

**IN THE UK COVID-19 PUBLIC INQUIRY
BEFORE BARONESS HEATHER HALLETT
IN THE MATTER OF:
THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK**

**ON BEHALF OF COVID-19 BEREAVED FAMILIES FOR JUSTICE UK AND NI
COVID-19 BEREAVED FAMILIES FOR JUSTICE**

**FURTHER MODULE 2 CLOSING SUBMISSIONS IN RESPECT OF SIMON
CASE'S EVIDENCE**

1. These submissions are made on behalf of CBFFJ UK and NI CBFFJ further to our Module 2 closing submissions to highlight for the Inquiry some of the issues of concern to the bereaved which arose during Simon Case's oral testimony.
2. Overall, for the bereaved, Simon Case's oral testimony further exposed a UK government response which was rudderless, reactive rather than proactive throughout the pandemic, with a chaotic No 10, and a dysfunctional Cabinet Office and an indecisive Prime Minister which collectively contributed to the UK's high number of deaths from Covid-19 and the poor general outcomes from the pandemic.
3. Simon Case was at the core of the UK's government decision making structure throughout the pandemic – initially in his capacity as Permanent Secretary with responsibility for co-ordinating central government's response, and later as Cabinet Secretary when he replaced Mark Sedwill. He confirmed that the absence of government cohesion in early 2020 contributed to the delay in the imposition of the March 2020 lockdown **[36/39/20-40/8]**.
4. He also confirmed that the Cabinet Office was characterised by a significant degree of chaos and a lack of understanding of what needed to be done throughout the critical months of April, May and June 2020. His frank WhatsApp exchanges with Helen McNamara starkly corroborated her evidence of a febrile, misogynistic culture within No 10 in the first wave, contributing to serious failures at the heart of government. In April 2020, he likened the structure of governance to a "*communications forum*" being run over WhatsApp as opposed to appropriate and efficient decision-making processes **[36/45/8-11 + INQ000303253]**. The dysfunction of Cabinet Office was well known across

government, yet nothing was done to address it or at the very least attempt to put systems in place to improve governance.

5. The Cabinet Office was described as a “*totally dysfunctional mess*” in WhatsApp exchanges with Matt Hancock [36/46/5-8] INQ000129289], and Number 10 was described as a “*rat’s nest*” [36/51/21-22 + INQ000303253] which was putting good people off being recruited, with the people around former Prime Minister Johnson being referred to as “*feral*”. Similarly in a WhatsApp exchange with Mark Sewell he described the people around the former Prime Minister as “*animals*”: “*it is like taming wild animals. Nothing in my past experience has prepared me for this madness. The PM and the people he chooses to surround himself with are basically feral*” [36/50/8-11 + INQ000303245_0005]. There was specific mention of Dominic Cummings who generated a culture of fear and provoked an unwillingness in other people to work with him [36/48/17-22]. It is of note that reference was made in questioning to the fact that Mr Cummings had been described by some as a “*genius*” [36/48/12-15]. Given the level of toxicity generated by him, and his apparent contempt for senior officials and Ministers around him, and his disastrous actions and account regarding the Barnard Castle affair, we invite the Inquiry to consider very carefully, whether Mr Cummings contributed anything positive at all to the response to the pandemic, or whether his whole involvement was a key point of failure.
6. Dr Case confirmed that the acute difficulties in the relationships between key decision makers close to the former Prime Minister, in particular Dominic Cummings, Lord Lister, Martin Reynolds and Stuart Glassborow, contributed to poor governance. He corroborated Helen McNamara’s evidence that the proper functioning of the Cabinet Office was further undermined by Mr Johnson and Dominic Cummings’ lack of support for Cabinet which resulted in Cabinet initially not being taken through decisions or being given access to data in the early stages of the government response. For the bereaved, this was a critical failing with seismic consequences.
7. Former Prime Minister Johnson’s lack of leadership and a reliance on personalities, rather than on a cohesive and well-oiled system of governance, supported by sound structures and systems undermined the pandemic response at the start and was a continuous thread throughout.
8. The dysfunction, personality clashes and absent structures for clear and decisive decision making were known by former Prime Minister Johnson and key figures around him and across government. This is evidenced in Simon Case’s exchange with Michael Gove in September 2020 when he assumed the post of cabinet secretary: “*is the prime minister’s day structured in the way you would want to enable all the decisions to be taken in a timely way? Are the right*

people in the room in every meeting to drive progress? Are the right people excluded? Are the right [cross-Whitehall] arrangements in place to ensure early, rapid, rigorous implementation of those decisions without falling over each other?" His answer was: *"the answer to all of these questions is no!"* [INQ000265763/2-3].

9. Dr Case confirmed that Former Prime Minister Johnson's decision making and leadership style contributed to the UK's lack of a clear response to the pandemic into late 2020 [36/23/9-24/14]. He accepted that between February and September 2020 there was an absence of structural arrangements across Whitehall to respond to the pandemic and did not refute the suggestion that this represented a serious failure of governance [36/76/10-77/6]. He also accepted that toxic misogynistic culture in No 10 of which Helen McNamara gave evidence continued into the Autumn 2020 and was not addressed in a sufficiently timely manner [36/82/1-18].
10. The former PM's "flip flopping", and "U-turns" in decision making was known across government and was a source of frustration as was evident in Simon Case's WhatsApp message of 5 June 2020 where in relation to the proposed relaxation of the 2m rule he wrote: *"I lost my rag over his flip- flopping"The Prime Minister has had complete U-turn after a meeting with the Chancellor* [36/104/3-7 + INQ000303253]. This message lends support to the extensive evidence of the former PM's indecisiveness and dithering, heard during Module 2, and the Inquiry should reject the spin that the former PM was merely reacting to different arguments and weighing them adversarially. Although Dr Case refuted CTI's suggestion that the civil service sought to resolve the conundrum of the PM's flip flopping and U turns by removing Professors Witty and Vallance from the discussions about the relaxing the 2m and easing the economy with the resulting 1m plus rule [36/103/6-105/10], it is clear that the Cabinet office and its head recognised that the PM's indecision and U-turns were at the very least problematic and clearly inhibited informed and prompt decision making which was a key tenet of good governance and what was needed during this time.
11. The bereaved families also draw attention to the following aspects of Dr Case's evidence:
 - a. He accepted that insufficient attention was paid to the disproportionate effect of the pandemic on ethnic minority groups early in the pandemic [36/34/4-20].
 - b. He accepted that there was no developed scientific advisory structure that could assist government assess the virtues and societal costs of lockdowns at any particular point [36/99/18-100/2].
 - c. He addressed efforts to consider 'segmentation' during the pandemic, ultimately ruling it out as impossible [36/120/23-125/19]. We comment

that this is an issue which should have been considered and rejected as a part of pandemic planning.

- d. He noted that he had commented in August 2020 that “Lots of people should lose their heads” over the botched issue of exam results, which was the subject of a u-turn, referring to “total chaos” in government **[36/128/5-12] + INQ000303253**. Despite being Permanent Secretary, he was kept completely in the dark regarding EOTH0 in early July 2020 **[36/130/13-17]**,
- e. He accepted there were “serious failings” by government during 2020, including no scaled-up T&T, too much easing up of restrictions in the summer when incidence levels were high, a tier approach was instituted in September, which did not work, instead of the circuit-breaker advised by scientific advisers, which led to a second lockdown being instituted too late, with greater consequences. He accepted that there was a high level of confusion within government: “you couldn’t see your way out of the sack” **[36/139/11-140/23]**.
- f. Referring to Barnard Castle and Partygate, he asserted: “I’m sure to the bereaved it sort of feels like a terrible insult” **[36/156/14-15]**. On behalf of the bereaved, we confirm it does.

12. We note that a number of these points are relevant to our proposals for recommendations, including points b and c which are relevant to the calls for a Standing Scientific Pandemic Committee.

13. In relation to the Devolved Administrations, Dr Case gave evidence that former Prime Minister Johnson had a real aversion to sitting around a table with First Ministers **[36/68/12 -20]**, thus confirming the evidence given during the Module 2 hearings that Central Government’s treatment of the Devolved Administrations was characterised by shutting them out of the decision making process, to which we have referred in our Module 2 closing submissions (**INQ000399534_0045 §185**).

14. In concluding, Dr Case’s evidence corroborated that heard during Module 2 of a lack of leadership, the absence of sound governance structures across the UK and the exclusion of the DA in decision making which taken together, we submit contributed to the UK’s deaths from Covid19 and its overall poor outcomes throughout the pandemic.

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