

Witness Name:

Statement No:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF KAREN PEARSON

I, Karen Pearson, will say as follows: -

1. I provide this statement in response to a request from the Inquiry. In this statement I aim to set out the relevance of TEO's responsibilities for Module 7 of your Inquiry. TEO has had a role in relation to the matters to which the Inquiry relates.

Introduction to the Northern Ireland Government

2. The devolved institutions in Northern Ireland are constituted under the Northern Ireland Act 1998 [**Exhibit TEO/M7/001 - INQ000147489**], with several institutional reforms having taken place since then.
3. The Government of Ireland Act 1920 provided for the partition of Ireland and the establishment of parliaments in Belfast and Dublin. Northern Ireland, composed of the six counties of Londonderry, Tyrone, Fermanagh, Antrim, Down and Armagh, was established in 1921, and an election to a bicameral Parliament of Northern Ireland was held in May of that year. A year after the Anglo-Irish Treaty was signed on 6 December 1921, what had been known as "Southern Ireland" (i.e., the remaining 26 counties of Ireland) seceded from the UK to form a Dominion called the "Irish Free State" (later the Republic of Ireland).
4. Between 1921 and 1972 Northern Ireland remained an autonomous part of the UK with its own devolved administration. The Parliament of Northern Ireland was based on, although devolved from and subordinate to, Westminster, and consisted of the Senate and House of Commons, with the Sovereign represented by the Governor of Northern Ireland. The devolved parliament was given power over a wide range of issues, such as health, education, social services and law and order. The Government of Ireland Act set out a list of 'excepted' and 'reserved' matters over which the Northern Ireland Parliament had no powers of legislation: 'excepted' matters included the Crown, peace and war, the armed forces while the principal 'reserved' matters were the postal service and the major sources of revenue.

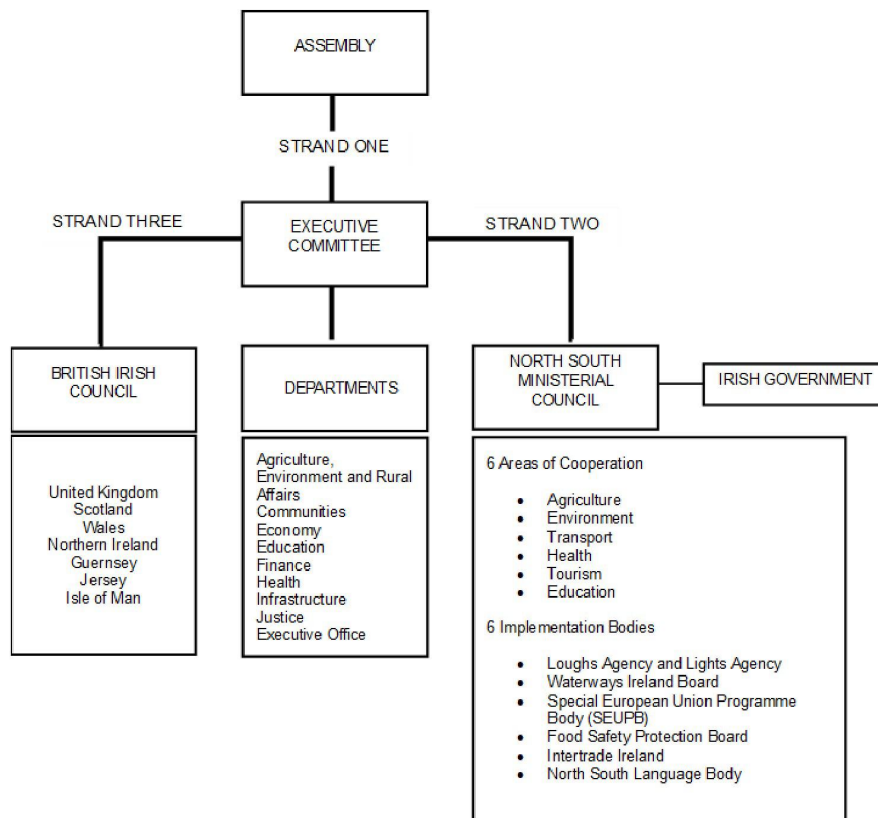
5. From 1929, the Northern Ireland Parliament was elected via the 'first past the post' (FPTP) system. The Ulster Unionist Party was electorally dominant and was the single party of government from 1921 to 1972.
6. Northern Ireland and its border with the rest of Ireland was contested from the beginning. Broadly speaking, many in the minority Nationalist community opposed the "partition" of Ireland in 1921 and desired unification with the rest of Ireland, while many in the majority Unionist community wanted to remain part of the UK. This disagreement occasionally gave rise to violence, which became more sustained during the period known as "The Troubles" (c1968-98) when an estimated 3,600 people died in shootings, bombings and other killings during the Troubles and up to 30,000 were injured. As a result of the deteriorating security situation, the Parliament of Northern Ireland was at first prorogued (1972) and then abolished (1973). Despite periodic attempts between 1973 and 1986 to restore devolved institutions on the basis of power sharing between unionists and nationalists, a devolved Northern Ireland Assembly was not established until 1998-99, following the Belfast/Good Friday Agreement [**Exhibit TEO/M7/002 - INQ000147488**]. During the period of 1973 to 1998, the executive and legislative powers in Northern Ireland were exercised by Westminster Parliament and the Secretary of State for Northern Ireland (SoSNI), in a form of government known as "direct rule".

The Agreement and the Devolved Institutions

7. The Belfast/Good Friday Agreement (B/GFA, signed on 10 April 1998), established the basis for the current system of devolved government in Northern Ireland, following a period of almost 30 years when Northern Ireland had been administered via Direct Rule from Westminster. The Belfast/Good Friday Agreement, and the subsequent Northern Ireland Act 1998 (as amended a number of times since 1998, particularly following the 2006 St Andrews Agreement (**Exhibit TEO/M7/003 - INQ000183579** and **TEO/M7/004 – INQ000415925**) continue to form the basis of the constitutional structure in Northern Ireland.
8. The Belfast/Good Friday Agreement was divided into three strands (see diagram below):
 - Strand 1: dealt with arrangements within Northern Ireland, setting up the Assembly and Executive
 - Strand 2: dealt with 'North-South' arrangements between Northern Ireland and the rest of Ireland, and in particular the establishment of the North-South Ministerial Council (NSMC)
 - Strand 3: dealt with 'East-West' arrangements between the UK and Ireland, and the establishment of the British-Irish Council.

9. The Northern Ireland Act 1998 (NIA 98) made new provision for the government of Northern Ireland for the purpose of implementing the B/GFA.

GOOD FRIDAY/BELFAST AGREEMENT 1998



10. The above departmental structure reflects the position after restructuring of the NICS in 2016 under the Fresh Start Agreement, agreed in 2015 **[Exhibit TEO/M7/005 - INQ000279214]**. This allowed for Departmental Restructuring and Reduction in the Number of MLAs. The number of departments reduced from 12 to nine departments and, therefore, cut the number of ministers, special advisers, permanent secretaries and central management and support functions. This took effect from May 2016.
11. This is when the Office of First Minister and deputy First Minister (OFDMDFM) became The Executive Office (TEO).

Power sharing

12. The system of government established by the B/GFA is consociational in nature, designed to facilitate power-sharing by accommodating the competing political views and aspirations of the Unionist and Nationalist communities and those who designate themselves as “Other.” The current Executive in NI is made up of a four-party coalition:

- Sinn Fein (designate as Nationalist)

- the Democratic Unionist Party (designate as Unionist),
 - Ulster Unionist Party (designate as Unionist), and
 - the Alliance Party (designate as Other).
13. The Social Democratic and Labour Party (designate as nationalist), did not qualify to be a part of the Executive in February 2024 and has instead gone into opposition.

Devolution settlement for Northern Ireland

14. Under the devolution settlement for Northern Ireland there are three categories of legislative powers: reserved, excepted and transferred. Schedules 2 and 3 to the Northern Ireland Act 1998 (NIA) respectively specify those matters which are excepted and reserved. Any matter that is not excepted or reserved is a transferred matter. Examples of reserved matters relative to Covid in Northern Ireland would include revenue issues such as furlough. Excepted matters would include relations between UKG and RoI such as measures enforcing the NI border with RoI and some areas of co-operation between PSNI and An Garda Síochána.
15. The Assembly can make primary and subordinate legislation on all transferred matters. However, it cannot legislate in respect of reserved matters (without both the involvement of UK parliament and Secretary of State for NI). Nor can it legislate on excepted matters, save in relation to ancillary provisions.
16. In theory, reserved matters can be devolved at a later date and have, for example policing and justice in April 2010. Excepted matters, however, cannot be considered for further devolution except by a fresh Act of Parliament. A reserved matter may become a transferred matter or vice versa by means of the Order in Council procedure set out in s4 NIA.
17. Parliament remains sovereign (section 5(6) of the Northern Ireland Act) and retains the right to legislate in all matters relating to Northern Ireland. It will not however normally pass legislation on transferred matters without first obtaining the consent of the Northern Ireland Assembly via a Legislative Consent Motion. (Devolution Guidance Note 8 – Post Devolution Legislation affecting Northern Ireland [**Exhibit TEO/M7/006 - INQ000147491**]).
18. The ‘Barnett consequential allocation’ is used by the UK Treasury to calculate the annual block grants for the Northern Ireland Assembly, as is the case for the Scottish and Welsh governments. This reflects population size, whereby Northern Ireland receives a population-weighted proportional allocation of 3% of the amount for England, as well as the range of devolved public services in each nation. If fresh funding is allocated to England, as it was during the pandemic, a “Barnett consequential” amount is allocated to the Devolved Administration (DAs), but this is not hypothecated, i.e., required to be spent on the same

issue.

Unique characteristic and differences to the Westminster model

19. The Northern Ireland Executive is a coalition government, comprising the Ministers from the nine Executive Departments, each of which is a separate legal entity.

- Department of Agriculture, Environment and Rural Affairs
- Department for Communities
- Department for the Economy
- Department for Education
- Department of Finance
- Department of Health
- Department for Infrastructure
- Department of Justice
- The Executive Office

20. Membership of the Northern Ireland Executive is an entitlement based on the electoral strength of each political party, as evidenced by the number of seats held in the Assembly. This approach ensures that any party which wins a sufficient number of seats has the right to participate in government. An eligible party may, however, also elect not to nominate to Ministerial office and instead seek recognition as the Official Opposition under the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 **[Exhibit TEO/M7/007 - INQ000279211]**.

21. In general, individual Ministers have executive authority to determine policy and operational matters within their departments, without the general requirement to observe a collective 'cabinet position'. However, this is qualified by a statutory requirement under section 20 (4) of the NIA 1998 (as amended) to refer certain matters for consideration by the Executive, those matters include:

- 'cross-cutting' matters, that is, matters that affect the statutory responsibilities of more than one Minister (more than incidentally);
- significant or controversial matters that are outside the scope of the Executive's Programme for Government, or that the First Minister and deputy First Minister (acting

jointly) have determined to be matters that should be considered by the Executive.

22. The constitutional arrangements are further reflected in the governance and accountability arrangements for the Northern Ireland Civil Service (NICS), which is constitutionally separate from the Home Civil Service. Paragraph 11 (1) of Schedule 12 to the Northern Ireland Act 1998 provides for the interpretation of references in statute to the 'Head of the Department'. The paragraph reflects the position in law that, for each Northern Ireland Department, the Minister is the Head of the Department. Article 4 of the Departments (Northern Ireland) Order 1999 **[Exhibit TEO/M7/008 - INQ000183644]** requires that the functions of a Department shall at all times be exercised subject to the direction and control of the Minister. It follows that the Permanent Secretary of each Department is accountable to the Minister for the performance of the Department's functions. Additionally, as Accounting Officers, each Permanent Secretary is accountable to the Assembly as set out in Chapter 3 of the Department of Finance and Personnel's (now Department of Finance (DoF)) guidance Managing Public Money Northern Ireland (MPMNI).
23. The position of Head of the NI Civil Service (NICS) is a critical role and one of significant responsibility. The postholder is responsible for leading more than 23,000 civil servants, including Permanent Secretaries. This is a highly visible leadership role in a diverse organisation which operates in a constantly changing, complex, resource constrained and complex political environment. HOCS is the chief advisor to the Executive and the only official permitted to speak at the Executive Committee (unless other officials are invited to speak). The role of HOCS is to provide sound, clear and impartial advice to First Minister and deputy First Minister and other Ministers on a range of interlinked issues, relevant to the delivery of the vision and ambition the Executive has for all in Northern Ireland.
24. HOCS is accountable to First Minister and deputy First Minister when an Executive is formed. During a period of no Executive, HOCS operates insofar as she can within her remit, for example by convening party talks with a view to re-establishing an Executive and providing assistance and advice to Permanent Secretaries where requested.
25. The NICS is not typically characterised by hierarchical 'command and control' governance and management arrangements. The Head of the Civil Service (HOCS) does not exercise day to day management or control of individual Departments, or their agencies or arm's length bodies. Specifically, she does not have the authority to direct the group of Permanent Secretaries who play a critical role in the management and performance of the NICS across the NI Departments (or other officials). Furthermore, she does not hold an Accounting Officer role for any part of the NICS.
26. The Civil Service (Northern Ireland) Order 1999 **[Exhibit TEO/M7/009 - INQ000183580]** provides that the Department of Finance 'shall continue to be responsible for the general

management and control of the Civil Service'. Under Article 4 of that Order, the Minister of Finance can make directions and regulations as to how to exercise his powers and to discharge his statutory duties with respect to e.g., the number and grading of posts; remuneration; conditions of service; conduct (including the making of a Code of Ethics); or recruitment.

27. The NICS governance arrangements reflect these constitutional and legal arrangements. They include:

- The NICS Board, chaired by HOCS with membership comprising Permanent Secretaries (and officials at equivalent grade), together with three Non-Executive Board Members (NEMs) (the role and responsibilities of NEMs is set out below). The role of the Board is to provide strategic direction to the NICS as set out in Terms of Reference for the Board [**Exhibit TEO/M7/010 - INQ000086917**].
- A Memorandum of Understanding to provide for joint working between TEO and the Department of Finance on the planning and delivery of reform of the NICS [**Exhibit TEO/M7/011 - INQ000086919**].
- The Northern Ireland Audit Office (NIAO) is responsible for the external audit of central government bodies in Northern Ireland, including Northern Ireland departments and their executive agencies and a wide range of other public sector bodies, including executive non-departmental public bodies and health and social care bodies.

The Northern Ireland Assembly

28. The Northern Ireland Assembly sits at Parliament Buildings, Stormont Estate, in Belfast, and is composed of 90 members elected by single transferable vote. There are five Members of the Legislative Assembly (MLAs) for each of the 18 constituencies which are the same as those used to elect MPs to the House of Commons.

29. Most votes in the Assembly are taken on a simple majority basis, but on certain specified matters, such as the Budget or the Executive's Programme for Government, the Assembly votes by the special mechanism of 'cross-community support', which is defined (in the Agreement and in the 1998 Act) as either:

- parallel consent – an overall majority plus a majority of unionists and a majority of nationalists (sometimes called '50:50:50'); or
- weighted majority – an overall majority of 60% plus at least 40% of the designated Nationalists voting and 40% of the designated Unionists voting;

- A cross-community vote may also be taken where at least 30 MLAs have signed a Petition of Concern on a particular matter.
30. One of the roles of the Northern Ireland Assembly is to hold the Executive to account. Section 29 of the NIA makes provision for the establishment of statutory committees to 'advise and assist' Executive Ministers in the 'formulation of policy' in relation to matters within their responsibility. MLAs can also question Executive Ministers in the Chamber and in writing.
 31. In recognition of the special circumstances created by the pandemic which affected the conduct of business, the Assembly formed an Ad Hoc Committee on the Covid-19 Response through which Ministers could report to it. During this period TEO received more than 340 written Assembly questions and over 50 'oral' questions in relation to COVID-19. The First Minister and deputy First Minister also made six appearances before the TEO Assembly Committee to give evidence on matters relating to the pandemic and appeared before the Assembly's Ad Hoc Committee on the COVID-19 Response on three occasions.
 32. The Northern Ireland Assembly was dissolved on 28 March 2022. The Assembly subsequently elected on 5 May 2022 has been unable to function in the absence of an elected Presiding Officer.

The Executive Committee

33. The Northern Ireland Executive Committee ("the Executive") is the Executive Committee of the Northern Ireland Assembly and exercises executive authority on its behalf. Its functions are set out in Section 20 NIA. The Executive Committee comprises the First Minister and deputy First Minister, who are joint chairs and convene and preside over its meetings, and eight Northern Ireland Ministers: Minister of Agriculture, Environment and Rural Affairs; Minister for Communities; Minister for the Economy; Minister of Education; Minister of Finance; Minister of Health; Minister for Infrastructure; Minister of Justice (Ministers). The First Minister and the deputy First Minister acting jointly may appoint Junior Ministers under Section 19 NIA, however whilst Junior Ministers attend all meetings of the Executive, they are not members of the Executive Committee and cannot participate in any vote taken by the Executive.
34. The formation of the Northern Ireland Executive Committee is intended to promote power-sharing and inclusivity among the political parties represented in the Assembly. The procedures for the nomination of an MLA to the offices of First Minister and deputy First Minister are set out in s16A of the NIA, which provides that the First Minister and deputy First Minister are nominated respectively by the largest party of the largest political designation (i.e. Unionist, Nationalist or Other) and by the largest party of the second largest political designation. Where the largest party of the largest political designation is not the largest

political party then the nominating officer of the largest political party nominates the First Minister, and the largest political party of the largest political designation nominates the deputy First Minister. In the exercise of all their statutory functions, the First Minister and deputy First Minister are required to act jointly.

35. The procedures for the nomination of an MLA as a Northern Ireland Minister are set out in s18 of the NIA, with seven of the eight Ministers nominated by their parties in accordance with their numerical strength in the Assembly by means of the D'Hondt formula **[Exhibit TEO/M7/012 - INQ000262762]**. The exception to these procedures is the nomination to the office of the Minister of Justice which is made in accordance with s21A NIA using a cross-community vote in the Assembly.
36. The Assembly election held in March 2017 resulted in four parties (the DUP, Sinn Féin, SDLP, and UUP) being entitled to take Executive positions. The Executive did not meet, however until January 2020 at which point the Alliance Party also joined it through the special arrangements for the appointment of the Minister of Justice.
37. All Executive Ministers (including the First Minister and deputy First Minister) are required to take a Pledge of Office before assuming office (s16A(9) and s18(8) NIA). The terms of the Pledge of Office and associated Ministerial Code of Conduct are set out in Schedule 4 NIA **[Exhibit TEO/M7/001 - INQ000147489]**. The Pledge includes a commitment to support and act in accordance with all decisions of the Executive Committee and the Assembly.
38. Meetings of the Executive are conducted in accordance with Section 2 of the Ministerial Code which is made in accordance with the requirements specified in s28A of the NIA. In accordance with the Ministerial Code, the First Minister and deputy First Minister are responsible for convening and chairing meetings and for drawing up the agenda for each meeting, taking account of proposals from other Ministers. Executive Committee meetings normally take place fortnightly on Thursdays and Ministers are advised of the schedule of meetings for the forthcoming period as far in advance as possible. Additional meetings may be arranged in the light of business need or at the request of any three Executive Ministers.
39. Additional protocols have been developed to govern various aspects of Executive Business **[Exhibit TEO/M7/013 - INQ000259553]** and guidance is issued to Ministers as to the exercise of their official responsibilities **[Exhibit TEO/M7/014 - INQ000262761]** and these operate in line with provisions of the Northern Ireland Act 1998 and the Ministerial Code.

Executive decision making

40. In accordance with paragraph 24 of the Agreement reached on 10 April 1998 (the 1998 Agreement), each Minister exercises executive authority within their department but is required under the terms of paragraph 2.4 of the Ministerial Code (**Exhibit TEO/M7/015 -**

INQ000262764) to refer certain categories of matter to the Executive for agreement. These include:

- matters which cut across the responsibility of two or more Ministers;
- significant or controversial matters; and
- matters which the First Minister and deputy First Minister have determined are significant or controversial and should be considered by the Executive.

41. Ministers seeking the agreement of the Executive to recommendations in respect of a certain policy or proposal will do so through the preparation of a draft Executive paper, which is circulated for comment to all Ministers, and copied to, amongst others, the Attorney General, the Departmental Solicitor and First Legislative Counsel (where the matter deals with legislation or has legislative implications). Where necessary, a subsequent draft (or drafts) will be circulated to reflect comments received and any changes proposed.
42. The agenda for Executive Committee meetings is determined by the First Minister and deputy First Minister acting jointly, taking account of the papers which have been submitted by Ministers. Those papers that the First Minister and deputy First Minister have jointly agreed should be included on the Executive agenda are then subject to substantive discussion and agreement at an Executive meeting.
43. Following discussion at a meeting of the Executive, the Chairs will formally put the paper's recommendations to Ministers for agreement.
44. In accordance with the Ministerial Code (paragraph 2.12), the First Minister and deputy First Minister have a duty as Chairs of the Executive Committee to seek to ensure that its decisions are reached by consensus wherever possible. This is not collective responsibility, and the convention of collective ministerial responsibility is not a feature of the Northern Ireland Executive. If consensus on a certain issue or recommendation cannot be reached, a vote may be taken, and may take one of two forms – a simple majority vote, or a cross-community vote.
45. A vote may be taken on a cross-community basis if requested by any three Ministers before the vote is taken. Cross-community support has the same meaning as that set out in section 4(5) of the Northern Ireland Act 1998, i.e., the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or the support of 60 percent of the members voting, 40 percent of the designated Nationalists voting and 40 percent of the designated Unionists voting. There is no convention of Cabinet Collective Responsibility in the Executive and there could not be given the constitutional setup in Northern Ireland. It is, however, expected by virtue of the Ministerial Code that members of the Executive committee will not publicly criticise decisions lawfully made at the Executive table.

46. The Ministerial Code also makes provision for the taking of Urgent Decisions. An Urgent Decision may be taken in circumstances where a decision which would normally require Executive agreement needs to be taken before the next scheduled Executive meeting. In this case, the responsible Minister will write to the First Minister, the deputy First Minister and the Secretary to the Executive, copied to Executive colleagues, the Attorney General, the Departmental Solicitor's Office, First Legislative Counsel (where appropriate) and Executive Secretariat, advising them of the decision required, and providing details of the background to the issue, the reason for urgency, the implications of not taking the decision, and as far as possible, the views of other relevant Ministers.
47. The First Minister and deputy First Minister, acting jointly, will consider the matter in consultation with the responsible Minister, and will notify them of the outcome of their consideration, copied to Executive colleagues, the Attorney General, the Departmental Solicitor's Office, First Legislative Counsel (where appropriate) and Executive Secretariat.
48. A matter dealt with in this way is deemed to have been dealt with in accordance with paragraph 2.4 of the Ministerial Code and will be included on the agenda for noting at the next Executive meeting.

Executive Business

49. Between 3 February 2020 and 27 January 2022, the Executive Committee discussed and agreed its response to the evolving pandemic on 129 occasions.
50. Whilst the business of the Executive Committee was focused substantially on the response to the COVID-19 pandemic, it also took decisions on a range of other legislative and policy issues, including but not limited to Climate Change, EU Exit, Organ Donation, Parental Bereavement Leave, Private Tenancies and the Violence Against Women and Girls Strategy.
51. Executive business is transacted through the agreement of papers which are circulated in advance by Ministers to all other Ministers, the Attorney General, First Legislative Counsel and the Executive Secretariat. The role of the Minister in this process is to:
- determine the content of those Executive papers which the Minister intends to submit to the Executive for its agreement;
 - make a response to papers which have been circulated by other Ministers, following advice from officials;
 - be fully briefed on the Minister's own Executive papers which are included on the agenda for an Executive Committee meeting; and on other papers in which the Minister has an interest or contribution to make;

- take forward any necessary notifications and follow up procedures with the Assembly following the decision of the Executive.

52. In cross cutting, controversial or sensitive matters requiring Executive decision, officials will draft a submission which is brought to their Minister with a draft Executive paper attached. The Minister in turn seeks views from the other Ministers. Any Minister may comment upon the submission and that response may or may not be included in the paper to be put to the Executive for discussion and decision. Key public sectors will be represented through submissions or responses thereto.

53. When all Departmental comments, including a response from the First Minister and deputy First Minister, have been received and considered, the sponsoring Minister should submit a revised version of the paper to the First Minister and deputy First Minister, copied to all other Ministers, the Attorney General, the Departmental Solicitors Office and Executive Secretariat (and where appropriate, First Legislative Counsel), outlining any comments received and how these have been addressed and showing any revisions as tracked changes.

54. The First Minister and deputy First Minister will consider the Second Draft paper and, if required, may seek further amendments/information requiring a Third Draft to be provided for their consideration. Provision of any Third Draft should follow the same process as for the Second Draft Executive Paper.

Sources of Information Used to Inform Executive Decision-making on COVID-19 Matters

55. Papers summarising the latest scientific and medical evidence were provided in advance of Executive meetings to all Ministers for consideration in addition to specialist Executive papers:

- DoH Emergency Response COVID-19 Update Report (first written update provided at **[Exhibit TEO/M7/016 – INQ000023183]**).
- Weekly R paper **[Exhibit TEO/M7/17 - INQ000183581]** from the Department of Health (from 26 May 2020 onwards).
- Mobility reports from the Department of Health (from 20 October 2020 onwards) (First paper provided at **[Exhibit TEO/M7/018 - INQ000086918]**).

56. Direct sources of information provided to the Executive included the R paper, DoH mobility reports, the ECT dashboard and information contained in any TEO submissions which formed the basis for the Executive paper. The R paper contained statistical modelling in respect of various responses to the virus and the mobility paper contained information on how movement throughout Northern Ireland was contributing to virus numbers. The main raw data gathered in respect of the pandemic in NI was via the Department of Health.

57. The Executive received the Executive Covid Taskforce (ECT) dashboard, which is built on and expanded the range of metrics that were provided as listed above. This was a dynamic PowerPoint presentation of data analytics inputted from various Departments updated weekly, which included health, economic and societal data. An early version of the dashboard was considered by the ECT on 13 April 2021 [Exhibit TEO/M7/19 - INQ000212960]. The first ECT dashboard went to the Executive on 28 April 2021 [Exhibit TEO/M7/20 - INQ000190739] and the last was provided on 19 January 2022 [Exhibit TEO/M7/021 - INQ000190879]. The dashboards were provided on a weekly basis following meetings of the ECT until 11 August 2021, after which they were provided on a fortnightly basis. The dashboards varied over time to ensure information was required to inform decisions based on current and future events.
58. Indirect sources of information included such information as was presented by DOH in their papers for Executive, including information from Public Health England, SAGE, HSC Public Health Agency, World Health Organisation (WHO).
59. From March 2020 to January 2022, Northern Ireland's Chief Medical Officer (CMO) regularly attended Executive meetings to brief Ministers and respond to questions. From April 2020 to January 2022, he was accompanied by the Chief Scientific Adviser or his deputy.
60. The First Minister and deputy First Minister held pre-executive briefings with the Chief Medical Officer (CMO), Chief Scientific Adviser (CSA) and Minister of Health on an Ad Hoc basis in the early stages of the Pandemic and more regularly thereafter. The meetings provided an opportunity for First Minister and deputy First Minister to discuss proposals the Minister of Health was bringing to the Executive to aid discussion at Executive meetings. No decisions were taken at these meetings. All significant decisions were made at the Executive.
61. The CMO and CSA accessed a number of sources of information to inform the advice provided to the Executive, including vaccine programme progress, testing regime information and the daily Covid dashboard, all provided by the Department of Health.
62. The process for reaching decisions concerning Non-Pharmaceutical Interventions (NPIs) was the same as that for any other issue requiring Executive consideration – papers were circulated to Executive Ministers for consideration and then discussed by the Executive Committee following which a decision was taken on the paper's recommendations.
63. During the first wave when the NI Hub was operational, Anthony Harbinson, NI Hub Chief of Staff, supported HOCS at Executive meetings at which he delivered the situation report and reported new developments, as required by business need.
64. As the pandemic evolved, other Senior Officials attended, such as myself (Deputy Secretary, COVID Recovery, Civil Contingencies, PfG, and NICS of the Future) to provide advice on the Covid response policy and Chris McNabb (Director, Executive Information Services) to provide

advice on media and communications.

65. This information was used collectively to aid Executive decision-making in light of the nature and spread of COVID-19 in Northern Ireland. It is not known if any informal or private communications took place between Ministers, which have not been captured in NICS records. That is a matter which would be required to be addressed by ministers in their own evidence; there are currently no Ministers within TEO.

Processes for Recording Meetings

66. Minutes for Executive meetings are taken by a member of NICS staff (civil servant) from the Executive Secretariat. The draft minutes of each Executive meeting are submitted to the First Minister and deputy First Minister for agreement, following which they are circulated to other Ministers for agreement at the next meeting. Ministers may request amendment of the draft minutes in advance of the meeting or during the meeting itself under the relevant agenda item.
67. The final minutes of Executive meetings are not verbatim and record the following for each agenda item: the recommendations agreed by the Executive; details of any vote taken on those recommendations; the position of individual Ministers on those recommendations or on any other issue where they formally request that this be recorded; and any other agreed conclusions or action points.
68. There is no requirement for the retention or filing of manuscript notes of Executive meetings after the formal agreement to the minutes.
69. The handwritten notes for the 3 February 2020, at which the emergence of Covid was noted under Any Other Business; 6 August 2020; and 13 August 2020), are not available. The existence of manuscript notes is attributable solely to the discretion of the customary minute taker to retain these in hard copy format. It would appear that in relation to those meetings for which no manuscript records have been identified that person may have been absent through leave or other arrangements on those dates, and the minute taker for those meetings either did not make handwritten notes, or if handwritten notes were taken, did not retain them. All extant handwritten notes of an Executive meeting taken by the usual minute taker have been provided.

First Minister and deputy First Minister role and function in TEO

70. The First Minister and deputy First Minister are joint heads of the Executive Office (TEO) and are accountable, as are all Ministers, to the Northern Ireland Assembly for their policies and programmes and the activities of the department, including its ALBs. All civil servants in the Executive Office operate subject to their direction and control in the discharge of their functions. All statutory functions assigned to the First Minister and deputy First Minister by the Northern Ireland Act 1998 must be exercised jointly and all decisions concerning the functions of TEO must be taken by joint agreement. The First Minister and deputy First Minister may appoint two

junior Ministers to assist them in the exercise of their functions. While they may delegate certain functions to the junior Ministers or ask them to undertake certain activities on their behalf, decision making is not delegated to them.

71. The First Minister and deputy First Minister may also appoint Special Advisers in accordance with the statutory Code issued under Section 8 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 [**Exhibit TEO/M7/022 - INQ000147492**]. Special Advisers (SpAds) have the status of temporary civil servants but can give political advice and support that would be inappropriate for the civil service to provide and are subject to a different Code of Conduct.

72. A First Minister and deputy First Minister were nominated to office on 11 January 2020. In the period from March 2020 to February 2022, in addition to chairing meetings of the Executive Committee, the First Minister and deputy First Minister also:

- Jointly chaired the Executive Covid Crisis Management Committee;
- Attended meetings of the Civil Contingencies Group, for example during wave one of the pandemic when the formal arrangements were stood up;
- Provided written and oral statements to the Assembly;
- Attended the Assembly Ad Hoc Committee;
- Undertook ad hoc meetings with the Minister of Health and senior health officials;
- Attended meetings with UK Government Ministers and members of the Scottish and Welsh Governments and with Irish Government Ministers in various formats including North South Ministerial Council (NSMC) and British Irish Council (BIC) meetings;
- Met with stakeholders; and
- Undertook press conferences to update the public on the response to the pandemic.

73. Arlene Foster, the First Minister, resigned on 14 June 2021 and was succeeded by Paul Givan on 14 June. He resigned from office on 3 February 2022. While this latter resignation also caused the deputy First Minister to cease to hold her office, she was entitled to continue to exercise the functions of her office, in accordance with the Northern Ireland Act 1998, until the Assembly election on 5 May 2022.

74. The functions which the deputy First Minister could fulfil in the absence of a First Minister were however very limited. She could not exercise any statutory functions which required the First Minister and deputy First Minister to act jointly and, in accordance this would have been unable to take decisions or exercise any functions to confer agreement to policies and courses of action

which would normally require joint agreement. Effectively therefore the functions exercisable during this period were limited to discharging outstanding representational commitments e.g., meetings and visits.

Events since May 2022

75. An election to the NI Assembly took place on 5 May 2022. The first item of business of the Assembly was the election of a Speaker, which was not done at that time. Absent an elected speaker, an Executive Committee was not formed as it could not fully discharge its functions. Election of a Speaker is a necessary prerequisite to the procedures for forming an Executive. Those Ministers (other than the First Minister and deputy First Minister who had already ceased to hold office) appointed in the previous mandate continued in office under the provisions of the Northern Ireland (Ministers, Elections and Petitions of Concern Act) 2022 **[Exhibit TEO/M7/023 - INQ000279215]**, until 28 October 2022, at which point they ceased to hold office. An Executive was not reformed until 2024.
76. As the functions of a department normally operate subject to the direction and control of a Minister, legislation was required to enable civil servants to take decisions related to the exercise of those functions in the absence of Ministers. The Northern Ireland (Executive Formation etc.) Act 2022 **[Exhibit TEO/M7/024 - INQ000279216]** was passed on 6 December 2022 and allowed senior officers of departments to exercise functions if doing so is deemed to be in the public interest (in accordance with guidance issued by the Secretary of State). The guidance required a monthly report detailing decisions taken to be provided to the Secretary of State, which is then shared with Parliament and MLAs.

Absence of Ministers

77. Northern Ireland Departments, in exercising their functions, must do so subject to the direction and control of Ministers; and that Ministerial authority is subject to the requirement for certain matters to be referred to the Executive for consideration.
78. In the absence of a functioning Assembly, it was not possible for Departments to bring forward primary legislation, although it was possible to make some subordinate legislation by negative resolution.
79. In relation to the exercise of other functions, this has been considered and determined by judgments in the High Court and Court of Appeal in Northern Ireland and subsequent Acts of Parliament on foot of those judgments. In *Re Buick* [2018] NIQB 43; [2018] NICA 26 the court determined a challenge to the exercise of a planning function performed by the Department for Infrastructure in absence of its Minister and ruled against the Department at first instance, and on appeal. The Court of Appeal in *Buick* concluded that a senior departmental official making decisions in the absence of ministerial direction and control

could not have a greater power to make decisions on cross-cutting, significant or controversial matters than a Minister in charge of their department would. This clarified that the correct interpretation of Article 4 of the Departments (Northern Ireland) Order 1999 was that there were limited powers available to Departments in the absence of Ministers.

80. The decision in Buick led to the UK Parliament enacting the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 which received Royal Assent on 1 November 2018. The principal aim and function of the Act was to facilitate a period where the Executive cannot be formed and talks can take place. Further primary legislation, namely the Northern Ireland (Executive Formation etc.) Act 2019 received Royal assent on 24 July 2019 and extended the period for forming an Executive to 21 October 2019 and gave a limited power by regulations to further extend that period to 13 January 2020.
81. The New Decade, New Approach (NDNA) deal was published by the British and Irish governments and endorsed by the political parties in Northern Ireland on 9 January 2020 and set out a plan of action for the formation and operation of a new Executive. As part of the implementation of NDNA, the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 was repealed by the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 which received Royal Assent on 8 February 2022 [**Exhibit TEO/M7/023 - INQ000279215**].
82. The net effect of the legislative changes was to reduce (but not eliminate) the constraints arising in the absence of Ministers, and to provide for the greater exercise of functions by Departments. Decisions on whether to exercise a function were taken on its own merits by the relevant Department, having regard to guidance of the Secretary of State. In general terms, legislation provided clarity on the exercise of a range of operational functions by Departments. It did not provide for the exercise of functions that were specifically vested in Ministers (as opposed to Departments) by statute, or for Departments to bring forward primary legislation, or major new (or altered) policies, strategies, programmes, or projects. This remains the current position since February 2022.

Impact of No Ministers from January 2017 – January 2020

83. I fully concur with the views expressed by Sir David Sterling in his module 2C statement, and with those expressed by Dr Denis McMahon in his oral evidence to the Inquiry for module one, on the importance of Ministers being in office. Civil Servants could not in the period 2017 to 2020 take decisions which properly fell to Ministers except in very limited circumstances. There was therefore a material impact arising from the absence of Ministers up to 11 January 2020.
84. It is factually correct to say that the absence of Ministers between 2017 and 2020 and the

limitations on the Civil Service had an impact on decisions which could be taken on funding and on significant reform of public services.

85. The Department of Health will be able to say more about the impact on the health and social care sector during 2017 and 2020 and consequently for the ability of that sector to withstand the pandemic.
86. The Inquiry has asked for views on impacts arising from the absence of Ministers on their decision making on return to office, and on management of the pandemic in its early stages. I have set out below information which may assist the Inquiry with this, and I have covered the period 11 January 2020 to 14 May 2020, the date on which the first easements to Covid 19 regulations took effect.
87. I have set out below examples of the issues and decisions which required attention on the return of Ministers. In summary, on their return, Ministers and the Executive operated in a complex environment of the UK/EU transition period, industrial action in relation to pay in the NHS, and a set of issues which civil servants had been unable to address in the absence of Ministers.
88. When Ministers took up office in January 2020 after a three-year hiatus, there was a substantial programme of legislation to progress. The legislation programme was set out by First Minister and deputy First Ministers in a Written Ministerial Statement submitted to the Assembly on 11 February 2020 [**Exhibit TEO/M7/025 - INQ000391216**].
89. The following Bills covering a range of policy matters were listed in the WMS:

Department for Communities

- Welfare Mitigation/ Social Sector Size Criteria Bill
- The Pension Schemes Bill
- Housing (Amendment) Bill
- Licensing and Registration of Clubs (Amendment) Bill

Department of Justice

- Criminal Justice Bill to reform the Committal process
- Domestic Abuse Bill

The Executive Office

- Northern Ireland Act 1998 Amendment No 1, 2 and 3 Bills

90. Deputy First Minister subsequently led a debate in the Assembly on the legislative

programme on 2 March 2020 (see pages 17 - 21 and 46 - 58 in **Exhibit TEO/M7/026 - INQ000391217**). In this, deputy First Minister advised the Assembly that:

“.....The context in which this programme is being presented differs significantly from that of previous years. The continuity in policy and legislative development, which could normally be maintained between different mandates and sessions of the Assembly, has undoubtedly been disrupted by the hiatus of the last three years.

Ministers have inherited responsibility for a wide range of issues that may ultimately require the enactment of legislation. Departments have not, however, in the absence of Ministers, been able to develop policy, in many cases, to a point where it can yet be translated into firm proposals for Bills. Therefore, there is a great deal of work to be done across Departments in reinvigorating the policy development process, and Ministers are now actively doing so.

Since 11 January, Ministers have been briefing themselves not only on outstanding issues, but also on the commitments arising from the New Decade, New Approach deal and from the Programme for Government, when it is agreed. These are, therefore, still early days, and whilst the Executive is committed to restoring the work of this Administration to full capacity as soon as possible, the situation will obviously determine the size and content of a legislative programme at this time.

We are also, unlike previous years, not at the beginning of a mandate, but over halfway through. That has both advantages and disadvantages. The two years remaining to us obviously place a constraint on the number of Bills that will be able to complete their passage before the end of the mandate. As the mandate progresses, this factor and the risk of nugatory activity will be important considerations.

At the same time, those constraints will place a discipline on all partners in the legislative process — Departments, Ministers, the Assembly and its Committees to progress legislation efficiently and accord the progress of Bills due priority.”

91. This sets out clearly the impact that Ministers not being in office had on policy and legislation development across the NICS.
92. A specific example of the impact of Ministers not being in post from 2017 to 2020 is in relation to the Public Health Act 1967. The legislation was reviewed in 2016 and deemed not fit for purpose in a report published in March 2016 (**Exhibit – TEO/M7/027 - INQ000188777**). The report identifies a number of deficiencies in the 1967 Act and makes 18 recommendations in total. The absence of an Executive is likely to have precluded the progress of those recommendations but DOH colleagues can assist on that more.
93. The Executive had a number of other matters to address that had been stalled during the

three years from January 2017 to January 2020. These are set out below.

	Non Covid related business discussed at The Executive
14 January 2020	HSC Industrial dispute, funding requirements for New Decade New Approach and Ministerial and SpAd code of conduct discussed.
20 January 2020	New Decade New Approach financial allocations, SpAd appointments and Brexit discussed.
3 February 2020	Establishment of the Brexit sub-committee of the Executive and the Executive working group on mental wellbeing and resilience discussed.
10 February 2020	Avian Flu, Treasury resource and Translink data issues discussed.
17 February 2020	Changes to the operation of the Petition of Concern, public expenditure allocations, Programme for Government, Social Security benefits up rating Order, Health waiting times, Avian Flu, Counter Terrorism sentencing and release Bill discussed.
24 February 2020	Programme for Government, Budget 2020-21 timing, Social Security benefits up rating order, Avian Flu, Renewable Heat Incentive (RHI) and UK Immigration system/agri-food sector discussed.
2 March 2020	EU exit, Renewable Heat Incentive, Introduction of the UK Immigration points-based system, NI Civil Service pay and transparency, accountability & functioning of the Executive discussed.
10 March 2020	Avian Flu, 2021 Census, Handling of the RHI report, enforcement of ministerial standards, Executive agreement on 7 principles for trade and security, NI Civil Service pay and Private International Law Bill discussed.
16 March 2020	RHI report, Westminster Environment Bill, Avian Flu and agreement regarding the draft papers for NSMC meeting discussed.
19 March 2020	Budget / Public Expenditure discussed.

	Non Covid related business discussed at The Executive
26 March 2020	Nurses pay reinstatement discussed.

94. I have been asked about the practical consequences of the absence of Ministers on their initial handling of the pandemic. I have covered below issues which I believe are relevant to the Inquiry's question:

- Prior Ministerial experience;
- Ability to prioritise the pandemic in Executive business;
- Decision making including joint decision making;
- Engagement with the Northern Ireland Assembly; and
- Communications.

Prior Ministerial Experience

95. On prior Ministerial experience, I note that the First Minister, Dame Arlene Foster and deputy First Minister Ms Michelle O'Neill had served as Ministers in the Executive prior to the collapse of the institutions in 2017.

96. Dame Arlene Foster served as Minister for the Environment from May 2007 to June 2008; as Minister for Enterprise, Trade and Investment from June 2008 to 11 May 2015; as Minister for Finance and Personnel from May 2015 to January 2016; and as First Minister, alongside deputy First Minister, Mr Martin McGuinness, from January 2016 to January 2017. Dame Arlene Foster had also undertaken the duties of the First Minister for a short period between 11 January 2010 and 3 February 2010; and as acting First Minister on 10 September 2015 until 20 October 2015.

97. Ms O'Neill served as Minister for Agriculture and Rural Development from May 2011 to May 2016; and as Minister of Health from May 2016 to March 2017.

98. I would note that the Executive as formed in January 2020 was the first time it had sat in a five-party mandatory coalition since the Assembly elections in May 2016. After the 2016 election, the SDLP, UUP and Alliance Party left the Executive.

99. SDLP, UUP and Alliance did not take up their entitlements to Ministerial office and went into Official Opposition. The Alliance Party also decided not to put forward a nominee for the office of Minister of Justice. The Justice portfolio was subsequently taken by Claire Sugden, an independent unionist in the Assembly.

100. In January 2020, the five-party mandatory coalition consisted of:

- the First Minister and deputy First Minister;
- Ms Naomi Long, Minister of Justice (Alliance Party, with prior experience via Belfast City Council, including as Lord Mayor, and as a Westminster MP);
- Mr Robin Swann, Minister of Health (UUP, having served as a MLA from 2011 and experience on Assembly Committees);
- Ms Nichola Mallon, Minister for Infrastructure (SDLP, with prior experience via Belfast City Council, including as Lord Mayor);
- Mrs Diane Dodds, Minister for the Economy (DUP, with prior experience on Belfast City Council, and as a Member of the European Parliament);
- Mr Edwin Poots, Minister for the Department of Agriculture, Environment and Rural Affairs (DUP, with prior experience in local government, and having served as Minister of Culture, Arts and Leisure between 2007 and 2008, as Minister of the Environment in 2009, and as Minister of Health, Social Services and Public Safety in 2011 to 2014);
- Mr Peter Weir, Minister for Education (DUP, with prior experience in local government and as a MLA);
- Mr Conor Murphy, Minister of Finance (Sinn Féin, with prior experience as Minister for Regional Development from May 2007 to May 2011, and with prior experience in local government); and
- Ms Deirdre Hargey, Minister for Communities (Sinn Féin, with prior experience via Belfast City Council and as Lord Mayor of Belfast).

101. The Executive, while newly formed in January 2020, had considerable political and elected office-holder experience including four Ministers who had served in previous Executives.

Ability to prioritise the pandemic in Executive decision making

102. The pandemic was of course an unprecedented global challenge. It required the newly formed Executive to prioritise it, and the Inquiry has been provided with copies of the Executive's minutes. It can be seen from the minutes that the pandemic was first considered by the Executive on 3 February 2020 and subsequently became the key issue under discussion at meetings of the Executive during the specified period. Prioritising the pandemic in the context outlined above (i.e., the UK/EU transition period and a backlog of issues requiring consideration) was achieved. The Executive took some early steps around

prioritising the pandemic:

- A sub-committee of the Executive Committee, the Executive Covid Crisis Management Committee (ECCMC), was established and existed from 20 to 27 March 2020. The sub-committee was stood down in favour of the full Executive having oversight of the pandemic;
- The Executive met more regularly than would have been the case pre-pandemic. For example, between 27 February 2020, the date of the first recorded coronavirus case in Northern Ireland, and the first easements of restrictions in Northern Ireland on 14 May 2020, the Executive met on 22 occasions. Whereas prior to the pandemic, the Executive usually met once a fortnight; and
- The Executive enabled officials to address certain issues in meetings, by invitation, which was highly unusual. This reflected the need to move at pace and for Ministers to be able to prioritise Covid decisions as swiftly as possible.

Decision making including joint decision making

103. On decision making, the Executive's minutes record the number and nature of pandemic-related decisions reached at the Executive. The first and one of the most significant decisions taken in the early stages of the pandemic was the decision to move into a formal lockdown from 28 March 2020 underpinned by regulations. This critical decision was taken on the same timeline and on the same substance as UKG, SG and WG.

Other decisions prior to lockdown

104. The Executive took a number of decisions prior to the lockdown on a range of issues, including inter alia:

- A decision to resolve a public sector pay dispute with Health and Social Care staff;
- A decision to establish a Brexit Sub-Committee
- Decisions to make various pieces of legislation in relation to Social Security
- A decision to establish a Working Group on Mental Wellbeing and Resilience
- A decision to agree the Executive's legislative programme
- A decision to make various budgetary allocations

105. All discussions and decisions on the above matters required prior joint agreement between the First Minister and deputy First Minister to enable the matter to be tabled.

Engagement with the Northern Ireland Assembly

106. The Executive and individual Ministers are accountable and report regularly to the Northern Ireland Assembly in a variety of ways including:

- Statements on key events
- Debates on matters of interest
- Answering questions tabled by MLAs
- Appearing in front of Assembly Scrutiny Committees on general departmental business (this is often undertaken at Official level)
- Appearing in front of Assembly Scrutiny Committees on legislative proposals (this is often undertaken at Official level)
- Progressing legislative proposals in Assembly plenary session

107. The pandemic resulted in the Assembly altering its processes for safety reasons and to maintain appropriate arrangements for effective scrutiny. It established an Ad Hoc Committee on the Covid-19 Response to receive oral statements from Ministers on matters relating to the Covid-19 response.

108. Between 11 January 2020, and 14 May 2020, The First Minister and deputy First Minister took part in the following Assembly Plenary Motions:

- 20/01/2020 – European Union (Withdrawal Agreement) Bill (Motion)
- 10/02/2020 - Legislative Programme (Written Ministerial Statement)
- 02/03/2020 - Legislative Programme (Motion)
- Tabled 16/03/2020 - Rationale for School Closures in Response to COVID-19 (Urgent Oral Question)
- 23/03/2020 - Response to COVID-19 (Oral Ministerial Statement)
- 21/04/2020 - The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (Motion)
- 05/05/2020 - The draft Census Order (Northern Ireland) 2020 (Motion)
- 12/05/2020 - The Executive's Approach to Coronavirus Decision-Making (Oral Ministerial Statement)

- 19/05/2020 - The Health Protection (Coronavirus, Restrictions) (Amendment) Regulations (Northern Ireland) 2020 (Motion)

Communications

109. Communications from the Executive Office and/or on behalf of the Executive require joint agreement to the substance and wording. Once agreed, communications about Covid was released in a variety of ways:

- At a joint press conference, where the First Minister and deputy First Minister both appeared together or where they agreed appearances by others, including the Minister of Health, Chief Medical Officer and Chief Scientific Adviser;
- As a joint press release;
- Media interviews;
- Material uploaded to NI Direct;
- Updates to the Northern Ireland Assembly, including in-person statements and Written Ministerial Statements;
- Large scale multi-channel public information campaign.
- Social media.

110. Between 11 January 2020 and 14 May 2020 Covid communications from TEO included:

- 60 press releases (with additional releases issued directly by departments on areas for which they had policy responsibility).
- 40 Executive press conferences.
- Roll out of large scale multi-channel public information campaign across NI (commencing March 2020).
- Leaflet drop to every household in NI with key Covid information and advice.

Summary

111. It is undoubtedly the case that the absence of Ministers prior to 11 January 2020 had an impact on the conduct of business, and there were limitations on decisions which could be made by Civil Servants. On return, there were pressing issues to address, and the context then included the UK/EU transition period.

112. The make-up of the new Executive, in five party mandatory coalition format, included Ministers with a wide range of elected office-holder experiences. All were known to each other and had worked together in various political processes. The effective functioning of the Executive Committee was supported from the outset by well established procedures which enabled it to take decisions promptly as outlined above.
113. The Executive kept the Northern Ireland Assembly up to date, and there were a range of ways for communicating decisions to the public.
114. The Executive kept the Northern Ireland Assembly up to date, and there were a range of ways for communicating decisions to the public.

Intergovernmental Relations

115. Following earlier inter-governmental discussions beginning in 2016, a Review of Inter-Governmental Relations (IGR) was initiated in 2018 to examine the need for new structures and procedures which might promote more effective inter-governmental working post EU-exit. IGR also reviewed existing procedures including the disputes resolution protocol. In the absence of a NI Executive NICS officials participated in the review without prejudice to the views of future Ministers. Proposals were ultimately brought forward on a range of reforms, including a new tiered structure for the conduct of relations at Ministerial level, the creation of a dedicated and impartial secretariat and a new disputes resolution mechanism. These measures were agreed by the NI Executive at its meeting on 16 December 2021 with implementation by the four governments ongoing since then.

The Executive Office Purpose, Role and Structure

116. As detailed in the Executive Office Corporate Statement for Module 2C, the overarching purpose of The Executive Office (TEO) is to support the Executive, and in particular to further the departmental mission of wellbeing for all through improved relations, outcomes and governance. Within this purpose, there are three key elements:
- governance, support and secretariat for the Executive (broadly analogous to the Cabinet Office) under the leadership of the Head of the Civil Service;
 - private Offices for the First Minister and deputy First Minister (broadly equivalent to 10 Downing Street); and
 - specific policy development and delivery functions on matters (see below), including civil contingencies.
117. TEO Ministers are supported by officials who are employed by the Northern Ireland Civil Service (NICS) which is a separate civil service from the Home Civil Service in GB.

118. In July 2021, the NICS created a new Permanent Secretary role within TEO to lead the policy agenda and delivery. Previously, the TEO Permanent Secretary role had been carried out by the holder of the post of Head of Civil Service (HOCS) in Northern Ireland.
119. The vision of TEO is “wellbeing for all through improved relations, outcomes and governance”. TEO’s current functions include some long-standing areas of well-established responsibility that mirror some of the biggest challenges and opportunities facing society, including promoting equality, the oversight of the Executive’s Together: Building a United Community programme, Good Relations programmes, the Racial Equality Strategy, work on Ending Violence Against Women and Girls and on supporting victims and survivors of the Troubles/Conflict.
120. TEO also leads on a range of specific, emergent policy issues that require cross-departmental coordination or do not sit easily within the responsibility of an individual department. Examples include supporting survivors of Historical Institutional Abuse and Mother and Baby Institutions. At the core of these issues is the protection of and support for some of the most vulnerable people in our society. TEO also played a role in supporting the work of the Executive’s Covid-19 Taskforce (ECT) and in building contingency planning arrangements to protect the people who live in Northern Ireland.
121. TEO leads on International Relations on behalf of the Executive with offices in the US, China and Brussels, showcasing Northern Ireland, and forging links with best practice internationally.
122. A few of the above functions are delivered through associated bodies which fall into three categories. The first set of bodies is within the Departmental boundary and are analogous to Departmental Agencies, for example:
- North South Ministerial Council Joint Secretariat;
 - Historical Institutional Abuse Redress Board; and
 - Victims’ Payments Board.
123. The second set of bodies are outside the Departmental boundary that are classified as, or analogous to, an executive Non-Departmental Public Body (NDPB). These are as follows:
- NI Community Relations Council;
 - Commission for Victims and Survivors for NI;
 - Equality Commission for NI;

- Maze/Long Kesh Development Corporation;
- Northern Ireland Judicial Appointments Commission;
- Strategic Investment Board Limited;
- The Commissioner for Survivors of Institutional Childhood Abuse; and
- Victims and Survivors Service Limited.

124. The following bodies have a statutory foundation with a greater degree of independence than a normal NDPB and are sponsored by The Executive Office:

- Office of the Commissioner for Public Appointments for NI; and
- Office of the Attorney General for NI.

125. The current TEO organisation chart is exhibited at **TEO/M7/028 - INQ000086921**.

Head of Civil Service and Permanent Secretary in TEO

126. The timeline of HOCS/Permanent Secretary appointments in TEO during the Module 7 period is:

- June 2017– 31 August 2020: Sir David Sterling (Head of the Civil Service).
- December 2020 – September 2021: Jenny Pyper (interim Head of the Civil Service).
- July 2021 – 4 September 2023: Denis McMahon (TEO Permanent Secretary).
- September 2021 – Present: Jane Brady (Head of the Civil Service).

127. Sir David Sterling was Head of the Civil Service (HOCS) until the end of August 2020 when he retired. At this time the HOCS also fulfilled the role of Permanent Secretary; however, the role of Accounting Officer was fulfilled by Mark Browne. Whilst there was no HOCS in post, Mark Browne continued to fill the role of Accounting Officer until he moved on promotion to become the Permanent Secretary of Education on 1 March 2021. Chris Stewart took over the role of Accounting Officer until 26 July 2021 when Denis McMahon became Permanent Secretary for TEO.

128. I had day-to-day senior management of Covid-19 matters, providing advice and guidance to the Executive.

129. Pending the appointment of an interim HOCS, short term arrangements were put in place in October 2020 for Permanent Secretaries to cover key aspects of the HOCS role. For a few

weeks prior to his retirement, one Permanent Secretary, Derek Baker supported the C3 arrangements and the running of the Civil Contingencies Group. Additionally, another Permanent Secretary, Andrew McCormick, undertook the Senior Responsible Owner role and on all EU Exit related matters.

130. Jenny Pyper was appointed as interim HOCS on 1 December 2020.
131. Planning for a recruitment competition to appoint a new HOCS commenced in January 2020. In December 2019, the previous post holder, Sir David Sterling, had announced his intention to retire at the end of August 2020.
132. Due to the unprecedented challenges associated with the COVID-19 pandemic, the recruitment competition was paused and then reactivated at the start of June 2020. This process did not secure an appointment.
133. The First Minister and deputy First Minister confirmed by 18 November 2020 **[Exhibit TEO/M7/029 - INQ000279205]**, that they had considered the HR advice and recommendations to proceed with the appointment of Jenny Pyper as HOCS on an interim basis. Jenny Pyper held the post of interim Head of the Civil Service until 31 August 2021 and, as such, undertook the role of Permanent Secretary for the Department until 25 July 2021 when Denis McMahon took up the post of Permanent Secretary and Accounting Officer.
134. A new recruitment campaign for HOCS was advertised on 18 March 2021 **[Exhibit TEO/M7/030 - INQ000279206]** to enable a substantive HOCS appointment to be made by summer 2021. Jayne Brady was appointed as Head of Civil Service on 1 September 2021. Following a review of the HOCS role in 2021, First Minister and deputy First Minister agreed that a new Permanent Secretary role in TEO should be created. **[Exhibit TEO/M7/031 - INQ000279207]**, **[Exhibit TEO/M7/032- INQ000279208]**.
135. The decision to split the Head of the Civil Service and Permanent Secretary role was taken to negate the impact of political instability upon NICS. This change was not related to the pandemic.

Permanent Secretary Role

136. The Permanent Secretary is responsible to the First Minister and deputy First Minister for the day-to-day operation of departmental functions and, as Accounting Officer, for the management and control of the resources used by the Department.
137. This responsibility also includes chairing the Executive Office's Departmental Board.
138. As Permanent Secretary and Accounting Officer, the post holder is responsible for maintaining a sound system of internal governance that supports the achievement of the

Department's policies, aims and objectives. The Permanent Secretary also has responsibility for the propriety and regularity of the public finances voted to the Department and for safeguarding those public funds and departmental assets, in accordance with the responsibilities assigned in the Department of Finance and Personnel's, now Department of Finance (DoF) guidance Managing Public Money Northern Ireland (MPMNI). In the role as Accounting Officer, the Permanent Secretary is supported by the Departmental Board ('the Board'). The Permanent Secretary responsibilities to the Board include highlighting specific business issues or risks and, where appropriate, their implications and/or the mitigating measures that could be employed to manage these risks.

139. Part of the role of the Permanent Secretary and Accounting Officer is to provide advice to Ministers on the allocation of departmental resources and the setting of appropriate financial and non-financial performance targets for ALBs.
140. Due to moves at Permanent Secretary level that took effect on 4 September 2023, the Permanent Secretary post is currently vacant (**Exhibit TEO/M7/033 - INQ000452564**) pending completion of the appointment process to fill the post. Gareth Johnston is currently the Accounting Officer for TEO.

TEO Departmental Board

141. The objective of the departmental Board, encompassing Non-Executive Members, is to provide collective leadership for TEO including:
- Setting the vision and/or mission and ensuring all activities, either directly or indirectly, contribute towards it;
 - Setting TEO's risk appetite and ensuring controls are in place to manage risk;
 - Ensuring TEO has the capability to deliver and to plan to meet current and future needs;
 - Agreeing the operational Business Plan, including strategic aims and objectives; and
 - Ensuring clear, consistent, comparable performance information is used to drive improvements.

Non-Executive Board Members (NEMs) – Roles and responsibilities

142. Non-Executive Members have an important and significant contribution to make by providing constructive advice and challenge across all of the Board's business, to ensure good corporate governance and effective strategic management.
143. The primary role of Non-Executive Board Members is to contribute to the good governance of TEO. Non-Executive Members should be prepared to offer constructive challenge to the

Board with a view to ensuring that all aspects of strategy and delivery are scrutinised for effectiveness and efficiency. In addition, they will also:

- assist and advise on the development of departmental business and strategic plans;
- monitor and challenge the Department's performance in relation to its objectives and commitments;
- participate actively in the planning of departmental budgets and in financial decisions;
- identify and advise on new challenges, initiatives and opportunities;
- provide a challenge role in relation to the work of the department;
- serve as either Chair or Deputy Chair of the Departmental Audit & Risk Assurance Committee.

144. During 2020-21, the Departmental Board was chaired by David Sterling in his capacity as Head of the Northern Ireland Civil Service (HOCS) and Permanent Secretary of TEO until his retirement in August 2020.

145. The Board had no role in decision-making in relation to the public-facing aspects of the pandemic, any decision making related to internal governance matters only. The Board, however, considered a number of Covid Related Papers, including financial implications, COVID-19 crisis management and implications for TEO, staffing and work halted (**Exhibit TEO/M7/034 - INQ000279213**).

146. Informal and private communications were used by officials to keep each other informed of developments in their respective business areas, however, such communications were not used for the purpose of decision making.

Departmental Board Membership

147. During 2021-22 the Departmental Board comprised the following members:

- Jenny Pyper, Interim HOCS from December 2020 also undertook the role of Permanent Secretary for the Department until 25 July 2021 (Chair of Departmental Board)
- Denis McMahon, TEO Permanent Secretary and Accounting Officer from 26 July 2021 until 4 September 2023 (Chair of Department Board)
- Denis Power, Non-Executive Member (In post from September 2017)

- Andrew McCormick, Director General, International Relations Group until 31 August 2021.
- Chris Stewart, Accounting Officer until 25 July 2021.
- Gareth Johnston, (Acting) Director of Good Relations and Inclusion (formerly Strategic Policy, Equality and Good Relations) from 9 September 2021.
- Tom Reid, Director of EU Exit and International Relations. (In post from September 2020)
- Alexander Gordon, Head of the Office of the Legislative Counsel. (In post from July 2020. The post was previously held by Brenda King, now that Attorney General for Northern Ireland)
- Claire Archbold, Director of Ending Violence Against Women and Girls from 1 December 2021, and
- Myself, Director of COVID Recovery, Civil Contingencies and Programme for Government.

148. The Board is supported through attendance of colleagues at different grades to advise on finance, corporate services and human resources, some standing and some ad hoc.

Financial Position

Funding

149. In 2020-21, the Executive received more than £3 billion of Covid-19 funding from the UK Government in order to implement its Covid-19 Response and Recovery. This funding was received in the form of Barnett consequentials, i.e., additions to the NI block grant, throughout the financial year as follows:

- 7 May 2020 - £1 billion (UK Main Estimates);
- 7 July 2020 - £0.6 billion (UK Summer Economic Update);
- 24 July 2020 - £0.6 billion (Covid-19 funding guarantee received);
- 9 October 2020 - £0.2 billion (Covid-19 funding guarantee extended);
- 5 November 2020 - £0.4 billion (Covid-19 funding guarantee extended);
- 24 December 2020 - £0.2 billion (Covid-19 funding guarantee extended);

- February 2021 - £0.3 billion (UK Supplementary Estimates) - carried over to the next financial year, 2021-22.

150. The Department of Finance was responsible for allocating the Covid-19 funding to each of the nine Executive departments, including TEO, through a series of Covid-19 bidding exercises, which took place throughout the financial year 2020-21 and largely outside of the normal budgeting process. The legislative provisions for the Northern Ireland Budget are contained in sections 63 to 67 of the NIA. Additional allocations (as well as any and reduced requirements) were formally recorded during the normal three in-year monitoring rounds which take place in June, October and January of each financial year. Additional allocations were announced through a series of Ministerial Statements (both written and oral) from the Minister of Finance.

151. TEO submitted seven bids for Covid-19 funding, totalling £14.4m. Of these:

- Two were successful - £3.1m for Executive communications (October 2020) and £1.2m for the Travel Agent Scheme (March 2021) (£4.3m in total)
- One was partially successful - £0.5m of a bid for £1.9m was allocated for Press work on behalf of Executive around COVID-19 (June 2020).
- Four were unsuccessful:
 - £0.9m for Covid-19 Hub costs (June 2020).
 - £2m for Civil Contingencies (April/May 2020).
 - £2m for public relations (April/May 2020).
 - £3.4m for public relations (September 2020).

152. There was, therefore, a total Covid-19 funding allocation of £4.8m. There was insufficient funding available to fund all bids (the decision of which bids to fund was a decision of the Executive). The Northern Ireland budget process does not involve regular hypothecated allocations for civil contingencies matters and, whilst it would be open to the Executive to make a hypothecated budget allocation for civil contingencies purposes, the Executive has not, to date, done so; nor has it been asked to do so.

153. The Assembly passed the Budget Act (Northern Ireland) 2021 (**Exhibit TEO/M7/035 - INQ000147499**) in March 2021 which authorised the cash and use of resources for all departments for the 2020-21 year, based on the Executive's final expenditure plans for the year. The Budget Act (Northern Ireland) 2021 also authorised a Vote on Account to authorise departments' access to cash and use of resources for the early months of the 2021-22

financial year. The Budget (No. 2) Act (Northern Ireland) 2021 which received Royal Assent on 4 August 2021 authorises the cash and resource balance to complete for the remainder of the 2021-22 financial year based on the Executive's 2021-22 Final Budget.

154. The Assembly passed the Budget Act (Northern Ireland) 2022 (**Exhibit TEO/M7/036 - INQ000147500**) in March 2022 which authorised the cash and use of resources for all departments for the 2021-22 year, based on the Executive's final expenditure plans for the year. The Budget Act (Northern Ireland) 2022 also included a Vote on Account which authorised departments' access to cash and use of resources for the early months of the 2022-23 financial year. The Budget Act (Northern Ireland) 2022 which received Royal Assent on 24 March 2022 authorises the cash and resource balance to complete for the remainder of the 2022-23 financial year based on the Executive's 2022-23 Final Budget.
155. Following the resignation of the First Minister and the subsequent lack of an Executive, a Budget for 2022-23 could not be finalised. The Minister of Finance wrote to departments (**Exhibit TEO/M7/037 - INQ000279209 and Exhibit TEO/M7/038 - INQ000279210**) to set out a way forward in the absence of an Executive to agree a Budget. This process involved DoF issuing departments with contingency planning envelopes for the 2022-23 financial year. These envelopes provided departments with an assessment of the minimum funding they could reasonably expect for 2022-23 and allowed departments to plan for expenditure until such times as a Budget could be agreed.
156. On 27 April 2023 the Secretary of State for Northern Ireland set a budget for 2023-24 and introduced legislation to ensure public services could continue to function in the absence of an NI Executive.

TEO's Role in Civil Emergencies

157. TEO is the Northern Ireland Department with policy responsibility for civil contingencies matters. The TEO role is one of coordination across Northern Ireland Departments, but this does not extend to directing or controlling other Departments (or their agencies) in the exercise of their functions. TEO leads Northern Ireland's long-established civil contingencies response arrangements to support strategic decision making at the Civil Contingencies Group Northern Ireland (CCG), and the Executive.
158. The CCG is the principal strategic civil contingencies preparedness body for the public sector. CCG comprises senior level membership from all NICS Departments and key civil contingencies stakeholders. CCG terms of reference are exhibited (**Exhibit TEO/M7/039 - INQ000183582**). In prepare mode CCG is chaired by a senior official in TEO. The Division in TEO responsible for these matters is the Civil Contingencies Division (CCD). The Civil Contingencies Policy Branch (CCPB), which is part of CCD, supports CCG.

159. The CCG is responsible for:

- directing and coordinating the efforts of NI departments in responding to the emergency;
- assessing the wider impacts of events and decisions on infrastructure, systems and people;
- identifying (from the start of the response) the key issues for consequence management and long-term recovery;
- deciding on the relative priorities to be attached to the management of the various elements of the overarching response;
- establishing the strategic direction of the coordinated media and public information policies.
- identifying the priorities and interdependencies to be addressed and the actions required by member organisations; and
- establishing working groups to deal with interdependencies or cross-cutting issues.

160. In response mode, CCG can be convened and chaired in one of two ways at either official or ministerial level. If convened at official level, CCG is normally chaired by HOCS and is referred to as CCG (O). If convened at ministerial level, CCG may be chaired by the First Minister and the deputy First Minister acting jointly or, where appropriate, another Minister nominated jointly by the First Minister and deputy First Minister depending on the nature of the incident and this is referred to as CCG (M).

161. NI representatives participate in UK coordination arrangements. The NI Central Crisis Management structure usually feeds directly into COBR, but in the case of Northern Ireland terrorist inspired incidents, NIO would take the NI lead. In that event, the NI Departments, individually or collectively, as part of the central crisis management structure, provide input to Number 10 on the consequence management and recovery aspects.

162. The Northern Ireland Central Crisis Management Arrangements (NICCMA) were summarised in a paper submitted to the Executive on 16 March 2020 **[Exhibit TEO/M7/040 - INQ000086883]**. Annex A of that paper provides an organogram setting out the key organisational roles and governance arrangements that would be in operation during the respond phase.

163. Activation of NICCMA needs to be a formal process so that all partners jointly understand at the same time that NICCMA has been activated, or not, in response to a crisis.

164. The decision to escalate into central crisis management arrangements will be made by TEO and a request can come from any of the following:

- The NI Executive;
- The First Minister and deputy First Minister;
- CCG (O);
- The Lead Government Department (LGD);
- A senior representative of the PSNI GOLD group;
- Resilience Managers, Regional Officer and/or SOLACE lead.

165. The purpose of activating NICCMA is to gain multi-agency coherence to an escalating emergency which has breached the ability of both the Local level and LGD level to deal with it by setting up and running CCG (O) to co-ordinate the strategic response to the emergency.

166. NICCMA activation should be through a phased approach, where possible. The phases are ALERT, ONE ACTIVE, TWO ACTIVE, FULL ACTIVE. Warning and informing as early as possible provides all partners with joint situational awareness should the situation quickly escalate.

NI Hub and C3 Arrangements

167. The Northern Ireland Hub (NI Hub) centrally coordinates information during an emergency response, across all NI Departments and key partners, providing situational awareness to enhance decision making at all levels, primarily the CCG (O) and the Executive. The NI Hub is generic in design, can deal with single or concurrent issues and provides one single source of cross departmental and regional coordination to CCG(O).

168. The NI Hub is designed to maximise information flow into and out of Northern Ireland. It is not a decision-making body. The NI Hub was founded on well-established and tested civil contingency arrangements in Northern Ireland covered in the extant NICCMA; though enhanced to have the capacity to deal with the predicted complexity, scale and duration of the Reasonable Worst-Case Scenario (RWCS) of any civil contingency event.

169. The NI Hub controls the flow of information into and out of CCG. Its role is to:

- commission situation reports from the Lead Government Department, Tactical Co-ordination Group, PSNI led Multi-agency GOLD; other NI departments and key organisations as appropriate and pass these to CCG;

- provide reports and assessments on behalf of CCG; and
- facilitate liaison between responders on specific issues as required.

170. The NI Hub function is discharged by Civil Contingencies Policy Branch (CCPB) staff, augmented as necessary with other staff from TEO or other Departments.

171. The diagram below shows the NI Hub design.

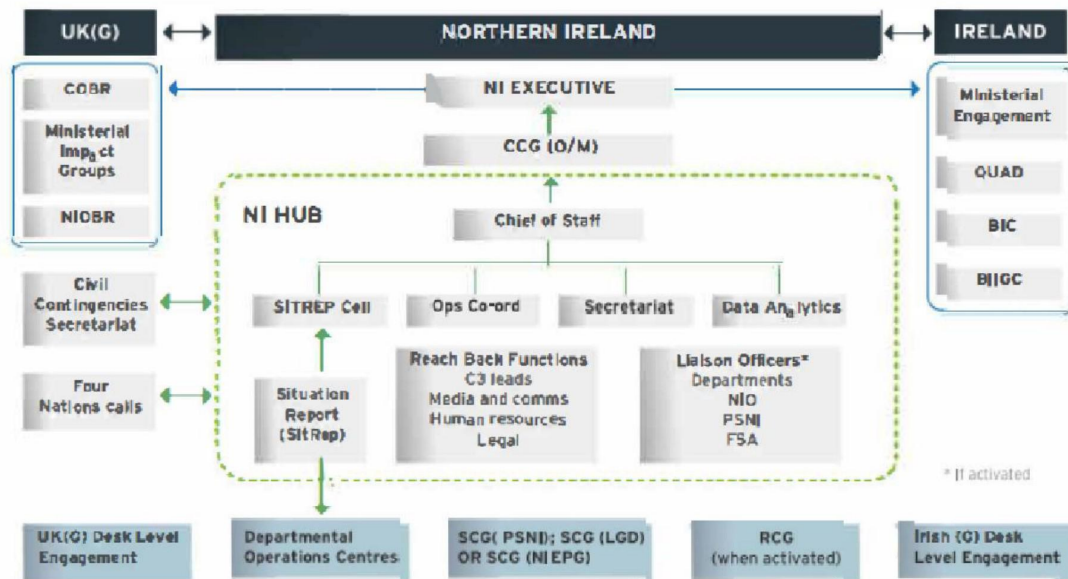


Fig. 16 of The Northern Ireland Civil Contingencies Framework, published 10 August 2021

172. The Command, Control and Coordination (C3) Arrangements consist of a network across all Northern Ireland departments, the PSNI, Local Government and the Food Standards Agency.

173. Departments participate in CCG via Departmental Operations Centres (DOCs) to ensure a coordinated response across government. However, Departments remain responsible for their own policy areas and delivery of their functions and are accountable to Ministers for the effective delivery of their functions. Each Department will have individual emergency management / response groups working to deliver their own specific functions and to keep their Minister and partners apprised of the situation. DOCs are required to provide information to the NI Hub by way of Departmental Situational Reports (SitRep).

174. Each department, PSNI, Local Government, the Food Standards Agency and the NIO has a Liaison Officer (LO) in the NI Hub to facilitate the flow of information between their DOC and the NI Hub.

C3 Doctrine

175. In delivering the strategic intent of the NI Executive, the NICS and its partners must work as a single coherent unit. C3 systems are necessary where multiple teams and organisations come together to work across traditional boundaries to prepare for, respond to and recover from emergencies and disruptive challenges.
176. In these arrangements, teams and organisations remain under the usual command but may temporarily come under the control of another part of the system. This allows for a response to be managed in a coordinated way across the system.
177. Key principles apply across C3:
- clarity of roles, responsibilities, and an understanding of levels of delegation/authority; subsidiarity; collaboration.
 - issues will cross traditional boundaries and departments will work together with partners; timely decision making & escalation.
 - evidence based approach through the collection, sharing and dissemination of a common data set.
 - clarity and coherence in our messaging.
178. If activated, the Strategic Co-ordination Group (SCG) discharges strategic coordination in response to an emergency, takes overall responsibility for the multi-agency management of an incident and establishes a strategic framework for all levels of C3. Its objectives are to:
- Protect and preserve life;
 - Contain the incident - mitigate and minimise impacts; and
 - Create conditions for recovery.
179. The SCG is chaired by PSNI if there is a risk to life; the Lead Government Department in the event that the issues or impacts fall to that policy area; or the Northern Ireland Emergency Preparedness Group (NIEPG) when a community response is necessary. Membership of an SCG is tailored according to the nature of the emergency.
180. For strategic planning purposes, a number of agencies and arm's length bodies are members of CCG and participate in its activities during the 'prepare' and 'respond' phases of a civil contingency. Participating organisations include:
- Police Service of Northern Ireland;

- Fire Service of Northern Ireland;
- Northern Ireland Ambulance Service;
- Public Health Agency;
- Meteorological Office;
- Maritime and Coastguard Agency;
- Department for Infrastructure Rivers;
- Food Standards Agency;
- Local Government;
- Northern Ireland Office.

181. The capabilities and capacities around these arrangements were mobilised during Northern Ireland's emergency response to the first wave of COVID-19, and further refined and strengthened as a result of lessons learned from that response.

Operational: Emergency Preparedness (OEP) Groups

182. The Northern Ireland Emergency Preparedness Group (NIEPG) is a subgroup of CCG. Its purpose is to ensure that work at local level is in line with strategic direction provided by CCG and provides direction to the work of the Northern, Southern and Belfast Emergency Preparedness Groups (EPGs). It also facilitates cohesion between these groups and ensures effective communication between the EPGs, regional working groups and CCG (NI).

183. The NIEPG (Covid Regional Co-ordination) Subgroup was chaired on a rotational basis by local government and PSNI with the Secretariat provided by the Local Government Civil Contingencies Team.

184. The functions of the subgroup were to:

- facilitate the timely knowledge and information sharing from CCG partners, in particular health, to ensure partner organisations remain coordinated and work together in supporting the aims of CCG,
- To allow partners to update on any local or sub regional issues that require resolution or escalation.

185. The Terms of Reference for this group can be seen at **[Exhibit TEO/M7/041 -**

INQ000236673].

186. CCG engages and coordinates as appropriate with Cabinet Office, other Devolved Administrations and Ireland. Officials engage with colleagues in ROI through the Office of Emergency Planning.

Civil Contingencies engagement with RoI, Cabinet Office and DAs

187. During the Covid-19 response, the NI Hub regularly received DUBLIN: Coronavirus - Economic & Business Roundup and CRISIS WATCH SITREP; CORONAVIRUS: IRELAND from the British Embassy in Dublin. **[Exhibit TEO/M7/042 - INQ000277092 and TEO/M7/043 INQ000277084].**
188. Since 2022 there has been increased contact and relationship building with colleagues in Office of Emergency Planning (OEP) in the Republic of Ireland starting with a visit to Dublin in September 2022 to visit their National Emergency Coordination Centre and provide and receive briefing on the respective civil contingencies arrangements.
189. In October 2022, CCPB attended the planning meeting for the All-Island Disaster Risk Reduction Conference.
190. In November 2022, representatives from TEO attended the Office of Emergency Planning All Island Disaster Risk Reduction Conference in Dundalk where both the Permanent Secretary from TEO and the I both presented. Three other members of CCPB attended the conference as did members of local government and a member from the Public Health Agency in Northern Ireland **[Exhibit TEO/M7/044 - INQ000279560 and TEO/M7/045- INQ000279562].**
191. In January 2023, CCPB provided a briefing to the OEP on the rollout of the new Emergency Alerts System which was tested in April 2023. Regular contact and briefings took place from January to April to ensure that OEP were fully up to date with the proposals and could brief their stakeholders accordingly so that, in the event of any 'bleed across' the border with the Emergency Alert, colleagues in ROI would be in an informed position and have plans in place to communicate more widely **[Exhibit TEO/M7/046 - INQ000279569].**
192. A further visit to OEP took place on 20 February 2023 where CCPB presented on the NI Civil Contingencies Risk Register. There were also wider discussions on matters of mutual interest including the Emergency Alerts system.
193. Frequent engagement takes place with the other Devolved Administration and Cabinet Office on resilience, emergency alerts, risk register, etc., and at all levels, i.e., Ministerial which HOCS currently attends, Director level meetings, deputy Director, and policy catch ups.

Relationship between Executive Office and the Local Councils

194. The Department obtained Executive approval on 27 February 2014 [**Exhibit TEO/M7/047 - INQ000183588**] for several measures to enhance civil contingencies arrangements at local level.
195. This outcome was communicated to CCG members in a letter from the Head of the Civil Contingencies Branch in the Office of the First Minister and deputy First Minister (OFMdfM) now known as TEO) on 13 March 2014 [**Exhibit TEO/M7/048 - INQ000183576**]. The enhanced arrangements provide for:
- Establishment of a CCG Sub-Group to oversee the work of the SCEPGs.
 - Establishment of a CCG workstream to identify the need to formalise the district council civil contingencies role and to consider how this could be done. This work included consideration of the need for wider civil contingencies legislation.
 - Presentation of a draft Memorandum of Understanding to the Local Government Emergency Management Group and CCG for agreement which set out how district councils should discharge their civil contingencies role at sub-regional level and how CCG member organisations should support councils in the execution of that role.
196. The letter dated 13 March 2014 led to multi-agency working to establish the groups set out above. This multi-agency working aligns with the joint emergency services interoperability principles (JESIP) ethos.
197. There is no regional tier of government between the Executive and local government. Responsibility for the formal funding and accountability relationship with local government falls to the Department for Communities. In relation to civil contingencies arrangements, the relationship is one of co-ordination and partnership rather than formal accountability. As noted above, local government representatives are part of CCG; local government participates in tactical co-ordination groups and the strategic co-ordination group (leading the latter when the emergency does not involve threat to life).
198. CCPB is now regularly represented at meetings of the Cross Border Emergency Management Group (CBEMG) with ROI and has been since September 2020. In addition, local government are members of the TEO led CCG and C3 meetings. In line with its policy position to work in partnership with other stakeholders engaged in emergency response and to deliver on matters arising TEO attend meetings of the NIEPG which is a subgroup of CCG. The purpose of NIEPG is to ensure that work at local level is in line with strategic direction provided by CCG. It provides direction to the work of the Northern, Southern and Belfast EPGs, facilitates cohesion between these groups, and ensures effective

communication between the EPGs, regional working groups and CCG. Building on this partnership, CCPB also attends the separate EPG meetings. The relationships with local government colleagues are well established and productive.

199. The civil contingencies arrangements involve the existence of three Emergency Planning Groups (EPGs) led by local government colleagues. The Inquiry will hear about different arrangements in other jurisdictions referred to as Local Resilience Forums which are similar in nature to our Emergency Planning Groups. We also have systems for the three EPGs to come together under the title of Northern Ireland Emergency Planning Group (NI EPG) and this was stood up during Covid-19 and chaired by PSNI.
200. During the COVID-19 response, NI EPG established the NI EPG COVID-19 Regional Coordination Group. This group acted as the link between the numerous high level strategic groups managing the COVID-19 response and the co-ordinated delivery of activity at the local community level. For example, it looked at: assisting in the setting up a COVID testing and vaccination centres, enforcement activity and what that meant for focused public information campaigns etc. The group met routinely each Friday morning from 6 Nov 2020 to 28 May 2021

Executive Information Service (EIS)

201. Executive Information Services (EIS) role is to provide strategic media advice and support to Ministers in the Executive. This is delivered by a team of dedicated communications professionals across all NICS government departments.
202. The key delivery services provided by EIS are captured under the broad areas of ministerial support; media relations; digital; government advertising; and citizen-facing government content on the nidirect website.
203. Executive Information Service in TEO coordinated COVID-19 related communications on behalf of the Executive. This included:
 - Media and communications campaigns
 - Press conferences and press releases
 - Development of 'lines to take'
 - Public information on NI Direct
 - Occasional speeches as required for the Assembly and other events
 - Input into Written Ministerial Statements to the Assembly following Executive

decisions

- Responses to specific press and citizens' queries including through correspondence cases

204. EIS was responsible for the delivery of the COVID-19 public information campaign. Using a wide range of communication channels, the campaign raised awareness about COVID-19 and encouraged compliance with the latest public health advice.

205. At the outset of the pandemic, EIS appointed Genesis advertising agency to assist in the delivery of key public health messages. From March 2020 to June 2022, working with Genesis, the NI Executive delivered 26 different campaigns, both strategic and tactical, connecting to the platform branding of '*We all must do it to get through it*'. (Exhibit **TEO/M7/048A - INQ000259574**). Of the 26 advertising campaigns, 11 were large scale multi-channel campaigns that included television (UTV; Channel 4; Sky; ITV Hub; All4; Adsmart), radio (Cool FM; Downtown; Q Radio; U105; Dax; Instream), out-of-home (adshels – bus shelters, shopping malls, street hubs; billboards), digital advertising (online; Mobsta; Captify; Spotify; Google search), social media (X – formerly Twitter; Facebook; Snapchat; Tiktok). Examples of these advertising campaigns have been summarised below:

Stop COVID NI App	July 2020	Our health service is now using 'Test, Trace, Protect' to help beat coronavirus. Use the Stop COVID NI App, save lives. Download now.
Let's Keep Saving Lives Together	March 2021	Let's keep saving lives together. Meet fewer people; keep your distance; wash your hands; wear a face covering and if you get symptoms, then isolate and get tested.
CMO Omicron Variant	December 2021	The new variant of Covid-19 is highly infectious and it's spreading quickly. Get your Covid-19 booster; wear a face covering; keep your distance; limit your contacts and self-isolate if you have symptoms.

206. The Department of Health (DoH) and Public Health Agency (PHA) also had roles in Covid-

19 in communicating public information directly across various platforms throughout the pandemic, both proactively and reactively. For example, DoH and PHA took a lead on communicating various aspects of public health policy and were responsible for the development of any official government digital apps created as part of the pandemic response in Northern Ireland. Both DoH and PHA regularly fielded medical and scientific professionals on media platforms as part of efforts to address misinformation issues.

207. Covid-19 public information campaigns in Northern Ireland were predominantly developed by and for Northern Ireland by the EIS of the NI Executive together with Genesis Agency. The communications were informed by advice from the Northern Ireland Chief Medical Officer and Chief Scientific Advisor.
208. The EIS provides communications advice to Ministers and senior officials across the NICS departments. As a specialism within the NICS, press officers are outposted from TEO to the eight other departments, Government Advertising Unit and NI Direct. These teams are managed by the EIS Head of Communications.
209. There was no formal opportunity for the NI Executive to play a role in relation to the creation of the UKG's public health communications. At an official level, two communications groups were set up by UKG which were both attended by EIS. Both groups were chaired by Cabinet Office officials. The first was at an operational level and this included the sharing of UKG creatives and media plans. A representative of EIS and the Public Health Agency NI attended this meeting.
210. The second group was at a more strategic level and included the Director/Deputy Directors of communications from the devolved regions and territorial offices. There was a level of overlap in both the meetings but a constant theme from the meetings was whether it was appropriate for UKG creatives to feature in devolved communications channels and whether it reflected the policy position of the devolved regions.
211. These meetings started in earnest after the UKG moved from the 'Stay at Home' message to 'Stay Alert' while the rest of the UK remained messaging 'Stay at Home'.
212. Issues arose regarding messaging when UKG Ministers made announcements in relation to messaging and restrictions. The subsequent reporting of these announcements caused presentational issues because whilst the restrictions may have applied to England only, they were perceived or reported as applying across the UK. This was raised on a number of occasions by officials from devolved administrations. NI Executive Ministers were not involved in these meetings.
213. In May 2020, the First Minister and deputy First Minister agreed that EIS should undertake polling on Covid-19 to test public opinion of the performance of the NI Executive in dealing

with the pandemic. EIS procured Social Market Research (SMR) to conduct three surveys, representative of the adult population in terms of key factors such as age, gender and social class, that took place over a nine-week period between June and July 2020 (6 – 11 June 2020; 23 – 30 June 2020 and 8 – 19 July 2020). The three opinion polls were consistent in their findings in relation to the performance of the Executive in dealing with Covid-19 with the final report showing that some 77% believed that the NI Executive was performing either very well or quite well. The Executive also scored consistently well in building trust with the public, with 73% stating they are getting the information they need from the Executive; 70% believing the information is accurate and 68% trusting the information **[Exhibit TEO/M7/49 - INQ000259611, TEO/M7/050 - INQ000259612], and TEO/M7/051 - INQ000259613]**.

214. Circumstances did arise on several occasions throughout the pandemic where views were vocalised or actions were taken on a party policy basis by individual Executive Ministers which were not consistent with decisions made collectively by the Executive. For example, deputy First Minister faced allegations of breaching social distancing measures after attending the funeral of Republican Bobby Storey on 30 June 2020 **[Exhibit TEO/M7/052 - INQ000237649]**; and on 16 October 2020, Agriculture Minister Edwin Poots commented in broadcast media interviews that he held "grave reservations" about new coronavirus restrictions agreed by the Executive that week **[Exhibit TEO/M7/053 - INQ000279574]**. Further, there were situations when private Executive business appeared to be leaked to select members of the media while Executive meetings were taking place.

215. When such events occurred, widespread media and public scrutiny followed.

216. EIS kept the First Minister and Deputy First Minister informed of the Executive's Covid-19 public information campaigns. **[Exhibit TEO/M7/054 - INQ000583170, TEO/M7/055 - INQ000277709 and TEO/M7/056 - INQ000259578]**. In particular the EIS update dated 4 November 2020 outlines the numerous campaigns to this date, and the reach of the campaigns.

217. Strategies were also developed, coordinated and presented to the Executive for agreement at various points. Key Executive publications included:

- Coronavirus: Executive Approach to Decision-making (published 12 May 2020) **[Exhibit TEO/M7/057 - INQ000213710]**
- Moving Forward: The Executive's Pathway Out of Restrictions (published 2 March 2021) **[Exhibit TEO/M7/058 - INQ000213669]**
- Building Forward: Consolidated Covid-19 recovery Plan (published 2 August 2021). **[Exhibit TEO/M7/059 - INQ000101002]**

- NI Executive Autumn / Winter Covid-10 Contingency Plan (published 19 October 2021) [Exhibit TEO/M7/060 - INQ000188216].

Working to communicate with hard-to-reach groups

218. The accessibility of information to the general public was critical during the pandemic to ensure widespread understanding of both public health information and Executive decisions. Information was made available in different formats, including braille and sign-language, as well as multi-language options. Special campaigns were also developed for several hard-to-reach target groups such as young people, students and farmers. [Exhibits – TEO/M7/061 INQ000259606 and TEO/M7/062 - INQ000259607].

18-24 Age group

219. Trusted NI-based influencers were identified and engaged as part of the communication effort to reach and engage young people aged 18-to-24 years via social media platforms such as Tik-Tok and Instagram. They were also used to communicate key messages around Bank Holidays and holiday periods such as Easter and Christmas [Exhibits – TEO/M7/063 - INQ000259608 and TEO/M7/064 - INQ000259609].

At-risk, Vulnerable and lesser-heard communities

220. To make the press conferences as accessible as possible, both British and Irish sign language interpreters were used from the beginning of the pandemic. The sign language interpreters appeared on screen for the duration of each daily press conference.

Phases of the Pandemic

221. TEO's response to the pandemic has been presented in phases in order to present complex information to assist the inquiry.

Phase	Dates	Key events
Phase 0	1 January 2020 – 18 March 2020	<ul style="list-style-type: none"> - Emergence of the Covid-19 pandemic - Civil Contingencies Group (CCG) convened for Covid-19. - Activation of Northern Ireland Central Crisis Management Arrangements (NICCMA)
Phase 1	18 March 2020 – 30 June 2020	<ul style="list-style-type: none"> - First wave of Covid-19 cases - Lockdown - First activation of NI Hub in “full active” status

Phase	Dates	Key events
Phase 2	1 July 2020 – 16 September 2020	<ul style="list-style-type: none"> - Relaxation of lockdown restrictions - Deactivation of NI Hub from “full active” - Shielding paused - Mandatory use of face coverings: <ul style="list-style-type: none"> · On public transport from 2 July 2020 · In certain indoor settings including shops from 10 August 2020
Phase 3	17 September 2020 – 25 December 2020	<ul style="list-style-type: none"> - Second wave of Covid-19 cases - Activation of Northern Ireland Central Crisis Management Arrangements (NICCMA) - Activation of Civil Contingencies Group (CCG) Protocol for the Escalation of Multi-Agency Response - Increased restrictions / “circuit breaker” - Activation of NI Hub to “Alert” status
Phase 4	26 December 2020 – 7 March 2021	<ul style="list-style-type: none"> - Lockdown 2 - D20 Hub established by the Cabinet Office - Escalation of NI Hub from “Alert” to “One Active” status - Managed quarantine
Phase 5	8 March 2021 – 22 December 2021	<ul style="list-style-type: none"> - Development and publication of Pathway out of Restrictions by NI Executive - De-escalation of NI Hub from “Alert” to Steady - Relaxation of lockdown 2 restrictions - Introduction of COVID-status certification
Phase 6	23 December 2021 – 19 January 2022	<ul style="list-style-type: none"> - Third wave of Covid-19 cases (Omicron variant) - Increased restrictions
Phase 7	20 January 2022 – onwards	<ul style="list-style-type: none"> - All restrictions removed

Test Trace Protect - Role of The Executive Office

222. The delivery of 'Test, Trace and Protect' (TTP) was primarily led by the Public Health Agency under the policy direction set by the Minister of Health.

TEO decision makers and decision-making structures

223. Whilst TEO had no decision-making role, officials did however assist with certain aspects of the implementation of TTP during the relevant period. They did this through facilitating and participating in discussions with both internal and external stakeholders (for example within the context of the Executive Covid Taskforce and through engagement with community groups). Officials also provided bespoke assistance at the direction of its Ministers (for example with the Managed Quarantine Scheme). These examples are discussed in detail below. eAdditionally, issues around, testing, tracing and isolation were regularly discussed at Executive meetings, as follows:

Test, Trace and Protect – Executive discussion

224. Following the return of a functioning Assembly on 11 January 2020 after an absence of three years, an Executive Committee was formed. Between 3 February 2020 and 27 January 2022, the Executive discussed and agreed its response to the evolving pandemic on 129 occasions. There were two meetings of the Executive prior to 3 February on 14 and 20 January and one Executive away day on 22 January 2020.

225. On 16 March 2020 the need for contact tracing was discussed by the Executive – the Minister of Health said that resources would need to be redeployed, he also said that he would “*prefer to use resources to combat COVID-19 rather than count*”. [Exhibit – TEO/M7/065 – INQ000065689].

226. On 19 March 2020 the Minister of Health updated the Executive on contact tracing. [Exhibit – TEO/M7/066 –INQ000065737].

227. On 26 March 2020 the Minister of Justice told the Executive that the PSNI were in negotiations with Randox regarding testing. [Exhibit – TEO/M7/067 –INQ000065747].

228. On 3 April 2020, the Minister of Health briefed the Executive on the response to COVID-19 and addressed issues raised concerning the provision of reassurances to disabled people who may contract COVID-19 without access to critical care; and COVID 19 testing. The Executive agreed that the Minister of Health should bring forward a paper on Testing strategy to the next meeting of the Executive [Exhibit – TEO/M7/068 – INQ000048451].

229. On 6 April 2020, Dr Michael McBride, Chief Medical Officer, briefed Ministers on the COVID-19 Testing Strategy which had been circulated by the Minister of Health. The Executive noted that the paper would be developed further to provide further information on timescales,

expansion of the scope of testing, demographic impacts and contact tracing. **[Exhibit – TEO/M7/069 – INQ000048452]**.

230. On 15 April 2020, the Minister of Health provided updates on, and the Executive discussed, developments in the COVID-19 pandemic, including the reporting of deaths, support for care homes, other supported living establishments, procurement and provision of Personal Protective Equipment, testing capacity and specialist drug supplies **[Exhibit TEO/M7/070 – INQ000048455]**.

231. On 17 April 2020, the Minister of Health provided updates on, and the Executive discussed, developments in the COVID-19 pandemic, including modelling, Personal Protective Equipment, Testing, and Hospital and Care Home visiting. **[Exhibit – TEO/M7/071 – Exec007 – INQ000065484]**

232. On 20 April 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including an overview of Health in Care Homes; aspects of the Memorandum of Understanding with the Irish Government; and testing and tracing? **[Exhibit – TEO/M7/072 – - INQ000048457]**.

233. On 22 April 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including service delivery in care homes; testing and tracing; engagement with the Irish Government on inward travel; and Personal Protection Equipment **[Exhibit – TEO/M7/073 – INQ000048458]**.

234. On 24 April 2020, the Executive noted the written update on COVID-19 which had been circulated by the Minister of Health that morning. The Minister, the Chief Medical Officer and the Chief Scientific Adviser provided updates on developments in the COVID-19 pandemic, including recording of deaths; Personal Protective Equipment; modelling; testing/tracing; surveillance; advice on use of facemasks; and potential impacts of any proposed relaxation of restrictions on future progress of the pandemic. **[Exhibit – TEO/M7/074 – INQ000048459]**.

235. On 27 April 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including additional funding for care homes; staffing support from hospitals for the care home sector; and testing. **[Exhibit – TEO/M7/075 – INQ000048460]**.

236. On 29 April 2020, the Minister of Health introduced a paper on the Expansion and Utilisation of COVID-19 Testing Capacity (Executive Memorandum E (20) 84 (C)). Following detailed discussion, the Executive noted the content of the paper. **[Exhibit – TEO/M7/076 – INQ000048461]**.

237. On 11 May 2020, the Minister of Health provided updates on developments and current issues in the COVID-19 pandemic, with a particular focus on testing capacity, PPE, staffing support and recording of information in respect of care homes. **[Exhibit – TEO/M7/077 –**

INQ000048465]. It was agreed that the Minister of Health would:

- (i) commission a paper from the Chief Scientific Officer on the definition of R;
- (ii) circulate a paper on the measures and timetable required to implement a universal testing regime;
- (iii) circulate a paper detailing the current support measures for care homes;
- (iv) consult further with the Minister of Finance about the potential utilisation of staffing capacity within the NI Civil Service to provide a COVID-19 test/trace resource.

238. On 11 May 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including the stepping down of the Nightingale facility; engagement with the Commissioner for Older People; NISRA methodology for reporting deaths; the R number; and care home issues, including testing and staff sick pay. **[Exhibit – TEO/M7/078 – INQ000048466].**

239. On 18 May 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including the testing strategy; care homes; and the response to incidence of COVID – 19 within the food processing industry. The Minister of Health also tabled a paper 'Assessment of options for Covid-19 Digital Contact tracing' **[Exhibit – TEO/M7/079 – INQ000065622].** Following discussion, the Executive agreed to defer consideration of this paper to its meeting of 21 May 2020. **[Exhibit – TEO/M7/080 – Exec016 - INQ000048467].**

240. On 21 May 2020, the Minister of Health introduced a paper 'Updated Testing Strategy for NI' **[Exhibit – TEO/M7/081 - INQ000207244].** The Strategy was based on the early identification and isolation of possible cases, clusters and outbreaks of infection; the rapid testing of possible cases; timely identification and tracing of close contacts of cases; and early, effective and supported isolation of close contacts to prevent onward transmission of infection. The Contact Tracing Service was operated by the Public Health Agency and was resourced with a cadre of well trained, highly skilled and dedicated staff. This skills base was vital in helping to contain the spread of the virus for example through conducting risk assessments and managing what can often be complex situations involving clusters and outbreaks. The person-led element of the Contact Tracing Service was key to successfully tracing positive cases and their contacts, and was complemented by a number of innovative digital solutions including the digital self-trace platform, a texting service and the StopCOVID NI App. Following discussion, the Executive noted the paper. **[Exhibit – TEO/M7/082 - INQ000048468].**

241. On 28 May 2020, the Minister of Health provided verbal updates on developments in the COVID-19 pandemic, including hospital admissions; care homes; testing of care home staff and residents; and the test/trace programme **[Exhibit – TEO/M7/083 - INQ000048469].**

242. On 1 June 2020, the Minister of Health provided updates on developments in the COVID-19 pandemic, including reference to NISRA statistics, testing of staff and residents of care homes, contact tracing, and forthcoming advice on easing of restrictions for those who were shielding **[Exhibit – TEO/M7/084 - INQ000048470]**.
243. On 11 June 2020, the First Minister and deputy First Minister, tabled a paper 'Coronavirus, Restrictions Regulations – Executive Review Process, outlined a list of proposals to relax restrictions with a brief commentary on relevant issues. It was noted that a relaxation on restriction of movement would be mitigated by the roll-out of the test, trace and isolate strategy **[Exhibit – TEO/M7/085 - INQ000213660]**. The Executive agreed the way forward on the proposed easements **[Exhibit – TEO/M7/086 - INQ000048473]**.
244. On 18 June 2020, the Minister of Health tabled a paper 'Planning for Recovery: Fourth Review of Health Protection (Coronavirus, Restrictions) Regulations (NI) 2020'. It highlighted the critical importance of a robust testing and contact tracing system to drive down virus transmission, reduce the risk or magnitude of a second wave and support the easing of restrictions. It updated the Executive on a pilot phase of the contact-tracing operated by the Public Health Agency, which began on 27 April 2020 and ended on 17 May 2020 **[Exhibit - TEO/M7/087 – INQ000065611]**. This paper was agreed **[Exhibit – TEO/M7/088 - Exec024 - INQ000048475]**.
245. On 9 July 2020, the Minister of Health advised of his intention to update Executive Colleagues on the Contact Tracing App at the Executive meeting of 23rd July. The Minister of Health also tabled a paper 'Planning for Recovery: Fifth Review of Health Protection (Coronavirus, Restrictions) Regulations (NI) 2020' where he provided an update on work to develop and implement a Northern Ireland Contact Tracing Service. The focus for DoH was to oversee the scaling up of the contact tracing operation **[Exhibit – TEO/M7/089 - INQ000065605]**. This paper was agreed **[Exhibit – TEO/M7/090 - INQ000048481]**.
246. On 23 July 2020, the Minister of Health tabled a paper 'Go-live of the Northern Ireland Covid-19 App' **[Exhibit – TEO/M7/091 - INQ000207267]**. This paper confirmed that the COVID-19 Test, Trace and Protect (TTP) Programme, coordinated by the Chief Medical Officer and his team, launched the public communications campaign on 6 July 2020 asking Northern Ireland citizens to play their part in controlling the risk of a second wave of the virus. It stated that app was in the final stages of testing, with a tentative go-live planned for later in July. The key tasks outstanding were:
- Final development, testing and assurance of the software;
 - Completion of cyber security tests and alignment with the UK National Cyber Security Centre;

- Completion of the Data Protection Impact Assessment (DPIA) and alignment with the Information Commissioner's Office (ICO);
- Completion of engagement with key stakeholder groups (e.g. NI Human Rights Commission);
- Publishing of application software and DPIA for public scrutiny; and
- Completion of the launch media campaign.

Also tabled at this meeting was another paper from the Minister of Health 'Introduction of Health Protection (Coronavirus, Restrictions) (no.2) Regulations (NI) 2020' **[Exhibit – TEO/M7/092 - INQ000208765 and Exhibit – TEO/M7/093 - INQ000065628]**. This paper stated that the PHA had developed a framework to provide assurance that local outbreaks and clusters are managed and contained in an effective way. The Framework included the Test, Trace and Protect programme which was established to break the chains of Covid-19 infection and support the return to a more normal way of life for people in NI. Both papers were noted/agreed **[Exhibit TEO/M7/094 –INQ000048482]**.

247. On 6 August 2020, the Minister of Education tabled a paper 'Education Restart Update and Revised Assumptions **[Exhibit TEO/M7/095 – INQ000207275]**. This stated that resumption of a more normal pattern of operation for all pupils needed agreed and effective processes on managing localised outbreaks, including PHA led track, trace and test programmes. Education officials have been engaged with DoH colleagues regarding how existing testing processes be utilised, at pace, in schools and settings as required. This paper was noted. At the same meeting the Minister of Health provided an update on the uptake of the Stop COVID NI app **[Exhibit – TEO/M7/096 - INQ000048484]**.

248. On 20 August 2020, the Minister of Health provided an update on developments in the COVID-19 pandemic, including the R rate, on which a paper had been circulated; the increase in numbers of positive cases; the position in care homes; and test/trace figures. A paper was tabled by the Health Minister which noted that the 14-day cases per 100k were now a little higher than UK and RoI. This was likely to be partly explainable by increased testing in the context of the Test / Trace / Protect service **[Exhibits - TEO/M7/097 - INQ000587844 & TEO/M7/098 - INQ000207277]**. A second paper was tabled by the Minister of Health 'Health Protection (Coronavirus, Restrictions) (No. 2) REGULATIONS (NI) 2020: First Review of the need for the Restrictions and Requirements' which provided an update on testing **[Exhibits TEO/M7/099 – INQ000065587]**. These papers were noted **[Exhibit – TEO/M7/100 - INQ000048486]**.

249. On 3 September 2020, the Minister of Health provided an update on developments in the

COVID-19 pandemic, including the position in care homes; number of deaths; admission to hospitals; contact tracing figures; and the rise in the number of positive cases in people 39 years and younger. The First Minister and deputy First Minister tabled a paper 'Potential Easements of Restrictions [**Exhibit TEO/M7/101 – INQ000207278 and TEO/M7/101A - INQ000587843**]. The Minister of Education provided information on how testing in schools would be carried out. It was agreed that Education Authority and Public Health Authority officials would work jointly to ensure a common approach and that clear messaging would be developed [**Exhibit – TEO/M7/102 – INQ000048487**].

250. On 10 September 2020, the Minister of Health provided an update on, and the Executive discussed, developments in the COVID-19 pandemic, including the 'R' number; the position in care homes; number of deaths; admission to hospitals; contact tracing figures; capacity of the testing system; the impact of schools reopening on COVID testing demand; and variations in COVID incidence in different locations. He also tabled a paper 'Consideration for need for local or general restrictions to reduce progression of the COVID-19 epidemic' [**Exhibit – TEO/M7/103 - INQ000208760**].
251. On 17 September 2020, the Minister of Health provided an update on, and the Executive discussed, developments in the COVID-19 pandemic, including the 'test statistics. The Minister of Health also tabled a paper 'Heath Protection (Coronavirus, Restrictions) (No.2) Regulations (NI) 2020: Second Review of the Need for the Restrictions and Requirements. [**Exhibit – TEO/M7/104 - INQ000065565**]. This paper stated that Testing and contact tracing remain critical elements of our response to the pandemic. The number of tests completed has increased significantly in recent weeks. This in turn has resulted in an increased workload for the Contact Tracing Service in circumstances where the test results are positive. This paper was agreed. [**Exhibit - TEO/M7/105 – INQ000048489**].
252. On 24 September 2020, the Minister of Health tabled a paper 'Non-Pharmaceutical options to reduce the transmission of Covid-19' which stated that Test, Trace and Protect (TTP) data suggest that most cases are associated with household transmission or community transmission in unknown settings. However, clusters have been associated with a wide variety of other settings where individuals meet in indoor settings. Fewer than 10% of cases are associated with travel outside NI in the previous 14 days. [**Exhibits - TEO/M7/106 – INQ000065631 and TEO/M7/107 - INQ000065631**]. The Executive agreed that further work would take place on a cross-departmental basis over the following week to develop a package of options for recommendation, including incremental approaches. [**Exhibit – TEO/M7/108 - INQ000048490**].
253. On 13 October 2020, the Minister of Health tabled a paper 'Modelling the course of the COVID epidemic and the impact of different interventions and recommendations'. In terms of the TTP

system, this paper estimated that if 80% of contacts were be advised to self-isolate within 48 hrs of a symptomatic individual requesting a test, and if they complied with advice to self-isolate for 14 days, Rt could be reduced by approximately 30%. The implication of this was that an efficiently working TTP system would reduce Rt from 2.8 to around 1.9 – 2.0, and that ongoing restrictions were therefore likely to be required until a high level of population immunity was achieved **[Exhibit – TEO/M7/109 - INQ000212923]**. This paper was noted **[Exhibit – TEO/M7/110 - INQ000022458]**.

254. On 15 October 2020, the Minister of Health tabled a paper 'The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020' which provided an update on TTP. There continued to be a substantial increase in the number of positive test results notified to the Contact Tracing Service (CTS) system. The staffing resource requirements were continually under review with recruitment actively ongoing to appoint staff to work as contact tracers from a variety of professional backgrounds including Locum GPs and dentists. The service operated 12 hours per day, 7 days per week with plans to deploy staff to match peak demand. In addition, the Public Health Agency's CTS 'digital first' model was launched on Friday 9 October 2020. The new service provided online self-service contact tracing for the majority of people who tested positive. This followed on from the introduction of other digital components to augment the manual contact tracing service including the StopCOVID NI app and the move to text alerts for close contacts of positive cases introduced week commencing 5 October 2020 **[Exhibit – TEO/M7/111 - INQ000212923]**. This paper was agreed **[Exhibit – TEO/M7/112 - INQ000048493]**.
255. On 22 October 2020 the Executive agreed that the Minister of Health would provide a paper on Test, Trace and Isolate **[Exhibit – TEO/M7/113 - INQ000048494]**.
256. On 5 November 2020, the Minister of Health provided an update on developments in the COVID-19 pandemic, including: the 'R' number, the COVID-19 Community Mobility Report and an Update on the NI Contact Tracing Service, in relation to each of which briefing papers had been circulated. The First Minister recorded the thanks of the Executive for the work being carried out by Contact Tracing staff **[Exhibit – TEO/M7/114 - INQ000048496]**.
257. On 9 November 2020, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020: Fourth Review of the Need for the Restrictions and Requirements' **[Exhibit – TEO/M7/115 - INQ000065581]** stated that the staffing resource requirements for the NI Contact Tracing Service were continually kept under review with recruitment actively ongoing to appoint staff to work as contact tracers from a variety of professional backgrounds and with the service operating 12 hours per day, 7 days per week with plans to deploy staff to match peak demand. The Minister also advised that he would bring a paper on mass testing to the next meeting **[Exhibit – TEO/M7/116 -**

INQ000048497]. The meeting on 9 November was reconvened on 10,11 and 12 November.

258. On 19 November 2020, the Minister of Health provided an update on developments in the COVID-19 pandemic, including: the 'R' number and the COVID-19 Community Mobility Report', which had been circulated to Ministers; sick absence levels among Health Service staff; inpatient numbers; care home outbreaks; non-COVID service provision; and contact tracing. He also tabled a paper 'Modelling the course of the COVID epidemic and the impact of different interventions and recommendations' which covered the use of mass testing and TTP **[Exhibit – TEO/M7/117 - INQ000212926]**. On mass testing the paper concluded that at that time, given the uncertainties, reliance on mass testing alone (i.e., in the absence of significant other restrictions) would represent a high-risk approach in the run up to Christmas. There may be scope to target more limited mass testing to high-risk areas; this would be of help but, again, would not avoid the need for NI wide restrictions at this time. On TTP, in the context at that time, this would not be able to sufficiently suppress community transmission in the absence of additional restrictions **[Exhibit – TEO/M7/118 - INQ000048498]**.

259. On 26 November 2020, the Minister of Health provided an update on developments in the COVID-19 pandemic, including the test/trace system **[Exhibit – TEO/M7/119 - INQ000048500]**. The deputy First Minister proposed, and the Executive agreed, that the incoming Interim Head of the Civil Service should establish and chair an Executive Office/Department of Health/Public Health Agency Task Force on COVID-19, with involvement of all other departments as appropriate, to enable and facilitate sufficient logistical rollout of mass testing capability; vaccination rollout; strategic compliance; and public communications. The deputy First Minister advised that she and the First Minister would write to Executive colleagues on the matter. On 3 December 2020, the First Minister and deputy First Minister tabled a paper on the Executive Covid Taskforce and its Terms of Reference **[Exhibit – TEO/M7/120 - INQ000212987]** which covered 4 areas initially:

- Adherence and compliance;
- Protecting the public;
- Strategic Communications; and
- Recovery.

Following discussion, the Executive agreed that the Interim Head of the Civil Service would engage with Ministers on taking forward the Executive COVID-19 Taskforce and finalising development of its draft Terms of Reference **[Exhibit – TEO/M7/121 - INQ000048501]**.

260. On 10 December 2020, the Minister of Health tabled a paper 'Health Protection (Coronavirus,

Restrictions) (No. 2) Regulations (Northern Ireland) 2020: Fifth Review of the Need for the Restrictions and Requirements' [**Exhibit – TEO/M7/122 - INQ000065590**] provided an update on TTP including that there had been a number of recent improvements to the operation of the Contact Tracing Service including the introduction of the new digital self-trace platform to help build on other aspects including increased usage of the StopCOVID-19 App. The Public Health Agency had also now commenced enhanced contact tracing with effect from 16 November. The paper suggested that this was a significant development in the approach to combatting the virus and would ensure a strong focus on identifying the likely source of a case's infection and on identifying potential common exposures which could lead to clusters. It was intended that the combination of conventional contact tracing and enhanced contact tracing would increase the contribution of contact tracing to the control of community transmission in NI. The Minister also provided an update on mass testing pilots [**Exhibit TEO/M7/123 - INQ000048503**].

261. On 17 December 2020, the Minister of Health provided an update on contact tracing [**Exhibit – TEO/M7/124 - INQ000048504**].
262. On 8 January 2021, the Minister of Health provided an update on, and the Executive discussed, the track/trace system [**Exhibit – TEO/M7/125 - INQ000048507**].
263. On 21 January 2021, the Minister of Health provided an update on developments relating to the COVID-19 pandemic, including the contact tracing system [**Exhibit – TEO/M7/126 - INQ000048510**]. He also tabled a paper 'Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020: Sixth Review of the need for the Restrictions and Requirements' [**Exhibit – TEO/M7/127 - INQ000065591**].
264. On 26 January 2021, the Minister of Health provided an update on, and the Executive discussed, developments relating to the COVID-19 pandemic, including test/trace services and issues relating to North/South, East/West and international travel [**Exhibit TEO/M7/128 - INQ000048511**].
265. On 11 February 2021, the Minister of Health introduced a paper on 'Asymptomatic Testing' [**Exhibit - TEO/M7/129 – INQ000212940**] which was noted by the Executive [**Exhibit – TEO/M7/130 - INQ000048515**].
266. On 18 February 2021, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020: Seventh Review of the Need for the Restrictions and Requirements'. [**Exhibit – TEO/M7/131 - INQ000065592**]. This paper reported a reduction in the number of positive cases transferred to the contact tracing system. On asymptomatic testing, it confirmed that DoH officials were finalising project structures. Following discussion, the Executive agreed the recommendations [**Exhibit – TEO/M7/132 -**

INQ000048516].

267. On 2 March 2021, the First Minister and Deputy First Minister tabled a paper 'Moving Forward: The Executive's Pathway out of Restrictions' **[Exhibits – TEO/M7/058 - INQ000213669 and TEO/M7/134 - INQ000212949]** which was agreed by the Executive. This covered the use of track and trace and the further development of asymptomatic testing **[Exhibit – TEO/M7/135 - INQ000048518].**
268. On 16 March 2021, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020: Eighth Review of the Need for the Restrictions and Requirements' **[Exhibit – TEO/M7/136 - INQ000065606].** It said the Contact Tracing Service together with the COVID-19 Testing and Vaccination Programmes remained at the core of our public health response to the SARS-CoV-2 virus, and in this context, contact tracing continued to play a significant role in the weeks and months ahead. It updated the Executive on a number of key enhancements made to the service, including strengthening data and analytics support; a more flexible approach to recruitment (to supplement the professional cadre of staff initially recruited); and implementation of a quality assurance system. In response to the potential for new variants and mutations of SARS-CoV-2 virus to emerge, the Contact Tracing and Health Protection teams in PHA developed a plan which set out the end-to-end process for identification and management of a new variant(s), if/as they emerge in Northern Ireland. This plan had been successfully deployed in the response to the first identification of the South African variant locally. The Contact Tracing Service was also developing a proposal to introduce the offer of a PCR test to all close contacts of confirmed positive cases (including close contacts who are asymptomatic). It also confirmed that asymptomatic testing initiatives were already underway and that expansions to the service had been announced. The Executive agreed to the amended recommendations **[Exhibit TEO/M7/137 – INQ000048521].**
269. On 15 April 2021, The Minister of Health provided an update on developments relating to the Covid-19 pandemic, including the contact tracing service. The Chief Scientific Adviser gave a presentation on, and the Executive discussed, statistical data relating to the pandemic, including testing capacity **[Exhibit – TEO/M7/138 - INQ000048525].** The Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) Regulations (NI) 2021 – First review of the need for the restrictions and requirements' **[Exhibit – TEO/M7/139 - INQ000065593].** The paper outlined that the Contact Tracing Service together with the COVID-19 Testing and Vaccination Programmes remained at the core of our public health response to the SARS-CoV-2 virus, and in this context contact tracing would continue to play a significant role in the weeks and months ahead. The Contact Tracing Service was introducing the offer of a PCR test to all close contacts of confirmed positive cases (including

close contacts who are asymptomatic). Similar approaches were being adopted in England, Scotland, and Wales. The key objective of this expanded testing was 'test to find' - that is to identify and isolate further positive cases in the community to reduce the transmission of infection and slow the spread of the disease. Testing of close contacts was not an alternative to self-isolation. Close contacts still needed to isolate for the full 10 days even if their tests were reported negative. The paper also provided an update on the expansion of asymptomatic testing.

270. On 22 April 2021, Dr Lourda Geoghegan, Deputy Chief Medical Officer, and Matt Wills, Director of NI SMART Testing Programme, gave a presentation on the asymptomatic testing programme. Following discussion of a paper tabled by the Minister for the Economy **[Exhibit – TEO/M7/140 – INQ000212961]**, the Executive agreed that FE Colleges could facilitate a return to on-site practical face-to-face learning for additional groups of FE and Non Statutory Contractor learners, apprentices, and Training for Success participants, subject to colleges being in a position to put a Lateral Flow Device process in place to offer twice weekly lateral flow tests, following engagement between the FE sector and the SMART team **[Exhibit – TEO/M7/141 - INQ000048526]**.
271. On 29 April 2021, the Secretary to the Executive provided an update on the work of the Executive COVID Taskforce, noting continuing engagement between Departments and sectoral groups. She advised that papers would be provided to the Executive in the following week on the possibility of a large pilot event **[Exhibit – TEO/M7/142 - INQ000048527]**.
272. On 6 May 2021, the First Minister and Deputy First Minister provided a paper 'Pathway out of Restrictions – Proposals for Relaxation – increase in numbers permitted for indoor and outdoor gatherings' **[Exhibit - TEO/M7/143 - INQ000212963]** which referred to an NI test event. Following discussion, it was agreed that there would be further engagement between officials from TEO and the Department of Health to address outstanding issues, including the interaction between the proposed relaxation of restrictions on indoor and outdoor gatherings and the proposed mass pilot event, and consistency of messaging and approach. A further paper reflecting the outcome of this engagement would be provided **[Exhibit – TEO/M7/144 - INQ000048528]**.
273. On 13 May 2021, the First Minister and Deputy First Minister tabled a paper 'Pathway out of Restrictions - Gatherings, Face Coverings, Learning Event, Hospitality, Stay Local' **[Exhibit – TEO/M7/145 - INQ000212967]**. The Executive discussed and it was agreed that as relaxations continued to be rolled out, clarity and consistency of messaging and approach was vital in helping to ensure adherence to ongoing public health requirements, with the focus moving towards personal responsibility for actions and their impacts as a means of encouraging buy-in to the required behaviours. This approach would be applied to increased

social engagement between people, including hugging. It was agreed that examples of key messages used in other jurisdictions would be circulated to Ministers by TEO officials. The Minister of Health emphasised the importance of maintaining a contact tracing regime as an integral element of the programme of relaxations. At the same meeting the First Minister and Deputy First Minister also tabled a paper 'Pathway out of Restrictions – Proposals for Relaxation - Libraries, school issues, outdoor sport & indoor sport training, theatres & conferences' **[Exhibit – TEO/M7/146 - INQ000212968]**. This outlined Behavioural Insight Advice in relation to test and trace behaviours. The Minister of Health also tabled a paper 'Health Protection (Coronavirus, Restrictions) Regs (NI) 2021: Second Review of the Need for the Restrictions and Requirements' **[Exhibit TEO/M7/147 – INQ000065594]** which provided an update on TTP and asymptomatic testing **[Exhibit – TEO/M7/148 - INQ000048529]**.

274. On 20 May 2021, the Minister of Health introduced a paper 'Ratification of Decision for Further Easement from 24th May 2021' **[Exhibit – TEO/M7/149 - INQ000212972]** which outlined an issue with increased prevalence in Derry and Strabane. It looked at a number of alternative approaches including surge testing. It was agreed that, following the success of previous engagement between the Junior Ministers and the local Council, this approach should be considered again, to be led either by the Executive COVID Taskforce or Junior Ministers. It was noted that the Executive Information Service was undertaking increased levels of advertising in the area. The First Minister and Deputy First Minister tabled a paper 'Pathway out of Restrictions – Proposals for Relaxation - Sure Start and Higher and Further Education' **[Exhibit – TEO/M7/150 - INQ000212973]**. This outlined the current mitigations in place including LFT, and that Behavioural Insight advice was also being utilised **[Exhibit – TEO/M7/151 - INQ000048530]**.
275. On 10 June 2021, the Minister of Health gave an update on the vaccination programme and the number of positive cases of the Delta variant, noting that community testing had been used in Northern Ireland for the first time in response to the rise in cases in Kilkeel. He advised that the test, trace and protect system demonstrated an increased number of contacts per positive case. At the same meeting, the Minister of Health introduced a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Third Review of the Need for the Restrictions and Requirements' **[Exhibit - TEO/M7/152 – INQ000065595]**. This provided an update on TTP and asymptomatic testing **[Exhibit - TEO/M7/153 – INQ000048533]**.
276. On 17 June 2021, the Minister of Health provided an update on the vaccination programme, and advised that given the comparatively high uptake here, there were no plans to require care home staff to receive vaccinations. He noted that community testing would take place

this weekend in two post-code areas showing high levels of the Delta variant **[Exhibit – TEO/M7/154 - INQ000048534b]**

277. On 24 June 2021, the Minister of Health advised that community testing would shortly commence in Londonderry and Castletwellan given a recent increase in infection rates and provided a breakdown of infection rates by age cohort over the past seven days **[Exhibit – TEO/M7/155 - INQ000048535]**
278. On 1 July 2021, the Minister of Health tabled a paper 'Ratification of Decision for Further Easements from 5 July' **[Exhibit – TEO/M7/156 - INQ000212984]**. This paper gave a number of options and said that allowing outdoor gatherings of any size with the cap on numbers removed would still require maximum numbers to be based on a risk assessment for any gatherings with more than 30 participants. Similarly, this would apply to live music outdoors, whether this was a standalone event or live music at licensed/unlicensed premises. At this point it was recommended that dancing was not permitted at live music events. However, events with music or other noise at high volumes where social distancing was difficult to maintain would be associated with a higher level of risk. It recommended that should the Executive decide to allow such outdoor events of any size with a risk assessment, consideration be given to additional mitigation measures in guidance such as ascertainment of vaccination status and the use of PCR and or LFD testing in advance of larger events. The Executive discussed and a number of easements were agreed **[Exhibit – TEO/M7/157 - INQ000048536]**.
279. On 8 July 2021, the Minister of Health introduced a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Fourth Review of the Need for the Restrictions and Requirements' **[Exhibit – TEO/M7/158 - INQ000065596]**. The First Minister and Deputy First Minister tabled a paper 'Pathway out of Restrictions for proposed sequencing of all outstanding decisions/ratifications/relaxations' **[Exhibit – TEO/M7/159 - INQ000065608]**. These papers were discussed **[Exhibit – TEO/M7/160 - INQ000048537]**.
280. On 12 August 2021, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) Regs (NI) 2021: Fifth Review of the Need for the Restrictions and Requirements' **[Exhibit – TEO/M7/161 - INQ000065597]**. This provided an update that the Contact Tracing Service (CTS) was experiencing extremely high service demand due to the large number of people testing positive for COVID-19 and typically with more close contacts identified in comparison to previous high demand periods as wider restrictions have eased. This paper was discussed and recommendations agreed. The Minister of Health also introduced a paper 'Self-Isolation for fully Vaccinated Close Contacts of COVID-19 Cases' **[Exhibit – TEO/M7/162 - INQ000065647]**. Following discussion, the Executive agreed to implement a change in approach to the management of self-isolation of close contacts of COVID-19 cases

who were fully vaccinated with an MHRA approved vaccine, with effect from 16 August 2021 **[Exhibit – TEO/M7/163 - INQ000048540]**.

281. At the same meeting, the First Minister and Deputy First Minister introduced a paper 'Covid-19, Longer Term Restrictions and Public Health Measures Discussion Paper' **[Exhibit – TEO/M7/164 - INQ000065674]**. This paper confirmed there were no plans to consider the removal of contact tracing services for events or as part of the overall Test, Trace and Protect response at this time. This position was to be kept under review and further advice brought to the Executive at an appropriate stage. The Minister for Education tabled a paper 'Discussion on Covid Restrictions in Education' **[Exhibit – TEO/M7/165 - INQ000065673]**. This looked at PCR testing for pupils.
282. On 6 September 2021, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Sixth Review of the Need for the Restrictions' **[Exhibit – TEO/M7/166 - INQ000065598]**. This paper provided an update on the CTS, in that it had recently opened three additional satellite sites in Belfast, Derry and Armagh. This paper was discussed and Executive agreement was noted in the minutes **[Exhibit – TEO/M7/167 - INQ000048541]**.
283. On 9 September 2021, the Chief Medical Officer provided an update on the course of the pandemic, noting that testing was at its highest level and testing capacity continued to be expanded **[Exhibit - TEO/M7/168 – INQ000048542]**. In response to a query from the First Minister, the Chief Medical Officer explained that a range of options were under consideration to assist with surge planning. He also outlined a revised approach to the identification of close contacts in schools, which would replace the current school-led process to identifying close contacts of COVID-19 cases with a more targeted Public Health Agency led approach.
284. On 23 September 2021, the First Minister and Deputy First Minister tabled a paper 'COVID - 19 - Remaining Areas for Relaxation and contingency measures' **[Exhibit – TEO/M7/169 - INQ000065669]**. This outlined CMO and CSA advice in relation to testing and testing strategy. The discussion at the Executive was outlined in the minutes **[Exhibit - TEO/M7/170 - INQ000048543]**.
285. On 7 October 2021, the Chief Scientific Advisor noted a decline in the number of positive cases, and an increase in test positivity resulting from a more targeted testing strategy. The Secretary to the Executive noted that the ECT Dashboard had been circulated to Ministers. She noted that following the recent relaxation of social distancing in a number of sectors, the ECT had met with events, arts and culture stakeholders to consider the implementation of the relaxations and the adoption of the guidance around voluntary use of Covid-status certificates, with feedback indicating high levels of compliance. At this meeting a number of papers were tabled. 'Proposals for Relaxation - domestic settings indoors, tourist accommodation, work

from home, hospitality & indoor venues, dancing, social distancing, nightclubs, visitor information, face coverings, risk assessments' **[Exhibit – TEO/M7/171 - INQ000065600]** from the First Minister and Deputy First Minister recommended relaxations with PCR tests in place as mitigations. 'COVID-19 Autumn Winter Contingency Plan' **[Exhibit - TEO/M7/172 – INQ000065667]** from the First Minister and Deputy First Minister provided an update on TTP. A final paper from the First Minister and Deputy First Minister 'Proposals for Relaxation - domestic settings indoors, tourist accommodation, work from home, hospitality & indoor venues, dancing, social distancing, nightclubs, visitor information, face coverings, risk assessments' **[Exhibit – TEO/M7/173 - INQ000212990]** outlined future relaxations, with mitigations in place, including PCR and LFT. The minutes of the meeting note Executive decisions **[Exhibit – TEO/M7/174 - INQ000048544]**.

286. On 21 October 2021, the Secretary to the Executive noted that regulations to give effect to a statutory scheme for COVID-status certification could not be delivered until approximately 5-6 weeks after the policy intent is settled **[Exhibit - TEO/M7/175 - INQ000048545]**.
287. On 4 November 2021, the Minister of Health introduced a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Eighth Review of the need for the Restrictions and Requirements' **[Exhibit – TEO/M7/176 - INQ000065602]** and provided an update on TTP and Asymptomatic Testing **[Exhibit – TEO/M7/177 - INQ000048546]**.
288. On 17 November 2021, the Secretary to the Executive provided an update on the work of the ECT, noting ongoing engagement with the hospitality and events sector concerning COVID status certification. The Minister of Health tabled a paper on the Introduction of 'COVID status certification in domestic settings' **[Exhibit – TEO/M7/178 - INQ000065636]**. The Minister of Health committed to providing a further paper in the coming days providing further detail on the approach to COVID status certification as well as recommendations on additional measures that could be taken to limit the spread of COVID over the coming months. The Minister of Health also introduced a paper 'Introduction of Health Protection (Coronavirus, Restrictions) (No 2) Regulations (Northern Ireland) 2021' **[Exhibit – TEO/M7/179 - INQ000065607]**. This stated that a fresh set of consolidated regulations would be made, to include provisions for mandatory COVID-19 Status Certification **[Exhibit – TEO/M7/177 - INQ000048546]**.
289. On 22-23 November 2021, the Minister of Health tabled 'Additional Package of Measures to Accompany the Introduction of COVID Status Certification in Domestic Settings' **[Exhibit – TEO/M7/181 - INQ000065582]** which provided further clarification on a number of issues raised at the meeting of 17 November. The Minister of Justice wished to record that she did not have the power to direct the PSNI in enforcing compliance with COVID measures, and

the Minister for the Economy recorded that his Department did not have the resources to visit hospitality premises to check compliance with COVID measures. Following discussion, it was agreed to adjourn the meeting to allow a revised paper to be brought to the Executive for its consideration. When the Executive reconvened on 23 November to consider a revised version of the paper, agreement was reached **[Exhibit – TEO/M7/182 - INQ000207227]**.

290. On 2 December 2021, the Secretary to the Executive noted plans to engage with the Commissioner for Older People to discuss issues with mandatory COVID certification, including difficulties in obtaining paper certification. A communications campaign across the four jurisdictions is planned for the run-up to Christmas, intended to focus on face coverings, ventilation (fresh air), and asymptomatic testing **[Exhibit – TEO/M7/183 - INQ000048549]**. The Minister of Health introduced the papers 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Ninth Review of the need for the restrictions and requirements' **[Exhibit – TEO/M7/184 - INQ000065603]** and 'Proposed changes to arrangements for testing of close contacts of positive COVID-19' **[Exhibit - TEO/M7/185 - INQ000065577]**. Both papers recommended that additional testing was introduced for certain cohorts of close contacts which would be implemented with effect from 6 December 2021. It was noted that this additional testing would mean that Northern Ireland had in place enhanced arrangements for testing of close contacts when compared to current arrangements in the other UK nations and in the Republic of Ireland. The Executive agreed to support the changes outlined in Executive Memorandum E (21) 236 (C) to testing arrangements for close contacts of confirmed COVID-19 cases, to be implemented with effect from 6 December 2021.
291. On 22 December 2021, the First Minister and Deputy First Minister introduced a paper prepared by the ECT 'ECT written update: Winter Planning – Impact of Omicron Variant' **[Exhibit – TEO/M7/186 - INQ000065662 and TEO/M7/187 - INQ000065662]**. Following discussion, the Executive agreed to the interventions set out in the paper **[Exhibit - TEO/M7/188 - INQ000048552]**.
292. On 13 January 2022, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Tenth Review of the need for the restrictions and requirements'. This paper noted that emergence and prevalence of the Omicron variant has resulted in unprecedented pressures on both the testing and contact tracing systems in Northern Ireland which remained at the core of our overall response to the pandemic and which were critical to help mitigate the threat to public health. It confirmed a change to the testing regime in that from 5 January 2022, people in NI who received a positive lateral flow test no longer needed a PCR test to confirm that result. They should self-isolate immediately and follow self-isolation guidance **[Exhibit - TEO/M7/189 - INQ000065604]**. This paper also mentioned Covid-status Certification and confirmed the level of use. Executive

agreement is noted in the minutes **[Exhibit - TEO/M7/190 - INQ000048554]**.

293. On 20 January 2022, the First Minister and Deputy First Minister tabled a paper 'Covid-19: Relaxation of Omicron restrictions' which outlined a phased approach of removal of restrictions **[Exhibit - TEO/M7/191 - INQ000212999]**. The Minister of Health advised of a reduction in the number of days for which confirmed cases of COVID-19 were required to self-isolate, with positive cases able to leave self-isolation on day 6 provided they have had two negative lateral flow tests, at least 24 hours apart, no earlier than day 5 and day 6 **[Exhibit - TEO/M7/192 - INQ000048555]**.

Executive Covid Crisis Management Committee (ECCMC)

294. As outlined above, a sub-committee of the Executive Committee, the Executive Covid Crisis Management Committee (ECCMC), was established and existed from 20 to 27 March 2020
295. On 24 March 2020, DfC gave a presentation to the ECCMC on support to vulnerable people and communities including flexible delivery of social security benefits **[Exhibit - TEO/M7/192A - INQ000279521 and TEO/M7/192B - INQ000279524]**.
296. On 26 March 2020, DE tabled a presentation on the key issues in Education, including pay for education staff, school meals and vulnerable children. Financial support for those affected also appeared in the action log **[Exhibit - TEO/M7/192C - INQ000305198, TEO/M7/192D - INQ000277837 and TEO/M7/192E - INQ000305194]**.

Drafting Covid-19 related legislation

297. From March 2018 Chris Stewart was head of the Executive and Central Advisory Division, of which the Civil Contingencies Branch was a part of. As outlined by Chris Stewart in his statement in Module 2C his role in January 2020 included responsibility for all policy and operational civil contingencies matters within TEO. However from March 2020 to May 2020 his role narrowed substantively to focus on legislation.
298. Mr Stewart was involved in two aspects of the making of Covid-19 related legislation, namely: coordinating input from a number of Northern Ireland Departments for the instructions to draft the Westminster Coronavirus Bill (subsequently enacted as the Coronavirus Act 2020); and overseeing the making of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020, up to the point of the first formal review of the Regulations on 15 April 2020 **[Exhibit - TEO/M7/193 - INQ000065643, Exhibit - TEO/M7/070 - INQ000048455]**, and the subsequent making of amendment regulations on 24 April 2020 **[Exhibit - TEO/M7/195 - INQ000065645, Exhibit - TEO/M7/071 - INQ000048456, Exhibit - TEO/M7/197 - INQ000065575, - Exhibit - TEO/M7/074 - INQ000048459 and - Exhibit - TEO/M7/199 - INQ000365892]**. My substantive role in relation to Covid- 19 related legislation ended around the time of the second formal review of the Regulations in May 2020, for the reasons set out

above.

299. Mr Stewart's statement on Module 2C **[Exhibit - TEO/M7/200 - INQ000411508]** provides more detail, however draft Regulations were submitted to the First Minister, deputy First Minister and Minister Swann on 27 March 2020 **[Exhibit - TEO/M7/201 - INQ000290207]**. They were accepted; made and brought into operation on 28 March, as the Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020.
300. The making of the Regulations was a cross-cutting matter requiring consideration by the Executive. However, in view of the urgency, the First Minister and deputy First Minister acceded to a request from Minister Swann for a decision to be taken by him under the urgent procedure in paragraph 2.14 of the Ministerial Code **[Exhibits - TEO/M7/202 - INQ000213698 and TEO/M7/203 - INQ000213697]**. The Regulations were subsequently considered and retrospectively agreed by the Executive at its meeting of 30 March **[Exhibit - TEO/M7/204 - INQ000048450]**.
301. As agreed by the Executive, the Regulations closely followed the English Regulations (The Health Protection (Coronavirus, Restrictions) Regulations (England) 2020), with the necessary changes to reflect differences in administrative and enforcement arrangements. The Regulations also reflected a number of specific policy decisions by Ministers on workplace canteens, off-licences; and supermarkets **[Exhibit - TEO/M7/205 - INQ000147487 and Exhibit - TEO/M7/206 - INQ000391229]**.
302. On 29 March, Ministers were provided with a high-level analysis of the equivalent Irish legislation **[Exhibit - TEO/M7/207 - INQ000391230]**. The analysis noted that, whilst the specific measures in Irish legislation differed somewhat from those in the Northern Ireland Regulations, the intended effect was broadly similar. No changes to the Northern Ireland Regulations were recommended.
303. Joint working with DoH colleagues continued, and the first formal review of the Regulations was considered by the Executive on 15 April 2020 **[Exhibit - TEO/M7/070 - INQ000048455]**.
304. By the time of the second review of the Regulations on 7 May 2020 **[Exhibit - TEO/M7/208 - INQ000065566]**, colleagues in DoH were, for a time, able to assume the lead responsibility, and my input was negligible. By the time of the second review, the effectiveness of the Regulations was better understood, and there was a clearer picture of the views of stakeholders. Against that background the second review was more systematic and structured than the first **[Exhibit - TEO/M7/209 - INQ000065585]**. A second set of amending regulations was subsequently made on 15 May 2020 **[Exhibit - TEO/M7/078 - INQ000048466, TEO/M7/211 - INQ000365891 and TEO/M7/212 - INQ000365893]**.

Decision making Structures and Processes with the department

Cross Departmental Working Group (CDWG)

305. From summer 2020, a Cross-Departmental Working Group (CDWG) provided the basis for official level discussions on the removal of restrictions from regulations in line with the Executive's public strategy. Such discussions at times necessarily touched upon TTI/TTP issues. The meetings took place weekly and were generally chaired by me although that would be delegated as needed. The group was established at the request of the DoH to coordinate requests for advice from the Chief Medical Officer (CMO) and Chief Scientific Adviser (CSA) on proposed relaxations of restrictions as Northern Ireland moved out of the first lockdown. Officials from each of the nine NI Departments attended CDWG meetings.
306. The CDWG meetings enabled officials to discuss proposed relaxations with officials from the DoH. Officials then advanced requests directly to DoH using a template to describe the nature of the request for consideration by CMO and CSA. CMO and CSA would provide advice to the relevant department who would prepare a paper for the Executive on behalf of their Minister example provided at **[Exhibit - TEO/M7/213 - INQ000279355]**.
307. This review mechanism allowed departments and partners to work together. Following the establishment of the Executive Covid Taskforce (ECT), Cross Departmental Group (CDWG) was repositioned retaining the review mechanism but under the ECT governance structure.
308. In addition, meetings were held between the First Minister and deputy First Minister, the Minister of Health, CMO and CSA. Junior Ministers and TEO officials were also in attendance. Examples of these were held on 5 October 2020 1 December 2021, 20 December 2021 and 21 December 2021 **[Exhibit - TEO/M7/213A - INQ000304327, TEO/M7/214 – INQ000268922, TEO/M7/214A – INQ000268878 and TEO/M7/214B - INQ000268877]**.
309. The First Minister and deputy First Minister contacted other departments for advice on specific Covid-related information. For example on 13 November 2020 the First Minister requested information from the Department of Agriculture, Environment and Rural Affairs (DAERA) on testing of sewage for Covid-19. DAERA responded on 24 November, the email chain is exhibited at **TEO/M7/214C – [INQ000583173]**

Executive Covid Taskforce

310. The Executive Covid Taskforce (ECT) was established under the leadership of HOCS in December 2020 (minutes of executive meeting 3 December 2020 and Final executive paper on the Executive Covid Taskforce are exhibited at Exhibit - **TEO/M7/215 – INQ000048501 and Exhibit - TEO/M7/[120] INQ000212987**).
311. The establishment of the ECT was initially agreed at the Executive meeting on the 26 November 2020 **[Exhibit - TEO/M7/[119] – INQ000048500]** to provide practical coordination and alignment of the Executive's overall response to the pandemic. The ECT did this by

joining up the work already taking place across Government Departments, Local Government and public sector agencies and by commissioning and undertaking additional work as considered necessary.

312. The ECT consisted of the Permanent Secretaries for the Department of Health (Richard Pengelly), Department of Justice (Peter May), Department for Communities (Tracy Meharg) and Department for Economy (Mike Brennan), TEO Director of COVID Response (me), Head of EIS (Chris McNabb) and other Departments, as required. TEO provided the secretariat function for the ECT as shown in Terms of Reference [**Exhibit - TEO/M7/218 - INQ000279367**] and as approved at the Executive meeting of 11 February 2021 [**Exhibit - TEO/M7/219 - INQ000048515**]. The four ECT workstreams, were:

- Protect – led by Richard Pengelly, Permanent Secretary, DoH;
- Recovery – led by myself, Head of Covid Strategy and Covid Contingencies, TEO;
- Adherence – led by Peter May, Permanent Secretary, DoJ; and
- Strategic Communications – led by Chris McNabb.

313. The ECT established a 4-weekly review of restrictions to inform Executive decision-making as the rollout of vaccines progressed. The ECT supporting structure was as follows.



314. A Cross Departmental Working Group (CDWG) was reconvened in March 2021 to support the ECT and progress the Executive's Pathway Out of Restrictions ("Pathway") [**Exhibit - TEO/M7/220 - INQ000100976**], again providing a system wide, evidence-led approach to relaxing the restrictions in place at that time. Terms of Reference for the CDWG were agreed at the 16 March 2021 meeting (meeting slides at **Exhibit - TEO/M7/221 - INQ000191045**

and terms of reference at **Exhibit - TEO/M7/222 - INQ000190935**). The reconvened group first met on 24 March 2021 [**Exhibit - TEO/M7/223 - INQ000190966**].

315. The CDWG operated between March 2021 and May 2022 and included representation from all departments, local authorities and the public agencies, and acted as an advisory panel to ECT. The CDWG provided advice on Covid-19 related cross-cutting issues and a collaborative approach to considering proposals to amend restrictions. Secretariat to the CDWG was provided by TEO officials who assisted with coordinating and developing CDWG proposals on Covid-19 matters to submit to ECT and ultimately support the Executive in ensuring that decision-making was proportionate and based upon the latest data provided by a number of Departments.
316. The Pathway set out a four-week review process and key indicators including economic, social and health data which would inform the stage at which relaxations to restrictions could be delivered. Ahead of each four-week review by the Executive, the CDWG agreed departmental proposals for possible relaxations and potential knock-on consequences which would require consideration.
317. The proposed relaxations were collated and submitted to the CMO and CSA to seek their views. This enabled evidence-led advice to be provided to the Executive for consideration and allowed a gradual stepping out of restrictions that took account of the scientific, economic and wider societal impacts. The first collated proposal for relaxation under the Pathway was considered by the Executive on 1 April 2021 [**Exhibits - TEO/M7/224 - INQ000212958 and TEO/M7/225 - INQ000207213**].
318. From 24 March 2021, TEO developed and maintained a dashboard on behalf of ECT. This contained the prevailing scientific, economic and societal data provided by other Departments. The dashboard was considered by the ECT and provided to The Executive on an ongoing basis (example dashboards are provided at **Exhibits - TEO/M7/226 - INQ000415928 and TEO/M7/19 - INQ000212960**). The ECT dashboard provided data on key dates, including vaccine rollout milestones, restriction relaxation points and NI specific societal data. The ECT dashboard also provided a devolved administration comparison to illustrate how NI was performing with regards to vaccine rollout, case numbers (per 100K) and inpatients (per 100k) compared with other administrations. The data assisted the CDWG to correlate different trends and potential impacts before submitting proposed restriction relaxations to the ECT [**Exhibit - TEO/M7/228 - INQ000190746**]. The dashboard was presented 32 times by HOCS to the Executive between 24 March 2021 and 28 April 2022.

CDWG consideration of Test, Trace and Protect

319. At the CDWG on 14 April 2021 an update on the asymptomatic testing programme was

presented by a DoH official, the slide deck and minutes are exhibited at Exhibit - [TEO/M7/229 – INQ000191007 and Exhibit - TEO/M7/230 - INQ000583175]

320. At the CDWG on 23 June 2021 an update on the TTP programme was provided by a DoH official. The agenda, slide deck and minutes are exhibited at [Exhibit - TEO/M7/231 - INQ000190768, Exhibit - TEO/M7/232 - INQ000190769 and Exhibit - TEO/M7/233 – INQ000190775.]

Minutes of ECT in relation Test, Trace and Protect

321. On 3 February 2021, I confirmed that TEO would lead a Task and Finish group on International Travel isolation. [Exhibit - TEO/M7/234 - INQ000188235]
322. On 3 March 2021, an update was provided on recent correspondence from DoH on the forthcoming asymptomatic programme. Julie Harrison, DoJ briefed the group on the current situation in Belfast's Holylands. Ms. Harrison advised that significant work with PSNI and local government was ongoing following recent anti-social behaviour in the area ahead of St. Patrick's Day, including repeat offending [Exhibit - TEO/M7/235 - INQ000278877]. This engagement work was to ensure compliance with the COVID-19 regulations in the Holyland's area in the coming months
323. On 18 March 2021, Richard Pengelly provided an update to the ECT on asymptomatic programme. Peter May advised that St Patrick's Day passed more positively than anticipated. [Exhibit - TEO/M7/236 - INQ000188262]. On 31 March 2021, Richard Pengelly confirmed that the uptake on school testing had been positive and the PHA are scheduled to commence work with local councils around community testing and that focus was currently on testing within businesses where employees could not work from home [Exhibit– TEO/M7/237 - INQ000188266].
324. On 14 April 2021, Richard Pengelly confirmed that asymptomatic testing continued to be successfully rolled out with the preference being for testing on site in order to maintain quality control [Exhibit - TEO/M7/238 - INQ000188148]. I advised that it was hoped that the Dunsilly Hotel would be fully functioning by week commencing 19 April and ready to accommodate its first group of international travellers who were required to quarantine. Richard Pengelly agreed to take forward the approval of the business case with Minister Swann to get this approved and across the line.
325. On 28 April 2021, the ECT noted a number of issues including inconsistencies in domestic travel throughout the CTA; England's plans for a vaccine passport scheme and the importance of IT linkage; and a paper from Mr Pengelly outlining resource requirements to address Covid related travel issues [Exhibit - TEO/M7/239 - INQ000188147]. Mr May circulated a paper which outlined adherence proposals he was making as a consequence of a letter from CMO

- and CSA which had also been circulated [Exhibit - TEO/M7/240- INQ000278896].
326. On 12 May 2021, I provided an update on managed hotel quarantine arrangements and noted that a maximum penalty fine had been issued to one individual attempting to avoid the quarantine arrangements on arrival in Belfast [Exhibit - TEO/M7/241- INQ000188232].
327. On 26 May 2021, Mr May advised that adherence levels were positive following the lifting of some restrictions in April 2021 [Exhibit - TEO/M7/242- INQ000188233].
328. On 9 June 2021, Mr Pengelly advised that the asymptomatic testing programme continued to run well [Exhibit - TEO/M7/243- INQ000188146].
329. On 7 July 2021, Mr May advised that the Adherence group continued to meet on a regular basis, and that the general assessment as that adherence levels were good. The results of a recent Public Attitude survey were undergoing [Exhibit - TEO/M7/244- INQ000188160].
330. On 4 August 2021, Jim Wilkinson (Head of Health Care Policy Group, DOH) provided an update on the vaccination certification scheme [Exhibit - TEO/M7/245- INQ000188159].
331. On 18 August 2021, ECT members discussed the reporting arrangements to the Executive meeting on 1 September and the potential discussions on remaining restrictions such as Covid certificates [Exhibit - TEO/M7/246- INQ000188141]. Mr Wilkinson provided an update on the vaccination certificate scheme. Ms. Harrison provided an update on the fortnightly adherence polling data.
332. On 6 October 2021, Mr Pengelly provided an update on the Covid International Travel Certificate [Exhibit - TEO/M7/247- INQ000188215].
333. On 20 October 2021, the indicative delivery timeframe for COVID-status certification was noted [Exhibit - TEO/M7/248- INQ000188189].
334. On 10 November 2021, Peter Luney, Director Covid Strategy and Recovery TEO, spoke to a working draft paper circulated which set out collaborative ECT thinking and work progressed to date around a possible statutory framework in the event that the Executive would decide to deploy a statutory Covid certification scheme [Exhibit - TEO/M7/249- INQ000188151].
335. On 30 November 2021, the CMO provided an update on the Omicron variant and on testing and self-isolation [Exhibit - TEO/M7/250- INQ000188170]. Mr May provided an update on adherence around the use of covid vaccination passports.
336. On 7 December 2021, new rules on travel, hotel quarantine and the differing rules in ROI were discussed. [Exhibit - TEO/M7/251- INQ000188177]. Mr Pengelly reported an increase of 65k in the download of the Covid certifications and verification since the last report provided to the Executive on 2 December. Enforcement/adherence around Covid certificates and to track and trace requirements were also discussed.

337. On 14 December 2021, Mr Luney spoke to the paper circulated [Exhibit - TEO/M7/252 - INQ000188175] and advised that: any plans would be evidence led; provided for four different scenarios from limiting social contact and increasing through to hospitality; strengthening use of Covid certs and closure of certain premises. Mr May reported on a pause on enforcement of Covid certifications until the Assembly debate concluded; PSNI advised of pause in enforcement and await further guidance.
338. On 21 December 2021, Mr Pengelly updated the taskforce on the transmission of the Omicron variant [Exhibit - TEO/M7/253 - INQ000188137]. Mr Luney also spoke to the paper circulated to the group which set out a suite of potential interventions and the associated impact of each on viral transmission in a variety of settings and events, including testing [Exhibit TEO/M7/254A - INQ000270706].
339. On 28 December 2021 [Exhibit - TEO/M7/255- INQ000188136], Mr Pengelly confirmed that the testing would not see normal throughput at this time due to the holiday period. I updated colleagues on recent engagement around enforcement and outlined concerns expressed by some, including the hotel sector. Mr May advised that PSNI had indicated that the Covid certification scheme appeared to be running smoothly while minor contact tracing issues remained with some businesses closed briefly to ensure correct compliance. Colum Boyle, DoF Permanent Secretary advised on the funding position, and passed on his thanks to colleagues who developed the policy around the recently announced financial support package.
340. On 4 January 2022, Mr May advised that over 1,000 license inspections had been carried out since the end of November 2021; and that eight prohibition notices and three fixed penalty notices of £1000 had issued. A small number of premises were failing to co-operate, but the picture as generally positive in terms of enforcement of risk assessments, Covid certification and track and trace [Exhibit - TEO/M7/256- INQ000188186].
341. On 11 January 2022, Richard Pengelly noted the change to rules for self-isolating following a positive lateral flow test and capacity for PCR testing. Mr May reported that the adherence position remained steady and that there was good compliance with the Covid certificate requirements [Exhibit - TEO/M7/257- INQ000188188].
342. On 18 January 2022, Bill Pauley (Director, Strategic Policy and Reform, DoF) gave an overview in relation to the financial funding support in place [Exhibit - TEO/M7/257A - INQ000188183].
343. On 25 January 2022, Mike Brennan (DfE Permanent Secretary) and Bill Pauley provided updates on financial support schemes. [Exhibit - TEO/M7/257B- INQ000188167]
344. On 22 February 2022, Jayne Brady advised on the recent discussions around GB movement

on testing and associated funding, noting that indications were that there would be no Barnett consequential for devolved administrations once testing would end [Exhibit - TEO/M7/258- INQ000188239].

Adherence Group

345. The Adherence Group, chaired by Peter May, DoJ, brought together departmental stakeholders as well as enforcement agencies to discuss how changes in law and guidance impacted upon adherence thereto, how to best encourage compliance with public health messages and to work with behavioural science experts in efforts to reduce transmission of the virus. I was a member of this group although in practice my team attended and provided secretariat and advice support to Mr Peter May more than I did. The group first met on 15 January 2021 and terms of reference have been Exhibited [Exhibit - TEO/M7/259 - INQ000187995]. Further detail on this group is included in the TEO Corporate Statement for Module 2C.
346. The discussion at the Adherence Group, was primarily focused on creating an overall picture of the progression of the pandemic and how vaccination would play a role alongside non-pharmaceutical interventions (NPIs), such as self-isolation, test and trace and other interventions. This information would subsequently feed into proposals developed by departments which would be issued to the CMO and CSA for consideration as exhibited in the Pathway Out of Restrictions [Exhibit - TEO/M7/224 - INQ000212958].
347. The Adherence group established under the Executive Covid Taskforce procured Covid-19 population polling data between June 2021 and March 2022, producing 12 sets of polling data to ascertain attitudinal adult-only opinions towards the Covid-19 restrictions. This information was key to confirming or challenging the approach to be taken towards restrictions and/or enforcement. This data provided an insight into the attitudes and behaviours towards the Covid-19 virus. [Exhibits TEO/M7/261 - INQ000188425, TEO/M7/262 - INQ000188426, TEO/M7/263 - INQ000188571, TEO/M7/264 - INQ000188623, TEO/M7/265 - INQ000188657, TEO/M7/266 - INQ000188654, TEO/M7/267 - INQ000188640, TEO/M7/268 - INQ000188643, TEO/M7/269 - INQ000188646, TEO/M7/270 - INQ000188635, TEO/M7/271 - INQ000188631, TEO/M7/272 - INQ000188628]
348. The population polling tracked various demographics, such as age, sex, ethnicity and Local Government area, tying in with information on their vaccination status, such as being single or double vaccinated and whether they would accept or refuse vaccination if offered, or if they were unsure.
349. The polling also allowed for the gathering of information on risk perception, facilitating the possible identification of a correlation between relaxation of restrictions, vaccine status and

perceived risk.

Strategic Enforcement Group

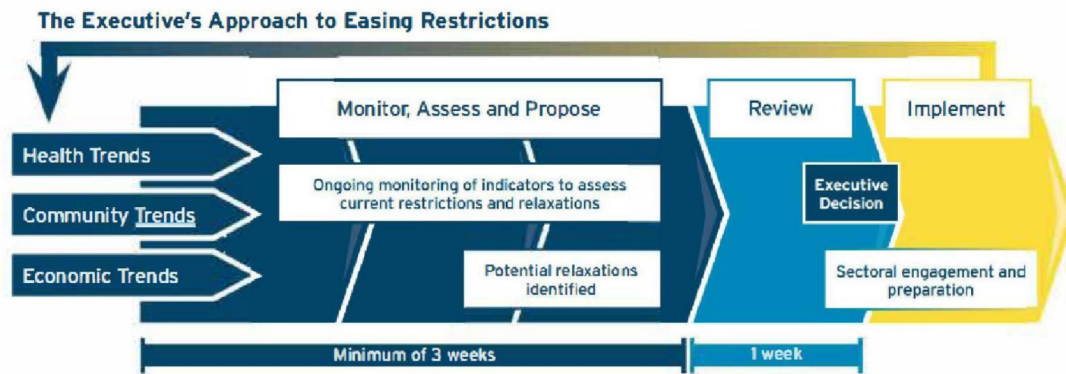
350. TEO had no dedicated role or function relating to enforcement of measures or for ensuring compliance. Responsibility for this rested with the Department of Justice, the PSNI and other external stakeholders.
351. However, I attended meetings of the Strategic Enforcement Group where such matters were discussed. The group first met on 25 September 2020 and a note of the meeting has been exhibited at **Exhibit TEO/M7/273 - INQ000427197**. This group was chaired by the Junior Ministers, with the CMO and CMA along with representatives from The Executive Office (TEO), Department of Health (DoH), Department of Justice (DoJ), Department for Communities (DfC), Society of Local Authority Chief Executives (SOLACE) and the Police Service for NI (PSNI).
352. On 9 October 2020, the group discussed actions required in light of rapidly increasing Covid-19 case numbers **[Exhibit - TEO/M7/274 - INQ000291186]**. A number of issues were discussed including new penalties, the lead in time required for printing fine tickets, a Memorandum of Understanding between Councils and PSNI, engagement with sectors, guidance for students regarding travel, communications and the potential stand up of CCGNI and emergency planning arrangements.
353. First Minister, deputy First Minister, Junior Ministers and Minister Long met with PSNI on 9 October 2020 to discuss enforcement needs regarding the Covid-19 regulations in line with proportionality and the potential for impacts on community policing **[Exhibit - TEO/M7/275 - INQ000279284]**. PSNI highlighted positive engagement with sectors regarding efforts to increase compliance with the regulations and emphasised the need for additional support. It was agreed that consideration would be given to standing up Command, Control and Coordination structures, see paragraph 172.
354. During the pandemic, further meetings of the Strategic Enforcement/Compliance Group took place on 21 October 2020 **[Exhibit - TEO/M7/276 - INQ000279416]**, 28 October 2020 **[Exhibit - TEO/M7/277 - INQ000268885]**, 4 November 2020 **[Exhibit TEO/M7/278 - INQ000268905]**, 25 November 2020 **[Exhibit - TEO/M7/279 - INQ000268904]**, 2 December 2020 **[Exhibit - TEO/M7/280- INQ000268884]**, 9 December 2020 **[Exhibit - TEO/M7/281 - INQ000268865]** and 16 December 2020 **[Exhibit - TEO/M7/282 - INQ000268883]**. The meetings focused on emerging issues and how to resolve them.

Pathway out of Restrictions 2021

355. On 2 March 2021, the Executive agreed to publish its Pathway out of Restrictions document **[Exhibit - TEO/M7/058 - INQ000213669]**. The Pathway set out a four-week review process

and key indicators including economic, social and health data which would inform the stage at which relaxations to restrictions could be delivered. Ahead of each four-week review by the Executive, the CDWG agreed departmental proposals for possible relaxations and potential knock-on consequences which would require consideration.

356. The diagram below shows the Executive's approach to easing restrictions.



357. Using the approach above, the Pathway provided the Executive with the opportunity to consider the impact of each relaxation before making any further easements. In line with the Pathway, from July 2021 to November 2021, the Executive made over 50 easements to restrictions.

358. The Moving Forward: Pathway out of Restrictions Strategy did not contain, indicative dates for sectors reopening. From experience, there were too many uncertainties with Covid-19 to be able to provide definitive date. The position of the Executive at that time was:

- the need to keep R number below 1,
- that there is capacity in the health service;
- that the vaccination programme remains on track;
- that our Test, Trace and Protect strategy continues to be effective: and,
- that there is good adherence to the public health advice.

359. The first collated proposal for relaxation under the Pathway were considered by the Executive on 1 April 2021 [Exhibit - TEO/M7/224 - INQ000212958] and Exhibit - TEO/M7/225 - INQ000207213].

The Executive's 2021-22 Autumn/Winter Contingency Plan

360. In October 2021, with the majority of Coronavirus restrictions removed or translated into guidance, TEO developed the Executive's Autumn Winter Covid Contingency Plan 2021

[Exhibit – TEO/M7/060 - Exec110 - INQ000188216]. Extensive engagement took place with the arts, entertainment and hospitality sectors and there was a positive response to taking additional steps to ensure the safety of customers, staff and the wider community.

361. The Executive agreed the Autumn Winter COVID-19 Contingency Plan on 7 October 2021 **[Exhibit - TEO/M7/174 – Exec112 - INQ000048544]** setting out the options the Executive had at its disposal in the event of rising cases numbers or unsustainable pressures on hospitals. Extensive engagement took place with the arts, entertainment and hospitality sectors.

362. The plan set out:

- the rules that would remain in place over the Autumn / Winter period;
- the measures available to the Executive to deploy if the situation deteriorated in order to slow the spread of the virus and protect the health service; and
- what we could all do to help reduce case numbers.

363. The plan was based on the need to keep society and economy open to the fullest possible extent.

364. The aim of the Autumn Winter Plan was to prioritise measures to help control transmission of the virus while seeking to minimise economic and social impacts, recognising that the early introduction of 'low cost' interventions would help avoid more disruptive interventions later and unacceptable hospital pressures.

365. These were:

- More robust communications - Communicating clearly and urgently to the public that the level of risk had increased, and with it the need to behave more cautiously. The ongoing public information campaign was flexed in line with risks.
- The potential enhanced use of COVID-status certification in certain settings. At time of publication there was a voluntary arrangement in place and an alternative approach through the use of regulations that was kept under review in case required.
- Changes to self-isolation arrangements with proposals to strengthen advice for social contacts to self-isolate until they have a negative PCR test were set out. At time of publication everyone with symptoms were asked to self-isolate and take a PCR test.
- Re-imposition of a legal requirement for social distancing in settings which gave rise to greatest risk of transmission. For most settings, social distancing advice was in

guidance at time of publication.

366. In addition, good ventilation was identified as an important element in reducing the risk of transmission of the virus during Autumn/Winter period. A ventilation group was established to look at this area with an initial goal to develop guidance that could be issued to businesses to aid them in identifying both good and poor ventilation.
367. The Transformation Programme: Delivery Strand was set up in October 2021 to join up the Recovery Plan and the Programme for Government (PfG) **[Exhibit TEO/M7/288 - Exec123A - INQ000279369]**. It was led by Denis McMahon, and a scoping paper was prepared in November 2021 to aid further discussions with HOCS and other Permanent Secretaries **[Exhibit - TEO/M7/289 Exec123B - INQ000279370 and Exhibit - TEO/M7/290 - Exec123C - INQ000279371]**.

Covid Status Certification

368. Covid Status Certification was a means by which people wishing to enter large events, sporting events and hospitality settings could evidence their vaccination status or that they had a negative PCR or lateral flow test within a specified time.
369. Over the summer of 2021, organisers of large outdoor events had applied guidance to introduce a form of COVID-status certification by requiring attendees to present proof of a negative lateral flow test. Heading into the autumn, major event organisers voluntarily used COVID-status certification in the fuller sense by requiring ticketholders to produce evidence of vaccine status or a negative test. Following its decision to remove the legal requirement for social distancing in respect of indoor seated venues on 27 September 2021, the Executive encouraged the application of a range of other mitigations including COVID-status certificates based on vaccine or negative LFD test, or positive PCR test. The Executive retained an option to deploy statutory COVID-status certificates if required to provide a targeted and proportionate means to reduce risk while maximising its ability to keep open certain settings and events where transmission is likely to be higher. In addition, it was anticipated that the need to be vaccinated would encourage the remaining sections of the eligible population yet to be vaccinated to take up the offer of a vaccine.
370. Covid Status Certification was one of the measures included in the Executive's 2021 Autumn / Winter Covid-19 Contingency Plan **[Exhibit - TEO/M7/060] – Exec110 - INQ000188216]** that could be taken if the situation deteriorated to slow the spread of the virus and protect the health service. It referred to the use of Covid status certification and the potential to move from voluntary use to mandated deployment, if required, to provide a targeted and proportionate means to reduce risk while maximizing the ability to keep open certain settings and events where the risk of transmission of coronavirus was higher. This plan was endorsed

by the Executive on 7 October 2021 **[Exhibit - TEO/M7/174 - Exec112 - INQ000048544]**.

371. The ECT provided a paper setting out proposals for a statutory framework for the mandatory deployment of COVID-status certificates at a future point should the Executive determine that it is necessary and appropriate to do so. This paper was dated 17 November 2021 **[Exhibit - TEO/M7/293 - INQ000023217]**
372. Initially a paper-based approach was used to demonstrate Covid Status whereby individuals could use the record of their vaccination status and evidence of a negative lateral flow test along with a form of identification to evidence their Covid Status.
373. The Department of Health introduced Northern Ireland's domestic vaccine certification app on 1 November 2021 - the COVIDCert NI app. The app offered separate vaccination certificates for both foreign travel and domestic use. It provided official confirmation that the individual had both of their Covid-19 vaccine doses or evidence of a negative PCR or Lateral Flow Test (LFT) should a person not have taken up the offer or been unable to be vaccinated **[Exhibit - TEO/M7/294 - INQ000383128]**. The development of a local solution provided a basis for the continued voluntary use of COVID-status certificates and also ensured that NI citizens were not precluded from accessing events or activities in other jurisdictions where certificates were required.
374. The Minister of Health wrote to Executive Colleagues on 1 November 2021 confirming the delivery of digital products in support of the Executive's existing policy on voluntary use of certification **[Exhibit - TEO/M7/295 - INQ000279335]**. The First Minister and deputy First Minister responded on 3 December 2021 **[Exhibit - TEO/M7/296 - INQ000304950]**.
375. In the run up to Christmas 2021, work commenced to agree festive messaging and communications to remind people of the risks and measures they should be taking to reduce the spread of infection. Covid case numbers were rising rapidly in NI amongst the younger demographic who were yet to receive the booster vaccination. At the Executive meeting on 17 November 2021, the Minister of Health brought forward a paper for consideration **[Exhibit - TEO/M7/293 - INQ000023217]** seeking the mandatory introduction of domestic vaccine certification in direct response to the emergence of the Omicron variant. Following a presentation at the meeting by the CSA, Professor Ian Young, that noted a substantial rise in cases and hospitalisations, the Executive voted on the measures outlined in the paper presented. The First Minister recorded that the DUP was not in a position to support the paper owing to the lack of an equality impact assessment (EQIA), consideration of human rights implications, or an economic assessment. The Executive agreed by way of a majority vote that mandatory certification should be introduced in certain settings from the start of December 2021 **[Exhibit - TEO/M7/298 - INQ000207226]**.

376. On 22 November 2021, the Executive discussed other contingency measures in the Autumn / Winter Plan and how these could be deployed in tandem with Covid-status certification [Exhibit - TEO/M7/299 - INQ000207227].
377. There was limited information regarding the Covid Certification Scheme on NI Direct and NIBusinessInfo around Covid Certification. To bridge this gap, TEO drafted two documents:
- Customer information webpage hosted on NI Direct [Exhibit - TEO/M7/300 - - INQ000279323]; and
 - Business and event guidance hosted on NIBusinessinfo as a summary page and then link to the full PDF [Exhibit - TEO/M7/301 - INQ000279324].
378. The mandatory introduction of certification was implemented on 29 November 2021, with an initial two-week grace period followed by enforcement beginning on 13 December 2021 [Exhibit - TEO/M7/293 - - INQ000023217, Exhibit - TEO/M7/303 - - INQ000190857]. The introduction was in direct response to increasing case numbers and a requirement for direct intervention to prevent the health service from being overwhelmed.
379. From that date, individuals had to prove their COVID status for access to nightclubs, licensed hospitality premises, including 'bring your own' alcohol venues, cinemas, theatres, conferences and exhibition halls, indoor events with 500 or more attendees with some or all of the audience not normally seated, outdoor events with 4,000 or more attendees with some or all of the audience not normally seated and events where more than 10,000 people will be present regardless of whether they are seated.
380. The legislation was amended in February 2022 removing the mandatory requirement for Domestic Use COVID Certificates in any setting. Guidance remained in place to encourage conducting a risk assessment for gatherings, events, entertainment, leisure, and sporting activities.
381. COVID status certification had a primary focus on indoor and outdoor events, nightclubs, licensed hospitality and other premises that permitted the consumption of intoxicating liquor, cinemas, theatres and conference centres.

Engagement on Covid Status Certification

382. One mitigation that was put in place in November 2021 in support of relaxations and required a lot of engagement with sectors was in relation to the introduction of mandatory Covid status certification. Meetings were held at Ministerial and Official level with the retail, hospitality and events sectors as well as PSNI and Local Government.
383. The Executive Covid Taskforce held eight engagement sessions with a range of sectors,

including hospitality and arts, in the week before mandatory COVID-19 Status Certification was introduced. For example, on 22 November 2021, senior TEO official met with representatives of the Events sector to discuss the need for earlier than intended introduction of Covid Status Certification because of an increase in Covid-19 case numbers **[Exhibit - TEO/M7/304 - INQ000271222]**.

384. These sessions were followed up with further sectoral engagement on 2 December 2021 **[Exhibits - TEO/M7/305 - INQ000271208, TEO/M7/306 - - INQ000279300, TEO/M7/307 - INQ000279301, TEO/M7/308 - INQ000271206, TEO/M7/309 - INQ000279303]** when feedback on practical implementation was received. In addition, on 9 December 2021, Junior Ministers convened a meeting with representatives of the hospitality sector on 9 December 2021, the that was also attended by Minister Long, the Head of the Civil Service and the Chief Scientific Adviser. **[Exhibit - TEO/M7/310 - INQ000438304]**. The meeting was called to discuss concerns over the emergence of the Omicron variant of the coronavirus in light of evidence that that it was more transmissible than the Delta variant and its impact in terms of severity was unknown. The purpose of the meeting was to identify preventative measures that could be taken to slow down the spread of the virus. The conversation turned to frustrations by the sectors over the messaging around Covid Status Certification. TEO assured the group that work on messaging was in progress and that the detail on that would be shared. Meetings were also held with representatives of the Events and Retail sectors on the same day. At the meeting with the retail sector **[Exhibit - TEO/M7/311 - INQ000271218]**, concerns were raised about an increase in abuse towards retail workers as the public are not so accepting of restrictive measures. Messaging was again raised as an issue.
385. Six further engagement sessions were held with the hospitality sector between 10 and 23 December 2021 to discuss emerging operational issues, enforcement and funding.
386. Concerns had been raised by sporting event organisers that requiring individuals to prove their vaccination status prior to entry would create significant queues and crowd control issues. TEO officials attended a Gaelic Football match and an Ulster Rugby match in November 2021 to observe the operation of Covid certificates on the ground and to test the practical out-workings of domestic Covid Status Certification. Through this, officials and the event organisers were able to agree the best process by which Covid certificates could be implemented with minimum delays for fans entering the grounds.
387. The Department of Health set up mobile testing facilities at large events so that ticket holders who could not provide evidence of a negative lateral flow test could be tested prior to entering the grounds.

UKG Events Research Programme (ERP)

388. Between April and July 2021, UKG ran an Events Research Programme (ERP) involving mass events pilots to explore different approaches to social distancing, ventilation, test-on-entry protocols and COVID-status certification at large scale events. The aim of the Programme was to examine the risk of transmission of COVID-19 from attendance at events and explore ways to enable people to attend a range of events safely. The programme explored how a combination of testing and NPIs could inform decisions on safely lifting restrictions at events.

389. ERP pilots involved a range of events across the country including:

- World Snooker Championships, Crucible Theatre, Sheffield: 17 April - 3 May
- FA Cup Semi Final and Final, Wembley Stadium, London: 18 April - 15 May
- Carabao Cup Final, Wembley Stadium, London: 25 April
- The Good Business festival 'Change for Good' business event: 28 April
- Circus Nightclub, Liverpool: 30 April - 1 May
- Sefton Park Pilot (live music event), Liverpool: 2 May
- The BRIT Awards, London: 11 May
- Reunion Run, Kempton: 15 May
- Cricket, Edgbaston, Birmingham: 10 - 13 June
- Royal Ascot (horse racing), Berkshire: 15 - 19 June
- Download Festival, Leicestershire: 18 - 20 June
- Cricket, Durham: 29 June
- UEFA Euro 2020 (7 matches including Semi Final and Final), Wembley Stadium: 13 June - 11 July
- Cricket, Oval, London: 1 July
- Cricket, Bristol: 4 July
- Performances at The Grange Opera Festival, Hampshire: 1 - 18 July

- The Championships, Wimbledon (tennis), London: 28 June - 11 July
- Goodwood Festival of Speed, West Sussex: 8 - 11 July
- Cricket, Lord's, London: 11 July
- Opera North, Leeds Playhouse, Yorkshire: 14 - 17 July
- Cricket, Edgbaston, Birmingham: 13 July
- The Open Championships, Kent: 11 - 18 July
- Performances at Grosvenor Park Open Air Theatre, Chester: 14 - 17 July
- The British Grand Prix, Silverstone Circuit, Northamptonshire: 14 - 18 July
- Cricket, Trent Bridge, Nottinghamshire: 16 July
- The Challenge Cup Final, Rugby League, Wembley Stadium, London: 17 July
- Performances at The Piccadilly Theatre, London: 17 - 23 July
- Cricket, Headingley, Yorkshire: 18 July
- Home and Gift Buyers Festival, Harrogate, Yorkshire: 18 - 21 July
- Latitude Festival, Southwold, Suffolk: 22 - 25 July
- Tramlines Festival, Sheffield, Yorkshire: 23 - 25 July

390. Officials from Devolved Administrations were invited to attend the test events to see operations on the ground. Officials from NICS departments attended events and reported back to the Cross Departmental Working Group. The learning from attendance at these events was used to inform the development of a local test event in Northern Ireland, although with a different purpose, with UKG publishing an initial report on 25 June 2021 **[Exhibit - TEO/M7/312 - INQ000279321]**.

Local Logistical and Operational Learning Event

391. In early May 2021, the Executive requested that consideration should be given to running an event in Northern Ireland as a logistical and operational learning exercise rather than a test pilot event under the ERP. A cross-departmental group **[Exhibit - TEO/M7/313 – INQ000415934 and TEO/M7/314 – INQ000415935]** was established to consider running an event with the purpose that the lessons from this exercise would help inform future events

as we plan for the return of events with larger audiences to venues.

392. A proposal was brought to the Executive meeting on 13 May 2021 **[Exhibit - TEO/M7/148 – INQ000207216 and TEO/M7/316 - INQ000212968]** at which it was agreed that an outdoor sporting event involving 1,000 spectators would be permitted to enable logistical and operational learning to inform the future safe return of spectators to large scale venues.
393. TEO established a group involving officials from all relevant departments as well as representatives from the Local Councils, PSNI, Tourism NI and the Irish Football Association (IFA) to take forward a Logistical and Operational Learning Event at Mourneview Football Park in Lurgan on 21 May 2021. Department of Health (DoH) officials were engaged with to ensure the regulations were amended to facilitate spectators at this one-off learning event prior to spectators being permitted at sporting events in general. DoH also ensured that on-site lateral flow testing was available to spectators who attended without proof of a negative lateral flow test to ensure they could attend the event.
394. The report produced from the event provided a number of recommendations on the safer running of large outdoor events **[Exhibit - TEO/M7/317 - INQ000023215]**. The report was submitted to the Executive for consideration and Jane Holmes, Covid Recovery and Inquiry Division, TEO, Nigel McMahon, Chief Environmental Health Officer, DoH, Alasdair MacInnes, Head of Health Protection, DoH and junior DoH officials subsequently attended the DoH Committee in the Assembly to provide information on the outcome of this event **[Exhibit - TEO/M7/318 - INQ000279325]**.

TRAVEL

Passenger locator forms

395. From 26 December 2020, Northern Ireland entered into a second lockdown and at the meeting on 4 January the focus was very much on the concerns around case numbers, the need to take additional measures and the risk to the health service. NI Ministers pushed again for engagement with RoI Ministers in relation to travel restrictions. The meeting note of 4 January 2021 is exhibited at **[Exhibit TEO/M7/318A – INQ000286560]**.
396. At the meeting on 6 January 2021 the focus turned to the vaccine rollout and the intention for persons to have a negative test prior to travelling. NI Ministers once again expressed the need for this to be a joined-up approach with RoI. The meeting note of 6 January is exhibited at **Exhibit - TEO/M7/319 – INQ000279468**.
397. On 13 January 2021, First Minister and deputy First Minister met remotely with the Taoiseach to discuss issues regarding the pandemic **[Exhibit - TEO/M7/320 - INQ000276049]** (please note the document is dated 13 January 2020 in error). The

Ministers discussed the impact of rising cases, the emergence of the new variant, pressures on hospitals, rollout of the vaccines and the need of increased cooperation on travel including sharing Passenger Locator Forms.

398. As high case numbers continued through January, attention remained on vaccine rollout and how NI could keep the R number down, the economy moving and how to deliver a show of appreciation to the NHS. The discussion on travel restrictions also continued with an announcement from the PM on the suspension of travel corridors and the need for pre travel testing and quarantine. The meeting note of 15 January 2021 is exhibited at **[Exhibit - TEO/M7/321 - INQ000279469]**.
399. At the meeting on 27 January 2021, the focus on travel intensified with DAs being informed of an announcement by the Home Secretary later that day on tougher messaging around travel, a review of exemptions and the need to isolate when travelling from hot spots. The meeting note of 27 January is exhibited at **[Exhibit - TEO/M7/322 – INQ000279470]**.
400. At a Trilateral officials' meeting on 27 January 2021, the UK Government and the Republic of Ireland provided updates on restrictions, international travel bans, quarantine measures and passenger locator forms **[Exhibit - TEO/M7/323 – INQ000277058]**.
401. First Minister, deputy First Minister, Junior Minister Lyons and the NI Minister of Health met with the Tánaiste and the RoI Minister for Health and Robin Walker, a Northern Ireland Office Minister on 1 February 2021 **[Exhibit - TEO/M7/324 – INQ000279496]**. The meeting focused on current case numbers, concerns about travel and hotel quarantine.
402. NI Ministers continued to express the need for a two-island approach to travel restrictions with there being an issue surrounding passenger locator forms (PLF).
403. At the 10 March 2021 meeting, the vaccine rollout continued to be a key driver, with a forward look toward possible vaccine certification. NI Ministers made a further call for engagement with ROI with regard to Passenger Locator Forms and in respect to the differing pace of vaccine rollout and also raised the issue of liberties, inequities and ethical issues when looking at certification. Meeting note of 10 March 2021 is exhibited at **[Exhibit - TEO/M7/325– INQ000279472]**.

Managed Quarantine

404. Managed Quarantine Services (MQS) was a specific policy designed to assist with Covid-19 transmission reduction. It entailed mandatory stays at designated hotels for those returning to the UK from designated (red list) countries. This was a UK wide policy intervention linked closely to policy positions on international travel.
405. 'Red list' countries were those countries and territories that were subject to additional

restrictions. Details of these countries changed over time and were set out in the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 [Exhibit - TEO/M7/326 - INQ000279294]. As a result, individuals arriving from Red list countries were required to enter managed isolation for 10 days in a designated hotel at their own expense. The Executive retained the option of reviewing the relevant countries at any stage. The Minister of Health asked the Executive's Covid-19 Task Force to lead on arrangements for managed isolation [Exhibit – TEO/M7/327 - INQ000269023].

406. At the Executive meeting on 4 February 2021, Ministers discussed proposals to introduce a managed quarantine scheme in Northern Ireland. The paper tabled by the First Minister and deputy First Minister titled 'International Travel – Executive Covid Travel (ECT) Update' updated the Executive on international travel issues and outlined key decisions needed as the work progressed [Exhibit – TEO/M7/334 - INQ000023207]. The minutes noted that the Minister of Health advised that some progress had been made on the issue of sharing passenger data through an agreement with the provider of the travel locator system. This system provided that Northern Ireland-bound travellers arriving into Dublin and other Irish airports would receive a text message asking them to complete a UK Passenger Locator Form. Following discussion, the Executive noted the ongoing work of the Task and Finish Group on International Travel, and that further decisions would be required [Exhibit – TEO/M7/329 - INQ000215559].
407. When it was decided that MQS arrangements should be introduced in Northern Ireland, the Minister of Health flagged the need for assistance with an implementation project for this [Exhibit – TEO/M7/327 - INQ000269023]. In his correspondence to First Minister and Deputy First Minister dated 3 and 5 March 2021 and 13 May 2021, Minister Swann asked that the Executive's COVID-19 Taskforce take on the work needed to respond to UKG's announcement on international travel and managed isolation. The First Minister and deputy First Minister agreed to provide Task and Finish assistance, in the context of DoH retaining the lead on international travel more generally.
408. The project necessitated putting in place hotel and other logistical arrangements, such as transport and security for relevant incoming passengers for a period of time to help reduce the risk of Covid-19 transmission arising from international travel. Bearing in mind that international flights into Northern Ireland were significantly reduced at the time and tended not to be direct from red list countries in any event, the project was on a relatively small scale but required an intense start up time.
409. At the Executive meeting on 25 March 2021, it was agreed to the introduction of a Managed Isolation Service. At this meeting the First Minister and deputy First Minister tabled a paper 'International Travel – Executive Covid Taskforce (ECT) Update 4 [Exhibit - TEO/M7/337 -

INQ000023210 and recommended that:

- Our approach should be based on the Red list, and that the content of it will be kept under regular review. The arrangements for managed isolation should be flexible enough to enable a broader approach on international travel to be put in place should the need arise;
- Note the update on the contract discussions and seek agreement of the scope of the arrangements;
- Agree designation of airports; and
- Agree how to manage the travel implications arising from the decision to remove the Stay Home requirement from 12 April.

410. The Executive agreed the recommendations **[Exhibit - TEO/M7/332 - INQ000065522]**.

411. TEO established a task and finish group consisting of the Department of Health, Department for the Economy, Department for Infrastructure, Department of Justice and Department of Finance, PSNI and Local Government. G4S, the firm procured to provide security advice for the scheme, also attended. Border Force were subsequently invited to attend.

412. Whitehall Departments had the overall lead on MQS and had procured a range of service providers on a UK-wide basis. For example, a hotel booking service, transport booking services and security for the hotels. Therefore, we were able to avail of these contracts and we joined the regular contract meetings organised by Whitehall. The scale of MQS in England was considerable, whereas we were able to deliver the policy objective with one hotel a second hotel was subsequently used, but only one at a time was required).

413. The MQS was put in place for the first returning international flight into a Northern Ireland airport on 19 April 2021. In the development of the MQS, my team worked closely with colleagues in DHSC. I wrote to DHSC on 27 May 2021, thanking them for their support and guidance **[Exhibit - TEO/M7/333 - INQ000268675]**.

414. The Task Force submitted four ECT update papers with policy proposals for discussion at the Executive:

- Update 1 – 4 February 2021 **[Exhibit – TEO/M7/334 - INQ000023207]**
- Update 2 – 11 February 2021 **[Exhibit - TEO/M7/335 - INQ000023208]**
- Update 3 – 16 March 2021 **[Exhibit - TEO/M7/336 - INQ000023209]**
- Update 4 – 25 March 2021 **[Exhibit - TEO/M7/337 - INQ000023210]**

Of note, the following were agreed by the Executive:

- Officials were mandated to avail of UKG contracts
- The Executive agreed a Red list approach to be kept under review
- Belfast International and Belfast City airports would be designated points of arrival for air travel, and the City of Derry airport would be kept under review
- Offences and penalties would mirror the UK regime.

415. The Task Force provided a fifth report to the Executive on 15 April 2021 [Exhibit - TEO/M7/338 - INQ000023211] to outline the overall arrangements, and a sixth and final report was submitted to close the Task and Finish group after a week of go-live of the MQS here.

416. The management of the MQS transferred back to the Department of Health after the initial start-up phase, in June 2021. At that time the numbers of individuals and families who had been required to use MQS facilities was relatively low, less than 100. A dashboard was prepared on a daily basis for the MQS, an example is exhibited at Exhibit - TEO/M7/339A – INQ000583177

Covid Certification for Travel and the Role of TEO

417. As vaccination roll-out progressed in the second half of 2021, it became possible to factor vaccination status into recovery plans for international travel. Prior to this the Executive had agreed (at meetings on 13 and 20 May 2021) to reopen international travel by way of the introduction of a traffic light system (i.e., Red-Amber-Green) by UK Government. This resulted in differing requirements on travellers coming into the UK in terms of testing and isolation which was discussed at the Executive on 13 May 2021 [Exhibit - TEO/M7/148 - INQ000207216] and 20 May 2021 [Exhibit - TEO/M7/341 - INQ000207217].

418. Measures in place for international travellers were reviewed by the Executive at regular intervals. As outlined in the Executive paper discussed on 8 July 2021 [Exhibit - TEO/M7/342 - INQ000065681], it was agreed that the measures in place for international travellers would be reviewed at the end of June, the end of July, and the start of October 2021.

419. Issues relating to the potential application of vaccine certification were discussed between the four UK jurisdictions at the CDL meetings on 9 June 2021 [Exhibit - TEO/M7/343 - INQ000286537] and 30 June 2021 [Exhibit - TEO/M7/344 - INQ000286490]. On 30 June it was confirmed that England was progressing with one app (NHS app) for travel and domestic use. The First Minister indicated at that meeting that NI would be using a paper-based system for certification in the interim for travel up to 19 July 2021. [Exhibit - TEO/M7/345 - INQ000411394].

420. At a meeting involving the First Minister, deputy First Minister and the Minister of Health on 29 June 2021, the DoH Permanent Secretary outlined plans to introduce vaccine certification for international travel from 10 July 2021. The deputy First Minister acknowledged that vaccine certification would be an incentive to younger people to get vaccinated **[Exhibit - TEO/M7/346 - INQ000304275]**. Ultimately, the Covid Cert NI App was launched by the DoH on 23 July 2021.
421. Vaccination status enabled the relaxation of criteria for testing and isolation during the summer of 2021. Cabinet Office officials informed the Ministers at the CDL meeting on 5 July 2021 about plans to ease requirements for fully vaccinated travellers returning from amber list countries **[Exhibit - TEO/M7/347 - INQ000286548]**.
422. The Executive then agreed at a meeting on 8 July 2021 **[Exhibit - TEO/M7/160 - INQ000048537]** that from 26 July 2021 arrivals from amber list countries who had been fully vaccinated in the UK would not have to self-isolate or take a day 8 test post-arrival on the basis of a paper presented by Minister of Health **[Exhibit - TEO/M7/342 - INQ000065681]**. The rollout of this decision in Northern Ireland was brought forward to 19 July 2021 on the back of the Urgent Decision procedure dated 14 July 2021 brought forward by Minister of Health **[Exhibit - TEO/M7/350 - INQ000213731]** and approved by the First Minister and deputy First Minister **[Exhibit - TEO/M7/351 - INQ000213729]** on 14 July 2021. The bringing forward of the rollout was to tie in with the implementation date of the policy in England. This was subsequently extended to include arrivals into the UK who had been vaccinated in different countries.
423. At the CDL meeting on 21 July 2021, Cabinet Office officials informed the group of a policy change at UK Government level to introduce domestic vaccine certification to allow venues to open. It was noted that this was in part to encourage vaccine uptake, particularly amongst younger adults. The meeting note of 21 July 2021 is exhibited at **[Exhibit - TEO/M7/352 - INQ000286618]**.
424. Further CDL meetings throughout 2021 discussed a range of issues including: international travel including the requirement for a negative test prior to travelling; vaccine passports, ethical and equality considerations and the policy shift on the use of vaccine certification by the UK Government. The notes of the meetings on 6 January 2021, 10 March 2021, 19 May 2021, 21 July 2021 and 17 November 2021 are exhibited at **TEO/M7/353 - INQ000286545, TEO/M7/325 - INQ000304456, TEO/M7/355 - INQ000286494, TEO/M7/352 - INQ000286618 and TEO/M7/357 - INQ000286603** respectively.

Engagement with other Government Organisations

Engagement with UK Government and other Devolved Administrations

425. Throughout the pandemic, Executive Ministers, including the First Minister and deputy First Minister, Minister of Health, CMO and officials attended the following meetings:

- The Chancellor of the Duchy of Lancaster (CDL)
- The Secretary of State for NI;
- The Prime Minister
- FCO Minister for State
- COBR

426. CDL calls were a form of engagement between the UK government and the Devolved Administrations as the response to the pandemic progressed and these meetings provided a forum for the four jurisdictions to raise and discuss matters, including vaccination rollout. For example, at meetings on 11 November 2020 and 2 December 2020 in response to queries from the deputy First Minister on mass testing, the Chancellor of the Duchy of Lancaster was keen to confirm that Devolved nations would have a fair and equitable distribution of tests and vaccines with DAs having flexibility to decide how the rollout would be implemented locally **[Exhibit - TEO/M7/358 - INQ000286558 and TEO/M7/359 - INQ000279465]**.

427. Further CDL meetings throughout 2021 discussed a range of issues related to testing including: community testing, what role mass testing would have, covid certification, international travel. The notes of the meetings on 20 January 2021, 14 April 2021 and 5 May 2021 are exhibited at **TEO/M7/360 - INQ000286613** **TEO/M7/361 - INQ000279474** and **TEO/M7/362 - INQ000286549** respectively.

428. A meeting between the UKG and DAs on 29 April 2021 focused specifically on the issue of covid certification **[Exhibit - TEO/M7/363 - INQ000268822]**.

429. On 7 May 2021, the UKG Transport Secretary, Grant Shapps met with DAs on the principles set out at the CDL meeting earlier that week on international travel **[Exhibit - TEO/M7/364 - INQ000286543]**.

430. A weekly meeting between the Secretary of State, Michael Gove, and DAs was instituted to follow up on issues raised with the Prime Minister. At the meeting on 20 October 2021, Simon Hart, Cabinet Office, stated that now was not the time to be moving away from testing, but continued that timing to reduce/withdraw testing would be discussed. The First Minister stated that engagement was needed regarding any reduction in testing capacity **[Exhibit -**

TEO/M7/365 - INQ000286615]. Other examples of this meeting were on 3 November 2021 and 8 December 2021 **[Exhibits - TEO/M7/366 - INQ000268916 and TEO/M7/367 - INQ000304438]**.

431. The rapid onset of Omicron in the winter of 2021, and the need to increase testing capacity, prompted discussion at a number of fora. For example, see meeting notes of 12 December 2021 meeting with CDL **[Exhibit - TEO/M7/368 - INQ000286534]**, and the COBR meeting on 15 December 2021 **[Exhibit - TEO/M7/369 - INQ000279484]**. The latter meeting also discussed the financial support packages.
432. At the meeting with the CDL on 12 January 2022 **[Exhibit - TEO/M7/370 - INQ000304459]** attended by the First Minister and Junior Minister Kearney, the ongoing response to the Omicron variant, booster rollouts, changes to self-isolation, workforce pressures and looking ahead to the review of the UKG Plan B measures were discussed.
433. The UK Joint Biosecurity Centre (JBC) was established to provide evidence-based, objective analysis to inform local and national decision-making in response to Covid-19 outbreaks. As well as being Chief of Staff for the NI Hub, Anthony Harbinson was also the lead NI official for discussions and negotiations surrounding the establishment of the JBC. UKG led on the design and put proposals to DAs for views and to ensure sufficient ownership and appropriate input from Ministers across all four nations. Once the design and participation in the JBC was agreed, responsibility transferred the Department of Health for implementation.

Updates to SOS

434. NI Ministers met with the Secretary of State for Northern Ireland nine times from March 2020 to June 2020 to share updates on current Covid-19 issues. Across the meetings, the topics covered ranged from providing reassurance to the public following the first reported death in NI, the local need for Trace, Track and PPE as well as looking forward to Covid-19 recovery, the need for sectoral engagement and the positive response to the announcements on the relaxation of restrictions **[Exhibit - TEO/M7/371 - INQ000308859 and TEO/M7/372 - INQ000308866]**.

Engagement with RoI

435. The Republic of Ireland managed their own test and trace system but there were opportunities for discussion on progress between our jurisdictions.
436. Quadilateral (Quad) meetings between the NIE, UKG and ROI occurred regularly during the pandemic. The SOS (NI) opened the first meeting by stating that Covid-19 presented a range of common issues, and that it was therefore important to have discussions about how the UK, Ireland and Northern Ireland (NI) could be joined up where appropriate **[Exhibit - TEO/M7/373 - INQ000091325]**.

437. A Quad meeting was held on 19 May 2020 **[Exhibit - TEO/M7/374 - INQ000303121]**. At this meeting, the NI Minister confirmed that the planned roll out of the NHS X App was set for the 28 May 2020. He reported that his department were focussed on an App that could operate on an all-Ireland basis but recognised the difficulties and that as a result NI may develop its own App. He also confirmed that his team was receiving support from the team that had created the UK X App. It was reported that the ROI app was being developed on similar timescales. The Tánaiste noted the similar timelines and commented that it was helpful that timelines were similar and that all jurisdictions should be working together to make sure that there would be interoperability between the various Apps. The deputy First Minister, Ms O'Neill, said that she was keen to see a North/South and East/West approach. The Secretary of State advised that a meeting of technical staff working on the App was to be held that Friday and that it would be very helpful to share information on developments.
438. At the Quad meeting on 9 June 2020, travel regulations / quarantine and the Contact Tracing App were discussed **[Exhibit - TEO/M7/375 - INQ000276056]**. There were no actions for TEO at this meeting.
439. At the Quad meeting of 13 October 2020 **[Exhibit - TEO/M7/376 - INQ000091398]**, the NI Minister of Health stated that from a test and trace point of view, the apps seemed to be working well. He said that the level of international travel was mainly coming through Dublin into NI and that that remained a concern for here. He also said that the lack of data sharing on those passengers was creating difficulties. Minister Donnelly (RoI) outlined how the apps should work for Test and Trace and that if there were any issues, he would work with colleagues to resolve them. He said that the Irish Government wanted to share the data if they could, although legally this had proven difficult.
440. From 26 December 2020, Northern Ireland entered a second lockdown and at the meeting on 4 January 2021 the focus was on concerns regarding case numbers, the need to take additional measures and the risk to the health service. NI Ministers pushed the UKG for engagement with RoI Ministers in relation to travel restrictions. The meeting note of 4 January 2021 is exhibited at **TEO/M7/318 A - INQ000286560**.
441. At the CDL meeting on 6 January 2021, the focus turned to the intention for individuals to have a negative test prior to travelling. NI Ministers once again expressed the need for this to be a joined-up approach with RoI at the meeting. The meeting note of 6 January 2021 is exhibited at **TEO/M7/353 - INQ000286545**.
442. On 13 January 2021, First Minister and deputy First Minister met remotely with the Taoiseach to discuss issues regarding the pandemic **[Exhibit - TEO/M7/320 - INQ000276049]**. The Ministers discussed a number of issues including the need for increased cooperation on

travel, including sharing Passenger Locator Forms.

443. At the Quad meeting on 1 February 2021, data sharing remained to be an issue between the NIE and RoI but by the end of the meeting, Minister Swann and Minister Donnelly committed to securing adequate resolution to the issue by the end of the week **[Exhibit - TEO/M7/380 - INQ000091463]**.
444. At the 10 March 2021 CDL meeting, future vaccine certification was discussed. NI Ministers made a further call for engagement with RoI with regards to sharing Passenger Locator Forms and the differing pace of vaccine rollout, and also raised the issue of liberties, inequities and ethical issues related to vaccine certification. The meeting note of 10 March 2021 is exhibited at **Exhibit - TEO/M7/325 - INQ000304456**.

North South Ministerial Council

445. The North South Ministerial Council brings together Ministers from the Northern Ireland Executive and the Irish Government to develop consultation, co-operation, and action on matters of mutual interest.
446. Following the restoration of the Executive in January 2020, NSMC first met in Plenary format on 31 July 2020.
447. The plenary meeting on 31 July 2020 **[Exhibit - TEO/M7/382 - INQ000104460]** took place in Dublin. The meeting discussed the ongoing response to Covid-19 and was briefed by the Chief Medical Officers, Dr. Ronan Glynn and Dr. Michael McBride, on the current public health situation and on ongoing cooperation in the response to the Covid-19 pandemic. The plenary meeting on 18 December 2020 **[Exhibit - TEO/M7/383 - INQ000104461]** took place in Armagh and by videoconference. The Council was briefed by the Chief Medical Officers, Dr Michael McBride and Dr Tony Holohan, on the current public health situation and the ongoing close cooperation in the response to the Covid-19 pandemic. Ministers discussed the measures being implemented in the two jurisdictions to protect public health and limit the transmission of the virus. The Council also discussed implications of the withdrawal from the EU and “New Decade, New Approach commitments.”
448. The plenary meeting on 30 July 2021 **[Exhibit - TEO/M7/384 - INQ000104462]** took place in Armagh and by videoconference. The Council was briefed on the current public health situation and the ongoing close cooperation in the response to the Covid-19 pandemic. Ministers discussed the current position in the two jurisdictions, including progress on the roll-out of vaccines. The council also discussed the “New Decade, New Approach” commitments and the “Peace Plus Programme”. Following each NSMC Meeting an agreed Joint Communiqué is issued. These are published inter alia via the NSMC website. Copies of Joint Communiqués from each of the NSMC Meetings held from July 2020 to November

2021 are exhibited above.

449. There were 22 NSMC Meetings between January 2020 and November 2021 at which Covid-19 was discussed. This equates to approximately two meetings per month of Ministers from both jurisdictions meeting formally under the auspices of the North South Ministerial Council. Three of these were Plenary Meetings, attended by the majority of Ministers from both the Executive, including First and deputy First Ministers and junior Ministers, and the Irish Government on each occasion. At all three Plenary Meetings "Response to Covid 19" was tabled and Ministers from both jurisdictions had the opportunity to discuss.
450. Some 18 of the 22 were Sectoral Meetings, attended by the appropriate Ministers from each jurisdiction (and the Executive Accompanying Minister) at which Covid-19 was among the topics discussed. This included three meetings of the Health sector - 2 October 2020 [Exhibits - TEO/M7/385 - INQ000279337 and TEO/M7/386 - INQ000289942], 26 March 2021, [Exhibits - TEO/M7/387 - INQ000289954 and TEO/M7/388 - INQ000289947] and 14 October 2021 [Exhibits - TEO/M7/389 - INQ000279341 and TEO/M7/390 - INQ000289930] where Response to Covid was an agenda item. The other meeting was an Institutional Meeting on 16 December 2020 [Exhibits - TEO/M7/391 - INQ000290963 and TEO/M7/392 - INQ000290960] chaired by the First and deputy First Ministers with the Irish Government represented by the Minister for Foreign Affairs at which Covid-19 and other cross-cutting matters were discussed.
451. The NSMC structures also provided Ministers from both Governments with the opportunity to discuss the response to Covid 19 during specific sectoral meetings. Papers from these meetings have been shared with the inquiry and demonstrate the close working relationships that were operating during this time.
452. It is clear from the Statements made to the Assembly that there was significant discussion within the NSMC on Covid-19. On behalf of the First Minister and deputy First Minister, the deputy First Minister briefed the Assembly three times in relation to the three NSMC Plenary meetings at which Covid 19 was discussed.
453. On 21 September 2020 deputy First Minister Michelle O'Neill made a statement to the Assembly regarding the 31 July Plenary [Exhibit - TEO/M7/393 - INQ000279296] in which she stated:

"that the Council was briefed by the Chief Medical Officers, Dr Ronan Glynn and Dr Michael McBride, on the current public health situation and on ongoing cooperation on the response to the COVID-19 pandemic. Ministers extended their condolences to all those who have lost loved ones as a result of the pandemic. They also expressed their appreciation to all those who have played a part in the COVID-19 response, in particular

health and social care workers, who have shown extraordinary courage and dedication in their work on the front line.

The Council noted that senior representatives of the Executive and the Irish Government, along with their Chief Medical Officers, met at the NSMC secretariat offices in Armagh on 14 March to review the situation regarding the COVID-19 virus and how best to address the outbreak. At that meeting, Ministers affirmed that everything possible would be done in coordination and cooperation between the Irish Government and the Executive and with the active involvement of the health administrations in both jurisdictions to tackle the outbreak. Senior representatives of both Administrations have continued to meet regularly to discuss the ongoing COVID-19 response. The Council noted the memorandum of understanding on public health cooperation on the COVID-19 response agreed between the Departments of Health, North and South, on 7 April. The Council welcomed the close and productive cooperation that has taken place between Minister of Healths, Chief Medical Officers and health administrations, North and South, to deliver an effective public health response. Ministers agreed that an early meeting of the Council in the health sector should review ongoing cooperation in responding to the pandemic.

The Council also noted the impact of the pandemic on society and on the economy, North and South, and the measures put in place by both Administrations to support communities and businesses affected by the crisis and to assist with economic recovery. Ministers agreed that the upcoming meetings of the Council in relevant sectors will consider how North/South approaches can contribute to the promotion of economic and social recovery.”

454. The deputy First Minister made a Statement to the Assembly on 18 January 2021 regarding the NSMC Plenary Meeting of 18 December 2020 [Exhibit - TEO/M7/394 - INQ000411349] in which she advised,

“that having regard to COVID-19 restrictions in both jurisdictions, meetings took place via videoconference and that in-person meetings would resume as soon as public health conditions permitted. The Council noted that each sector had considered a wide range of issues, including COVID-19 recovery, priorities and work programmes and the implications of Brexit, as well as various sector-specific matters.

The Council was briefed by the Chief Medical Officers (CMOs), Dr Michael McBride and Dr Tony Holohan, on the public health situation and the ongoing close cooperation in the response to the COVID-19 pandemic. Ministers discussed the measures being implemented in the two jurisdictions to protect public health and to limit the transmission of the virus. The Council expressed its sympathy to all those who have lost loved ones as a result of the pandemic and commended citizens in both jurisdictions who have complied with the restrictions imposed as a result of the pandemic and their efforts and perseverance

in helping to manage the outbreak. The NSMC expressed its gratitude to all those who have contributed to the response to the COVID-19 pandemic, particularly front-line health and social care workers. It expressed its appreciation to the wider workforce of essential workers who have kept various services and facilities operational even in the most challenging of circumstances. Ministers recognised the impact of the pandemic on society and the economy in both jurisdictions and welcomed the measures put in place by both Administrations to support communities and businesses affected by the crisis and to assist economic recovery. The recent progress made in the development and roll-out of the vaccine was welcomed. The Council noted the NSMC health sector meeting on 2 October to review ongoing cooperation in responding to the pandemic. It noted that the impact of and response to COVID-19 has been considered at all NSMC meetings. Ministers agreed that future Council meetings would continue to consider how agreed collaborative approaches can contribute to the promotion of economic and social recovery in a COVID-19 context.”

455. On 11 October 2021 the Deputy First Minister also made a statement to the Assembly with regard to the 30 July 2021 Plenary **[Exhibit - TEO/M7/395 - INQ000279334]**. During her statement she informed the Chamber:

“that the Council was briefed on the current public health situation and the ongoing close cooperation in the response to the COVID-19 pandemic. Ministers discussed the current position in the two jurisdictions, including progress on the roll-out of vaccines. The Council recognised the significant loss and challenges experienced by so many as a result of COVID-19. Ministers reiterated their appreciation to all those involved in responding to the pandemic, particularly front-line health and social care workers and those in the wider workforce who kept essential services and facilities operational.

They also recognised the impact of the pandemic on society and the economy, and welcomed the measures put in place by both Administrations to support communities and businesses affected by the crisis and to assist economic recovery. Ministers welcomed the significant progress in the roll-out of vaccines, which has played a key part in the gradual reopening of society. The Council noted that the response to COVID-19 was considered at relevant meetings of the Council and that, where appropriate, sectors will continue to consider how agreed collaborative approaches can contribute to the promotion of economic and social recovery from the pandemic.”

British Irish Council

456. TEO Ministerial and officials participated in the British Irish Council (BIC) during the specified period at the regular, bi-annual summits. These meetings, both formal and informal, afforded Heads of Administrations the opportunity to learn from and share experiences with senior

Ministers across the BIC membership, Irish and UK governments, Northern Ireland Executive, Scotland, Wales, Guernsey, the Isle of Man, and Jersey. Discussions aimed to identify examples of best practice based on the experiences of other administrations that might be implemented in other member regions.

457. Three Summit meetings took place during the pandemic period on the 6 November 2020, 11 June 2021 and 19 November 2021. The meetings focused on the impact of the pandemic, the priorities for Covid-19 Recovery, including how covid certification would assist recovery and the latest political developments. The BIC Summary Paper for the 11 June 2021 meeting noted that increasing travel across the CTA and further opening of International Travel will bring challenges for all administrations. It also mentioned Covid Status Certification [**Exhibit - TEO/M7/396 - INQ000278921**]. The official communiques published after the meetings are provided at **Exhibits TEO/M7/397 - INQ000232544, TEO/M7/398 - INQ000104454** and **TEO/M7/399 - INQ000104455**

Engagement with Local Government

458. As outlined above, the Cross Departmental Working Group (CDWG) was established in 2020 with representatives from all NI Departments, Local Government, ALBs and PSNI. The meetings of CDWG were critical to sharing and addressing interdependent Covid-19 related issues. Exhibited are dashboards from December 2020 and January 2021 [**Exhibits - TEO/M7/400 - INQ000191047 and TEO/M7/401 - INQ000191049**]. On 16 March 2021, a new dashboard showing health, economic and societal impact of the pandemic was created [**Exhibit - TEO/M7/402 - INQ000427198**] to inform the weekly CDWG discussions on relaxation of the restrictions.
459. It was also important to understand clusters, hot spots and sectoral-based outbreaks of Covid-19. We worked closely with our partners in Local Government, who are responsible for environmental health matters at operational level. Environmental Health Officers play an important role, and this was the case during Covid-19. The broader enforcement role was PSNI's responsibility.
460. Also outlined above, the NI EPG met regularly during the pandemic; these meetings covered international travel and track, trace and protect issues. Attendees included representatives from local government, the PSNI, DfC, TEO, NI Fire and Rescue Service, the Health and Safety Executive and DoH. Examples of minutes of meetings from 27 November 2020 and 19 February 2021 [**Exhibits TEO/M7/402A - INQ000289319 and TEOM70402B - INQ000289327**].

Sectoral Engagement

461. Throughout the pandemic, there was extensive engagement by Ministers and TEO officials

with various sectors, including hospitality, retail, business, events and faiths leaders on a range of issues.

462. The focus of the meetings was on looking ahead to changes in the mitigation measures and the impacts of such measures as well as explaining the decisions being taken and seeking the buy in from sectors with a view to them encouraging adherence with measures and/or vaccine uptake.

463. Examples of the engagement across sectors is outlined below. These meetings provided invaluable insight into the experiences of these groups through all phases of the pandemic.

Engagement with the NI Commissioner for Children and Young People (NICCY)

464. TEO and DoH officials met with the CMO and the Commissioner and staff from the NICCY on 10 March 2021. Officials gave an update on issues including the possible introduction of mandatory testing for arrivals and the targeted testing of staff in special schools **[Exhibit - TEO/M7/403 - INQ000268900]**.

Engagement with Faith Leaders

465. Junior Ministers and TEO Officials met regularly with Faith Leaders. There were at least 19 meetings held, the majority of which were relevant to Module 7.

466. For example, on 8 September 2020 they met Faith Leaders along with the CMO and CSA. The CMO gave guidance on contacting the test and trace team for advice when positive test results received. **[Exhibit - TEO/M7/404 – INQ000291183]**

467. On 10 November 2020 Junior Ministers met Faith Leaders along with PHA colleagues to discuss procedures to be followed when someone in church tested positive for Covid-19. Questions were also answered on track and trace **[Exhibit - TEO/M7/405- INQ000279411]**.

468. On 1 December 2020, Junior Ministers met Faith Leaders with CMO and CSA. An issue was raised where the reporting of cases to the PHA had caused some confusion. The CMO provided clarity in that an individual risk assessment by the PHA will be carried out where a person tests positive in a church and contact tracing would be undertaken by the PHA **[Exhibit - TEO/M7/406 - INQ000305410]**.

469. During the 25 March 2021 meeting with Faith Leaders, there was a discussion on testing following international travel **[Exhibit – TEO/M7/407 – INQ000269126]**.

470. On 25 June 2021, the CMO and CSA, along with TEO officials, met with Faith Leaders where the UK Events Research Programme (ERP) referenced above was discussed **[Exhibit – TEO/M7/407 – INQ000269126]**.

471. On 16 August 2021, Reverend Dr Jamie Franklin wrote to the First Minister to share a letter

from Christian leaders sent to the Prime Minister dated 12 August 2021. This letter had over 1,700 signatures from Christian Leaders expressing their concern that 'Covid status certification' would be used as a form of coercion to get people vaccinated [Exhibit - TEO/M7/409 - INQ000411386]. The First Minister and deputy First Minister responded on 13 September 2021, stating that COVID Status Certification was being facilitated by the DoH in relation to international travel and there were no proposals at that time for the use of vaccine passports for specific sectors, however discussions were ongoing in relation to their application for other purposes based on need which would be informed by medical and scientific evidence [Exhibit - TEO/M7/410 - INQ000411393].

472. At a meeting with TEO officials, CMO, CSA and Faith Leaders on 5 October 2021, Autumn/Winter planning, testing strategy and possible contingency measures which may need to be introduced based on case numbers and hospital pressures concerns were discussed. This included a discussion on the potential deployment of covid certification and whether they would be deployed in churches and if they would be required for access to public services [Exhibit - TEO/M7/411 - INQ000269118].
473. On 17 December 2021, TEO officials, CMO and CSA met with Faith Leaders. The CSA reiterated advice to test before meeting others and to reduce contacts [Exhibit - TEO/M7/412 - INQ000269119].

Engagement with Hospitality Sector

474. TEO Ministers and Officials also met regularly with representatives from the Hospitality Sector. There were at least 29 engagement sessions/meetings held, the majority of which were relevant to Module 7. Examples of such meetings are provided below.
475. On 13 May 2021, First Minister and deputy First Minister met with representatives of the hospitality sector to update them on Executive decisions on the gradual relaxation of restrictions whilst highlighting the need for mitigations, such as Track and Trace and social distancing to continue to be implemented [Exhibit - TEO/M7/413 - INQ000279297].
476. First Minister and deputy First Minister met again with representatives of the hospitality sector on 27 July 2021 [Exhibit - TEO/M7/414 - INQ000279430]. The issues discussed included the impact of the restrictions in place at that time; certification; overall sustainability of the industry and the Hospitality Industry Recovery Strategy.
477. Following the meeting on 27 July, Hospitality Ulster requested a meeting with First Minister and deputy First Minister prior to the Executive meeting scheduled for 12 August 2021. This took place on 6 August 2021 and was attended by First Minister and Special Adviser to the deputy First Minister. The group was advised that the Executive would be considering relaxation of a number of restrictions that were causing challenges for the hospitality sector.

The group discussed covid passports and track and trace **[Exhibit - TEO/M7/415 - INQ000279487]**. The representatives highlighted their main concerns on measures being introduced such as the requirement for table service and standing not being allowed because of the resulting impact on the viability of businesses. The group was advised that the transmission rate in Northern Ireland was significantly higher than in neighbouring jurisdictions and the vaccination rate was one of the lowest. It was noted that the sporting organisations and others were partnering with Health to encourage vaccine uptake in response to which Hospitality Ulster restated their offer to work with Health to promote vaccine uptake through the use of influencers, such as DJs.

478. Junior Ministers chaired a meeting with Hospitality Ulster and the Hotels Federation on 7 October 2021 to discuss how to work with the sector if the need for social distancing was removed at the end of October. Discussions included track and trace changes **[Exhibit - TEO/M7/416 - INQ000279431]**. The representatives were also advised that the Executive was developing an Autumn /Winter plan with an aim to ensuring all sectors could work in a viable manner.

Engagement with Retail Sector

479. On 16 December 2020, the Junior Ministers held a meeting with representatives from the retail sector. Briefing was prepared for this meeting which included information on track and trace **[Exhibit - TEO/M7/417 - INQ000270905]**.

Engagement with Trade Unions

480. TEO Ministers and Officials met regularly with representatives from the Trade Unions. There were at least 7 meetings held, the majority of which were again relevant to Module 7. Examples of such meetings are provided below.
481. At a meeting with the Royal College of Nursing (RCN) on 2 April 2020 **[Exhibit - TEO/M7/418 - INQ000279381]**, chaired by Junior Ministers, issues affecting workers, such as PPE provision, testing and communications were discussed. At this meeting, Junior Ministers agreed to discuss the issues raised with the First Minister and deputy First Minister.
482. UNISON and the RCN wrote to the Junior Ministers on 3 April 2020, thanking them for agreeing to co-ordinate their request for a formal joint engagement with the First Minister, deputy First Minister and the Ministers of Health and Finance **[Exhibit – TEO/M7/419 – INQ000583183]**. Junior Ministers responded on 23 April 2020 **[Exhibit – TEO/M7/420 – INQ000583184]**. UNISON and the RCN responded on 4 May 2020 with a list of agenda items for the meeting, including testing and contact tracing **[Exhibit – TEO/M7/421 – INQ000463610]**. The Junior Ministers responded on 18 June 2020, confirming that the

Minister of Health was content to join the discussion [Exhibit – TEO/M7/422 – INQ000583186].

483. It was agreed that Junior Minister Lyons and Junior Minister Kearney would meet the health union representatives; Minister Swann had also agreed to attend the meeting. provided to the Junior Ministers on 22 July 2020 Is attached at Exhibit – TEO/M7/423 – INQ000583187

484. This meeting was arranged for 27 July 2020 but was cancelled immediately before it was due to start due to unforeseen circumstances. Briefing was prepared for Ministers [Exhibit - TEO/M7/424 - INQ000587842]. UNISON and the RCN responded to the Minister of Health on 27 July 2021 expressing their frustration that the promised and long overdue meeting was postponed at the last minute [Exhibit – TEO/M7/425- INQ000583178]. The First Minister and Deputy First Minister subsequently wrote to the RCN and UNISON apologising for cancelling the meeting at such short notice due to unforeseen circumstances arising at the time [Exhibit – TEO/M7/426- INQ000583188]. The First Minister and deputy First Minister, along with the Minister of Health, agreed to meet with UNISON and the RCN on 10 September 2021. A- further briefing pack was provided to Ministers [Exhibit – TEO/M7/427– INQ000583189]. The meeting took place on 10 September from which there was no actions for TEO [Exhibit – TEO/M7/428- INQ000291184].

Engagement with Equality Groups

485. At a meeting on 3 June 2020, the Equality Coalition raised a number of issues with Junior Ministers in relation to PPE, Coroner's courts, common travel area and self-isolation requirements, difficult to access the emergency regulations since they are not consolidated, gaps in social protection for migrant workers, domestic violence and NDNA Bills [Exhibit - TEO/M7/429 - INQ000291234].

486. On 1 July 2020, the Junior Ministers chaired a meeting with the Mental Health Policy Group [Exhibit - TEO/M7/430 TEO-M2C-393]. A number of issues were raised in relation to the pandemic, for example, the mental health consequences of Covid-19 and the exacerbation of already existing social inequalities. The group also discussed the Covid-19 Mental Health Plan [Exhibit – TEO/M7/430A – INQ000325176]

Engagement with Enforcement Agencies

487. On 1 October 2020, Junior Ministers held a series of meetings to discuss the Derry and Strabane localised restrictions that were put in place to help curb rising case numbers [Exhibit - TEO/M7/431 - INQ000279415]. In advance of the Executive decision on localised restrictions being made public, the Junior Minister briefed the Justice Minister. This was followed by a meeting with the Derry and Strabane Council Chief Executive, also attended

by Minister Swann, CMO, CSA and PSNI, to provide a briefing on a confidential basis. After the Executive decision, deputy First Minister and Junior Ministers Lyons and Kearney, with CSA, provided a pre-press conference briefing for local politicians.

488. On 12 January 2021, First Minister and deputy First Minister met with the Chief Constable, PSNI, to discuss compliance and enforcement, and consider what can be done to support PSNI [Exhibit - TEO/M7/432 - INQ000291207]. Cross border issues were also considered. The meeting also discussed the role of Covid Ambassadors who were deployed by some local Councils. Ambassadors provided advice to retailers and the public on adherence to Covid restrictions to help create a safer retailing experience. They worked in partnership with local Council, businesses and the PSNI to complement enforcement functions provided by council Environmental Health Officers.

System Readiness

489. As TEO did not have a role in Test, Trace and Protect, no comment is offered.

TEO role in Testing

490. TEO had no role, other than those outlined earlier in this statement in relation to the implementation of testing.

TEO role in Tracing

491. TEO had no role, other than those outlined earlier in this statement in relation to the implementation of tracking.

492. TEO was not involved in the development of the StopCOVIDNI.

TEO role in Isolating

493. As outlined in the section above on Managed Quarantine, when it was decided that MQS arrangements should be introduced in Northern Ireland, it was agreed that TEO would provide Task and Finish assistance, in the context of DoH retaining the lead on international travel more generally.

Data

Issues with data

494. There were initial issues with information flow and data in the Hub. These consisted of the following:

- Information from DOCs was slow and DOCs appeared reluctant to share data with the HUB to start;
- The Sitreps were initially unwieldy and the first SitRep was discarded entirely;

- NI daily death and hospital data was out of sync with that of the UK, reporting times differed (8am-8pm in NI) and there was no provision for data over the weekend (in NI) and data on case numbers in health settings took time to filter through as NI was relying largely on paper-based records system;

Modelling

495. Direct sources of information provided to the Executive included the R paper, DoH mobility reports, the ECT dashboard and information contained in any TEO submissions which formed the basis for the Executive paper. The R paper contained statistical modelling in respect of various responses to the virus and the mobility paper contained information on how movement throughout Northern Ireland was contributing to virus numbers. The main raw data gathered in respect of the pandemic in NI was via the Department of Health.
496. Examples of the ECT dashboard have been exhibited earlier in this statement.
497. Memorandum of Understanding (MOU) was agreed between the Departments of Health here and in the RoI in April 2020 [Exhibits - TEO/M7/433 - INQ000130355 } and TEO/M7/434 - INQ000400128] to underpin and strengthen co-operation on the public health response to the pandemic. The MOU focused on facilitating co-operation in areas such as public health messaging, research and evidence base/modelling. Detail of the MOU and its operation was reported to NSMC at Plenary and Health meetings [Exhibit TEO/M7/382 - INQ000104460, TEO/M7/436 - INQ000104461 and TEO/M7/437 - INQ000583180]

Equality

498. I do not believe adequate consideration was given to equality considerations during the response to the pandemic but that was driven only by time pressures rather than intent. Each set of regulations made to give effect to restrictions made clear that equality impact assessments had not been undertaken.
499. Some steps were taken to protect the interests of communities of people, vulnerable groups and individuals:
- The initial approach taken to food delivery services by DFC and their Voluntary and Community Sector partners in the early stages of the pandemic;
 - The close liaison with Faiths leaders during the pandemic;
 - Specific meetings with representative groups and organisations such as Disability Action in relation to face coverings; the Rowan Centre in relation to the wearing of face coverings by victims of sexual violence; and Consideration at Executive level.

500. The impact of NPIs on different groups within our society did feature significantly during Executive Committee meetings, this included discussions on the introduction of Covid Status Certification in Domestic Settings. For example, on 17 November 2021, the Minister of Health tabled a paper on Introduction of 'COVID status certification in domestic settings' **[Exhibit – TEO/M7/178 - INQ000065636]**. This confirmed that a draft Equality Impact Assessment screening document had been prepared and would shortly issue to the Equality Commission for early consideration. A full Human Rights Impact Assessment was being prepared by external Counsel which Departmental Solicitors' Office had engaged on the behalf of DoH. The minutes of that meeting noted that the First Minister recorded that the DUP was not in a position to support the paper, owing to the lack of an EQIA, consideration of human rights implications, or economic assessment, and asked it to be noted that his party's position was that the relevant regulations should be voted on by the Assembly prior to their commencement. The Executive voted on the recommendations in paragraph 48 of Executive memorandum E (21) 231 (C). The deputy First Minister, Minister for Communities, Minister of Finance, Minister of Health, Minister for Infrastructure and Minister of Justice voted in favour; and the First Minister, Minister for Agriculture, Environment and Rural Affairs, Minister for Economy and Minister for Education voted against **[Exhibit – TEO/M7/177 - INQ000048546]**.

501. At the Executive meeting on 22-23 November 2021, the Minister of Health tabled a paper 'Additional Package of Measures to Accompany the Introduction of COVID Status Certification in Domestic Settings' **[Exhibit – TEO/M7/181 - INQ000065582]** which confirmed that an Equality Impact Assessment was with the Equality Commission in draft and was being finalised following policy decision from the previous day. The Human Rights Impact Assessment was in progress with external drafters.

502. On 13 January 2022, the Minister of Health tabled a paper 'Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021: Tenth Review of the need for the restrictions and requirements' **[Exhibit - TEO/M7/189 - INQ000065604]** **delivery of programmes and projects during the pandemic were discussed regularly** This paper noted wider health, societal and economic impacts of the regulations. It continued that an Equality Screening and Full Human Rights Impact Assessment was completed in line with this policy and was available publicly online.

Costs

503. TEO was not involved in the procurement of TTP and therefore cannot comment on costs.

Future Pandemic-lessons learned

504. TEO is not aware of any lessons learned exercises relating to any of the issues in Module 7.

However, following publication of the Inquiry's Module 1 report, the Executive has accepted recommendation 6. As such, work has commenced on preparation for a Tier 1 Exercise (PEGASUS) on a 4-nation basis. Northern Ireland participation is led by the DoH, with input from TEO and other NI departments as required.

505. In December 2023 a new cross-departmental Pandemic Preparedness Programme Board was set up led jointly by the Department of Health and the Executive Office (TEO) to deliver a programme of work to build resilience and better prepare NI for the challenges of the next pandemic.

Further information

506. TEO has no further comment to make in relation to matters raised in Module 7.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Personal Data

Signed:

Dated: 1 May 2025