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Permanent Secretaries
Via email

Dear Permanent Secretaries,

COVID-19 PUBLIC INQUIRY – RECORD RETENTION

On 14th June I forwarded to you a copy letter from Cabinet Offices to UKG Permanent Secretaries in relation to record retention for the public inquiry into the Government's response to the COVID-19 pandemic, which it is anticipated will commence in Spring 2022.

No decision has yet been taken on whether Northern Ireland will solely participate in the proposed UK wide or whether we will have our own local Northern Ireland inquiry. This decision will be taken by the Executive in due course and after it has had sight of the terms of reference for the UK inquiry. However it is prudent that we begin to plan for an inquiry.

I am writing to ask that you take steps to assure yourself that your Department and ALBs will be ready to meet its obligations to provide relevant records, information and data to an inquiry as it is requested. This includes ensuring that no material of potential relevance is destroyed. Given that the terms of reference are yet to be agreed this will require us to take the broadest interpretation of potential relevance. You should also obtain similar assurances from any relevant arms-length bodies for which your Department is responsible.

We have well established records management processes in place across NICS which emphasises the importance of keeping a full and clear records of decisions taken, the reasons for those decisions and the evidence and data used to inform and support those decisions. We will be issuing a note to all staff to reinforce the importance of rigorously applying these processes in relation to issues which may be relevant to a COVID inquiry.

It is not inconceivable that when an inquiry is established it will begin to work at pace and it would be helpful if Departments and ALBs could begin to develop timelines and narratives around key decisions/actions that were taken during the course of the pandemic. As part of their Business Continuity Plans many Departments and ALBs may have operated a system of decision logs which may help in the preparation of these high level narratives. As part of this process a number of Departments have begun to

link their decision narratives through to specific containers on the records management system which will ensure ready access to supporting material and documentation that an inquiry may request..

Current and former civil servants will be required by law to cooperate fully with any Inquiry established under the Inquiries Act 2005. I have asked NICS HR to ensure that existing mechanisms are sufficiently robust to log key leavers.

In terms of welfare and pastoral support for staff who may have to provide evidence it is anticipated that, as was the case for the RHI Inquiry, this will be managed by NICS HR together with the various support services that are available to staff. At an early stage we will want to work with NICS HR to ensure that an appropriate information pack is developed which can be shared with staff and TUS. This work will continue as the Inquiry progresses allowing consideration of any additional support requirements for staff impacted.

I have invited the Departmental Solicitor, Hugh Widdis, to consider running a joint DSO/TEO session with PSS or perhaps the wider SCS group on preparing for a public inquiry to cover important concepts such as the duty of candour. In the meantime DSO have prepared the attached guidance on preparing for a public inquiry and a separate guide for witnesses.

It is my intention to establish a team within to coordinate our work to support an inquiry. I recognise that servicing an inquiry will place significant demands on your Departments also and it is important that we collaborate effectively across NICS to ensure that we are able to effectively contribute to and support this important work.

I would be grateful for your early confirmation that appropriate steps have been taken within your Departments and ALBs to preserve all potentially relevant material.

Yours sincerely

Personal Data

JAYNE BRADY

Head of the Northern Ireland Civil Service