



Llywodraeth Cymru
Welsh Government

From:

Zowie Hay
COVID-19 Project Team

I&S

Cleared by:

Reg Kilpatrick

Date:

02 June 2020

MINISTERIAL ADVICE

For decision by: First Minister

Copied to: Minister for Health and Social Services

Subject	Welsh Government participation in the Joint Biosecurity Centre
100 word summary	This advice provides an update on the developing model for the Joint Biosecurity Centre, and summarises UK-Welsh Government engagement on Welsh Government participation in the Centre.
Timing	Routine – although the question of Welsh Government participation in the Joint Biosecurity Centre is likely to feature in your next call with the Chancellor of the Duchy of Lancaster, expected w/c 01 June.
Recommendation	The First Minister is asked to provide an in principle agreement for Welsh Government participation in the Joint Biosecurity Centre
Decision report	This decision requires a Decision Report, which may be published at any point.

ADVICE

Background

1. The purpose of the Joint Biosecurity Centre (JBC) is to detect, understand, and rapidly act upon local, regional and national outbreaks of the COVID-19 infection through targeted non-pharmaceutical interventions (NPIs). It is intended the JBC will use multiple and new data feeds to identify early outbreaks of COVID-19 infections across all four nations of the UK, and will support decision makers at the national, regional and local level through the development of a *COVID-19 Outbreak Management Toolkit*, to facilitate a rapid and consistent response to any outbreak.
2. The primary functions of the JBC are described as:
 - to understand the spread of COVID-19 in the UK;
 - to assess the risk to the UK and its constituent nations and communities;
 - to independently set the UK, 4-nation, regional and other specific alert levels;
 - to provide epidemiological advice to decision makers on the response to changes of the prevalence of the virus;
 - to support decision making at all levels of government; and
 - to support the implementation of decisions made in response to JBC advice and assessments.

The latest draft of the operating model of the JBC is set out at Doc 2.

3. The structure of the JBC is based on the Joint Terrorism Analysis Centre, with Home Office DG Tom Hurd serving as SRO for the Centre. While currently based in Number 10, it is intended that the JBC will be administratively housed in the Department for Health and Social Care. UK Government officials advise this decision is in the interests of expedience, given the longer timeframes involved in establishing the JBC as an independent body.

Engagement

4. The JBC was announced in a speech by the UK Prime Minister on 10 May, without the knowledge or agreement of the Devolved Administrations. However, since this point, we have had constructive and frequent engagement with the UK Government on the development of the JBC, which is keen that the body works for, and operates in, Wales. Our position to date has been that we are broadly supportive of the proposed approach, but there are specific issues to work through with regards to governance, decision-making structures, and data ownership. Throughout this process we have been clear that if Wales is to participate in the JBC, it must be a process built and designed with Welsh Government input, rather than a UK body which incorporates Devolved Administrations.
5. Alongside this, we have met with colleagues in the Devolved Administrations to work through common issues and concerns with regard to the JBC. The

position of the Scottish Government and Northern Ireland Executive is similar to the current Welsh Government position – content to sign up to the JBC in principle, provided key issues can be resolved over the coming weeks. On 29 May, the Permanent Secretaries of all three nations sent a joint letter to Director General Tom Hurd setting out a shared position on Devolved Administrations' engagement with the development of the JBC (Doc 3).

Welsh Government 'ask' for JBC

6. One of the chief concerns arising from initial engagement with the UK Government was that the proposed governance and operating principles for JBC did not fully or accurately reflect devolved structures and responsibilities, with decision-making flowing through a UK Government COBR structure rather than resting with Welsh Ministers in the first instance. In response, Welsh Government officials submitted a number of amendments to the proposed model, and provided the following principles as a guide to the Welsh Government position on a number of design elements:

Governance

- Governance arrangements for the JBC should be developed and agreed by all administrations.
- This governance will consist of Ministerial oversight, shadowed by an officials board. Each administration should have an equal voice in setting the strategic direction, aims and objectives of the centre; and overseeing their delivery.
- Governance should be designed to ensure the JBC is able to respond equally to the need for analysis from all administrations.

Advisory role

- Recognising the need for clear, impartial and independent advice to each Government, the JBC should be able to be commissioned individually whenever necessary. The products of those commissions should be shared between all Governments.
- The JBC should provide for high priority emergency analyses to be commissioned in response to highly-proximate specific threats or risks.
- Data ownership must continue to rest with Welsh Ministers and any publication of data should be agreed with the Chief Statistician or his officials. Data should only be collected from devolved authorities with the agreement of Welsh Government.

Acting on the advice

- The product of the JBC will be advisory. To the extent that any Government will need to respond to threats or risks, that action will be determined and implemented by that Government within its legislative frameworks.
- Where a threat or risk is deemed to extend beyond the national to the UK level, the response will be identified, consulted on and agreed through the COBR mechanism.

7. The latest draft of the governance and operating proposals at Doc 2 reflect real progress by the UK Government in addressing Welsh Government concerns, with the addition of Ministerial-level and Official-level Boards that provide for four nation equal representation and governing power, as well as the full adoption of the Welsh Government suggested model for decision-making flows.

UK Government 'ask' of Welsh Government

8. Throughout our early engagement on the JBC, UK Government officials have openly recognised that current proposals do not sufficiently reflect devolved decision-making structures or devolved operating contexts. **In line with this they have requested Welsh Government nominate a number of 'embeds' into the JBC team, to ensure this information feeds into the design and development of the JBC.**
9. The UKG have also shared an early draft of one of the chief products of the JBC, the '*COVID-19 Outbreak Management Toolkit*'. The toolkit is a set of protocols developed by the JBC, and provides the detailed Non-Pharmaceutical Intervention (NPI) actions required to support local outbreak management. NPIs have been grouped into setting-specific (e.g. primary school), geographic and sectoral Action Cards to enable a common understanding of how different types of outbreaks will be addressed.
10. The current draft of the toolkit is based solely on the English operating context and reflects English national, regional and local decision-making structures. **UKG have asked Welsh Government officials to assist in designing a 'Welsh' version of the Action Cards** to ensure the appropriate powers and context are reflected in the JBC advice, and that the JBC is issuing advice that can be implemented in all four nations.

Recommendation

11. While there are still a number of issues to work through with respect to the detailed design and operation of the JBC, in light of the progress made to date in amending the operating model of the JBC to better reflect Welsh interests, **it is recommended that you provide an in principle agreement for Welsh Government participation in the Joint Biosecurity Centre.**
12. An in principle agreement will allow officials to continue to work with UK Government officials on the design and development of the JBC, including the embedding of Welsh Government staff into the JBC team and development of the toolkit. A final decision on Welsh participation in the JBC will be the subject of further advice, following work to establish the final operating model.
13. UK Government officials have suggested that the Chancellor of the Duchy of Lancaster may raise the question of Welsh participation in the JBC during the course of your next phone call.

Resource implications

14. There currently exists no dedicated work programme to support the design and development of the JBC in the short term, or Welsh Government participation in the JBC in the longer term – although we have been able to identify ‘embeds’ to assist in the immediate design and development phase. However, over the longer term, it is likely a team will need to be established to lead on Welsh Government participation in the JBC and all associated activity. The size and form of the resource needed will become clearer over the next few weeks as the design and operation of the JBC is finalised.

Financial implications

15. There are no financial implications to an in principle agreement to participate in the JBC. An in principle agreement will enable officials to gather and develop the further detail needed to understand the full financial implications of Welsh Government becoming a member of the JBC. Any financial implications are likely to fall across a number of portfolios, and will be reflected in future advice, once the final operating model has been established.

Novel and contentious issues

16. While the JBC is clearly a response to COVID-19, it is likely that the organisation is being established for a more permanent purpose, although at this stage that purpose is not explicit. In the short term, it is also likely that the presence of the JBC signals a change in approach to dealing with outbreaks of COVID-19 across the UK, enabling responsibility to be transferred away from UK Government into targeted small scale interventions by local agencies.
17. For the Welsh Government this will engage a range of complex and as yet unscoped legal issues, including whether we have sufficient powers to take what might be significant action - for example to lockdown particular areas, services or buildings. Action in Wales which may be required as part of a UK-wide response will obviously engage a mixture of devolved and non-devolved powers and functions, including the potential for emergency action under the Civil Contingencies Act. It will be possible to resolve all these issues, however we must not underestimate the practical, policy, legal and political effort that will be required to get these right for the long term.

Legal issues, powers & statutory duties

18. Legal support will be sought as we work through the detail of the operating model, as it will be important to understand how the proposed operating model of the JBC and the actions recommended in the toolkit interact with devolved responsibilities, as well as other Welsh Government powers and statutory duties. No legal advice has been provided in relation to this particular MA.

Communication or media handling

19. On 13 May in an oral statement on COVID-19, you provided a short update on the Joint Biosecurity Centre announcement by the UK, and committed to updating the Senedd as the project develops.

20. We have stressed to UK officials the importance of making us aware of any UK Government communications on the JBC, particularly with regards to any announcements on its UK-wide remit or the involvement of Devolved Administrations. As this work develops we will formalise a communications plan.

Annex 1: ASSURANCE AND COPY RECIPIENTS**CLEARANCE TRACKING**

Aspect	Tracking	Yes	No	N/A	Clearance no.
Finance	Financial implications over £50,000?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Group Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Strategic Budgeting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Local Government Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal	Legal issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by relevant lawyers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Governance	Novel and contentious issues?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Corporate Governance Centre of Excellence?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

DEPUTY DIRECTOR, STATEMENT OF ASSURANCE

In clearing this MA, I confirm that I, Reg Kilpatrick have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account and that the actions and decisions take account of regularity, propriety and value for money.

COPY LIST

All mandatory copy recipients (as indicated in the guidance). Additional copy recipients specifically interested in this advice:

- PS Chief
- Reg Kilpatrick
- Glyn Jones
- Medical Officer
- Rob Orford
- NR