interests [7] 8/11 19/17 59/25 87/13 87/13 87/19 169/8 intergenerational [1] 122/2 internal [5] 26/14 112/11 112/24 140/20 141/3 international [1] 109/18 interrupt [1] 95/8 intervene [1] 71/6 intervened [1] 9/17 intervention [2] 102/11 149/17 interventions [3] 23/13 101/15 138/16 into [47] 6/1 7/22 24/11 36/7 39/15 48/5 49/22 52/7 54/5 55/13 57/1 57/22 62/22 62/22 63/5 65/4 65/4 68/3 74/14 74/18 79/22 107/1 109/14 114/5 115/24 122/9 123/3 127/21 131/4 135/4 141/8 145/24 147/9 155/12 156/5 168/16 169/9 177/21 180/18 181/12 181/17 182/24 183/3 188/25 188/25 193/11 198/7 invade [2] 160/7 168/6 inverted [2] 108/17 109/6 invested [1] 37/6 investment [1] 168/8 invisibility [2] 55/9 55/10 invited [3] 70/12 70/14 184/15 inviting [1] 164/14	involve [1] 190/18 involved [8] 3/19 7/6 49/13 49/16 66/19 120/7 201/2 202/13 Iraq [4] 53/2 158/16 160/7 161/2 Ireland [1] 202/9 ironically [1] 9/11 is [374] ish [1] 11/2 isn't [15] 8/6 8/16 11/7 14/9 23/18 27/16 75/6 78/12 115/3 142/14 147/15 147/21 150/22 161/13 163/24 isolate [1] 197/23 isolating [4] 29/18 198/2 198/8 198/11 isolation [2] 200/3 200/9 issue [29] 13/18 16/20 17/18 34/22 37/24 37/24 47/22 48/7 48/9 52/25 53/7 56/6 59/8 59/20 82/14 91/24 94/14 104/24 117/22 120/8 126/25 129/13 144/15 157/4 157/6 170/1 174/7 193/9 194/11 issues [21] 10/13 10/24 11/3 23/12 33/11 57/11 58/24 62/2 62/7 63/24 64/25 65/14 86/17 87/9 87/14 120/6 126/22 171/25 172/16 193/14 202/10 it [616] it was [1] 27/9 it'll [1] 192/4 it's [140] 2/5 2/6 2/19 4/3 8/6 8/16 8/25 9/5 11/3 11/7 11/14 12/5 12/25 13/13 14/1 15/1 15/3 15/9 16/5 20/23 23/22 23/25 29/1 29/2 29/8 30/21 33/3 33/4 33/5 35/15 35/17 37/4 37/4 40/25 41/2 42/6 42/17 42/20 43/5 43/8 43/13 45/20 46/16 46/23 47/12 47/22 53/3 53/5 57/5 63/13 64/9 65/18 68/23 69/11 69/16 69/16 69/18 72/13 72/17 75/14 75/20 80/5 86/16 94/14 95/4 96/13 96/16 96/18 96/19 96/23 99/14 100/12 103/20 104/22 107/4 107/6 108/4 110/12 115/17 120/15
----------	---	--	---	---

I it's... [60] 122/10 124/21 126/11 129/18 131/13 132/16 135/6 136/6 137/24 138/13 139/13 142/9 146/5 147/20 149/23 150/22 153/2 154/17 154/18 155/4 156/11 156/17 157/21 158/21 159/8 159/16 159/20 161/3 162/17 162/20 163/6 166/20 166/24 166/25 167/17 169/23 173/4 173/17 177/20 178/2 178/9 178/13 181/4 181/11 183/10 185/13 185/15 185/25 186/13 187/18 190/15 190/16 191/23 192/9 193/8 193/10 193/16 197/18 198/21 200/25 itching [1] 43/25 iteration [1] 106/18 its [24] 5/14 5/15 32/21 42/21 42/21 52/8 69/24 86/13 88/13 104/15 106/17 115/13 121/24 127/2 143/24 146/12 146/14 152/3 153/10 160/2 162/15 164/11 168/15 168/16 itself [8] 9/4 15/7 52/21 88/11 122/23 128/14 146/13 147/16	John Edmunds [1] 150/14 Johnson [17] 18/21 57/5 68/12 74/11 75/1 77/21 78/20 79/9 79/16 84/12 85/4 110/13 132/21 150/23 154/19 199/13 202/23 Johnson's [3] 16/4 25/10 65/24 Johnson/Sunak [1] 77/21 Johnsonian [1] 75/7 join [6] 51/9 51/18 52/3 154/17 154/22 191/17 joined [4] 41/7 83/20 87/5 183/14 joining [1] 52/2 joint [5] 36/22 67/6 115/12 162/20 175/18 Jonathan [1] 72/6 Josephs [2] 56/11 57/25 July [13] 49/15 89/10 99/6 106/20 110/17 111/3 111/6 111/8 120/8 121/1 130/6 142/3 147/3 July 4 [1] 111/6 June [29] 2/9 34/9 41/8 68/23 68/24 79/18 91/4 91/4 91/4 95/21 103/5 103/25 103/25 103/25 104/5 106/2 106/15 107/9 107/20 108/11 108/18 110/18 111/16 111/24 113/7 118/6 118/11 178/9 194/7 June 2020 [1] 194/7 just [119] 2/3 2/22 3/2 4/1 6/24 11/3 15/16 20/22 21/3 21/23 22/8 22/17 27/21 27/25 29/1 31/17 33/18 35/12 38/20 40/3 40/25 41/3 42/6 43/2 43/13 43/21 44/20 46/9 46/12 47/14 54/23 57/21 57/25 61/8 61/8 62/14 68/4 68/8 70/1 72/13 73/24 75/6 77/14 81/15 81/19 83/12 84/13 87/21 93/14 93/24 96/6 97/3 98/7 98/25 100/13 100/17 100/18 103/10 105/22 109/11 111/2 112/6 115/2 115/9 119/16 129/6 129/16 131/12 132/5 140/21 141/13 141/15 141/20 142/5	142/6 142/7 142/11 143/3 148/12 151/5 151/13 153/13 153/24 153/24 156/5 156/11 157/23 157/23 158/6 160/20 163/9 164/4 164/24 168/4 168/25 170/16 172/23 174/15 174/24 176/15 179/15 180/5 180/12 181/9 185/12 187/1 187/23 190/2 190/5 190/19 191/6 191/11 191/14 192/3 192/18 193/22 195/25 196/13 196/19 Justice [1] 189/12 justify [1] 123/1	133/8 133/10 134/10 134/10 134/14 134/16 144/20 149/5 149/8 149/8 149/9 160/13 know [262] knowledge [3] 196/18 196/19 196/24 known [4] 1/19 23/25 30/13 105/16	147/3 151/4 151/5 151/5 156/5 177/21 180/1 later [24] 6/22 22/11 23/7 23/7 38/24 58/20 85/13 91/22 104/23 143/23 154/19 154/19 156/10 177/21 178/6 179/12 179/14 180/19 182/25 187/11 188/8 191/10 194/6 194/21 latest [2] 53/21 186/11 latter [1] 122/10 latterly [1] 143/11 law [1] 150/12 lawyers [1] 24/17 layers [1] 91/11 lead [11] 1/6 4/12 23/3 23/10 48/1 60/13 61/12 127/24 173/18 198/9 204/5 leaders [1] 58/2 leadership [5] 56/2 57/22 83/2 83/3 193/7 leading [1] 109/14 lean [1] 46/12 learn [5] 2/20 34/16 65/25 172/10 172/17 learned [3] 160/5 160/8 176/25 learning [3] 34/20 161/24 189/18 learnt [4] 15/18 129/2 146/19 160/25 least [11] 12/2 59/9 64/3 97/10 99/25 106/17 126/7 127/2 137/16 143/23 151/13 leave [3] 57/3 57/4 186/16 leaving [2] 17/13 186/18 led [4] 89/8 105/11 106/2 155/24 left [6] 5/2 58/13 58/17 58/18 59/13 147/16 legal [3] 44/1 192/19 202/15 legitimacy [1] 155/22 Leicester [6] 113/4 113/9 113/16 113/18 114/9 114/14 Leicestershire [2] 114/15 114/15 length [2] 143/24 190/6 less [8] 66/22 66/22 68/1 89/14 137/2 137/15 141/2 147/24 lesson [2] 15/18 146/19 lessons [12] 2/20
J Jack [2] 9/11 113/22 Jack Doyle [2] 9/11 113/22 Jacobs [5] 192/4 197/13 197/14 200/20 204/15 January [4] 2/5 2/7 53/25 58/12 January 2021 [1] 58/12 JBC [1] 115/12 Jenkin [1] 168/12 Jennings [1] 53/4 JMC [3] 67/10 67/19 69/20 job [23] 27/24 32/4 40/21 64/16 76/13 76/17 76/22 76/24 77/2 81/2 81/6 81/7 81/9 81/10 108/18 109/12 134/25 138/20 141/19 142/25 190/8 190/24 199/19 jobs [1] 142/25 John [1] 150/14	Keith [17] 1/3 4/3 43/23 44/14 102/16 103/11 108/25 109/3 111/15 119/24 148/10 180/4 186/3 188/6 194/21 197/5 200/22 Keith's [1] 167/17 kept [4] 13/12 13/12 15/25 108/8 Kew [1] 14/7 key [5] 29/12 40/15 80/15 80/18 173/13 Keynesian [1] 129/4 kill [1] 120/15 kind [4] 22/8 68/17 94/22 165/2 Kingdom [8] 67/25 68/17 69/24 133/17 136/11 137/4 202/2 203/2 knack [1] 66/2 knew [20] 19/5 99/21 106/9 109/14 109/16 131/14 132/3 132/15	K Kate [2] 56/11 57/25 Kate Josephs [1] 56/11 Kathy [2] 56/12 57/25 Kathy Hall [1] 56/12 Kay [2] 60/11 188/19 Kay Withers [2] 60/11 188/19 KC [8] 170/12 177/8 182/10 192/11 204/7 204/9 204/11 204/13 keep [16] 17/4 17/7 18/14 18/25 19/11 37/6 69/6 76/24 124/12 129/7 129/8 129/9 142/7 166/16 166/17 167/7 keeping [10] 6/14 8/7 11/13 17/20 17/22 18/5 18/6 117/7 166/25 175/14 Keith [17] 1/3 4/3 43/23 44/14 102/16 103/11 108/25 109/3 111/15 119/24 148/10 180/4 186/3 188/6 194/21 197/5 200/22 Keith's [1] 167/17 kept [4] 13/12 13/12 15/25 108/8 Kew [1] 14/7 key [5] 29/12 40/15 80/15 80/18 173/13 Keynesian [1] 129/4 kill [1] 120/15 kind [4] 22/8 68/17 94/22 165/2 Kingdom [8] 67/25 68/17 69/24 133/17 136/11 137/4 202/2 203/2 knack [1] 66/2 knew [20] 19/5 99/21 106/9 109/14 109/16 131/14 132/3 132/15	L laboratory [1] 164/20 labour [1] 61/19 lack [18] 22/4 37/12 41/9 43/13 45/15 45/25 46/3 47/7 55/3 55/6 57/11 89/1 96/9 116/6 128/15 128/15 153/2 170/18 laddie [1] 73/3 Lady [30] 1/4 2/13 4/4 9/25 13/17 15/3 25/19 36/10 36/17 43/20 44/5 64/2 65/7 73/2 81/23 82/12 83/22 85/19 130/25 154/3 156/17 168/25 170/13 173/4 176/24 177/7 188/4 191/25 200/23 203/13 Lady's [2] 129/25 159/9 Ladyship [5] 12/11 52/20 87/11 172/9 182/19 laid [1] 128/20 Lancaster [3] 18/2 30/16 68/22 language [13] 13/6 35/9 36/25 37/25 42/14 42/22 43/1 43/7 70/11 135/1 142/14 157/19 158/6 lapse [1] 39/13 large [9] 8/16 47/2 50/24 82/1 121/5 121/8 121/13 133/24 202/4 large-scale [3] 121/5 121/8 121/13 largely [5] 17/23 92/18 171/5 188/11 199/2 last [10] 2/9 16/8 59/11 137/25 148/3 163/2 170/6 191/1 195/24 201/12 lasting [3] 162/7 162/12 180/9 late [21] 16/2 29/8 40/17 44/15 49/15 74/13 89/21 95/21 114/6 115/23 127/18 131/21 132/4 146/8	147/3 151/4 151/5 151/5 156/5 177/21 180/1 later [24] 6/22 22/11 23/7 23/7 38/24 58/20 85/13 91/22 104/23 143/23 154/19 154/19 156/10 177/21 178/6 179/12 179/14 180/19 182/25 187/11 188/8 191/10 194/6 194/21 latest [2] 53/21 186/11 latter [1] 122/10 latterly [1] 143/11 law [1] 150/12 lawyers [1] 24/17 layers [1] 91/11 lead [11] 1/6 4/12 23/3 23/10 48/1 60/13 61/12 127/24 173/18 198/9 204/5 leaders [1] 58/2 leadership [5] 56/2 57/22 83/2 83/3 193/7 leading [1] 109/14 lean [1] 46/12 learn [5] 2/20 34/16 65/25 172/10 172/17 learned [3] 160/5 160/8 176/25 learning [3] 34/20 161/24 189/18 learnt [4] 15/18 129/2 146/19 160/25 least [11] 12/2 59/9 64/3 97/10 99/25 106/17 126/7 127/2 137/16 143/23 151/13 leave [3] 57/3 57/4 186/16 leaving [2] 17/13 186/18 led [4] 89/8 105/11 106/2 155/24 left [6] 5/2 58/13 58/17 58/18 59/13 147/16 legal [3] 44/1 192/19 202/15 legitimacy [1] 155/22 Leicester [6] 113/4 113/9 113/16 113/18 114/9 114/14 Leicestershire [2] 114/15 114/15 length [2] 143/24 190/6 less [8] 66/22 66/22 68/1 89/14 137/2 137/15 141/2 147/24 lesson [2] 15/18 146/19 lessons [12] 2/20

L	limit [3] 32/22 159/1 172/18 limited [4] 83/15 103/4 146/14 196/19 limiting [1] 75/20 line [5] 11/12 17/11 35/13 103/13 106/24 lines [1] 71/2 list [1] 143/10 listed [1] 97/10 listen [1] 78/17 Lister [2] 50/21 58/13 lists [2] 184/1 189/4 Literally [1] 78/14 literature [1] 148/7 little [6] 21/3 135/24 150/12 180/2 196/7 196/24 lively [1] 88/4 Liverpool [2] 145/18 145/23 lives [2] 127/24 156/7 Liz [1] 74/7 Liz Truss [1] 74/7 loan [3] 3/13 4/18 112/14 loaned [1] 112/16 local [18] 32/19 33/13 33/19 33/22 37/3 45/19 113/4 113/7 114/18 114/19 115/1 115/4 115/20 116/1 116/3 119/12 137/12 174/19 locally [1] 115/4 location [1] 8/13 lock [4] 23/6 89/18 98/24 181/20 lockdown [89] 24/24 30/1 30/6 30/23 39/9 39/13 53/25 53/25 69/15 80/14 80/17 80/19 86/11 87/15 87/17 88/3 88/7 88/25 89/3 89/9 89/13 92/3 93/23 94/3 94/7 94/24 97/14 97/15 97/19 97/24 97/25 98/4 98/21 98/25 99/20 99/20 99/22 100/4 100/8 100/9 113/4 113/7 114/15 116/3 117/25 118/13 120/2 122/23 123/2 123/4 125/8 125/13 125/15 125/25 126/2 126/10 127/1 127/19 134/15 134/17 134/21 137/1 137/15 141/13 142/8 142/13 143/23 146/20 147/5 147/12 147/18 147/23 147/25 149/10 149/19 149/22 150/16	151/1 151/17 152/2 152/4 152/18 152/19 153/6 153/7 153/14 153/19 180/23 187/6 lockdowns [7] 23/12 25/6 99/5 115/1 119/12 180/19 182/2 locking [2] 25/2 138/25 logically [1] 97/20 Lombardelli [2] 108/1 110/21 London [3] 1/15 68/3 93/7 long [48] 2/17 13/7 33/2 36/21 40/19 41/14 41/18 41/20 48/2 53/5 63/16 64/15 75/17 76/7 77/5 82/17 83/25 84/2 93/3 95/5 115/17 142/17 142/24 143/1 145/20 157/12 161/17 161/17 163/21 163/23 163/25 164/1 165/20 166/24 168/18 168/21 177/10 177/23 178/23 179/4 179/11 179/17 180/18 180/25 181/12 181/19 199/1 200/25 Long Covid [5] 177/10 177/23 179/11 180/18 181/12 long term [2] 163/23 165/20 long-standing [1] 33/2 long-term [15] 83/25 84/2 93/3 142/17 142/24 163/21 163/25 166/24 168/18 168/21 178/23 179/4 179/17 180/25 181/19 longer [4] 137/17 154/6 178/11 198/7 look [31] 11/25 22/10 28/14 29/15 33/25 38/3 38/5 38/10 39/17 42/25 46/16 51/7 53/1 70/21 72/5 77/9 88/22 91/2 100/11 107/2 109/8 121/2 122/12 122/13 123/21 161/1 173/8 182/17 188/12 192/7 197/17 looked [6] 138/5 138/11 148/2 148/3 183/12 189/4 looking [8] 89/23 94/21 120/1 134/23 172/10 183/4 183/5 197/2 looks [6] 28/23 30/20 38/9 138/13 142/9	167/18 loop [1] 54/6 Lord [10] 3/6 18/25 44/23 50/21 58/13 78/5 78/12 95/9 118/16 118/18 Lord Lister [2] 50/21 58/13 Lord O'Donnell [1] 95/9 Lord of [2] 78/5 78/12 Lord Saville [1] 18/25 Lord Sedwill [4] 3/6 44/23 118/16 118/18 lose [2] 128/10 142/25 lost [7] 2/19 15/1 66/2 104/3 108/6 143/25 166/13 lot [21] 25/14 27/8 31/12 33/15 34/11 37/6 42/24 49/18 79/5 81/7 89/4 150/8 161/14 164/17 167/18 176/19 176/19 190/16 198/24 200/10 200/13 lots [5] 10/14 24/18 42/23 125/11 128/10 loved [2] 2/19 166/13 low [3] 123/24 138/23 145/14 lower [5] 138/16 142/18 147/24 198/12 199/24 Luddite [1] 10/21 lunch [2] 85/22 113/6	147/8 149/4 150/21 156/8 163/16 176/6 185/20 185/24 199/23 main [4] 8/21 75/21 121/17 176/11 mainly [1] 18/8 Majesty's [1] 105/23 major [6] 11/11 57/9 57/24 58/8 58/10 63/24 make [43] 1/15 9/20 10/24 11/11 19/11 24/1 25/13 25/15 26/10 26/11 31/23 40/12 47/8 56/3 56/8 56/13 61/25 62/1 65/10 65/13 77/1 78/10 83/12 90/23 97/13 98/9 103/6 116/20 126/2 127/23 127/23 135/14 142/10 147/20 153/12 161/19 176/8 181/20 190/8 197/23 203/1 203/2 203/4 make-up [1] 153/12 makers [2] 43/10 43/17 makes [4] 11/1 86/1 113/8 202/19 making [32] 9/14 10/20 11/6 12/16 22/16 30/5 44/4 52/24 53/9 53/23 54/1 54/6 54/12 55/14 56/16 61/21 62/7 65/14 66/19 79/2 82/8 89/16 103/16 115/16 141/4 158/10 158/12 166/8 168/17 169/10 178/18 198/17 maligned [1] 138/18 manage [4] 21/13 63/12 67/10 158/25 management [1] 26/15 managing [3] 64/18 160/22 176/2 Manchester [2] 145/20 145/23 Mann [1] 64/11 manoeuvre [1] 139/22 manufacture [1] 165/1 manufacturers [2] 162/3 164/18 manufacturing [1] 165/2 many [22] 5/18 8/19 9/4 9/5 11/2 38/11 41/14 43/19 45/8 46/10 48/14 48/14 53/2 64/24 91/11
----------	---	---	--	---

M	69/11 72/8 102/18 147/20 161/5 176/8	49/9 52/6 54/8 61/18 64/12 70/5 72/4 72/4 72/4 72/4 74/2 74/3 74/12 75/12 75/20 78/5 79/4 79/25 80/5 80/10 81/15 81/15 82/19 83/9 85/11 85/15 88/22 88/23 91/10 92/4 92/5 109/11 111/2 112/9 116/25 122/5 127/17 129/12 129/12 129/12 129/14 130/24 130/24 131/2 141/21 148/7 151/21 153/17 153/20 156/2 156/14 156/14 160/13 161/1 168/5 172/22 174/24 175/7 175/7 176/20 178/1 179/9 186/2 190/20 191/18 194/12 199/12	78/22 80/7 87/2 87/25 92/22 96/5 107/12 117/1 117/14 117/17 117/20 163/24 171/14 171/23 172/1 173/10 176/12 177/25 member [2] 110/19 112/18 members [3] 26/24 112/14 201/15 memories [3] 166/11 166/16 203/5 memory [6] 29/11 34/6 68/9 70/4 82/3 93/19 mentality [3] 134/25 135/15 141/12 mention [2] 112/10 193/19 mentioned [7] 57/25 129/12 160/5 175/22 176/11 186/3 193/22 merely [3] 5/12 12/20 193/12 merits [2] 12/15 131/6 mess [1] 46/8 message [8] 42/15 42/17 43/14 43/16 43/18 72/17 111/4 174/14 messages [13] 14/17 14/19 15/12 15/21 17/1 17/2 17/6 46/5 50/4 101/3 103/25 118/15 126/13 messaging [1] 128/3 met [6] 18/2 25/13 35/12 59/9 59/11 110/22 methods [1] 134/12 metre [26] 105/12 105/16 105/18 105/22 105/22 105/24 106/10 106/13 106/14 106/20 107/16 108/23 108/24 109/16 109/21 109/25 110/3 110/6 110/24 110/24 111/12 111/14 111/20 111/22 112/3 112/3 metres [2] 109/24 111/21 Metzer [5] 177/4 177/6 177/8 182/6 204/9 Michael [8] 30/15 31/10 60/13 68/21 68/24 70/8 72/18 183/6 Michael Gove [8] 30/15 31/10 60/13 68/21 68/24 70/8 72/18 183/6	micro [1] 37/7 micro-level [1] 37/7 mid [2] 49/15 58/18 mid-November [1] 58/18 middle [3] 32/9 52/12 89/25 MIG [5] 28/20 31/3 59/17 86/24 194/13 might [25] 5/11 12/22 29/6 54/13 64/7 64/10 70/24 71/21 88/2 90/13 103/22 117/6 123/7 143/19 143/22 143/24 144/18 145/16 147/8 164/25 165/23 169/15 173/15 196/13 196/14 MIGs [9] 59/8 59/18 60/7 63/2 66/9 66/19 66/21 67/19 188/7 miles [2] 115/5 163/7 military [2] 42/25 43/1 million [2] 115/5 163/7 millions [1] 167/22 mind [7] 46/25 52/17 64/2 106/7 129/5 193/3 196/17 mine [3] 2/11 19/14 185/15 mini [1] 68/18 minister [130] 8/15 9/14 9/23 9/24 10/5 10/11 10/14 16/1 16/9 16/21 17/25 18/15 19/6 24/1 24/6 24/7 25/1 27/12 27/23 33/6 36/4 44/23 50/11 52/13 54/2 55/14 56/14 58/12 59/3 60/13 62/6 64/17 66/6 68/8 68/10 68/12 69/12 69/13 70/1 70/24 71/16 72/3 72/12 77/11 77/17 77/23 78/4 78/6 78/12 78/17 79/4 79/20 79/21 79/25 80/1 80/21 81/9 81/9 81/14 88/15 89/22 90/10 93/20 95/12 97/4 98/4 98/13 98/17 101/6 101/16 101/19 101/24 102/14 102/17 103/1 103/11 103/15 104/2 104/6 104/9 106/16 106/18 106/22 108/11 111/10 113/15 117/2 118/17 119/4 119/9 121/4 125/18 127/7 131/2 131/17 132/3 132/6 133/14 135/9
many... [7] 91/13 101/16 101/16 101/20 122/24 164/7 200/7 Mapping [1] 28/16 March [9] 3/20 6/12 6/15 7/12 7/25 30/2 39/12 87/15 87/20 March 2020 [3] 3/20 87/15 87/20 March 2021 [4] 6/12 6/15 7/12 7/25 margins [2] 14/11 54/21 mark [13] 3/6 7/4 30/11 31/10 49/5 57/2 101/3 101/4 102/24 103/18 103/19 120/9 169/17 Mark Sedwill [9] 3/6 7/4 30/11 31/10 57/2 101/3 101/4 102/24 120/9 Mark Sedwill's [1] 169/17 Mark's [1] 103/19 Martin [6] 6/21 7/3 16/5 50/22 82/13 84/8 Martin Reynolds [5] 6/21 7/3 16/5 50/22 82/13 mask [1] 126/22 mass [7] 25/2 36/3 49/18 125/13 133/25 134/1 135/22 massive [1] 153/16 master's [1] 108/21 match [1] 49/22 material [29] 12/7 12/21 13/3 13/10 13/11 13/14 13/24 14/2 14/12 14/15 15/5 15/7 15/17 17/14 18/14 21/24 27/8 32/11 35/15 48/13 74/17 90/24 92/4 128/20 132/17 133/5 162/9 194/5 202/14 material's [1] 24/3 materially [2] 12/6 21/1 materials [1] 133/6 maths [1] 70/13 Matt [6] 69/5 70/7 74/18 117/17 131/21 196/10 Matt Hancock [5] 69/5 70/7 74/18 131/21 196/10 matter [4] 156/17 161/8 166/21 195/12 mattered [1] 20/22 matters [7] 61/17	may [86] 1/1 1/13 3/2 3/10 3/22 4/23 5/2 5/5 6/1 6/24 12/9 28/18 28/25 29/6 29/8 29/21 31/5 34/8 36/9 37/11 38/4 41/7 42/4 48/23 51/6 52/11 52/16 56/18 59/11 59/11 59/12 60/8 61/5 61/13 62/11 64/17 65/20 66/24 74/4 79/3 79/19 80/12 80/15 80/18 87/11 95/16 95/21 95/22 95/23 100/21 100/21 100/24 100/25 101/1 101/4 103/22 105/21 109/23 114/24 123/10 134/21 134/22 135/25 136/20 146/17 146/24 154/12 154/15 156/5 156/16 160/7 163/15 166/5 166/6 177/12 182/17 184/7 185/25 188/7 194/16 195/24 197/17 198/14 200/3 200/14 201/20 May 2020 [3] 38/4 80/12 100/21 May/June [1] 95/21 maybe [12] 32/1 62/4 62/5 64/9 65/14 65/15 114/13 121/1 121/11 122/10 150/20 177/22 mayor [2] 114/19 145/17 mayors [2] 67/9 116/1 me [44] 1/17 11/1 21/25 27/15 28/24 30/11 32/25 35/8 43/21 44/3 65/25 69/18 75/24 80/17 81/8 84/21 87/1 99/7 109/1 111/7 112/16 112/21 117/16 127/15 131/22 154/25 158/6 159/4 159/17 159/25 160/5 165/12 167/4 169/1 180/4 180/17 182/2 182/17 182/19 192/12 192/18 195/24 196/22 199/21 meals [1] 29/19 mean [94] 6/4 8/25 12/12 12/25 13/23 15/13 15/23 15/23 17/8 22/21 24/3 24/10 25/10 29/5 32/24 38/25 40/24 42/20 42/23 43/4 43/21 46/16 47/10 47/11 47/23 48/10 48/23	meetings [34] 9/2 9/3 9/3 9/5 22/8 50/7 53/13 61/3 62/4 64/23 65/2 68/25 69/11 69/19 77/16 77/20		

<p>M</p> <p>minister... [31] 138/4 143/6 148/15 148/20 149/4 153/18 159/2 159/3 159/16 159/17 160/24 165/17 166/23 169/4 169/5 170/19 177/12 177/25 179/2 179/13 184/17 190/18 193/6 195/9 195/17 196/6 196/9 197/20 199/9 199/13 202/23</p> <p>Minister's [18] 6/20 8/13 9/10 16/14 16/24 50/24 51/1 71/7 73/5 78/14 81/7 98/17 103/23 105/5 155/14 163/9 195/18 196/4</p> <p>ministerial [11] 17/21 26/23 59/8 59/10 59/17 61/6 67/6 77/15 188/8 193/20 195/3</p> <p>ministers [36] 12/14 27/17 27/18 33/8 45/5 64/24 65/1 65/9 67/9 68/14 69/7 69/13 74/8 74/23 90/25 91/12 91/14 96/6 106/9 107/23 108/5 109/15 130/6 158/22 158/22 161/4 163/10 165/6 165/10 166/4 167/2 168/19 170/19 170/20 184/13 200/12</p> <p>Ministry [1] 189/11</p> <p>minorities [3] 34/2 55/11 194/9</p> <p>minority [8] 34/6 142/20 192/15 192/22 193/2 193/5 197/9 199/25</p> <p>minute [4] 30/17 44/7 113/13 119/18</p> <p>minutes [6] 44/10 60/20 85/21 154/4 184/9 195/7</p> <p>mischaracterised [1] 93/19</p> <p>mislead [1] 196/20</p> <p>misogynistic [3] 82/2 85/1 85/10</p> <p>misremembered [2] 150/1 181/5</p> <p>misrepresented [1] 132/9</p> <p>missed [2] 82/7 152/2</p> <p>misses [1] 168/25</p> <p>mistake [2] 123/12 142/10</p> <p>mistakes [3] 83/12 159/18 163/16</p>	<p>Mitchell [5] 170/11 170/12 177/2 177/5 204/7</p> <p>mitigation [3] 110/1 110/4 111/22</p> <p>mixture [2] 143/12 143/12</p> <p>Mm [2] 43/15 120/10</p> <p>model [7] 63/21 64/17 99/9 150/10 160/22 163/6 173/16</p> <p>modelling [1] 100/7</p> <p>models [1] 65/6</p> <p>modern [1] 18/21</p> <p>module [10] 64/10 64/10 129/14 163/16 201/11 201/16 201/23 201/24 203/7 203/8</p> <p>Module 1 [2] 163/16 201/23</p> <p>Module 2 [2] 201/11 201/24</p> <p>Module 3 [1] 203/7</p> <p>Modules [1] 202/13</p> <p>Modules 2 [1] 202/13</p> <p>moment [16] 5/17 8/1 24/5 44/5 69/15 72/5 85/19 90/15 96/24 97/20 132/5 157/20 158/7 161/6 179/8 185/12</p> <p>moments [6] 9/19 146/6 157/22 175/16 175/18 176/14</p> <p>money [5] 135/11 165/7 165/11 167/19 199/20</p> <p>month [3] 60/11 151/17 179/15</p> <p>months [10] 41/6 41/14 49/14 75/3 75/17 77/5 100/3 100/3 100/3 160/8</p> <p>mood [1] 16/11</p> <p>Moonshot [2] 49/18 133/20</p> <p>morale [1] 169/19</p> <p>more [63] 2/8 6/13 7/23 13/11 18/24 23/1 23/2 23/10 31/7 31/14 31/19 37/1 37/1 37/7 43/6 44/7 45/3 46/15 49/16 54/19 58/15 65/16 65/17 70/12 74/25 75/22 76/5 89/5 97/21 104/24 114/7 126/17 127/20 127/20 127/21 135/12 136/22 137/19 141/2 146/14 154/4 161/15 162/21 164/3 168/3 168/16 169/1 169/6 169/23 171/23 171/24 172/2 176/10 176/24 181/2</p>	<p>181/24 186/5 186/8 186/9 193/13 194/8 197/22 200/5</p> <p>morning [10] 122/18 123/11 127/8 127/9 140/25 182/22 187/1 188/16 197/6 197/9</p> <p>morning's [1] 119/25</p> <p>most [14] 7/25 38/21 39/2 56/23 65/1 78/9 79/8 117/8 128/7 150/3 173/19 178/15 188/14 201/14</p> <p>mostly [1] 135/3</p> <p>mouth [1] 125/1</p> <p>move [5] 7/23 119/1 119/6 127/18 174/7</p> <p>moved [3] 8/4 12/3 85/12</p> <p>moving [1] 8/21</p> <p>MP [1] 17/19</p> <p>MPs [1] 114/18</p> <p>Mr [73] 1/3 4/3 5/23 16/4 17/9 43/23 44/14 46/6 48/13 49/12 50/21 51/3 57/5 57/6 58/17 59/5 68/12 73/2 73/21 74/11 75/1 78/20 78/20 84/12 85/4 98/14 102/16 103/11 108/25 109/3 110/13 111/15 116/12 116/13 118/13 118/17 119/4 119/24 130/7 132/19 132/21 132/22 140/3 144/19 144/25 148/10 150/23 154/11 154/18 154/19 167/17 177/4 177/6 177/8 180/4 182/6 186/3 188/6 190/12 192/3 192/4 194/21 197/5 197/12 197/13 197/14 197/20 199/13 200/20 200/22 202/23 204/9 204/15</p> <p>Mr Cummings [9] 48/13 49/12 50/21 51/3 57/6 58/17 140/3 154/11 197/20</p> <p>Mr Cummings' [2] 59/5 154/18</p> <p>Mr Gove [3] 73/2 73/21 190/12</p> <p>Mr Hancock [7] 46/6 116/12 116/13 118/17 130/7 144/19 144/25</p> <p>Mr Hancock's [1] 118/13</p> <p>Mr Jacobs [3] 192/4 197/13 200/20</p> <p>Mr Johnson [13] 57/5 68/12 74/11 75/1 78/20 84/12 85/4</p>	<p>110/13 132/21 150/23 154/19 199/13 202/23</p> <p>Mr Johnson's [1] 16/4</p> <p>Mr Keith [17] 1/3 4/3 43/23 44/14 102/16 103/11 108/25 109/3 111/15 119/24 148/10 180/4 186/3 188/6 194/21 197/5 200/22</p> <p>Mr Keith's [1] 167/17</p> <p>Mr Metzger [2] 177/4 182/6</p> <p>Mr Shafi [1] 17/9</p> <p>Mr Sunak [4] 78/20 98/14 132/19 132/22</p> <p>Mr Thomas [3] 5/23 192/3 197/12</p> <p>Ms [11] 168/25 170/11 170/12 177/2 177/5 182/7 182/8 182/10 192/1 204/7 204/11</p> <p>Ms Davies [3] 182/7 182/8 192/1</p> <p>Ms Mitchell [3] 170/11 177/2 177/5</p> <p>Ms Nimmo [1] 168/25</p> <p>much [51] 1/7 2/12 7/17 10/2 20/1 24/13 32/12 33/1 36/16 37/1 37/1 37/7 37/9 40/22 44/19 49/16 56/14 56/15 68/21 73/1 75/22 76/5 104/24 128/1 135/10 135/11 138/16 138/18 139/19 141/2 146/14 156/10 158/9 164/9 167/12 168/23 172/18 177/2 178/6 181/2 182/5 182/6 191/24 194/7 197/11 199/16 200/19 200/20 200/24 201/1 203/6</p> <p>muddle [1] 156/7</p> <p>muddled [1] 83/23</p> <p>multiple [1] 44/21</p> <p>must [11] 1/8 2/15 5/25 19/1 33/6 89/7 97/20 100/12 100/12 157/1 191/21</p> <p>mustn't [1] 31/20</p> <p>mutate [1] 124/13</p> <p>mute [1] 182/12</p> <p>my [114] 1/4 2/13 2/15 4/4 6/25 7/4 9/25 13/17 15/3 15/4 15/9 15/17 17/11 18/10 21/8 24/5 25/19 27/5 27/24 30/19 30/21 31/9 31/10 33/14 34/5 36/10 36/17 39/18</p>	<p>40/14 40/22 42/3 43/20 44/3 44/5 47/25 48/8 49/6 49/6 49/8 49/22 60/9 61/1 64/2 65/7 65/16 70/4 73/2 73/22 74/15 75/25 79/7 80/2 81/23 82/12 82/20 82/22 83/22 84/23 85/19 87/25 88/23 89/5 89/6 92/8 93/19 95/6 104/3 109/11 115/3 115/15 117/19 119/7 128/20 129/5 129/25 130/25 132/8 132/10 132/10 148/1 149/24 154/3 156/17 159/9 161/23 165/12 167/4 168/25 170/13 173/4 176/14 176/16 176/24 176/25 177/1 177/7 182/15 182/21 185/14 188/4 189/24 191/1 191/16 191/25 195/24 196/16 196/17 196/20 198/3 200/19 200/23 201/3 202/23 203/13</p> <p>my Lady [26] 1/4 2/13 4/4 9/25 13/17 15/3 36/10 36/17 43/20 44/5 64/2 65/7 73/2 81/23 82/12 83/22 85/19 130/25 154/3 156/17 170/13 173/4 188/4 191/25 200/23 203/13</p> <p>my Lady's [2] 129/25 159/9</p> <p>myriad [1] 183/13</p> <p>myself [6] 5/20 10/23 15/19 107/25 137/25 195/22</p> <p>mythical [1] 149/21</p> <hr/> <p>N</p> <p>name [5] 1/11 60/5 118/7 150/5 188/18</p> <p>namely [2] 77/10 198/19</p> <p>names [1] 118/7</p> <p>nation [3] 67/5 69/8 202/4</p> <p>national [15] 36/1 36/20 36/23 37/16 62/20 63/5 71/2 97/25 125/15 142/8 162/19 164/24 166/21 167/6 173/15</p> <p>nations [6] 66/14 68/18 69/24 175/17 176/12 203/2</p> <p>natural [1] 166/4</p> <p>nature [6] 23/9 45/6 80/4 153/9 153/12</p>
--	---	--	---	---

<p>N nature... [1] 173/14 neatly [1] 165/15 necessarily [1] 128/2 necessary [11] 8/8 10/9 30/3 32/15 40/12 61/16 88/12 95/1 102/23 166/2 181/11 need [39] 1/24 11/8 12/23 28/21 34/18 64/20 65/8 65/9 65/11 73/6 86/10 86/12 87/21 87/22 87/24 88/7 88/8 88/22 91/11 91/13 111/6 118/16 118/16 123/5 125/8 143/23 161/8 163/4 163/4 165/8 165/9 167/5 167/7 174/8 178/9 178/14 179/19 191/19 191/23 needed [16] 15/8 15/22 25/22 32/2 35/2 40/6 41/10 59/24 67/6 82/24 114/14 121/7 143/5 145/18 164/17 187/25 needing [1] 115/5 needn't [3] 51/7 57/1 81/22 needs [15] 32/6 32/8 34/1 34/18 35/11 36/6 39/14 61/13 65/16 67/4 74/19 161/17 184/23 185/4 191/6 negotiated [1] 145/21 neither [1] 52/14 nest [2] 51/22 51/25 never [9] 11/12 22/3 22/3 25/13 60/21 67/20 69/20 112/25 119/8 nevertheless [1] 1/22 new [9] 16/13 41/2 41/21 58/4 61/16 69/14 92/24 129/1 129/3 next [10] 2/22 101/25 110/15 154/3 162/14 165/23 186/24 192/2 203/6 203/11 NHS [5] 26/25 56/13 87/21 156/7 194/23 NHS trusts [1] 56/13 NICE [1] 96/16 Nimmo [1] 168/25 nine [2] 75/3 75/17 nine months [2] 75/3 75/17 no [80] 6/24 17/8 28/4 28/4 28/13 29/19</p>	<p>29/22 30/25 40/4 41/16 42/2 42/2 42/6 42/6 42/6 55/12 55/22 58/21 60/6 60/8 63/4 67/14 68/1 69/18 69/23 70/19 71/18 71/19 73/15 74/1 74/7 80/5 85/15 87/11 87/16 87/18 94/11 94/19 94/19 94/19 94/20 95/2 98/8 99/3 99/24 103/8 103/10 104/22 106/23 108/4 108/19 109/12 110/5 119/3 130/13 130/22 130/24 132/16 132/16 133/18 134/11 136/6 136/6 136/6 139/14 144/12 147/16 149/17 151/24 152/24 153/13 158/17 160/20 164/14 164/14 183/23 194/25 198/15 201/3 201/4 No10 [1] 7/24 nobody [2] 120/16 189/22 nomenclature [1] 4/1 non [30] 3/17 11/18 11/22 19/17 23/13 28/14 28/17 33/14 33/24 35/5 60/10 76/19 91/6 99/4 100/8 103/5 128/25 164/7 182/23 183/5 183/20 184/18 184/23 188/17 190/22 193/19 194/10 194/14 195/1 195/21 non-corporate [2] 11/18 11/22 non-Covid [4] 91/6 99/4 100/8 128/25 non-essential [1] 103/5 non-pharmaceutical [1] 23/13 non-shielded [22] 3/17 19/17 28/14 28/17 33/14 33/24 35/5 60/10 76/19 164/7 182/23 183/5 183/20 184/18 184/23 188/17 190/22 193/19 194/10 194/14 195/1 195/21 normal [6] 13/2 54/16 72/13 72/15 119/17 159/23 normally [2] 160/3 164/25 Northern [1] 202/9 Northern Ireland [1] 202/9 not [185] 1/15 1/18 1/24 3/19 5/17 5/25</p>	<p>6/10 7/6 7/7 7/18 8/17 9/13 11/4 11/14 12/2 12/22 13/1 13/10 13/11 13/13 13/18 15/18 16/11 17/7 19/12 19/14 22/14 23/4 23/4 23/7 23/8 23/8 24/22 24/22 28/18 28/23 30/4 30/5 30/6 30/20 31/5 31/17 33/3 33/6 33/7 34/4 36/13 37/2 37/4 37/17 39/25 40/3 40/16 40/20 40/24 42/17 44/3 45/14 46/16 47/12 51/4 52/22 53/1 53/3 53/5 53/8 53/8 53/23 55/19 57/15 61/13 64/9 67/18 68/3 70/1 70/12 75/24 75/24 77/8 81/11 85/12 85/13 85/13 85/14 86/13 86/22 88/6 88/12 90/2 90/19 93/21 94/3 94/6 94/10 94/22 95/5 97/14 98/8 98/9 99/3 99/9 99/17 100/17 101/9 103/9 103/22 103/22 104/9 107/23 108/7 109/2 109/24 110/6 110/23 111/18 111/21 112/22 114/4 114/17 117/24 118/7 119/16 120/4 120/15 121/19 122/15 122/20 125/8 126/7 126/25 130/11 131/4 132/14 134/10 138/19 140/15 141/19 144/5 145/20 146/21 148/12 151/21 154/17 155/6 157/21 157/21 159/12 159/18 162/7 163/7 165/20 165/22 166/6 167/25 168/3 172/23 173/2 174/1 174/3 175/9 175/24 178/22 180/19 181/1 181/6 181/17 182/19 183/9 183/14 184/7 185/13 186/1 187/13 187/18 190/5 190/15 190/16 191/11 195/23 196/5 197/24 198/20 199/11 200/14 202/16 notable [1] 48/18 note [4] 14/10 49/10 71/21 121/3 notebook [3] 17/15 17/16 18/6 noted [1] 50/2 notes [6] 18/5 18/6 72/8 111/24 151/15 195/7</p>	<p>nothing [7] 15/9 21/15 54/13 67/16 168/17 168/25 189/2 notice [1] 184/6 notwithstanding [1] 58/23 nought [1] 115/5 November [7] 9/13 18/22 58/11 58/18 58/18 59/4 100/5 November 2020 [2] 9/13 18/22 November/December 2020 [1] 58/11 now [40] 3/6 5/19 11/17 22/17 24/4 25/8 27/4 27/6 27/9 28/14 29/10 36/24 62/11 63/22 63/23 67/13 73/23 74/7 77/7 77/9 85/20 92/20 100/18 111/19 128/22 132/25 142/9 147/21 151/3 161/4 162/8 162/19 166/21 167/20 170/5 183/12 184/6 189/18 193/16 201/10 NPIs [4] 114/24 148/4 180/18 181/12 nub [3] 28/8 32/22 147/15 nudges [1] 135/24 number [87] 3/22 3/23 4/2 4/22 5/1 5/8 6/6 6/16 7/1 7/1 7/2 7/8 7/9 8/13 8/18 9/16 10/6 10/18 14/16 17/10 18/9 19/4 20/14 20/19 21/14 23/10 45/21 47/2 47/25 49/1 49/22 50/11 51/1 51/9 51/16 51/24 52/9 54/2 55/3 55/9 57/18 58/9 58/11 76/18 78/15 82/2 84/9 84/25 85/16 87/5 88/17 90/11 93/8 93/15 100/6 100/6 112/1 113/16 113/24 114/1 114/4 116/1 118/15 126/12 126/21 130/18 130/19 132/20 134/24 138/23 139/4 139/11 140/4 146/7 156/18 156/23 157/4 157/16 158/4 158/5 171/2 178/10 181/18 192/23 193/8 202/4 202/5 Number 10 [53] 3/23 4/2 5/1 6/6 6/16 7/1 7/1 7/2 7/8 7/9 8/13 18/9 20/14 20/19 21/14 23/10 45/21 47/2 47/25 49/22</p>	<p>50/11 51/1 51/9 51/16 51/24 52/9 54/2 55/3 55/9 58/9 58/11 76/18 78/15 82/2 84/9 84/25 85/16 87/5 88/17 90/11 93/15 100/6 112/1 113/16 113/24 114/4 130/18 130/19 132/20 134/24 156/23 157/4 193/8 Number Ten [1] 114/1 numbers [1] 133/8 numerical [1] 99/9</p> <hr/> <p>O O'Donnell [1] 95/9 obligating [1] 13/19 obliged [6] 31/4 50/17 170/13 176/23 176/25 177/3 OBR [1] 93/4 obscures [3] 42/10 42/15 43/14 observation [3] 20/12 150/11 199/23 observations [1] 13/21 observe [2] 12/9 43/24 observed [1] 64/4 observing [1] 32/12 obsession [1] 36/19 obsessionist [1] 36/20 obviated [1] 123/5 obviating [1] 143/23 obvious [14] 8/6 11/7 35/15 35/17 69/18 78/2 81/16 86/16 88/5 99/21 129/2 131/13 169/16 187/5 obviously [37] 8/12 10/22 14/15 17/13 19/13 20/11 23/13 24/4 30/8 31/21 36/17 38/12 38/18 38/22 45/1 48/25 50/9 52/17 55/6 73/23 74/6 79/14 80/10 87/25 88/14 98/19 106/13 122/24 130/24 151/21 158/21 159/19 159/23 164/21 171/4 195/16 198/21 occasionally [1] 201/1 occasions [2] 126/12 127/12 occur [1] 20/23 occurred [1] 14/5 occurring [1] 158/2 October [13] 69/1 69/22 79/18 89/11 97/4 97/4 99/8 134/4</p>
--	--	---	---	--

O	old [1] 120/15 omitted [1] 169/15 on [340] once [6] 63/18 93/6 124/9 124/17 165/2 191/10 one [99] 6/11 10/13 10/20 14/17 14/17 17/11 17/17 22/17 23/14 25/11 25/12 26/22 27/3 27/14 30/8 32/20 33/10 34/4 38/20 39/1 40/14 40/20 40/25 42/3 42/10 44/3 44/7 49/10 52/2 54/25 56/6 64/11 64/12 70/5 72/25 73/16 77/3 78/9 83/5 83/8 83/16 86/1 86/22 86/23 95/6 96/1 112/10 112/13 112/15 112/17 113/2 117/22 119/11 120/13 124/16 124/19 127/10 133/10 135/6 138/9 139/12 141/24 142/16 143/8 143/19 147/3 147/4 152/10 154/19 154/19 155/13 158/19 159/1 159/17 159/20 159/25 160/4 162/7 163/16 163/17 165/25 170/2 171/2 171/12 173/5 176/11 176/15 176/24 177/10 182/22 184/24 186/21 189/21 191/4 192/19 197/7 197/10 198/19 199/23 one's [2] 79/25 79/25 ones [7] 2/19 91/14 161/11 161/12 161/19 166/13 175/21 ongoing [1] 82/14 only [26] 4/1 8/2 11/14 14/2 15/3 15/8 15/15 43/24 54/6 67/11 69/13 87/3 87/4 94/16 99/19 113/13 113/19 115/13 122/1 137/24 143/16 154/4 175/24 177/10 192/17 193/17 ONS [2] 92/19 93/1 onside [1] 166/17 onto [5] 7/24 12/3 18/13 34/7 34/7 onwards [3] 4/16 63/11 66/24 open [5] 103/4 103/7 106/7 114/5 121/25 opened [2] 93/7 104/14 opening [2] 2/2 90/22 operate [1] 19/8	operated [2] 62/18 80/23 operating [2] 60/12 95/20 operation [4] 62/19 115/14 119/14 172/12 Operation Yellowhammer [1] 62/19 operational [1] 118/13 opinion [2] 55/22 78/19 opportunities [1] 152/2 opportunity [5] 98/22 143/18 143/25 144/17 147/7 opposed [2] 45/7 166/8 opposing [1] 149/10 opposite [2] 23/23 103/10 opposition [1] 47/5 optically [1] 70/2 optimism [1] 134/6 option [3] 123/8 147/16 153/13 options [4] 143/8 143/10 143/12 146/14 or [168] 4/23 5/12 6/7 6/8 6/22 7/16 7/17 7/19 8/9 9/3 9/13 10/25 11/5 11/24 12/2 12/7 12/21 13/13 13/18 13/20 14/11 15/11 15/14 16/2 17/1 17/4 17/6 17/15 18/10 18/12 18/21 18/24 20/24 21/14 22/14 22/15 23/7 23/14 29/7 29/8 30/4 30/6 31/2 35/1 36/13 37/9 37/16 39/6 42/7 43/3 44/20 45/19 47/7 47/18 51/18 52/23 54/9 55/14 56/9 58/20 60/6 60/12 60/16 61/8 61/16 62/25 66/16 67/2 67/14 67/16 67/24 68/3 68/11 68/15 69/1 73/20 74/21 75/7 77/25 78/4 78/10 79/22 79/22 83/18 83/21 85/12 88/6 90/25 93/3 93/20 94/1 94/3 94/6 94/10 94/22 95/1 95/13 96/1 96/1 97/14 99/20 101/11 109/25 110/23 115/7 115/13 118/22 119/19 120/4 120/7 120/18 122/8 122/10 122/20 122/20 123/6	123/7 123/24 124/14 126/25 128/13 129/18 131/9 131/11 131/23 134/12 135/11 136/9 137/12 137/12 137/12 137/16 137/19 142/16 142/16 143/23 145/17 146/22 148/3 149/25 151/13 153/1 153/1 153/19 154/18 159/6 160/8 161/5 161/6 162/14 163/5 164/20 166/15 167/7 169/5 170/18 175/9 175/15 180/20 180/24 187/18 189/3 190/18 193/13 193/24 197/1 197/7 198/15 oral [6] 2/15 21/22 68/11 132/12 201/10 201/17 order [6] 36/5 46/13 58/5 74/23 86/11 104/15 ordinate [2] 61/24 190/24 ordinating [5] 3/16 4/7 40/22 76/17 189/22 ordination [2] 32/4 187/14 ordinator [2] 189/13 189/18 organisation [4] 51/25 115/10 162/16 198/25 organisational [2] 83/8 86/3 organisations [2] 192/16 202/20 organise [1] 61/19 organised [1] 148/17 organograms [1] 45/7 organs [1] 88/13 original [1] 64/11 originally [1] 63/21 Os [2] 70/13 70/17 other [63] 8/12 10/20 15/5 15/7 26/24 31/18 32/21 34/3 36/9 40/4 40/12 48/21 49/2 51/3 56/9 57/8 57/9 58/19 59/16 60/16 60/17 73/12 74/23 75/23 76/8 77/20 77/25 79/1 81/8 83/16 88/13 100/14 100/16 104/17 117/8 118/15 122/15 123/7 124/5 124/20 125/11 131/8 131/8 133/15 136/17 138/21 142/6 151/22 155/4 158/19 161/1 162/17	164/2 168/14 171/15 172/1 173/13 176/6 182/25 189/20 190/21 195/22 203/9 others [16] 8/19 14/18 24/18 50/4 53/2 54/24 69/9 74/20 82/6 88/4 113/15 136/23 136/24 140/4 174/13 197/21 otherwise [1] 126/1 ought [2] 8/4 103/19 our [35] 36/24 42/24 53/17 64/13 69/10 76/1 76/2 76/24 77/2 107/23 108/5 110/16 111/12 119/17 136/25 136/25 139/7 141/11 141/15 142/19 156/24 157/25 158/14 159/4 161/16 162/18 162/20 162/24 162/24 163/14 167/8 168/7 171/12 175/23 197/8 ourselves [2] 73/4 153/16 out [70] 4/22 16/18 24/14 24/19 25/20 28/18 33/9 34/17 35/8 37/4 38/20 41/1 43/9 46/9 72/11 83/15 83/18 83/24 84/17 89/20 89/23 89/24 91/1 96/17 98/3 100/10 102/13 102/13 110/11 112/19 113/15 117/7 121/8 122/3 122/14 125/17 126/13 127/22 128/1 129/19 129/23 129/23 130/13 130/13 130/23 130/23 137/13 139/17 140/21 143/3 143/3 147/5 150/13 150/21 155/2 155/7 157/20 162/5 163/23 163/25 165/2 167/25 168/8 168/9 176/21 181/19 185/7 185/11 186/8 202/7 outbreak [2] 139/1 162/15 outcome [1] 102/15 outcomes [3] 43/11 80/16 147/22 outdated [1] 167/12 outdoor [1] 103/4 outlier [1] 146/15 outs [1] 18/11 outside [8] 10/15 22/23 30/21 50/24 50/25 75/24 159/12 200/13 outstanding [1] 48/2 outweighed [1] 88/8
----------	---	--	--	--

O	70/21 71/25 184/15 page 5 [1] 44/18 page 6 [1] 185/13 page 68 [1] 16/5 page 71 [1] 2/9 page 9 [1] 52/11 page of [1] 71/9 pages [1] 15/1 paid [2] 34/5 99/20 painting [1] 37/5 pair [1] 41/2 pan [1] 67/25 pandemic [32] 2/19 15/20 19/10 22/7 34/2 36/11 47/5 47/5 52/3 100/13 123/15 133/11 139/5 139/6 139/7 139/7 161/25 162/4 162/5 162/14 166/10 166/15 167/8 167/23 167/25 168/4 172/8 172/10 172/24 174/18 192/21 203/3 pandemics [1] 139/4 panel [2] 106/2 110/7 paper [10] 28/16 28/19 28/19 29/3 29/5 96/1 112/1 112/24 179/16 187/12 papers [12] 62/5 62/5 72/5 87/2 87/9 91/2 91/5 99/5 141/23 142/3 180/22 181/4 paperwork [1] 65/12 paragraph [9] 11/25 66/17 70/22 70/22 174/15 178/13 184/20 185/22 193/18 paragraph 14 [1] 11/25 paragraph 2.4 [1] 193/18 paragraph 3.10 [1] 178/13 paragraph 6 [1] 66/17 paragraph 8 [1] 70/22 parentage [1] 148/18 parentheses [1] 107/20 parenthesis [1] 107/19 Parliament [10] 46/2 114/17 115/6 159/14 159/18 159/19 159/24 168/12 168/15 168/20 parliamentary [4] 159/22 179/16 179/25 180/11 part [34] 5/18 5/22 6/2 11/13 11/14 11/15 14/4 14/20 15/17 22/22 39/13 40/9	42/21 52/23 59/11 82/22 88/1 88/18 102/6 112/25 118/11 120/7 120/18 120/21 127/17 127/18 136/10 139/12 141/3 142/19 156/19 158/22 177/11 200/3 participants [4] 15/5 15/7 17/17 202/15 participation [1] 69/20 particular [39] 10/12 12/10 16/20 17/21 17/22 22/13 26/7 31/23 33/10 33/10 34/13 49/17 50/20 51/9 51/15 53/7 60/4 61/4 64/23 75/6 77/18 86/23 87/7 90/6 93/15 100/19 105/2 118/9 138/4 142/15 142/17 158/21 170/20 171/17 175/13 176/13 177/19 179/6 200/8 particularly [27] 2/16 9/16 18/2 19/9 24/6 24/23 25/3 26/7 46/19 49/3 49/13 49/21 54/3 64/4 74/12 117/25 130/7 150/23 171/23 172/8 175/2 179/15 191/19 192/22 195/12 200/8 200/16 partners [1] 76/1 parts [2] 8/22 175/5 party [2] 159/15 200/14 Partygate [1] 156/10 pass [1] 115/6 passage [1] 196/13 passed [2] 100/3 114/17 passing [1] 187/8 past [1] 13/12 Patel [2] 17/19 61/4 patience [1] 45/15 Patrick [43] 18/19 18/21 19/2 19/4 53/11 53/15 79/6 79/8 88/16 101/5 101/9 101/17 101/25 102/19 102/21 103/12 103/16 103/24 104/20 104/25 105/5 107/21 107/25 108/10 110/19 111/9 111/23 112/13 112/21 124/7 130/3 130/11 132/7 138/15 145/2 148/19 149/6 151/15 154/14 154/20 180/1 180/7 197/18 Patrick Vallance [3] 112/21 124/7 132/7	Patrick's [2] 19/13 198/18 pattern [2] 74/14 119/17 patterns [1] 41/20 paucity [2] 36/10 93/12 pause [4] 136/4 157/10 157/19 160/10 pausing [3] 66/21 93/24 121/16 pay [4] 2/18 98/25 198/15 199/19 paying [2] 94/12 95/1 peace [1] 161/5 peacetime [3] 21/17 96/25 190/5 pen [1] 66/4 people [109] 3/17 9/21 10/15 10/18 11/2 11/11 15/13 18/8 18/12 20/7 20/25 22/1 22/8 22/11 22/23 25/12 25/13 27/15 29/17 32/16 33/24 34/1 35/5 35/11 36/6 39/6 39/6 39/20 42/15 45/14 45/18 46/16 46/18 46/24 47/2 47/14 48/14 48/21 48/23 49/2 49/5 50/7 50/10 50/16 50/17 50/23 51/21 52/2 52/6 53/4 53/17 54/20 55/15 56/8 56/14 57/20 57/21 73/8 73/9 74/16 77/20 83/9 83/10 83/13 83/15 84/2 84/3 84/5 87/1 93/8 101/20 110/3 122/1 122/24 124/2 124/3 127/23 128/1 128/10 129/9 131/14 132/6 135/2 138/15 138/23 139/25 150/9 150/14 150/20 157/12 158/4 158/24 159/4 163/10 165/3 167/4 167/18 169/5 175/3 177/13 179/3 181/18 185/6 190/19 195/14 197/23 199/16 202/8 202/20 people's [1] 156/3 per [1] 93/13 per se [1] 93/13 perception [1] 196/23 peremptorily [1] 71/8 perennial [1] 117/22 perfect [3] 37/4 41/18 77/8 perfectly [1] 54/16 performance [7] 4/11	5/10 5/14 12/14 20/25 22/15 28/5 performing [2] 32/20 38/12 perhaps [24] 8/19 18/20 24/16 35/8 37/25 40/24 52/18 61/5 65/7 65/22 90/3 90/9 107/2 108/21 119/2 140/15 140/18 148/17 148/18 148/19 149/20 164/2 173/12 174/5 period [12] 2/21 17/11 26/6 60/9 78/21 79/10 89/25 127/17 127/18 171/5 181/23 191/8 periods [1] 38/25 permanent [26] 3/23 3/25 4/2 6/7 6/21 6/25 6/25 7/7 40/21 49/11 51/24 59/12 69/10 76/18 100/20 117/13 130/18 130/19 162/19 168/19 171/4 171/10 171/12 171/15 173/11 176/16 permanent secretaries [2] 168/19 171/4 permission [1] 169/2 permits [1] 120/16 permitted [1] 120/15 persisted [1] 118/3 person [9] 26/22 41/3 51/15 112/4 112/13 118/9 155/9 176/7 176/7 personal [7] 2/8 11/21 13/11 14/14 17/12 30/22 49/24 personalities [11] 5/14 23/9 46/23 76/24 77/1 77/19 80/6 157/12 158/20 174/1 174/2 personality [4] 69/17 172/16 175/1 176/2 personally [6] 24/21 25/8 26/11 28/1 65/7 149/22 personnel [3] 57/10 58/8 58/10 perspective [2] 72/14 82/7 perspectives [1] 57/22 persuade [2] 107/23 154/22 petulantly [1] 108/8 pharmaceutical [1] 23/13 phase [2] 83/20
----------	--	--	--	--

P	plus [3] 105/18 106/14 109/22	position [24] 14/14 16/15 30/24 37/22 39/6 47/8 53/22 53/24 55/10 88/12 104/9 119/2 125/2 127/3 127/5 127/11 128/14 128/18 133/23 136/9 136/9 139/11 146/14 191/16	179/5 180/10	prime [147] 6/20 8/13 8/15 9/10 9/14 9/23 9/24 10/5 10/11 10/14 16/1 16/9 16/14 16/21 16/24 17/25 18/15 19/6 24/1 24/6 24/7 25/1 27/12 27/16 27/18 27/23 33/6 33/8 36/4 50/11 50/24 51/1 52/13 54/2 55/14 56/14 58/12 59/3 62/6 64/17 65/1 65/9 66/6 68/8 68/10 68/12 69/13 70/1 70/24 71/7 71/16 72/3 72/12 73/5 74/8 74/23 77/11 77/15 77/17 77/23 78/4 78/6 78/12 78/14 78/17 79/4 79/20 79/21 79/25 80/1 80/21 81/7 81/9 81/9 81/14 88/15 89/22 90/10 93/20 95/12 97/4 98/4 98/13 98/17 98/17 101/6 101/16 101/19 101/24 102/14 102/17 103/1 103/11 103/15 103/23 104/2 104/6 104/9 105/5 106/16 106/18 106/22 108/11 111/10 113/15 117/2 118/17 119/4 119/9 121/4 125/18 131/2 131/17 132/2 132/6 133/14 135/9 138/4 143/6 148/15 148/20 149/4 153/18 155/14 158/22 159/2 159/3 160/24 163/9 166/23 170/19 177/12 177/25 179/2 179/13 184/17 190/18 193/6 195/9 195/17 195/18 196/4 196/6 197/20 199/9 199/13 202/23
phase... [1] 173/4	pm [8] 18/12 85/23 85/25 119/21 119/23 170/8 170/10 203/14	positions [2] 120/12 149/16	predecessor [1] 57/2	predecessors [1] 95/7
PhD [1] 14/6	podium [1] 25/13	possess [1] 193/24	predicament [1] 134/10	prefer [1] 65/1
PHE [2] 34/10 194/7	point [47] 3/9 4/17 8/13 16/20 17/17 22/17 22/22 29/1 29/12 29/14 32/25 34/12 38/20 49/12 60/14 61/1 73/22 92/21 98/12 99/24 99/24 109/10 111/1 119/10 124/8 124/13 124/17 129/2 134/14 135/18 136/11 137/5 138/9 144/16 154/3 161/23 165/4 173/2 173/3 173/23 185/24 190/20 191/2 191/13 198/16 199/7 200/5	possibilities [1] 179/4	prejudged [1] 106/21	preliminary [1] 203/10
phenomenon [1] 190/14	pointing [1] 163/1	possibility [2] 120/24 134/15	premier [1] 82/19	preparation [4] 21/23 80/12 138/1 167/22
philosophy [1] 1/14	points [8] 48/10 54/21 97/11 123/10 175/12 185/18 185/20 191/7	possible [8] 2/21 104/15 125/9 125/25 172/18 178/2 187/21 202/7	premiership [1] 84/20	preparations [1] 184/8
phone [5] 10/5 15/12 17/2 17/12 176/15	polarised [1] 88/5	possibly [8] 29/21 29/21 34/8 88/11 100/17 102/3 146/5 198/7	premise [1] 82/19	prepare [4] 87/2 165/23 178/22 179/22
phones [2] 11/21 11/21	police [3] 45/19 164/8 186/9	post [2] 31/11 57/3	prepared [6] 2/21 97/9 105/23 133/6 165/9 180/15	preparedness [3] 166/1 167/8 167/24
phraseology [1] 52/18	policy [31] 6/6 6/11 6/16 6/23 7/6 7/8 7/8 7/12 7/14 7/19 7/20 8/1 8/17 8/20 9/7 11/16 11/17 12/12 12/16 13/19 17/1 72/2 107/24 116/19 118/12 119/11 120/24 126/23 126/23 132/19 133/5	posts [1] 18/12	preparing [2] 15/17 166/10	present [4] 184/13 184/14 184/17 197/20
phrasing [1] 111/17	political [16] 26/19 45/1 47/18 48/5 58/13 58/16 58/21 59/6 69/22 72/1 72/7 81/4 85/17 110/6 154/22 159/14	potential [2] 50/8 195/4	presented [1] 60/18	presentation [1] 60/18
physical [1] 22/14	politically [1] 24/21	potentially [2] 63/8 173/19	presented [4] 28/19 88/25 122/23 130/4	presenting [2] 191/3 193/19
physiological [1] 193/13	politicians [8] 8/21 43/17 43/19 49/1 90/11 99/19 165/16 166/16	Powell [1] 72/6	press [9] 88/1 98/1 148/25 154/12 154/17 154/18 154/23 155/7 155/15	preserve [2] 15/12 104/15
pick [1] 176/15	politics [10] 24/22 48/4 69/17 158/21 167/3 172/16 173/25 174/1 174/5 176/17	power [3] 21/10 67/2 165/17	pressing [1] 113/20	pressure [2] 110/6 154/16
picked [1] 112/6	polling [1] 156/3	powerful [2] 72/2 90/2	pressures [4] 140/21 159/11 159/12 159/25	presumably [2] 15/13 187/11
picture [3] 52/23 92/15 92/17	poor [1] 51/4	powerfully [1] 43/9	presume [1] 17/1	pretend [1] 181/1
piece [7] 12/6 12/9 12/21 68/9 107/24 108/3 179/6	population [14] 25/2 97/21 120/9 120/19 120/21 124/10 124/10 124/14 124/19 124/20 133/24 136/13 139/5 139/8	PPE [2] 164/20 165/2	pressing [1] 113/20	pretty [8] 21/12 40/22 64/13 78/23 85/16 114/23 115/21 138/25
pieces [1] 22/9	posed [1] 38/13	practical [10] 32/15 32/16 39/15 50/15 123/4 124/17 125/3 134/11 147/13 175/9	pre [6] 30/25 103/14 105/5 117/17 147/2 152/3	prevent [3] 87/21 104/19 158/1
place [33] 9/2 30/22 33/22 39/15 40/4 41/15 42/16 43/20 54/1 62/21 68/3 69/19 70/1 73/10 73/19 74/10 75/5 75/11 76/10 83/13 86/2 88/6 100/4 101/1 123/4 147/9 158/11 164/23 166/1 170/23 172/12 175/5 195/18	posing [1] 73/22	practicalities [3] 121/13 122/7 122/14	pre-agreed [2] 103/14 105/5	previously [1] 37/9
placed [2] 156/21 156/22		practically [2] 109/25 111/22	pre-determined [2] 147/2 152/3	price [5] 94/11 95/1 98/25 99/19 99/22
places [1] 56/9		practice [4] 13/2 18/9 35/11 117/7	pre-existing [1] 30/25	primarily [2] 3/15 90/6
plain [11] 1/16 13/1 20/17 42/4 57/1 57/5 86/1 113/8 126/2 130/2 149/4		practices [1] 85/3	pre-meetings [1] 117/17	primary [5] 3/20 76/13 86/10 103/3 133/10
plainly [3] 22/16 90/18 136/6		praise [1] 102/23	precise [1] 191/13	precisely [3] 20/15
plan [3] 27/6 167/8 167/24		pre [6] 30/25 103/14 105/5 117/17 147/2 152/3		
planned [1] 103/3		pre-agreed [2] 103/14 105/5		
planning [3] 107/16 163/14 163/22		pre-determined [2] 147/2 152/3		
play [5] 24/14 89/10 135/10 168/15 178/16		pre-existing [1] 30/25		
playing [3] 24/19 84/17 143/2		pre-meetings [1] 117/17		
please [28] 1/10 1/17 1/24 3/2 5/5 7/11 11/25 19/24 20/22 21/5 44/10 44/18 46/9 51/6 66/11 70/21 71/20 72/16 107/4 109/8 113/6 119/1 128/13 132/25 177/14 178/21 184/6 199/20		precise [1] 191/13		

P	135/13 138/2 139/7 139/13 140/15 140/16 162/25 162/25 186/13 194/13 problems [9] 20/5 47/10 48/18 58/7 116/11 118/3 163/17 164/4 166/24 procedurally [1] 54/16 procedure [1] 187/23 process [14] 15/1 34/20 45/7 71/6 79/19 86/14 96/12 115/20 120/18 125/5 131/12 139/15 140/6 169/17 processes [6] 141/17 158/9 158/11 158/18 158/24 163/5 produce [2] 100/7 164/20 producing [3] 108/5 121/9 201/16 profession [2] 42/20 44/1 Professor [7] 88/4 148/21 148/23 149/15 149/15 192/11 204/13 Professor Carl Heneghan [1] 148/23 Professor Gupta [2] 148/21 149/15 Professor Heneghan [2] 88/4 149/15 programme [10] 33/15 40/14 49/18 60/10 121/7 121/18 184/18 190/23 193/20 195/2 programmes [2] 45/9 183/19 progress [4] 39/24 73/8 74/11 122/8 project [2] 61/9 133/21 prolific [2] 5/6 10/23 prolonged [2] 177/13 177/18 promote [1] 45/2 promoted [2] 8/7 98/22 promotion [1] 47/19 promulgated [1] 131/13 proper [9] 9/21 11/9 17/20 26/15 28/5 83/13 86/7 90/17 120/3 properly [9] 5/7 19/18 52/23 62/2 81/2 88/13 159/19 169/9 202/11 proponents [1]	102/10 proportion [1] 45/6 proposal [1] 72/2 proposals [2] 66/7 102/21 proposed [5] 66/9 95/11 103/12 143/10 187/13 proposing [2] 103/23 103/24 prose [1] 12/9 prospect [1] 151/1 prospective [1] 57/8 protect [3] 29/25 97/21 156/7 protected [2] 19/18 59/24 protecting [1] 165/3 protection [2] 39/16 39/22 proved [3] 67/18 125/8 140/10 proves [1] 148/13 provide [4] 14/19 17/5 78/2 123/8 provided [9] 2/4 2/7 5/7 8/8 14/14 14/16 15/22 90/17 180/20 providers [1] 202/14 providing [1] 172/21 provision [6] 32/7 32/9 33/12 33/22 34/14 36/15 public [45] 13/14 14/7 16/3 16/10 16/16 19/7 28/20 29/19 31/3 34/10 56/17 59/9 59/17 86/10 87/20 88/1 88/6 98/2 102/10 113/17 114/20 121/10 122/20 126/1 126/3 126/10 127/5 127/13 127/21 128/16 135/12 145/12 147/22 149/8 155/21 155/21 156/8 159/15 166/9 166/17 167/4 167/15 174/10 194/22 201/15 public's [1] 155/25 publicly [2] 47/2 125/21 publish [1] 201/24 published [6] 100/21 100/22 100/25 106/16 108/16 179/17 publishing [1] 201/23 pubs [2] 138/9 143/14 pull [2] 115/11 131/1 pulling [1] 119/11 purest [1] 121/24 purporting [1] 112/20	purpose [1] 78/2 purposes [1] 45/1 pursue [1] 122/8 pursued [1] 147/14 pursuing [1] 120/23 pushing [1] 198/24 put [36] 6/1 12/2 31/8 42/16 44/24 51/21 68/3 69/18 75/13 81/2 108/17 108/18 109/12 112/18 123/3 123/20 124/5 125/1 127/20 127/25 141/23 143/19 146/13 147/9 148/10 149/23 152/23 158/25 159/17 160/25 181/17 186/8 187/13 190/11 195/25 200/17 put-up [1] 108/18 Putin [1] 26/3 putting [11] 23/11 39/15 52/2 52/16 58/4 86/2 94/11 101/20 127/25 149/17 150/16 pygmies [3] 20/10 20/12 22/13	questions [38] 1/6 1/18 34/6 38/13 53/20 73/15 90/14 98/16 100/18 129/17 148/4 153/16 167/17 168/21 169/1 170/12 170/16 175/23 177/1 177/8 177/9 182/10 182/21 192/5 192/11 192/17 193/16 193/17 197/14 197/15 200/19 201/4 204/5 204/7 204/9 204/11 204/13 204/15 quick [1] 91/17 quickly [2] 104/14 147/10 quite [44] 4/6 9/25 13/6 16/18 21/23 21/24 21/25 23/18 25/1 25/8 34/11 41/20 44/2 52/8 53/5 72/13 79/20 81/2 92/9 92/15 92/16 102/1 107/5 111/15 111/17 116/25 117/11 117/17 121/20 122/16 124/16 129/25 130/2 131/13 134/23 148/25 150/19 151/24 160/14 167/17 179/7 186/13 190/3 198/22 quote [1] 109/23 quoting [1] 52/22
		Q		
		QALY [7] 95/3 96/12 98/15 98/24 120/6 123/7 147/12 QALYs [2] 109/20 123/10 quad [3] 17/21 17/23 17/25 qualities [1] 48/25 quality [4] 90/13 93/21 94/1 94/23 quality-adjusted [4] 90/13 93/21 94/1 94/23 quantify [2] 35/6 148/6 quarter [4] 92/10 92/10 93/3 93/3 quasi [1] 90/9 quasi-medical [1] 90/9 question [24] 22/23 39/23 62/11 62/14 64/21 72/25 73/3 73/18 73/22 84/23 91/11 91/16 91/19 109/2 148/4 165/13 169/23 173/24 176/24 187/25 191/1 191/6 193/23 195/24 questioner [1] 192/10 questioners [1] 192/2 questioning [4] 168/24 182/21 186/3 200/21		
		R		
		R budget [1] 135/3 R rate [3] 86/12 87/22 125/25 Raab [2] 195/17 196/6 racism [1] 194/23 radar [1] 34/8 radio [1] 127/9 rag [1] 104/3 raincoats [1] 165/1 rainy [1] 167/22 raise [3] 42/1 42/3 174/7 raised [11] 17/18 30/4 54/21 59/20 61/6 62/7 113/20 131/21 132/1 132/2 142/1 raising [2] 61/4 98/16 rambling [1] 28/12 ramp [1] 80/18 ran [3] 69/11 84/19 163/18 range [2] 21/15 57/20 ranges [1] 37/9 ranks [1] 118/10 rapid [1] 73/11 rapidly [2] 124/12 124/21 rare [1] 37/15 rarely [1] 60/21		

R				
rarer [1] 37/17	really [64] 8/21 19/7 20/3 24/9 24/15 24/16 24/20 24/25 25/3 27/10 27/25 28/13 30/16 32/10 33/7 34/7 35/12 36/7 48/3 48/25 49/20 50/19 60/24 64/25 65/2 65/9 74/10 80/9 87/4 89/17 90/1 90/1 91/7 92/5 92/16 93/2 96/18 96/19 98/14 99/14 111/4 141/10 147/21 148/13 149/22 159/11 159/22 160/1 160/21 161/10 161/11 161/16 161/19 161/19 167/13 168/9 169/22 169/25 173/2 173/5 174/25 186/4 189/13 200/24	40/23 63/7 64/1 121/6 recommendations [5] 82/23 83/19 110/8 203/1 203/4 recommended [7] 35/1 35/1 109/21 110/2 111/20 160/24 161/4 recommended: [1] 83/1 recommending [1] 64/16 record [13] 5/25 6/3 6/14 8/7 11/13 17/5 17/14 17/20 17/22 18/4 18/8 18/13 185/20 record-keeping [5] 6/14 8/7 11/13 17/20 17/22 recorded [6] 8/10 9/4 12/24 17/16 18/3 112/1 recording [1] 13/20 records [5] 9/4 13/14 14/7 15/24 17/7 recourse [2] 31/2 31/2 recover [1] 15/4 Recovery [1] 71/1 recruiting [1] 57/19 rectify [1] 175/10 Red [2] 33/16 161/6 Red Sea [1] 161/6 reduced [2] 108/23 110/24 reducing [1] 105/22 reduction [1] 41/8 refer [5] 22/11 101/4 111/11 175/12 190/13 reference [16] 20/11 20/12 22/13 22/14 44/22 46/10 46/24 75/6 75/8 118/6 118/8 174/15 178/13 183/10 202/22 202/24 referenced [1] 174/14 references [5] 22/10 32/11 55/4 85/2 180/24 referred [14] 18/20 23/24 46/6 50/15 51/8 54/23 57/12 82/4 85/4 104/1 118/11 183/2 183/7 197/25 referring [5] 22/15 22/19 50/10 108/8 118/20 refers [2] 45/4 197/19 refine [1] 35/6 refined [1] 38/24 reflect [4] 5/8 5/9	43/6 79/20 reflected [1] 172/9 reflection [1] 46/23 reflective [1] 140/18 refreshed [1] 82/3 refuges [1] 186/15 refused [1] 114/20 regard [1] 146/15 regarded [1] 12/17 regarding [2] 29/17 193/24 regards [1] 55/17 regional [3] 37/16 92/15 127/21 registered [1] 155/21 regret [1] 24/4 regular [6] 1/23 53/10 68/25 69/6 69/19 74/14 regularly [3] 61/6 168/19 171/10 regulation [1] 174/9 regulations [1] 174/10 reimpose [1] 153/13 reintegrate [1] 124/14 reject [1] 72/2 rejoin [1] 4/17 rejoined [1] 4/20 related [4] 17/1 17/6 17/17 134/12 relating [3] 6/8 6/11 18/15 relation [15] 18/16 55/25 57/8 63/10 74/12 76/16 82/19 88/24 115/19 126/21 135/3 175/2 181/22 191/19 196/11 relationship [14] 67/16 67/24 78/5 78/22 78/23 80/4 80/8 80/9 80/11 80/20 80/22 81/16 164/10 171/13 relationships [4] 41/23 50/21 51/3 78/9 relatively [5] 8/2 122/6 136/15 137/8 138/7 release [2] 105/7 141/18 released [1] 72/5 relevant [6] 14/25 35/3 132/23 173/19 186/5 187/8 reliable [1] 76/23 rely [1] 167/4 relying [1] 115/11 remain [2] 36/14 139/21 remained [3] 82/14 137/8 139/8	remarkable [2] 55/6 70/22 remarks [2] 201/9 204/17 remember [61] 6/10 10/7 15/25 16/17 17/9 19/3 19/3 19/12 19/12 20/15 30/9 59/6 60/5 60/14 61/4 61/13 62/3 62/9 65/21 68/22 70/7 71/10 83/17 92/21 96/16 96/17 102/19 103/13 106/10 111/15 114/16 121/1 121/6 121/11 124/5 138/3 138/3 138/10 142/2 145/4 149/22 150/15 153/19 155/11 175/16 177/19 177/20 178/25 179/1 179/7 180/7 180/21 183/25 186/23 194/4 194/19 195/6 198/16 199/4 200/8 200/15 remembering [2] 103/14 181/3 remind [1] 73/4 reminded [2] 21/25 169/1 reminder [1] 161/7 reminds [1] 182/12 remit [1] 73/22 remove [2] 16/25 104/19 removed [4] 101/10 101/14 102/24 103/6 repeat [1] 1/17 repeatedly [2] 23/25 48/19 replace [2] 69/19 119/5 replaced [3] 3/6 59/18 188/7 reply [1] 191/7 report [22] 7/2 36/4 49/20 53/1 65/19 81/20 82/4 82/21 97/9 105/23 106/15 106/17 107/11 180/11 193/3 193/22 194/7 194/22 201/23 201/24 202/7 202/8 reported [2] 4/12 184/4 reporting [5] 7/3 19/23 37/12 37/14 118/22 reports [1] 192/25 represent [2] 192/15 196/23 representation [2] 194/1 194/8 representative [1] 192/19

R	retention [2] 6/8 6/17	right-hand [1] 71/23	105/16 105/20 105/22	129/16 129/21 139/4
represented [2] 62/2 77/4	return [5] 67/15 71/11 97/7 119/17 170/5	rigorous [1] 73/11	107/6 107/8 107/16	144/6 144/25 159/24
reputation [1] 49/7	returned [1] 5/3	ring [1] 187/16	108/23 110/24 135/24	160/23 188/10
require [2] 5/19 39/14	revealed [1] 82/1	ringing [1] 158/14	Rule 9 [1] 17/19	sat [2] 50/24 61/20
required [9] 12/2 39/7 44/23 45/17 48/6 52/3 101/13 181/20 197/23	revealing [1] 186/12	rise [1] 26/13	ruled [4] 121/8 122/3 122/14 125/17	save [2] 156/7 202/6
requires [1] 37/18	reverse [1] 105/3	Rishi [5] 70/7 74/7 79/8 79/24 80/3	rules [5] 137/11 156/1 159/24 174/17 175/5	Saville [1] 18/25
research [1] 164/22	reverting [1] 59/7	Rishi Sunak [4] 70/7 74/7 79/8 80/3	run [10] 22/5 22/6 45/9 57/16 57/16 87/2 96/25 122/9 125/12 176/10	saw [7] 22/9 25/5 71/16 79/10 104/16 179/24 180/11
resilience [6] 83/8 163/14 163/21 165/7 166/1 166/24	review [29] 81/23 83/18 105/11 105/14 105/24 106/2 106/7 106/20 106/21 107/19 107/20 107/22 107/23 108/2 108/7 108/8 108/14 108/14 108/16 108/16 108/17 109/6 109/14 109/17 112/3 112/14 112/16 113/1 184/7	risk [8] 109/25 111/22 184/22 184/25 185/8 190/11 191/5 195/4	run-up [1] 125/12	say [83] 2/13 4/20 8/16 8/24 8/25 9/14 10/25 14/5 14/18 15/8 15/16 19/1 20/4 21/3 21/15 24/10 27/1 27/5 27/24 30/8 33/11 35/4 36/7 36/8 36/9 37/12 42/23 43/1 43/2 43/25 44/2 51/12 51/20 54/19 65/5 67/13 68/7 68/7 69/21 70/16 73/13 74/23 75/10 76/6 77/7 81/12 82/12 86/4 88/20 89/10 92/25 99/3 99/12 106/19 109/11 117/13 123/6 126/15 127/10 127/13 131/18 131/18 137/24 144/21 151/9 152/14 152/21 153/9 156/16 164/25 166/6 174/15 176/16 179/1 187/3 187/15 189/17 191/1 193/16 194/16 196/5 198/23 202/1
resolution [1] 199/2	rewritten [3] 112/4 112/16 112/19	roadmap [14] 80/13 80/15 100/21 101/7 103/9 114/24 134/22 134/22 135/20 136/10 137/6 146/20 146/24 147/5	rung [1] 154/25	54/19 65/5 67/13 68/7 68/7 69/21 70/16 73/13 74/23 75/10 76/6 77/7 81/12 82/12 86/4 88/20 89/10 92/25 99/3 99/12 106/19 109/11 117/13 123/6 126/15 127/10 127/13 131/18 131/18 137/24 144/21 151/9 152/14 152/21 153/9 156/16 164/25 166/6 174/15 176/16 179/1 187/3 187/15 189/17 191/1 193/16 194/16 196/5 198/23 202/1
resolve [4] 11/3 99/25 104/18 140/16	rewrote [1] 112/13	rocketing [2] 139/23 140/12	running [4] 35/19 99/12 163/19 163/24	saying [20] 9/19 19/3 19/13 30/11 31/11 40/2 45/16 71/19 74/17 74/20 81/8 111/5 111/7 132/5 150/9 150/9 159/15 167/5 167/21 198/10
resolved [2] 157/6 157/7	Reynolds [5] 6/21 7/3 16/5 50/22 82/13	rod [1] 150/19	Russia [1] 168/5	S
respect [1] 181/6	rhythm [3] 24/12 76/8 147/2	role [8] 4/11 5/8 6/22 19/15 59/13 60/1 168/15 178/12	sack [3] 118/17 119/4 140/22	sadly [2] 77/2 166/13
Respectfully [1] 196/12	rich [3] 92/15 92/17 93/9	roll [4] 25/20 34/17 83/15 83/15	safeguarded [1] 59/25	safely [1] 27/4
respectively [1] 104/1	Ridley [8] 41/16 58/3 60/15 79/15 100/6 130/15 188/24 197/8	roll-out [2] 25/20 34/17	safety [1] 196/3	SAGE [7] 90/5 90/5 91/10 91/18 100/7 141/24 143/10
respond [1] 166/2	Ridley's [1] 61/11	roled [1] 41/6	said [94] 4/15 5/20 7/5 10/22 15/4 16/21 17/18 18/23 23/25 27/14 30/16 37/13 41/16 46/13 46/25 47/1 47/1 48/24 49/2 51/15 52/17 56/20 57/17 57/21 63/21 66/9 66/17 67/16 68/10 68/12 68/14 68/16 70/2 70/5 70/6 72/11 73/14 77/7 82/3 82/7 82/13 82/16 83/9 84/16 90/22 93/11 95/10 98/8 101/8 102/17 103/10 108/9 110/12 111/15 111/19 112/23 113/1 118/8 122/12 123/22 128/9 129/20 132/11 132/19 132/21 138/12 141/21 144/16 144/19 145/7 146/7 148/19 151/12 151/16 152/7 152/17 152/23 153/4 153/14 154/25 155/13 155/18 162/5 165/16 169/24 175/20 178/20 183/11 184/21 188/16 188/23 188/25 197/5 200/10	says [10] 17/4 18/22 52/12 66/3 71/13 73/4 112/3 144/25 151/15 197/21
responded [1] 71/3	right [100] 4/3 4/6 4/19 7/10 9/21 9/25 10/3 11/5 22/3 22/3 23/19 26/2 27/4 29/9 32/24 34/14 39/11 39/22 43/5 44/8 46/3 52/5 58/1 58/25 59/2 61/7 62/10 64/9 65/13 66/3 67/1 68/5 71/23 73/7 73/9 73/9 73/18 74/15 75/10 75/12 76/8 76/10 82/18 84/4 84/5 84/15 85/18 91/25 93/16 93/17 95/2 97/8 99/2 103/14 103/15 106/25 109/13 110/10 113/3 113/25 116/13 117/14 118/23 119/16 121/20 124/25 134/21 136/23 145/8 147/6 148/11 152/9 153/23 153/25 155/8 157/11 157/13 157/24 158/11 162/5 163/22 164/6 164/10 164/25 165/12 168/7 170/5 178/5 181/6 186/21 186/23 188/16 188/22 188/24 191/18 191/23 192/4 192/24 198/5 201/10	room [9] 9/22 55/19 69/8 73/8 74/16 74/18 101/20 135/10 179/3	same [19] 39/18 43/19 51/7 55/2 71/2 74/8 93/2 105/20 110/12 112/4 129/8	scale [7] 21/16 94/10 121/5 121/8 121/13 161/25 186/12
responding [3] 65/19 111/4 111/7	Roost [1] 146/16	roost [1] 146/16	scared [1] 20/8	scarring [2] 142/23 142/24
response [21] 2/24 3/20 4/8 5/9 5/11 7/5 21/1 22/7 33/17 46/1 49/13 50/8 66/7 71/1 76/17 86/4 86/6 155/22 156/4 163/20 174/18	root [3] 156/20 157/2 157/9	root [3] 156/20 157/2 157/9	scattered [1] 139/14	school [2] 29/18 31/24
responses [1] 186/21	rotas [2] 83/13 85/3	rotated [1] 117/6	scaled-up [1] 139/14	schools [1] 103/3
responsibilities [4] 13/8 45/5 83/4 189/8	Rotherham [1] 145/16	Rotherham [1] 145/16	scandal [1] 116/8	science [2] 53/21 178/16
responsibility [10] 4/7 6/19 7/4 47/12 49/17 54/11 82/20 92/6 156/21 182/23	rough [1] 29/20	rough [1] 29/20	scared [1] 20/8	scientific [14] 52/23 90/5 94/22 99/24
responsible [8] 3/15 59/14 61/23 83/7 83/7 163/19 163/21 183/4	round [6] 50/10 127/8 154/24 155/4 178/19 192/5	round [6] 50/10 127/8 154/24 155/4 178/19 192/5	scarring [2] 142/23 142/24	
rest [3] 26/25 52/9 61/22	roundly [2] 148/25 157/21	roundly [2] 148/25 157/21		
rested [1] 6/20	roundtable [1] 148/16	roundtable [1] 148/16		
restricted [2] 139/22 198/15	route [5] 89/19 89/23 89/24 94/17 194/14	route [5] 89/19 89/23 89/24 94/17 194/14		
restriction [1] 115/20	route's [1] 178/3	route's [1] 178/3		
restrictions [1] 137/12	Royal [5] 3/14 5/3 21/9 148/3 148/6	Royal [5] 3/14 5/3 21/9 148/3 148/6		
result [6] 23/3 48/22 177/17 187/6 187/11 201/20	Royal Household [3] 3/14 5/3 21/9	Royal Household [3] 3/14 5/3 21/9		
results [3] 126/22 128/6 129/19	Royal Society [2] 148/3 148/6	Royal Society [2] 148/3 148/6		
retail [1] 103/5	rubbing [1] 48/10	rubbing [1] 48/10		
retain [1] 13/8	rude [2] 182/19 188/13	rude [2] 182/19 188/13		
retained [1] 15/22	rule [10] 17/19	rule [10] 17/19		

S	49/11 50/2 51/24 57/4 57/9 59/12 61/3 69/5 69/10 73/21 73/25 74/7 74/19 76/7 76/14 76/18 77/25 100/20 117/2 117/9 117/13 117/18 130/18 130/19 133/3 157/25 170/24 171/10 171/13 171/15 173/11 173/15 176/16 184/16 185/25 186/2 191/11 196/11 199/15	120/19 121/15 segmenting [1] 124/15 select [1] 168/14 self [12] 38/18 108/25 141/19 147/18 153/2 156/13 197/23 198/2 198/8 198/11 200/3 200/9 self-evidently [2] 38/18 108/25 self-impose [1] 147/18 self-imposed [2] 141/19 156/13 self-induced [1] 153/2 self-isolate [1] 197/23 self-isolating [3] 198/2 198/8 198/11 self-isolation [2] 200/3 200/9 semiformal [1] 105/14 seminar [1] 201/1 senior [22] 49/1 49/3 49/5 56/2 57/22 58/15 59/13 72/10 77/24 77/25 81/4 90/11 117/4 117/5 117/20 118/9 158/22 170/23 172/25 173/13 174/2 183/4 sense [6] 4/8 21/19 63/12 70/4 122/4 129/7 sensible [5] 38/12 38/19 99/11 99/16 101/11 sensitive [4] 7/23 8/4 8/9 64/25 sent [1] 12/13 separate [4] 52/8 86/24 129/13 183/24 separated [1] 163/23 September [33] 3/7 4/15 4/15 57/5 69/1 69/22 72/20 73/17 89/11 99/8 121/2 121/4 125/18 133/18 134/4 134/5 137/4 137/10 140/5 141/24 142/1 143/6 144/17 147/8 148/15 151/4 151/5 169/18 175/17 179/18 198/6 203/8 203/9 September 2020 [2] 175/17 179/18 September 9 [1] 203/9 September/October [2] 69/22 134/4	ser [1] 176/20 series [2] 44/15 152/22 serious [11] 9/18 10/24 58/23 63/15 72/2 77/4 96/14 115/21 139/12 148/12 173/17 servant [2] 5/4 176/7 servants [1] 2/24 served [1] 5/10 service [34] 3/5 4/4 4/17 4/18 4/21 4/22 4/25 5/2 35/22 42/8 47/4 50/1 56/1 57/23 72/12 76/22 99/18 104/18 118/6 118/8 118/12 135/12 143/16 158/1 158/10 161/13 161/14 164/23 165/4 167/11 169/19 170/23 170/25 175/25 services [8] 28/20 31/3 35/7 39/21 56/17 59/9 59/17 121/10 serving [1] 159/17 session [2] 53/19 170/6 sessions [2] 53/10 53/17 set [22] 28/18 41/1 51/15 56/7 58/14 59/5 60/17 74/5 76/15 83/25 91/1 95/22 96/23 124/19 138/20 167/21 172/1 172/25 173/5 192/18 202/20 202/23 set aside [1] 167/21 set-up [1] 51/15 sets [1] 37/9 setting [3] 35/21 82/25 90/4 settle [1] 23/21 seven [1] 83/11 seven days [1] 83/11 several [3] 111/19 141/23 189/7 severe [1] 137/19 severely [1] 126/6 sexism [1] 57/11 sexist [3] 56/23 85/1 85/10 shades [1] 124/22 Shafi [2] 16/23 17/9 shall [5] 85/20 119/17 170/5 170/5 177/9 shape [1] 23/14 shard [1] 150/19 shared [2] 177/12 194/18 shattered [1] 83/10 she [9] 45/4 51/18	61/6 82/6 87/14 171/14 186/3 186/10 186/10 sheep [1] 20/7 sheet [1] 97/9 shelters [1] 186/15 shielded [27] 3/17 19/17 28/14 28/17 33/14 33/24 35/5 39/4 39/6 39/20 42/12 60/10 76/19 120/19 164/7 182/23 183/5 183/20 184/18 184/23 188/17 190/22 193/19 194/10 194/14 195/1 195/21 shielding [10] 30/13 31/18 39/8 39/15 39/20 121/7 121/18 121/18 122/21 123/15 Shinner [1] 79/15 shocking [1] 45/23 shop [1] 51/2 shopping [1] 93/6 short [7] 44/12 85/24 119/22 143/10 160/25 170/9 179/16 shortage [2] 35/9 93/13 shortening [1] 143/24 shorter [2] 85/22 147/24 shortly [3] 48/12 100/20 101/2 should [38] 7/18 7/23 8/2 15/18 16/2 17/14 18/6 18/6 18/23 19/22 21/15 28/25 29/1 30/6 43/6 70/6 70/12 82/12 82/24 82/25 83/19 87/14 87/14 88/7 90/3 90/4 97/14 128/10 140/16 151/17 152/8 162/14 168/11 172/14 189/13 194/18 200/17 202/1 shoulders [1] 156/24 shouldn't [1] 17/13 show [7] 41/11 60/20 98/24 133/13 183/19 199/20 199/21 showboating [1] 82/5 shown [1] 29/11 shrinking [1] 174/3 sic [1] 179/11 sick [1] 120/16 side [7] 90/9 91/24 92/17 98/4 118/12 118/13 124/20 sidelined [1] 55/1 sight [1] 45/24 signed [4] 2/6 2/9
----------	---	---	--	---

S	144/15 148/19 149/5 149/6 151/15 154/14 154/15 154/20 197/18 198/18 Sir Chris Whitty [11] 53/13 88/16 101/5 104/20 110/18 130/3 130/10 143/20 144/15 149/5 154/15 Sir Chris Wormald [1] 114/2 Sir Humphrey-ish [1] 11/2 Sir Ian Diamond [1] 36/2 Sir Patrick [2] 112/13 154/20 Sir Patrick Vallance [14] 18/19 18/21 19/2 53/15 88/16 101/5 104/20 110/19 111/23 130/3 130/11 148/19 149/6 151/15 Sir Patrick Vallance's [2] 154/14 197/18 Sir Patrick's [2] 19/13 198/18 Sisters [1] 182/13 sit [2] 119/17 119/18 sits [4] 91/10 161/7 166/22 177/4 sitting [5] 56/13 67/19 68/13 91/13 119/16 situation [7] 12/8 12/22 36/21 67/8 67/12 113/18 162/19 six [3] 122/10 135/24 137/11 size [1] 21/15 skewing [1] 102/14 skills [1] 161/16 sleepers [1] 29/20 slides [1] 20/3 slight [1] 6/24 slightly [5] 36/22 38/5 106/23 107/1 174/5 slots [1] 31/20 Slough [1] 146/1 slow [2] 34/20 197/10 small [10] 61/10 61/16 64/23 65/8 88/17 138/7 138/12 138/23 188/23 192/17 smaller [1] 65/2 smarter [1] 114/24 smashed [3] 22/9 22/12 22/12 smoothly [1] 176/10 so [222] social [5] 87/17 105/12 105/24 116/11	164/8 socially [2] 29/17 36/6 societal [8] 88/9 91/6 92/1 99/4 99/23 100/8 131/11 153/12 society [8] 25/5 37/8 121/24 125/5 128/24 148/3 148/6 150/11 sofa [3] 75/7 158/17 160/6 Solace [1] 182/13 solely [1] 156/21 solutions [1] 141/14 some [59] 3/3 14/19 15/15 22/10 27/17 35/16 41/11 41/19 44/20 46/9 47/7 48/23 49/19 55/1 55/16 58/7 65/12 68/14 68/15 71/13 85/15 93/4 100/18 101/2 106/11 112/4 113/17 115/8 121/11 124/1 124/3 124/8 128/22 129/1 129/17 130/6 134/14 136/7 137/3 139/25 144/5 150/20 153/15 157/23 158/23 160/24 161/10 162/7 165/16 167/13 167/16 172/21 174/3 182/21 193/21 196/12 197/3 200/3 203/5 somebody [9] 14/6 51/8 60/6 60/8 71/6 84/12 84/15 112/11 190/7 somehow [1] 108/3 someone [4] 18/24 160/16 190/10 198/21 something [28] 8/9 12/20 13/16 16/21 17/18 26/6 43/3 43/6 43/8 43/25 54/13 61/6 68/15 92/24 103/22 105/4 117/6 118/22 119/12 122/7 142/6 161/3 161/22 163/15 168/4 179/22 180/15 190/15 sometimes [6] 23/5 24/17 42/22 54/21 77/25 101/18 somewhat [2] 1/21 35/9 somewhere [2] 27/10 135/8 soon [6] 40/21 105/11 134/24 146/15 201/25 202/7 sophisticated [3] 96/20 99/14 136/22 sorry [67] 8/13 9/24	9/24 22/21 25/19 28/4 28/11 28/11 28/12 31/20 32/7 34/10 36/19 36/21 36/25 38/8 42/1 42/5 42/18 43/23 44/3 54/7 57/19 61/1 62/15 64/22 65/16 68/12 70/6 71/21 79/2 83/22 84/22 84/24 85/9 85/11 88/21 91/21 96/17 102/16 109/9 115/17 115/17 118/24 119/3 119/7 131/5 132/16 132/16 136/5 143/1 145/22 158/4 158/4 158/6 160/18 162/21 164/13 164/16 165/15 166/19 181/8 185/17 186/25 188/12 198/3 201/3 sort [206] sort of [156] 5/23 9/1 10/14 10/15 12/1 12/23 13/2 13/5 13/7 13/10 13/11 13/14 13/23 14/2 14/3 14/12 17/24 21/10 21/20 22/4 23/1 23/2 23/23 24/11 25/4 25/10 25/21 26/18 26/18 30/16 32/1 32/7 32/8 33/5 34/8 34/8 34/15 37/3 37/8 38/23 41/19 43/8 46/19 48/24 49/4 49/15 49/17 50/25 52/7 52/8 53/5 55/17 56/4 57/16 57/17 60/12 62/6 63/10 63/11 63/21 63/23 64/11 68/9 68/13 74/11 74/13 75/24 76/20 78/21 78/25 79/3 79/4 80/17 82/18 83/20 83/21 84/10 84/15 84/16 87/4 87/6 89/9 89/18 91/18 93/21 96/14 96/19 96/23 101/19 108/2 121/11 121/12 122/3 123/17 127/9 128/3 129/8 131/16 131/16 134/24 135/6 138/18 141/2 141/4 141/8 141/11 142/9 142/16 143/2 145/6 147/1 148/11 148/12 149/20 149/20 150/1 150/13 150/18 150/19 152/8 152/14 153/21 156/7 156/8 156/11 156/14 156/15 158/1 158/8 159/9 161/12 161/14 162/18 162/22 165/7	165/10 167/16 167/22 167/23 171/24 172/1 172/1 172/4 173/5 173/13 176/20 179/1 179/10 179/24 190/7 191/10 191/12 194/5 194/17 198/9 198/21 sorts [7] 13/9 15/24 63/16 125/14 142/21 175/21 190/21 sought [1] 177/18 sound [3] 10/21 11/1 166/19 South [1] 146/1 South Yorkshire [1] 146/1 Southall [1] 182/13 space [3] 65/5 131/17 135/24 SpAds [1] 47/16 spaghetti [1] 162/21 sparked [1] 177/20 speak [7] 40/7 40/12 48/19 50/7 50/16 50/17 176/14 speaking [2] 40/3 136/15 special [8] 47/18 47/22 48/2 48/7 58/14 72/1 72/14 77/24 specialists [1] 63/18 specific [9] 6/10 6/16 29/16 100/18 189/13 189/17 193/23 194/11 202/10 specifically [9] 5/1 6/10 17/8 62/4 94/21 111/2 114/9 189/2 194/4 speculate [1] 186/1 speedier [1] 45/3 speedily [1] 152/5 speedy [1] 36/14 spell [1] 96/17 spend [6] 114/21 135/11 135/17 165/6 166/5 166/9 spending [3] 20/1 135/12 167/19 spent [4] 14/6 33/15 42/24 45/6 SPI [3] 140/1 142/1 143/11 SPI-M-O [3] 140/1 142/1 143/11 spirit [2] 21/20 22/4 split [1] 84/1 spoke [4] 104/10 117/12 170/2 174/9 spoken [1] 135/2 Spot [1] 35/14 spotted [1] 28/21 spread [1] 31/17 spreading [1] 124/21
----------	---	--	---	---

S	101/25 123/7 150/23 175/10	structurally [1] 162/17	114/13 168/5	169/13
SRO [6] 59/16 60/2 183/21 183/24 187/14 187/19	Steve [1] 145/16	structure [16] 11/8 63/4 67/17 68/19 69/18 74/25 75/22	Sue [3] 69/9 171/12 176/11	suppose [2] 124/23 131/11
SROs [8] 183/4 183/13 183/19 183/19 187/15 188/9 188/11 189/3	Steve Rotherham [1] 145/16	76/3 90/5 90/17 94/20 99/25 157/7 167/10 172/21 172/25	Sue Gray [2] 69/9 171/12	supposed [2] 46/21 127/15
Ss [2] 70/18 70/19	Stevens [1] 26/25	structured [2] 73/5 75/15	Sue Gray's [1] 176/11	sure [61] 4/4 9/20 10/20 10/24 13/16 13/25 14/9 20/17 22/24 23/4 23/4 23/8 23/8 23/21 24/23 28/25 29/11 31/23 36/17 40/20 48/11 53/10 55/22 55/24 56/3 56/8 56/13 57/15 58/14 61/21 61/25 62/1 62/7 65/10 65/13 65/14 73/13 75/12 83/4 83/13 83/14 90/24 103/16 109/2 112/22 115/3 121/19 130/25 136/23 156/14 158/10 166/8 178/4 181/6 186/2 190/8 191/11 191/18 195/8 195/23 196/5
staff [5] 2/24 72/7 112/14 112/17 113/2	stick [9] 24/2 65/15 101/22 128/18 161/10 161/20 197/24 198/20 199/11	structures [28] 4/4 36/14 41/1 46/14 62/21 74/5 76/8 76/10 76/23 77/4 86/24 87/5 141/17 158/24 162/6 162/22 163/4 166/20 167/1 167/9 167/12 169/24 170/22 171/2 172/8 172/11 173/6 175/21	suffer [1] 181/18	surge [1] 195/11
stage [5] 89/15 90/24 114/6 122/6 153/22	still [6] 37/12 54/2 69/6 124/1 150/9 162/15	struggle [1] 198/14	suffered [1] 166/15	surprised [2] 116/24 117/1
Stalinist [1] 120/14	stint [1] 85/22	struggled [3] 148/5 148/7 188/18	suffering [1] 177/13	surrounding [1] 195/1
stand [2] 25/12 146/12	Stoke [1] 146/2	Stuart [1] 50/23	sufficiently [2] 40/3 183/14	survey [1] 93/1
standard [3] 17/11 18/9 32/3	Stoke-on-Trent [1] 146/2	Stuart Glassborow [1] 50/23	suggested [2] 101/5 197/22	surveys [1] 36/3
standing [2] 33/2 66/9	stood [3] 66/21 150/13 192/3	stuck [2] 27/14 101/19	suggest [8] 5/11 6/18 70/23 130/1 130/2 133/7 180/13 181/16	suspect [3] 89/4 154/19 191/22
stands [1] 173/23	stop [5] 67/7 80/24 124/8 124/15 124/19	student [1] 14/7	suggesting [2] 102/24 120/11	Sweden [3] 150/7 150/8 150/11
stark [1] 25/22	stopped [1] 67/19	study [1] 34/10	suggestion [1] 119/7	Swedish [1] 150/10
start [11] 14/23 19/8 19/10 36/5 63/2 69/1 69/21 80/14 86/17 163/17 194/7	story [2] 5/18 5/18	stuff [7] 17/12 33/8 65/9 83/4 138/1 162/22 167/18	suggests [3] 7/14 89/5 154/15	swept [1] 62/22
started [16] 24/8 24/11 31/11 49/14 49/16 61/8 74/16 88/18 95/5 100/10 122/11 124/17 134/24 137/9 146/4 177/23	straight [1] 179/9	stumped [1] 116/13	suitable [1] 169/6	swimming [1] 146/10
state [4] 153/8 153/15 155/20 178/16	straightforward [2] 114/18 180/8	style [4] 24/13 25/9 65/6 74/9	summarise [1] 150/1	sworn [2] 1/5 204/3
statement [29] 2/2 2/5 2/6 2/8 4/20 6/18 14/18 17/19 35/17 47/1 52/22 61/11 81/15 82/16 82/22 86/1 113/8 113/19 132/19 132/21 155/20 157/15 174/8 174/16 175/18 178/14 187/15 187/18 193/18	straightforwardly [1] 102/1	sub [1] 60/15	summary [5] 37/20 39/11 47/9 48/22 134/19	symptomatic [1] 174/17
statements [2] 2/4 31/9	strained [2] 174/18 174/23	subgroup [1] 166/22	summer [27] 16/2 25/24 37/22 40/17 58/23 61/7 75/19 89/21 94/20 95/5 95/13 95/24 118/3 120/24 127/18 135/15 135/21 136/10 139/19 146/8 146/13 147/3 162/10 169/18 169/18 177/21 180/2	symptoms [2] 177/13 177/18
static [1] 92/10	strains [2] 175/10 176/4	subject [2] 189/7 190/4	summer/autumn [2] 89/21 127/18	synthesise [1] 87/9
statistics [3] 36/2 36/23 123/21	strands [1] 44/20	subjects [1] 25/25	summer/early [1] 180/2	system [31] 7/24 12/4 17/22 26/15 26/20 27/12 45/9 45/10 47/18 56/12 63/10 76/2 77/9 78/16 92/11 92/14 93/9 94/2 94/19 96/13 96/20 96/21 96/25 98/9 98/9 99/13 115/16 118/10 120/18 147/9 193/15
stats [1] 124/2	strategic [4] 5/15 116/19 133/1 168/15	submission [2] 97/3 108/9	Sunak [9] 70/7 74/7 77/21 78/20 79/8 80/3 98/14 132/19 132/22	systemic [1] 90/19
status [4] 54/10 54/10 108/4 149/21	strategise [1] 48/17	submissions [2] 201/19 201/20	super [1] 91/9	systems [5] 8/4 13/20 22/12 62/15 141/17
statutory [2] 114/16 115/6	strategy [8] 45/23 83/20 97/19 126/14 128/15 168/18 193/20 195/2	submitted [4] 14/25 82/21 149/25 162/9	superhero [1] 82/4	
stay [3] 156/6 174/14 185/12	strengthening [1] 135/23	subsequently [1] 132/20	supermarket [1] 45/20	
step [4] 100/24 100/25 147/3 164/24	strengths [1] 25/11	subset [1] 167/6	supermarkets [6] 31/17 31/19 32/19 121/12 121/25 198/14	
step 1 [2] 100/24 100/25	stricken [1] 55/12	substantial [1] 202/18	supertanker [1] 46/14	
steps [11] 19/16 32/15 32/16 53/6 53/12 56/1 63/5	string [1] 51/7	substantive [2] 17/6 203/7	supplies [1] 168/7	
	strings [1] 14/24	successful [3] 128/4 129/11 137/2	support [13] 3/16 15/14 26/2 106/12 112/16 115/16 116/20 158/11 198/1 198/8 198/10 199/1 200/2	
	Stripping [1] 35/8	such [18] 19/13 26/13 51/22 54/25 61/17 63/19 69/9 80/23 86/9 86/10 90/16 92/17 108/4 138/12 189/15 192/25 193/14 203/3	supported [3] 86/25 102/21 169/12	
	strong [5] 63/19 129/9 149/22 169/11 179/10	suddenly [3] 114/5	supporting [2] 117/9 166/18	
	stronger [1] 150/16		supports [2] 99/13	
	strongly [1] 149/18			
	struck [2] 80/11 161/25			
	structural [10] 37/24 47/22 48/7 58/7 67/24 75/8 162/13 163/13 193/14 194/23			

T

table [6] 56/13 65/11
68/13 143/16 163/10
173/1

T	119/13 130/16 133/7 134/25 157/8 158/13 173/18 178/12 179/3 179/21 180/13 188/9 188/17 189/1 189/3 191/9 191/17 tattle [1] 5/12 tax [1] 135/11 taxpayers' [2] 165/7 165/11 team [22] 2/14 14/16 21/20 22/4 26/23 53/11 57/23 58/13 58/16 59/6 60/19 61/10 61/17 62/8 85/17 87/8 92/23 96/3 195/18 198/17 199/3 202/16 teams [5] 65/13 87/1 189/25 201/15 202/15 tech [1] 158/4 technical [2] 7/17 15/14 technocrat [2] 26/19 27/11 technocratic [1] 32/7 teeth [1] 29/25 Tegnell [1] 150/5 Telegraph [1] 10/4 telephone [1] 10/18 television [1] 127/9 tell [18] 1/24 10/9 14/8 16/17 20/16 26/24 26/24 43/21 55/18 75/18 80/21 111/17 118/16 128/19 178/4 179/5 179/8 180/10 telling [2] 186/13 190/19 temptation [2] 165/18 166/5 ten [8] 44/7 44/10 114/1 154/4 179/15 183/19 187/14 193/4 ten minutes [2] 44/10 154/4 ten-minute [1] 44/7 tend [1] 171/23 tendency [1] 153/10 tends [2] 45/2 173/1 tension [2] 45/9 176/14 tensions [1] 118/2 term [18] 83/25 84/2 93/3 142/17 142/24 163/21 163/23 163/25 165/20 166/24 168/18 168/21 178/11 178/23 179/4 179/17 180/25 181/19 terminology [1] 59/16 terms [22] 3/3 5/13	13/19 39/21 53/23 54/13 82/19 84/8 94/4 94/7 99/22 115/21 120/5 127/2 131/12 137/11 143/22 185/19 197/3 198/12 202/22 202/24 terrible [11] 8/22 57/19 94/16 98/20 134/9 134/15 156/13 156/15 157/1 169/12 191/20 terribly [1] 166/15 terrorist [1] 63/15 test [15] 24/16 119/13 133/23 134/12 136/1 138/17 138/17 138/22 138/24 139/14 154/11 197/23 198/9 198/25 199/3 testing [6] 34/14 49/18 125/13 134/2 135/22 136/22 than [33] 7/1 23/1 31/7 34/2 37/9 39/1 41/3 41/17 44/7 45/10 49/7 57/8 58/19 64/7 68/3 70/12 71/21 75/1 81/5 88/14 89/5 97/21 103/23 108/13 114/7 136/17 136/22 136/24 142/7 143/19 147/25 176/6 194/14 thank [41] 1/7 2/1 2/12 2/13 3/1 6/5 10/2 29/4 44/9 44/18 63/25 73/1 116/18 119/15 132/18 168/23 170/6 177/2 177/17 181/15 182/5 182/6 182/9 182/20 184/3 188/1 188/3 188/4 191/24 191/25 192/1 197/11 197/12 200/19 200/20 200/24 201/6 201/7 203/6 203/12 203/13 thank you [26] 2/1 2/13 3/1 6/5 29/4 44/9 63/25 116/18 119/15 132/18 177/17 181/15 182/9 182/20 184/3 188/1 188/3 188/4 191/25 192/1 197/12 201/6 201/7 203/6 203/12 203/13 thanking [1] 202/12 Thanks [1] 157/6 that [976] that's [127] 3/8 3/12 3/18 3/21 3/24 4/3 4/10 4/14 4/19 8/14 8/24 9/22 11/12 12/9 13/6 13/16 14/21 14/23 19/12 20/17	22/9 23/22 24/22 27/15 32/24 33/7 35/13 36/7 37/20 40/7 43/2 48/6 49/24 50/19 51/14 51/23 52/4 54/8 54/22 56/5 57/19 58/25 59/2 61/20 62/8 63/22 65/15 66/4 68/5 69/3 70/4 70/5 71/9 71/18 72/15 75/12 77/2 81/8 84/6 84/18 87/6 87/25 91/7 93/16 95/23 96/15 97/8 98/15 102/22 103/10 103/24 108/6 113/25 116/9 116/23 118/18 118/18 119/6 121/20 124/25 131/8 132/8 132/14 136/19 140/14 145/8 150/13 151/21 153/20 154/7 155/4 155/5 157/3 158/8 159/3 163/2 165/22 167/25 169/11 169/11 172/4 173/2 175/7 175/7 175/7 176/24 177/16 178/20 179/14 179/18 181/22 181/25 182/1 182/5 182/19 183/7 184/12 185/24 186/24 186/24 188/5 188/22 188/24 189/16 191/1 191/2 198/5 their [34] 15/12 25/15 25/16 25/16 27/17 27/19 27/23 39/16 47/3 47/4 47/4 47/6 59/24 71/7 72/14 74/4 74/5 74/9 93/1 127/24 128/10 130/11 138/8 138/9 141/25 142/25 149/16 166/18 185/7 185/11 186/16 201/16 202/10 202/15 them [46] 5/19 5/23 6/1 11/4 14/22 15/2 17/4 19/11 25/15 29/25 31/20 46/6 47/9 48/12 49/20 53/17 62/16 68/1 81/17 84/17 85/15 94/17 99/9 102/13 102/13 106/13 106/14 120/13 123/6 127/14 130/7 138/20 154/22 155/1 155/6 158/20 158/25 166/18 169/13 173/18 174/3 183/9 184/9 190/19 201/22 202/7 theme [1] 80/18 themes [4] 44/21 46/9 202/4 202/6 themselves [1] 127/24	then [96] 2/7 3/22 4/12 4/15 5/2 5/3 6/21 9/23 9/24 15/22 17/13 18/6 27/7 27/20 30/10 30/14 31/6 32/4 32/5 33/16 33/21 34/21 34/22 48/1 54/18 59/18 60/13 60/14 61/4 66/6 69/10 71/25 75/11 80/18 81/19 85/22 86/25 87/10 90/24 92/16 98/14 98/17 99/17 100/3 102/1 102/23 104/5 104/15 105/11 109/8 110/14 110/16 111/11 112/2 114/12 117/17 119/18 122/8 122/14 125/2 128/18 129/21 137/15 138/4 139/6 139/22 140/15 142/19 142/25 144/9 145/20 146/1 146/12 152/3 152/5 154/12 160/8 166/6 170/18 173/13 175/9 176/2 177/11 178/21 180/17 184/4 184/15 187/12 188/6 188/23 191/6 192/4 192/7 192/9 197/20 201/13 there [275] there'd [1] 95/13 there's [34] 11/6 30/17 44/22 47/13 47/23 48/7 54/13 62/23 70/6 71/11 74/17 94/11 96/18 110/5 112/10 135/13 136/19 157/19 158/7 158/9 158/25 161/1 162/9 162/12 168/17 169/13 173/24 173/25 175/20 176/17 188/1 190/13 190/16 194/5 thereabouts [1] 119/19 thereafter [5] 12/3 60/7 78/18 101/2 105/11 thereby [1] 104/21 therefore [10] 13/18 42/15 59/13 60/22 90/2 98/21 102/15 133/11 134/13 187/5 Theresa [3] 4/23 5/2 74/4 Theresa May [3] 4/23 5/2 74/4 these [49] 2/11 31/1 35/11 36/21 42/18 44/21 47/10 47/11 50/10 50/11 57/11 61/24 63/24 73/15
----------	--	---	--	---

T	158/19 163/11 163/19 167/2 167/3 169/12 174/3 184/10 188/7	Thomas [5] 5/23 192/3 192/11 197/12 204/13	21/13 21/14 21/18 21/18 25/6 27/18 33/4 33/13 33/14 41/7	139/4 142/11 142/14 142/15 143/1 144/23 152/16 154/14 156/25
these... [35] 74/19 79/23 84/1 84/2 87/13 87/18 102/18 103/20 115/11 117/14 125/14 138/15 139/9 141/13 142/7 142/21 142/21 142/23 145/3 148/4 152/7 152/11 153/24 161/9 162/22 163/22 164/4 166/24 178/17 187/21 192/24 193/11 194/5 195/5 200/10	thick [1] 21/18 thin [1] 21/18 thing [55] 11/1 14/3 20/23 26/2 37/8 38/20 50/20 53/5 64/20 65/3 70/6 72/8 87/6 87/8 89/6 93/2 96/12 96/22 99/11 99/12 99/15 99/16 100/12 108/4 112/12 116/23 119/11 121/12 121/22 127/10 129/4 129/14 129/16 129/21 144/1 145/6 146/8 146/21 146/23 148/13 150/20 156/11 159/2 159/7 159/19 160/1 160/23 162/20 162/24 163/2 164/2 167/20 168/9 172/2 190/13	those [97] 2/18 2/19 5/11 9/19 18/7 18/10 18/11 22/10 23/3 24/3 25/6 25/12 39/7 39/14 40/25 41/23 46/9 48/11 50/23 54/12 54/18 55/11 55/24 57/6 58/19 60/22 62/1 62/4 62/7 63/15 69/14 73/11 74/25 77/4 77/5 77/20 78/22 79/7 86/17 87/24 88/2 88/18 89/3 90/11 90/23 90/25 91/1 91/4 91/8 97/16 118/3 119/14 125/16 135/6 135/24 140/10 143/4 146/6 148/1 150/25 156/20 157/1 157/13 157/19 157/22 158/25 161/18 163/1 163/23 164/7 165/5 165/10 166/13 166/25 167/13 169/20 171/23 172/2 172/18 173/9 175/4 175/10 175/21 177/1 184/8 185/4 189/25 196/23 198/1 198/8 198/11 198/12 200/19 202/12 202/24 203/4 203/10	43/10 53/8 53/18 57/6 63/12 64/20 65/12 65/13 65/14 66/19 74/13 78/21 83/2 89/21 91/4 92/5 92/18 96/25 99/5 99/6 109/17 109/18 114/17 114/25 115/6 116/25 123/14 130/16 135/21 135/21 138/18 146/8 150/12 152/3 153/22 156/4 168/16 171/5 171/6 173/16 176/18 180/6 189/19 190/22 194/14 194/14 198/6 199/17	178/22 180/2 184/17 187/2 188/10 193/6 194/3 195/20 196/9 196/13 199/1 199/12 199/14 199/16
they [134] 5/16 5/16 5/21 5/25 5/25 6/2 8/4 8/10 18/3 18/14 19/7 19/9 27/19 27/20 27/20 31/16 31/23 31/24 33/9 35/11 42/23 46/17 46/17 47/3 48/18 50/8 50/16 53/17 53/20 53/20 54/9 54/10 54/10 59/23 60/14 61/2 61/2 61/20 61/20 61/24 62/1 62/6 62/21 64/23 68/25 68/25 70/12 70/14 70/17 70/17 70/19 74/4 74/5 74/24 74/25 77/17 77/21 78/20 80/5 80/6 80/7 80/7 83/1 83/7 83/11 85/12 86/24 93/5 93/7 102/5 102/10 102/24 103/6 103/9 112/5 117/16 117/19 126/18 127/24 131/3 132/8 132/12 134/10 134/17 135/25 136/1 136/2 138/7 139/9 144/21 144/23 145/1 145/4 145/7 145/11 145/14 145/18 148/5 148/7 149/18 150/12 151/17 155/10 155/21 156/2 157/20 162/3 163/20 164/23 167/24 171/23 176/13 180/6 180/19 183/13 183/14 183/20 183/23 185/3 185/9 185/11 186/5 186/6 186/9 188/15 188/15 190/2 190/4 193/3 197/24 198/19 198/23 199/8 199/20	things [71] 5/19 9/20 13/9 19/13 21/13 23/6 25/19 26/4 34/4 40/25 42/11 44/3 47/11 49/10 54/21 56/7 56/10 61/19 61/24 63/16 72/8 74/24 74/25 75/18 76/3 77/7 82/24 83/9 83/12 83/16 86/25 90/9 94/10 103/20 109/21 114/25 116/16 125/11 125/14 129/1 142/7 142/22 151/22 152/8 152/25 157/13 158/19 159/21 160/4 161/1 161/7 161/9 161/18 162/2 162/3 162/17 163/4 163/10 163/22 164/5 164/7 164/18 165/5 165/10 166/19 167/2 167/13 187/21 187/23 192/20 199/19	Thursday [2] 1/1 195/14	114/25 115/6 116/25 123/14 130/16 135/21 135/21 138/18 146/8 150/12 152/3 153/22 156/4 168/16 171/5 171/6 173/16 176/18 180/6 189/19 190/22 194/14 194/14 198/6 199/17	timeframe [1] 202/25 timely [3] 73/7 180/20 181/12 times [9] 9/16 10/4 66/24 100/17 111/20 127/7 146/7 159/23 189/14 timescale [1] 134/3 timetable [5] 111/3 111/3 111/8 111/18 202/21 timing [1] 108/12 tin [1] 78/11 title [1] 190/8 titled [1] 105/24 titles [1] 36/22 tittle [1] 5/12 tittle-tattle [1] 5/12 today [8] 1/22 36/13 96/13 119/20 156/16 157/14 161/13 201/21 today's [1] 1/4 together [19] 40/4 47/15 68/10 69/13 76/20 90/23 91/8 115/11 115/18 119/11 129/8 131/1 155/23 168/14 171/7 176/21 190/1 190/3 190/5
they'd [8] 38/23 56/9 61/25 83/10 83/11 130/8 137/17 138/8 they'll [3] 127/23 127/23 199/21 they're [18] 1/18 5/17 5/18 5/21 19/13 27/22 43/12 64/23 91/14	think [397] thinking [26] 25/3 30/17 31/7 31/12 31/16 31/22 61/5 69/10 83/22 83/25 84/2 111/16 122/5 135/5 136/7 138/1 141/9 141/15 159/9 163/25 164/11 166/17 166/24 168/16 168/18 168/22 third [8] 20/2 53/25 89/13 140/14 146/20 147/5 169/23 182/2 Thirdly [2] 116/10 195/9 this [285] this Inquiry [1] 5/7	thought [6] 31/25 38/25 68/17 74/24 110/5 112/5 thought [33] 19/6 24/11 25/10 27/3 31/5 43/9 64/22 65/4 65/16 76/2 78/23 79/19 87/7 87/10 90/16 103/19 105/21 110/9 131/3 132/6 132/8 132/12 135/16 143/4 144/25 145/1 150/3 152/15 157/2 169/16 172/22 188/18 201/3 thoughts [2] 71/13 164/15 thousands [1] 2/23 thread [3] 19/25 52/10 80/16 threads [2] 14/17 115/18 threats [1] 203/3 three [8] 14/6 51/4 55/15 62/4 109/14 129/19 139/25 184/22 three weeks [1] 129/19 thrives [1] 84/16 through [63] 2/20 14/1 14/3 14/13 14/16	throughout [3] 118/3 139/13 191/8 thrust [3] 79/4 100/11 191/13 Thursday [2] 1/1 195/14 ticket [1] 23/12 tied [1] 137/10 tier [12] 34/8 140/6 145/4 145/4 145/4 145/5 145/6 145/15 145/19 145/24 146/2 147/9 Tier 1 [1] 145/4 Tier 2 [2] 145/4 146/2 Tier 3 [6] 145/4 145/5 145/6 145/15 145/19 145/24 tiering [5] 114/22 125/13 135/23 145/3 146/4 tiers [5] 137/13 144/19 144/20 144/21 145/11 tight [1] 13/19 till [1] 119/17 tiller [1] 135/25 time [93] 1/9 2/22 6/6 6/25 7/15 9/6 9/6 13/7 18/10 19/3 20/1 24/21 25/7 30/5 30/10 33/14 33/15 35/16 39/9 39/13 39/17 41/14 41/18 41/20 41/23 45/6 46/13 47/25 53/6 53/24 55/2 55/19 59/11 63/16 69/1 70/4 75/15 76/7 77/3 79/5 79/14 80/24 83/15 87/15 89/23 92/8 95/24 97/25 105/20 111/6 113/17 114/21 115/2 115/19 117/20 130/7 132/15 133/2 136/20 137/9 139/3	202/25 181/12 9/16 10/4 100/17 111/20 146/7 159/23 134/3 111/3 111/8 111/18 108/12 78/11 190/8 105/24 36/22 5/12 5/12 36/13 1/22 36/13 119/20 156/16 161/13 201/21 1/4 40/4 69/13 90/23 91/8 115/18 119/11 131/1 155/23 171/7 176/21 190/3 190/5 10/7 10/8 17/4 17/7 52/20 106/18 106/21 114/14 119/4 167/24 79/15 Tom Shinner [1] 79/15 tomorrow [1] 107/17 tonight [1] 16/12 Tony [3] 72/6 160/6 163/8 Tony Blair [3] 72/6 160/6 163/8 too [27] 11/2 20/1 23/20 28/23 32/12 33/1 45/8 46/10 51/16 52/16 76/9 82/17 98/25 99/19 101/20 139/19 144/10 146/15 151/5 153/1 157/12 167/11 167/12 201/1 201/5 took [28] 19/16 24/10

T	57/21 76/16 76/19 95/25 107/22 109/21 125/12 129/9 140/6 147/13 152/25 153/22 154/21 trolleying [1] 23/24 trouble [2] 29/10 165/17 true [13] 8/24 9/6 9/14 9/22 10/6 21/9 50/19 104/23 116/9 136/19 158/21 159/21 181/22 truly [1] 34/7 Truss [1] 74/7 trust [4] 116/3 116/6 155/22 156/9 trusts [1] 56/13 truth [1] 108/18 try [17] 9/17 15/18 37/2 53/11 56/1 77/1 125/14 127/19 131/1 133/1 137/1 141/14 152/25 159/4 172/18 175/10 202/6 trying [26] 11/3 15/16 21/20 22/5 22/6 27/11 31/23 33/1 33/18 43/16 68/9 76/15 76/21 91/7 95/3 101/18 128/19 135/22 135/22 140/16 142/7 155/1 155/6 156/9 167/9 196/17 tune [1] 75/25 turn [9] 5/5 62/11 77/3 79/22 104/6 126/22 128/6 192/5 193/16 turned [5] 29/22 129/3 137/13 168/3 168/8 turning [6] 14/14 19/15 34/21 59/7 107/1 198/3 turns [3] 128/15 167/25 168/8 tussle [1] 74/15 two [29] 2/4 3/22 10/13 49/9 55/14 62/3 74/8 81/16 95/3 97/15 97/23 105/24 106/15 123/10 129/18 139/19 140/10 147/4 150/1 152/8 158/19 166/19 169/1 182/22 183/18 187/11 192/2 193/21 198/15 two days [3] 97/15 97/23 187/11 two weeks [5] 106/15 147/4 152/8 193/21 198/15 type [1] 93/15	types [1] 12/12	U	unfair [3] 79/1 116/24 117/21 unfortunate [1] 52/18 Unfortunately [1] 108/6 unhappy [2] 23/2 158/2 union [2] 69/11 197/16 unique [1] 53/1 unit [2] 60/15 163/9 unitary [2] 40/11 86/4 United [8] 67/25 68/17 69/24 133/17 136/11 137/4 202/2 203/2 United Kingdom [7] 68/17 69/24 133/17 136/11 137/4 202/2 203/2 University [1] 1/14 unless [1] 67/7 unlike [1] 138/21 unlikely [1] 145/9 unlock [4] 23/7 135/17 147/1 147/6 unlocked [2] 136/11 153/1 unlocking [6] 24/25 80/18 135/3 135/15 136/24 146/24 unmet [2] 191/19 191/23 unnecessary [1] 19/22 unpleasant [1] 20/23 unsatisfactory [1] 114/23 until [17] 40/16 57/5 58/11 59/4 69/1 69/22 85/13 85/21 89/23 95/21 100/4 100/9 130/13 131/20 131/21 178/22 178/22 unusual [1] 54/17 unwillingness [1] 48/21 up [89] 10/13 15/14 25/2 33/24 35/18 35/21 36/24 39/13 41/1 42/11 42/21 49/4 50/7 51/15 52/8 56/7 60/24 61/2 61/19 66/5 74/5 75/24 77/3 80/18 82/25 83/23 83/25 86/7 86/20 87/14 87/18 90/4 90/11 90/13 92/14 94/17 95/22 96/15 96/23 103/4 103/7 104/2 104/10 104/14 105/1 108/18 109/12 109/21 115/7 119/13 120/5 121/3 123/16 123/23	124/1 125/12 127/25 129/3 131/15 135/17 137/9 139/14 141/14 141/19 141/23 152/22 153/12 153/25 154/25 155/11 158/18 161/25 174/8 176/15 177/14 177/16 178/9 178/15 183/10 183/14 184/5 184/9 184/20 185/13 185/13 185/15 189/9 191/17 192/3 upon [7] 17/18 21/1 26/14 28/5 123/1 144/7 195/24 upward [1] 37/15 urgent [2] 83/24 195/12 us [37] 1/10 1/25 12/10 20/22 21/16 29/1 33/21 36/25 37/25 41/14 41/18 42/24 48/4 69/9 76/7 77/1 82/23 83/6 89/24 92/15 93/1 93/5 93/7 109/15 110/9 112/14 129/17 135/4 138/3 147/6 154/21 156/24 157/10 157/12 159/2 186/11 188/6 use [16] 9/10 10/22 37/2 42/4 42/7 42/13 42/14 42/18 46/8 59/16 67/10 67/11 157/17 158/6 165/9 165/11 used [12] 7/14 8/2 13/24 62/25 70/11 107/20 108/11 111/17 139/3 141/5 143/22 166/6 useful [1] 171/19 user [3] 5/6 7/12 10/23 using [6] 10/11 11/17 11/24 61/10 93/8 135/1 usual [3] 2/7 2/10 72/1 usually [6] 18/8 64/23 64/24 77/16 81/4 177/4
			V	vaccine [5] 25/20 34/17 89/13 133/18 134/12 vaccine-related [1] 134/12 vaccines [6] 89/15 89/19 89/24 124/9 124/14 146/20 Vallance [17] 18/19 18/21 19/2 53/15	

V	194/19 195/14 197/11 198/5 199/13 199/16 200/19 200/20 200/24 202/17 202/20 203/6 via [3] 9/15 16/10 18/3 viable [4] 109/25 111/22 120/5 122/23 victims [4] 185/7 186/12 186/16 191/21 view [20] 24/19 48/8 49/6 55/13 55/16 65/16 73/16 74/15 78/18 81/5 94/2 102/5 103/19 111/13 125/2 129/10 157/22 183/15 185/1 199/17 viewed [1] 193/12 viewpoints [1] 173/21 views [14] 5/9 8/9 8/20 24/15 54/14 65/11 71/7 71/8 78/4 101/21 129/9 130/12 148/24 149/5 violets [1] 174/4 viral [1] 133/11 virtual [1] 9/3 virtue [1] 99/20 virus [20] 89/2 92/13 120/15 120/16 123/18 124/4 124/11 124/18 124/20 128/23 128/24 136/12 138/23 139/2 139/20 140/12 153/10 156/22 165/2 193/25 viscerally [1] 26/13 visibility [1] 195/16 vision [1] 45/15 vital [6] 78/24 88/12 94/14 164/12 175/13 193/8 vocal [1] 122/19 voices [2] 34/18 79/9 volume [1] 186/14 voluntarily [1] 145/15 voluntary [2] 33/17 45/18 volunteers [1] 32/19 vote [1] 170/3 vulnerabilities [1] 31/4 vulnerability [4] 33/11 121/19 121/21 123/17 vulnerable [46] 3/17 19/17 28/14 28/17 29/15 29/17 29/18 29/23 30/3 30/13 31/1 31/16 31/18 31/22 32/16 33/15 33/24 34/1 35/5 36/6 38/11 38/15 38/17 38/22	39/7 42/12 55/11 60/10 60/16 61/14 76/19 123/16 164/7 169/9 182/23 183/6 183/20 183/23 184/18 184/24 188/17 190/23 193/19 194/10 194/15 195/2 vulnerables [1] 195/21	W	wages [1] 142/18 waiting [1] 2/17 Wales [1] 202/9 want [38] 2/3 4/5 10/21 10/25 13/16 24/16 27/15 27/21 44/20 66/11 70/1 70/24 71/4 72/12 73/6 74/21 89/17 100/18 109/9 125/1 127/15 128/19 133/1 155/1 159/6 159/6 167/11 167/19 173/11 173/18 173/20 182/17 195/7 196/19 197/24 198/19 202/8 203/4 wanted [12] 18/24 53/20 56/7 70/25 105/7 106/9 109/15 136/6 148/23 149/10 159/24 180/12 wanting [1] 24/13 war [2] 161/5 163/2 Warner [1] 93/11 wartime [1] 97/1 was [670] was: [1] 63/12 was: we [1] 63/12 wasn't [58] 3/25 9/14 17/4 22/20 23/18 28/2 28/13 28/13 30/9 31/12 32/2 32/20 33/20 39/17 41/18 46/12 49/13 61/23 73/14 87/24 88/18 89/4 90/16 93/13 95/1 95/20 96/6 98/7 99/23 100/3 100/9 100/25 109/12 112/25 115/16 119/7 119/7 122/11 123/6 126/14 127/13 128/4 128/19 130/13 131/25 132/2 144/13 145/19 146/25 147/1 150/19 151/5 152/17 180/7 194/21 194/25 196/17 198/11 waste [2] 46/2 46/22 watch [1] 20/24 wave [8] 17/23 133/11 133/12 133/14 134/11 134/13 153/11	175/20 way [62] 5/20 9/7 10/6 10/25 24/17 24/18 25/7 25/25 40/2 43/10 43/11 52/25 53/3 57/19 61/18 64/18 72/3 73/6 73/7 74/5 74/6 74/8 75/13 80/23 85/2 89/21 90/20 91/4 92/19 94/11 98/11 99/6 101/11 104/17 104/18 105/4 105/6 116/25 120/11 121/9 135/5 135/21 135/21 139/17 140/21 141/8 149/18 152/10 154/24 155/4 159/23 160/25 162/18 164/22 171/4 174/1 182/8 185/17 188/12 192/7 198/6 199/17 ways [8] 27/17 32/8 41/21 42/22 52/9 75/15 80/6 188/1 we [320] we'd [19] 19/10 27/13 27/14 89/14 95/24 103/14 110/25 110/25 114/23 114/25 117/2 117/3 126/18 134/25 141/8 141/13 146/4 168/9 171/7 we'll [14] 7/25 13/25 14/9 16/12 24/23 48/11 55/24 74/22 85/20 85/22 111/7 114/22 119/19 125/16 we're [23] 9/20 13/9 15/10 27/1 27/5 27/9 44/6 44/7 68/15 89/7 119/16 131/4 161/15 162/5 165/3 166/10 172/3 172/9 176/20 186/1 186/10 189/18 197/17 we've [39] 10/8 27/2 27/4 27/6 36/17 36/20 37/6 63/16 74/17 76/22 76/24 83/1 92/18 92/19 135/16 140/25 141/16 151/21 152/15 153/13 157/19 158/10 161/14 162/17 162/22 163/13 163/23 164/5 164/6 167/21 170/17 171/8 172/7 174/12 175/21 183/18 189/4 190/6 194/20 weakness [1] 92/8 wearing [1] 98/19 week [6] 39/11 83/11 107/17 115/13 142/1 171/6 weekly [8] 53/10	53/16 69/11 77/16 93/1 171/3 171/14 176/11 weeks [9] 83/6 106/15 129/19 137/25 147/4 152/8 160/8 193/21 198/15 weeks' [1] 122/11 weigh [3] 90/11 94/17 109/21 weighed [2] 87/14 149/9 weighing [4] 86/7 86/20 87/18 120/5 well [76] 1/19 2/13 10/17 11/7 23/25 24/7 25/9 25/11 27/7 27/9 28/21 34/7 42/20 43/19 48/5 48/12 48/13 55/6 55/24 57/2 59/9 63/7 65/18 65/22 68/23 74/20 75/12 78/18 79/7 79/20 80/25 81/15 81/18 84/10 87/25 90/9 96/3 105/9 105/21 107/2 107/19 108/25 109/4 109/8 109/11 113/3 123/22 127/14 130/2 130/19 134/4 135/16 138/12 138/15 144/1 144/23 148/1 150/9 150/15 156/24 158/23 159/12 165/12 166/5 167/5 167/21 168/5 168/7 169/23 171/22 172/3 178/10 180/9 181/9 185/5 191/22 well known [2] 1/19 23/25 Welsh [1] 144/4 went [15] 5/2 21/8 60/8 87/10 100/10 109/14 109/17 109/18 112/25 115/2 115/4 128/2 188/25 199/1 202/1 were [282] weren't [4] 1/19 83/13 129/10 160/19 Western [2] 133/15 136/17 what [184] 1/8 6/14 9/5 10/10 11/5 19/12 20/15 21/3 22/9 22/24 25/21 26/1 26/23 27/1 27/2 29/2 29/25 30/9 30/13 30/22 31/25 32/5 32/6 32/22 33/18 33/19 33/20 33/23 33/25 35/2 35/10 35/12 36/24 37/14 39/23 40/6 41/9 41/17 42/7 42/23 43/1 43/1
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W	103/25 106/24 114/1 118/15 128/5 151/12 153/4 177/11	131/24 154/18 175/9 177/19 178/2 178/3 180/12 187/19 193/12 193/13 197/6 200/2	154/15 177/22 179/2 who [105] 2/17 2/18 2/19 2/24 5/11 7/15 10/4 14/4 14/6 15/13 16/23 25/12 26/22 29/23 30/16 33/16 34/18 38/15 39/7 39/14 42/15 42/24 42/24 43/17 47/8 47/8 47/25 49/4 50/21 50/23 51/8 52/2 56/11 56/12 56/14 57/24 57/24 58/2 58/3 59/24 60/1 60/8 60/8 64/3 64/11 69/9 72/7 82/13 83/6 84/2 84/12 84/15 85/7 87/9 88/2 91/12 91/14 92/6 95/16 95/18 101/13 112/13 113/22 114/20 116/1 117/5 117/12 122/24 123/1 123/2 124/2 142/25 145/16 150/6 150/8 150/15 150/25 155/9 155/13 155/17 156/24 161/15 163/10 166/13 168/12 168/25 171/12 171/13 173/9 179/24 180/11 185/20 192/24 193/5 193/8 195/25 196/8 196/15 196/23 197/1 198/8 198/9 198/13 198/22 202/13	will [35] 1/22 7/13 11/11 16/10 22/10 26/19 36/17 39/23 48/5 52/17 64/2 64/16 67/8 73/13 76/15 81/13 94/7 98/24 135/2 135/8 135/9 135/9 166/9 176/2 182/15 184/20 200/11 201/18 201/21 201/24 202/7 202/10 203/7 203/9 203/10 winter [1] 84/10 wish [1] 27/13 withdrew [1] 201/8 Withers [2] 60/11 188/19 within [17] 12/16 38/1 55/2 58/9 88/13 90/18 114/13 116/11 127/7 175/6 189/3 189/3 193/8 193/14 194/23 195/11 202/25 without [12] 20/1 29/12 73/12 79/6 110/3 115/6 120/11 124/14 125/8 183/25 190/10 202/17 witness [15] 1/4 2/8 5/22 6/18 15/17 31/9 35/17 113/8 132/19 155/20 157/15 187/15 187/18 193/18 201/8 witnesses [5] 64/3 75/23 131/8 131/9 202/14 women [3] 55/7 58/15 59/23 Women's [1] 182/13 won [1] 87/23 won't [7] 37/11 46/6 51/12 100/13 141/7 185/5 192/8 wonder [3] 42/14 135/4 177/14 wonder: [1] 142/10 wonder: how [1] 142/10 wonderful [1] 12/9 wondering [2] 28/24 172/17 word [13] 23/19 37/2 42/18 108/2 108/17 109/5 116/13 121/20 143/20 144/2 169/12 184/2 189/5 wording [2] 78/11 78/14 words [9] 19/14 46/8 61/10 79/23 83/21 125/1 157/17 178/17 198/22 work [66] 11/24 12/7 12/21 16/18 17/1 17/6
what... [142] 43/4 43/21 45/17 46/20 46/25 52/17 53/18 53/21 54/17 55/20 57/9 57/14 57/17 58/8 62/8 66/13 70/5 72/10 76/2 76/11 76/20 77/14 79/11 81/11 82/9 82/19 83/7 84/6 84/25 85/4 85/7 86/19 90/12 90/18 91/7 92/12 92/15 92/21 93/6 94/7 96/1 99/22 101/11 101/23 103/10 105/7 105/16 105/16 106/22 107/13 108/6 108/20 108/22 110/6 110/7 110/9 111/3 111/15 112/8 113/12 114/12 115/9 115/24 117/16 120/23 122/16 123/6 124/4 124/13 124/14 126/18 127/3 127/8 127/14 127/15 131/2 131/15 132/14 132/16 134/17 135/19 135/19 136/3 140/16 141/10 146/6 148/5 149/9 153/20 154/22 155/5 156/9 157/3 157/9 157/25 158/7 158/23 159/5 159/8 159/14 159/14 160/5 161/16 162/4 162/8 163/11 163/11 163/21 164/17 164/22 165/2 167/3 169/15 169/24 170/3 170/21 170/22 171/20 173/22 174/21 174/25 175/7 178/20 179/1 179/7 179/7 179/24 179/25 180/10 183/7 184/19 186/5 187/22 189/21 191/12 191/16 193/11 193/23 195/20 195/22 196/18 197/21 what's [5] 37/3 37/7 89/23 159/13 159/15 whatever [6] 92/14 123/24 128/2 163/24 164/9 167/8 whatnot [1] 38/23 WhatsApp [37] 5/6 7/12 7/18 9/11 9/15 9/20 10/8 10/10 10/11 10/16 10/19 10/23 11/4 11/11 11/24 12/2 13/13 13/22 14/24 15/21 17/2 19/25 22/13 46/5 50/4 51/7 80/21 100/5 101/2	WhatsApped [2] 16/4 106/16 WhatsApps [28] 5/5 5/8 5/12 5/13 6/9 6/11 6/12 6/17 6/19 7/14 8/2 8/18 9/10 9/18 12/12 12/23 14/13 16/10 16/15 22/11 41/11 52/19 79/14 79/16 113/22 133/5 157/15 157/19 whatsoever [1] 29/22 when [70] 4/20 6/7 13/25 14/1 17/24 17/24 19/8 19/18 21/3 24/8 25/18 30/24 31/13 32/2 34/16 36/4 39/12 41/7 46/19 49/10 50/16 56/7 58/12 59/25 60/12 62/22 63/5 67/6 74/16 76/16 95/22 97/20 99/5 104/9 104/15 105/1 108/14 108/15 108/16 112/22 113/20 114/18 115/24 117/8 122/1 127/7 129/3 130/4 131/21 134/21 134/24 137/16 139/23 144/16 147/8 147/23 157/23 158/16 160/20 161/24 166/4 173/3 177/22 181/19 182/24 183/2 190/12 191/3 194/10 201/1 where [42] 9/17 9/19 22/2 38/21 39/1 39/25 40/11 40/25 41/24 56/9 60/9 63/20 70/23 74/17 80/13 93/5 108/19 109/20 109/24 111/21 121/22 124/11 126/12 126/16 131/17 138/5 138/6 138/22 161/15 166/19 168/6 171/7 172/5 175/2 176/14 184/22 184/25 191/4 194/7 197/10 200/14 203/1 whereby [4] 88/12 120/15 133/23 146/14 wherever [1] 191/22 whether [40] 9/13 13/13 13/18 17/19 28/22 28/22 29/2 30/6 36/13 43/6 66/2 70/25 88/6 93/20 94/3 94/6 94/10 94/22 97/14 110/23 111/13 115/10 120/2 120/4 121/19 122/20 126/25 131/23	which [133] 2/2 4/4 5/8 5/10 7/11 8/19 10/17 12/1 12/6 12/13 12/13 12/21 12/23 14/19 17/11 17/11 18/7 21/19 22/17 22/22 23/13 25/20 26/7 26/10 26/15 38/3 42/4 50/16 51/12 52/2 54/9 55/12 57/17 58/4 58/5 58/7 59/10 60/24 61/8 64/7 66/7 68/1 69/8 69/19 69/23 72/20 73/21 74/21 78/3 78/16 78/23 79/21 81/23 83/2 83/8 86/9 93/4 94/2 98/4 101/4 101/7 102/25 105/3 105/7 108/23 111/3 112/9 114/15 114/17 114/23 120/18 120/18 121/4 123/20 124/8 124/17 127/12 128/14 131/12 131/25 134/2 135/5 135/7 135/9 136/3 136/12 136/21 136/24 137/5 138/10 139/15 139/19 139/21 141/12 142/18 143/7 143/8 143/18 144/9 145/11 145/15 145/20 146/21 147/9 147/25 148/16 156/21 159/7 160/23 162/19 163/5 165/8 167/10 169/1 169/16 169/17 170/1 170/2 171/4 172/11 173/24 174/7 179/17 187/23 187/24 188/11 189/7 190/14 195/25 197/19 199/19 199/24 201/11 whichever [3] 152/10 152/10 188/14 while [4] 63/1 65/25 80/11 188/21 whilst [3] 149/15 195/18 198/3 whingeing [1] 47/11 Whitehall [9] 26/25 40/7 45/2 45/13 63/23 73/10 73/18 75/5 75/9 Whitehalese [2] 42/7 42/14 Whitty [19] 53/13 69/7 88/16 101/5 104/20 110/18 114/21 117/3 130/3 130/10 132/7 139/3 143/20 144/15 146/3 149/5		

<p>W</p> <p>work... [60] 21/9 21/20 27/16 30/5 31/14 31/15 31/17 31/19 33/21 35/18 36/1 45/7 47/6 48/21 50/17 62/1 76/19 76/23 77/1 78/18 106/11 107/24 107/24 108/3 116/22 120/23 121/2 121/17 121/21 122/11 125/10 126/19 131/17 134/6 134/7 136/2 138/10 139/9 143/17 144/13 144/20 144/24 145/1 145/5 145/9 158/18 159/5 159/22 164/21 165/2 176/20 183/12 188/16 189/6 189/12 189/19 194/10 197/8 199/21 200/16</p> <p>work-related [2] 17/1 17/6</p> <p>worked [18] 2/24 21/7 21/13 49/1 54/22 56/12 56/24 74/2 89/16 101/19 131/15 135/25 136/1 138/11 146/4 148/5 160/13 161/22</p> <p>worker [1] 45/20</p> <p>workers [8] 164/9 192/23 193/2 194/2 194/12 195/13 196/3 196/11</p> <p>workforce [2] 142/19 199/24</p> <p>working [42] 9/8 22/1 24/8 32/13 33/18 33/20 33/20 36/25 38/23 41/1 41/21 41/22 42/22 42/25 46/17 48/3 49/23 52/9 56/10 57/23 61/21 74/9 75/15 83/10 83/14 85/2 117/5 130/19 138/13 172/4 183/13 183/13 186/10 190/1 190/3 190/4 190/11 190/17 191/2 195/19 195/20 198/13</p> <p>workings [1] 44/17</p> <p>works [7] 27/16 33/7 96/22 150/11 159/11 163/11 190/8</p> <p>world [10] 27/15 27/16 56/10 56/16 99/14 146/20 158/7 158/9 159/13 162/18</p> <p>worlds [1] 152/2</p> <p>Wormald [3] 114/2 117/12 152/7</p>	<p>worried [2] 19/9 117/11</p> <p>worrying [2] 29/12 73/16</p> <p>worse [2] 49/7 147/20</p> <p>worst [3] 49/21 152/1 157/17</p> <p>worth [4] 94/3 94/12 95/1 134/22</p> <p>worthy [1] 38/18</p> <p>would [138] 5/12 5/24 6/12 8/25 12/16 12/16 13/2 13/10 13/12 14/2 14/4 15/21 15/24 16/15 18/3 18/7 18/11 19/6 19/8 19/8 19/11 20/16 22/18 23/22 24/10 24/17 26/9 36/7 36/7 38/20 39/14 40/10 42/15 51/2 51/12 53/16 54/19 55/20 61/20 61/24 62/1 62/20 62/21 65/5 65/22 67/7 68/24 73/6 77/17 77/21 78/1 80/25 80/25 89/6 89/10 91/12 92/23 92/24 92/25 93/1 94/23 96/9 96/22 96/24 98/5 99/11 99/15 99/15 99/19 99/22 100/13 101/21 101/22 105/17 106/12 106/18 106/22 108/19 108/20 110/23 111/13 117/9 121/14 121/23 121/23 121/25 122/2 122/16 123/4 124/3 124/4 124/12 124/12 125/20 127/8 131/23 134/6 134/14 139/15 143/11 144/20 152/4 157/9 169/4 169/14 170/21 172/11 172/23 173/6 173/8 173/9 173/22 174/4 174/6 174/21 176/14 181/18 182/17 185/24 189/6 189/12 190/1 190/3 190/4 190/24 191/11 193/21 194/13 195/15 196/8 196/9 196/15 196/22 197/1 197/4 198/1 199/9 200/12</p> <p>wouldn't [14] 14/5 50/7 50/16 50/17 51/18 51/18 64/1 117/4 126/19 133/17 134/7 144/20 145/5 200/7</p> <p>wound [1] 156/13</p> <p>wrestling [1] 141/9</p>	<p>write [1] 81/12</p> <p>writing [4] 70/7 72/7 112/22 187/25</p> <p>written [7] 21/22 47/24 68/11 113/2 132/10 146/22 201/17</p> <p>wrong [8] 70/3 115/25 144/2 149/2 150/2 150/5 154/24 163/1</p> <p>wrote [3] 31/10 70/9 183/6</p> <hr/> <p>X</p> <p>XO [4] 63/22 64/17 163/5 169/25</p> <p>XS [5] 63/21 64/17 64/22 163/5 169/25</p> <p>XS/XO [1] 64/17</p> <hr/> <p>Y</p> <p>yeah [220]</p> <p>year [9] 16/13 58/20 58/20 103/3 124/24 148/3 148/3 165/23 186/24</p> <p>years [10] 14/6 29/10 90/13 93/21 94/1 94/23 96/15 96/19 148/8 161/22</p> <p>Yellowhammer [1] 62/19</p> <p>yep [8] 9/12 40/7 54/8 82/18 105/19 106/3 107/10 185/20</p> <p>yes [131] 4/19 5/16 6/4 6/4 8/24 9/24 11/13 14/23 15/23 16/3 28/7 28/10 32/18 35/15 36/16 38/7 39/3 39/10 39/20 44/6 46/16 46/20 48/23 49/25 51/11 51/17 53/11 54/15 55/8 56/25 58/6 60/17 62/13 62/17 62/24 65/21 65/22 66/15 67/14 70/16 71/12 71/17 71/23 72/4 72/21 73/1 73/1 73/19 75/18 78/8 78/20 80/25 81/15 81/18 93/25 94/9 94/15 95/2 96/8 96/10 97/12 102/7 105/9 105/9 106/9 107/7 110/21 110/22 111/25 112/7 116/9 116/15 118/5 118/19 118/21 120/20 121/17 124/23 125/24 127/6 131/23 133/22 134/18 136/16 137/24 140/2 140/9 143/21 144/14 145/23 146/11</p>	<p>146/18 147/2 147/19 149/1 149/7 149/14 151/2 151/11 152/13 154/2 160/12 160/15 162/1 164/19 166/12 169/3 169/3 177/24 178/5 179/14 180/12 181/10 181/14 181/25 183/16 184/10 185/2 185/10 185/17 185/19 186/7 187/10 187/17 188/15 188/24 189/10 192/6 198/17 199/8 200/18</p> <p>yet [2] 65/6 153/24</p> <p>Yorkshire [1] 146/1</p> <p>you [781]</p> <p>you know [173] 5/19 6/14 9/2 9/19 10/18 10/21 11/13 13/13 13/23 13/25 15/25 17/10 19/10 21/8 21/11 23/6 23/20 24/4 24/10 24/13 24/16 24/18 25/16 26/4 26/18 26/20 26/22 27/9 27/18 27/21 27/25 30/8 30/9 30/12 31/11 31/21 31/22 37/1 40/20 41/15 41/24 43/2 43/2 47/13 48/10 48/23 49/19 50/25 51/4 56/3 59/2 63/15 64/1 64/13 64/15 65/4 68/20 72/6 72/9 72/13 74/2 74/3 74/15 74/17 74/22 75/13 75/19 76/21 76/22 76/25 77/2 77/8 77/24 79/5 79/6 79/9 80/1 80/2 80/8 83/5 83/9 83/22 84/9 84/10 84/12 91/12 92/13 104/24 104/25 106/12 114/19 114/22 117/5 117/13 117/15 121/13 121/23 122/11 123/20 125/12 126/19 127/7 127/8 127/14 127/15 128/1 128/20 129/9 129/10 129/18 130/15 135/23 139/3 141/6 141/11 141/13 142/5 142/9 142/11 142/15 142/19 142/24 146/19 148/4 150/8 152/13 152/21 152/21 153/20 153/21 156/2 156/6 156/10 156/11 156/12 157/21 158/9 159/4 159/5 159/5 161/1 161/5 161/8 161/13 162/7 163/3 164/3 166/21 166/25 167/19</p>	<p>168/4 168/10 172/5 172/24 173/14 173/19 175/15 176/15 176/17 179/2 179/4 179/7 179/8 179/12 185/6 190/6 191/18 195/13 195/16 199/5 199/16 200/11 200/13</p> <p>you'd [11] 22/24 92/22 95/12 105/1 107/11 124/9 133/16 173/11 173/18 173/20 183/12</p> <p>you'll [14] 13/16 25/20 35/8 37/25 75/12 82/2 93/11 109/16 113/7 130/25 155/18 163/3 163/4 188/5</p> <p>you're [30] 1/15 4/6 9/24 17/13 22/16 22/19 43/5 43/16 55/18 87/4 89/8 95/2 99/17 102/14 105/2 112/21 118/23 122/24 123/22 123/22 124/1 124/2 129/13 154/24 165/1 174/1 178/5 181/11 182/12 184/14</p> <p>you've [54] 7/5 10/22 11/4 12/23 14/9 14/14 14/16 17/12 18/19 22/17 27/7 46/13 46/25 47/1 47/1 47/23 47/24 48/24 49/19 50/22 52/17 54/23 58/3 58/7 63/18 65/11 65/13 66/9 70/2 72/6 82/3 82/3 85/1 91/17 95/7 124/17 124/18 130/15 135/10 135/11 138/22 139/2 141/7 144/6 146/22 147/11 156/16 156/18 156/19 157/14 163/15 169/24 173/17 174/25</p> <p>young [2] 142/20 199/25</p> <p>younger [1] 124/3</p> <p>your [120] 1/10 1/20 1/21 1/21 1/23 2/2 2/14 2/14 3/4 4/20 5/8 5/9 5/13 5/22 6/6 6/18 10/18 14/14 14/16 14/18 17/12 18/16 19/15 20/12 20/24 22/10 22/12 22/22 27/22 28/19 35/1 35/17 40/7 41/11 42/1 42/15 46/5 46/8 47/1 49/24 57/2 59/13 60/1 61/1 65/18 65/19 70/23 75/13 75/21 76/13 76/13 78/18</p>
---	--	---	---	--

Y

your... [68] 79/18
79/23 80/21 82/3
82/16 86/1 90/22
100/11 101/9 106/19
106/21 108/21 113/3
113/8 113/19 114/1
114/3 119/1 119/19
122/18 123/23 125/1
127/5 128/5 133/12
134/12 139/22 140/21
141/18 148/14 153/3
155/20 155/20 157/15
157/15 157/17 158/8
159/14 162/25 164/14
168/24 169/2 170/6
170/17 172/5 172/15
173/24 174/8 174/16
178/13 182/18 183/2
183/9 183/15 184/2
184/8 185/1 187/15
187/18 189/5 192/3
193/18 197/6 197/7
199/10 199/23 201/5
201/6

yourself [14] 9/9
14/17 50/9 51/8 51/20
59/20 72/17 79/15
110/19 113/14 113/22
141/18 147/7 168/5
youth [1] 142/17

Z

zone [2] 175/3 175/6