

Witness Name: Holly Clark  
Statement No.: 1  
Exhibits: HC/1-HC/215  
Dated: 14.04.2023

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF HOLLY CLARK

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1. I, Holly Oliver Clark, of the Northern Ireland Office, 1 Horse Guards Road, London, SW1A 2HQ will say as follows:
2. I am employed by the Northern Ireland Office ('NIO') as the deputy director of the Constitution and Rights Group, a post I have held since January 2020. I led on Covid-19 policy for the NIO from March 2020 until the end of the period specified by the inquiry (as to which see §7 below).
3. Prior to this role, I was Principal Private Secretary to the Secretary of State. Before joining the NIO, I spent 10 years in the Home Office working on a range of immigration, crime and policing issues.
4. I make this statement in response to the request from the UK COVID-19 Public Inquiry ('the Inquiry'), dated 19<sup>th</sup> October 2022 pursuant to Rule 9 of The Inquiry Rules 2006 requesting the NIO to provide the Inquiry with a witness statement in respect of specified matters relating to Module 2C.
5. This statement is to the best of my knowledge and belief accurate and complete at the time of signing. Notwithstanding this, it is the case that the NIO continues to prepare for its involvement in the Inquiry. As part of these preparations, it is possible that additional material will be discovered, particularly regarding precisely which meetings of significance were attended by Ministers or officials of the NIO. In this eventuality the additional material will of course be provided to the Inquiry and a supplementary statement will be made if need be.

6. In making this statement I am primarily relying on my own experience and recollection, and NIO records. I have also consulted with colleagues in the NIO in order to provide as accurate an account as possible on behalf of the NIO. Consultation with colleagues took place during the preparation of this statement, and they have also been afforded the opportunity to read and comment on this statement in its near final form, offering any relevant observations drawing on professional memory. Finally, this statement has been read and approved by the Permanent Under-Secretary of State of the NIO.
7. The matters referred to in this statement relate to the date range as specified by the Inquiry, namely between 11 January 2020 and 18 March 2022 ('the specified period').

### **Section A – The structure and role of the Northern Ireland Office**

8. In this section I set out the roles, functions, responsibilities and internal structure of the NIO generally, and during the specified period.

#### *The NIO*

9. The NIO's primary roles are to support the Secretary of State for Northern Ireland ('SoSNI') to promote the best interests of Northern Ireland within the United Kingdom, and to support and help to improve the effectiveness of the Northern Ireland Executive ('NIE') as a Devolved Administration. The NIO also ensures that Northern Irish interests are fully and effectively represented within UK Government and at Westminster, whilst also ensuring the UK Government's responsibilities are properly fulfilled in Northern Ireland.
10. The Department's four core objectives are to support the levelling up of Northern Ireland's economy with the rest of the UK; support greater inclusion, tolerance, and openness in Northern Ireland; contribute to a safer Northern Ireland; and ensure that governance in Northern Ireland is responsive and able to deliver effective public service. The Department therefore supports policies and initiatives in these areas.
11. During civil emergencies, the role of the NIO is principally to support and align the responses of the UK Government and the NIE. In practice, this means liaising with UK Government Departments and the Northern Ireland Civil Service ('NICS') to ensure appropriate structures and clear lines of communication are in place, and to otherwise assist in effective information sharing.

12. As a UK Government Department, the NIO is ultimately accountable to Parliament. The NIE does not have any formal accountability to the NIO, and is instead accountable to the NI Assembly.
13. SoSNI has overall political responsibility for the NIO, and the roles, functions and responsibilities mentioned above.
14. In this regard, SoSNI remains responsible for several important areas of policy. These include political stability in Northern Ireland, national security and counter-terrorism and implementation of the key political agreements reached in relation to Northern Ireland (such as the Stormont House and Fresh Start Agreements).
15. SoSNI is also responsible for representing the economic and other interests of Northern Ireland on the issue of EU exit both in the Cabinet and elsewhere. He also leads relations with the Irish Government and other international partners on issues relating to Northern Ireland.
16. SoSNI is supported by two junior Ministers: the Minister of State for Northern Ireland ('MoSNI') and the Parliamentary Under-Secretary of State for Northern Ireland ('PUSoSNI'). SoSNI determines their policy roles and responsibilities on appointment and may vary these at any point according to need. Examples of junior Ministerial responsibility include implementation of political agreements (such as New Decade, New Approach); the Northern Ireland Protocol; constitutional rights (such as access to abortion services); and policies and programmes which promote political stability and economic prosperity through engagement with businesses and civic society.
17. In addition, junior Ministers also have specific responsibility for legislation and engagement in Parliament.
18. The Ministers of the NIO are supported by the Permanent Under-Secretary of State (usually abbreviated to Permanent Secretary), the most senior civil servant within the Department. The Permanent Secretary leads the day-to-day running of the Department. She is responsible and accountable to Parliament for the stewardship of the Department's budget and ensuring value for money as the Principal Accounting Officer. The Permanent Secretary is also the Chief Policy Adviser to the SoSNI and the Ministerial team.

19. The Permanent Secretary heads and is supported by the Departmental senior leadership team ('SLT') which comprises the senior civil servants (at Director and Director General level) within the NIO. They are responsible for setting standards of behaviour, good governance, overseeing delivery of projects, assuring performance of sponsored organisations funded by the NIO and approving the Department's annual report and accounts. Members of the SLT during the specified period are listed below within §38 and §39.1-4.
20. Finally, the NIO Management Board ('NIO Board') is responsible for overseeing the delivery of Ministerial policy within the NIO. During the specified period it was chaired by the Permanent Secretary and the SLT, alongside Non-Executive Board members from outside the Department and representatives of the staff engagement group. By invitation, other members of the NIO or the Department's Arm's Length Bodies join the Board to discuss specific agenda items. This provides a forum where both strategic and operational direction can be given to NIO policy. The NIO Board did not provide any specific advice or guidance to Ministers concerning the detail of draft or proposed NIO policy in response to Covid-19. However, the Board monitored and oversaw the management of the Department's response to the pandemic – for example, changes in staff allocation and pausing less urgent work, which was necessary to facilitate the response. Ministers were kept apprised by the SLT of policy issues that impacted on Northern Ireland and consulted as required.
21. The NIO Board is supported by two committees; the independent Audit and Risk Committee ('ARC') and the Executive Committee ('ExCo'). The ARC meets at least four times a year and considers risk areas and assurance in this regard. The ARC is chaired by the Lead Non-Executive Board Member ('NEBM'). The ExCo is chaired by the Permanent Secretary and is attended by the senior executive leadership of the NIO. It operates under delegated authority from the NIO Board, and has particular responsibility for the delivery of operational priorities and setting the tone and culture of the NIO. Although the role of the ExCo and the ARC did not change during the specified period, in line with the NIO's wider business priorities, tackling the Covid-19 pandemic formed a key part of the issues considered by these committees in relation to business planning and risk management.

*The NIO during the specified period*

22. The NIO's role during the specified period as it related to the pandemic, was to support the Covid-19 response led by the NICS and the NIE in Northern Ireland and to ensure that Northern Ireland specific issues were recognised and well understood in the UK Government. The Departmental focus was to keep people safe and minimise harm to the economy in Northern Ireland. The precise requirements of this work emerged and evolved over time as the pandemic progressed.
23. The NIO's response to the pandemic was first formally discussed at a NIO Board meeting held on 9 March 2020. During this discussion, the Board noted that the Department was already working closely with the Cabinet Office and NICS to align handling of emerging issues and responses. The Permanent Secretary also highlighted the need for the NIO to offer particular support to help the NICS management engage across Whitehall, and where required, involve the Irish Government. I exhibit a copy of the minutes of this meeting as exhibit HC/1[[INQ000091302](#)].
24. In an example of this early work, a junior NIO official was tasked with engaging with the NICS in respect of their pandemic preparations. I exhibit an email sent on 12 March 2020 as exhibit HC/2[[INQ000091309](#)]. In this email the junior official relays the details of the NI Hub which was being set up by the NIE in response to the pandemic. I discuss the NIO's involvement with the NI Hub further below.
25. In the same week I was appointed the lead for Covid-19 policy at the NIO. I exhibit an email from Colin Perry (a Director at the NIO) to other members of the SLT, in which this was announced (exhibit HC/3[[INQ000091303](#)]). As explained within this email, the purpose of this role was to help SoSNI to understand and support the response to the pandemic in Northern Ireland.
26. At around this time the NIO was also taking steps to prepare internally for the potential impact of the pandemic on the Department's staff. I exhibit an email from Mark Byers (a Deputy Director at the NIO responsible for business delivery and corporate matters), which triggered a review of the NIO's internal business and staffing plans to ensure that these were up-to-date and adequate (exhibit HC/4[[INQ000091305](#)]).
27. On 23 March 2020 an important meeting occurred between the Permanent Secretary and SoSNI, at which Departmental priorities in light of the impending lockdown were discussed.

At that meeting it was decided that, although the overarching NIO roles and responsibilities (discussed above) had not changed, the NIO's immediate priorities should focus on supporting the NICS and ensuring that effective coordination and collaboration between the NIE, the Irish Government and the UK Government occurred in response to the Covid-19 pandemic. It was also decided that this approach would be supported by maintaining essential business but pausing activity that, while important, was not urgent. I exhibit a copy of a note from the Permanent Secretary resulting from that meeting as exhibit HC/5[INQ000091318].

28. In order to manage this response to the Covid-19 pandemic, four groups were set up within the Department in order to shadow the Ministerial Implementation Groups ('MIGs') which had been established within the Cabinet in March 2020. These were led by Deputy Directors within the NIO, and intended to support and brief NIO Ministers on issues of importance in the context of Northern Ireland in advance of the Cabinet Committees. Approximately 80% of the NIO's workforce at the time were working within these groups. The groups were established as follows:

- 28.1. Healthcare; led by me, intended to focus on NHS preparedness and capacity in the critical care sector and support for those who would be shielding.
- 28.2. General Public Sector; led by David Holmes and Becca Nugent, considered more general preparedness and critical infrastructure.
- 28.3. Economic; led by Stephen Rusk, considered the economic and business impact and response to the pandemic.
- 28.4. International; led by Paul Flynn, dealt with international coordination, in particular with the Republic of Ireland.

I exhibit an email from Colin Perry (Director of the NIO) to all staff on 23 March 2020, which explains these groups, as exhibit HC/6[INQ000091317].

29. At the same time the NIO also put in place other groups and streams of work in response to the Covid-19 pandemic:

- 29.1. The Covid-19 Central Team; this was led by me and involved coordinating the NIO interaction between the UK Government and the Executive Office of the NIE.
- 29.2. Cabinet Office liaison work; this involved working closely with the Cabinet Secretariat to ensure that the NIO was aware of events within the MIGs (above).
- 29.3. NICS liaison work; this involved working closely with the Executive Office of the NIE, through a body they had established called the NI Hub. This allowed the NIO to understand the structures and decisions made by the NICS in response

to the pandemic. A member of NIO staff also attended the NIE Central Coordination Group meeting each day for this purpose. This daily meeting was chaired by the Head of NICS and was also attended by each of the NICS Permanent Secretaries. The First & Deputy First Minister, along with the NI Health Minister, also joined these meetings on an ad hoc basis.

29.4. Wider Departmental response; this considered the NIO's internal resources and organisation in response to the challenges posed by the pandemic (such as working from home).

I exhibit an internal NIO organisational chart illustrating these groups as exhibit HC/7[INQ000091350].

30. These areas of organisation were in place until 18 May 2020. At that stage a transition was made towards a more 'business as usual' approach to our Covid work, which involved maintaining a Covid-19 response, alongside a return to the regular work of the Department which had been paused during the initial phase of the pandemic (§27 above). Thereafter, the NIO's work in response to the pandemic was re-structured into broad areas as follows:

30.1. Area 1; this was the lead policy strand dealing with Covid-19. This dealt with interaction between the NIE and UK Government on test and trace, Military Aid to Civilian Authority requests (considered further below), international aspects, social distancing, health data, personal protective equipment, biosecurity and emerging issues.

30.2. Area 2; this grouping concerned liaison with the NI Hub, the Cabinet Office, the NI Assembly, correspondence and daily situation reporting.

30.3. Area 3; provided wider workflow support and oversight of the briefing, policy and administration aspect of the NIO's work in response to Covid-19.

I exhibit an email (with an attached slide) sent by me to staff at the NIO on 15 May 2020, explaining these changes, as exhibits HC/8[INQ000091372] and HC/9[INQ000091373]. Thereafter, approximately 10% of the NIO's workforce at the time worked within these groups.

31. These groupings remained in place until March 2021, at which point the Department's Covid work was merged into the NIO's pre-existing Constitution and Rights Group. By this point in time coordination between the NIE and UK Government had been well established (helping to support this was the NIO's primary role in response to the pandemic). As transmission of the virus also began to reduce, it was felt that the Department no longer needed to maintain a dedicated Covid-19 response team. As a result, from this point

onwards, pandemic response work was undertaken by two full-time members of NIO staff, alongside their wider constitutional duties. This remained the case until the end of the specified period.

32. During the specified period, the formal accountability of the NIO to Parliament did not change.
33. The formal roles, functions and responsibilities of the SoSNI, Ministers, and senior civil servants explained above remained broadly similar over the specified period. However, additional work was also undertaken as part of the NIO's response to the pandemic during this time. It should be noted that the decision to appoint (or not appoint) Ministers rests entirely with the Prime Minister.
34. Brandon Lewis MP was SoSNI during most of the specified period. Mr Lewis took over from Julian Smith MP on 13 February 2020. He was involved in work to encourage close collaboration between the UK Government, NIE and Irish Government. He regularly attended 4 Nations and Quad meetings, as well as regular catch-ups with the First and Deputy First Ministers of the NIE (considered further below).
35. Similarly, Robin Walker MP became MoSNI on 13 February 2020, and was succeeded by Conor Burns MP on 16 September 2021 until the end of the specified period. Prior to 13 February 2020, Robin Walker MP had been PUSoSNI. The post of PUSoSNI remained unoccupied between 13 February 2020 and 5 November 2021, when Lord Jonathan Caine became PUSoSNI, a post he still holds today. The NIO cannot comment on the reason why this post remained unoccupied, as this was a matter for the Prime Minister.
36. During most of the specified period, MoSNI was responsible for NIO Ministerial attendance at UK Government meetings in relation to the pandemic. These included daily Covid meetings, MIGs in the initial period, and then later, Covid Operations meetings (discussed below).
37. Madeleine Alessandri was appointed Permanent Secretary of the NIO in January 2020 and started her role formally in March 2020, succeeding Sir Jonathan Stephens. She remained Permanent Secretary for the whole of the specified period.



38. Throughout the specified period, the membership of the NIO Board was as follows:
- 38.1. Madeleine Alessandri. NIO Permanent Secretary and Chair (interim until 6 March 2020 when formal Accounting Officer designation was made).
  - 38.2. Chris Flatt. NIO Director, Strategy.
  - 38.3. Mark Larmour. NIO Director, Political.
  - 38.4. Colin Perry. NIO Director, Economy.
39. The following individuals were also members of the NIO Board at different points in time during the specified period:
- 39.1. Sir Jonathan Stephens. Former NIO Permanent Secretary (retired in March 2020).
  - 39.2. Lindy Cameron. Former NIO Director General (departed NIO in August 2020). Role was not replaced during the specified period as part of a usual Departmental reorganisation.
  - 39.3. Andy Pike. Former NIO Director, Communications (joined in February 2020 and departed NIO in October 2021).
  - 39.4. Tom Carney. Replaced Andy Pike from November 2021 to the end of the specified period.
  - 39.5. Dawn Johnson (Lead NEBM until October 2020).
  - 39.6. Les Philpott (Lead NEBM from October 2020 to the end of the specified period).
  - 39.7. David Brooker (NEBM until August 2020).
  - 39.8. Louise Wilson (NEBM from October 2020 to the end of the specified period).
40. Throughout the specified period, the membership of the ExCo was as follows:
- 40.1. Madeleine Alessandri. NIO Permanent Secretary and Chair (interim until 6 March 2020 when formal Accounting Officer designation was made).
  - 40.2. Chris Flatt. NIO Director, Strategy.
  - 40.3. Mark Larmour. NIO Director, Political.
  - 40.4. Colin Perry. NIO Director, Economy.
41. The following individuals were also members of the ExCo at different points in time during the specified period:
- 41.1. Sir Jonathan Stephens. Former NIO Permanent Secretary (retired in March 2020).
  - 41.2. Lindy Cameron. Former NIO Director General (departed NIO in August 2020). Role was not replaced during the specified period.

- 41.3. Andy Pike. Former NIO Director, Communications (joined in February 2020 and departed NIO in October 2021).
- 41.4. Tom Carney. Replaced Andy Pike from November 2021 to end of specified period.

42. The following individuals were members of the ARC at different points in time during the specified period:

- 42.1. Dawn Johnson. Chair until October 2020.
- 42.2. Les Philpott. Chair from October 2020 to the end of the specified period.
- 42.3. Rosanna Wong. Member who stood down in January 2021.
- 42.4. Ian Summers. Member who stood down in September 2021.
- 42.5. Louise Wilson. Member who joined September 2021 to the end of specified period.
- 42.6. Neil Sawyers. Member who joined in October 2021 to the end of the specified period.

43. Other than the matters explained above, there were no other changes to the roles, functions or responsibilities of the NIO Ministers, Permanent Secretary or the senior civil servants of the NIO during the specified period.

## **Section B – Cooperation and joint working between the UK, the NIE and other Devolved Administrations**

44. In this section I will describe the NIO's role in facilitating interaction and cooperation between the UK Government and the NIE in relation to the pandemic. I will also provide a chronology of the meetings attended by the NIO at which significant matters were decided or discussed.

### *Devolved Powers*

45. The Northern Ireland devolution settlement operates on a reserved powers model, meaning that anything which is not explicitly reserved or excepted is transferred (devolved). There is therefore no definitive list of transferred matters. Transferred matters are anything which are not reserved or excepted<sup>1</sup>.

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<sup>1</sup> As set out in s.4(1) of the Northern Ireland Act 1998, reserved matters are listed in Schedule 3 and excepted matters are listed in Schedule 2.

46. The Northern Ireland Assembly is free to make provisions dealing with any matter which is transferred, and, with the consent of SoSNI, any matter which is reserved. The NI Assembly is not able to make provisions dealing with excepted matters, unless this is ancillary to a provision dealing with another non-excepted matter, and even then, only with the consent of SoSNI.
47. Common law powers on transferred matters are exercised exclusively by Departments and Ministers of the NIE<sup>2</sup>. The NI Assembly also has power to confer statutory functions on Departments and Ministers of the NIE within the Assembly's legislative competence, as set out in the paragraph above.
48. During the specified period, many of the key areas of policy in response to the pandemic fell within transferred competence:
- 48.1. Non-pharmaceutical interventions ('NPIs'), including the wearing of face coverings, lockdowns, social distancing and working from home, primarily fell under transferred matters. Although immigration was an excepted matter<sup>3</sup>, public health matters relating to entry into Northern Ireland (including pre-departure testing, passenger locator forms, quarantine and/or testing after arrival) were all transferred.
  - 48.2. Personal protective equipment ('PPE') was a transferred matter. However, the UK Government worked closely with the NIE and other Devolved Administrations, to manage demand and supply of PPE. Where PPE was centrally obtained, distribution remained a matter for the NIE.
  - 48.3. Test and trace was a fully transferred matter.
  - 48.4. The Coronavirus Act 2020 ('the Act') was passed by the UK Parliament in response to the pandemic (considered further below). This legislation, in part, dealt with matters of transferred competence, for instance giving the Northern Ireland Department of Health powers to make and pass regulations to deal with the pandemic<sup>4</sup>. The Act was therefore passed with the consent of the NI Assembly, in the form of a Legislative Consent Motion. Thereafter, the issuing of public health regulations in Northern Ireland was a transferred matter for the NIE.
  - 48.5. Policing remained a fully transferred matter.

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<sup>2</sup> S.23(3) Northern Ireland Act 1988.

<sup>3</sup> Schedule 2, paragraph 8, Northern Ireland Act 1998.

<sup>4</sup> S.48 and Schedule 18 of the Coronavirus Act 2020.

48.6. Implementation of vaccines was a transferred matter, as this fell within the ambit of health. The NIE was therefore responsible for the rollout of vaccines in Northern Ireland. However, vaccine authorisation was (and remains) undertaken across the UK by the Medicines and Healthcare products Regulatory Agency. It should also be noted that due to the unique position of NI, in some circumstances, the European Medicines Agency also authorised vaccines for use in Northern Ireland. In addition, much like PPE, the UK Government was also responsible for procurement of vaccines. Advice on vaccine efficacy given by the Joint Committee on Vaccination and Immunisation ('JCVI') was considered (and accepted) by each of the 4 UK Chief Medical Officers.

48.7. Border controls were an excepted matter, in so far as they related purely to matters of immigration. However, as noted above, public health matters relating to entry to Northern Ireland were transferred.

49. During the specified period there was no change in how these matters were treated in terms of their transferred or excepted nature.

#### *Role of the NIO during the pandemic*

50. As explained above, during the specified period the NIO's general role was to support the responses to the pandemic undertaken by the UK Government and the NIE. This primarily involved liaising between UK Government Departments and the NICS, to facilitate information sharing.

51. More specifically, and in addition to the examples given above, the NIO played a role in facilitating Military Aid to Civilian Authority ('MACA') requests made by the NIE to the Ministry of Defence ('MoD'). The NIO scrutinised requests made by the NICS to ensure they were appropriate and then endorsed them, before forwarding them to the MoD for final authorisation and action. On occasion, the NIO provided political handling and communications advice relating to MACA requests to the NI Department of Health and MoD. This was necessary because of the sensitivities regarding Military deployments in Northern Ireland.

52. Throughout the specified period, the NIO considered and progressed the following MACA requests from the Northern Ireland Department of Health:

- 52.1. 27 February 2020: request for air transfer of two patients ill with Covid-19 from NI to a hospital in mainland UK. This request was ultimately refused by the MoD. All other requests were approved. I exhibit a briefing prepared for SoSNI in relation to this request as exhibit HC/10[INQ000091298] and an email explaining the circumstances in which it was refused as exhibit HC/10A[INQ000091299].
- 52.2. 23 March 2020: use of a military logistics base as a temporary mortuary.
- 52.3. 27 April 2020: military support to transfer a patient critically ill with Covid-19 to receive specialist treatment in England.
- 52.4. 11 May 2020: air movement of patients ill with Covid-19 to receive treatment elsewhere in the UK.
- 52.5. 1 June 2020: aid with storage and distribution of PPE. I exhibit a briefing prepared for SoSNI in relation to this request as exhibit HC/11[INQ000091379].
- 52.6. 6 and 16 June 2020: air movement of patients ill with Covid-19 to receive treatment elsewhere in the UK.
- 52.7. 15 January 2021: request for 110 Combat Medical Technicians to assist with the front-line care of patients due to a significant reduction in the number of clinical staff available. This request was subject to a communications and engagement plan by the NIO.
- 52.8. 11 March 2021: request for military support to assist with vaccinations.
- 52.9. 10 September 2021: request for substantial clinical support (80 Combat Medical Technicians) due to potential for significant pressure on the NI health system in the autumn/winter period.
- 52.10. 10 January 2022: request for troops (100 Defence Medics and 50 General Duties Troops) to assist with the front-line care of patients due to a significant reduction in the number of clinical staff available. This was in large part due to the increasing prevalence of the Omicron variant.

53. The NIO did not play any specific role in relation to the Republic of Ireland during the pandemic. However, it did support information sharing between the NIE, the UK Government and the Irish Government in the context of the meetings discussed below and on particular issues which arose.

### *High-level structures for discussion*

54. During the specified period there were a number of structures in place for discussion between the NIO (Ministers and civil servants) and other governmental bodies which are explained in the paragraphs below. Some of these structures were in place before the pandemic, but others were instituted during the specified period to deal with the pandemic as it evolved.
55. SoSNI had regular meetings with the First Minister and Deputy First Minister of the NIE. These meetings were instituted in early 2020 in order to help to support the newly restored NIE. They were generally on a weekly basis, although this was not always possible due to diary commitments.
56. During the early stages of the pandemic, a NIO senior official (usually Mark Larmour) attended meetings of the Civil Contingencies Group ('CCG') within the NICS. This group was a pre-established structure which was activated in response to Covid-19. It was chaired by the Head of the NICS and included key agencies managing the NI response to the pandemic. NIO attendance continued at the CCG until it was stood down in July 2020 (§84 below).
57. NIO Ministers regularly attended a wide range of Covid-19 related meetings held across the UK Government in response to the pandemic. These included Cabinet Office Briefing Room ('COBR') meetings and MIGs, and later Covid (Operations) meetings. NIO attendance at these meetings was by way of invitation from the Cabinet Office. It is understood that this took place when an issue concerning the NIO was due to be discussed. The NIO was aware that Covid (Strategy) meetings were also held, but does not believe there was any Departmental involvement in any of these meetings.
58. NIO Ministers also regularly attended the 4 Nations Group meetings, led by the Chancellor of the Duchy of Lancaster ('CDL'). These meetings were attended by representatives of the Devolved Administrations (including the NIE), and all Territorial Secretaries of State.
59. The NIO Permanent Secretary attended meetings chaired by the Cabinet Secretary. These meetings were the central official-level coordination point in the opening wave of the pandemic for the UK Government. The meetings were held on a daily basis during the opening wave of the pandemic, reducing in frequency in line with the trajectory of the virus.

60. In addition, NIO officials attended a number of weekly meetings which were primarily coordinated by the Cabinet Office or the Department for Health and Social Care ('DHSC'):
- 60.1. Covid Task Force X-UK coordination meetings with Devolved Administrations. These meetings were intended to share information and encourage coordination and collaboration between the UK Government and Devolved Administrations.
  - 60.2. Covid Task Force UK-wide planning meetings with Devolved Administrations. These meetings were intended to share information in advance of Covid (Operations) Ministerial meetings.
  - 60.3. UK Governance Group (within the Cabinet Office), Foreign, Commonwealth and Development Office ('FCDO') and NICS catch up. These meetings were intended to share information and the latest intelligence concerning the pandemic in Great Britain, Northern Ireland or the Republic of Ireland.
61. The NIO was also aware of other weekly meetings which were held by officials within the DHSC and the Devolved Administrations to coordinate the response to the pandemic. The NIO did not ordinarily attend these meetings.
62. The primary means of engagement with the Irish Government was through the Covid-19 Quad meetings. These were instated in response to the pandemic and were attended by SoSNI or MoSNI (depending on availability), the Irish Minister for Foreign Affairs (Simon Coveney TD), and the First Minister and Deputy First Minister of the NIE. During the specified period, the respective Health Ministers from Ireland and Northern Ireland also attended these meetings.
63. The NIO also established a tri-lateral coordination meeting in response to the pandemic. This brought together senior officials from the UK Government, NIE and Irish Government. The aim of this forum was to facilitate and support effective coordination between the NIE, UK and Irish governments on the international response to Covid 19. The opening meeting of this forum took place on 23 March 2020 and was Chaired by the NIO (Permanent Secretary). This and future meetings were usually attended by the Department of the Taoiseach of the Irish Government (John Callinan) and the Head of the NICS (David Sterling). Following the opening meeting it was agreed that the Chair would be rotated for future meetings, with Cabinet Office taking the lead for the UK Government (rather than NIO). As the rate of the virus began to recede, these senior official meetings were stood down (the final meeting was held on 27 May 2021), with official level engagement continuing at a lower level.

64. Finally, the NIO political affairs group – a team of officials within the NIO – maintained a pre-existing weekly call with the Irish Department of Foreign Affairs, based in Belfast. During the specified period, this call tended to focus primarily on matters relating to Covid-19.

*Chronology of significant meetings within UK Government attended by the NIO*

65. During the specified period the NIO attended a variety of meetings organised by other UK Government Departments which concerned the response to the pandemic. Whether invitations to such meetings were extended to the NIO depended on the group concerned and the topics to be discussed, and is considered more specifically below.

66. Therefore, the material now available to the NIO in relation to these meetings is often incomplete. For instance, the formal records or minutes of such meetings were not taken by the NIO, as they were organised by other UK Government Departments. More complete records of the meetings discussed below, including official minutes, papers and attendance lists, will likely be held by other UK Government Departments, such as the Cabinet Office.

67. However, the NIO frequently prepared readouts of meetings it attended, which were informal records for internal NIO use. Where available, these have been exhibited below to assist the Inquiry. Due to their intended purpose, they may omit detail on aspects or matters discussed which were of less relevance to the work of the NIO.

68. Where readouts of significant meetings are not available, the NIO has exhibited briefings prepared for Ministers or officials in advance of them. Briefings have also been exhibited below where the NIO considers that they may otherwise help to inform the Inquiry's understanding of the events in question. However, such documents may not necessarily constitute an accurate record of what was in fact discussed at a meeting. Rather, they were created to help to prepare those attending a meeting on behalf of the NIO regarding possible topics or issues which could arise.

69. NIO Ministers attended a number of significant COBR meetings relating to the response to the pandemic. It is believed that the NIO had a standing invitation to such meetings, but I have noted their attendance below where this is within the contemporaneous documents



available to NIO. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.

- 69.1. 2 March 2020. At this meeting Ministers were asked to consider and approve the UK Government's Covid-19 action plan, proposed for publication the following day. The NIE were in attendance at this meeting (in the form of the NI Health Minister), and had seen the proposed plan in advance. It is believed that the plan was approved at this meeting. I exhibit a briefing prepared for SoSNI in advance of this meeting as HC/12[INQ000091300].
- 69.2. 11 March 2020. At this meeting provisions for the Coronavirus Bill were considered. It was anticipated that the NIE would be present at this meeting. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/13[INQ000091307] along with a list of actions and decisions as exhibit HC/14[INQ000091306].
- 69.3. 16 April 2020. This meeting considered the maintenance of social distancing measures in response to the pandemic. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/15[INQ000091334].
- 69.4. 10 May 2020. At this meeting key decisions were taken regarding the UK Government's approach to a roadmap out of lockdown. I exhibit an agenda as exhibit HC/16[INQ000091361].
- 69.5. 22 September 2020. This meeting was attended by representatives of the NIE. It was agreed that the 4 nations would continue to maintain general alignment on NPIs in response to the pandemic, with some variation to allow for local contexts. I exhibit a record of actions and decisions from this meeting as exhibit HC/17[INQ000091388]. I also exhibit a final draft version of the joint statement issued after this meeting as exhibit HC/18[INQ000091389].
- 69.6. 12 October 2020. At this meeting changes to local alert levels (primarily in England) were considered, along with the increasing rate of transmission of the virus nationally. I exhibit the agenda and briefing prepared for SoSNI as exhibit HC/19[INQ000091397].
- 69.7. 2 November 2020. At this meeting various actions were agreed with the Devolved Administrations (who were present) concerning cooperation and funding in response to the pandemic. I exhibit a record of actions and decisions from this meeting as exhibit HC/20[INQ000091401].
- 69.8. 24 November 2020. At this meeting Christmas plans were discussed which resulted in a joint statement concerning the Christmas period, endorsed by all the Devolved Administrations, being issued the same day. The NIE were present at this meeting. I exhibit an agenda for this meeting as exhibit

- HC/21[INQ000091422], along with a briefing prepared for SoSNI in advance of the meeting as exhibit HC/22[INQ000091423].
- 69.9. 21 December 2020. This meeting primarily considered the travel ban announced by France and the Republic of Ireland. The impending lockdown in Northern Ireland was also considered. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/23[INQ000091444] and a record of actions arising from the meeting as exhibit HC/24[INQ000091443].
- 69.10. 15 December 2021. This meeting considered the approach to the emerging Omicron variant, and included a number of senior members of the NIE. I exhibit a briefing and agenda prepared for SoSNI in advance of the meeting as exhibit HC/25[INQ000091507].
70. NIO Ministers attended significant General Public Sector MIG meetings relating to the response to the pandemic. It is believed that the NIE had a standing invitation to such meetings (see Section G), but I have noted their attendance below where this is within the contemporaneous documents available to NIO. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.
- 70.1. 18 March 2020. This meeting was attended by MoSNI and considered the national approach to the pandemic. It was not attended by the NIE. I exhibit a briefing prepared in advance of this meeting as exhibit HC/26[INQ000091311].
- 70.2. 17 April 2020. At this meeting it was agreed that statutory guidance would be issued concerning the transportation, storage and disposal of the deceased due to a lack of capacity, pursuant to Schedule 28 Coronavirus Act 2020. In this regard I exhibit a record of this meeting as exhibit HC/27[INQ000091342] and a letter from the relevant Minister (Simon Clarke MP) to CDL concerning this issue as exhibit HC/28[INQ000091340]. This meeting was attended by members of the NICS in the form of the NI Hub.
- 70.3. 30 April 2020. At this meeting it was agreed that alignment across the UK should be sought on schools, social distancing and PPE. This meeting was attended by members of the NICS in the form of the NI Hub. I exhibit a record of the actions and decisions of this meeting as exhibit HC/29[INQ000091351].
- 70.4. 7 May 2020. At this meeting proposals for implementing measures at the border to reduce the spread of the virus and the general provision of PPE were discussed. This meeting was attended by the NIE. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/30[INQ000091358], an agenda as exhibit HC/31[INQ000091359], a readout as exhibit

HC/32[INQ000091363] and a record of actions and decisions as exhibit HC/33[INQ000091364].

71. NIO Ministers attended significant Health MIG meetings relating to the response to the pandemic. It is believed that the NIE had a standing invitation to such meetings (see Section G), but I have noted their attendance below where this is within the contemporaneous documents available to NIO. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.

71.1. 18 March 2020. This meeting was attended by SoSNI and considered the health approach to the pandemic. It was not attended by the NIE. I have exhibited the briefing prepared in advance of this meeting above (exhibit HC/26[INQ000091311]).

71.2. 24 March 2020. Within the briefing for this meeting, prepared for SoSNI, the shortages of PPE within Northern Ireland were noted for discussion. This is exhibited as HC/34[INQ000091319].

71.3. 2 April 2020. Within a briefing for this meeting, prepared for SoSNI, the issue of provision of PPE for Northern Ireland was noted as a key area for discussion. The NI Health Minister was also anticipated to be in attendance at this meeting. This is exhibited as HC/35[INQ000091324].

71.4. 7 April 2020. Within a briefing for this meeting, prepared for SoSNI, it was noted that the first delivery of PPE for Northern Ireland had arrived. The NI Health Minister was also anticipated to be in attendance at this meeting. This is exhibited as HC/36[INQ000091327].

71.5. 9 April 2020. Within a briefing for this meeting, prepared for SoSNI, it was noted that this was intended to consider testing for key workers and PPE provision. The NI Health Minister was also anticipated to be in attendance at this meeting. This briefing is exhibited as HC/37[INQ000091329]. Meeting actions and decisions are exhibited as HC/38[INQ000091337] along with a list of priority key worker list for testing as HC/39[INQ000091338].

71.6. 15 April 2020. At this meeting the spread of the virus was discussed, and it was noted that this rate was higher in hospitals and care homes than within the community. The NI Health Minister was in attendance at this meeting. I exhibit a readout from this meeting as exhibit HC/40[INQ000091335].

71.7. 17 April 2020. At this meeting it was decided that the remainder of those who were originally notified as being extremely clinically vulnerable, but were no longer required to shield, should continue to receive support. I exhibit a record of this meeting as exhibit HC/41[INQ000091343].

- 71.8. 1 May 2020. At this meeting it was agreed that the DHSC would work with the Devolved Administrations to ensure that the system to test, track and trace was integrated with their health systems. This included the possibility of interaction with the system within the Republic of Ireland. It is believed that the NIE attended this meeting. I exhibit a record of the actions and decisions from this meeting as exhibit HC/42[INQ000091352].
- 71.9. 7 May 2020. At this meeting funding and provision of PPE for the Devolved Administrations was considered. I exhibit a record of the actions and decisions as exhibit HC/43[INQ000091365].

72. A NIO Minister attended a significant International MIG meeting relating to the response to the pandemic. The NIE were not invited to meetings of this MIG due to its focus on reserved matters. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.

- 72.1. 18 March 2020. At this meeting approaches to border restrictions and international repatriation were discussed. I exhibit a list of actions arising from the meeting as exhibit HC/44[INQ000091312].

73. As the pandemic progressed, the MIGs were wound down and NIO Ministers instead attended significant Covid (Operations) meetings relating to the response to the pandemic. The NIO was not involved in the decision to change the format of such meetings (this was overseen by the Cabinet Office), and cannot comment on the reasons behind this change or the scheduling of such meetings. It is believed that the NIE had a standing invitation to Covid (Operations) meetings, with the exception of meetings that focused solely on reserved matters. I have noted their attendance below where this is within the contemporaneous documents available to NIO. As can be seen from these documents, Ministers from the NIE (often the Health Minister) frequently attended relevant parts of such meetings. However, attendees ultimately remained a decision for the Cabinet Office. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.

- 73.1. 4 June 2020. At this meeting it was agreed that all UK Government Departments would share information with the newly established Joint Biosecurity Centre ('JBC')<sup>5</sup>. I attach a list of actions from this meeting as exhibit

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<sup>5</sup> The JBC provided analysis and assessments to decision-makers and did not take or direct operational decisions in response to the pandemic in any nation. Therefore, although the JBC had no specific role in Northern Ireland, it worked collaboratively with the NIE (as it did with all Devolved Administrations) to help to inform public health responses.

- HC/45[INQ000091380]. The NIE were not in attendance, although the NI Health Minister had been scheduled to attend but was unable to do so due to other unavoidable commitments.
- 73.2. 1 October 2020. At this meeting shielding requirements for the vulnerable and travel corridors were discussed (representatives from the NIE attended these parts of the meeting). I exhibit a briefing prepared for SoSNI as exhibit HC/46[INQ000091391].
- 73.3. 8 October 2020. At this meeting there was discussion regarding the approach taken by the JBC towards publication of its methodology towards travel corridors. Representatives of the NIE were in attendance at the meeting. I exhibit a copy of the record of actions and decision as exhibit HC/47[INQ000091394] and a briefing prepared for MoSNI as exhibit HC/48[INQ000091393].
- 73.4. 5 November 2020. At this meeting proposals for travel arrangements over the Christmas period were discussed. It was agreed that a working group would be established with the Devolved Administrations (who do not appear to have been present at this meeting). I exhibit a briefing prepared for MoSNI (who attended the meeting) as exhibit HC/49[INQ000091404], an agenda for this meeting as exhibit HC/50[INQ000091403] and a (partial) list of actions arising from it as exhibit HC/51[INQ000091406] (the NIO is unable to locate a full list within its records).
- 73.5. 6 November 2020. At this meeting it was agreed that restrictions would be imposed banning all travel from Denmark. I exhibit a list of actions and decisions as exhibit HC/52[INQ000091405].
- 73.6. 13 November 2020. At this meeting a statutory review of the border regulations was considered, which involved the Devolved Administrations. At this meeting the NIE signalled its intention to align with the UK Government on some of the exceptions to travel restrictions for certain professions. I exhibit an agenda for the meeting as exhibit HC/53[INQ000091408] along with a briefing prepared for SoSNI in advance as exhibit HC/54[INQ000091412] and a record of actions and decisions arising from the meeting as exhibit HC/55[INQ000091413].
- 73.7. 19 November 2020. This meeting considered the proposed test to release scheme concerning arrival of international travellers from restricted countries. This was primarily a transferred matter, and this meeting was therefore attended by representatives of the Devolved Administrations. Alignment was agreed, but on a different timetable from that proposed and with certain caveats. I exhibit a briefing prepared for MoSNI as exhibit

- HC/56[INQ000091417] along with a record of actions and decisions from the meeting as exhibit HC/57[INQ000091421].
- 73.8. 27 November 2020. At this meeting some categories for exemption for self-isolation were discussed. The NIE were present and felt unable to align with the wider UK Government timetable proposed, as Northern Ireland was entering a further period of lockdown at this stage. I exhibit a briefing prepared for MoSNI as exhibit HC/58[INQ000091424], along with a record of actions and decisions as exhibit HC/59[INQ000091425].
- 73.9. 3 December 2020. This meeting considered vaccine deployment and the operation of the travel corridors over the Christmas period. The NIE attended part of this meeting concerning wider UK alignment on these issues. I exhibit a briefing prepared for SoSNI in advance of the meeting as exhibit HC/60[INQ000091429], an agenda as exhibit HC/61[INQ000091426] and records of actions and decisions as exhibit HC/62[INQ000091427] (Item 2) and exhibit HC/63[INQ000091430] (Item 3).
- 73.10. 10 December 2020. At this meeting Christmas transport plans and a change in the Covid-19 risk modelling system was discussed and agreed. I exhibit a copy of the briefing prepared for MoSNI in advance of the meeting as exhibit HC/64[INQ000091438], and records of actions and decisions as exhibit HC/65[INQ000091436], exhibit HC/66[INQ000091437] and exhibit HC/67[INQ000091439].
- 73.11. 7 January 2021. At this meeting a policy of pre-departure Covid testing was considered, along with the emerging variant from South Africa and a review of the border restrictions. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/68[INQ000091447] and a record of actions and decisions as exhibit HC/69[INQ000091448].
- 73.12. 14 January 2021. This meeting considered an international engagement plan for Covid-19 and was attended by the Devolved Administrations. In advance of this meeting a UK Government paper, drafted by the Foreign, Commonwealth and Development Office, was circulated on this topic. The NIO and other Territorial Offices had an opportunity to comment on this paper, and encouraged more consideration be given to the role that the Devolved Administrations played in many aspects of the response to Covid-19 within the final draft (exhibit HC/70[INQ000091453]). This meeting also considered the emerging Covid-19 variant from Brazil. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/71[INQ000091451] and a record of the actions and decisions as exhibit HC/72[INQ000091452].

- 73.13. 15 January 2021. This meeting considered similar issues to the meeting the previous day. I exhibit a briefing prepared for MoSNI as exhibit HC/73[INQ000091455].
- 73.14. 21 January 2021. At this meeting the process for dealing with emerging variants and countries of concern was considered. In advance of the meeting a paper was prepared and circulated concerning the process and speed of engagement with Devolved Administrations in this area. I exhibit a copy of this paper as exhibit HC/74[INQ000091457]. The emerging Covid-19 strain from South Africa was also considered. I exhibit a briefing prepared for MoSNI in advance of the meeting as exhibit HC/75[INQ000091458].
- 73.15. 26 January 2021. This meeting was concerned with the proposal to require some travellers coming to the UK to self-isolate in hotels. Representatives from the Devolved Administrations were present at this meeting. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/76[INQ000091459].
- 73.16. 8 February 2021. This meeting concerned the establishment of the Managed Quarantine Service for international travellers to England. This was relevant to Northern Ireland as there were no direct international flights to NI at the time. Representatives of the NIE were in attendance at this meeting. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/77[INQ000091467] and a record of actions and decisions as exhibit HC/78[INQ000091466].
- 73.17. 12 March 2021. This meeting concerned the possible expansion of the red list of countries in respect of whom travel to the UK was restricted. This was of significant interest to the NIE and other Devolved Administrations, particularly in light of the policy adopted in the Republic of Ireland. I exhibit a briefing prepared for MoSNI in advance of this meetings as exhibit HC/79[INQ000091476], a short readout as exhibit HC/80[INQ000091477] and a record of actions and decisions (incorrectly dated Friday) as exhibit HC/81[INQ000091478].
- 73.18. 11 May 2021. At this meeting a new system to send emergency alerts via text message was discussed. Although telecommunications remained a reserved matter, it was agreed that emergency response was transferred, so the Devolved Administrations would need to be involved in this system. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/82[INQ000091486].

- 73.19. 20 May 2021. At this meeting it was agreed that a system of unsupervised home testing would be established for the purposes of self-certification in England. Although this was not applicable to Northern Ireland, alignment on this proposal was encouraged in due course. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/83[INQ000091490] and record of actions and decisions from this meeting as exhibit HC/84[INQ000091489].
- 73.20. 27 May 2021. This was a joint meeting with EU Exit Operations and discussed possible changes to international travel to and from the UK. At this meeting it was agreed that the NIO would continue to work towards a solution to passenger data sharing with the Republic of Ireland (considered in more detail below). I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/85[INQ000091493], along with a record of actions and decisions as exhibit HC/86[INQ000091492].
- 73.21. 3 June 2021. At this meeting allocation of countries within the traffic light system for international travel was agreed, along with a partial lifting of some travel restrictions. I exhibit an agenda for the meeting as exhibit HC/87[INQ000091494], along with a briefing prepared for MoSNI in advance of the meeting as exhibit HC/88[INQ000091495]. It was anticipated that the NI Health Minister would be present at this meeting.
- 73.22. 24 June 2021. At this meeting exemptions to travel to the UK for fully vaccinated travellers was considered. I exhibit a briefing for this meeting prepared for SoSNI as exhibit HC/89[INQ000091497].
- 73.23. 30 June 2021. This meeting considered JCVI interim advice on booster vaccinations for adults in the UK. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/90[INQ000091498].
- 73.24. 13 July 2021. This was a joint meeting with EU Exit Operations. At this meeting proposed charges to testing for inbound travellers to the UK were discussed. The meeting also undertook the statutory review of the applicable Coronavirus travel regulations. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/91[INQ000091500].
- 73.25. 19 July 2021. This meeting considered the advice from the JCVI not to routinely offer vaccinations to young people. Representatives from the NIE were anticipated to be in attendance at this meeting, and were in broad agreement with the approach proposed. I exhibit a briefing prepared for MoSNI in advance of this meeting as exhibit HC/92[INQ000091501].
- 73.26. 28 July 2021. At this meeting further relaxation of the travel restrictions, particularly from European Union countries, was considered. I exhibit a briefing



- prepared for MoSNI in advance of the meeting as exhibit HC/93[INQ000091502].
- 73.27. 5 January 2022. At this meeting consideration was given to removal of pre-departure testing for travellers coming to the UK. In addition, it was confirmed that the prevalence of the Omicron variant rendered the red list of countries obsolete. I exhibit a briefing prepared for MoSNI as exhibit HC/94[INQ000091509]. This briefing noted the divergence in approaches to NPIs taken within Northern Ireland compared with England in response to the Omicron variant.
- 73.28. 14 March 2022. This meeting considered removal of all remaining border restrictions relating to Covid-19. Representatives of the NIE, including the NI Health Minister, were anticipated to be at this meeting. I exhibit a briefing prepared for MoSNI in advance of the meeting as exhibit HC/95[INQ000091512].
74. NIO Ministers attended significant 4 Nations Group meetings, led by CDL, attended by representatives of the Devolved Administrations (including the NIE) relating to the response to the pandemic. Papers were often circulated in advance of such meetings, and a full record of these will likely be held by the Cabinet Office.
- 74.1. 15 April 2020. At the initial meeting of this group, there was a consensus on maintaining restrictions across the devolved nations, but agreed that there was scope for finetuning of specific measures. I exhibit a readout of this meeting as exhibit HC/96[INQ000091336].
- 74.2. 5 May 2020. At this meeting the consistent 4 nations approach to restrictions was discussed and generally endorsed in light of the upcoming review of lockdown. I exhibit a readout of this meeting as exhibit HC/97[INQ000091357].
- 74.3. 29 June 2020. At this meeting frustration was aired by some representatives of the Devolved Administrations concerning communications with the media by UK Government before informing them of announcements. I exhibit a readout from this meeting as exhibit HC/98[INQ000091382].
- 74.4. 7 July 2020. During this call, the declining transmission rate of the virus in NI was discuss, along with the economic support package offered by the UK Government to aid recovery. I exhibit the minutes of this meeting as exhibit HC/99[INQ000091383].
- 74.5. 20 September 2020. At this meeting the First Ministers for Wales and Scotland asked for more meetings to take place to coordinate the national response to the pandemic. I exhibit a readout from this meeting as exhibit

- HC/100[INQ000091386]. In this regard I also exhibit a letter from Private Secretary to the Prime Minister to the Cabinet Office the following day as exhibit HC/101[INQ000091387].
- 74.6. 12 October 2020. On this occasion CDL chaired a winter summit to consider key issues faced in response to the pandemic within the four nations. I exhibit an agenda as exhibit HC/102[INQ000091396] and a brief prepared for SoSNI as exhibit HC/103[INQ000091395]. Several papers were prepared in advance of this meeting concerning civil contingencies, virus rates and testing.
- 74.7. 31 October 2020. CDL called the heads of the Devolved Administrations after a decision was taken in Cabinet to announce a lockdown for England. I exhibit a readout of this call as exhibit HC/104[INQ000091400].
- 74.8. 11 November 2020. This meeting discussed the approach towards testing, Christmas restrictions and messaging across the nations of the UK. I exhibit a draft readout from this meeting as exhibit HC/105[INQ000091409] (the NIO does not have a final version of this document).
- 74.9. 18 November 2020. This meeting concerned planning for the Christmas period and the importance of mass testing (by lateral flow) in this regard. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/106[INQ000091415].
- 74.10. 21 November 2020. A call was held within which it was agreed that the approach towards Christmas restrictions in Northern Ireland needed to be flexible due to reduced travel to and from NI at the time. I exhibit a readout from this meeting as exhibit HC/107[INQ000091420].
- 74.11. 3 December 2020. At this meeting the vaccine rollout was discussed along with proposed arrangements over the Christmas period. I exhibit a readout of this meeting as exhibit HC/108[INQ000091428].
- 74.12. 9 December 2020. At this meeting approaches to intra-UK travel and restrictions in Northern Ireland were discussed. I exhibit a brief prepared for SoSNI in advance of this meeting (which was incorrectly dated as November 2020) as exhibit HC/109[INQ000091435].
- 74.13. 27 January 2021. This meeting focused exclusively on plans by the UK Government to require travellers from high-risk countries to self-isolate on arrival, and sought to encourage alignment with the Devolved Administrations in this area. I exhibit a briefing prepared in advance for SoSNI as exhibit HC/110[INQ000091460] and a readout as exhibit HC/111[INQ000091461].
- 74.14. 3 February 2021. At this meeting an interim solution to the issue of data sharing between the Republic of Ireland and Northern Ireland was discussed. I exhibit

- a briefing prepared for SoSNI in advance of this meeting as exhibit HC/112[INQ000091464].
- 74.15. 10 February 2021. At this meeting there was discussion regarding a proposal to publish aggregate, rather than detailed, figures concerning vaccine delivery. This course was opposed by the First Ministers for Scotland and Wales. I exhibit a readout of this meeting as exhibit HC/112A[INQ000091469], and a briefing prepared for SoSNI in advance of this meeting as exhibit HC/112B[INQ000091468].
- 74.16. 24 February 2021. At this meeting First Ministers sought further restrictions on international travel in order to control the spread of new variants of Covid-19 within the UK. The NIE proposed pathway out of lockdown in Northern Ireland was also discussed. I exhibit a readout from this meeting as exhibit HC/113[INQ000091473].
- 74.17. 10 March 2021. During this meeting the First Minister of NI raised the on-going issue of passenger data sharing of with the Republic of Ireland, and asked CDL for his assistance with the problem. I exhibit a readout from this meeting as exhibit HC/114[INQ000091475]. Following this meeting, CDL had a call with Simon Coveney (Irish Tánaiste) a week later which did not involve the NIO (SoSNI was invited but was happy for CDL to handle the call without him). I exhibit a readout of this call as exhibit HC/115[INQ000091479].
- 74.18. 17 March 2021. At this meeting it is understood that representatives from the Devolved Administrations noted their frustration that communication on vaccine supply from the DHSC had gone to English providers before them. The NIO has only been able to locate a limited readout this meeting, which is exhibited as HC/115A[INQ000091480].
- 74.19. 15 April 2021. At this meeting the national approach to vaccine certification was discussed. I attach a readout of this meeting as exhibit HC/116[INQ000091481].
- 74.20. 5 May 2021. At this meeting CDL outlined some of the proposed changes to social contact restrictions and international travel resumption. I exhibit a readout of this meeting as exhibit HC/117[INQ000091485].
- 74.21. 19 May 2021. At this meeting the emerging variant of Covid-19 originating in India was discussed, along with the approach to vaccine certification. In respect of the latter issue, it was noted that the Devolved Administrations considered the proposed approach was too liberal. I exhibit a readout of this call as exhibit HC/118[INQ000091488].

74.22. 9 June 2021. At this meeting potential easing of restrictions in Northern Ireland was noted. All First Ministers also noted concern regarding the spread of the new variant and agreed that a 4 nations approach towards NPIs remained preferable. I exhibit a readout of this meeting as exhibit HC/119[INQ000091496].

74.23. 8 September 2021. At this meeting there was concern noted from some Devolved Administrations regarding the timeline for a booster campaign. There was also some discussion regarding the differences in approach regarding NPIs taken across the 4 nations. I exhibit a readout of this meeting as exhibit HC/120[INQ000091503].

75. In addition to the groups above, Ministers from the NIO attended other significant meetings organised by other UK Government Departments on the following occasions:

75.1. 11 April 2020. SoSNI attended a meeting chaired by First Secretary of State Dominic Raab MP (believed to be in the Prime Minister's absence), and attended by the other Territorial Secretaries of State. This meeting considered UK-wide provision of PPE (and other materials), sharing of data and communications. I exhibit a briefing prepared for SoSNI as exhibit HC/121[INQ000091330], a paper circulated in advance as exhibit HC/122[INQ000091331] and a readout of this meeting as exhibit HC/123[INQ000091332].

75.2. 22 April 2020. SoSNI attended a meeting chaired by CDL which was also attended by the other Territorial Secretaries of State. This meeting considered the UK Government's approach towards including the Devolved Administrations within regular meetings to respond to the pandemic. I exhibit a readout of this meeting as exhibit HC/124[INQ000091348].

75.3. 7 January 2021. SoSNI attended a meeting chaired by the Parliamentary Under-Secretary of State at the DHSC, Nadhim Zahawi MP, and attended by the Territorial Secretaries of State. This meeting considered the vaccine rollout within the Devolved Administrations. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/125[INQ000091446].

76. The NIO Permanent Secretary attended a number of significant meetings chaired by the Cabinet Secretary during the specified period. These were not ordinarily attended by the NIE or NICS, but they were present on occasion (noted below). The Cabinet Office will likely hold attendance lists for such meetings. These meetings did not involve Ministers.

- 76.1. 18 March 2020. It was noted that ensuring that the 4 nations remained consistent was a key objective, and the approach to the partial closure of schools would have a significant effect to suppress the virus. I exhibit a readout of this meeting as HC/126[INQ000091314].
- 76.2. 19 March 2020. At this meeting it was noted that the Cabinet Secretary had concerns regarding divergence on key worker status amongst Devolved Administrations. I exhibit a readout of this meeting as HC/127[INQ000091316].
- 76.3. 24 March 2020. At this meeting, also attended by representatives from the Devolved Administrations, the Cabinet Secretary emphasised the need for a 4 nation approach. Notably, representatives were not invited to comment on the issues being discussed. I exhibit a readout of this meeting as HC/128[INQ000091320].
- 76.4. 25 March 2020. At this meeting it was noted that the R number was increasing and that NPI measures were yet to really take effect. This meeting was attended by representatives from the Devolved Administrations who were invited to comment on the matters discussed. I exhibit a readout of this meeting as HC/129[INQ000091321].
- 76.5. 26 March 2020. At this meeting various challenges were noted, such as the need for forward planning, and a request to involve the Devolved Administrations was made. I exhibit a readout of this meeting as HC/130[INQ000091322].
- 76.6. 8 April 2020. At this meeting it was noted that the number of deaths from Covid-19 continued to rise. I exhibit a readout of this meeting as HC/131[INQ000091328].
- 76.7. 14 April 2020. At this meeting it was reported that the UK had suffered the worst weekly figure for deaths. Testing figures, in and out of hospital, were also considered. I exhibit a readout of this meeting as HC/132[INQ000091333].
- 76.8. 16 April 2020. At this meeting it was reported that deaths from Covid-19 were higher amongst those aged 65-85, and there was discussion regarding the latest Scientific Advisory Group for Emergencies ('SAGE') analysis concerning the rate of replication for the virus. I exhibit a readout from this meeting as exhibit HC/133[INQ000091339]. A briefing for the Permanent Secretary was prepared in advance of this meeting but did not consider these issues.
- 76.9. 20 April 2020. At this meeting an increase in requirement for PPE provision was noted and discussed. I exhibit a readout from this meeting as exhibit HC/134[INQ000091344]. A briefing for the Permanent Secretary was also

- prepared in advance of this meeting and is exhibited as HC/135[INQ000091345].
- 76.10. 21 April 2020. At this meeting it was reported that there were Covid-19 outbreaks in 31% of care homes and that less than half of testing capacity was being utilised. I exhibit a readout from this meeting as exhibit HC/136[INQ000091346].
- 76.11. 22 April 2020. At this meeting it was reported that Covid-19 cases were continuing to rise in care homes and prisons and that testing capacity was still being underutilised. I exhibit a readout from this meeting as exhibit HC/137[INQ000091347].
- 76.12. 23 April 2020. This meeting continued to chart the rise in Covid-19 infections in care homes and mentioned a rise in Tyrone in Northern Ireland. I exhibit a readout from this meeting as exhibit HC/138[INQ000091349].
- 76.13. 5 May 2020. This meeting considered many of the issues mentioned above. It was noted that the R rate in Northern Ireland was 'oddly high'. I exhibit a readout of this meeting as exhibit HC/139[INQ000091355].
- 76.14. 7 May 2020. This meeting considered the upcoming review of lockdown measures by the Prime Minister. It was noted and acknowledged that the R rate was different across the four nations. I exhibit a readout from this meeting as exhibit HC/140[INQ000091362], along with a briefing for the Permanent Secretary as exhibit HC/141[INQ000091360].
- 76.15. 14 May 2020. It was anticipated that this meeting may consider the suitability of the test and trace app to the specific context of Northern Ireland. I exhibit a briefing prepared for the Permanent Secretary as exhibit HC/142[INQ000091370].
- 76.16. 22 May 2020. The R rate was discussed at this meeting, and it was reported that SAGE advice regarding taking all steps on the road map out of lockdown by 1 June was that this would be 'quite risky'. I exhibit a readout of this meeting as exhibit HC/143[INQ000091374].
- 76.17. 24 August 2020. At this meeting it was noted that available data tended to suggest that the death rate for Covid-19 amongst the black community was around 3 times higher than in comparable communities. I exhibit a readout from this meeting as exhibit HC/144[INQ000091384].
- 76.18. 14 September 2020. At this meeting a worrying upward trend in the virus was noted. I exhibit a readout of this meeting as exhibit HC/145[INQ000091385].

- 76.19. 26 October 2020. This meeting noted the increasing prevalence of the virus, particularly within higher educational settings. I exhibit a readout from this meeting as exhibit HC/146[INQ000091399].
- 76.20. 9 November 2020. At this meeting promising news from the Pfizer vaccine trial was reported, along with some discussion of possible approach to Christmas period. I exhibit a readout from this meeting as exhibit HC/147[INQ000091407].
- 76.21. 16 November 2020. At this meeting the SAGE review of the effectiveness of the tier system was reported, along with positive news from the Moderna vaccine trial. It was also noted that some legislative measures were under consideration for the Christmas period. I exhibit a readout of this meeting as exhibit HC/148[INQ000091414].
- 76.22. 14 December 2020. At this meeting it was reported that a new variant of the virus had been identified. I exhibit a readout of this meeting as exhibit HC/149[INQ000091440].
- 76.23. 22 February 2021. At this meeting the slowing rate of the virus was reported, along with possible steps on the roadmap out of restrictions. I exhibit a readout of this meeting as exhibit HC/150[INQ000091472].
77. Officials of the NIO also attended significant Covid X-UK coordination or planning meetings with Devolved Administrations which concerned the response to the pandemic.
- 77.1. 4 May 2020. This was attended by representatives of the Welsh, Scottish and Northern Irish Governments, and other UK Government Departments. I exhibit the minutes of this meeting held on 4 May 2020 as exhibit HC/151[INQ000091356].
- 77.2. 18 November 2020. It is likely that an NIO official attended a Christmas planning meeting with the Devolved Administrations. This meeting considered possible policy options, travel restrictions and communications concerning the holiday period. I exhibit a readout of this meeting as exhibit HC/152[INQ000091416].
- 77.3. 19 November 2020. A call was held with officials from the Devolved Administrations to attempt to agree guidance regarding the forming of bubbles for the Christmas period. Draft guidance was circulated following this meeting which I exhibit as HC/153[INQ000091419], along with a paper prepared on this topic as exhibit HC/154[INQ000091418].
- 77.4. 7 December 2020. At this meeting coordination in advance of Christmas was discussed. I exhibit a list of the actions from this meeting as exhibit HC/155[INQ000091433]. A draft document was also circulated after this meeting concerning the approach to travel restrictions over the Christmas

period, to which the NIO provided comments. This is exhibited as HC/156[INQ000091434].

78. Communication with the NICS frequently occurred in advance of and following all meetings, as well as more generally throughout the specified period. Such communications normally involved the sharing of information and/or updates between officials, and did not extend to formal briefings between NIO and NICS officials and/or Ministers.

*Chronology of significant meetings between the NIO and the NIE*

79. NIO Ministers or officials attended the following significant meetings with representatives of the NIE or NICS during the specified period relating to the response to the pandemic:

79.1. 19 March 2020, SoSNI met with the First and Deputy First Minister to discuss preparedness for Covid-19. I exhibit a briefing prepared for this meeting as HC/157[INQ000091315].

79.2. 27 March 2020. SoSNI met with the First and Deputy First Minister. During this meeting it was noted by the First Minister that she was looking for support from the UK Government on procurement of PPE and ventilators. The Deputy First Minister also noted that she considered the approach to testing was too slow. I exhibit a readout from this meeting as HC/158[INQ000091323].

79.3. 17 April 2020. During a CCG meeting, the NICS raised a delay in response to their business case seeking funding. I exhibit a readout from this call as exhibit HC/159[INQ000091341].

79.4. 1 May 2020. SoSNI met with the First Minister (the Deputy First Minister was unable to attend due to diary commitments). It was noted that the UK was now past the peak of Covid infections. PPE and steps to restart the economy in NI were also discussed. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/160[INQ000091353], along with a readout of the meeting as exhibit HC/161[INQ000091354].

79.5. 16 May 2020. SoSNI met with the First and Deputy First Minister. During this meeting SoSNI provided an update on changes to border arrangements and other NPI easements announced by the UK Government. I exhibit a briefing prepared for SoSNI (dated 15/5/20 – the original date proposed for the meeting) as exhibit HC/162[INQ000091371].

79.6. 29 May 2020. SoSNI met with the First Minister (the Deputy First Minister was unable to make the meeting). During this meeting the rate of the virus and the



- NIE's approach to restrictions in light of this were discussed. I exhibit a readout from this meeting as exhibit HC/163[INQ000091377].
- 79.7. 23 September 2020. At this meeting the Deputy First Minister reported that the rate of the virus was rising within the older population. The NIE's approach towards some NPIs was also discussed. I exhibit a readout from this meeting as exhibit HC/164[INQ000091390]. A briefing for SoSNI was also prepared in advance of this meeting which I exhibit as HC/164A[INQ000137458].
- 79.8. 6 October 2020. SoSNI had a call with the NI Health Minister Robin Swann, within which they discussed rising rates of Covid-19 in Northern Ireland and PPE stocks. I exhibit a readout of this call as exhibit HC/165[INQ000091392].
- 79.9. 4 November 2020. SoSNI met with the First and Deputy First Minister. During this meeting the rate of the virus spread, ICU capacity and economic support for Northern Ireland were discussed. I exhibit a briefing prepared for SoSNI prior to this meeting as exhibit HC/166[INQ000091402].
- 79.10. 11 November 2020. SoSNI met with the First and Deputy First Minister. During this meeting SoSNI sought an update on the NIE's approach to restrictions at the end of a short period of lockdown. I exhibit a brief prepared for SoSNI in advance of this meeting as exhibit HC/166A[INQ000091410].
- 79.11. 16 December 2020. At this meeting, SoSNI and the First and Deputy First Minister discussed the new emerging strain of the virus and the vaccine rollout. I exhibit a brief prepared for SoSNI in advance of this meeting as exhibit HC/167[INQ000091441].
- 79.12. 18 February 2021. SoSNI met with the NI Health Minister Robin Swann. At this meeting the good progress in vaccination rates in NI and the significant help provided as a result of MACA were discussed. I exhibit a readout of this meeting as exhibit HC/168[INQ000091471].
- 79.13. 19 May 2021. SoSNI met with the First and Deputy First Minister. At this meeting SoSNI welcomed the easing of restrictions by the NIE and encouraged a UK-wide approach to vaccine certification. He also noted the proposal for a UK-wide Covid recovery summit. I exhibit a briefing prepared for SoSNI in advance of this meeting as exhibit HC/169[INQ000091487].
- 79.14. 17 November 2021. SoSNI met with the First and Deputy First Minister. At this meeting SoSNI noted the NI Health Minister's concerns regarding the increase in Covid-19 transmission within Northern Ireland. The NIE's approach to a vaccine passport scheme was also discussed. I exhibit a briefing prepared for SoSNI as exhibit HC/170[INQ000091504].

- 79.15. 1 December 2021. SoSNI met with the First and Deputy First Minister. At this meeting the emerging Omicron variant was discussed, along with the vaccine passport scheme being established within Northern Ireland. I exhibit a briefing prepared for SoSNI as exhibit HC/171[INQ000091505].
- 79.16. 8 December 2021. SoSNI met with the First and Deputy First Minister. At this meeting the possibility of restrictions over the Christmas period in light of the emerging Omicron variant were discussed. I exhibit a briefing prepared for SoSNI as exhibit HC/172[INQ000091506].
- 79.17. 15 December 2021. SoSNI met with the First and Deputy First Minister. At this meeting measures in response to the emerging Omicron variant were discussed, including the vaccine booster campaign. Continued alignment with the rest of the UK in this regard was welcomed by SoSNI. I exhibit a briefing prepared for SoSNI as exhibit HC/173[INQ000091508].
- 79.18. 11 January 2022. SoSNI met with the First and Deputy First Minister. At this meeting measures in response to the emerging Omicron variant were discussed, and MACA assistance in this regard was considered. I exhibit a briefing prepared for SoSNI as exhibit HC/174[INQ000091510].
- 79.19. 26 January 2022. SoSNI met with the First and Deputy First Minister. At this meeting measures in response to the emerging Omicron variant were discussed, and SoSNI welcomed the NIE's decision to ease some restrictions. I exhibit a briefing prepared for SoSNI as exhibit HC/175[INQ000091511].

80. NIO Ministers or officials attended the following significant meetings between the NIE and/or representatives of the Republic of Ireland concerning the response to the pandemic:

- 80.1. 31 March 2020. At a Quad (Ministerial) meeting, SoSNI proposed that responding to the virus required cooperation between the UK, NI and the Republic of Ireland. Updates on the spread of the virus were also given by the Health Ministers present. I exhibit a readout from this meeting as exhibit HC/176[INQ000091325].
- 80.2. 9 June 2020. At a Quad meeting, the spread of the virus within NI and the Republic was discussed, along with the viability of various NPIs. I exhibit a readout from this meeting as exhibit HC/177[INQ000091381].
- 80.3. 13 October 2020. At this Quad meeting the increasing rates of Covid-19 in the UK, NI and the Republic of Ireland were discussed, along with NPIs and other measures in response. I exhibit a readout from this meeting as exhibit HC/178[INQ000091398].

- 80.4. 8 December 2020. At this (tri-lateral) meeting between officials of the NIO, NIE and Irish Government, the rate of transmission of the virus and possible vaccination programmes were discussed. I exhibit a briefing prepared for the Permanent Secretary as exhibit HC/179[INQ000091431] and a readout of this meeting as exhibit HC/180[INQ000091432].
- 80.5. 5 January 2021. SoSNI held a call with Simon Coveney (Irish Tánaiste), at which possible alignment on travel restrictions was discussed. I exhibit a readout of this meeting as exhibit HC/181[INQ000091445].
- 80.6. 20 January 2021. At this (tri-lateral) meeting between officials of the NIO, NIE and Irish Government, several issues were discussed including health system capacity, travel restrictions and data sharing with the Republic of Ireland. I exhibit a briefing prepared for the Permanent Secretary as exhibit HC/182[INQ000091456].
- 80.7. 1 February 2021. At this Quad meeting the issues of travel restrictions and data sharing were again considered. The Health Ministers of the NIE and the Republic were also in attendance. I exhibit a brief originally prepared for SoSNI (MoSNI stepped in at the last minute) as exhibit HC/183[INQ000091462] and a readout of this meeting as exhibit HC/184[INQ000091463].
- 80.8. 18 February 2021. At this (tri-lateral) meeting between officials of the NIO, NIE and Irish Government, information on Irish and NIE plans to reduce restrictions was sought and the Permanent Secretary encouraged alignment on NPIs if possible. I exhibit a briefing prepared for the Permanent Secretary as exhibit HC/185[INQ000091470].
81. Other than those meetings mentioned above at which representatives of the Welsh or Scottish Government were present, the NIO did not attend any meetings of significance during the specified period regarding the response to the pandemic with other Devolved Administrations.
82. Officials of the NIO did sometimes communicate informally with officials within other UK Government Departments, the NICS or other colleagues within NIO regarding matters concerning the response to the pandemic in Northern Ireland. This was primarily to share information or to provide updates, often relating to significant meetings. These communications, which included the use of WhatsApp, were not used to make significant decisions and were not in place of formal communications. Rather, they were used to convey information quickly, often in advance of and following meetings. It is also believed that NIO Ministers may have used text messaging, possibly including WhatsApp, to

communicate information from meetings occasionally (see, for example, exhibit HC/139[INQ000091355] above).

*Nature of working relationship between the NIO and NIE*

83. In light of the pandemic, the NIO was asked by NICS to assist in work to re-establish structures to deal with civil contingencies in March 2020. As a result, a senior official from the NIO worked with the NICS CCG in Belfast to renew structures which had been first established in preparation for the UK leaving the European Union, such as the NI Hub. Some further NIO support was also provided in early April 2020. This work was intended to help to ensure that the NICS had appropriate structures in place in response to the pandemic. I exhibit an internal NIO note summarising this work as exhibit HC/186[INQ000091326]. The same official was also asked by the NICS to return to conduct a short review of these structures in late April 2020, this is considered below within Section G.

84. The nature of the relationship between the NIO and the NIE on a day-to-day level was also close and constructive. For instance, as mentioned above, during the initial period of the pandemic the NICS held regular NI Hub and CCG meetings in order to manage the response to the pandemic. These were attended by the NIO, in order to provide support where possible. These calls were held daily between 17 March and 10 July 2020, at which point these bodies were stood down.

85. Thereafter, the NIO maintained official level contact through weekly coordination meetings, which were chaired by the Union team in Cabinet Office. The NIO also remained the point of contact for the NIE within UK Government when assistance was required. For instance, the NIE sought extra medical assistance in January 2021 through 'mutual aid', due to pressures on the NI health system caused by the pandemic. I exhibit a letter from the NI Health Minister as exhibit HC/187[INQ000091450] and emails from the NIO in response as exhibit HC/188[INQ000091449] and exhibit HC/189[INQ000091454]. As this 'mutual aid' request could not be fulfilled due to capacity in NHS England, this ultimately led to the MACA request of 15 January 2021.

86. Other than the Quad and tri-lateral meetings discussed above, the NIO did not establish any specialist committees or other bodies in Northern Ireland. The NIO considered that the structures which were in place during the specified period allowed for close collaboration between the NIO and the NIE and NICS.

87. Many of the key decisions in relation to Northern Ireland were taken within NIE meetings, which were not attended by the NIO. This reflected the transferred nature of most of the areas concerned (such as health), and this is why the NIO sought to work closely with the NIE to keep abreast of decisions or other issues.
88. However, the pandemic frequently cut across all areas of Government, and the response required did not always fit neatly within devolved and reserved boundaries. This became clear over time. In the opening wave of the pandemic, it became apparent that there were varied levels of understanding of devolution across the various UK Government Departments, which was exacerbated by the rapid redeployment of civil servants into new policy areas. On some occasions this resulted in failings in the information sharing process with the Devolved Administrations, and there were examples in the opening months of the pandemic where they were not sufficiently included within policy preparation (considered further below within Section G). On some occasions this also resulted in decisions being announced by the UK Government ahead of the Devolved Administrations being consulted and/or informed (see, for example, the readout of the 4 Nations Group meeting of 29 June 2020 (exhibit HC/98[INQ000091382] above). When difficulties such as this occurred, I consider that they typically came about because of a lack of coordination between UK Government and the NIE and NICS. This was something the NIO sought to resolve as the pandemic progressed (see §155 below).
89. I have also exhibited the readout of the meeting held on 22 April 2020 which was chaired by CDL and attended by the Territorial Secretaries of State as exhibit HC/124[INQ000091348], which considered the UK Government's approach towards including the Devolved Administrations within regular meetings to respond to the pandemic. Some of the issues mentioned above are evident within the note of this meeting.
90. When such examples occurred, it hindered the ability to adopt a collaborative UK wide approach and had a negative impact on public confidence. It also led to understandable criticism regarding a perceived lack of understanding of the devolved settlements within UK Government. Ultimately, this undermined collaboration and coordination, and increased tensions at both official and Ministerial level, between UK Government Departments and the Devolved Administrations.

*Joint working and information sharing between NIO and others*

91. The NIO utilised the structures mentioned above to ensure close working and information sharing with the NIE and NICS.
92. As mentioned above, the NIO did not have a specific role working with the Government of the Republic of Ireland, but met regularly on a Ministerial and official level. An example of this can be seen in a call which was arranged in the early stages of the pandemic between SoSNI and the Tánaiste, in order to encourage good information sharing and consistent messaging. In this regard I exhibit a briefing prepared in advance of this meeting for SoSNI as exhibit HC/190[INQ000091308].
93. The NIO is aware that meetings took place between the NIE and the Government of the Republic of Ireland, in the form of the 'North/South Ministerial Council' which does not involve representatives from the UK Government. This led to the creation of a Memorandum of Understanding (signed around 9 April 2020) between the NIE and Irish Government, concerning the approach to the pandemic. The NIO did not have any involvement in creating or adopting this agreement, as this was a matter entirely for the NIE and Government of Ireland. Other than by encouraging general cooperation (for instance, see §80 above), the NIO was also not involved in facilitating this agreement but endorsed its contents. The NIO is not aware of any concerns being raised that commitments set out within this agreement were not being met.

**Section C – Finance and Funding**

94. In this section I will describe the role of NIO in relation to funding arrangements for Northern Ireland from the UK Government, generally and during the specified period.
95. By way of explanation, the overwhelming majority of the funding for the NIE comes from a block grant from the UK Government. Responsibility for determining the value of this grant lies with His Majesty's Treasury ('HMT').
96. This grant is then subject to adjustment at the point at which any changes to UK Government spending are made, such as spending reviews, through the application of the Barnett formula. This formula aims to provide Devolved Administrations with the same pounds-per-person change in funding as the equivalent to UK Government spending

nationally. Some additional block grant funding is provided outside of this formula as set out below.

97. The NIE also has responsibility for generating local and devolved tax revenues (such as Regional Rate, equivalent to Council Tax and Business Rates in the rest of the UK), and retains some other revenue raising and borrowing powers.
98. Legal authority to make payments to NIE departments is provided through the UK Parliamentary Estimates process. The Northern Ireland Department of Finance forecasts its funding requirement on a monthly basis in advance. At the start of each month, the forecast funding is transferred from the Westminster Consolidated Fund to an NIO holding account (still within the Westminster pool of accounts). Money is then transferred to the Northern Ireland Consolidated Fund on a daily basis.
99. The NIE, in turn, decides the departmental allocations for funding within Northern Ireland on all devolved matters. In the absence of an NIE, UK Government sets the departmental allocations. This was the case from 2017-2020 and for the 2022-2023 financial year (in the absence of an agreed NIE budget). These allocations are enacted by budget legislation, passed through the Northern Ireland Assembly at Stormont, or by legislation at Westminster if this is not possible. In order for such a budget to take place, SoSNI is legally obliged, by virtue of the NI (Stormont Agreement and Implementation Plan) Act 2016, to write to the Finance Minister of the NIE 14 days beforehand, to inform them of the level of UK funding being made available for the next financial year. During the specified period this took place on 21 February 2020.
100. The NIO also has an important role in relation to bespoke UK Government funding packages to Northern Ireland which sit outside of the block grant. The majority of these have accompanied major political agreements, and include packages such as New Decade, New Approach and the New Deal for Northern Ireland. In respect of such packages, the NIO's role is to identify suitable projects for funding (alongside the NIE) and liaise between the NIE and UK Government to ensure that the packages of funding are delivered as intended.

*Extra funding during the specified period*

101. During the Covid-19 pandemic, additional funding to the NIE was determined by the application of the Barnett formula to the overall extra funding provided by the UK Government nationwide (known as 'Barnett consequentials').
102. This led to extra funding from the UK Government to the NIE totalling £3.45 billion in the financial year 2020-2021. This extra funding was delivered as follows:
- 102.1. On 7 May 2020, the UK Government allocated the NIE £1 billion following a Main Estimates process conducted by HMT.
  - 102.2. On 8 July 2020, a further £0.6 billion was allocated to the NIE as a Barnett consequential as a result of the UK Government Summer Economic update.
  - 102.3. On 24 July 2020, the UK government began to provide a 'Barnett guarantee' to each Devolved Administration, including the NIE, concerning the increase in additional funding. The NIE was initially guaranteed an additional £0.6 billion.
  - 102.4. On 9 October 2020, a further £0.2 billion was added to the NIE Barnett guarantee.
  - 102.5. On 5 November 2020, a further £0.4 billion was added to the NIE Barnett guarantee.
  - 102.6. On 24 December 2020, a further £0.2 billion was added to the NIE Barnett guarantee.
  - 102.7. On 15 February 2021, the UK Government provided a further £0.3 billion in funding. In response to requests for flexibility, the NIE was able to carry forward this additional funding into the next financial year, in addition to its existing Budget Exchange Mechanism.
  - 102.8. On 14 December 2021, the UK Government announced a further £0.075 billion in support to the NIE. A further commitment was made on 20 December 2021 to double this funding to £0.15 billion.
103. This extra funding was allocated to the NIE directly by HMT, with the NIO only notified shortly before increases were announced. The NIO were not involved in making any decisions concerning Covid-related extra funding to the NIE during the specified period. The NIE Department of Finance was then responsible for allocation of this funding.
104. Although this additional money was as a result of the wider increase of UK Government spending in response to the Covid-19 pandemic and intended to support the response to the pandemic in Northern Ireland, it was not ringfenced. It was therefore a matter for the



NIE how to allocate this extra funding within their areas of devolved responsibility, including the NI Covid-19 response.

105. The NIO is not aware of any requests for extra Covid-related funding from the NIE during the specified period which were declined. However, any such request would likely have occurred directly between the NIE Department of Finance and HMT, and, depending on its nature, would not necessarily have involved the NIO.

#### **Section D – Public health communications and public confidence**

106. In this section I will describe the role played by the NIO in respect of public health communications and the issue of public confidence more generally.

##### *Public Health Communications*

107. As explained above, by virtue of the devolution settlement within Northern Ireland, health is a transferred or devolved matter under the Northern Ireland Act 1998. This means that the responsibility for public health communications sits with the NIE. Generally speaking, the role of the NIO is to support the work done by the NIE in this regard. This normally involves sharing relevant NIE health communications on NIO channels (such as via social media) to support public health messaging in Northern Ireland.

108. During the specified period, the NIO played an active role in helping to facilitate and coordinate the work done by the NIE and the UK Government in relation to public health communications regarding Covid-19. This role also extended to public communications concerning the operation of applicable legislation, restrictions or NPIs within Northern Ireland.

109. The NIO communications teams frequently worked with counterparts within UK Government to ensure that messaging was applicable and relevant to Northern Ireland. Primary situation reporting was undertaken by the NICS (through bodies such as the NI Hub), but the NIO did maintain a watching brief on bodies such as this and produced its own reports as a result of information shared. The understanding of the position on the ground which this provided also allowed us to respond to suggested wider UK communication material to ensure that it was relevant and applicable to Northern Ireland.

110. Notably, the NIO played a specific role in ensuring that the branding of Covid-19 vaccines was suitable and applicable to Northern Ireland. Prior to the vaccine rollout in late 2020, some consideration was given within the UK Government to applying the Union flag branding on various UK Government health initiatives, which would potentially have included vaccines and test & trace in Northern Ireland. This was successfully queried by the NIO, due to a concern that this could inhibit take up of vaccines and engagement with the test & trace programme within certain parts of the community in Northern Ireland.
111. The NIO was also involved in work undertaken in relation to Northern Ireland done by the UK Government press partnership activity. This activity was centrally coordinated by the Covid Secretariat in Cabinet Office, and saw weekly advertorials (paid advertising designed to resemble an article) containing UKG messaging on an array of Covid-related themes rolled out across the UK.
112. Equivalent work also occurred between the NIO and the NIE, in an effort to ensure that NIE public health messages were complementary and coordinated with those emanating from the UK Government. This aspect came to be of particular importance as the pandemic progressed and restrictions across the UK began to diverge (discussed in more detail within Section E below).
113. In addition to general social media activity to promote relevant messaging from the NIE and the UK Government, the NIO was also involved in a specific project to promote economic support in Northern Ireland. This included the business support schemes (such as the Self-employment Income Support Scheme and the Bounce Back Loan Scheme) which were in place to sustain businesses and the economy during Covid-19. In doing so, it was also intended that this campaign would emphasise some of the benefits of the Union during a time of crisis.
114. Funding of £50,000 for this campaign was received directly from the Cabinet Office, and allowed the NIO to commission an advertising agency (AVBrowne) to produce communications material. This led to an advertising campaign between 3 and 17 June 2020 to promote these schemes, and also between 17 June and 1 July 2020 to highlight safe work practices, in light of the return to work in Northern Ireland<sup>6</sup>. As a result of the

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<sup>6</sup> See, for example

<https://twitter.com/NIOgov/status/1270068076776693763?s=20&t=WxgN5Ox1fY9jebhkUB5kZQn> and <https://twitter.com/NIOgov/status/1271013827031846912?s=20&t=67nTmerY53PdUzPcKK5cFg>.

earlier campaign, the NIO saw an increase of nearly 70% in people accessing its business support page which provided information about the schemes and links to apply for them.

115. The NIO communications team also undertook work during the lockdowns and vaccine rollout to find ways of promoting relevant messages within Northern Ireland, often through media activity or, less easily due to restrictions, Ministerial engagements. An example of the latter did occur on 12 March 2021, when the Prime Minister, SoSNI, and the NI First Minister and Health Minister attended a vaccine centre in Fermanagh, in an effort to promote uptake of the vaccine.

116. As set out in Section B above, the NIO maintained contact with the Irish Government and remained in touch with other Devolved Administrations (principally through the 4 Nations Group meetings) throughout the pandemic. This primarily related to the sharing of information generally, and did not tend to focus on coordination of public health communications. Coordination of public health communications was discussed occasionally, for instance at a meeting between SoSNI and Simon Coveney on 5 January 2021, exhibit HC/181 [INQ000091445] above. Further examples of NIO involvement in meetings which concerned the coordination of public health communications are also given above in Section B.

#### *UK Government influence*

117. As discussed above, the response to the pandemic fell principally within the remit of devolved matters in Northern Ireland, which meant that the NIE retained overall responsibility for decision making in this regard. The approach adopted by the NIO was to support the NIE as far as possible, whilst also encouraging alignment with wider UK Government policy, where feasible, in response to the pandemic. This approach is considered in more detail within Section E below.

118. The NIE (and other Devolved Administrations) were largely receptive to maintaining close alignment of restrictions during the opening waves of the pandemic. This is evident from the 4 Nations Group meetings discussed above, which were the primary forum for these issues to be considered. However, as the pandemic evolved, its trajectory within Northern Ireland led to a desire by the NIE for a divergence in policy concerning restrictions and other NPIs between NI and the other UK jurisdictions. Although the NIO sought generally to encourage alignment on such matters, this ultimately remained a decision for the NIE, which was reflected in the change of policy regarding restrictions which resulted.

119. Similarly, Ministers within the UK Government also sought to maintain alignment between Devolved Administrations (including the NIE) and the rest of the UK regarding NPIs – for example, in the run up to Christmas 2020. The devolved nature of much of the response to the pandemic, however, meant that such decisions remained matters for the NIE.

#### *Public Confidence*

120. During the specified period, the NIO was aware that the attendance by the then Deputy First Minister, Michelle O'Neill, at the funeral of Bobby Storey on 30 June 2020 (during a time of restrictions on such events) caused public concern. Prior to this incident, Ms O'Neill and the then First Minister, Arlene Foster, had given several joint press conferences on the handling of the Covid-19 pandemic. These did not resume until September 2020, after Ms O'Neill acknowledged that the incident had undermined public health messaging in Northern Ireland. It therefore seems likely that this incident may have had an impact on the maintenance of public confidence in health messaging during this period.

#### **Section E – Legislation and NPIs**

121. In this section I will describe the role played by the NIO in the development of emergency legislation and implementation of NPIs.

#### *Role played by NIO in development of emergency legislation*

122. The Coronavirus Act was the primary emergency legislation passed by the UK Parliament in response to the Covid-19 pandemic, and received Royal Assent on 25 March 2020. DHSC had lead responsibility for drafting and preparing the Coronavirus Bill ('the Bill') which later became the Act, although there was cross-government input on the contents.

123. The NIO did not play an active role in the development of the Bill, but were consulted by DHSC as it was progressed, and were able to provide comments on an advanced draft. More generally, the NIO was also involved in work to ensure that the NIE and NICS were fully engaged within the drafting process.

124. The NIO was invited to comment on a draft of the legislation (and explanatory notes) which were provided on 13 March 2020 by DHSC. In response, the NIO highlighted to DHSC a number of areas which were of particular relevance to Northern Ireland.

125. The NIO noted an interaction between the Bill and the Public Processions (Northern Ireland) Act 1998, which concerned SoSNI's ability to prohibit public processions under section 11 of the latter. The interplay between these two provisions was assessed and was ultimately not considered to be problematic.
126. The NIO also highlighted concerns regarding the original clauses contained within the Bill to allow for appointment of Judicial Commissioners and the urgent warrant procedure under the Investigatory Powers Act 2016. Following engagement between NIO, the Home Office and DHSC, it was felt prudent to have the ability to increase the number of Judicial Commissioners more quickly than the current procedure allowed. In addition, the revised clauses also created a power to allow the Home Secretary to vary the appointment process and allow the Investigatory Powers Commission to directly appoint temporary Judicial Commissioners, should s/he feel that the number available, due to the impact of the coronavirus, was insufficient for their functions to be performed fully<sup>7</sup>. Finally, the revised clauses also provided that the Home Secretary could vary the urgent warrant procedure to mitigate against the effects of the virus, by extending the timelines for judicial oversight and the lifespan of the warrant, if considered necessary<sup>8</sup>.
127. The Bill also included provisions to confer a power on SoSNI to postpone various types of by-elections, including the Northern Ireland council elections. These provisions would also result in delay to the Northern Ireland electoral canvas (the review of the electorate which must take place every 10 years) scheduled for 2020, by 1 year. Following consultation with the NI Chief Electoral Officer, a submission was provided to MoSNI Robin Walker on 6 March 2020, who agreed to the provisions applying to Northern Ireland. I exhibit this submission as exhibit HC/191[INQ000091301].
128. During the same period the NIO also worked to ensure that the DHSC were in touch and engaged with the NIE and the NICS regarding the parts of the Bill which impacted upon Northern Ireland, including those mentioned above. This involved the NIO working with the NIE on key aspects of the bill, and ensuring that NIE views were known to those managing the draft. By way of example, on 15 March 2020 the NIO worked closely with the NI Executive Office, who were engaged with the DHSC over aspects of the Bill relevant to Northern Ireland.

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<sup>7</sup> S22 Coronavirus Act 2020.

<sup>8</sup> S23 Coronavirus Act 2020.

129. The NIO also supported work between DHSC, the NI Department of Health and the NI Executive Office to enable the insertion into the Act of provisions<sup>9</sup> to allow the NIE Department of Health to make health protection regulations in response to the pandemic. This important aspect of the Act subsequently allowed the Northern Ireland Department of Health to make regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of Covid-19 in Northern Ireland. I exhibit a letter dated 18 March 2020 from Jo Churchill MP, the then Parliamentary Under-Secretary of State within the DHSC to the NI Health Minister, which refers to the powers to make regulations being contained within the Bill (exhibit HC/192[INQ000091313]). The NIO played no part in the making of these regulations, as these were a transferred matter undertaken by the NIE.
130. Finally, the NIO also worked to assist the process of legislative consent for the Act within the Northern Ireland Assembly. In this regard I exhibit an email dated 11 March 2020 between the NIO and DHSC, in which a junior NIO official explains that steps had been taken to ensure that legislative consent was being considered by the NI Assembly at a special sitting on 24 March 2020 (exhibit HC/193[INQ000091304]).
131. Following this work, a submission, outlining the relevant aspects of the proposed Bill, was submitted to SoSNI on 17 March 2020. I exhibit this document as exhibit HC/194[INQ000091310]. As was noted in this submission, NICS had been consulted on and NI Ministers had signed off all clauses that impacted on NI. SoSNI subsequently confirmed on 18 March 2020 that he was supportive of the Bill.
132. The Bill was presented for approval at the Parliamentary Business and Legislation Committee of the Cabinet on 18 March 2020, which MoSNI attended. The Bill was endorsed for introduction at this meeting and subsequently introduced in Parliament on 19 March 2020.
133. Separately, in late May and early June 2020 the NIE took steps to require travellers arriving in Northern Ireland to quarantine if they originated from outside the Common Travel Area in the past 14 days, even if they first arrived in Ireland before travelling to Northern Ireland. To ensure consistency and to avoid unnecessary divergence, the UK Government worked at speed to ensure that its border regulations were comparable. The NIO contributed to

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<sup>9</sup> S48 and Schedule 18 Coronavirus Act 2020.

this work by liaising between the NIE and the relevant UK Government Departments, and contributing to a Ministerial Submission for a Home Office Minister. I exhibit a note prepared by the NIO at the time on the issue (exhibit HC/195[INQ000091375]), the Ministerial Submission (which was subsequently approved) (exhibit HC/196[INQ000091376]) and a letter from the Home Secretary (exhibit HC/197[INQ000091378]).

*Role played by NIO in divergence of imposition of NPIs*

134. As explained above, although the NIO sought generally to encourage alignment on the imposition or non-imposition of NPIs between Northern Ireland and the rest of the UK, this ultimately remained a decision for the NIE. In any event, during the initial phases of the pandemic there was very little divergence between the NPIs imposed in Northern Ireland and those within England and the rest of the UK.

135. The initial forum for decisions regarding such matters was COBR meetings. These were sometimes attended by Ministers of the NIO, as well as those from the NIE (commonly First Minister, Deputy First Minister and Health Minister). By way of example, the meeting held on 2 March 2020 considered the UK Government's action plan in response to the pandemic. Prior to the meeting the draft plan had been shared with the NIE, and received some input from the officials from the NI Department of Health (noted in the SoSNI's brief for this meeting – exhibit HC/12[INQ000091300] above). The NIO understands that this plan was approved at the meeting. The NIO is aware that further COBR meetings of relevance to the issue of imposition of NPIs were also held on 16 and 23 March 2020. These were not attended by the NIO, but it is understood that Ministers of the NIE were again present and approved the imposition of NPIs, including a national lockdown across the UK.

136. Following the imposition of the national lockdown, the forum for discussing restrictions across the territorial jurisdictions of the UK became the regular 4 Nations Group meetings, led by CDL, with First Ministers and Territorial Secretaries of State. These meetings were used to keep the Devolved Administrations informed of key updates and also encouraged close collaboration and coordination in respect of NPIs across the UK, where possible.

137. The willingness to align between Northern Ireland and the rest of the UK was noted within meetings from this early period. In this regard, I have exhibited the readout of the meetings held on 15 April 2020 (exhibit HC/96[INQ000091336]) and 5 May 2020 (exhibit

HC/97[INQ000091357]). It is clear from both readouts that the NIE wished to maintain general alignment with the rest of the UK in terms of NPIs at this stage.

138. Due to the unique position of Northern Ireland, engagement with the Republic of Ireland to ensure that, where possible, similar approaches to NPIs were adopted also became important. An example of this can be seen when different dates were adopted for school closures in March 2020 in the Republic of Ireland as opposed to Northern Ireland, which caused some tension within NI. The NIO was therefore involved in regular communication with the Irish Government, at Ministerial and official level, to work to avoid such issues where at all possible. In this regard, please see page 3 of the briefing exhibited above prepared for SoSNI for the meeting of 11 April 2020 (exhibit HC/121[INQ000091330]). This interaction with the Irish Government was also relevant to the easing of restrictions which then occurred.

139. Thereafter, the pandemic's trajectory within Northern Ireland led to a desire by the NIE for some divergence in policy concerning restrictions between NI and the other UK jurisdictions. This divergence reflected the devolved nature of health in Northern Ireland and was evident on 11 May 2020 when the UK Government published its Covid-19 recovery strategy and the NIE published its Coronavirus Executive approach to decision-making document the following day. Both plans favoured a phased approach to the relaxation of restrictions, but the NIE chose not to remove any restrictions at that stage and declined to allocate provisional dates for the relaxation of restrictions.

140. The NIO's role at this point was to keep abreast of these developments. In this regard I refer to briefings prepared for the Permanent Secretary regarding this divergence (exhibit HC/198[INQ000091366]) and exhibit HC/142[INQ000091370] mentioned above. I also exhibit a paper prepared by the NIO at the time for the Cabinet Office on this subject as exhibit HC/199[INQ000091369].

141. On 21 September and 14 October 2020, the NIE imposed increases in NPIs in Northern Ireland due to the increasing prevalence of Covid-19. As before, during this period the NIO continued to work closely with the NIE to be aware of and understand the reasons for divergences in NPIs. In this regard, I refer to the briefing prepared for SoSNI in advance of a summit chaired by CDL on 12 October 2020 (exhibit HC/103[INQ000091395]) mentioned above. As can be seen from this briefing, the NIO was keen to continue to work with the NIE when divergences in restrictions occurred and to minimise any risks which could arise.



142. As Christmas 2020 approached, the UK Government proposed a joint approach towards restrictions during this period with all Devolved Administrations. In this regard, I refer to the briefing prepared for SoSNI for the 4 Nations Group meeting on 18 November 2020 (exhibit HC/106[INQ000091415]) and an internal note prepared by the NIO on this topic at around this time as exhibit HC/200[INQ000091411]. Planning meetings with officials also took place in late November and early December 2020 (discussed above). A joint statement to be issued by all UK jurisdictions regarding restrictions was then proposed on 16 December 2020 (exhibit HC/201[INQ000091442]). Alignment on this statement was encouraged by the NIO and CDL, but the NIE decided not to endorse this statement, which was published with the support of the Scottish and Welsh Governments. Instead, the NIE adopted a different course regarding NPIs over the Christmas period, and published their own statement on 21 December 2020 to this effect. As before, during this period, the NIO worked to encourage alignment where possible, but sought to understand and support the NIE irrespective of whether this was in fact achieved.

143. As the course of the pandemic continued throughout 2021, there was some further divergences in approach to the relaxation of restrictions. On 2 March 2021 the NIE published its Pathway out of Restrictions document which outlined its approach towards the relaxation of NPIs. Again, this approach remained distinct from the rest of the UK, as it involved a slower relaxation of restrictions and was not linked to specific dates. I exhibit an internal NIO summary document which considered this plan as exhibit HC/202[INQ000091474]. As can be seen from the readouts from the CDL calls on 9 June 2021 (exhibit HC/119[INQ000091496]), 12 July 2021 (exhibited as HC/203[INQ000091499]), and 8 September 2021 (exhibit HC/120[INQ000091503]), the NIE continued to keep UK Government informed as decisions on relaxations occurred.

144. Although the NIO did attempt to encourage alignment where possible regarding NPIs during the specified period, it was understood, when they occurred, that divergences in restrictions reflected the unique position of Northern Ireland. In any event, the NIO continued to support the work of the NIE throughout this period wherever possible.

## **Section F – The position in Northern Ireland prior to 11<sup>th</sup> January 2020**

145. In this section I describe the position in Northern Ireland prior to the specified period and the NIO's understanding of the impact of the absence of Ministers and the NIE between early 2017 and early 2020 on the response to the pandemic in Northern Ireland.

146. For some time prior to 2017, Northern Ireland’s health and social care system was under significant pressure and was acknowledged to be inadequate. For instance, in October 2016 a report by an expert panel, chaired by Professor Rafael Bengoa (‘the Bengoa Report’), concluded that the model of care was “outdated” and “not the one that Northern Ireland needs”<sup>10</sup>. A number of recommendations were made within this report in an effort to increase capacity and ensure a more sustainable health and social care system in Northern Ireland. As a result of the recommendations made in the Bengoa Report, the then Northern Ireland Health Minister, Michelle O’Neill, published a 10 year strategy to transform health and social care which was entitled “Health and Wellbeing 2026: Delivering Together”. As outlined in the Ministerial foreword of this document, the strategy set out a commitment to tackle the issues faced in the NI health and social care system through decisive political leadership – noting the determination to move beyond short-term approaches and crisis management.
147. From 16 January 2017, the NIE collapsed and, as result of the political impasse, there was no NI Health Minister in place to take forward this strategy and/or implement the recommendations made in the Bengoa Report.
148. During this period health remained – as it does today – a devolved matter. This meant that, in the absence of primary legislation passed through the UK Parliament, the reforms recommended by the Bengoa report could not be implemented.
149. In order to maintain public services in NI, the UK Government put forward a bill which later became the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018. Inter alia, this legislation provided for decision making by NICS senior civil servants along with conferring some urgent specific powers and duties such as the ability to make public appointments in the absence of NI Ministers. However, such powers did not include the initiation of new policy, programmes or schemes. This legislation was only intended to ensure critical and urgent decisions could be taken in the absence of the NIE. Therefore, longer term policy decisions in devolved areas, such as addressing the recommendations made in the Bengoa Report, were considered to require implementation by Ministers of the NIE.

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<sup>10</sup> P9, *Systems not Structures: Changing Health & Social Care, Expert Panel Report*.

150. During this period the NIO continued to work closely with the NICS. The NICS ensured that public services were maintained in Northern Ireland, as far as possible, in the absence of the NIE. However, the failure to implement the recommendations of the Bengoa Report was likely a relevant factor in the response to the pandemic in Northern Ireland, particularly as a key aspect of this response concerned the pressures being felt within the health and social care system. Indeed, in April 2021 the NI Health Minister acknowledged that “pre-existing fragilities in our system also undoubtedly hampered our response to the pandemic”<sup>11</sup>.
151. The NIO is not aware of any practical implications or challenges, posed by the establishment of a new administration in the NIE in January 2020, which affected the NIO’s work in response to the pandemic. Ministers of the new NIE administration were in place during the specified period, and the fact of their recent assumption of office did not appear to have a significant impact on the NIO’s work in response to the pandemic. Indeed, the NIO considers that the presence of locally elected Ministers in Northern Ireland throughout the early days of the pandemic helped to promote clear and consistent public messaging.
152. In addition, the NIO and the NICS had developed a strong working relationship during the three years of impasse when there had been no NIE, prior to the beginning of the specified period. These relationships and ways of working subsequently proved highly effective and resilient during the pandemic. An example of this can be found in the close collaborative work between a junior official of the NIO and the NICS during the initial set-up of the NI Hub, described above (see exhibit HC/2[[INQ000091309](#)]).

## **Section G – Lessons Learned**

153. In this section I offer some high-level reflections on lessons which have been identified from our experience over the course of the specified period.
154. It should be noted that the scale, scope and complexity of the Government response to Covid-19 was unforeseen, with major unprecedented decisions happening extremely quickly and frequently without warning. This often made responding to challenges posed by the pandemic difficult, particularly in the early stages. When the NIO did identify problems, we did our best to raise and resolve them quickly, as well as learning the lessons as we went along.

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<sup>11</sup> Oral Statement to the NI Assembly by Health Minister Robin Swann, 13 April 2021.

*Particular difficulties encountered which impacted upon decision making*

155. As discussed above, problems sometimes occurred when it came to coordination of policy creation or announcements with Devolved Administrations. Where such examples occurred, they did little to encourage effective decision making or further collaboration. As these issues began to emerge, the NIO worked to address them within UK Government. By way of example, in the early stages of the pandemic and following representations made by the NIO (amongst others), standing invitations were extended to representatives of the Devolved Administrations to three of the four MIGs. The exception was the international MIG, as this concerned reserved matters. This helped to improve the flow of information and coordination of steps in response to the pandemic.
156. There were also issues encountered concerning the understanding which existed within UK Government of the particular political and community sensitivities within Northern Ireland. For example, when an issue arose concerning branding and communications of vaccines for distribution in Northern Ireland (§110 above), the NIO worked with UK Government Departments to ensure that this proposal did not hinder vaccine uptake in Northern Ireland. In this instance the difficulty was avoided, but the NIO was aware that this wider issue was present during the specified period and worked to counteract it.
157. The NIO was also aware of political tensions which existed within the NIE which, at times, appeared to create challenges for decision-making and effective working between NIE Ministers and departments. Such issues arose in the context of NIE decisions concerning whether to align NPIs with the rest of the UK or the Republic of Ireland. Other than the advice provided by bodies such as SAGE referred to above, the NIO was not aware of any particular scientific or statistical advice or information which was relevant to this issue. The NIO was not aware of any other particular tensions within the NIE which created such challenges.
158. In early 2021, difficulties were also encountered surrounding data sharing between the NIE and the Republic of Ireland. This centred around the fact that travellers arriving to the Republic of Ireland (sometimes from countries with high levels or emerging strains of Covid-19) were free to travel on to NI by virtue of the Common Travel Area, which remained unrestricted. In order to respond to this issue, a process was established whereby travellers arriving in the Republic with the intention to travel on to Northern Ireland (or the rest of the UK, although the issue primarily related to Northern Ireland) would be

asked to complete the UK Passenger Locator Form ('PLF'), as well as the Irish Government version. However, it transpired that such passengers sometimes did not complete the UK PLF, which then hindered the NIE's ability to contact those passengers and so effectively monitor and control the spread of the virus.

159. In response, the NIE sought access to data from the Irish PLF from the Irish Government, and provided guarantees that this information would not be used for enforcement purposes, but rather to contact travellers and remind them of their obligation to complete the UK PLF. Unfortunately, this issue remained unresolved for some months, as the Irish Government remained concerned about data protection issues. In this regard I exhibit correspondence received from the NIE (either addressed or copied to the NIO) dated 6 February 2021 (exhibit HC/204[INQ000091465]), 29 April 2021 (exhibit HC/205[INQ000091483]), 29 April 2021 (exhibit HC/206[INQ000091484]) and 24 May 2021 (exhibit HC/207[INQ000091491]).

160. The NIO was engaged at both Ministerial and official levels in an attempt to help to resolve this issue (see the meeting exhibits HC/111[INQ000091461], HC/182[INQ000091456] and HC/184[INQ000091463] above). CDL was also personally involved (see readout of meeting with Irish Minister for Foreign Affairs, Simon Coveney exhibit HC/115[INQ000091479] above) and similarly, SoSNI also met with Simon Coveney on this issue (exhibit HC/208[INQ000091482]). The problem was resolved by the summer of 2021, when a data sharing process was agreed between the NIE and the Irish Government.

161. A difficulty concerning communication of data also arose in relation to the publication of the specific R number estimate for each of the 4 nations of the UK. In the early stages of the pandemic, the R number estimates in respect of Devolved Administrations were published by each individually, and the UK-wide figure was calculated by SAGE and published by the Cabinet Office. In May 2020, SAGE advised against publishing individual SAGE-calculated R numbers in respect of the 4 nations, due to lower levels of confidence in R numbers for smaller geographical areas. It appears that this advice was not followed, and the Devolved Administrations were notified that, going forward, Cabinet Office would publish figures calculated by SAGE in respect of all 4 nations, alongside the UK-wide figure. This caused concern amongst the Devolved Administrations about possible discrepancies between the SAGE/Cabinet Office figures, and those published by them.

162. To resolve this issue, the UK Governance Group (within the Cabinet Office) convened meetings with all Devolved Administrations, Territorial Offices (including the NIO) and SAGE. Following this, it was agreed that each administration would continue to publish the R number in respect of their nation, but that publications would also note the estimate which had been calculated, but not published, by SAGE. The NIO assessed this difficulty primarily as a problem of communication between UK Government and the NIE and other Devolved Administrations. As before, once the issue arose, the NIO attempted to ensure that the NIE and UK Government were able to find a mutually agreed solution.

*Improvements in processes*

163. As mentioned above (§83), a senior NIO official was asked to re-visit the NICS CCG in April 2020 to consider the effectiveness of their response to the early stage of the pandemic. The author identified some issues with attendance at meetings and the speed of dissemination of information. He recommended the continuation of some of the arrangements which had been established by the NICS, but felt that the intensity of their current CCG response could now be reduced. I exhibit a copy of his report as exhibit HC/209[INQ000091367] and an email chain between the author and the Head of NICS as exhibit HC/210[INQ000091368].

164. In the summer of 2020, the NIO undertook an internal review of the Department's response to the pandemic, in an effort to ensure that it was ready to respond to a possible second wave of Covid-19. As a result of this review, three recommendations were made.

165. First, it was felt that the NIO had lacked an escalation plan, and were often taking action in response to events rather than proactively, during the first few weeks of the pandemic. Therefore, an anticipation of a second wave, a plan was put in place which identified Departmental priorities and therefore areas of work which could be paused, and staff who would be required to move to new areas of work quickly. Alignment with the NIE's priority areas was considered important in this regard. It was also agreed that certain 'trigger points' would be used to increase the NIO's response to a second wave. These were:

- 165.1. The Covid-19 alert level rising.
- 165.2. Regression of the recovery plans (from either the NIE or UK Government).
- 165.3. A sudden or significant spike in cases or deaths.

166. Second, it was noted that the scope and scale of the NIO's response could be refined to focus and prioritise areas of real need. Examples of such areas were Ministerial meetings

and the sharing of key decisions taken by the UK Government and the NIE, rather than passing on non-critical information and responding to routine queries. An analogy was also identified; the NIO's response in terms of resources should be akin to a dial (scaling up and down) rather than switch (turning on and off).

167. Third, it was agreed that the Department's initial response to a further wave would include the following aspects which had proved useful previously:

167.1. The use of Departmental coordination meetings, the frequency being dependent on the situation.

167.2. Recommencement of the Departmental Covid Situation Report, with the frequency again dependent on situation. It was also noted that consideration would be given to recommencing the NI Hub liaison role, if the Hub was re-established by the NIE.

167.3. Redeployment of NIO staff to areas where they had previous policy knowledge or experience from the first wave.

By this point in time, the Department had already begun to reorganise its Covid work into the three areas considered at §30 above.

168. Following this review the NIO produced a plan for a possible second wave of the pandemic which I exhibit as HC/211[INQ000083157]. The structures and plans established as a result of this review remained in place, without need for escalation, until March 2021.

169. The NIO is also aware that the Cabinet Office was engaged in conducting a 'lessons learned' exercise in June 2020. A draft paper on this topic was shared with the NIO which I exhibit as HC/212[INQ000083153], along with the NIO's response as exhibit HC/213[INQ000083154]. The NIO's response highlighted many of the issues discussed above (see §88-90 above). The NIO is unaware of the outcome of this exercise.

170. I am specifically asked to comment on an issue raised at paragraph 15 of this draft paper concerning the flow of data between the Devolved Administrations and UK Government, within the context of Northern Ireland. As this paper was not produced by the NIO, I would suggest that, as author, the Cabinet Office may be better placed to explain and comment on its contents. More generally, during the early stages of the pandemic and as part of its general liaison role, the NIO undertook work with the NICS and NIE to ensure that data from Northern Ireland was included within the UK-wide picture collated by the Cabinet Office. Although this was part of a wider issue concerning the Devolved Administrations, the NIO was aware of a specific problem relating to the compatibility of the data being

collated in Northern Ireland with the wider UK figures. For example, please see exhibits HC/35[INQ000091324] (p3), HC/134[INQ000091344] and HC/135[INQ000091345] which refer to this issue and the NIO's involvement in working to find a solution to it. In this regard, the NIO's role was limited to encouraging collaboration between the NIE/NICS and the UK Government (Cabinet Office), and so is unable to comment on the detailed causes or wider impacts of this issue.

171. Finally, throughout the specified period the Cabinet Office was also involved in progressing the Review of Intergovernmental Relations, which began in 2018 and was paused briefly at the start of the pandemic. This work focused on the pre-existing Memorandum of Understanding (exhibit HC/214[INQ000083082]) which governed the relationship between the UK Government and the Devolved Administrations, to ensure that it remained fit for purpose. The NIO contributed to this Review throughout. Although this work did not arise because of Covid-19, it took on a renewed focus during the pandemic. The NIO and other contributors (including the Devolved Administrations) drew upon some of the difficulties encountered during the pandemic discussed above when contributing to this Review. I exhibit a copy of the outcome of the Review as exhibit HC/215[INQ000083215]. It should be noted that all of the structures and systems recommended in this Review have since been established.

### Statement of Truth

I declare that the contents of this witness statement are true and accurate to the best of my knowledge and belief. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Signed:**

Personal Data

**Dated:** 14.04.2023