

ADDENDUM TO INVESTIGATION REPORT IN RELATION TO QUERIES FROM UK COVID-19 INQUIRY (MODULE 2C)

INTRODUCTION

1. By letter dated 29 May 2024, the UK Covid-19 Inquiry (“the Inquiry”) raised further queries relating to the issue of the TEO’s disclosure of the notes of the Executive meeting held on the 2 July 2020.
2. This Addendum Report will address those matters set out in Section 2 of the aforementioned letter.
3. In order to address these further queries, I have met again with the relevant witnesses on Monday 10 June 2024. As previously, I have reviewed the relevant paperwork and conducted one-to-one interviews with the witnesses. The witnesses I re-interviewed were:

- ∞ **NR - Person A** (Grade 7 Executive Secretariat)
- ∞ Jane Holmes (Grade 5 TEO Covid Team)
- ∞ Maria Hannon (Grade 7 TEO Covid Team)
- ∞ Karen Pearson (Grade 3 TEO Covid Team)
- ∞ **NR - Person B** Deputy Principal Covid Team)
- ∞ Caroline Gillan (Grade 5 Executive Secretariat)
- ∞ Neill Jackson (Grade 5 Executive Secretariat)

4. Michael Kennedy and Denis McMahon were approached but considered that they had nothing to add.

5. Arising from the interviews with the identified witnesses and my consideration of the papers I now take each query in turn:

QUERIES

(a) Procedure followed by TEO

Regarding the events on or about 3rd August 2023¹.

(i) *Upon receipt of the email from NR - Person A dated 3rd August 2023 to TEO's Covid Inquiry Team attaching the Notes (referred to at paragraph 36) where there any discussions between any individuals in receipt of that email (or any others) about providing the Notes to the Inquiry? If so: (a) what was the content of those discussions and (b) where any instructions for disclosure of the Notes given at that time?*

All of the witnesses that I re-interviewed, save as for one, indicated that they could not remember whether there were discussions about providing the Notes to the Inquiry on receipt of the email of 3 August 2020.

One witness now recollected that she may have had a verbal discussion with the team to get them to upload the Notes on to the system for onward

¹ The letter from the Inquiry has stated that this date was 3rd August 2024 I understand that this is a typo and that 2023 is the intended date.

transmission to the Inquiry. In terms of the content of the discussions that may have happened, the witness in question indicated that it was “simply we need to progress these”. There was a second aspect to the discussions wherein she discussed with Ms. Holmes the Corporate Statement and paragraph 71.

(ii) *In particular, Ms Best states at paragraph 38 that “it was understood by Ms Holmes that in light of the 3rd of August email the handwritten notes of the 2nd of July 2022 would be uploaded on to Egress and thereafter shared with the Inquiry” and at paragraph 40 that “she had no reason to doubt that they had been uploaded by one of the team and to the Covid Inquiry Egress system”*

(a) How did Ms Holmes reach this understanding?

(b) Who did she think was responsible for handling this disclosure to the Inquiry and/or had provided the notes to the Inquiry? Why did she think this?

I interviewed Ms. Holmes directly on this point and her answers were:

(a) “Disclosure would come to the team, and this would be saved on Trim and thereafter considered for relevancy and forwarded to the Inquiry”. Ms. Holmes could not remember any discussion about this happening in this instance but assumed it would as it was “standard practice”.

(b) Ms. Holmes’ view that “one of the team” would be responsible for disclosure to the Inquiry. She stated there was no reason it would not be provided to the Inquiry as it was “obviously relevant”.

(iii) We note the email of **NR - Person A** of 3rd August 2023 was sent to a number of people as set out by Ms Best at paragraph 37.

(a) What did each of the remaining recipients of **NR - Person A** email understand with respect to the disclosure of the Notes?

(b) Who did each think was actioning the disclosure of the Notes to the Inquiry and why?

(a) All of those I spoke to save as for one, indicated that they had expected the Notes would be disclosed to the Inquiry. **NR - Person B** could not recollect receiving the email in the first place and explained that he had just returned from leave to “hundreds of emails”. Having now considered the email he indicated he would have expected the Notes to be disclosed to the Inquiry.

(b) No one could identify an individual who was tasked to action the disclosure. There was a general overarching assumption amongst those interviewed (save as for **NR - Person B** who did not remember the email) that someone else was actioning it.

(iv) Given the significance of the Notes (being those recording the Executive Committee’s discussion immediately after Mr. Storey’s funeral) was the failure to provide the Notes to the Inquiry raised with any senior personnel within TEO upon the issue being recognised on or about 3rd August 2023?

(a) If so to whom was the issue elevated and what was the nature of any consequent discussions?

(b) If not, why was the situation not elevated by the TEO Covid Inquiry Team or any other relevant senior personnel?

Some of those interviewed made the point that the Notes were not known to be of “significance” at that time as they had not read the Notes. The request to them simply referred to the date of the Notes i.e. 2nd July 2020. Therefore, once the Notes were found and sent to the TEO Inquiry team it was considered that they would be actioned and there was no need to raise this further. In particular, NR - Person A line managers (both Grade 5) were copied into the email of 3 August 2023 and the witnesses indicated that they considered it had been dealt with.

Regarding the events on or about 11th January 2024

(v) Upon “XXXX” being informed on 11th January 2024 that the Notes were in TEO’s possession (and particularly the email from “XXXX” to “XXXX” on 12th January 2024 describing this as “a little bit of an awkward situation”) Where

there any discussions between any individuals in receipt of that email (or any others) about providing the Notes to the Inquiry? If so:

(a) What was the content of those discussions?

(b) Where any instructions for disclosure of the Notes given at that time?

Ms. Holmes and Ms. Pearson both indicated that they were not aware of the situation that evolved on 11 January 2024. Both told me that the first they were aware the Notes had not in fact been provided to the Inquiry was on the opening day of Module 2C.

NR - Person B told me that 11 January 2024 was the first day he was aware they had received the Notes. He indicated that he became aware then because Ms. Hannon raised it with him that they now had the Notes. This prompted **NR - Person B** to email **NR - Person A** on 12 January 2024 indicating that it caused “*a little bit of an awkward situation*”. **NR - Person B** could not remember any instruction to disclose these to the Inquiry but indicated that it was accepted that they would be disclosed. **NR - Person B** told me this would not be his job on this occasion to do the upload to the relevant system and that this was the role of others.

Ms. Hannon told me that on 11 January 2024 she asked **NR - Person B** to check whether the remainder of the outstanding notes were found.² Ms. Hannon indicated the

² The outstanding notes were those of 3 February 2020, 6 August 2020 and 13 August 2020.

issue of the Notes was raised on 11 January 2024 as an issue had been raised in relation to the Notes and Sir David Sterling's statement.

Ms. Hannon stated that she told **NR - Person B** to upload the Notes onto Egress again and to ask the division to check the position on outstanding Notes.³

- (vi) *What was meant by "XXXX" in stating in the email of 12th January 2024 that this was "a little bit of an awkward situation"?*

NR - Person B when I asked him directly what he meant by this phrase, indicated that he was *"making the point that this is a document we said wasn't available and after we had given our disclosure we had to go back and say this is actually available"* **NR - Person B** stressed there were no "undertones" to this comment but rather it reflected how unprofessional it looked and that they should have been as accurate as they possibly could have been.

- (vii) *Given the significance of the Notes was this "awkward situation" raised with any senior personnel within TEO upon the issue being recognised on or about 11th January 2024?*

(a) *If so, to whom was the issue elevated and what was the nature of any consequent discussion?*

(b) *If not, why was this situation not elevated by the TEO Covid Inquiry Team or any other relevant senior personnel?*

³ The check was done via the email of 12 January 2024.

Ms. Hannon indicated that nothing was raised further as it was her opinion that the Notes had already been uploaded on to Egress in August 2023. She was “under the impression they were away”.

NR - Person B told me that on 11 January 2024 his impression was that Ms. Hannon was on her way to speak to Ms. Holmes about this issue and that Ms. Hannon was taking it forward. **NR - Person B** expected Ms. Hannon to come back to him.

Ms. Pearson and Ms. Holmes both denied being aware of this issue being raised on 11 January 2024 and therefore would not have had the knowledge to elevate the issue further.

NR - Person A did forward the email chain between himself and **NR - Person B** to Ms. Gillan and Mr. Jackson. Neither elevated the issue and they were of the belief that this had been resolved.

(viii) We again note that the email from “XXXX” to “XXXX” on 12th January 2024 was sent to a number of people as set out by Ms Best at paragraph 49.

(a) What did each of the recipients of the email of 12th January 2024 (again including Ms Holmes) understand with respect to the disclosure of the Notes?

(b) Who did each think was actioning the disclosure of the Notes to the Inquiry and why?

This is not an accurate reflection of what is stated in paragraph 49 of my Investigation Report. My Investigation Report reflects that the 3 August 2023 email was sent to a number of people not the 12 January 2024 email.

The 12 January 2024 email was sent to the generic “TEO Covid Inquiry” mailbox but neither Ms Hannon, Ms Holmes nor Ms Pearson could recollect receiving this.

As outlined above NR - Person
A did forward the email to Ms Gillan and Mr Jackson for their information.

Further Information Regarding Disclosure Processes

(ix) *Where TEO’s usual processes followed in relation to the disclosure of the Notes? If not, why not?*

It is assumed that the “Notes” in question are those of 2 July 2020. That being the case it is accepted that the “usual processes” weren’t followed. The “usual process”, in general terms was identified as, the disclosure being provided by the relevant division, it being uploaded onto the content management system, analysed and then if relevant (and no privilege issues arising) it is disclosed to the Inquiry.

The “usual processes” weren’t followed due to human error for reasons fully explored in the first investigation report into this issue.

(b) Actions taken to prevent such issues occurring

(x) *Given the ongoing work of the Inquiry and in particular TEO's continued involvement what steps have been taken by TEO to ensure such failures of disclosure does not occur again?*

It is clear that those involved in this issue have learned lessons as a direct result of this. Accordingly, I have been informed that a number of processes have now been put in place to ensure this does not reoccur.

I was informed that the *Resourcing Committee* has been approached in relation to the provision of additional staff to assist the TEO Covid team. This is being actioned.

The disclosure process has also been looked at again and IT and Records management are going to assist going forward. Trackers will be put in place (mailbox tracker initiated, tracker disclosure and tracker for other types of cases). These trackers will assist in checking the disclosure. It is in place for Module 4, specifically in relation to any new Statement and new disclosure.

There was a "more robust" *bring forward* system in place where AO and EO2 staff who were managing mailbox were aware of their responsibilities and were required to update the tracker on every single piece of correspondence that came into generic Covid mailbox. At the time of speaking with the witnesses it was Week 5 of this process which was proving time consuming and intense. However, it was a process put in place to stop the issue with disclosure from reoccurring.

I was informed that there has been a roll-out of ongoing training to ensure all staff are fully aware of what they are required and expected to do.

Ms Hannon also specifically indicated that she would conduct “spot checks” to ensure that the disclosure which was deemed relevant had been uploaded on the Egress.

Ms Holmes told me that they would be “pushing back harder on business areas” in relation to their responsibilities to ensure that they get the correct material.

GENERAL OBSERVATIONS

6. It is my view that having reinterviewed the various witnesses in this matter that they are genuinely regretful of how this situation has come about and steps have been taken (as outlined previously) to ensure this does not occur again.

R BEST KC

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12 JUNE 2024