

Thursday, 6 March 2025

1
2 (9.59 am)
3 **LADY HALLETT:** Mr Wald.
4 **MR WALD:** My Lady. Our next witness and our first witness
5 this morning is Mr Max Cairnduff. Could the witness be
6 sworn, please.
7 **MR MAX CAIRNDUFF (affirmed)**
8 **Questions from LEAD COUNSEL TO THE INQUIRY FOR MODULE 5**
9 **MR WALD:** Please state your full name for the Inquiry.
10 **A.** Maximillian Cairnduff but I use Max.
11 **Q.** Thank you. Mr Cairnduff, we're grateful for it, you
12 have provided a witness statement to the Inquiry, it's
13 Inquiry number INQ000536351, can you confirm, and
14 I believe you have done so by signing it, that it is
15 true to the best of your knowledge and belief?
16 **A.** It is.
17 **Q.** All right. Thank you for that.
18 Can I start, please, by way of introduction of you
19 a little bit about your background. You started as
20 a solicitor for number of years at two City firms; is
21 that right?
22 **A.** Yes, technically, actually, I was an employed barrister
23 rather than a solicitor, I'm not sure that matters.
24 I started out at A&O -- sorry, Allen & Overy, I'm very
25 sorry. I moved then to Shearman & Sterling, which is

1

1 **Q.** Understood. Then in 2019 you joined the senior
2 management team within CTT?
3 **A.** Yes.
4 **Q.** CTT being?
5 **A.** Complex Transactions Team.
6 **Q.** Yes. On 1 April 2020, you were brought into work on the
7 PPE Buy Cell, of which we've heard a bit in the last
8 couple of days?
9 **A.** That's correct, I'd spent a few days previously helping
10 build up a bench of contingent labour to assist with
11 Covid-related activities, and then I was transferred
12 over to the PPE Buy Cell and, as it's now called, the
13 HPL, the High Priority Lane, on 1 April.
14 **Q.** You're not the only witness to whom this has been asked
15 and I doubt you'll be the last but if we can try to keep
16 the pace down it will help our stenographer enormously.
17 **A.** I'm sorry, yes.
18 **Q.** So you became the High Priority Lane and Donations lead?
19 **A.** Yes.
20 **Q.** Those two areas were amalgamated, weren't they,
21 Donations and High Priority?
22 **A.** That's correct because both of them would involve
23 potentially politically sensitive topics or require
24 greater handling.
25 **Q.** Yes, we'll come on to that. But you joined that team

3

1 a New York based term, but I was in London. But I spent
2 the bulk of my career at Freshfields.
3 **Q.** How many years were you in private practice there?
4 **A.** 15 or more.
5 **Q.** 15, and you specialised -- is it commercial law,
6 procurement?
7 **A.** Not procurement, though I was an infrastructure lawyer,
8 so I was a transactional lawyer. So largely
9 I negotiated international and domestic project
10 financings. The UK ones didn't involve procurement but
11 I had procurement law colleagues who would assist with
12 the technicalities --
13 **Q.** You went on to specialise into procurement and --
14 **A.** No, I was never a procurement lawyer, I'm sorry.
15 **Q.** Sorry, you ceased to be a lawyer in July 2018, didn't
16 you?
17 **A.** Yes, that's correct.
18 **Q.** You joined the Civil Service --
19 **A.** Yes.
20 **Q.** -- and you joined the Government Commercial Organisation
21 within the Cabinet Office?
22 **A.** Yes, I did.
23 **Q.** Yes. More specifically, you became a commercial
24 specialist in the Complex Transactions Team?
25 **A.** Exactly, yes.

2

1 after it had already been set up?
2 **A.** Yes, it was set up -- well, I didn't know at the time --
3 sorry, I'll try and slow down -- I didn't know at the
4 time exactly when it had been set up but I believe it
5 was in late March, mid-to-late March.
6 **Q.** Nor do you know, you tell us in your witness statement,
7 by whom it was set up?
8 **A.** I didn't know at the time of my witness statement. I've
9 read a lot of other evidence in preparation for today so
10 I've seen evidence since where I think it is in Andy
11 Wood's statement where it suggests that Lord Agnew
12 suggested it, for example. My impression, though, is
13 that it was more of an organic response to the flood of
14 offers we'd already received by that point and then the
15 flood of chasers we were starting to get in relation to
16 some of them.
17 **Q.** You occupied your post at Deputy Director General level?
18 **A.** Deputy Director, not DG.
19 **Q.** Deputy Director. You occupied that position until
20 around 4 May 2020, so just over a month?
21 **A.** Yes.
22 **Q.** But a busy month?
23 **A.** Very. I'd actually remembered it as much longer. It
24 was only when I was preparing for this hearing that
25 I realised it was that short. In memory, it's several

4

1 weeks.

2 Q. Yes, understandably. Could we please have on the

3 display -- I don't know whether you followed yesterday's

4 proceedings --

5 A. Only the start.

6 Q. Excuse me?

7 A. I'm very sorry, only the start.

8 Q. Could we please, it's a PHT reference rather than an INQ

9 one, it's two parts of the transcript from yesterday's

10 proceedings. I don't know whether it's a part that

11 you've seen. It's PHT000000151. If we could start at

12 pages 181 to 182.

13 A. Thank you.

14 Q. You can see at the top of that page some of the evidence

15 that Mr Marron gave.

16 A. Yes.

17 Q. "... I'm trying to find the right word, some people said

18 'noise' [he's referring here to the VIP Lane], I don't

19 want to use the word 'noise'. There was legitimate

20 interest in -- so we needed to manage that. I think as

21 we look back on how we did this, we didn't do it in

22 a good way at all. I mean, frankly, we've reviewed it

23 several times, the Boardman Review said this wasn't the

24 right thing to do, and frankly, if we'd had a better

25 process in terms of triaging the offers, as we talked

5

1 course for the work that you're doing helping the

2 Inquiry. I know you probably have to arrange" --

3 Sorry. If we can go up a page. It spans over the

4 two pages, 224 and 225. That's it. 224:

5 "I appreciate how hard you and your colleagues must

6 have worked during the pandemic and how distraught, I'm

7 sure, many of you are -- I think you've shown signs of

8 it this afternoon -- that all your hard work has been

9 undermined by the creation of the VIP Lane. I hope you

10 understand why we had to examine it."

11 A. Mm-hmm.

12 Q. So I start with those observations. I just want to

13 remind you of parts of your own evidence that relate to

14 the VIP Lane now, if I may.

15 A. Yes, please.

16 Q. Thank you.

17 The first of those is at page 6, paragraph 4.5.

18 Which is INQ -- the witness statement -- 000536351,

19 where you observe:

20 "I was also aware at the time that there was

21 a belief that the contracts coming through the [High

22 Priority Lane] would be of good quality and would lead

23 to credible offers of PPE coming through in the

24 otherwise chaotic market."

25 Is that a belief that you held, that there is an

7

1 about before the break, we probably would have needed

2 this. I think that's a very valid observation."

3 Mr Marron goes on:

4 "We've been tested in the High Court on this

5 particular process, actually, here, that the unfairness

6 in this very first stage was found to be unlawful,

7 although actually our justice found -- generally found

8 that actually we would have awarded -- she thought the

9 contracts would have been awarded --"

10 You understand what he's referring to there?

11 A. Yes, I do, that's the Mrs Justice O'Farrell PestFix v

12 Ayanda judgment.

13 Q. It is indeed and, in particular, the finding of unequal

14 treatment --

15 A. Yes.

16 Q. -- albeit that, in that case, those particular contracts

17 were found to have been ones that would have been

18 awarded in any event?

19 A. Yes.

20 Q. Yes. Then if we could just move to the latter of the

21 two parts of this transcript, it's at page 225. This is

22 towards the very end of proceedings yesterday, where our

23 Chair comments as follows:

24 "... I'm extremely grateful [to Mr Marron] to your

25 and your colleagues for the work that you did and, of

6

1 inherent improved credibility of offer amongst those

2 that came in through the High Priority Lane?

3 A. It depends when. So when I joined the HPL I was, as it

4 says in that quote actually, highly sceptical of it.

5 I thought it was unlikely it would be a better route.

6 I thought the better offers would likely come in through

7 the other route or just randomly.

8 What I found in practice once I was working there,

9 and this happened through two ways, was many genuinely

10 good high-quality offers came through. And there's

11 a couple of reasons for that, I think. One of them is

12 there are individuals such as Lord Feldman who was

13 actively tasked with going out and identifying offers.

14 He did a very good job of it. And he would seek, for

15 example, feedback on which referrals had worked, had

16 been potentially productive, which hadn't been, and so

17 that improved the quality, that were coming through that

18 route.

19 The other thing we found was some very credible

20 suppliers, rather than just going through the portal,

21 would go through minister directly. So, for example,

22 Apple were making a big donation, they went directly to

23 government ministers, so that would then get referred to

24 us. Or they'd go through the portal, not hear back, and

25 then they would escalate, and so they would still end up

8

1 with us.
 2 So I didn't expect it to begin with but it did
 3 become true that amongst a lot of offers that weren't
 4 very good, there was a substantial kernel of offers that
 5 were very good indeed.
 6 **Q.** So initial scepticism but eventual support for the HPL;
 7 is that fair?
 8 **A.** Support to a point. Later on, towards the end of April,
 9 I think I recommend wrapping it up, because I felt it
 10 was done. We were part -- in the very early stages of
 11 the crisis we had desperate shortages of HPL -- sorry,
 12 of HPL, sorry -- of PPE. Sorry. We were all very aware
 13 of that.
 14 You mentioned, I think, to Gareth there's two kinds
 15 of pressure: there's the pressure that's coming from
 16 ministers, but there's also the greater pressure of just
 17 seeing what's happening. So at that point we were
 18 really just focused on getting kit in the door. Later
 19 on, as it stabilises, it's not the best way to do
 20 things -- (overspeaking) --
 21 **Q.** When you say "[we] were done", you meant that sufficient
 22 quantities had already been secured?
 23 **A.** I mean that -- sorry, as it stabilised and we could see
 24 more reliable offers -- more reliable supply coming
 25 through, more contracts had been placed, you're in

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1 Mr Moore. Do you recall?
 2 **A.** I do, indeed.
 3 **Q.** Yeah. And you said there -- is it fair to say that you
 4 and David Moore didn't quite see eye to eye on the
 5 VIP Lane?
 6 **A.** Yes, I think I say in my statement, actually, and David
 7 was correct.
 8 **Q.** Excuse me?
 9 **A.** David was correct.
 10 **Q.** In what sense?
 11 **A.** In that I pushed at the time. I was caught I think in
 12 tunnel vision. When you're there you've got a mixture
 13 of good quality offers that are stuck in some technical
 14 assurance black hole, from our limited perspective, and
 15 some which are incredibly noisy and may or may not be
 16 good, you don't know, but they're good enough to be put
 17 through to technical assurance at any rate. They're
 18 stuck in the system.
 19 I said to David basically, "Could you please get
 20 these unstuck." And by unstuck, by the way, that
 21 doesn't necessarily mean pass; it means give
 22 a resolution to, which may be rejection. I -- you might
 23 want to pull it up, I don't remember my exact words,
 24 but --
 25 **Q.** From your statement or from the correspondence?

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1 a place where you're no longer in absolute crisis where
 2 you're about to run out tomorrow, hopefully. And at
 3 that point you need to start thinking about your
 4 structure.
 5 And as we go into May, we then start thinking about
 6 what the future will look like and what the future of
 7 PPE procurement will look like during the remainder of
 8 the crisis.
 9 Sorry, does that answer?
 10 **Q.** All right, let's move on to some of your other
 11 observations in relation to the VIP Lane.
 12 **A.** Yeah.
 13 **Q.** Page 14, paragraph 6.2 of your evidence. You say:
 14 "... I had almost expected us to be akin to sewage
 15 workers ..."
 16 **A.** Yes.
 17 **Q.** Then you say:
 18 "... clearing noise out of the system. Once we
 19 realised that some of it was pretty good my confidence
 20 in the HPL increased ..."
 21 And I think that summarises what you've just told
 22 us.
 23 **A.** Yes, I think that's right.
 24 **Q.** Yes. We then have at your paragraphs 7.16 to 7.17, at
 25 page 23, an account of correspondence that you had with

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1 **A.** Sorry, either, it doesn't matter, I think it's quoted in
 2 my statement.
 3 **Q.** The statement, if you want to look at it, is
 4 paragraphs 16 to 17 --
 5 **A.** Oh, yes, thank you.
 6 **Q.** Page 23.
 7 **A.** And essentially David came back saying, "We will not
 8 prioritise anything because it's in the VIP Lane."
 9 Which is absolutely right.
 10 **Q.** You, by contrast, Mr Cairnduff, were saying:
 11 "... an HPL case with merit should be given priority
 12 over a case of equal merit which came [in] from another
 13 route."
 14 **A.** All things being equal, I think I said as well,
 15 didn't I?
 16 **Q.** Yes, you did. You did say that.
 17 And you say further, which is a variation on that
 18 theme:
 19 "... if two leads are otherwise equal priority and
 20 one is VIP, some weighting to the VIP is helpful."
 21 **A.** Yes.
 22 **Q.** Can I just understand from you why that should be the
 23 case.
 24 **A.** Well, if you're asking me today, I don't think it should
 25 be the case.

12

1 Q. No.

2 A. I think I was wrong. And David pushed back hard and

3 I never raised the point again, because I was wrong.

4 At the time, I was absolutely buried in an ocean of

5 cases, none of which seemed to be progressing. I had

6 cases that were older than the team was, to put it in

7 that perspective. I was trying my hardest to get my

8 cases through, and I lost perspective in the wider

9 system.

10 And that's partly why you have a wider system. It's

11 precisely because when you're there, up to your neck in

12 the mud, as it were, you will sometimes lose sight of

13 the bigger picture.

14 Q. All right. Well, that's, if I may say so, a very candid

15 description of the experience that you had.

16 You have told us nonetheless that you started with

17 scepticism?

18 A. Yes.

19 Q. And you ended up with less scepticism, albeit there came

20 a moment when you thought there should no longer be

21 a VIP Lane?

22 A. Yes.

23 Q. Now, can I just understand more closely from you, when

24 your scepticism subsided, what did you see -- can we

25 enumerate them -- as the reasons or the advantages of

13

1 the best ones, but sometimes good ones, will actually

2 contact multiple people to raise their concerns. You

3 get three or four different ministers or MPs, each of

4 them saying "Why haven't you responded to Acme Corps?",

5 or whoever.

6 So that's a lot of noise. I know Jonathan doesn't

7 like the term but it is the term I used at the time and

8 still do.

9 The other reason though --

10 Q. Sorry, can I just --

11 A. Please, sorry.

12 Q. -- ask you in relation to that, so you see as an

13 advantage of the VIP Lane the ability it offered to

14 manage the expectations of those that were seeking

15 feedback and progress reports as a matter, in effect, of

16 PR, public relations?

17 A. I wouldn't call it public relations, and also I would

18 say it's not the best way to do it, it's the way we had

19 available to do it. Which is a different thing. I say

20 at the end of my statement I actually think there's much

21 better ways of doing something --

22 Q. By allowing others that were not involved in the core

23 task of procurement --

24 A. Precisely.

25 Q. -- to deal with that. But let me just pick up the first

15

1 a VIP Lane?

2 A. Yes, I set this out in actually quite a detailed email

3 at one point, I believe. We were get -- there's -- let

4 me try to break this down.

5 Firstly, there had been a call to arms on 10 April,

6 which is after the VIP Lane is set up, of course, but

7 prior to that there are two appeals, one in Parliament,

8 for people to provide offers to government, the result

9 of which is a vast on-pouring of offers. It's not

10 something a commercial person would have done.

11 So we're in a world where we have --

12 Q. You regard the call to arms as regrettable because it

13 produced a deluge of offers when there were already too

14 many to triage; is that fair?

15 A. Speaking personally, yes.

16 Q. Yes. All right, thank you. Carry on, please.

17 A. I think they'd be better -- sorry, okay. You can ask me

18 about that if you want, what you prefer.

19 So we've got that problem, that we're deluged with

20 offers, so you need something to handle that problem.

21 At that point people will have ministers, MPs and

22 others, and other senior officials will have legitimate

23 concerns where they hear a case which on its face looks

24 good but which doesn't appear to be progressing, and so

25 they will start chasing. And some suppliers, often not

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1 half of your answer.

2 A. Please.

3 Q. You wouldn't call it public relations. It's obviously

4 not an activity that is central or that is core to

5 proper, efficient, especially emergency, procurement, is

6 it?

7 A. No, but it's not just PR either. The example I had in

8 mind on this, of where it's really legitimate, I think,

9 for ministers to get involved, because I know the

10 professor was quite critical of this, my Lady, but we

11 had a case where a Korean supplier contracted a Labour

12 peer and said, "My case isn't being progressed." On its

13 face it was a -- I think it was -- I can't remember

14 exactly what it was but it was a high-volume, credible

15 looking case.

16 The Labour peer raises it with Lord Bethell, saying,

17 "I don't know if your team have dropped the ball on this

18 at all. I don't know if they have -- if they've dropped

19 the ball on just this one or I don't know if it's an

20 example of a systematic failure by your team."

21 Lord Bethell then raises that through officials, so

22 it comes to my team. I think that is correct, because

23 actually, that is politicians exercising legitimate

24 oversight over official activity.

25 That's why I don't like PR. It is legitimate,

16

1 I think, for a minister to say, "Official, are you doing
2 your job?"

3 **Q.** It placed additional stress on you and your team, didn't
4 it?

5 **A.** Very much so, yes.

6 **Q.** And that team was under terrific amounts of stress as it
7 was?

8 **A.** Yes.

9 **Q.** Yeah. All right. You were enumerating advantages of
10 the VIP Lane?

11 **A.** Yes, thank you.

12 **Q.** You'd identified that one. Do you have others?

13 **A.** Yes, the better one is that -- and, again, there are
14 better ways of doing this, this is the means we had
15 available to us at the time. The other one is that some
16 genuinely really credible offers came to us and, I mean,
17 I didn't know this at the time, so this is based on
18 reading, for example, the second corporate statement
19 where Clare Gibbs goes into it, but most of the
20 contracts placed, I understand, were with a relatively
21 small number of large suppliers. We had some really
22 good leads, people like Bunzl was one, Nine United(?)
23 was another. I probably shouldn't -- should I be naming
24 them or not? I don't know.

25 **Q.** Mr Cairnduff, can I just ask you there --

17

1 offers, and kind of, you know, prioritise within that,
2 but we're prioritising within our own lane on the basis
3 of things like volume, credibility, is it the right
4 stuff?

5 **Q.** Performance?

6 **A.** Yes.

7 **Q.** Performance of the contract?

8 **A.** No, sorry, no, not performance of the contract. I had
9 no visibility of that. Most of them wouldn't have been
10 placed at that point.

11 **Q.** Of course but there are various indicia by reference to
12 which one can assess the quality of an offer as it comes
13 in, and you've identified some of them?

14 **A.** Yes, and at the opportunity stage it's quite a limited
15 thing and one of the things you're looking at, for
16 example, is it's first a very basic check. Is it in
17 English? Does it make natural language sense? Are the
18 photos of what they purport to be? Really basic stuff.
19 So that's one of your first things, and then -- sorry
20 I don't want to repeat myself -- is it just we want to
21 buy, volume, all that good stuff.

22 **Q.** Mr Cairnduff, you said that at the time you didn't have
23 an ability to make a comparison in and out of the
24 VIP Lane?

25 **A.** No.

19

1 **A.** Please.

2 **Q.** Sorry to cut across but I do want to pick up this point
3 with you. You may have received good leads through the
4 VIP Lane. Are you in a position to compare the
5 prevalence of such leads within the High Priority Lane
6 or VIP Lane to those obtained outside of it?

7 **A.** To an extent now. I couldn't have at the time because
8 at the time I had no sight of what was happening in the
9 other lanes, particularly. I knew ours was sclerotic.

10 **Q.** Let's deal with those in parts, at the time and then
11 now.

12 **A.** Yes.

13 **Q.** At the time, your scepticism lifted, didn't it?

14 **A.** Yes.

15 **Q.** But it lifted without an ability to make that comparison
16 in and out of the VIP Lane?

17 **A.** That's true but there's a couple of things there. One
18 is we're doing triage within the VIP Lane. So when the
19 offers come in we look at them like other Opportunities
20 teams and we say is it for what we want to buy? Is it
21 volume? Is it a credible counterparty? We look at
22 those things. We do triage. At that point, we progress
23 it forward. The rest of the system -- and I know this
24 is being challenged but I do believe this bit worked --
25 the rest of the system will then compare that to other

18

1 **Q.** You said that since then you have been able to do
2 something towards achieving that --

3 **A.** I've seen various bits of evidence in preparation for
4 today.

5 **Q.** Yes, and on the basis of that evidence, can you form
6 a view as to whether the High Priority Lane did yield
7 a disproportionate number of what you describe as very
8 good offers?

9 **A.** My impression to be honest is yes.

10 **Q.** It's only an impression?

11 **A.** It is only an impression and you will have greater data,
12 so I may be wrong, but my impression, based in a couple
13 of things. I looked at that on your opening, I think it
14 was, which I did watch actually. There was a tornado
15 diagram?

16 **Q.** The funnels?

17 **A.** That's it, the funnels, thank you, which shows why
18 things drop out. And when you look at that, in the HPL,
19 actually most things don't drop out instantly. Most of
20 the offers we got pass a kind of a minimum credibility
21 test. With the non-HPL lanes, a lot of the offers
22 aren't even necessarily of PPE. They're people who have
23 filled in a web page. And, actually, they drop off
24 really quite sharply, really quite fast. I hadn't
25 actually seen that before this week. But I think it did

20

1 suggest that there were more credible offers.
 2 Then the other thing is I looked at Clare Gibbs and
 3 the second corporate statement, where it talks about who
 4 the contracts were actually placed with, which I didn't
 5 know before, I think, last week, maybe. And, actually,
 6 they're placed with -- 50% of them, I think, are placed
 7 with -- I don't have the exact stats to hand but, you
 8 know, 50% of them are placed with a handful of really
 9 big suppliers, 80% with, like, ten really big suppliers,
 10 I think it was. So the actually HPL things that have
 11 got contracts, none of which I knew at the time, went to
 12 a small subset of impressive looking suppliers.
 13 **Q.** Mr Cairnduff, you're right that the Inquiry has
 14 assembled quite a lot of data about this and I'm going
 15 to invite you to comment on that in due course this
 16 morning. Before doing that, you've identified
 17 advantages as you saw it of the VIP Lane --
 18 **A.** Yes.
 19 **Q.** -- what I described as PR, but you insisted is something
 20 slightly different to PR?
 21 **A.** Yes.
 22 **Q.** You've mentioned the quality of offers that you
 23 perceived was coming in --
 24 **A.** Yes.
 25 **Q.** -- or perhaps not at the time but with retrospect you

21

1 ministers who are keeping you to account. I don't think
 2 that's a PR thing but it's better done by non-commercial
 3 professionals to my mind. But commercial professionals
 4 were who we had. In terms of the other piece, it would
 5 be vastly preferable, I think, if instead of starting
 6 with a vast sack of offers, you were then kind of
 7 looking in side trying to find things, to sit down and
 8 be much more targeted and think okay, well, SCCL has
 9 fallen over -- well, I heard from somebody it may not
 10 have entirely but, as far as knew at the time, it had
 11 fallen over -- how do we go out now and proactively
 12 target? And, eventually, of course the Rapid Response
 13 Teams were set up and that was a much better
 14 methodology.
 15 **Q.** I was going to ask you next about that. In what way was
 16 it better?
 17 **A.** Firstly, the trouble with the multi-stage process -- one
 18 of the good things about the multi-stage process is it
 19 insulates -- it allows the VIP Lane to act as
 20 a lightning rod for all that political pressure so that
 21 the rest of the system isn't really kind of damaged by
 22 it, and I think it largely did that. But it's slow, it
 23 has multiple hand-offs and it leads to inefficiencies.
 24 So, for example, I said we didn't know what things
 25 were getting awarded contracts, so let's say -- and make

23

1 understand to have been coming in to the High Priority
 2 Lane.
 3 **A.** Yes.
 4 **Q.** Anything else by way of advantage that you perceived
 5 either then -- well, both then and now, on the basis of
 6 what you've been able to look at, of the VIP Lane?
 7 **A.** I'm trying to remember. I did send out quite a long
 8 email with a whole -- which was called something like
 9 "Why do we have a VIP Lane", I recall, at the time.
 10 **Q.** This was at the time?
 11 **A.** This was at the time, yes --
 12 **Q.** So it won't help us with making that comparison then and
 13 now.
 14 **A.** Oh, yes, I see. Sorry. Could you repeat the question
 15 then, please?
 16 **Q.** I'm asking you to enumerate what advantages you saw and
 17 see in the VIP Lane?
 18 **A.** Ah, okay. So at the time I saw I think the ones I've
 19 chiefly set out, which is (a) handling noise and (b) you
 20 have some really good stuff coming in there and, you
 21 know, it then makes sense to handle it.
 22 **Q.** All right.
 23 **A.** Other ways of doing that. Now, I would say handling
 24 noise, I genuinely don't think it's a PR task, that's
 25 not semantics for me. It's about your response to

22

1 up a supplier name, Acme Corps again, have come through
 2 again for a third time, and I don't know in fact that
 3 they failed, that actually their pricing was
 4 unacceptable and they were reject. Well, I don't know
 5 that, so I now spending time assessing them again, so
 6 there's an inefficiency there. It's also multiple
 7 hand-offs lead to delay and in this extraordinary fervid
 8 market, delay is fatal.
 9 **Q.** That's absolutely right. Speed is vital.
 10 **A.** So the RRT -- sorry, if I can use the acronym, is that
 11 okay?
 12 **Q.** RRT.
 13 **A.** The RRT, by contrast, it brings together the various
 14 stages of process and, by this point, we all are more
 15 sophisticated in what we're doing. I think Andy Wood
 16 speaks to this.
 17 **Q.** Without referrals, without --
 18 **A.** Okay, sorry, yes.
 19 **Q.** The RRT, the Rapid Response Team?
 20 **A.** Yes, the RRT brings together the relevant people in one
 21 place where they can look as a group at an offer and try
 22 and progress it really quickly.
 23 **Q.** And without referrals and without demands for updates?
 24 **A.** Oh, sorry, I thought you were saying for me not to refer
 25 to things.

24

1 Q. No, sorry. There isn't the same --
 2 A. Exactly, you take all of that out.
 3 Q. You take all of that out, you create a slick system --
 4 A. Yes.
 5 Q. -- that doesn't suffer from the problems of the VIP
 6 Lane?
 7 A. And updates -- yes, and updates become less necessary
 8 because you've moved through things so quickly that,
 9 actually, you've rejected it or accepted it within
 10 probably a couple of days.
 11 Q. Is it not a model which could and should have replaced
 12 or substituted for the VIP Lane?
 13 A. Well, "should", perhaps; "could", no, I would say.
 14 There were significant backlogs of opportunities. There
 15 were already people handling things and not everything
 16 was suitable for the RRT. The RRT was a limited
 17 resource. It made sense for the -- sorry, I'm speaking
 18 quickly again -- it made sense to use it for the very
 19 best of the opportunities regardless of lane.
 20 Q. Let's just rewind a moment, if we may, Mr Cairnduff.
 21 This is no criticism of you: you arrived and the
 22 VIP Lane had already been set up, yes?
 23 A. Yes.
 24 Q. For you personally to make a recommendation such as that
 25 it be replaced with the Rapid Response Team would have

25

1 actually, I think -- I wasn't involved in this, this was
 2 before my time, but I think the team did really pretty
 3 exceptionally actually, when you think of them scattered
 4 there, some of them working from their bedrooms, setting
 5 up this whole thing in days.
 6 Q. But the noise to which you and others refer, implicit in
 7 the word "noise" is unwanted sound?
 8 A. Yes.
 9 Q. Yes. Mr Rhys Williams described it as a distraction.
 10 A. Yes.
 11 Q. You'd accept that --
 12 A. Yes.
 13 Q. -- it was a distraction? To that extent, if not others,
 14 one would have preferred it not to have been there?
 15 A. Yes.
 16 Q. Yes. All right. Let's move on. I'm conscious of the
 17 time.
 18 A. Sorry.
 19 Q. Not your fault. I've been asking you questions that
 20 arise out of your answers. Just so we can situate or
 21 locate the VIP Lane within the procurement system more
 22 generally, it sat within the PPE Buy Cell?
 23 A. Yes.
 24 Q. There were four routes by which an offer could be
 25 initiated: the online portal --

27

1 been quite a radical one to do because it was already
 2 functioning, wasn't it?
 3 A. Also the RRT didn't exist then and Chris hadn't thought
 4 of it yet.
 5 Q. It came to be created, didn't it?
 6 A. Yes.
 7 Q. It served a function akin to the VIP Lane but without
 8 some of the drawbacks of the VIP Lane?
 9 A. I think it's a bit harsh to say it was akin to the VIP
 10 Lane. I think it was better.
 11 Q. It was better?
 12 A. But I don't think we could have done it straightaway.
 13 Q. Why not?
 14 A. I'm not sure the organisation was mature enough yet.
 15 I mean, to put it in perspective, the whole cell of,
 16 like, 450 people was set up in a matter of days by
 17 people who were suddenly working from home with no prior
 18 warning and, back then, we weren't all set up for home
 19 working the way we are now. We were volunteers from
 20 Cabinet Office, DfE -- sorry, Department for Education,
 21 Ministry of Defence, our systems didn't even talk to
 22 each other much at the time, we didn't have a background
 23 in clinical buying, which, you know, is worth exploring
 24 in its own right. But at that point you've got to set
 25 up something which works and starts doing things and,

26

1 A. Yes.
 2 Q. -- existing suppliers, China Buy and then senior
 3 referrers through the VIP Lane?
 4 A. Yes, and Make, whether you count it or not, was part of
 5 that.
 6 Q. We've heard about the eight individual workstreams,
 7 known as the Opportunities teams --
 8 A. Yes.
 9 Q. -- to which you've made numerous references today, and
 10 the VIP Lane was one of the Opportunities teams?
 11 A. Yes.
 12 Q. You, as you've made clear, were the VIP Lane team
 13 lead --
 14 A. Yes.
 15 Q. -- in charge of its day-to-day running, having taken
 16 over from Hannah Bolton?
 17 A. Yes.
 18 Q. All right. Staffing. Under Hannah Bolton, there were
 19 three full-time staff and one part-time member of staff?
 20 A. Correct.
 21 Q. Once you arrived, that increased, did it not, initially
 22 to seven and then on to 12?
 23 A. Seven, yes, 12 sounds right. If it's in my statement
 24 it'll be correct.
 25 Q. We understand from the evidence of Mr Rhys Williams that

28

1 eventually it reached 38 individuals; 38 people working
 2 within the PPE Buy Cell?
 3 **A.** It gets a little harder to measure because later on
 4 there are people -- some of the work gets shared out
 5 with other Opportunities cells.
 6 **Q.** Is it something in the order of that?
 7 **A.** It's poss -- it's credible. Sorry, I genuinely don't
 8 remember the exact size it got to by the end.
 9 **Q.** Okay, I hope it's not necessary, it's cited in Mr Rhys
 10 Williams' third witness statement?
 11 **A.** Okay.
 12 **Q.** That is when the PPE Buy Cell was at its peak at 580
 13 staff -- 508, I beg your pardon.
 14 **A.** Okay.
 15 **Q.** By simple arithmetic, it therefore constituted 7.5% of
 16 the PPE Buy Cell, the VIP Lane, at its height?
 17 **A.** Okay.
 18 **Q.** It's fair to say, is it not, that VIP offers occupied,
 19 because of the noise to which you refer, because of the
 20 demands for feedback, because of the giving of feedback,
 21 because of the iterative process that sometimes occurred
 22 within that system, more time and resource than offers
 23 arriving by other means?
 24 **A.** More time and resource for the Opportunities team
 25 dealing with them, for the VIP Lane, not for anyone

29

1 **Q.** All right. It is a crude analysis?
 2 **A.** Yeah.
 3 **Q.** We certainly know anecdotally what you tell us about
 4 a distraction and about the opportunity cost and we know
 5 from the evidence. Perhaps we could show INQ000512297,
 6 page 4 of 11.
 7 **LADY HALLETT:** I think you mentioned that opportunity cost,
 8 I think Mr Cairnduff's answer was that he thought there
 9 was one, bound to be, but it was lower than if -- so I'm
 10 not sure he was accepting if there was an additional
 11 opportunity cost.
 12 **A.** I think that's right, my Lady, but I would say there is
 13 an opportunity cost, it would have been higher if we
 14 hadn't had that but, if we'd had an alternative means of
 15 handling -- I mean Jonathan is right, I shouldn't really
 16 call it noise, but I'll be consistent. If we'd had
 17 an alternative means of handling communications and
 18 updates, you'd have dealt with the noise and you
 19 wouldn't have had quite the same opportunity cost.
 20 **LADY HALLETT:** That's back to the point about the Rapid
 21 Response Team?
 22 **A.** Or an alternative means of interfacing with seniors --
 23 stakeholders.
 24 **MR WALD:** Thank you. I think, given that additional
 25 exchange, it's probably not necessary to go to this

31

1 else.
 2 **Q.** No, that's what I'm referring to --
 3 **A.** Yes.
 4 **Q.** -- for those individuals. It follows, does it not, that
 5 there was, to some degree, an opportunity cost therefore
 6 because the time, the effort, the resource that went
 7 into VIP offers was not spent on those offers that came
 8 in by other means?
 9 **A.** Yes, but I would say less opportunity cost than if we
 10 hadn't had something to channel those offers because,
 11 otherwise, they would have popped up all across the
 12 system and more people would have been drawn into it.
 13 **Q.** All right. That's fair. Just to put more numbers on
 14 it, there were approximately two more numbers in all,
 15 weren't there?
 16 **A.** It sounds credible, I don't remember the exact number.
 17 **Q.** If we're talking about 7.5% occupied by the VIP Lane,
 18 that takes us to a figure of 1,800, approximately?
 19 **A.** I don't think we had that many offers in VIP.
 20 **Q.** No, 1,800 offers that could have been processed by those
 21 staff, had it not been for the High Priority Lane?
 22 **A.** Oh, I see your point. Yes, but, as I say, more people
 23 would have been having to deal with queries at that
 24 point, so I'm not sure it would have actually been
 25 helpful.

30

1 document.
 2 I'm going to move on to the purpose of the High
 3 Priority Lane in a moment but I just want to ask, on the
 4 basis of the answers you've just given, you experienced
 5 a degree of discomfort initially about a system you
 6 inherited, so to speak, that you came into.
 7 **A.** Yes.
 8 **Q.** Is it one that you yourself would have invented, that
 9 you would have created?
 10 **A.** I don't think so but I now have hindsight. So it's
 11 actually quite hard to answer.
 12 **Q.** We're focused on that, the Inquiry generally is looking
 13 back and learning lessons from the experience of the
 14 past.
 15 **A.** Oh, okay. No.
 16 **Q.** You wouldn't?
 17 **A.** The only wrinkle is, and I've alluded to this a couple
 18 of times, you have the resources you have so, because of
 19 the way the nature of the Civil Service works and the
 20 government commercial works, it's really easy to reach
 21 out and get volunteers from central department
 22 commercial, it's much harder to get volunteers from
 23 everywhere else, like NHS Commercial or comms teams or
 24 admins teams, or whatever, so that's why, no, I don't
 25 think it's the best way to do it because you create

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1 a parallel procurement line within your parallel
2 procurement, and get to equal treatment issues, as
3 Mrs Justice O'Farrell found. But we had the resource we
4 had.

5 **Q.** Given that answer, are you in agreement with the
6 comments that Mr Marron made yesterday that you were
7 shown at the very outset of this morning, and he cites
8 Mrs Justice O'Farrell's judgment --

9 **A.** Yes.

10 **Q.** -- he says that it shouldn't have existed. He
11 wouldn't -- you know, on a future occasion it shouldn't
12 be there; would you agree with that?

13 **A.** On a future occasion it shouldn't be there. I think it
14 was quite hard to avoid on this occasion. But on
15 a future occasion, yes, I can't see why you'd remotely
16 want to do that again.

17 **Q.** All right. In terms of the steps you took,
18 Mr Cairnduff, upon arrival at the VIP Lane, you
19 introduced a single email address, didn't you?

20 **A.** Yes.

21 **Q.** You did this because communications with senior
22 so-called VIPs regarding offers was proving to be time
23 consuming and a distraction for the Opportunities team's
24 focus from good sources?

25 **A.** Yes, I was also concerned that, without a central

33

1 restate. The problem with the term "VIP" is it implies
2 why you're prioritising is because they're a VIP. But
3 triage occurs within the lane, so within -- the lane is
4 just a way of handling offers that come through
5 a particular route. Your actual prioritisation is still
6 on the basis of volume, kit, quality, all of that stuff.
7 It also is, I thought subsequently, it would just --
8 well, we've seen what happened with it, actually.

9 You know, there is now a narrative, I think, that
10 a key part of the response was effectively cronyism,
11 which I genuinely don't believe it was but I think the
12 term "VIP" and calling it the VIP Lane hugely
13 contributed to that.

14 **Q.** So when you sought to change it, it was because of
15 a matter of optics rather than your concern that some
16 advantage was being conferred by dint of who it was that
17 referred a particular offer into the VIP Lane?

18 **A.** Yes, but what I say there is I take you back to when you
19 were asking me about some of my earlier comments.

20 This is at exactly the point in time when I am the
21 most sceptical of the value of the lane, so I'm not
22 expecting much of it to go to contract at this point.
23 So yes, I'm seeing it then as a handling lane
24 essentially. I'm highly sceptical that good stuff will
25 come through, I don't realise that until later, and so

35

1 mailbox -- if you have a central mailbox, one person can
2 do part of the case and hand it on to someone else
3 seamlessly. If you don't, if everything is flowing
4 through me or Hannah, or someone else, and we fall
5 over -- which did happen to some people -- you have
6 suddenly got, you've just lost your continuity and you
7 then potentially lose life-saving equipment.

8 **Q.** You were also unhappy be about the name, weren't you?

9 **A.** Yes.

10 **Q.** You wanted to change the name?

11 **A.** Sadly, I failed, yes.

12 **Q.** You failed to change it from what to what?

13 **A.** Well, it was originally called the, I think, High
14 Priority and VIP team, "Lane" is a term that comes in
15 later because it's not really a lane. I thought the
16 term "VIP" was really unhelpful and it gave the
17 impression, and I think this has been proven since, that
18 the fact someone is a VIP makes the offer special, which
19 is wrong. The VIP status means that you have to do more
20 handling, it doesn't --

21 **Q.** It's wrong as a matter of impression or it's wrong that
22 it should have happened?

23 **A.** Wrong as a matter of fact.

24 **Q.** Because you say it wasn't occurring?

25 **A.** Ah no, sorry, I'm putting myself back in the time. I'll

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1 I'm concerned that the term itself is going to be -- is
2 just profoundly unhelpful, which I think it was.

3 I didn't think of the term -- Gareth mentions if you
4 call it the "enquiry lane", which would have been much
5 better. He's right. I didn't think of it.

6 **Q.** Tell me, you've cited, and I've asked you a little bit
7 about it, the judgment of Mrs Justice O'Farrell, the
8 PestFix --

9 **A.** Yes.

10 **Q.** -- judicial review claim and the finding within it of
11 unequal treatment?

12 **A.** Yes.

13 **Q.** That reveals something more than optics, doesn't it?

14 **A.** Yes, it shows you've breached equal treatment
15 requirements, which makes it unlawful.

16 **Q.** Yes, so doesn't that suggest to you that, in addition to
17 the impression that was given by the use of the term
18 "VIP Lane", there was something else, something more
19 fundamental, perhaps something more important, that was
20 problematic about it?

21 **A.** I think there clearly is something more than problematic
22 yes, I think that's been well established but --

23 **Q.** The reason I ask you about it -- sorry.

24 **A.** On 1 April would I have thought of that, no, because
25 I wasn't expecting stuff to go through from it.

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1 Q. I'm asking you with the benefit of hindsight.
 2 A. Yes.
 3 Q. You've told the Inquiry that you're perhaps -- perhaps
 4 you were referring to it at the time why you attempted
 5 a name change?
 6 A. Yes.
 7 Q. But now, posing the same question, with the benefit of
 8 hindsight, there was more to be concerned about than
 9 optics --
 10 A. Yes.
 11 Q. -- wasn't there?
 12 A. Yes.
 13 Q. All right, thank you.
 14 In terms of the promotion of the VIP Lane, an email
 15 initially went out to officials, including Mr Rhys
 16 Williams and those working with him. You mentioned Lord
 17 Feldman --
 18 A. Yes.
 19 Q. -- also the private offices of Lord Bethell, Mr Gove,
 20 and Lord Agnew, from all of whom we will be hearing in
 21 due course.
 22 A. Yes.
 23 Q. They provided personal email addresses or their office
 24 email addresses --
 25 A. Yes.

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1 day. Had it been a Labour government or a government of
 2 another party, I would, at the time, have done the same
 3 thing because you were reaching out to people who are in
 4 ministerial offices who were the ones who were
 5 scrutinising your work and chasing for updates.
 6 Q. Had it been an alternative government, I would have been
 7 asking you the same question in mirror form.
 8 A. Yes.
 9 Q. But my follow-up question to you is that it would be
 10 fairer, it would be more inclusive, if that initial
 11 distribution or that initial invitation to feed in to
 12 the VIP Lane be made more generally?
 13 A. That's true but, firstly, I wouldn't have known at the
 14 time how to do that. I was already being -- the people
 15 I reached out to were the people who were already
 16 chasing us regularly. That's why they were on that
 17 distribution. They were the ones who were chasing
 18 constantly for enquiries.
 19 I'm not sure, as a civil servant at the time,
 20 actually, I would have been -- I'd have had to kind of
 21 find out how you reached out to the opposition.
 22 I actually still don't understand today how you would
 23 communicate formally with His Majesty's Opposition as
 24 a civil servant working for the Government. I actually
 25 don't know how that would work. But, it was primarily

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1 Q. -- and they used their contacts.
 2 A. Yes.
 3 Q. A particularly --
 4 A. Sorry, if you're talking there -- Lord Feldman used his
 5 contacts, I don't know what did particularly.
 6 Q. Well, I was going to say Lord Feldman was the --
 7 A. He was an envoy essentially, I think.
 8 Q. Yes, he was quintessentially drawing upon his many
 9 years --
 10 A. Yes.
 11 Q. -- of experience within the Conservative Government and
 12 the contacts he had acquired thereby?
 13 A. And his business contacts, I think. I don't know him,
 14 I've spoken to him once, I think, but he did have wider
 15 business contacts too.
 16 Q. Well, we can ask him. I think it's next week, actually,
 17 that Lord Feldman will be joining us.
 18 A. Yes.
 19 Q. That initial distribution clearly gave better
 20 opportunities for involvement in the VIP Lane to those
 21 who were affiliated with or had connections with the
 22 Conservative Party. That's fair, isn't it?
 23 A. Yes, but they were the government of the day.
 24 Q. Of course.
 25 A. So who I was reaching out to was the government of the

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1 that that was the people who were raising --
 2 Q. It's not beyond the wit of man that you can do that?
 3 A. No, you can do it. Oh, sorry, that was the other point
 4 I was going to make: it would have absolutely drowned us
 5 because what I was trying to do with that email was
 6 dampen down noise.
 7 We're back to that point. We were already massively
 8 overloaded, we have far more cases already than we can
 9 process, the team after working 14 to 16-hour days,
 10 seven days a week. Reaching out and saying, "Can you
 11 sent me more", would have been a very odd thing to do.
 12 What I was trying to do was dampen down and kind of calm
 13 things. Saying, "Please send me lots more", we wouldn't
 14 have been able to do anything with it.
 15 Q. Save that a successful offer results in a very
 16 significant contract, doesn't it?
 17 A. Later but not at that point. At that point all that's
 18 happening is that every offer that comes in, none of
 19 them were successful --
 20 Q. But you would have known that --
 21 A. Yes.
 22 Q. -- by inclusion in the system you stand a chance of
 23 securing an important contract at the end of it?
 24 A. Yes.
 25 Q. You will have known it and, for that reason,

40

1 I understand what you're saying about deluge, as
 2 a matter of fairness, inclusion in that process should
 3 be made more generally?
 4 **A.** I think that's right but I think if we'd done that, the
 5 whole thing would have fallen over.
 6 **Q.** All right. I now want to take you to some remarks made
 7 by Professor Sanchez-Graells. I think you may have
 8 heard his evidence.
 9 **A.** I heard a fair chunk of his evidence, yes.
 10 **Q.** You heard a fair chunk of it. Could you display,
 11 please -- I'm hoping you have the Inquiry document
 12 reference, because I'm not sure I do.
 13 It's -- thank you -- INQ000539153. And the first
 14 reference within it is page 104, paragraph 292.
 15 **A.** Yes, he says there:
 16 "If this is representative of the more general
 17 understanding of the 'VIP Lane' ..."
 18 I'm not sure it was.
 19 **Q.** So, yes, I'm just going to invite your comment. We've
 20 touched on this, because you spoke earlier about the
 21 advantages, as you saw it, of the VIP Lane?
 22 **A.** Yes.
 23 **Q.** 292 -- let's just go back to 292.1, if we could.
 24 **A.** Yes.
 25 **Q.** There we are:

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1 offered, and C is VIP status, that would accelerate
 2 progress through the offer process.
 3 **A.** I don't know where that comes from but they certainly
 4 weren't accelerated through because I was working there
 5 and it was very, very slow.
 6 **Q.** Let's turn to 292.2.
 7 **A.** Sorry, just on that though, that said, I do remember an
 8 email exchange with Darren where he is saying to
 9 someone --
 10 **Q.** Mr Blackburn?
 11 **A.** I'm sorry, yes, Mr Blackburn -- he was saying to
 12 somebody "Don't put this over to the HPL, if it's
 13 a high-quality offer, it will get picked up by the
 14 triage teams and whizzed through the system." Might not
 15 be his exact words but it's pretty close, I think.
 16 That was my understanding. If it was a really good
 17 offer that hadn't come to us, it would whizz through the
 18 system to be kicked up by the other cell's triage, which
 19 was the same as our triage, of course.
 20 **Q.** All right. Let's move down to 292.2, here we are.
 21 **A.** Yes.
 22 **Q.** First bullet, end of:
 23 "In my view [says Professor Sanchez-Graells],
 24 however, there is a clear difference between providing
 25 assurance that offers were being considered and

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1 "It has been stated that 'VIP Lane' offers were at
 2 the same time 'route 2' offers, in the sense that,
 3 according to [Cabinet Office], all companies referred by
 4 ministers, MPs or senior officials 'had already applied
 5 via Route 2 or were told to complete the webform for
 6 Route 2 as part of processing their offers'. "
 7 Do you agree with that?
 8 **A.** No, I don't think that -- sorry, what is "Route 2" in
 9 this case? I don't think that's correct or they
 10 hadn't -- if they'd all been told -- well, they may have
 11 been told to complete the webform; many did not complete
 12 the webform and some would have seen that as
 13 inappropriate.
 14 It's very difficult with an international global
 15 corporation to say -- who has approached a Minister of
 16 State, to say, "Could you go, please, and fill in
 17 a webform?" It's not realistic.
 18 **Q.** Route 2 is an accelerated route. We saw yesterday,
 19 during Mr Marron's evidence, a slide that identified
 20 "(A + B) OR C".
 21 **A.** Yes.
 22 **Q.** Where C -- I don't know whether you followed that?
 23 **A.** No, I don't remember that.
 24 **Q.** A plus B were references to the quantity -- the size of
 25 the company offering or the quantity of PPE being

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1 progressed by communicating the organisational
 2 arrangements of the PPE Buy Cell, on the one hand, and
 3 providing specific updates on the progress of specific
 4 offers to the specific referrers on the other."
 5 You accept that, in many cases, what was fed back or
 6 provided was the latter?
 7 **A.** Yes, and there is a clear difference. I don't agree
 8 with his next bullet however.
 9 **Q.** Let's look at the next bullet:
 10 "Rather than dedicating resources to answering these
 11 requests for updates, the PPE Buy Cell, DHSC or [Cabinet
 12 Office] could have sent general communications to
 13 referrers explaining those organisational arrangements
 14 and asking them to refrain from chasing, as well as
 15 setting up an automated response from the dedicated
 16 mailbox making clear that the offers were being
 17 processed and asking offerors and referrers to wait for
 18 a follow-up as part of the operating procedures."
 19 You've said you don't agree. Why not?
 20 **A.** Because I don't think it's appropriate that when
 21 a minister -- potentially prompted, as in my example
 22 earlier, by a senior member of the Opposition -- comes
 23 to their officials and says, "What is going on with
 24 this? I've heard you're dropping the ball", you give
 25 them an automated response or you say to them "Here's

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1 our organisational structure, leave us to it."

2 Let's say, for example, in that Korean example -- in

3 fact that offer was not a good offer, or we went back

4 and rejected it, but let's say it had been a really good

5 offer and actually we had dropped the ball, we had

6 missed it, maybe we were systematically missing them,

7 we'd have gone back and said, "No, no, minister, don't

8 worry, officials are on it, it's not for you to look at

9 it", and we would have failed.

10 You know, ministerial oversight is part of the

11 system, and yes, it's some -- I mean, I think all

12 officials will say sometimes it's easier if you don't

13 have ministers directing oversight; it's still right.

14 **Q.** You make the point yourself, Mr Cairnduff, that there's

15 no equivalent of the VIP Lane that you've come across in

16 the past or abroad.

17 **A.** Well, abroad I only take from Professor Sanchez-Graells,

18 his evidence. He does an international comparison where

19 I think he finds --

20 **Q.** Yes, which you've adopted, you've included in your

21 evidence.

22 **A.** Oh, okay, I forgot that. But yes, I agree, it makes

23 sense to me.

24 **Q.** Yes. He says all of this is down to ministerial

25 deference.

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1 of points that relate to your diminishing scepticism --

2 **A.** Yes.

3 **Q.** -- your observation about the number of good offers that

4 arrived via the VIP Lane --

5 **A.** Please.

6 **Q.** -- and what I understand within that to be your growing

7 assumption that a disproportionate number of better or

8 more credible offers would arrive by that means. Is

9 that fair?

10 **A.** No, sorry, I wouldn't say it was a growing assumption.

11 It was a growing belief, I think based on what I was

12 seeing at the time, that we were getting high-quality

13 offers. At the time I had no way of comparing how many

14 we were getting compared to others, but I knew we were

15 getting very good offers that genuinely merited

16 following up, and we provided -- (overspeaking) --

17 **Q.** But unable to compare them to those offers obtained

18 elsewhere?

19 **A.** Yes, so that's why I was challenging -- I wasn't

20 assuming they were better, I was believing, based on

21 what I was seeing, that we had good offers worth

22 pursuing.

23 **Q.** Yes. Difficult, though, to perform that analysis at the

24 time or even --

25 **A.** Impossible.

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1 **A.** Yes, I disagree with that.

2 **Q.** You disagree with that?

3 **A.** Yes. I think what creates it is the call to arms, which

4 isn't what creates the VIP Lane, because it's after, but

5 it is symptomatic, then previously in March there are

6 two basically public things saying: come in with all

7 your offers. It's kind of a -- I think someone at the

8 time called it the "Dunkirk spirit" or something. It's

9 like, you know, "Bring it all in." I don't think others

10 did that.

11 No, I can't know for certain, the professor will

12 know better than I will, but that's where, for me,

13 things flow from, because then you're drowning, then you

14 have people chasing you up, then you need means to deal

15 with people chasing you up or it slows down the whole

16 system, and then you're in this world.

17 And I think here the professor is right as a matter

18 of kind of strict procurement practice, but procurement

19 practice isn't the only thing that's important in these

20 situations.

21 And, I mean, there's a bit where the professor puts

22 this list of things to take into account, and notably

23 what it doesn't include is saving lives, which is what

24 we really cared about.

25 **Q.** Mr Cairnduff, I just want to finally put to you a number

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1 **Q.** -- or even since without the data --

2 **A.** Yes.

3 **Q.** -- or the evidence that the Inquiry has.

4 You've observed that speed is vital.

5 **A.** Yes.

6 **Q.** That the faster you can progress through the system, the

7 better your chances of securing a contract?

8 **A.** Yes. I think in almost all cases. Gareth had a small

9 exception but it would hardly -- wouldn't come up very

10 often.

11 **Q.** Okay, that's helpful.

12 And that technical assurance is a bottleneck? It's

13 a point that Mr Blackburn and you both make?

14 **A.** Yes. When it's necessary, but yes.

15 **Q.** The VIP Lane had its own technical assurance didn't it?

16 **A.** Partway through. And so I believe, from what I've seen

17 from the org structures I've seen, did say the China

18 team and some of the others, so I don't think that was

19 just us.

20 And that wasn't something we asked for. I think

21 what that was about was someone you could contact to

22 say, "What's going on? What's happened to this? Is it

23 being reviewed?" And I think -- and again, this is

24 based on what I've read preparing for this, because at

25 the time I wouldn't have known -- I do believe that

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1 other cells and other routes also had their own means of
 2 doing that. I don't believe we were unique in that.
 3 Q. Let's move on, then.
 4 Could we have INQ000475005.
 5 Now this is -- you've referred to the material that
 6 the Inquiry has available to it, that wasn't then
 7 available to you?
 8 A. Yes.
 9 Q. Even more recently --
 10 A. Yes.
 11 Q. -- hasn't been available to you?
 12 A. Yes.
 13 Q. That includes 36 witness statements from referrers.
 14 A. Yes.
 15 Q. And we'll move on to caseworkers in due course.
 16 A. Yes.
 17 Q. Of which you regarded yourself as one and included
 18 a response?
 19 A. I didn't regard myself as one but I thought it would be
 20 helpful to -- I thought it would be unhelpful not to
 21 reply to the survey.
 22 Q. Indeed, we're grateful for that response.
 23 36 are the referrers. Of those 36 referrers, 67% of
 24 them, or two-thirds of them, had not conducted any due
 25 diligence?

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1 So for the majority of offers, you're absolutely
 2 correct. But there are two subsets where I think that's
 3 not quite true.
 4 Q. All right, let's move on. I'm conscious of the time,
 5 Mr Cairnduff.
 6 A. Sorry.
 7 Q. I'm sorry, if I have to.
 8 INQ000582366, page 4, paragraph 1.5.
 9 I'm looking at another measure of the inherent
 10 credibility or solidity of an offer: performance. How
 11 did the contracts perform.
 12 A. Yes.
 13 Q. In and out of the High Priority Lane.
 14 A. Yeah.
 15 Q. Within the same given period.
 16 And this one, once it's available, INQ000582366,
 17 will show that High Priority Lane offers experienced
 18 a higher rate of contractual performance issues than
 19 non-High Priority Lane ones.
 20 I don't know if you saw that slide yesterday?
 21 A. I did see it. It was 50-something to 30-something or
 22 something like that?
 23 Q. Yes, 55 to 39. Well remembered.
 24 A. Thank you. I didn't think -- well, there's a couple of
 25 things there.

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1 A. No.
 2 Q. So two-thirds.
 3 A. Nor would I have expected them to. It may be on that
 4 -- (overspeaking) --
 5 Q. -- (overspeaking) -- figures 24, I know that the chair
 6 was keen to have that as numbers. That's
 7 24 individuals.
 8 A. Okay.
 9 Q. Nor would you have expected them to, but nor would you
 10 therefore say that an arriving offer had any, on this
 11 basis at least, inherent improved credibility or
 12 solidity?
 13 A. It may on two things -- most will not. There are two
 14 exceptions, sorry. If someone has looked at it then it
 15 is probably English language, basically coherent, and it
 16 is for PPE. So that is an incredibly minimal threshold.
 17 But that's only when someone looks at it. Now, many
 18 will have been flipped over with no one looking at it.
 19 The other scenario where it will be more credible is
 20 if it comes through and it is, I don't know, Amazon,
 21 which actually was a real example, then the fact it is
 22 Amazon, with their logistical reach, is inherently
 23 likely to be more credible, plus you already know
 24 they're probably not going to struggle with the
 25 financial covenant.

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1 I wasn't sure how useful this was, but you'll form
 2 your own conclusions, of course, because it could be,
 3 for example, that the problems that arise in the non-HPL
 4 ones are all quite minor and the problems in the HPL one
 5 are all quite major, in which case it's actually worse
 6 than you're suggesting. It could be the opposite.
 7 Q. We simply don't know that detail?
 8 A. Yes, so I wasn't sure how much it actually told me.
 9 Q. Well, we went into this yesterday, but as I suggested
 10 then, what's sauce for the goose is sauce for the
 11 gander.
 12 A. Yes.
 13 Q. We're looking in general terms at HPL and non-HPL.
 14 A. Yes.
 15 Q. Let's move on to speed. One of the reasons why speed is
 16 crucial is the guidance that I think you had a hand in
 17 drafting that said if an offer is more than two weeks
 18 old, it should be rejected?
 19 A. Correct, because if nobody has picked it up by two weeks
 20 in that market, it's probably not very good.
 21 Q. Okay, fine. That deals with that point.
 22 In terms of progressing offers, we've dealt with
 23 that.
 24 Can we just go back to INQ000475005, and page 2,
 25 which shows another doughnut diagram of referrers

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1 seeking updates for High Priority Lane suppliers.
 2 A. Yes.
 3 Q. And I don't know whether you're able to comment on this
 4 based on your experience within the VIP Lane, but we see
 5 here that 61% of those referrers did seek updates.
 6 A. Yes, I suspect this may be to do with your 36 group,
 7 because actually I would have expected the percentage to
 8 be smaller. A lot of people didn't seek updates; it's
 9 just that when people do, it creates quite a lot of
 10 noise. I was actually slightly surprised it was as high
 11 as it was.
 12 Your greater problem is when people see multiple
 13 updates or a supplier contacts multiple points in the
 14 system so that five different people are all chasing at
 15 slightly different times.
 16 Anyway, I'm sorry, I'm not really disagreeing with
 17 it.
 18 Q. Not disagreeing. If the cohort size was larger, you're
 19 saying that you might have a different percentage there?
 20 A. I'd guess it would fall a wee bit, personally.
 21 Q. All right.
 22 A. But it's still quite a lot of noise.
 23 Q. Let's have a look at it through the other end of the
 24 telescope, from your point of view and your colleagues'
 25 point of view.

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1 You answered this, didn't you, Mr Cairnduff?
 2 A. Yes.
 3 Q. What did you understand speed, due diligence,
 4 assessments or value for money to mean in terms of
 5 different treatment of offers?
 6 A. I actually can't remember right now whether I said yes
 7 or no, but I can see you could answer it either.
 8 I think if you take the whole chain, I think it's no,
 9 because they go through the same process steps at each
 10 stage, they go through the same triage process, they
 11 have to go through technical assurance, closing, all of
 12 that process. So overall I don't think they were.
 13 Within, however, that initial contact, clearly they
 14 are, because instead of going through a webform and
 15 having your details there and then having someone
 16 contact you based on the webform, instead you have an
 17 initial conversation with the caseworker, which is
 18 different.
 19 I don't think that made a difference, as it were,
 20 but it is a different form of treatment. And this is
 21 what takes us back to the judgment, I think.
 22 Q. So you, Mr Cairnduff, may have been amongst the four
 23 that said no to that. Can you help us in relation --
 24 because it's your team --
 25 A. Yes.

55

1 As you know, the Inquiry was provided with the names
 2 of 20 VIP Lane caseworkers.
 3 A. Yes.
 4 Q. And surveyed 17 of them.
 5 A. Yes.
 6 Q. The results of that, if they could be displayed at
 7 INQ000581860.
 8 I'm just going to look at two aspects of the results
 9 of that, if I may. Firstly, at page 9. From which we
 10 learn -- when it comes up -- that 53% -- there it is --
 11 of HPL caseworkers were contacted by HPL
 12 referrers directly.
 13 A. Okay.
 14 Q. Again, that presumably doesn't come as a great deal --
 15 A. No, that doesn't surprise me.
 16 Q. Then I see we've got the second one up now.
 17 Question:
 18 "Do you consider contracts in the HPL were treated
 19 differently through the process to contracts awarded
 20 outside of the HPL?"
 21 To which 66.7%, which is 10, in terms of
 22 individuals --
 23 A. Yes.
 24 Q. -- said yes, 26.7, which is four, said no. And we
 25 didn't get an answer from one of them.

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1 Q. -- in relation to those that said yes, what was
 2 understood by speed, due diligence, assessment of value
 3 for money as different treatment?
 4 A. I would guess people were talking about speed of the
 5 initial pick-up.
 6 Q. Ie, that an HPL offer would be handled more speedily?
 7 A. Initially, the first contact -- so that's quite
 8 important. So obviously I don't know what people had in
 9 mind, but the same due diligence steps applied, the same
 10 assessments of VFM applied, so if anyone said yes on
 11 that I think they were wrong.
 12 If what they were thinking about was speed then the
 13 initial contact -- you're trying to get in touch ideally
 14 within 24 hours. We often failed but you're trying to
 15 get in touch within 24 hours. And this is where you get
 16 to the -- potentially an equal treatment problem,
 17 because you've got that initial contact, which is quite
 18 rapid, and that may then help you kind of get on the
 19 ladder, as it were.
 20 That's, I think, potentially what -- if I were
 21 saying yes, that's what I'd have in mind. I don't think
 22 that then influenced the overall outcome but I'd guess
 23 that's what they were thinking about.
 24 Q. Well, that might give you an initial speed advantage.
 25 Chasers or requests for feedback might chivvy an offer

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1 along?

2 **A.** Only if it had got stuck somehow. So, by the point it's

3 being chased and chivvied, it's already getting delayed.

4 **Q.** And a separate route for technical assurance might also

5 offer some form of speed advantage?

6 **A.** There wasn't a separate route for technical assurance.

7 Sorry, that's quite important. Early on it's the same

8 technical assurance thing for everyone, it's the same

9 team, it's a group team. Later on we have a dedicated

10 person who applies the same processes, so we have

11 a point of contact so we can find out what's going on.

12 I don't think that's the same as a separate route.

13 **Q.** All right.

14 Finally, I'm not going to go to a chart, and I'm

15 going to pick this up in greater detail with Mr Hall,

16 there is a concern about a figure of a 17 times

17 conversion rate between offers and acceptance.

18 **A.** Yes.

19 **Q.** You would accept a ten times conversion rate between

20 offerer -- comparing VIP Lane to non-VIP Lane --

21 **A.** Yes.

22 **Q.** -- in terms of prospects of securing a contract after an

23 offer being made?

24 **A.** Yes. And I think if you look at that funnel diagram, as

25 you called it, I think that helps explain why. And

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1 me?

2 **Q.** Yes. So what I'm getting at is, you've described it

3 being set up in the moment as a response --

4 **A.** Yes.

5 **Q.** -- to the situation that you had, because there was no

6 other alternative way.

7 **A.** Ah, yes, I think --

8 **Q.** So what I'm putting to you is, does it follow from that

9 that the lack of a structure or plan for the lane itself

10 necessarily meant that there was no plan or guidance for

11 the team in respect of how to deal with pressure from

12 ministers or indeed the potential for conflicts of

13 interest through this process?

14 **A.** Okay.

15 **Q.** And I'm picking that up largely from Professor --

16 **A.** Yes, well, I think there's a couple of things there --

17 **Q.** -- Sanchez-Graells.

18 **A.** Sorry, I didn't mean to interrupt you.

19 We were the plan in that sense, but if you're

20 looking at future crises, then it is worth thinking

21 about -- in peacetime -- what the plan is for

22 circumstances like that, and how you deal with that.

23 I've addressed this at the back of my statement,

24 actually, in part. So it's worth thinking about that.

25 I think it's a bit unfair on the team who set it up

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1 I think also the evidence from -- I've mentioned it

2 before -- the second corporate statement, which talks

3 about 50% of them were with, like, five really big

4 contractors is also why.

5 **MR WALD:** Mr Cairnduff, those are all the questions I had

6 for you, thank you very much. I know that there are

7 some questions for you from Core Participants.

8 **LADY HALLETT:** To start with, we've got Mr Weatherby, who is

9 just there, Mr Cairnduff.

10 **Questions from MR WEATHERBY KC**

11 **MR WEATHERBY:** Thank you, my Lady.

12 Just this, Mr Cairnduff. I ask questions on behalf

13 of the Covid Bereaved Families for Justice UK.

14 **A.** Yes.

15 **Q.** You told us the VIP Lane was set up largely because of

16 "noise" and that it was an organic response to need.

17 **A.** Yes.

18 **Q.** Do you agree that the lack of structure or plan in

19 relation to the VIP Lane at its creation meant that

20 there was, therefore, no plan or guidance in place for

21 consideration of how to deal with pressure from

22 ministers, or indeed, the potential for conflicts of

23 interest through the VIP Lane?

24 **A.** Sorry, I might need to unpack that just a little.

25 Actually, sorry, could you break that down a little for

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1 to say there was no plan, because this was them thinking

2 about it and putting something in place. It may not

3 have been the best thing that could have been done but

4 in the circumstances I don't think there was much

5 better.

6 In terms of conflicts of interest, that would be

7 picked up later in the process.

8 **Q.** Yes.

9 **A.** Sorry, does that answer?

10 **Q.** Well, I mean, I'm not actually wanting to be critical in

11 this question --

12 **A.** No, no --

13 **Q.** -- I'm just trying to elicit the point that it was set

14 up in the moment.

15 **A.** Yes.

16 **Q.** Was there, in fact, guidance of pressure and conflict of

17 interest for your team?

18 **A.** No, but there was a senior civil servant, ie me, put in

19 charge of it.

20 **Q.** Yes.

21 **A.** So in that sense, you know, I was able to give guidance

22 to my team and I was that buffer.

23 **Q.** Yes, so there was supervision, but --

24 **A.** Yes.

25 **MR WEATHERBY:** Thank you.

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1 That's all I ask.

2 **LADY HALLETT:** Thank you, Mr Weatherby. Professor Thomas.
3 Oh no, it's not, it's Mr Dayle. Sorry, Mr Dayle.

4 **Questions from MR DAYLE**

5 **MR DAYLE:** Mr Cairnduff, I represent the Federation of
6 Ethnic Minority Healthcare Organisations or FEMHO and,
7 just by way of context, I should say that, in times of
8 crisis, such as the pandemic, we understand you to be
9 saying in your evidence that the urgency to deliver
10 solutions often requires rethinking traditional
11 procedures and protocols.

12 **A.** Yes.

13 **Q.** The establishment of the High Priority Lane, or HPL, is
14 one such example, which requires an adaptive response,
15 designed to expedite procurement processes during what
16 is described as a public health emergency?

17 **A.** Mm-hm.

18 **Q.** However, the rapid implementation of these measures
19 raises questions about the balance between expedience
20 and adherence to established standards --

21 **A.** Yes.

22 **Q.** -- particularly concerning equality and inclusivity. So
23 given these reflections, FEMHO and similar organisations
24 would like to know how considerations like the Public
25 Sector Equality Duty were integrated into these

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1 equality kind of diversity make-up of bus drivers as
2 a population but, you know, that's where you'd have to
3 think: bus drivers are exposed, how does that measure
4 against nurses? That's way beyond my competency but
5 that's where you'd expect it to come in.

6 **LADY HALLETT:** I think the problem that Mr Dayle is probably
7 getting at is that a mask isn't a mask. Unfortunately,
8 we've heard evidence that not all masks fit all faces.

9 **A.** No, that's true. It's also an issue with gowns, where,
10 for example, with a large gown won't fit a lot of
11 people.

12 **MR DAYLE:** Precisely, as my Lady says, the question is
13 really getting at how were these considerations managed
14 or integrated into what we now know as the accelerated
15 procurement processes?

16 **A.** Got you. I think this is an area where there is room
17 for improvement. One of the things I say in my
18 statement is we didn't have access to people who were
19 experts on PPE, so that meant, in that sense, we're
20 buying kit by reference to guidelines we've been given.
21 I think, if it had been possible, which I don't know if
22 it was at the time, I wasn't very sighted on in this
23 part of the structure, to build in knowledge of the
24 equipment and how it's used, and ideally clinicians, to
25 be honest, who'd have that lived knowledge, I think then

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1 expedited procurement processes, if at all. So my
2 precise question is: you observe that the circumstances
3 leading to the setting up of the HPL were not normal,
4 and you observe this at paragraph 4.5 of your witness
5 statement.

6 **A.** Yes.

7 **Q.** Assuming you did consider that public emergency
8 conditions existed, did you take this to mean that the
9 HPL team need not have had regard to the Public Sector
10 Equality Duty, and/or other equality duties in PPE
11 procurement?

12 **A.** No, I'm not -- well, I could be wrong on this but I'm
13 not aware of any exception from Public Sector Equality
14 Duty obligations by virtue of an emergency. Now,
15 I could be wrong on that but I'm not aware of one.
16 I would expect it, however, to become more manifest when
17 you come to choices about the distribution of PPE rather
18 than the buying of it. The PPE is itself, I think,
19 I may be wrong, relatively agnostic: a mask is a mask.
20 How you then distribute, I think, then becomes very much
21 a question of who is being impacted, you know, and
22 issues like that. For example, bus drivers were an
23 at-risk group at the time because they had to deal with
24 the public still, the buses were still operating.

25 I don't know about the public's -- you know, the

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1 that would probably better address the point I think
2 you're making.

3 I'm not sure that we were equipped to do that
4 because we simply had specs and we went out to buy those
5 specs, and I think it's the point of are the specs the
6 right specs and are they comprehensive, is probably
7 where the differential impact would come in. Does that
8 make sense?

9 **MR DAYLE:** Directionally, yes, but I think we might pick up
10 with that line with other witnesses.

11 Thank you, my Lady.

12 **LADY HALLETT:** Thank you, Mr Dayle.

13 Mr Cairnduff, those are all the questions we have at
14 the time being, although I think I'm going to be seeing
15 you again later in this module.

16 **A.** Yes, I'm coming back.

17 **LADY HALLETT:** Even those who criticise various aspects of
18 the procurement process, I don't think I've heard
19 anybody doubt the extraordinary commitment and
20 dedication that people like you and your team had in
21 trying to get the necessary PPE, so thank you for all
22 that you did in that respect during the pandemic, and
23 thank you for your help to date in relation to the
24 Inquiry.

25 **THE WITNESS:** Thank you.

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1 LADY HALLETT: Very well. I shall return at 11.30.

2 (11.14 am)

3 (A short break)

4 (11.30 am)

5 LADY HALLETT: Mr Sharma.

6 MR SHARMA: My Lady, the next witness is Darren Blackburn.

7 MR DARREN BLACKBURN (sworn)

8 Questions from COUNSEL TO THE INQUIRY

9 LADY HALLETT: I hope we haven't kept you waiting,
10 Mr Blackburn.

11 THE WITNESS: No, that's fine. Thank you.

12 MR SHARMA: Would you be kind enough to state your full name
13 for the Inquiry?

14 A. It's Darren Blackburn.

15 Q. Mr Blackburn, you have provided of the Inquiry with one
16 witness statement. I wonder if you'd be good enough to
17 confirm that the content of that statement is true to
18 the best of your knowledge and belief?

19 A. I can confirm that.

20 Q. Mr Blackburn, you have a long career in procurement in
21 the private sector between 1999 and 2019 working for
22 BAE Systems and PwC, amongst other companies in the
23 private sector, and then you joined the Civil Service in
24 September 2019; is that correct?

25 A. That's correct.

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1 sort of intensity and chaos of what was going on around
2 us, the pure need to get PPE, vital PPE into the NHS was
3 sort of paramount.

4 We were working long hours under intense pressure,
5 with a lot of scrutiny, just trying to do the best that
6 we could to try to get that vital PPE.

7 Q. You have referred in your witness statement to two of
8 your roles being solving problems and unblocking
9 bottlenecks in the PPE Cell. Could I take each of those
10 in turn, please. From your vantage point in the New
11 Suppliers Team, what were the key problems that you
12 encountered or that you could see from the processing of
13 offers?

14 A. I mean, one of the key issues was identifying those good
15 offers with which to take forwards. If I can put into
16 context what we were getting, of the 15,000 to 16,000
17 supplier offers in the system, of which there were
18 multiple offers, you know, they fell into three
19 categories: one category being, you know, a little old
20 lady who had offered to make masks and drop them off at
21 her local hospital; we'd got organisations, factories,
22 if you like, who closed down and had furloughed, who
23 were offering to provide excess stock of PPE in its
24 thousands; and then you'd got the intermediaries where,
25 you know, we were offered the quantities that we wanted.

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1 Q. You joined, then, as a Deputy Director in the Cabinet
2 Office Commercial Function Complex Transactions Team; is
3 that right?

4 A. Yes, correct.

5 Q. On 19 March 2020, you were deployed from the Cabinet
6 Office to the PPE Cell?

7 A. Correct.

8 Q. Then in April 2020 to July 2020, you were the Head of
9 the New Supplier Team?

10 A. Yes, that's correct.

11 Q. Subsequent to that, you have returned to the private
12 sector; is that right?

13 A. Correct.

14 Q. Mr Blackburn, we heard yesterday from Mr Marron about
15 the experience of people such as yourself working in the
16 PPE Cell, the stress and the strain and the hours that
17 were worked. Could you help us with that, please? At
18 the beginning and during the tenure, what was it like?

19 A. I mean, in the very first week we were deployed, I was
20 actually taken ill and had to isolate myself, so
21 I was -- I would do a lot of Teams calls, et cetera, and
22 it wasn't until the second week that I was fully
23 deployed and so I missed some of the set-up, but even
24 from the isolation of our own sort of bedrooms or
25 offices or wherever we were working, you could see the

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1 We had to find them in and amongst the 15,000, and one
2 of the areas that we were criticised for early on was
3 the speed of which we were getting contracts in place.
4 So that was one of the key issues.

5 Q. Secondly, in terms of the bottlenecks, in the process by
6 which those contracts were being considered by you and
7 your team, where were the principal bottlenecks that you
8 identified?

9 A. So I think I'd set it out in my witness statement and
10 Max confirmed it earlier in his statement also, was
11 predominantly around the technical assurance, validating
12 the offers and the certificates that we received to make
13 sure they were fit for purpose and met the specification
14 and standards.

15 Q. From your vantage point as the Head of the New Suppliers
16 Team you could see offers being processed through what
17 I might call the general route and also via what has
18 become known as the High Priority Lane. Could I touch,
19 please, first of all on the High Priority Lane. What
20 did you understand was the purpose of the High Priority
21 Lane?

22 A. The point of the High Priority Lane was to address some
23 of the criticism that we had around not processing and
24 getting contracts quick enough to get high quality,
25 valuable PPE into those trusts. So the point of the

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1 High Priority Lane was a way of expediting those good,
 2 credible offers.
 3 **Q.** You refer in your witness statement to another purpose
 4 to the High Priority Lane to be to deal with noise. Is
 5 that what you're referring to just now or is that
 6 something different?
 7 **A.** That's another aspect of it, and I -- yes.
 8 **Q.** Forgive me. Carry on.
 9 **A.** No, that's another aspect of it, yes.
 10 **Q.** When you refer to "noise" what exactly are you referring
 11 to?
 12 **A.** Requests for updates and an understanding of where
 13 offers were within the process.
 14 **Q.** So the High Priority Lane is serving two functions: it's
 15 looking at the most credible offers, on the one hand,
 16 and it's also considering the noise or the feedback
 17 requests which are being generated?
 18 **A.** Yes.
 19 **Q.** Are those two concerns, are they competing concerns?
 20 Are they competing for time?
 21 **A.** Yes, of course. If you're responding to a request for
 22 updates, you're not dealing with the supplier and trying
 23 to progress their offer.
 24 **Q.** Turning, please, to guidance about which offers were and
 25 were not referred into the High Priority Lane, was there

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1 vantage point, looking at the New Opportunities Team as
 2 a whole and the High Priority Lane in particular, as to
 3 whether there was an advantage of speed in the HPL?
 4 **A.** I can't say categorically yes or no. We didn't do any
 5 analysis at that time to record at the time at which
 6 processing started in either lane to get in a contract.
 7 So we just didn't have that data or measure that.
 8 **Q.** Was there any way that you perceived that High Priority
 9 Lane offers were treated differently within the New
 10 Suppliers Team?
 11 **A.** So in terms of the process that they went through and
 12 the due diligence that they went through, it was all
 13 exactly the same. I guess the difference would have
 14 been in the handling and the more direct communication
 15 and the fact that they were, I guess, prioritised over
 16 some of the other offers.
 17 **Q.** What do you mean by the handling and the direct
 18 communication?
 19 **A.** As in the individual caseworker may have given them more
 20 face time, if you like.
 21 **Q.** Of course, is it right that that individual face time
 22 that the caseworker was giving to those offers in the
 23 High Priority Lane were resources which were not being
 24 devoted to other offers, which were otherwise being
 25 considered by the New Suppliers Team?

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1 any guidance which was available to you and your team as
 2 to which offers to refer into the HPL?
 3 **A.** At the time, I don't believe there was.
 4 **Q.** Given that there wasn't any guidance, what criteria, if
 5 any, was applied by you and your team to decide as to
 6 whether an offer would go into the HPL or not?
 7 **A.** So I can only speak for myself, rather than my team.
 8 But in my mind, those offers to go into the High
 9 Priority Lane were offers that were credible, offers of
 10 an in-demand product and offers that were of large
 11 volumes.
 12 **Q.** What about that second category, the offers for which
 13 updates were being sought? Was that another factor that
 14 contributed into whether an offer would go into the High
 15 Priority Lane or not?
 16 **A.** From my own perspective, no.
 17 **Q.** Were there, in effect, gatekeepers to the High Priority
 18 Lane: people whose job it was to decide whether or not
 19 it would be referred in?
 20 **A.** Well, ultimately, Max would have been the gatekeeper to
 21 what went in and then how that was prioritised or
 22 allocated amongst the team.
 23 **Q.** You speak in your witness statement about the speed at
 24 which offers in the High Priority Lane were processed.
 25 Do you have anything to tell the Inquiry, from your

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1 **A.** Well, there were other caseworkers that would have been
 2 handling those other cases.
 3 **Q.** So a specialist team of caseworkers, simply to deal
 4 with --
 5 **A.** Yes.
 6 **Q.** -- the handling aspect?
 7 **A.** Yes.
 8 **Q.** Did offers in the High Priority Lane have a dedicated
 9 caseworker attributed to them and was that something
 10 which was available in the general lane?
 11 **A.** In the High Priority Lane there was a dedicated
 12 caseworker that would have overseen the case as it went
 13 through the process, as I understand it.
 14 **Q.** Was that the case in the general Opportunities team as
 15 well, or not?
 16 **A.** I couldn't say for sure. I don't think so. I think
 17 there were multiple -- more hand-offs in the general
 18 case team.
 19 **Q.** What do you mean by "hand-offs"?
 20 **A.** So if you lump the processes into three areas you've got
 21 opportunities, technical assurance and then closing,
 22 where the contract was formed. Between those three
 23 elements there were hand-offs.
 24 **Q.** I want to ask you some questions, please, setting aside
 25 the High Priority Lane and just focusing in on one

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1 contract, which is the contract with Ayanda. I wonder
 2 if we could bring up, by way of introduction,
 3 INQ000575086. This is a schedule which has been
 4 produced by the Department of Health and Social Care.
 5 I wonder if we could have a look, please, at row 18.
 6 This is the information about the Ayanda contract,
 7 reading from left to right, Ayanda Capital. I wonder if
 8 we could move to right. 29 April 2020 for face masks,
 9 the original contract value £252.5 million, New Buy.
 10 Keep scrolling across. High Priority Lane, yes. Then
 11 source of referral, NHS Shared Business Services. But
 12 the person who received the referral, you're named there
 13 as the person who received the referral in; is that
 14 right?
 15 A. That's correct.
 16 Q. Could we continue to scroll to the right, please.
 17 Just underneath there, under "Explanation of Issue"
 18 with the contract:
 19 "DHSC Rejected Goods."
 20 Can I take you through a little bit of the
 21 chronology behind Ayanda Capital. When the offer first
 22 came to your attention, it was under the name
 23 Prospermill, wasn't it?
 24 A. That's correct.
 25 Q. When the offer came in, you took an interest in that

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1 Q. You can take it from me that the dates are accurate,
 2 they're taken from your statement.
 3 A. Oh, okay then, yes.
 4 Q. I wonder if, please, we could bring up INQ000534943.
 5 Scroll to the bottom of this email chain, so that we can
 6 read upwards. Next page, please. These are the initial
 7 communications between you and Mr Mills. Mr Mills has
 8 provided the details of the manufacturer, a summary of
 9 the offer and various other documents.
 10 When you receive a referral such as this, are you
 11 making any assessment at all about the material which
 12 he's showing to you before it goes elsewhere?
 13 A. Me personally?
 14 Q. Yes.
 15 A. No, I'm not.
 16 Q. Scroll upwards, please. Then at the top here, on
 17 14 April, Mr Mills says to you:
 18 "I'd like to make sure that I have got through to
 19 the right place as this is an opportunity for HMG to get
 20 exclusive access to the entire manufacturing capacity of
 21 Zhende Medical Co for an initial period of 12 weeks ..."
 22 This is an email, forgive me, from Mr Mills to
 23 Martin Kent. Who is Martin Kent, please?
 24 A. Martin Kent was a senior official in the Department for
 25 International Trade, with which, I think, Andrew had got

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1 contract. What was the reason for that?
 2 A. It had been referred to me by an ex-colleague from BAE
 3 Systems, who was now working in the NHS in Manchester.
 4 Q. What did you think about the terms of the offer, about
 5 the goods which were being offered, about the price at
 6 which it was being offered? What attention did you pay
 7 to that?
 8 A. Not a huge amount of attention. That was part of the
 9 process of checking the offer and the credibility of the
 10 offer. It was part of the wider due diligence, not
 11 something I would have done.
 12 Q. The offer was being made by Mr Andrew Mills, who was
 13 a senior adviser at Ayanda. Could you help the Inquiry
 14 with this, please: who was Mr Mills?
 15 A. He was the person that was referred to me by my
 16 ex-colleague from the Manchester Trusts.
 17 Q. On 13 April, Mr Mills contacted you by LinkedIn, didn't
 18 he?
 19 A. That's correct.
 20 Q. Did you respond to that contact?
 21 A. No, I didn't.
 22 Q. Mr Mills followed up with you in three other
 23 communications on 14 April 2020, 15 April 2020, and then
 24 16 April 2020; is that right?
 25 A. Um ...

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1 connections with.
 2 Q. It's right, isn't it, that Mr Mills was previously
 3 an adviser to the Department for International Trade?
 4 A. That's right yes.
 5 Q. He's referring, I think, to communications he's had with
 6 you and then he's also making Mr Kent aware that both
 7 the French and the US Government are circling, so there
 8 was a risk, wasn't there, that this offer might go
 9 elsewhere?
 10 A. That's correct.
 11 Q. If we scroll up, please. There it's confirmed by
 12 Mr Kent, third line down that:
 13 "Andrew is a former Advisor to the Board of Trade
 14 when it sat under the former [Secretary of State]."
 15 Can we scroll up, please. This email then reaches
 16 your inbox about the fact that the company, Ayanda, and
 17 Mr Mills have been, it seems to be, vouched for by
 18 somebody at the Department for International Trade.
 19 What factor or what role, if any, did that play in
 20 your decision to refer this contract into the HPL?
 21 A. From my perspective, it gave confidence that this was
 22 a person or an organisation that was used to dealing
 23 with HMG and, therefore, was trustworthy. I think for
 24 wider context, if I may, you know, I'd worked on another
 25 case with one of the other caseworkers over a period of

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two weeks that we ended up rejecting because of the credibility of the deal and the fact that that person in question wanted payment into their personal bank account. They were operating from a flat in Knightsbridge, et cetera, so we'd spent two weeks dealing with that opportunity for it to go nowhere.

In this instance, you know, we were keen to find credible offers with people that could be trustworthy and this gave confidence to that. In normal times, during a procurement process, you would look for evidence of -- you know, if you were running a procurement you would look for evidence from the organisations that were bidding of their history and experience in working with and around government and delivering what it is you need them to deliver, and that is what played out here, in that background and history of working with and being credible in government.

Q. Could we please put up INQ000536359. This is your witness statement, Mr Blackburn, page 30, please, paragraph 85:

"On 27 April, Andrew emailed saying that while he had submitted the offer under Prospermill, he would be using Ayanda Capital [and that was a company of which he was a director] because they had the infrastructure for international payments already set up. [He] was a Board

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Q. Of course. So that's because of the due diligence was conducted much later on?

A. That's correct.

Q. Right but given those three factors, that it's been vouched for by the Department for International Trade, the red rating but the demand for masks being critical, could you talk us through what would have gone through your mind as an experienced procurement professional weighing up those three factors?

A. Well, let me just talk to the red rating, which I think is probably the most important part of the question, what you're looking for.

Q. Yes.

A. The red rating was an indication of there being risks in the commercial deal. These risks were around the size of Ayanda and, I guess, its P&L and its accounts, versus the size of the order that we were looking to place through it and so that red rating was around its ability to handle that size of contract.

And therefore, there was an element of risk in there and, in those situations, what you have to do is weigh up those risks, determine any mitigation and whether those mitigation points would give assurance that you could effectively put the contract forward, and that's the same in normal times and what we were dealing with

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Advisor for Ayanda ... Due diligence was undertaken on Prospermill, which returned an amber rating, and on Ayanda, which returned a red rating."

Then you go on to say:

"A red rating did not mean that a contract with Ayanda could not go ahead, but it did mean that careful thought had to be given to contractual terms to minimise the risk."

Then you refer there to the demand for Type IIR masks at the time and the value of the Ayanda contract, and so it was progressed.

I appreciate it's difficult, sometime after the event but a number of factors are being weighed up, I assume, in your mind and in the mind of others about whether this contract progresses.

On the one hand, you have the Ayanda offer being vouched for by the Department for International Trade, you have the fact that masks are in demand and then you have this red rating. Could you talk us through how those three factors were weighed up by you when the contract was referred in to the HPL?

A. Well, we didn't know it was a red rating until after it had started through the process, and so the red rating came much later on, rather than at the time of me referring it.

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here.

Q. What effect, if any, did the fact of the emergency play on these kinds of decisions being made? Because unlike, of course, in business-as-usual procurement when you may have the benefit of time --

A. Yes.

Q. -- in these circumstances choices and decisions have to be made very quickly. What effect did that have?

A. Well, that's correct. I mean, two aspects, I think you just raised, is we needed to get critical PPE into the NHS, and time was of the essence. So we did have to make decisions rather quickly. Again, we looked at the risks, determined what the risks were, and quickly put mechanisms in place to address those risks, and that's what we did here.

Q. Now, the contract was entered into but, as we've seen on the DHSC schedule, as it happens, the goods were rejected, and the reason that they were rejected was because they had ear loops rather than head loops and I think you've set that out in your statement.

A. Yes.

Q. So it had been approved through the eight-stage process, it had received technical assurance, the contract had been paid, I think about £252 million, and it's an example, isn't it, of a contract apparently being

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1 complied with but the goods not meeting the
 2 specification?
 3 **A.** I think the goods did meet the specification but the
 4 specifications changed over time, so the goods did meet
 5 the specification for which they were contracted
 6 against but, as we learnt more, those ear loops,
 7 I think, were uncomfortable and so then the requirement
 8 changed to a different type of mask.
 9 **Q.** Could I ask you, please, taking what you know about the
 10 Ayanda contract and what I've been asking you questions
 11 about, I appreciate hindsight being 20/20, what
 12 reflections do you have, having been at the Head of the
 13 New Suppliers Team and looking at how the Ayanda
 14 contract turned out about what could and should have
 15 been done differently?
 16 **A.** I mean, at the time, I'm not sure anything could have
 17 been done too differently from what we did. You know,
 18 time was of the essence, we needed to get PPE into the
 19 NHS. We were doing all that we could. Things were set
 20 up quickly, people were working long hours, trying to
 21 get deals in place and I think, as Max alluded to and
 22 I even say in my witness statement, it felt like we were
 23 doing it for years, not three or four months. It felt
 24 like a very long period.
 25 And as we learnt more, we reacted to those things,

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1 **A.** I think it was appropriate weight. I think it was
 2 a good thing to take that into account but it wasn't the
 3 only factor with which -- or why the contract was
 4 awarded.
 5 Mr Mills and Ayanda didn't get a contract because of
 6 their links to DIT. That was a factor as part of the
 7 wider due diligence process which included going through
 8 Opportunities, Technical Assurance and Closing, and,
 9 ultimately, the Clearance Board.
 10 **Q.** Of course, that is one of the findings of the High
 11 Court, which you've referred to in your witness
 12 statement?
 13 Mr Blackburn, just to look at the High Priority Lane
 14 before I leave it, just for one or two more questions,
 15 it might be very easy for lawyers, such as myself, to
 16 step back from the emergency that you were dealing with
 17 at the time and apply and ask for these principles about
 18 transparency and governance, and so on, but we might be
 19 forgetting the extreme pressure that you were under at
 20 the time.
 21 Do you think it's possible, again, drawing on your
 22 experience as a procurement professional, to comply with
 23 those principles of fairness, equal treatment, and so
 24 on, even during an emergency?
 25 **A.** As a procurement professional then, and speaking on

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1 and you'll see in my witness statement and in the
 2 supporting documentation, ie the handover document that
 3 we produced, of how we learnt and changed things and
 4 tried to respond to sort of external factors. Of
 5 course, if we were starting from scratch today, and
 6 hopefully what we set out in the handover report helps
 7 the Inquiry with that, we may have set up things
 8 differently and done things differently.
 9 I think, given that we've got the deluge of offers,
 10 15,000 suppliers, we did what we could to try to filter
 11 and get contracts in place. I'm not going to question
 12 whether the call to arms was the right thing to do, but
 13 I think, going forward, we might not have done that, and
 14 we might have had a different strategy and a different
 15 structure around that procurement activity.
 16 **Q.** We'll come on to that and the handover document that
 17 you've very helpfully referred to in your witness
 18 statement.
 19 Just before I leave Ayanda, to focus in on one
 20 aspect of it, the vouching for of Mr Mills by another
 21 official within the Department for International Trade,
 22 do you think that appropriate weight or too much weight
 23 was given to that, or do you think, again, drawing on
 24 your experience as a procurement professional, whether
 25 that was the right thing to take into account?

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1 behalf of, you know, my wider team, it was something
 2 that we were all aware of and we were trying to do, but
 3 I guess the nature and the way that it was set up,
 4 someone somewhere was going to have more of an advantage
 5 over someone else because of the number of offers that
 6 we'd got. So you had to apply some form of
 7 prioritisation to find those offers. That
 8 prioritisation could have been alphabetically, in which
 9 case Ayanda may have still come out sort of top, versus
 10 a company called D, or whatever -- or down to volumes.
 11 There would have been some prioritisation and
 12 someone would have got a contract quicker than others
 13 and, therefore, been deemed to have been at
 14 an advantage. That was the nature of what we'd set up.
 15 **Q.** If you were designing a procurement system for
 16 an emergency in the future, an emergency which, I, by
 17 its nature, can't describe, but if you were, would you
 18 include the same features of the High Priority Lane as
 19 we had in this country during the pandemic, or not?
 20 **A.** It's difficult to say exactly. It's difficult to say
 21 absolutely not but, ideally, you wouldn't, and I think
 22 it would depend on the sort of the wider structure of
 23 the operating model that you were looking to put in
 24 place. And as I say, we might have done a different
 25 operating model, one akin to what we set up from July

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1 onwards for a more category-based solution --

2 **Q.** When you say category --

3 **A.** -- and more targeted.

4 **Q.** Forgive me when you say "category-based", do you mean

5 category by category of PPE?

6 **A.** Yes, so subcategory so, in this instance, the

7 subcategory of PPE, so masks, gowns, gloves, et cetera.

8 **Q.** So there was a moment in your answer in which you paused

9 before you decided. What is it? What's the deciding

10 factor, in your mind, that causes you not to rule out

11 a High Priority Lane in its entirety? What feature does

12 it have, in your mind, that is required in an emergency?

13 **A.** I think at that point in time, you know, that High

14 Priority Lane was just another form of prioritisation.

15 So where I talked about, you know, you're going to have

16 to prioritise, if you've got 15,000 offers in a system,

17 you have to do some form of prioritisation and, in my

18 mind, that High Priority Lane was a form of

19 prioritisation and trying to get that PPE into the

20 hospitals.

21 **LADY HALLETT:** Otherwise you place the emphasis on the High

22 Priority Lane not the VIP Lane?

23 **A.** Exactly, yes. For me, the VIP bit was sort of the

24 handling of ministers, et cetera, as opposed to the

25 handling of the case.

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1 Thank you. There are a number of recommendations

2 and observations which you and others have made based on

3 your experience in the PPE Cell and, in particular, in

4 the New Suppliers Team. The first, if I can touch on,

5 please, is under IT, the "Initial webform design".

6 You've referred already to the effect of the call to

7 arms on the way in which it was possible to analyse and

8 triage the offers that were coming into your team.

9 Could you help us, please, with how you would have

10 reformed that process or how you could reform that

11 process. In the event that a call to arms was

12 necessary, what would you do to change that webform

13 process?

14 **A.** Again, putting it into context of where we were at the

15 time, we were trying to set up systems, processes and

16 procure PPE all at the same time. Some of the

17 difficulties that you would have in preparing for such

18 an eventuality in the future is -- and some of the

19 things that we had to change -- was having those fields

20 that weren't free flow text but were sort of

21 pre-populated, that you can pick from, that allowed

22 interrogation of the data.

23 That would be difficult to pre-empt, going forward.

24 You know, the next emergency situation might not be

25 about PPE; it might be -- ooh, I don't know, you know,

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1 **MR SHARMA:** In your experience, has there ever been a time

2 at which the market was as volatile as it was during the

3 Covid-19 pandemic -- forgive me, and I mean any

4 procurement market?

5 **A.** Not that I recall, no, not in any of my sort of

6 dealings. Over the years that I've been in procurement,

7 the things that I've sort of focused on has changing

8 over time. I'd see PPE as a commodity item. There are

9 different facets of procurement, so there's directs and

10 indirects and, typically, PPE would be considered

11 an indirect, a commodity item, if you like, and I don't

12 have deep expertise in procurement of commodity items in

13 such a way.

14 So if you look at my career history I've bought

15 stuff like, you know, propulsors and things for

16 submarines, so there was never an issue or a market as

17 volatile as that, so no, not in my experience.

18 **Q.** Mr Blackburn, you refer very helpfully in your evidence

19 to a handover document, which I think you describe as

20 the beginnings of an emergency procurement playbook,

21 something which you didn't have in the New Suppliers

22 Team, or elsewhere, at the time the pandemic struck.

23 I wonder if we could bring that up, please. Thank you.

24 You were one of a number of contributors to this

25 document. Page 28.

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1 something completely different. It could be about

2 sanitisation and, actually, it's less about PPE but, you

3 know, just keeping everywhere clean. So you would need

4 a different set of cells, et cetera, within your webform

5 or within your portal in order to address some of the

6 things we've got here.

7 So I think having a system ready to go is a good

8 starting point and having the ability to make rapid

9 design and changes to any such input forms that would

10 allow you to do the data interrogation that has been

11 spoken about.

12 **Q.** I think what you're referring to, if I may, is

13 a structured data approach?

14 **A.** Yes.

15 **Q.** So the way in which the data is structured, which

16 Professor Sanchez-Graells referred to in his report --

17 **A.** Yes.

18 **Q.** -- that having an approach to that, which is not too

19 prescriptive because as you say, you can't predict what

20 the next emergency may be --

21 **A.** But consistency of input. So, you know, I don't put in

22 "10m", someone puts in "1,000,000", et cetera, so

23 consistency of data.

24 **Q.** Yes, rather than being free flow, there's some structure

25 to it.

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1 **A.** Yes.

2 **Q.** Next, if I can consider with you, please, "System
3 linkages and interfaces". It says there:
4 "... there were no direct interfaces between the
5 various systems in use: Mendix, DHSC, Finance,
6 Uniserve's OneWorld", which is a supply chain software.

7 **A.** Yes.

8 **Q.** "... and so manual workarounds needed to be created to
9 ensure information was available to all teams."
10 Then on the right-hand side:
11 "We needed a clearer understanding of the end-to-end
12 data needs at an early stage in the programme rather
13 than working through each stage in a linear fashion (ie
14 understanding Opportunities and Technical Assurance
15 needs before clarifying the needs of Closing and
16 Logistics teams)."

17 That's a bit of a mouthful but could you help us,
18 please, with that. What problems were there with the
19 way in which data was being accumulated and shared and
20 processed as between the various teams in the New
21 Suppliers Team but also making up part of China Buy and
22 UK Make?

23 **A.** So, yeah -- and again, for wider context, a lot of
24 organisations, even in the private sector, today still
25 grapple with this, with -- you know, numerous systems as

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1 Then there's the Uniserve tracking, so when the item
2 is being produced it leaves the factory where it is in
3 the world, be it shipped, or what have you, where it is
4 in the UK, so that tracking of those items through.

5 And sometimes it's difficult to match and marry up.
6 So if you take Ayanda, for example, I don't know if
7 there was a unique reference number that allows Ayanda
8 to be tracked from contracts through to the purchase to
9 pay, through to DHSC, other than the word "Ayanda".

10 **Q.** So, forgive me, what you're saying is there needs to
11 a system which, at least in some way, matches up all of
12 those three systems together so that they interlock and
13 they talk to each other?

14 **A.** Yes, you've got some form of ability of tracking the
15 data and the data flow through the different systems,
16 whether that be an overriding, overarching system, or
17 some form of unique identifiers, and commonality of data
18 through them.

19 **Q.** Now I'm going to mention something that was mentioned by
20 the New Opportunities Team, which was the Excel
21 spreadsheet into which lots of the offers were being
22 entered. And at the beginning of the pandemic that was
23 the way in which data was being processed, wasn't it?

24 **A.** Correct.

25 **Q.** And that Excel spreadsheet, I wonder if we could bring

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1 their organisations evolved and they bought different
2 systems to suit different problems and then getting
3 those systems to talk each other. That's not unique
4 just to this, it -- you know, that still applies to
5 private sector today.

6 A lot of organisations, they -- as I've talked
7 about, they evolve, the organisation evolves, so they
8 buy a system to meet a current need. In this instance,
9 you know, we would have -- because opportunities and
10 technical assurance were the first part of the process,
11 we would have been looking at what does the system need
12 to do to get us through those hoops rather than thinking
13 about the end goal and what is the information we would
14 need at the end, and making sure that at those early
15 stages everything was covered, so all of the information
16 that was asked for was covered at the end.

17 Also, you've got, as we talk about, the different
18 systems for different stages of the process. So you'd
19 got the Mendix system, which, if you like, is your
20 source to contract system. So identifying opportunities
21 and taking them through to get a contract.

22 Then you've got the DHSC system, which is the
23 purchase to pay, so once the contract is in place you
24 raise a purchase order and then the supplier is allowed
25 to invoice and you do your three-way matching.

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1 it up, please. It's INQ000534813.

2 I won't go through each of the categories here, but
3 if I can just demonstrate how large this spreadsheet
4 became.

5 Row 1 -- I wonder if we could scroll all the way
6 down to row -- I think it goes up to 55,215 rows of
7 information.

8 **LADY HALLETT:** I've got the point, Mr Sharma.

9 **MR SHARMA:** And if we could scroll the other way, please,
10 25 columns.

11 Just in this single spreadsheet alone -- and again,
12 placing this in the context of the emergency and the
13 pressure that everyone was under -- this amounts to
14 nearly 1.4 million individual pieces of data, which are
15 being accumulated and managed and triaged. And it
16 wasn't until some time in April, I think mid-April, that
17 access to Mendix was obtained.

18 **A.** Yes, 9 April.

19 **Q.** 9 April.

20 Using this must have caused you and your team
21 enormous stress, inputting data into this on a daily
22 basis and trying to keep up with the information that
23 was coming in?

24 **A.** Certainly for the team, yes.

25 **Q.** It was, at the very least, suboptimal, until Mendix came

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1 online. What did Mendix do?

2 **A.** Mendix was more of a case management system, so designed

3 to handle cases and keeping it all consistent in, sort

4 of, one place. It was easy to interrogate and get

5 information from. You know, you're sharing spreadsheets

6 around, you've got a risk of data integrity and things

7 being incorrect, whereas at least in Mendix people are

8 accessing it and the data integrity should be better and

9 a more consistent completion of the data required.

10 **Q.** And then much later on, or a little later on, in the

11 summer of 2020, after Mendix, the case management

12 system, it moved on to another system called Atamis.

13 **A.** Yes.

14 **Q.** Could we bring up, please, INQ000477254.

15 This a screenshot of what a more advanced data

16 management system than both Mendix and, of course, the

17 Excel spreadsheet that we started with.

18 You, of course, didn't have this at the beginning of

19 the pandemic. What effect would it have had if you had

20 this sort of data and analysis available to you at the

21 beginning?

22 **A.** So I'd need to look at the sort of data, et cetera, that

23 this is showing and how you would interrogate it, but it

24 would have given us -- if this was capturing all of the

25 offers made, it would have allowed us to have better

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1 Thank you for your help to the Inquiry and obviously

2 thank you for all that you did. I don't know if you've

3 heard me thank your colleagues but whatever criticisms

4 have been made of the system generally, certainly you

5 and your colleagues can't be criticised for your

6 dedication.

7 **THE WITNESS:** Thank you.

8 **LADY HALLETT:** Thank you very much.

9 Right, are we ready to go to the next witness, or do

10 you want me to break early for lunch?

11 **MR WALD:** Break early.

12 **LADY HALLETT:** Break early for lunch.

13 Very well. I shall return at 1.25 pm.

14 **(12.19 pm)**

15 **(The Short Adjournment)**

16 **(1.25 pm)**

17 **LADY HALLETT:** Mr Ward.

18 **MR WALD:** My Lady our next witness today is Dr Chris Hall.

19 **DR CHRIS HALL (sworn)**

20 **Questions from LEAD COUNSEL TO THE INQUIRY FOR MODULE 5**

21 **LADY HALLETT:** Dr Hall, I hope we didn't interrupt your

22 lunch by having a slightly different lunch break.

23 **THE WITNESS:** Not at all, my Lady.

24 **MR WALD:** Could you start by giving the Inquiry your full

25 name please.

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1 visibility of those offers and the volumes of those

2 offers to help with the prioritisation, avoiding out

3 category 2 and 3. By category 2 and 3 I mean old lady

4 offering to make masks out of ex-husband's shirts and

5 factories just providing excess stock.

6 So it would have allowed for better visibility of

7 what the offers were.

8 **Q.** This is, of course, only one screenshot from that

9 system.

10 **A.** Yes.

11 **Q.** And as you say, it presents the data at least in

12 a graphical format, but you can at least see, in

13 a simple, single picture, the volume, the volume by

14 purchase status, the volume by type, the monthly volumes

15 which are being accumulated, and so on?

16 **A.** Correct. I mean, you know, in the very first weeks it

17 was just "buy gloves", rather than nitrile gloves or any

18 other sort or variant of glove.

19 **MR SHARMA:** Mr Blackburn, thank you. I don't have any

20 further questions.

21 **THE WITNESS:** Thank you.

22 **LADY HALLETT:** I don't think there are any Core

23 Participant -- any Rule 10.

24 **MR SHARMA:** No, my Lady.

25 **LADY HALLETT:** Thank you very much indeed, Mr Blackburn.

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1 **A.** Christopher Hall, but I'd prefer if you called me Chris,

2 if that's possible.

3 **Q.** I will probably resort to Mr Hall or Dr Hall, whichever

4 you prefer.

5 **A.** As you wish.

6 **Q.** Dr Hall, we are grateful to you for the provision of two

7 statements, Inquiry document INQ000536369 and

8 INQ000536421, both of which have been signed by you.

9 Can you confirm, please, that they are true to the best

10 of your knowledge and belief.

11 **A.** I can confirm it.

12 **Q.** Thank you very much indeed. Can I start with a number

13 of preliminary questions about your background, Dr Hall.

14 You joined the Cabinet Office on secondment, did you

15 not, in September 2012?

16 **A.** Yes.

17 **Q.** You worked for the GCCO, the Government Commercial --

18 **A.** The Chief Commercial Officer, yes.

19 **Q.** The Chief Commercial Officer. When that secondment

20 ended you joined the Civil Service in the spring of 2014

21 as a Deputy Director leading the Complex Transactions

22 Team?

23 **A.** Yes.

24 **Q.** Yes. Prior to joining the Cabinet Office you were the

25 Practice Lead for IT Sourcing in Ernst & Young's

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1 advisory unit.

2 A. Yes.

3 Q. You, at that point, had accumulated a very significant

4 amount of experience in the IT industry; is that right?

5 A. Yes, that's right.

6 Q. In fact, something in the order of 30 years?

7 A. I'm sorry, I'm older than I look!

8 Q. Well, it wasn't for that reason that I made the point.

9 I will be asking you some questions about data and

10 IT handling and it's relevant, for that purpose, to know

11 that you have had that experience.

12 A. Yes.

13 Q. Thank you. In addition to that, in common with some of

14 the other witnesses that have given evidence in the

15 course of this Inquiry, you have quite a lot of public

16 sector experience?

17 A. Indeed, starting when I worked for IT companies, selling

18 to the public sector, and then as a management

19 consultant working for public sector entities,

20 particularly on procurement projects.

21 Q. Thank you. From about 20 April 2020, you took on

22 a wider managerial role as part of the management team

23 of the PPE Buy Cell and you were the most senior Cabinet

24 Office Commercial representative within that team?

25 A. Yes, that's right.

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1 right --

2 A. That's correct.

3 Q. -- which we'll come back to, but there was, in order to

4 communicate, video conferencing and file sharing, which

5 were difficult to manage at that time, weren't they?

6 A. Yes.

7 Q. Information exchange was a challenge, to say the least?

8 A. Yes, among other challenges, yes.

9 Q. Those involved in the VIP Lane resorted to very large

10 spreadsheets, we saw an example of that earlier today,

11 and there were no live documents, were there?

12 A. You mean shared documents or --

13 Q. Shared documents which could be updated periodically by

14 whoever was in that document or inputting data into

15 those documents?

16 A. That's right because we couldn't share those outside of

17 departmental systems.

18 Q. Yes, because of a siloing effect of each department

19 having its own systems?

20 A. And different technology, yes.

21 Q. And different technology. At this point, Mendix had not

22 yet been introduced?

23 A. That is correct.

24 Q. How much of a step forward was Mendix when it arrived?

25 A. Enormous.

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1 Q. In fact, you worked as Mr Rhys Williams' deputy until

2 July 2020, did you not?

3 A. Yes.

4 Q. You have retired between then and now; you were retired

5 in July 2022?

6 A. That's correct.

7 Q. Thank you. Rather like Mr Cairnduff, who gave evidence

8 earlier today, you had a relatively short but no doubt

9 very intense period within the PPE Buy Cell?

10 A. Yes, that's correct.

11 Q. That period ran, it's a little longer than

12 Mr Cairnduff's, from 2 April 2020 until 30 June 2020?

13 A. It's actually a little bit shorter than Mr Cairnduff's

14 but your dates are correct.

15 Q. Your experience within the VIP Lane, let's just situate

16 ourselves within that entity. It is, the VIP Lane was

17 made up of civil servants and volunteers from across the

18 government. Yes?

19 A. Correct.

20 Q. There were a small number of consultants and there were

21 caseworkers working from home, in the main?

22 A. As was I.

23 Q. As was more or less everybody at that point.

24 A. Yes.

25 Q. Each department had its own IT systems -- is that

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1 Q. Please tell us why.

2 A. So Mendix was a single, I believe, Cloud-based system,

3 which most of the people inside the PPE Buy Cell could

4 access, the sort of hackneyed phrase, which is a "single

5 version of the truth", but that's, in many cases, what

6 it represented so if you wanted to find out the status

7 of a particular offer, what a particular offer consisted

8 of, then that data was consistent and was held in Mendix

9 once, rather than being in many different places in

10 different people's private storage areas or indeed in

11 these multiple spreadsheets that you were referring to

12 earlier.

13 Q. So before the introduction of Mendix, most caseworkers

14 had very limited information with which to work --

15 A. Mm-hm.

16 Q. -- including whether targets were being met or not?

17 A. I think that's more of a communications issue than

18 a data issue, and it was -- for whatever reason, certain

19 information was limited in circulation.

20 Q. Well, whatever the reason, did that itself have

21 an impact on morale and efficiency?

22 A. I mean, speaking as a caseworker at the time, it had

23 an effect on my morale and my efficiency, yes.

24 Q. All right. You were allocated cases by Mr Cairnduff,

25 weren't you?

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1 A. Yes.

2 Q. In fact, he wanted you to handle what he describes as

3 the most difficult cases?

4 A. Yes.

5 Q. By that, he meant those with the biggest stakeholder

6 implications, we're told?

7 A. By and large, yes.

8 Q. So putting it in terms of the VIP Lane, we're talking

9 about those that were referring offers into the VIP Lane

10 that expected responses to demands for feedback?

11 A. Yes.

12 Q. Why is it that it was you that was asked to handle those

13 most difficult of cases?

14 A. If my Lady would permit, I just want to go back a little

15 tiny bit and explain my personal situation. So why was

16 I, as a director, a CS2, working as a caseworker

17 alongside more junior staff in the front line of this

18 enterprise?

19 Q. Please do.

20 A. I was about to retire. So when Covid hit, I was about

21 to retire for about the third time, and my successor as

22 Deputy Chief Commercial Officer had already been

23 appointed and I was cutting down my hours. I was

24 working two days a week, and I was on a glide path to

25 what I saw as a long and happy retirement tending my

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1 politically sensitive cases?

2 A. In Max's description, yes.

3 Q. Yes. And we see from your witness statement you say:

4 "To my mind, these were the offers which had the

5 potential to cause reputational damage to the programme

6 and to undermine public confidence if not handled

7 appropriately."

8 A. Certainly some of them were in that category, yes.

9 Q. And you're referring there to cases within the VIP Lane?

10 A. All the cases I saw were in the High Priority Lane, yes.

11 Q. There's a certain irony there, isn't there, that you at

12 the outset were concerned about the possibility that the

13 handling of those cases would cause reputational damage.

14 You're aware, of course, that the High Priority Lane

15 itself caused a degree of reputational damage?

16 A. Yes, which I regret.

17 Q. Yes. Should that handling of reputational damage be

18 a task that is taken up by yourself or your colleagues

19 in a time of crisis or emergency?

20 A. I think that's quite a complex question to think about.

21 I think it's possibly naive to think that these

22 programmes exist outside of a political context, and

23 whole issue of the handling of the pandemic was the

24 subject of intense media attention, and of course

25 occupied many politicians for many hours, and it was

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1 garden and indulging myself in my many hobbies.

2 When Covid hit, I was away from the Cabinet Office.

3 I wasn't in the office physically. I actually went to

4 live with my mother in Derbyshire because she's

5 approaching 90 and I thought that was the only way to

6 keep her safe. So I'm remote physically and, to

7 a certain extent, organisationally from what might be

8 considered my normal duties in the Cabinet Office.

9 And after a couple of weeks doing that, I saw -- and

10 was receiving regular bulletins about what my colleagues

11 were doing, I saw that there was a grave need for people

12 with my skill set and that I could make a serious

13 contribution to what was going on and, as a consequence,

14 I volunteered to come and work anywhere in the Covid-19

15 procurement effort and I spoke to Janette, who was the

16 manager of the Complex Transactions Team at the time and

17 she allocated me, she said, "There's a job here, working

18 for Max, in this PPE Buy Cell. It would suit your

19 skill set. Max is looking for somebody who is used to

20 dealing with ministers, who is used to handling C suite

21 executives from -- from outside corporations, and who

22 has got the kind of network that you've got".

23 Q. Understood, and thank you for that explanation of

24 background and how it came to be that you were working

25 where you did work. You were allocated the most

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1 a very intense period for the politicians, as it was for

2 the officials.

3 Part of the job, I believe, was to maintain public

4 confidence that the government could answer this

5 particular challenge, could answer the challenge of

6 setting up a test network that would adequately test

7 people for the disease, that would keep people safe,

8 buying the vaccines, and also the very, very important

9 job of obtaining enough PPE for health and social care

10 workers.

11 Q. Let me put that question in a slightly different way in

12 that case. In an ideal world, one wouldn't be coping or

13 managing that noise or that distraction, one would focus

14 instead on the fundamental task of procuring as much as

15 was needed and as effectively as possible?

16 A. In an ideal world, yes, you would. But we were not in

17 an ideal world.

18 Q. Particularly given, as you recount in some detail in

19 your evidence, the volume of work and the stresses and

20 the strains that were caused by that. You say that you

21 yourself processed 40 cases in parallel?

22 A. Yes, but others processed more.

23 Q. Others processed more.

24 Your own recollection is that that volume of work

25 was extremely demanding. You used a Trello board. Can

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1 you explain what that is?

2 **A.** I'm sorry, it's a bit of jargon. It's a network

3 available -- sorry, an Internet-available tool for

4 handling information, and it's the equivalent of an

5 electronic pinboard, so you can put little notes saying,

6 "I've called Mr So-and-so on this particular date and

7 done this with him", and I can organise that pin board

8 so I can use it as a brought-forward file.

9 **Q.** Thank you.

10 You tell us that following up a single lead could

11 require dozens of telephone calls and emails?

12 **A.** Yes.

13 **Q.** That's within the deliverable. Yes?

14 **A.** Yes.

15 **Q.** Do you know what the experience was outside of the

16 VIP Lane, are you able to compare the two?

17 **A.** Not directly, but I can't imagine it's very different.

18 **Q.** You think a single lead might have required dozens of

19 telephone calls and emails?

20 **A.** Yes.

21 **Q.** At one point you tell us that you were sending an email

22 every two minutes, either to a prospective supplier or

23 to a colleague to try to progress an order?

24 **A.** Yes.

25 **Q.** And in between those emails, presumably, you were

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1 who did have that experience.

2 **Q.** Have you done so?

3 **A.** I have talked to Darren many times about that.

4 **Q.** Did you find that there was a roughly equivalent amount

5 of need to feed back in both of those processes?

6 **A.** The need was to communicate with the supplier to get the

7 offer to a point where we could actually process it

8 sensibly.

9 **Q.** Well, in the case of non-VIP Lane offers, it's the

10 supplier. In the case of VIP Lane offers, it's often

11 the referrer, isn't it?

12 **A.** Ah, okay, I understand the distinction. So the amount

13 of communication with the supplier I would estimate was

14 comparable, but the non-VIP Lane case caseworkers, the

15 non-HPL caseworkers did not have to communicate with

16 a third party, the referrer, about the progress of

17 offers.

18 **Q.** Indeed, and that does make sense, doesn't it --

19 **A.** Yes.

20 **Q.** -- because if you're getting close to concluding

21 a contract, you may need to communicate directly with

22 the supplier but, in the earlier stages of the process,

23 that may not be necessary, or so necessary?

24 **A.** Well, I believe that other witnesses have explained to

25 you the broad process for concluding contracts.

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1 processing, considering other emails -- there was work

2 to be done in between?

3 **A.** Yes.

4 **Q.** Yes. On top of all of that, threats were made, weren't

5 they? You tell us that it was quite common for

6 suppliers to threaten that they would escalate their

7 grievances to the press or to senior figures within

8 government?

9 **A.** Not uncommon, I would say. Not uncommon.

10 **Q.** Again, do you say that that is an experience that was

11 not uncommon within the VIP Lane and elsewhere --

12 **A.** I can't speak for elsewhere.

13 **Q.** You can't. In the answer you gave earlier, you couldn't

14 speak for elsewhere either? How much direct

15 involvement, did you have with non-VIP Lane offers?

16 **A.** I did not have much involvement at the time but, as your

17 colleagues might know, I've spent the last year and

18 a half gathering evidence for the Inquiry and I've had

19 access to very, very many documents.

20 **Q.** Even that exercise, tell me if I'm wrong here, does not

21 enable you to make a comparative analysis between the

22 intensity of communications necessary within the High

23 Priority Lane and outside of the High Priority Lane?

24 **A.** I can take some measure of the intensity by talking to

25 people like Darren Blackburn, who was in here earlier,

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1 **Q.** They have.

2 **A.** So the Opportunities teams, of which the HPL team was

3 one, is just the first step, the initial step in that

4 process. And I know Mr Blackburn talked to you about

5 this this morning.

6 Then there's a handover to Technical Assurance.

7 Technical Assurance check the documentation to do with

8 the product. Often, Technical Assurance hand back and

9 say, "This is missing, that is missing, this doesn't

10 look quite right", which provokes the Opportunities

11 caseworker to have further discussions with the supplier

12 to try to fill the gaps.

13 **Q.** So I am focused on referrers now, and it's in relation

14 to those that you say in your witness statement:

15 "Ultimately, many of these complaints ..."

16 We're now talking about complaints made by referrers

17 whose offer had not received a response or who were

18 wondering what had happened with it, for example:

19 "... would be referred back to the HPL mailbox by

20 the official or minister who had received the complaint.

21 This simply added to our existing workload and required

22 time to investigate and to explain to hard-pressed

23 ministers what had in fact happened and why the offer

24 had not proceeded further."

25 **A.** That's correct. I'll just go back to my previous

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1 answer, which I didn't manage to complete. Forgive me.
 2 So you talk about talking to suppliers when you're
 3 getting close to contract. That was somebody else's
 4 job. That was the job of the Closing team, it wasn't
 5 the job of the people in the HPL team.

6 **Q.** All right.

7 Could we display, please, INQ000527557.

8 It's this page I wanted to look at, but it follows
 9 on from a string of emails from which you may be
 10 familiar, between yourself and Allan Nixon --

11 **A.** Yes.

12 **Q.** -- in which you set out in a page-long email many of the
 13 stresses and strains that you're experiencing as
 14 a result of various matters, including threats for those
 15 that have referred in offers to the High Priority Lane
 16 to go to the press. Here, specifically, someone had
 17 threatened to go to Piers Morgan with the story and
 18 there are a list of other matters.

19 Allan Nixon, who was Allan Nixon?

20 **A.** Allan was a special adviser to Matt Hancock.

21 **Q.** Okay, and Allan Nixon says:

22 "Will keep trying to insulate you and your team from
 23 things like this unless absolutely necessary (problem
 24 was this one came direct from Matt ..."

25 **A.** Mm-hm.

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1 was necessary to do that, if one couldn't simply ask
 2 such requests or such individuals requesting updates to
 3 hold off until the offers had been properly considered,
 4 for others to be engaged in that task, others who were
 5 not directly involved in the procurement exercise?

6 **A.** To a certain extent, but senior commercial officials
 7 answer -- help answer Parliamentary Questions,
 8 FOI requests and other requests all the time. It's
 9 a normal part of the job, yeah? And if you have a third
 10 party who are a different official without necessarily
 11 the background or the technical knowledge preparing an
 12 answer like that, they're going to take longer and
 13 they're just going to ask you a lot of questions. So in
 14 many cases it's quicker to do the work yourself.

15 **Q.** There was, of course, in due course, a rapid response
 16 team --

17 **A.** Yes.

18 **Q.** -- that handled offers in a different way, that hadn't
 19 come in from VIPs. Is that not a way of avoiding the
 20 burden, the noise, the distraction?

21 **A.** That's an interesting hypothesis, but I originated the
 22 rapid response teams so I've got a slightly different
 23 view, if I might explain.

24 So the rapid response teams were there to do the
 25 processing side, they weren't there to do the -- tell

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1 **Q.** Presumably Matt Hancock?

2 **A.** Mm-hm.

3 **Q.** "... and he'd asked for an answer on it!) I've spoken
 4 to him and he's happy -- as is the MP!"

5 So this sort of email would certainly have caused
 6 you and whoever else it might be that received a similar
 7 email to leave to one side whatever they were working on
 8 and to prioritise handling this sort of concern first;
 9 is that right?

10 **A.** That's true. And if I can, I'll give another example.

11 So in late April 2020 the then Shadow Minister to the
 12 Cabinet Office, Rachel Reeves, wrote to Michael Gove
 13 saying, "Here's 20 companies, I don't think they've been
 14 contacted". And at that point I and others had to do
 15 a lot of research to understand what had indeed happened
 16 with these companies and to assure Minister Gove that
 17 some had been contacted, some had not been contacted
 18 but, in any event, we thought there was one useful lead
 19 among the 20, and help Michael Gove's private office
 20 formulate a response for Rachel Reeves, which is a lot
 21 of work.

22 **Q.** Of course.

23 **A.** But it's an appropriate thing to do, because that's how
 24 the Parliamentary process works.

25 **Q.** With hindsight, might it have been preferable that if it

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1 the referrer what's going on with this offer. They're
 2 there to process an offer as quickly as possible, from
 3 inception through to the point where a contract can be
 4 formed and passed to the accounting officer for
 5 consideration.

6 Those offers came from the High Priority Lane team,
 7 as well as the non-High Priority Lane team.

8 **Q.** Yes.

9 **A.** So the only consideration about going into the rapid
 10 response team process was that it was a good, viable
 11 offer that we thought we could process quickly.

12 **Q.** With no regard to who had referred it in --

13 **A.** No.

14 **Q.** -- if it hadn't come in through the VIP route?

15 **A.** No, it -- and purely on: this one's good to cook, this
 16 is ready to go, we can execute this quickly.

17 The handling back to the referrer, if at all
 18 necessary, would have been handled by somebody in the
 19 High Priority Lane team.

20 **Q.** Dr Hall, you were the originator of the rapid response
 21 team process?

22 **A.** Yes.

23 **Q.** It sounds, from what you and others have said, that it
 24 was a process that might have obviated the need for the
 25 VIP Lane, given that there was no shortage of offers

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1 already coming in -- and we'll come on to the call for
 2 arms and the effect that that had -- with an efficient
 3 method of triage. And with your IT experience, you may
 4 have ideas of how one might achieve that efficiency.
 5 **A.** Mm-hm.
 6 **Q.** But isn't there, between the rapid response team and
 7 live data with offers providing all the necessary
 8 elements of an offer to be considered upfront, a method
 9 of just not having a VIP Lane at all?
 10 **A.** No, I'm afraid that's not the case.
 11 **Q.** When you came into the VIP Lane, it had already existed?
 12 **A.** Yes, that's right --
 13 **Q.** But does it follow --
 14 **A.** Only for a couple of weeks.
 15 **Q.** Only by couple of weeks. But does it follow from your
 16 previous answer that you would invent it again in the
 17 event of an emergency and the need to procure in an
 18 emergency?
 19 **A.** Not in the form that it came to be. I don't think that
 20 the mere fact of being referred by a senior figure, in
 21 particular by a politician, is an adequate means of
 22 prioritisation -- (overspeaking) --
 23 **Q.** So how would you -- if you were reinventing it, how
 24 would you change it?
 25 **A.** I wouldn't adopt a passive approach in the first place.

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1 **A.** I wish I had as much faith in IT as you seem to have.
 2 I'm afraid 40 years in the industry have disabused me of
 3 that.
 4 So I go back to evidence that you heard on the first
 5 day from your expert witness, and he talked about, in
 6 his report, certainly the use of structured data in
 7 order to obtain information from the market, sort that
 8 information, sift it, "Okay, this is the best offer in
 9 this particular information set", and process that.
 10 That requires a lot of work, you know. And even so,
 11 it requires iterations. You wouldn't get something like
 12 that right first time. You probably wouldn't even
 13 attempt it in the middle of a crisis.
 14 **Q.** Okay.
 15 Dr Hall, I said I'd touch on the call to arms.
 16 Presumably you agree with previous witnesses
 17 that it didn't make matters any better?
 18 **A.** It made matters a lot worse.
 19 **Q.** Yes, all right.
 20 I want to take you briefly to an email that we've
 21 seen, because you're its author.
 22 **A.** Fine.
 23 **Q.** It's the one you headed "I dream about this stuff", you
 24 may recall.
 25 Could we have INQ000527547.

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1 I would proactively go out and look for people that can
 2 supply PPE.
 3 **Q.** Wouldn't that obviate the need for referrals at all?
 4 **A.** Yes.
 5 **Q.** It would?
 6 **A.** It would.
 7 **Q.** Okay. So I may have misunderstood your earlier answer,
 8 but you seemed to be defending the VIP Lane as something
 9 that inevitably had to happen. You're now saying that
 10 if we were in the difficult, to put it mildly,
 11 circumstances of a pandemic again, and the need to
 12 emergency procure, you would dispense with it altogether
 13 and have a different system in place?
 14 **A.** I would take an approach which is closer to the one
 15 taken by the Ventilator Challenge. The Ventilator
 16 Challenge proactively went out and found people that
 17 they thought could design and build ventilators in
 18 a hurry.
 19 **Q.** And to the extent that it is harder to do that with more
 20 commodified products --
 21 **A.** Yeah.
 22 **Q.** -- that problem could be overcome by the use of IT, by
 23 triaging, either automatically or semi-automatically,
 24 with human involvement at one point or another; is that
 25 right?

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1 And I really want to ask you in relation to the
 2 first line:
 3 "We have designed the least efficient process
 4 possible."
 5 You set out a little bit what you meant by that. Do
 6 you want to add anything to that?
 7 **A.** I'll just give you two words of context, if I can.
 8 **Q.** Yes.
 9 **A.** So I'd had a sleepless night worrying about this, and
 10 I think I woke up at 6.00 and typed this e-mail. And
 11 initially, I was only going to send it to Max, who was
 12 my immediate superior within the team, for discussion,
 13 but at a later point I blind copied Gareth as well, and
 14 "I dream about this stuff" is because it had kept me
 15 awake all night.
 16 "We have designed the least efficient process
 17 possible."
 18 I'm possibly using a bit of hyperbole there, but all
 19 the same I stand by that. I believe we had designed an
 20 inefficient process.
 21 **Q.** Okay.
 22 **A.** Possibly for good reasons, because at the beginning of
 23 processing this enormous backlog of offers, we had
 24 a newly formed team that were not used to buying PPE.
 25 Many people, we didn't know them, they came from all

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1 over government, and we needed to segment -- my
2 colleagues needed to segment the task into smaller
3 elements that could be quickly taught to new caseworkers
4 and to new administrators.

5 **Q.** Thank you very much, that can go down.

6 In terms of how the process, the VIP Lane process,
7 might have been improved, you express this at
8 paragraph 5.2 of your witness statement, where you say
9 this:

10 "It seemed to me that there was a need to
11 differentiate more clearly between VIP offers which
12 merited being given priority because they were viable
13 and those which did not. I was also concerned to ensure
14 that VIP leads which were unproductive were closed down
15 quickly."

16 **A.** Mm.

17 **Q.** So that concern did not translate into any change to the
18 VIP process, did it?

19 **A.** It resulted -- I mean, this was a discussion I had with
20 Max, and Max did take action, as I've seen in some of
21 his emails, in order to winnow down the stock of offers
22 that he had in front of him.

23 **Q.** But you're making a slightly different point, aren't
24 you, that there are some VIP offers that come in that
25 are no hoppers, and they should be stopped short, instead

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1 **Q.** I'm just going to take you relatively briefly to two of
2 there was. I think probably the swiftest way to deal
3 with this is by reference to your witness statement,
4 which I hope can be brought up, it's INQ000536369, we're
5 looking at page 17 and paragraph 6.12, You say at 6.12:

6 "In some cases, I was unaware at the time that the
7 supplier had any link to the Conservative Party, while
8 in others, Lord Feldman made the connection explicit."

9 As far as you can tell, why was that connection made
10 explicit; was it relevant?

11 **A.** I believe it was Lord Feldman's way of saying that he
12 had some personal -- well, in this particular case that
13 he had knowledge of or knew Lord Chadlington and, as
14 a consequence, he believed that this company was
15 credible, was, you know, not merely opportunistically
16 trying to find an opportunity.

17 **Q.** You say something to that effect a little lower down:

18 "Lord Feldman also informed me that Stuart Marks was
19 formerly Northern Treasurer of the Conservative Party.
20 This I took to be Lord Feldman's way of saying that he
21 knew Mr Marks personally and could vouch for him."

22 **A.** And I take it you'll put those questions to Lord Feldman
23 because I don't pretend to be in his head but --

24 **Q.** No, no, of course. Yes, you're quite right, and yes,
25 I will. But the reason I draw it to your attention is

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1 of consuming resource?

2 **A.** And they were triaged out, so there was a triage process
3 at the beginning of the High Priority Lane process that
4 did take away people who were not offering sufficient
5 quantity, people who were offering the wrong product.

6 **Q.** So you would say that the concern that you were
7 expressing was actioned?

8 **A.** Yes, I believe, it was.

9 **Q.** All right. I want to move on now to some examples of
10 offers that you dealt with. Some of those offers came
11 to you via Lord Feldman, didn't they?

12 **A.** That's right.

13 **Q.** Can you just briefly -- we'll be hearing from Lord
14 Feldman himself. What was Lord Feldman's role in
15 relation to the VIP Lane?

16 **A.** In relation to the PPE acquisition process more
17 generally, I understand he had been appointed, and had
18 near enough quasi-ministerial status, appointed into the
19 Department of Health and Social Care to help
20 Lord James Bethell with this particular task.

21 **Q.** He referred three offers to you that resulted in
22 contracts, didn't he?

23 **A.** Yes.

24 **Q.** SG Recruitment, Maxima and Skinnydip?

25 **A.** Yes.

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1 I want to know how that, if at all, affected your
2 handling of the offer?

3 **A.** What affected my handling of the offer was not the
4 connection to the Conservative Party. What affected my
5 handling of the offer was that Lord Feldman had some
6 confidence that the counterparty was credible.

7 **Q.** Are you aware of whether or not Lord Feldman conducted
8 any due diligence or inspected or assessed the offer
9 that had been -- that he was referring in?

10 **A.** I think it's worth looking at the phrase "due diligence"
11 because it has particular meaning for procurement
12 professionals and it really means assessing the economic
13 and financial standing of a particular company. So did
14 Lord Feldman formally undertake that level of due
15 diligence? No, I doubt if he have the capability or the
16 knowledge to do it.

17 **Q.** Any form of assessment?

18 **A.** I believe he made some assessment of the credibility of
19 the offers that were made to him, yes.

20 **Q.** Mr Rhys Williams' evidence this week that that, as far
21 as he was aware, offers were simply referred in without
22 scrutiny?

23 **A.** What he's referring to -- and I was here when Gareth
24 gave his evidence -- what he was referring to was that
25 many offers never actually crossed the desk of the

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1 minister who nominally had referred them. Those offers
 2 were received by somebody in a private office and the
 3 private office send them on to -- as directed, to
 4 a particular mailbox. Feldman is a different case, yes?
 5 Feldman did have a private office but they didn't send
 6 the offers: Feldman sent the offers.
 7 **Q.** Oh, right. In any event, in relation to this one, you
 8 noted that the due diligence position -- I think this is
 9 towards the bottom of 6.12, perhaps. It's not there but
 10 you noted, did you not, that the due diligence position
 11 of the initial offeror, SGH Global, was not
 12 straightforward, as the company was registered in
 13 Jersey; do you remember?
 14 **A.** Yes.
 15 **Q.** Consequently, fully transparent information was not
 16 available about its finances?
 17 **A.** Not on a public website, for example.
 18 **Q.** You raised concerns about the consequent counterparty
 19 risks and suggested that they needed to be mitigated
 20 before a contract could be awarded?
 21 **A.** Yes.
 22 **Q.** As far as you were aware, you then went back, didn't
 23 you? These mitigations were detailed on a deal form
 24 when a further deal was agreed with a different company,
 25 SG Recruitment?

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1 deals than just deals that were in the VIP Lane.
 2 **Q.** So is your evidence that the connection to Lord Feldman
 3 or to Stuart Marks placed the offeror at no advantage in
 4 terms of negotiating an alternative solution to the
 5 original offer?
 6 **A.** No, I don't believe so.
 7 **Q.** All right. Let's move on to paper straw drinking
 8 company.
 9 Could we have INQ000513411, which is the witness
 10 statement of Mr Stuart Marks.
 11 We just situate ourselves in paragraph 1. He says:
 12 "I was also Northern Treasurer for the Conservative
 13 Party."
 14 At paragraph 3, below that:
 15 "I was approached by a friend in our local community
 16 who in turn had a close friend called
 17 Jonathan Salem ..."
 18 Paragraph 6:
 19 "[I knew him] from his role as Conservative Party
 20 Chairman ..."
 21 Then finally, 7 and 8:
 22 "I offered to email Lord Deighton ..."
 23 Did you have any involvement with Lord Deighton
 24 through the VIP Lane?
 25 **A.** Yes.

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1 **A.** SG Recruitment is a subsidiary of SGH Global, and the
 2 reason that that particular subsidiary was put forward
 3 as a counterparty was that it was an existing supplier
 4 to the NHS and it was in a UK jurisdiction. So in many
 5 respects it was easier for us to contract with that
 6 counterparty but we would not contract with such a small
 7 counterparty on a valuable contract unless we had some
 8 other backing in the form of, for example, a parent
 9 company guarantee back to a larger entity.
 10 **Q.** The contract, as you rightly observe, was of
 11 a significant value. It was a £16.1 million contract
 12 for chemicals and plastic films?
 13 **A.** I don't recall that but I'm happy to take your advice.
 14 **Q.** It comes from the DHSC table that we looked at earlier
 15 today.
 16 **A.** Okay.
 17 **Q.** There was to and fro before the contract was concluded
 18 and it resulted in a subsidiary as co-contractor, rather
 19 than the initial offeror, didn't it?
 20 **A.** It's not a co-contractor, I'm afraid --
 21 **Q.** Co-party?
 22 **A.** It's the counterparty for the DHSC.
 23 **Q.** Was this level of iteration or back and forth available
 24 to an offeror outside of the VIP Lane?
 25 **A.** Certainly changing counterparties took place for other

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1 **Q.** Yes?
 2 **A.** Yes.
 3 **Q.** On a similar basis to Lord Feldman?
 4 **A.** It's a different kind of relationship. Deighton was
 5 deeply involved in operational matters because he was
 6 put in charge of the PPE Buy operation.
 7 **Q.** "I offered to email Lord Deighton to see what, if
 8 anything, he could do ... it seemed that there was
 9 nothing to lose by going back to him and at least
 10 asking."
 11 Then finally:
 12 "One of the Conservative Party donors [Mr Agustsson]
 13 runs a very large PPE manufacturing business in
 14 Manchester ... he asked me whether I knew Lord Deighton,
 15 as he was experiencing difficulties in his factory.
 16 I told him I did and he asked whether I would act as
 17 a messenger and deliver an email to him, which I did and
 18 the email is attached."
 19 So similar question, Dr Hall. You say that
 20 a connection to the Conservative Party offered suppliers
 21 no advantage over other suppliers in securing
 22 procurement contracts?
 23 **A.** Absolutely. I'm absolutely confident of that.
 24 **Q.** Let's turn to Skinnydip, please. INQ000560757.
 25 This is a short statement of Lord Leigh of Hurley.

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1 Paragraph 1, describes himself as a Tory backbench peer
2 and Senior Treasurer of the Conservative Party:

3 "In view of my perceived relationship with [the
4 Government] and Lord Feldman ... I was contacted in
5 early 2020 ..."

6 In paragraph 5, he says:

7 "In every case I simply passed on the names with the
8 information that they had sent me. I was not in
9 a position to assess or advise on the credibility of any
10 offer of help ..."

11 So there was an example of a referral in that had no
12 scrutiny applied to it, and that was quite commonplace,
13 was it not, Dr Hall?

14 **A.** Forgive me, my Lady, I'm not quite sure what point
15 Mr Wald wants me to make.

16 **Q.** Well, you answered earlier that there was some degree of
17 scrutiny undertaken by those who referred in cases to
18 the VIP Lane.

19 **A.** I --

20 **LADY HALLETT:** Did he?

21 **MR WALD:** Well, he said that there was either -- I thought
22 that his evidence was that --

23 **A.** I said that in many cases it was obvious that an offer
24 had not actually crossed the desk of a minister because
25 the email chain showed that the offer was handled by
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1 been pursuing with John Vincent and Leon Restaurants."
2 "Andrew [which is Lord Feldman] explained that he
3 had discussed the deal with John Vincent and David
4 Meller and that David Meller had agreed to provide the
5 counterparty, as John Vincent did not believe that it
6 was appropriate for his restaurant business to front the
7 deal."

8 Then at 6.16 there was a problem about
9 certification, wasn't there?

10 **A.** This is quite a technical problem but would you like me
11 to describe the issue?

12 **Q.** Yes, please.

13 **A.** Okay. So the masks themselves were an acceptable
14 product. They were certified. The challenge was that
15 the masks needed to be marked with a CE mark before they
16 could be exported from China. The Chinese government
17 would not allow them to be so marked, and without --
18 sorry, to be exported without that mark. The mark could
19 not be applied because there was no registered supplier
20 of these medical devices in the UK. Meller was intended
21 to be the registered supplier of the devices, so, in
22 other words, sponsoring the import of the devices into
23 the UK.

24 The time to register as a supplier with the MHRA was
25 a matter of days but, at the point that the -- that this
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1 a private secretary in the private office. The offers
2 that came from Lord Feldman, came from Lord Feldman,
3 they came from his DHSC address or another email
4 address. So there is some reason to believe that Lord
5 Feldman had looked at them and sent them on if he
6 thought that there was some merit in them. But, again,
7 that's a question, really, you ought to put to Lord
8 Feldman.

9 **Q.** I will.

10 Final example, Meller Designs.

11 **A.** Okay.

12 **Q.** Can we go to INQ000536369. This is your witness
13 statement, pages 18 to 19 and paragraph 6.15 to 6.16.
14 You just remind yourself of that:

15 "David Meller of Meller Designs had originally been
16 introduced to the HPL via Michael Gove's office, as was
17 noted in the list of HPL companies published by DHSC ...
18 I knew that David Meller had a connection to the
19 Conservative Party because I remembered his name in
20 connection with newspaper stories in 2018. Meller
21 Designs was awarded several contracts for the supply of
22 PPE, but I had no dealings with him or role in the award
23 of those contracts before or around 1 May when [Lord
24 Feldman] mentioned him to me in connection with a deal
25 to supply a large quantity of Type IIR masks and I had
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1 communication came in, in relation to the deal for IIR
2 masks, that registration had not taken place and this
3 was a blockage to us being able to obtain the IIR masks.
4 So consequently I was asked -- I can't remember whether
5 it was directly by Meller or by somebody else connected
6 with the deal or indeed by Feldman himself -- whether
7 there was anything we could do.

8 Actually, in retrospect, I believe it was Meller
9 who. This was probably the only communication I had
10 with him.

11 **Q.** You say towards the middle of your paragraph 6.16 that:

12 "... Lord Feldman's private secretary liaised
13 directly with the MHRA to request that the derogation
14 request receive their immediate attention."

15 **A.** Yes, that's right. And in fact -- but I do recall
16 replying to Meller saying that the MHRA is, by statute,
17 an independent regulator and there was nothing that I or
18 any other official could do to force them to make a --
19 you know, to give an opinion one way or the other.

20 But this isn't actually the approval of the devices.
21 The devices are acceptable. This is merely the
22 registration of a particular company as essentially an
23 improved importer.

24 So I made a very gentle enquiry to the MHRA saying,
25 "What's happening with this? Is there any piece of
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1 information that's missing? We'd really like to have
 2 these devices."
 3 And actually the matter was resolved, I believe, and
 4 would have been resolved without me communicating with
 5 the MHRA, because the approval came through within a day
 6 or so of that contact.
 7 **Q.** You would say that this is a matter that would have been
 8 resolved without a connection to Lord Feldman, without
 9 a connection to the Conservative Party --
 10 **A.** In all likelihood, yes.
 11 **Q.** That you would have intervened even if it had not been
 12 a VIP --
 13 **A.** Absolutely, because we wanted the masks.
 14 **Q.** At your paragraph 5.8 Dr Hall you say:
 15 "[You] have been asked to address the question as to
 16 whether suppliers being processed through the HPL were
 17 given unequal treatment compared to those coming through
 18 the Buy Cell."
 19 **A.** Yes.
 20 **Q.** And you say:
 21 "... I recognise that this process had the potential
 22 to lead to unequal treatment (as defined by the public
 23 contracts regulations), but this was not so apparent to
 24 me at the time."
 25 **A.** Yes.

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1 rather odd use of language "I recognise that this
 2 process had the potential to lead to unequal treatment."
 3 We now know that it did so -- (overspeaking) --
 4 **A.** To unequal treatment as -- led to unequal treatment as
 5 found by the -- Justice O'Driscoll, yes.
 6 **Q.** O'Farrell?
 7 **A.** O'Farrell, beg your pardon.
 8 **Q.** You do, within your witness evidence, 5.16 to 5.17 and
 9 page 13 of offer an alternative, don't you, and you've
 10 started to discuss that earlier. Is there anything you
 11 want to add to that?
 12 **A.** I think there are some other considerations to bring in
 13 to bear. There's been some discussion about the call to
 14 arms and when it happened and quite what form it
 15 happened, whether there's an explicit call to arms or
 16 not, a minister standing up on television saying,
 17 "Please send us your offers."
 18 A very, very large number of unsolicited offers of
 19 help, of product, had been received by Department of
 20 Health, by the SCCL, by my own office in the GCCO,
 21 by CCS, because I believe the public were motivated to
 22 help, businesses were motivated to help and, lo and
 23 behold, a lot of businesses found they had to diversify
 24 because their existing business was gone.
 25 So, whatever solution we come to, there's got to be

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1 **Q.** You're not seeking, are you, to go behind the finding of
 2 the High Court that there was unequal treatment?
 3 **A.** No, not at all, but, I mean, we're talking about
 4 a period, probably, I don't know, 18 months before that
 5 finding came down. And you must remember the
 6 circumstances that we were in at the beginning of the
 7 pandemic. So we are moving from a situation where
 8 pretty well all requirements are competed to a situation
 9 where we're making extensive use of Regulation 32.
 10 I had never used Regulation 32; I had never made
 11 a direct award in my time in the Civil Service, or
 12 indeed acting as a consultant to the Civil Service.
 13 Regulation 32 is very rare, there's practically no
 14 case law in relation to Regulation 32, so we didn't have
 15 a strong set of determinations that we could rely on to
 16 say, "This is what you can do and this is what you can't
 17 do under Regulation 32."
 18 We knew you could make direct awards but, for
 19 example, it's not a competitive situation. We're not
 20 running a competition. So really, does the particular
 21 consideration of equal treatment even come in to bear?
 22 **Q.** Dr Hall, it's not quite right that you -- you wrote this
 23 in January of this year. This is your witness evidence.
 24 **A.** Correct.
 25 **Q.** And the reason for my question was that you -- it's your

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1 a way of doing something with those offers.
 2 In addition, people contacted their MPs saying,
 3 "I want to help", people contacted politicians saying,
 4 you know, "I've got this offer", and there's got to be
 5 some way of dealing with those. I don't have a magic
 6 pulled for dealing with those. Both of them are
 7 challenges that need to be addressed in a similar
 8 situation. I don't believe receiving offers from either
 9 of those routes is the most efficient way to obtain
 10 these emergency goods. I do strongly believe that
 11 a proactive approach to potential suppliers in the
 12 market would have been a different way of doing this and
 13 possibly more efficient.
 14 **Q.** Can I take it from that answer which you gave earlier,
 15 but you've now reinforced, that you didn't consider that
 16 there was anything inherently more credible or more
 17 promising about offers that arrived as a result of
 18 referrals into the VIP Lane?
 19 **A.** I heard Max's evidence earlier, and I share his feelings
 20 about the VIP Lane in many respects. Initially I too
 21 was sceptical, and I think I've reflected that in my
 22 evidence and in some of the emails I wrote at the time.
 23 So, what are we doing here? Is this just a matter
 24 of political handling? Is this genuinely going to lead
 25 to what we really wanted, which was large volumes of

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1 useful PPE?
 2 Because I've got relatives in the NHS. Max didn't
 3 mention it, but he's got relatives in the NHS. We're
 4 all incredibly motivated to try to get PPE to the
 5 front line. I didn't want to be involved in this matter
 6 if it was just a case of reassuring some politicians
 7 that everything possible was being done. I wanted to
 8 get PPE to the front line. And as a consequence of
 9 that, I tried to make the process more efficient. I did
 10 some of the other things that I've described in my
 11 witness statement.
 12 Q. So like Mr Cairnduff, you started sceptical?
 13 A. Yes.
 14 Q. You grew increasingly convinced that the VIP Lane was
 15 a source of promising or inherently more credible
 16 offers?
 17 A. Well, I can demonstrate that. Within a matter of days
 18 I was talking to the most senior executive in the UK for
 19 Amazon, which I believe was a credible route to
 20 obtaining large volumes of PPE. And we did obtain some
 21 PPE from Amazon, perhaps a little bit less than we would
 22 have liked to.
 23 Q. So you have individual cases that you can cite?
 24 A. Yes.
 25 Q. It's what one would describe as anecdotal evidence. The

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1 company into the --
 2 Q. What was your experience? Did you undertake any --
 3 A. Did I undertake formal financial due diligence? No.
 4 No, because there was another team to do that.
 5 Did I talk to the supplier? Did I talk to people
 6 who knew the supplier? Did I investigate whether the
 7 supplier was -- had the right kind of experience to
 8 provide the kind of product that we were looking at?
 9 Yes, I did. And thus, I made the referral because
 10 I thought the offer was credible.
 11 Q. Okay. Did you also answer the questionnaire from the
 12 caseworker side as well?
 13 A. Yes, I did.
 14 Q. Well, you may be in an unusual position in the sense of
 15 being able to help us from both ends of the telescope.
 16 We'll move on to that.
 17 But in addition to the due diligence figures, there
 18 are performance figures which you may have seen.
 19 A. Yes.
 20 Q. Within the same period, how do HPL versus non-HPL
 21 contracts stand up to the test of performance?
 22 A. I think the things you showed yesterday suggest that 50%
 23 of HPL figures had some issues --
 24 Q. 55%?
 25 A. 55% of HPL contracts had some issues. And I believe

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1 Inquiry has assembled more data than that. I mean,
 2 I appreciate that you were in the thick of it, and
 3 I showed -- you may have followed it -- Mr Cairnduff
 4 a number of graphics --
 5 A. Yes.
 6 Q. -- relating to performance and due diligence.
 7 A. Yes.
 8 Q. Would you like an opportunity to comment on those as
 9 well?
 10 A. I'd very much like that opportunity.
 11 Q. All right let's do that now.
 12 The first is at INQ000475005 and page 1.
 13 This is produced on the basis of witness statements
 14 from 36 referrers, of which two-thirds responded.
 15 A. Yeah.
 16 Q. And amongst those who did respond, 67 indicated that
 17 there had been no due diligence, and you've explained
 18 what you understand you meant by --
 19 A. 67%, yes, roughly two-thirds. But I'm in this sample,
 20 I'm one of these referrers --
 21 Q. Yes?
 22 A. Yeah.
 23 Q. You're not a referrer?
 24 A. I did refer, yes. I referred one company into the High
 25 Priority Lane and I enabled the referral of another

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1 it's something like 37%?
 2 Q. 39.
 3 A. Thank you; you may have the figures in front often you
 4 but I don't.
 5 So I also heard Jonathan Marron explain how those
 6 figures come about and how you dig underneath them. So
 7 a performance issue might be that there's one gown
 8 missing in a shipment of several hundred thousand. It
 9 might be that there's a piece of documentation missing.
 10 It might just be that the inspectors from the MHRA at
 11 Daventry are in some way cautious about the shipment and
 12 decide to put it into quarantine.
 13 Q. It might be of course, but all of those possibilities
 14 would apply equally to HPL and non-HPL.
 15 A. Yes, and I heard you make that argument.
 16 Q. And what's your response to that?
 17 A. You'd have to look at the detail. Mr Marron said that
 18 roughly 20 contracts from both the HPL set and the
 19 non-HPL set fall into this category, you know. And
 20 I know one, for example, that did fall into this
 21 category, because I was involved in working it. So we
 22 haven't discussed this yet, but maybe you're going to
 23 come to it, there's a referral from a gentleman called
 24 Mr Farha, who sold us £135,000 worth of gowns.
 25 Q. I will. Not with you, I hope you're not disappointed,

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1 but with a future witness.

2 **A.** By all means. So Mr Farha bought these gowns in good
3 faith, 10,000 gowns, we ship them from China, they turn
4 up in Daventry, they are inspected, we told Mr Farha
5 we're only going to pay him on satisfactory inspection,
6 and they didn't pass inspection because they didn't
7 conform and have the right documentation. It's £135,000
8 in a £13 billion programme. So I think you've got to
9 dig underneath those figures and get some sense of
10 proportionality.

11 **Q.** Of course. It's a crude analysis but it is an analysis
12 that is equally crude in the HPL case and the non-HPL
13 case.

14 **A.** I'm afraid I don't accept that argument. I think, in
15 order to have something which is of value to my Lady,
16 you would have to look at more detail than that.

17 **Q.** Right. You've made clear that your own view is that
18 speed within the process is advantageous if you are
19 about the business of trying to secure a contract?

20 **A.** Yes.

21 **Q.** Yes. And in fact that was made all the more so by
22 internal guidance to say anything over two weeks, don't
23 spend further time on it, move on to others?

24 **A.** Well, I'd clarify that, if I can, that internal guidance
25 says if it's anything over two weeks, revalidate the

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1 to comment. Chasing for updates.
2 INQ000475005, page 2.
3 Again, you were part of this cohort?

4 **A.** Yes.

5 **Q.** You were a referrer. Did you chase for updates?

6 **A.** No.

7 **Q.** You'd have been chasing from one of your colleagues,
8 presumably?

9 **A.** Exactly.

10 **Q.** Yes. We see that 61% did chase for updates. Are you
11 able to comment? Would you have any sense of whether
12 that --

13 **A.** It feels high. That wasn't my personal experience.

14 **Q.** It feels high. Then we move on to the survey in which
15 you did participate --

16 **A.** Yes.

17 **Q.** -- as a caseworker.
18 INQ000581860, pages 1 and 9.
19 We start off there:
20 "Did referrers to the HPL contract you directly?"
21 I think we can conclude from what we've heard in
22 your evidence already that you were one of those that
23 said yes?

24 **A.** Yes, that's correct.

25 **Q.** So you were one of the eight. Then let's move to the

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1 offer. Which sounds to me to be sound advice.

2 **Q.** Okay, let's have a look at it then.
3 INQ000477274, second page, please.
4 "An opportunity should only be progressed if:
5 "The offer is less than two weeks old. Offers more
6 than two weeks old are generally not credible in the
7 current market and should not be progressed unless you
8 have expressly confirmed with the caseworker that they
9 remain valid."

10 **A.** Yes.

11 **Q.** So where do we see that if they're more than two weeks
12 old you should revalidate them?

13 **A.** That's what the last clause means: you should expressly
14 confirm it with the caseworker that they remain valid.

15 **Q.** Was it every single one that went beyond two weeks that
16 was revalidated?

17 **A.** I can't attest to that because, you know, I would have
18 to go back and look for the evidence of it, but that's
19 what the instruction says. The instruction says if it's
20 more than two weeks old, then go back to the caseworker,
21 who will contact the supplier, and say, "Are you still
22 making that offer on those terms?"

23 **Q.** All right.
24 Let's move on to the next graphic that was put to
25 Mr Cairnduff earlier today and upon which you may wish

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1 next, if we enlarge it slightly. No, sorry, we've
2 already looked at that. There we go:
3 "Do you consider contracts in the HPL were treated
4 differently through the process to contracts ...
5 outside ..."

6 Now, can we assume from the evidence that you've
7 given that you were one of those that said no.

8 **A.** No, you can't. I said yes.

9 **Q.** You said yes? All right.

10 **A.** And the reason I said yes was because of the feedback
11 issue. So my understanding was that -- well, there was
12 no one to refer back to, so there was no one to feed
13 back to in the non-HPL lane. But I gave feedback to --
14 at the request, to people who that referred
15 opportunities into the High Priority Lane because that
16 was one of the purposes of having a High Priority Lane.

17 **Q.** That was the sole reason you said yes?

18 **A.** That was the sole reason I said yes.

19 **Q.** You didn't consider that there was any speed advantage
20 in a referral in or --

21 **A.** There's some advantage in -- there was some advantage in
22 the speed to Technical Assurance, but I don't know
23 whether we're going to come on to this. I recently
24 wrote to the Inquiry with some analysis I did on the
25 relative processing speeds of different cases.

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1 Q. It wasn't part of my plan this afternoon.
 2 A. As you wish. But it's part of my second witness
 3 statement, I believe.
 4 Q. Your evidence is that there was overall no speed
 5 advantage?
 6 A. Well, if I may take the Inquiry's time --
 7 LADY HALLETT: Well, I think Mr Wald has opened the door.
 8 So do.
 9 THE WITNESS: Okay, thank you.
 10 So I did two different sets of analysis, and
 11 I should give a caveat that, doing this kind of analysis
 12 is actually really quite difficult, it's not just
 13 a question of selecting a few cells from the spreadsheet
 14 and then putting in a formula.
 15 So I went back to original communications and
 16 original documentation in Mendix, for example, to try to
 17 do this analysis. I looked at two different times: the
 18 time between when a company was first made known to the
 19 PPE Buy Cell and when it received a contract, by which
 20 I mean the purchase order. I took the purchase order
 21 date because that was the dataset that I had. And the
 22 other piece of analysis I did was look at the time
 23 between the first acceptable offer and the time to
 24 contract, which is shorter, as you would expect, because
 25 it sometimes took time for companies to make

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1 explanations for that, but you must remember that
 2 there's a very large volume of opportunities which are
 3 made known to the Department of Health in March, and in
 4 some -- from the earliest date from something like
 5 13 March, and there was no one there to process them.
 6 There was no way of actually picking these up and
 7 investigating whether they were good, bad or
 8 indifferent.
 9 So, consequently, there's couple of weeks, I can
 10 imagine, of backlog building up, before the PPE Cell was
 11 stood up properly and before it was in a position to
 12 process these cases, whereas by definition, the High
 13 Priority Lane cases come in and there's Hannah Bolton
 14 ready to pick up the phone to talk to them. So, yes,
 15 there's a difference in speed. But if we can go on to
 16 the next paragraph, please, which is on the following
 17 page.
 18 So this is in speed to contract, and there the data
 19 is quite interesting. So this is the time between the
 20 first acceptable offer and a contract, and from both
 21 streams, non-High Priority Lane and High Priority Lane,
 22 that's between three and three and a half weeks. So
 23 once somebody has made a good offer, they get through
 24 the sausage machine and get their purchase order in
 25 roughly the same time. And I think that proves the

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1 an acceptable offer, and the first offer they made
 2 wasn't always acceptable.
 3 The time outside the High Priority Lane, again, from
 4 memory -- or would it be helpful to look at my statement
 5 so I'm not inadvertently misleading the Inquiry?
 6 I don't know if one of your colleagues can remind me
 7 what the paragraph number is.
 8 LADY HALLETT: This is the statement -- did you say second
 9 statement?
 10 A. I believe it's in my second statement but I could be
 11 wrong on that.
 12 LADY HALLETT: Dated 16 January 2025?
 13 MR WALD: 5.10.
 14 A. That must be the first statement.
 15 Q. Yes, the second statement is --
 16 A. Yes, that's right. Thank you very much, I do appreciate
 17 it.
 18 Can we go on to the next page, please? That would
 19 be helpful.
 20 Okay. So I won't -- you can read the process
 21 description there but, looking at the very bottom of the
 22 page, so the time from first contact to first purchase
 23 order for non-HPL cases is of the order of six weeks.
 24 The time for High Priority Lane cases, that time is of
 25 the order of four weeks, and there may be different

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1 contention proves -- that supports the contention that
 2 my colleagues, that once these offers, once they were
 3 being handled, once they were being treated, were
 4 treated in a very, very similar way.
 5 Q. You don't say that entry into the system, we saw a slide
 6 yesterday that identifies "(A + B) OR C", A plus B being
 7 criteria that relate to the company or the offer --
 8 A. Yes.
 9 Q. -- with C relating to VIP status, entry into the system
 10 conferred any advantage in speed or otherwise.
 11 A. It probably got you to Technical Assurance, the point of
 12 Technical Assurance more quickly, but there were some
 13 serious bottlenecks in Technical Assurance in particular
 14 in April and that's where the process got held up.
 15 You made one further inference from that particular
 16 evidence which is that there was no triage on the High
 17 Priority Lane offers and that's just not true. There
 18 certainly was a triage on the High Priority Lane offers.
 19 Q. To put it into context, this two-week period, the
 20 overall period of PPE procurement lasted for 100 days,
 21 didn't it?
 22 A. Roughly.
 23 Q. Yeah, so we're looking at a 14-day period within
 24 a period of 100 days?
 25 A. Yes.

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1 Q. Yes. So it's not an insignificant period of time?
 2 A. No.
 3 Q. In that procurement window?
 4 A. In many cases, it would have made the non-High Priority
 5 Lane cases less likely to get to contract, but I think
 6 it's also worth observing that, inside that set of
 7 non-High Priority Lane cases there are some of the
 8 things that Max Cairnduff talked to you about, and
 9 I hope this isn't being unserious, but one of my -- that
 10 I mentioned in the witness statement, was an offer for
 11 a recipe for chicken soup, with proven anti-bacterial
 12 and anti-viral properties, and that offer had to be
 13 picked up and looked at by somebody and then said,
 14 "Thank you but no thank you", in the same way that
 15 an offer of 10,000, 100,000, 1 million gowns had to be
 16 looked at. So there's a really big qualitative
 17 difference between the offer set processed by the
 18 non-HPL stream and the HPL stream.
 19 Q. Thank you, Dr Hall. Have you said everything you wanted
 20 to about your analysis?
 21 A. I have, thank you.
 22 Q. All right. Thank you for that.
 23 Final point but an important one, conversion rates.
 24 A. Right.
 25 Q. Now, there was I suppose, a degree of confusion about
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1 A. It should say "suppliers". What it says there is
 2 correct.
 3 Q. Then, as against that number of suppliers, there are 51
 4 contracts awarded: number of suppliers awarded
 5 a contract?
 6 A. I think it's actually 52.
 7 Q. Okay. If those figures are correct, that results in
 8 an 11.86% of potential suppliers being awarded
 9 a contract?
 10 A. That's correct arithmetic, yes.
 11 Q. Being awarded at least one contract --
 12 A. Yes.
 13 Q. -- because some suppliers were awarded multiple
 14 contracts?
 15 A. As you can see from the figure below.
 16 Q. Yes. Comparing that to the non-HPL, we have 15,194
 17 potential suppliers; 173 suppliers awarded contracts,
 18 and that conversion rate is 1.13% --
 19 A. Yes.
 20 Q. -- which results in a difference in conversion rate of
 21 approximately 10.5?
 22 A. If you look at this by suppliers, yes, that's roughly --
 23 Q. If you look at it by suppliers.
 24 A. Yes.
 25 Q. Can we now have up on the screen INQ000477283, page 3.
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1 whether the conversion rate offers to contracts was
 2 a tenfold rate of conversion or a 17-fold rate of
 3 confusion (*sic*). I want to ask you some questions in
 4 the hope that you will be able to clarify that important
 5 point for us, all right?
 6 Can we start with Mr Marron's witness statement and
 7 a table there.
 8 It's INQ000528391.
 9 Table 11. There it is. Number of suppliers, HPL,
 10 a figure of 430 is given; is that correct?
 11 A. For these purposes, it's good enough. The matter of who
 12 is an HPL supplier and who is not an HPL supplier is,
 13 I'm afraid, like many other things, not
 14 a straightforward question to answer. So, generally
 15 speaking, we've used the existence of a case file in
 16 Mendix as a determinant of whether a supplier was or was
 17 not an HPL supplier.
 18 Now, as part of work for the Inquiry, I had to look
 19 at -- I must have done something bad in a previous
 20 life -- look at these 430 cases, yes? And the -- some
 21 of the 430 cases turned out to be state governments and
 22 I don't believe we ever bought PPE from, for example,
 23 another state. So that number is a close approximation.
 24 Q. But what I'm interested in for these purposes, is should
 25 it say "suppliers" or "offers"?
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1 A. I take it you're looking at the second-to-bottom
 2 paragraph; is that right?
 3 Q. I am indeed. It says:
 4 "A small proportion of offers -- approximately 430
 5 of the 24,000 -- were processed through a 'high priority
 6 referral' route."
 7 A. Forgive me, I'm not quite sure what the document is, but
 8 that's wrong.
 9 Q. Well, let's go to the top of it. Before you say it's
 10 wrong, it's a DHSC Government website document --
 11 A. Right.
 12 Q. -- published in November 2021 and then updated in
 13 February 2022.
 14 A. Okay.
 15 Q. You say it contains an error?
 16 A. Yes.
 17 Q. Let's go back to the error. To be clear, Dr Hall, on
 18 the first day of this module in opening, I presented
 19 a figure of a conversion rate of 17, based on this
 20 document being correct.
 21 A. This document is incorrect.
 22 Q. It's incorrect?
 23 A. Yes.
 24 Q. What should that say instead of 430 offers?
 25 A. Around 2,200, and I think this is something we've put in
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1 the corporate witness statement to you, so this will be
 2 our second corporate witness statement, which was
 3 submitted by Clare Gibbs, and I think I've got the
 4 paragraph number here, it's 3.93, and this says that
 5 around 2,200 individual case records exist in Mendix and
 6 that means 2,200 offers.
 7 **Q.** Do you want to give that citation for the transcript?
 8 **A.** Certainly. I don't know -- have I got the INQ number
 9 here? No, I don't, I'm afraid, have the INQ number.
 10 Perhaps one of your colleagues can assist me.
 11 Oh, sorry, it's on the bottom of the page. So the
 12 INQ number is INQ000528389 and it's on pages 56 and 57.
 13 **Q.** Paragraph numbers?
 14 **A.** 3.93, it's all in one paragraph.
 15 **Q.** All right, look, thank you for that correction.
 16 **A.** Okay, I'll just add one more thing if I can?
 17 **Q.** Please.
 18 **A.** So we're talking about 10:1 measured by suppliers. If
 19 you look at it measured by offers, it's much nearer 3,
 20 4, 5:1. I don't know if that's material or not but
 21 certainly the proportion of offers accepted that came
 22 from the High Priority Lane, as opposed to the non-High
 23 Priority Lane, is different again.
 24 **Q.** In either event, there is a significant advantage in
 25 terms of conversion rate within the HPL compared to
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1 the process.
 2 **Q.** It shows that roughly -- sorry, I beg your pardon.
 3 **A.** And I take it this also excludes certain categories
 4 because you'd also need to look at how much came through
 5 the China Buy route and how much came through the SCCL
 6 route. And I don't know whether these non-High Priority
 7 Lane contracts includes China Buy or not.
 8 **Q.** What we see here is a rough equivalence, High Priority
 9 Lane and non-High Priority Lane --
 10 **A.** Mm-hm.
 11 **Q.** -- and an approximate equivalent in expenditure, as
 12 well?
 13 **A.** All I can draw from this is a very significant value of
 14 contracts were let through the High Priority Lane.
 15 **Q.** Yes.
 16 **A.** Yes, that's correct.
 17 **MR WALD:** Dr Hall, that concludes my questions for you,
 18 thank you very much.
 19 **A.** Thank you.
 20 **LADY HALLETT:** Just couple more questions, Dr Hall.
 21 Dr Mitchell, who is sitting that way.
 22 **Questions from DR MITCHELL**
 23 **DR MITCHELL:** I'm obliged.
 24 Dr Hall, I appear as instructed by Aamer Anwar &
 25 Company on behalf of the Scottish Covid Bereaved. This
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1 outside of it?
 2 **A.** But I remind you of what's in the not HPL, in the not
 3 HPL is, as Max suggested, people offering to knit face
 4 masks for us, people offering to make scrubs and,
 5 although some of the offers in the HPL were less
 6 credible than others, there's nobody offering to knit
 7 face masks.
 8 **Q.** Thank you for that reminder. What's the answer to my
 9 question: in either event, there's a significant
 10 advantage, isn't there?
 11 **A.** There's an advantage but the advantage accrues from the
 12 nature of the offers in the queue.
 13 **Q.** Final INQ number and question for you, please, Dr Hall.
 14 INQ000565970, and page 34. This is an analysis of how
 15 this translates in terms of the amount that was spent on
 16 PPE in and out of the High Priority Lane?
 17 **A.** Yes.
 18 **Q.** Does that concur approximately with what you had
 19 understood?
 20 **A.** Well, these are probably better figures than the figures
 21 I had, because I assume these are Department of Health
 22 and Social Care figures and, remember, the Department of
 23 Health and Social Care has the contract data, which the
 24 Cabinet Office doesn't hold because we only did the
 25 front end of the process. We didn't do the back end of
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1 next question I'm going to ask you isn't a reflection on
 2 your business nous but perhaps a reflection on some
 3 evidence you gave earlier.
 4 You said that part of the issue was that you were
 5 working with a newly formed team that were not used to
 6 buying PPE.
 7 **A.** Yes.
 8 **Q.** Now, in the last module criticism was made by
 9 Dame Kate Bingham that, to put it bluntly, business nous
 10 was not abundant in government staff. I think more
 11 broadly than people buying PPE, but's a further
 12 criticism noted in Professor Albert Sanchez-Graells in
 13 his report.
 14 How can this be changed to ensure that, when the
 15 next pandemic comes, there are groups of people who are
 16 ready and understand how to buy PPE?
 17 **A.** So there are -- there's a very, very small group of
 18 people in the UK that buy PPE for a living, now,
 19 because, frankly, it's not a difficult thing to buy.
 20 It's a commodity. It's usually bought through
 21 wholesalers.
 22 I'm not trying to diminish the skill and application
 23 of my former colleagues who came from SCCL, that's quite
 24 a small cohort, and all of those people worked in the
 25 PPE Buy Cell. All of them.
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1 What we had to do was multiply that by 20, and of
 2 necessity -- I mean, I'm a software engineer. You know,
 3 of necessity you had to bring in people who did not have
 4 experience of buying PPE.
 5 **Q.** Would there be merit, then, in training people how to
 6 buy when markets are unstable?
 7 **A.** I think there would certainly be a merit in doing that
 8 and in exercising that, but I think it's actually
 9 insulting of someone to say that we didn't have business
 10 nous. We had -- I don't know, 83 per cent of the team
 11 are commercial professionals, most of whom have been
 12 a formal accreditation system, like myself, to test that
 13 we knew what we were talking about, and we knew how to
 14 deal with suppliers and buy things.
 15 **Q.** In fairness to Dame Kate, her observation, as I said in
 16 my statement, was more generally, I think, about
 17 government. It wasn't in relation to PPE.
 18 Moving on, Dr Hall, I wonder if I can ask you, we
 19 read in disclosure the prospect of using Amazon to
 20 streamline procurement of PPE, and I am wondering, on
 21 behalf of the Scottish Covid Bereaved, would this have
 22 outsourced a lot of work to businesses who could take
 23 the strain or would there have been more specific
 24 problems with that, in your opinion?
 25 **A.** Different problems, I think. I mean, outsourcing is --

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1 **A.** I believe, yes.
 2 **DR MITCHELL:** I'm obliged my Lady.
 3 **LADY HALLETT:** Thank you very much, Dr Mitchell, very
 4 grateful.
 5 You've obviously been following our proceedings and
 6 done a lot of work preparing responses and things to the
 7 Inquiry. If there's anything else that occurs to you
 8 that you wish to alert me to, please do. I'm entitled
 9 to take into account not just oral evidence, and do take
 10 into account written material, and I want to make sure
 11 that any findings I make are entirely fair. So if there
 12 is anything else -- is there anything else immediately
 13 you wanted to say that you haven't been asked?
 14 **THE WITNESS:** I don't think I'll take up any more of your
 15 time today, my Lady.
 16 **LADY HALLETT:** If there is anything else, please let us
 17 know.
 18 **THE WITNESS:** Thank you.
 19 **LADY HALLETT:** Thank you very much indeed for your help.
 20 I know what the feeling is like to be on a glide path to
 21 retirement and then Covid comes along, so thank you for
 22 coming off that path, and for trying to help get the
 23 equipment that we needed. Thank you very much indeed.
 24 **THE WITNESS:** Thank you.
 25 **(The witness withdrew)**

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1 brings both advantages and disadvantages, and I have
 2 other colleagues who have written about that at length.
 3 And Amazon's wasn't, strictly speaking, an outsourcing
 4 proposal but we did receive other proposals saying, "Why
 5 don't you give us this problem?" You know, "We'll take
 6 it away for you. We'll go out, find the suppliers,
 7 we'll source this for you, maybe do the logistics or
 8 maybe not."
 9 I think that would have created other, but
 10 different, problems, because then we would have had to
 11 manage the outsourcing contract and be a little bit that
 12 more remote from this highly critical activity.
 13 And it would have taken time to set that kind of
 14 arrangement up and at the beginning of the pandemic, we
 15 didn't have time. You know, the house was burning. We
 16 had to find a big enough firehose to try to put the fire
 17 out.
 18 And consequently I think what the Department of
 19 Health did, because it wasn't my decision --
 20 **Q.** Yes.
 21 **A.** -- what the Department of Health did was the right thing
 22 to do.
 23 **Q.** Yes. So you're saying that, speed being of the essence,
 24 it would be better to keep it in-house than to try
 25 to -- (overspeaking) --

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1 **LADY HALLETT:** Very well, I shall return at 3.05.
 2 **(2.49 pm)**
 3 **(A short break)**
 4 **(3.05 pm)**
 5 **LADY HALLETT:** Mr Sharma.
 6 **MR SHARMA:** My Lady, the next witness is Andrew Wood.
 7 **MR ANDREW WOOD (sworn)**
 8 **Questions from COUNSEL TO THE INQUIRY**
 9 **LADY HALLETT:** Mr Wood, I hope you were warned that we might
 10 not get to you until the very end of the day.
 11 **A.** No, that's fine, thank you.
 12 **LADY HALLETT:** I'm sorry if we've kept you waiting.
 13 **A.** That's okay.
 14 **MR SHARMA:** Mr Wood, would you please confirm your name to
 15 the Inquiry.
 16 **A.** My full name is Andrew David Wood.
 17 **Q.** Mr Wood, you have provided the Inquiry with a witness
 18 statement. I wonder if you would be kind enough to
 19 confirm that that statement is true to the best of your
 20 knowledge and belief?
 21 **A.** Yes.
 22 **Q.** Mr Wood, I start, if I may, with your background.
 23 You've worked in commercial procurement since 1993; is
 24 that correct?
 25 **A.** Yes, that's correct.

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1 Q. On 24 February 2020, you joined the Complex Transactions
2 Team?

3 A. I did yeah, 20 days before we were deployed onto PPE.

4 Q. You were the Deputy Director, a commercial specialist,
5 part of the Government Commercial Function in the
6 Cabinet Office; is that right?

7 A. Yes, that's right.

8 Q. The Inquiry has heard today and yesterday about the
9 experiences of those within the PPE Cell engaged in
10 procurement of PPE. In your witness statement you
11 describe it as one of the most frenetic and stressful
12 period of the careers of those you were working with.
13 Would you be able to expand a little bit upon that?

14 A. Yeah, of course. As you've heard already in some of the
15 witness evidence, commercial work is normally quite
16 painstaking. It takes time to run through a commercial
17 process, and the outcome of it isn't linked to saving
18 lives. Obviously, in this environment, by the time that
19 we were called in to help DHSC on this assignment, we
20 were already in a bad place as a country, which we
21 quickly learned.

22 So there was immense pressure. I think all the team
23 felt that it was immense privilege to do the work
24 because we see it was important to the country and to
25 frontline workers. So yeah, it was a very strange,

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1 it in their eyes and their body language, it was very
2 professional but they were very worried and there was
3 an immediate urgency.

4 And the very next thing I did to add to that
5 briefing, if you like, was to request Emily's office to
6 call Jin Sahota, the CEO of SCCL, who happened to live
7 in London, which was where we were having our meetings
8 and he immediately came into Skipton House and we got in
9 front of a flip chart and he sketched out for me exactly
10 how SCCL -- I say "exactly", but broadly how SCCL is
11 organised and the fact that they needed to focus on
12 everything else apart from PPE, because the healthcare
13 system needed them to do so and it was clogging it up,
14 and that we would need to set up a completely new supply
15 chain.

16 Importantly that their existing suppliers were, you
17 know, very, very low on stock. They'd already been --
18 yeah, they'd already been -- I'm trying to think of the
19 word. They were empty of stock as well.

20 Q. So your instruction was you had to buy as much PPE as
21 you possibly could; is that fair?

22 A. At that time that was the initial instruction, yeah.

23 Q. If I were to describe you as very much at the coalface
24 of the PPE buying effort, would that be a fair
25 description of your work?

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1 unusual, environment that we had to get really focused
2 on really quickly.

3 Q. If I can take you on forward a little bit in the
4 chronology to a moment on 21 March 2020 when you
5 describe in your witness statement arriving at Skipton
6 House and you were given a briefing. Could you please
7 recount the content of that briefing?

8 A. Yeah, I immediately met Dr Emily Lawson, who made me
9 a cup of tea, which was very nice, and then she proceed
10 to tell me the situation that we were in, in terms of
11 SCCL had already had the conversations around whether
12 they could cope with the crisis, the fact that we would
13 be using DHSC's procurement function but we needed to
14 set up a completely new cell from scratch.

15 She also explained that, at that time, we didn't
16 know how much PPE we wanted or needed, so the
17 instruction was we needed to buy as much as we possibly
18 can. I was also introduced to the team that were
19 already on the phone with Beijing embassy, who had
20 already started a week or so before, I believe.

21 I met Lord James Bethell and, you know, he just
22 asked if there was any help that you needed to let him
23 know and he would make things happen. I met the former
24 CEO of the NHS, I believe, Simon Stephenson (*sic*), and
25 yeah, I think my impression was -- you know, I could see

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1 A. There were many coalfaces. My coalface was -- and I've
2 described it in my statement, which you've seen,
3 obviously -- my role was to oversee the setting up of
4 the PPE Buy Cell in a very short period of time to
5 quickly learn and adapt to the circumstances we were
6 in -- I mean, I had those few initial facts from that
7 briefing but we found out new things every day -- and
8 also to be the link between the buying part of the
9 Parallel Supply Chain with the other elements.

10 So Emily was my client and she was the lead, along
11 with Jonathan and later Lord Deighton, but I was that
12 kind of interface, which I occasionally shared with my
13 colleagues when -- if I was on a day off, which was
14 quite rare for all of us, so yeah. That was one
15 coalface that I was on.

16 But, you know, my caseworkers in the different
17 areas, as I'm sure we'll go into, were very much at the
18 coalface with the suppliers.

19 Q. You described in your witness statement the organisation
20 and the reorganisation of the PPE Cell during the course
21 of the pandemic --

22 A. Yeah.

23 Q. -- and that the cell was trying to constantly learn and
24 adapt about the things that it was experiencing.

25 A. Yeah. Would you like me to talk about that for a bit?

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1 Q. Yes, please.

2 A. So when we first turned up there were already a few
3 hundred offers that had come in via various emails that
4 I know you've already heard about, and SCCL also passed
5 a big spreadsheet over to us. We literally started with
6 Post-it notes, you know, within minutes of designing
7 a process of how we were going to meet immediate needs.
8 And I have seen the expert report, which talks about
9 having different types of approaches to this, and
10 different structures, et cetera.

11 And I think, for me, this wasn't an either/or, we
12 would have to do both. There was an immediate need we
13 had to meet, there were offers sitting there, some of
14 them, as Chris had said earlier, had been sitting there
15 for a couple of weeks. We needed to get a team on the
16 phones, on the emails immediately.

17 Yeah, it was tough. It was tough and, obviously,
18 then we had to find our interfaces across the rest of
19 the programme, where were we going to dock into, the
20 move part of the team, in terms of logistics, et cetera?
21 The technical due diligence, we didn't have that
22 expertise.

23 So there were a number of reasons why we had to do
24 that but, at the same time, we were thinking about going
25 to a -- and I think you've heard some of this

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1 structure, IT, plus, I'm sure, other things, and
2 Rob Nixon was called in to specifically work on strategy
3 in parallel to us.

4 So it wasn't an either/or, it wasn't "This is going
5 to be the best process", we knew that. It was "We've
6 got to do something now because we're running out
7 of PPE." We're kind of, I think --

8 Q. Forgive me if I interrupt.

9 A. Yeah.

10 Q. You were at the same time, in your team, you were
11 frantically trying to call -- man the lines for PPE?

12 A. Mm-hm.

13 Q. And at the same time as doing that, you are designing
14 and setting up a system for that to be undertaken on an
15 enormous scale?

16 A. Yeah, absolutely. I think, from 21 March to 9 April,
17 that's just a few days. That's maybe, what, two and
18 a bit weeks. So our initial initial focus was we've got
19 to get this up and out of the ground really quickly, but
20 we know that this isn't the way this should be done.
21 And there was reasons why we could not do that straight
22 away. We had to deal with what was in front of us and
23 start to place orders, basically, for PPE. But at the
24 same time we started designing a system that we were
25 ready with agreement with DHSC, to implement from the

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1 terminology and apologies for the terminology -- into
2 a product-based category structure. And I think there's
3 correspondence that kind of backs up that I think around
4 9 April we were already building that into our strategy.

5 Q. So just pause there for a moment.

6 A. Yeah, sure.

7 Q. So 21 March is the day you received the briefing?

8 A. I had an email, I think, on the 20th and I had a brief
9 discussion with a gentleman in DHSC, but actually the
10 21st was the day that myself and two or three other
11 colleagues actually turned up at Skipton House and met
12 Emily and the rest of the kind of management team and --

13 Q. And you describe considering going to a category
14 approach as early as 9 April?

15 A. Yeah. So, amongst ourselves, there was a member of
16 the CTT who was part of that initial team, and she was
17 responsible for the organisation, for going out across
18 government, across the GC -- the Government Commercial
19 Function to find resources, and also to pull in people
20 to support us on building systems, which I'm sure we'll
21 come back to.

22 Her and I were discussing that already, and then
23 also another colleague from CTT came in, and his role
24 was to pull together the strategy. So while I was kind
25 of overseeing it, Jo was focusing on organisation,

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1 end of June onwards.

2 Q. You describe in your witness statement, and you have
3 also this afternoon, the pace at which events were
4 progressing. You describe the pressure which you and
5 your team were under.

6 A. Mm.

7 Q. And you also set out, just as an indication of the
8 volume of work which you were involved in, a figure
9 about the number of emails you received in just
10 two months.

11 A. Yeah, and I'm sure I wasn't alone in this, but just me
12 personally, I think I received six and a half thousand
13 emails in two months. And also in my statement I've
14 mentioned that I had to get couple of people, colleagues
15 from Gareth's office, to help man my inbox, because
16 I couldn't cope with that, obviously. Yeah, so it
17 was -- frenetic is the right word. It was a privilege
18 but it was also very high pressure. And yeah, we had to
19 build the aeroplane as we were flying it.

20 Q. Although you have experience in commercial procurement,
21 did you have, prior to the pandemic, any experience in
22 the procurement of PPE or other medical equipment at
23 all?

24 A. Not specifically, no. I was thinking back across my
25 career of -- the closest I've come is, kind of,

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1 plastics, food products, when I was working at Tesco for
 2 nine to ten years. But the preciseness of PPE, I mean
 3 I've heard a lot of people describe it as a commodity
 4 and we kind of call it a commodity, but I think that
 5 does a slight disrespect to the PPE sector in the
 6 industry. It's a very, very precise industry in terms
 7 of certification, you know, the investment required to
 8 build PPE, and to manufacture PPE is a heavy investment.
 9 Some products are simpler than others but some of them
 10 are very high investment. So, yeah, it's a very
 11 exacting product.

12 And, you know, we wanted to deliver equivalents from
 13 new suppliers to the front line. That was our job. So
 14 that was a lot of pressure in itself, to get that right,
 15 because, you know, that's somebody's -- that's
 16 somebody's relative working on the front line, whether
 17 they're in a hospital or whether they're in a social
 18 care setting. That was a big responsibility for us.

19 Q. You describe, if I may say so, in vivid detail, an
 20 example of sitting up late at night reading technical
 21 guidance about PPE.

22 A. Yeah.

23 Q. Could you please take the Inquiry through that and how
 24 that came about and why you were doing that.

25 A. Yes, of course. So we'd received the specifications

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1 A. Yeah. I mean, the great thing about the job that we do
 2 is we get to become, kind of, experts in what we buy,
 3 and so we learn lots of different subjects.
 4 Unfortunately we didn't have time to do that here. We
 5 didn't have time to become experts. We didn't have time
 6 to get to know the market, to speak to customers and
 7 end users. We didn't get time to visit factories. In
 8 fact -- we'll come on to that later, I think, but we
 9 couldn't. We couldn't move anywhere.

10 So, you know, that was a big problem, particularly
 11 on such a crucially -- a crucial product that was
 12 keeping our people safe.

13 Q. If I may turn to, please, some of the general problems
 14 which you have laid out in your witness statement about
 15 the procurement effort.

16 A. Yeah.

17 Q. And of course, you set out in some detail the areas in
 18 which you consider that the UK succeeded and your team
 19 succeeded, but if I may turn to the problems with you.

20 A. Sure.

21 Q. What were the principal, I think you describe them as
 22 disablers --

23 A. Yeah.

24 Q. -- within the system that had been established and
 25 within the expertise that was available to you and with

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1 from SCCL, which we gratefully received, and they came
 2 through quickly. And these were the specifications that
 3 the NHS was using. So I decided, in my own time, sort
 4 of during the night, to go online and to find specific
 5 documentation around some of these products.

6 So I looked at the FFP3 mask, which was a very
 7 important piece of kit for all of us during the
 8 pandemic, and I read the HSE report, which was, you
 9 know, quite a few pages. It talked about the need to
 10 certify manufacturers, the need to have sampling and
 11 testing and retesting and visiting factories.

12 So it just gave me an idea of kind of what I thought
 13 I was starting to understand, which was how precise some
 14 of this kit is. You know: aprons, slightly different;
 15 gowns, very precise, different types.

16 So, yeah, I was -- I was trying to give myself that
 17 insight at midnight at home while I was trying to
 18 sort -- you know, manage the team.

19 Q. And you land, in the evidence you've just given, one of
 20 the crucial differences between procuring items such as
 21 PPE in an emergency and procuring it when you're not in
 22 an emergency --

23 A. Yeah.

24 Q. -- and that's the ability to see exactly what it is that
 25 you're buying?

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1 the technology that you were confronted with?

2 A. Yeah, so there's a list in my statement which I'll just
 3 pick out a few. So one I've just recently mentioned
 4 about travel bans. You know, we wanted to be on the
 5 ground wherever this stuff was being produced, wherever
 6 it was being manufactured, we wanted to look at the
 7 stock, build relationships with the suppliers.

8 Luckily, we've got a fantastic FCDO, as it's now
 9 called, and DIT teams, who were out there doing some of
 10 that for us but with different eyes. So we couldn't
 11 travel around.

12 There were many products that had export bans on
 13 them. I think around 6 April we received a letter from
 14 3M, who is one of the big manufacturers and an existing
 15 supplier of masks, that President Trump in his first
 16 term had basically had banned 3M from selling any stock
 17 to anybody else, and it couldn't move around, it just
 18 had to go to the US.

19 Q. So you were confronted, if I may say so, and put it in
 20 these terms, with the fact that it was difficult, if not
 21 impossible, to visit the locations in which PPE was
 22 being manufactured and then, around the world, there
 23 were export controls being imposed on PPE which was
 24 being received into the United Kingdom?

25 A. Exactly, yes, and those export bans also had an impact

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1 on our Make Team, who were trying to get certain
 2 materials that were made in certain countries to British
 3 manufacturers to produce, for instance, gowns. So they
 4 had a very broad effect on the effort.

5 **Q.** If I may turn, please, to a very different subject,
 6 which is the call to arms.

7 **A.** Yeah. A number of witnesses have described the problems
 8 which the call to arms created and, in your evidence,
 9 you've described it in these terms, it's at
 10 paragraph 12.7 on your statement, we don't need to bring
 11 it up, that:

12 "The call to arms was not a commercial decision. It
 13 gave us a huge problem of trying to assess an avalanche
 14 of offers."

15 It's this point I want to deal with you here today
 16 with. It's:

17 "Government does not have due diligence in a box."
 18 What does that mean? What did you mean by
 19 "Government does not have due diligence in a box"?

20 **A.** Specifically on that point, I think some of your
 21 witnesses have described the normal processes in normal
 22 times of doing due diligence on suppliers and their
 23 products and their financial credibility, you know, as
 24 a detailed piece of work.

25 We, through our initial 100 days, as such, matured

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1 hundred, few thousand offers at that time. Our
 2 processes for doing due diligence weren't drafted, you
 3 know, we'd just literally walked through the door and
 4 grateful for, as people started to arrive, particularly
 5 the MoD team or the DfE team, they started to develop
 6 processes while we were working with the market sourcing
 7 and suppliers team in the Cabinet Office to actually
 8 ramp up external support to help us do that, in a much
 9 more deep and structured way.

10 **Q.** The way that you're describing it, is a sort of
 11 iterative process --

12 **A.** Yeah.

13 **Q.** -- in which, whereas at the beginning you didn't have
 14 access to due diligence, experts may come in from the
 15 Ministry of Defence and they could assist and then from
 16 the Department for Education and so expertise, again,
 17 correct me if I'm wrong, was being brought in from other
 18 government departments?

19 **A.** Yes, it was. As we were building the team, we were
 20 bringing in accredited commercial people who had their
 21 own systems at their own home departments, and they were
 22 utilising those in the first instance, so that we had
 23 something. But I think, as Chris said, the term "due
 24 diligence" we need to just define a bit. It means so
 25 many things. The eight-step process, I would -- you

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1 faster and faster with outside help, the size of, and
 2 the quantity that we could undertake due diligence on
 3 these thousands of offers. And the particular due
 4 diligence in a box, you know, it probably took a couple
 5 of weeks to set that up, and we didn't have that. We
 6 had to -- you know, the first offers were, I'm sure,
 7 caseworkers going onto, "Have they got a website? Are
 8 they on Companies House? Oh, they're not in the UK.
 9 Okay, so they're not in Companies House". So they would
 10 have to do that kind of very desktop due diligence.

11 It wasn't until two weeks later of us working with
 12 the Cabinet Office team that we actually started to
 13 build that capability to cope with the number of offers,
 14 which obviously was very important in such a critical
 15 product.

16 **Q.** So did that mean that at the beginning of the response
 17 to the pandemic -- correct me if I'm wrong, but does it
 18 mean that due diligence at the beginning of the response
 19 was likely to be worse than the due diligence as it
 20 progressed, or was it one of those processes that was
 21 developing? Explain to me, please.

22 **A.** Yeah, it wasn't mature. It wasn't mature. There are
 23 publicly accessible documentation, sources of data for
 24 doing due diligence on companies. There's quite a lot
 25 available. We were in a position where we had a few

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1 could say -- and I would call each one of those steps --
 2 is due diligence. But then there are deeper dives on
 3 financials, there's a very deep dive on the product, and
 4 then ultimately at the back end, there's the contractual
 5 diligence as well.

6 **Q.** Just to go back to the expression you use in your
 7 statement "due diligence in a box", what kind of due
 8 diligence are you referring to there?

9 **A.** There I'm specifically, I think, talking about the
 10 financial due diligence of potential suppliers.

11 **Q.** That's critical, isn't it because --

12 **A.** Absolutely.

13 **Q.** -- if the financial due diligence isn't there and isn't
 14 right, then the Government and the public are exposed to
 15 contracting with parties --

16 **A.** They are.

17 **Q.** -- who may become insolvent who may not supply the
 18 equipment which has been paid for, and so on and so
 19 forth; is that right?

20 **A.** Absolutely. We talked about playbooks, I think, in some
 21 of the previous sessions. In the sourcing playbook
 22 there is a policy and a tool to undertake a very
 23 thorough financial viability and resilience study.

24 We weren't in a position to do that. That's one
 25 instance, in terms of the numbers of offers and

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1 capability. But we did what we could. I think the
2 other piece around this is we were presenting offers the
3 Accounting Officer of DHSC, we had to try to identify,
4 for them, as many risks as we possibly could, so that
5 they could make an informed decision about whether to go
6 ahead with a contract and a purchase order.

7 **Q.** Mr Wood, could I turn, please, to the subject of the
8 High Priority Lane --

9 **A.** Yes.

10 **Q.** -- and it's establishment. In your witness statement to
11 the Inquiry, you said this:

12 "What is now known as the High Priority Lane came
13 about as an evolution of offers being received via email
14 before the 21 March 2020 from various parts of the
15 government, usually at senior civil servant up to
16 ministerial level."

17 So is it your evidence that there wasn't a conscious
18 choice to create the High Priority Lane?

19 **A.** I would say no, it was a reaction to a potential source
20 of offers and market, if you like, that had opened up to
21 us. Similarly, you know, there was 150 plus staff in
22 the Beijing embassy from FCDO and DIT, who had opened up
23 a market through their contacts. The Make Team
24 obviously opened up a market of potential British
25 manufacturers. The general opportunities lane was

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1 Lord Agnew's office. The meeting, I think, was for him
2 to meet me. He'd never met -- we'd never met and to
3 probably check me out and prod me a little bit, "Is this
4 guy up to it?" Too early to tell at that point.

5 One of the points he raised -- well, I'll just go
6 back. So after that meeting, I received a readout from
7 his office straightaway, and I was just about to send
8 kind of my response back to him, and I had sent this to
9 some of my team to say, "Look this is what I'm thinking
10 of sending back, what do you think?"

11 Then in relation to the HPL, as it's now being
12 termed, it's actually high priority appraisals, not
13 lane, sorry.

14 **Q.** Forgive me, was that what it was called at the time?

15 **A.** No, no. From 1 April, roughly.

16 So what Lord Agnew was asking me was, you know,
17 "Have you got enough people? How quickly can you
18 respond to offers?"

19 He said, you know, "I've got business contacts, some
20 of my peers have got business contacts. They can help
21 you. Is there a way that we can look at those offers
22 more quickly" -- not more quickly than others, but "Can
23 we look at those offers quickly and get back with an
24 update?"

25 Even if it's a no, it's just -- "We're kind of

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1 opening up potential markets.

2 This was another example of that, and we were
3 reacting to it. So I'll just hold there for a second,
4 if you've got further questions.

5 **Q.** Yes, could I please bring up on the screen INQ000534911,
6 and if we could zoom in, please, to "Another action" in
7 the middle of the page, just to place this in some
8 context -- forgive me, perhaps we can zoom out so we can
9 have a look at the origin of this. This is a readout of
10 a meeting with you, Mr Wood, and Lord Agnew?

11 **A.** Yes.

12 **Q.** If we could zoom in, please, to the paragraph "Another
13 action", thank you:

14 "Another action I took was to advise Lord Agnew if
15 we could fast track ministerial/seniors emails regarding
16 offers of help that they were sending through. We have
17 developed a public *pro forma* -- very simple, that
18 automatically populates our database."

19 You then go on to set out that "hot leads" should be
20 sent Lord Agnew and you and others.

21 What was happening in that meeting between you and
22 Lord Agnew and how does that relate to the High Priority
23 Lane?

24 **A.** Sure, absolutely. So this was on 25 March, so this was
25 my day 4. A meeting had been set up with myself from

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1 looking in at this box, we're seeing what's happening
2 and we need some feedback of where we are."

3 So that was what that conversation was about. But
4 I'm happy to provide more context if you need it.

5 **Q.** What, in your view, was Lord Agnew saying and not saying
6 when you had that conversation with him?

7 **A.** Yeah. It was about the response. He was saying, in my
8 view -- and I've never spoken to him about this since,
9 but in my view and my interpretation of it -- that this
10 was about "We need to respond to the offers quicker. We
11 can't have a backlog building up. So how do we do that
12 and how can I help you [ie, Lord Agnew] to do that?"

13 What he wasn't saying, in my view, is "Right, I know
14 loads of people that can provide PPE and I'm going to
15 send the contacts to you and I'd like you to set up
16 contracts with them really quickly."

17 That absolutely wasn't what he was saying. This was
18 about the response to those offers, because he felt that
19 some of them were credible, the types of companies, the
20 size of the companies, the potential international
21 reach. He was trying to help. But he wanted to know
22 that from our side we had a team there or we could build
23 a team, bearing in mind this was 25 March, that could
24 actually respond to them quickly. That was my
25 understanding.

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1 Q. Thank you. Could we take that down.
 2 Turning to another subject, Mr Wood. You've
 3 referred to the different lanes in which PPE was being
 4 produced.
 5 A. Mm-hm.
 6 Q. There was the New Buy team, the UK Make team?
 7 A. Yeah.
 8 Q. And the China Buy team, and then of course there was
 9 SCCL, which had its own operation.
 10 A. Yeah.
 11 Q. Could we have up on the screen, please, INQ000534713.
 12 I just want to explore with you some comments which
 13 are in an email about the relationship between New Buy
 14 and China Buy and what the issues were between whether
 15 they were complementing each other or competing with
 16 each other.
 17 So if we could zoom in, please, to paragraph 2.
 18 Forgive me, let me just place this in context.
 19 This email chain is from Mr Cairnduff. He sets out
 20 the content of the email beneath to you.
 21 A. Yes.
 22 Q. And then at the top of the email chain, you reply that
 23 you're "aligned". So I can take it from that that
 24 you're agreeing with what Mr Cairnduff says in the email
 25 below?

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1 not many.
 2 As we looked across all of the lanes, the different
 3 buying streams that we had, there wasn't -- I don't
 4 think there was, like, a huge PPE supply chain that we
 5 never knew about. Our job was to find new suppliers.
 6 We already had our existing suppliers. The difference
 7 with the China team was they were in-country, where the
 8 manufacturing was taken place. So I certainly, and we
 9 all saw this as a very important route for us, for both
 10 relationship perspective but also getting close to --
 11 whether it's a state-owned enterprise, an actual
 12 manufacturer, or an intermediary that was very close to
 13 the manufacturing.
 14 For this reason -- this was around 20 April, so we'd
 15 just received our demand figures from the McKinsey model
 16 on, I think, the 16th or 18th --
 17 Q. Forgive me, the McKinsey model is what was being used --
 18 A. Yes, sorry.
 19 Q. -- to predict the demand for PPE that would be coming
 20 from the NHS --
 21 A. And social care.
 22 Q. -- and Social Care Sector?
 23 A. Yes.
 24 Q. And that's what you're talking about when you reference
 25 to the McKinsey model?

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1 A. Yes. At 11.04 pm, I think, on -- no, 5.11 pm. So,
 2 yeah, I can provide more information.
 3 Q. Can we please zoom into paragraph 2. It says:
 4 "The VIP Cell and the wider sourcing Cells are
 5 mostly dealing with intermediaries, many of whom are
 6 sourcing from the same factories our China team are
 7 already in contract with. There is clear risk of our
 8 disrupting our already-contracted supply and outbidding
 9 ourselves for supply that we were already due to
 10 receive. I think the VIP and wider sourcing Cells need
 11 to be much better aligned with the China team, with
 12 a clear and quick route to check if offers of PPE are
 13 potentially disruptive rather than additive."
 14 A. Yeah.
 15 Q. You agree with that statement of Mr Cairnduff, and it
 16 was a concern of yours, wasn't it, that the actions of
 17 the New Buy team, rather than complementing and sitting
 18 alongside the China Buy team, could actually be in
 19 competition with them. Could you explain that a little
 20 further?
 21 A. Yeah, absolutely. The number of PPE manufacturers in
 22 the world is not a huge number and, as we've already
 23 heard from previous witnesses, our existing supply chain
 24 was a mixture but more intermediaries that the NHS was
 25 contracting with, with some manufacturers in there but

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1 A. Exactly that, yes, yeah. It was a shift from "buy as
 2 much as you can" to, product by product, "here is
 3 a 30-day and 90-day forecast of our demand". Which was
 4 huge as you can imagine.
 5 At this point, the China team -- I was having
 6 discussions with the China team around, "Okay, great,
 7 you've done a few deals in the first few weeks, some of
 8 them before we even got here. Can we now start building
 9 strategic relationships with the suppliers and can we
 10 start to share this demand?"
 11 Because this demand demands attention. It's big.
 12 And we're competing against, you know, many other
 13 countries on the planet who were also in China.
 14 The other thing I was worried about was we were
 15 competing against ourselves, whether it was us competing
 16 against the central Buy Cell, competing inadvertently
 17 with an NHS trust that was talking to a supplier,
 18 a devolved administration talking to the same supplier,
 19 and, worst of all, if we were competing between
 20 ourselves, as this comment suggests.
 21 So, you know, what did we do? We did two things.
 22 We circulated around on a regular basis, "This is the
 23 suppliers we are dealing with on each lane, please check
 24 for ..." so we were building up the different knowledge
 25 across the lanes and sharing across the lanes. But

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1 ultimately at the end of April we built the buying plan,
 2 which I can explain further, if you like.

3 **Q.** We won't deal with the buying plan for now, but is it
 4 right that, up until the moment there was a buying plan,
 5 that the risk was there that what was going on as
 6 everyone was scrambling to procure PPE was, as you
 7 describe, that even between competition within the UK
 8 that we were pushing our own prices up because we were
 9 competing with the China Buy lane, the New Suppliers
 10 lane and then, of course, the High Priority Lane?

11 **A.** The risk was always there. The main reason why the risk
 12 was there is that as a nation we did not find a high
 13 level of information regarding the provenance of our
 14 PPE. So there could have been instances where we were
 15 competing with each other but we would never know and
 16 still would never know that we were competing because we
 17 just dealing with an intermediary.

18 Or there were -- the things that we could control
 19 were: were we actually talking to the same suppliers on
 20 this team and that team? Right, we need to start
 21 sharing our information, which is what we're talking
 22 about here.

23 **Q.** My final set of questions, if I may, Mr Wood. There is
 24 a section in your witness statement in which you
 25 describe -- in fact I wonder, perhaps, if we could bring

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1 but then applying it in this situation with a number of
 2 direct awards, a number of different ways that we were
 3 approaching the same market sometimes, or a different
 4 close-to market, adjacent market, with the same
 5 requirement from UK as a whole.

6 From any process that I've ever run in normal times,
 7 in peacetime, you know, that would be a legal challenge,
 8 straight away, because you just can't do that in
 9 peacetime. You can't talk to the market at different
 10 times and give them different information. You just
 11 can't do that you've got to be completely equal. So
 12 I accept that, you know, the Ayanda judgment, et cetera,
 13 those judgments had happened around the JRs, and looking
 14 at that unequal treatment kind of ruling, I accept that,
 15 I understand it. What I've tried to get my head around,
 16 is, if I was in this situation again, what would I do?
 17 And I can come on to that later.

18 But this is kind of what I was talking about here,
 19 is I think as Chris Hall said, there isn't a lot of case
 20 law. There isn't a lot of detail, which the expert --
 21 the expert witness also said there isn't a lot of detail
 22 about how to do this when you're enacting in emergency
 23 procurement, and I wish there was.

24 **Q.** Let me please perhaps ask my final question on this
 25 topic, and the final question I will ask you, which is

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1 it up on the screen. It's INQ000540488, and it's
 2 page 34, paragraph 7.8.

3 Forgive me, I think it's a little bit lower down.
 4 That's it. Thank you.

5 My mistake, Mr Wood. It's 7.7.

6 **A.** Yeah.

7 **Q.** You've said:

8 "Following my reviews of the numerous reports
 9 regarding PPE procurement, for me, the commercial and
 10 legal point is that it is not possible to apply all
 11 peacetime fair and equal treatment principles during an
 12 emergency procurement situation."

13 **A.** Yeah, I can talk about that.

14 **Q.** Would you please explain what you mean by that --

15 **A.** Yes.

16 **Q.** -- and, in particular, is it that you don't think it was
 17 possible to comply with those principles in the
 18 emergency as it was at the time, or that you think that
 19 in all circumstances, in all emergencies, that it's
 20 simply unrealistic to comply with the principles you
 21 describe of fair and equal treatment?

22 **A.** Yeah, absolutely. So in the particular instance that
 23 I was involved with, and still looking back, looking at
 24 the purest view, and, sorry, the legal view, to ensure
 25 fairness, equal treatment and transparency, that's clear

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1 that, although it wasn't, at least in your mind,
 2 possible to do it at the time --

3 **A.** Yeah.

4 **Q.** -- what is it that you think would enable a system to be
 5 fair, equitable and transparent in the progress and
 6 award of contracts in a subsequent emergency?

7 **A.** Difficult to answer on the spot but I'll try. But
 8 before I do that, can I just add one more thing to the
 9 previous answer --

10 **Q.** Of course.

11 **A.** -- in terms of what we could do and attempted to do?
 12 And you've heard this many times and it's in my witness
 13 statement. We were fishing with many hooks outside the
 14 boat because we had a huge demand, we had very shallow
 15 supplier knowledge, and we didn't have a lot of time, so
 16 we had to fish with different hooks, we had to react to
 17 where the market could be found and go and find it and
 18 process it quickly.

19 What we could do is we could introduce some level of
 20 separation of duties and standardisation in the process
 21 for how those offers were taken through to a potential
 22 contract, which we did do. So -- and the entry point,
 23 I would say, on all of the lanes was unequal. I know
 24 there's an extra element to the HPL, as it's now called,
 25 because of the political linkage, and et cetera,

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1 et cetera, but all of the lines, I would say are equally
2 unequal, even within themselves. It's impossible for it
3 not to be.

4 So there were things that we did do to the best of
5 our ability to try to level that playing field but our
6 challenge was the front end. So moving to your question
7 of how could we do this in the future, there were some
8 ideas that I thought the expert witness had which were
9 definitely worth looking into. So publishing, having
10 ready to publish very quickly the requirement across
11 a number of channels to industry of what the requirement
12 was, what our minimum quantities were, being more
13 upfront about that, the reason we couldn't be upfront
14 about that is because we didn't know at the time, we
15 didn't have that information, unfortunately. We did
16 manage to do some of that later on but we just didn't
17 have the information.

18 So, you know, step one is to be prepared better, in
19 a number of ways, for an incident like this but second
20 is I think there are some learnings in terms of how we
21 communicate into the market as a whole, as opposed to on
22 lots and lots of one-to-one bases.

23 **MR SHARMA:** Mr Wood, thank you very much, those are all the
24 questions I have.

25 **LADY HALLETT:** Mr Weatherby, just there.

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1 **A.** It certainly didn't help.

2 **Q.** Yes.

3 **A.** I'm sorry I'm not being more emphatic because I don't
4 have the full information around this topic, but what
5 I experienced at the time was there was -- you know,
6 SCCL was set up to run a just-in-time process --

7 **Q.** Yes.

8 **A.** -- and a highly efficient one. The level of knowledge
9 was good up to a level but, in terms of deep
10 understanding of the market, origins of different raw
11 materials and products, et cetera, I think was lacking.

12 **Q.** Yes.

13 **A.** And we had to build that ourselves, which we did with
14 some -- (overspeaking) --

15 **Q.** So the level of knowledge for a business-as-usual was
16 good?

17 **A.** Yeah, I think that was very good and very efficient.

18 **Q.** Okay. And the -- what I've described as a fundamental
19 failure, would you agree that, whether it was
20 a fundamental failure or it didn't help, this was
21 a result of there being no central emergency procurement
22 plan?

23 **A.** I think it's one of my recommendations which you've seen
24 in my statement.

25 **Q.** Yes.

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Questions from MR WEATHERBY KC

2 **MR WEATHERBY:** Thank you very much, my Lady.

3 Mr Wood, I'm just going to ask you a very few
4 questions on behalf of the Covid Bereaved Families for
5 Justice UK group and none of them are, in any way, meant
6 to be critical of you and they are just about systems.

7 I just want to pick up where Mr Sharma left off,
8 really. You've been very clear this afternoon but you
9 were very clear in your witness statement also about
10 what happened at the start and I'll just give you some
11 references but I won't take you to the passages. But at
12 2.7 in your witness statement you said:

13 "We had to build a buying function completely from
14 scratch. This was a challenging environment to work
15 in."

16 You also said, a bit later in your statement, at
17 3.47(h) and I quote:

18 "Due to its design SCCL is not set up for or
19 equipped to deal with a crisis of this magnitude and so
20 could not be scaled up to meet the demand, and their
21 understanding of the market in terms of detailed product
22 provenance was limited at the time."

23 So question: would you agree that this was
24 a fundamental failure in the UK's PPE procurement
25 abilities at the start of the pandemic?

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1 **A.** And I was interviewed by the Boardman Review team and
2 those have gone into the Boardman Report as well.

3 **Q.** Yes.

4 **A.** I definitely think we need to have a number of things
5 that are ready to go. We've talked about due diligence
6 in a box, we've talked about people having crisis
7 training. We'd never had any crisis training. There
8 may have -- I'm sure there were some things that we
9 could have learnt if we were ready.

10 **Q.** I am not trying to cut you short but time is short, and
11 I was going to come to this in overview. You set those
12 out in your statement at 12.15, and that's what I think
13 you described as the need for a contingency plan.

14 **A.** Yeah.

15 **Q.** But the lack of an emergency procurement plan, did that
16 come about partly because business-as-usual procurement
17 was effectively devolved to the NHS and to providers, so
18 they would seek their own PPE and business-as-usual
19 through either SCCL or wholesalers? Those devolved
20 rather than centralised. So it was therefore a lack of
21 central planning? That's really what I'm asking you.

22 **A.** I mean, I'm not an expert on that. What I've heard and
23 seen so far through the Inquiry is that DHSC did have
24 some preparedness, but it wasn't enough.

25 **Q.** Yes, but no plan.

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1 A. And the market then went into a very hot market and
2 a very difficult market.
3 Q. Sure.
4 A. So I'm not sure how much you could plan but I think
5 there are things we could do.
6 In terms of being devolved, I think -- I don't
7 think -- I'm not sure being devolved is the problem from
8 a commercial perspective.
9 Q. Yes.
10 A. I think it's the flow of information data between those
11 parties that create --
12 Q. Sure, I'm not suggesting, with respect, that it being
13 devolved to the NHS or to SCCL is a bad idea in
14 principle, or business-as-usual.
15 A. Yeah.
16 Q. What I'm putting to you is that may be a reason why
17 there wasn't central planning for an emergency.
18 A. Yeah, that's possible. I wouldn't be opposed to that.
19 Q. Just finally on this point, just to complete it, you
20 described the Buy Cell being "thrown together"?
21 A. Mm-hm.
22 Q. And that really is as a result of no planning, nothing
23 that you could rely on. So you were put in the
24 invidious position of having to put something together
25 from scratch from the outset --
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1 set up at this time".
2 Can you just help us with what you envisaged? How
3 would such a board have improved the procurement
4 process?
5 A. I think it would have helped the accounting officer of
6 DHSC knowing that there had been further checks at
7 a senior level, completely away from the team that was
8 doing the doing, on the way to making a recommendation.
9 We, as you can see, contributed to kind of living within
10 that situation by setting up our Clearance Board, plus
11 we had lots of checks and balances along this process,
12 which I agree were siloed, but I've tried to explain the
13 reasons why.
14 **MR WEATHERBY:** Yes, thank you very much.
15 **LADY HALLETT:** Thank you Mr Weatherby.
16 Mr Dayle.
17 Mr Dayle is over there.
18 **Questions from MR DAYLE**
19 **MR DAYLE:** Thank you, my Lady.
20 Mr Wood, I ask questions on behalf of the Federation
21 of Ethnic Minority Healthcare Organisations or FEMHO.
22 I note at the onset of the Covid-19 pandemic the
23 urgency to secure PPE was paramount. As you've noted in
24 your statement the immediate mandate was to acquire
25 significant quantities of PPE to meet the escalating
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1 A. Yeah.
2 Q. -- in double quick time.
3 A. I can't say whether it was because of a lack of
4 planning, because I don't work for DHSC and I'm not
5 responsible for those plans, but yeah, we had to throw
6 an organisation together very, very quickly.
7 Q. Do you think a solution would be to have a specialist
8 PPE procurement team within DHSC, or perhaps PHE, UKHSA,
9 or an arm's-length body, including SCCL, with the
10 necessary experience, technical knowledge and market
11 awareness that could be scaled up to respond to an
12 emergency situation?
13 A. I think that that sounds like it's in the right
14 direction. I'm not -- honestly, I'm not familiar with
15 what those organisations have already done since
16 five years ago --
17 Q. Sure.
18 A. -- or three years ago. But certainly that would be the
19 direction of travel that sounds sensible.
20 Q. Yeah.
21 Different topic, and very quickly, you've stated in
22 your -- at paragraph 3.13, that on 23 March 2020 you
23 asked DHSC to set up a senior governance board to
24 approve the process strategy and operating model and
25 consider setting price limits, but "no such board was
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1 demands as the crisis unfolded, and this rapid
2 procurement, driven by the need to save lives, no doubt
3 posed unique challenges, particularly in balancing the
4 imperative to act speedily with statutory obligations
5 such as the Public Sector Equality Duty.
6 So given your pivotal role in emergency procurement
7 processes, FEMHO would like your insight on the
8 following questions. At paragraph 12.3 of your
9 statement you say, and I quote:
10 "When I turned up at Skipton House on Saturday
11 21 March 2020, I was briefed quite literally to buy as
12 much PPE as we possibly could, because people were
13 dying. Buying PPE is exactly what my quickly assembled,
14 fantastically dedicated and hardworking team did with
15 the all of the commercial skills and experience we could
16 muster. We therefore did buy PPE as instructed, and
17 lots of it. Too much it turns out, for reasons set out
18 in relation to the demand that was set for us at
19 paragraph 3.6 above.
20 "We used our skills and drive to get that done with
21 no experience of managing in such a crisis."
22 So my question is: is it fair to say that in PPE
23 procurement, securing products that were considered the
24 prototype, in huge volumes was the predominant
25 objective, even at the exclusion of consequential
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1 factors of equality and diversity; what do you say?
 2 **A.** Thank you for your question. The specifications that
 3 were given to us by DHSC were the specifications we
 4 delivered, tried to deliver, and bought to. We were not
 5 part of any decision making process of what those
 6 specifications were, what special characteristics or
 7 considerations were in those specifications. They were
 8 the specifications, I understood at the time, that the
 9 NHS and SCCL were using in their contracts to buy PPE
 10 for the NHS.

11 So I can only assume that they included some of the
 12 factors that you're talking about. I hope I've answered
 13 your question.

14 **Q.** Very well. We'll press on. At paragraph 7.7 of your
 15 statement, you say:

16 "Following my reviews of the numerous reports
 17 regarding PPE procurement for me, the commercial and
 18 legal point is that it is not possible to apply all
 19 peacetime fair and equal treatment principles during
 20 an emergency procurement situation. For example, it was
 21 not possible to run a supplier questionnaire or
 22 pre-qualification process or a tender exercise for every
 23 offer received at exactly the same time, giving all
 24 parties the same response time. The market was moving
 25 too fast, even for our fastest peacetime procurement

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1 **A.** Were we working in an emergency? Absolutely. Were we
 2 working on behalf of the public? Absolutely, in terms
 3 of we were supplying PPE to frontline workers, to social
 4 care workers who were interacting with the public.

5 **Q.** Was this just your feeling or was there a formal basis
 6 for you to think that you were, in fact, working
 7 under --

8 **A.** Oh, okay, sorry, I thought you might have meant
 9 something like that. I don't remember having any formal
 10 discussion with anyone regarding that. I was just doing
 11 my job on behalf of the Cabinet Office for DHSC.

12 **Q.** You described in your evidence, given to Mr Sharma, how
 13 you had to helicopter up to the technical aspects of PPE
 14 procurement work, and my question is this: what tools
 15 were available to you to ensure there were
 16 considerations regarding measurements and specifications
 17 arising from ethnicity?

18 **A.** Again, I refer back to my first answer, I'm afraid. The
 19 tool that we that and the piece of data that we needed
 20 was the specification, which was given to us by SCCL.

21 I do remember that later on in that 100-day process,
 22 which I saw as a good sign, we were, as we were planning
 23 ahead on our demand, we were thinking about all of the
 24 different variants of equipment, not necessarily based
 25 on ethnicity but based on sizes and construction,

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1 process."

2 So question: can you confirm whether, in your
 3 procurement work during the pandemic, there was any
 4 regard paid to the Public Sector Equality Duty?

5 **A.** Sorry, that last bit you just said, if you don't mind,
 6 the Public Sector Equality Duty, could you just expand
 7 on that?

8 **Q.** Yes, that's the Public Sector Equality Duty under the
 9 Equality Act. That is the requirement under law to have
 10 regard or consider issues of equality.

11 **A.** The only two things I can think of are that, you know,
 12 the demand that we were given, buy product, eventually,
 13 and over a timescale, was an aggregation of all demand
 14 from all parts of the NHS across the UK and social care.

15 So within that, I get there must be a consideration
 16 to the equality side of things. From a specification
 17 perspective, I refer to my previous answer, which is
 18 this was a specification that the NHS was buying before
 19 the pandemic and it was the specification we bought
 20 within the pandemic, so there was no change in terms of
 21 what we were asking suppliers to supply us with, which
 22 I presume over time is compliant with the Act that
 23 you're citing.

24 **Q.** Did you understand yourself to be working under public
 25 emergency conditions?

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1 et cetera. But apart from buying to the specification,
 2 that's all I can offer you, I'm afraid.

3 **Q.** Very well. Next topic. As we reflect on the challenges
 4 and the learning outcomes from the pandemic response,
 5 particularly in PPE procurement, focus shifts to how we
 6 can do more in future pandemic preparedness.

7 In the lessons learnt section of your statement, you
 8 list, by way of recommendation, the following:
 9 an advisory panel of expert customers to ensure
 10 procurement teams fully understand the product
 11 requirement and variants prior to purchasing stock; and
 12 a panel of regulatory decision makers with delegated
 13 authority and limited liability, including technical
 14 compliance expertise, specialist manufacturing
 15 knowledge, and frontline NHS trust representation.

16 This, for the record, can be found at
 17 paragraphs 12.15(f) and (g).

18 Would you agree and consider it beneficial for these
 19 panels to include ethnic minority healthcare workers.

20 **A.** Absolutely agree that the panel should be from
 21 a "customer panel", if you're referring to that part.

22 Normally in our commercial work we swim kind of
 23 upstream to our customer so that we can really
 24 understand what it is they want us to buy and to sort of
 25 match them up with the market. The customer panel I'm

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1 talking about there should be representative of the
 2 customer base, which, you know, is all ethnicities.
 3 **Q.** Very well, and just to complete this --
 4 **LADY HALLETT:** No, I'm afraid you've had your time,
 5 Mr Dayle. I'm awfully sorry.
 6 **MR DAYLE:** Very well, I'll leave it at that.
 7 Thank you.
 8 **THE WITNESS:** Thank you.
 9 **LADY HALLETT:** Mr Wood, we all know about how hard
 10 healthcare workers work. Give me some idea of the kind
 11 of hours you and your team were working.
 12 **A.** A short answer, my Lady, would be between 16 and
 13 18 hours a day. So it was -- yeah, it was full on.
 14 And, you know, we weren't alone in that.
 15 **LADY HALLETT:** I appreciate an awful lot of people in lots
 16 of different fields, but I think it is important that
 17 people do understand. I certainly got that impression
 18 from listening to your colleagues.
 19 Thank you very much indeed for all you did during
 20 the pandemic and for all the help that you've given the
 21 Inquiry.
 22 **THE WITNESS:** Thank you, thank you.
 23 **LADY HALLETT:** Very well, 10.30 Monday.
 24 **MR WALD:** Yes.
 25 **LADY HALLETT:** Thank you.

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1 (4.07 pm)

2 (The hearing adjourned until 10.30 am
 3 On Monday, 10 March 2025)
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