

16th March 2022

UK COVID-19 INQUIRY [UPDATED]

Purpose

1 To provide an update to members on the UK COVID-19 Inquiry. This is an updated version of the report previously distributed as the Inquiry's Terms of Reference have subsequently been published.

Background

2 The UK Government announced that there would be a UK Covid-19 Inquiry in May 2021 and the Chair, the Rt Hon Baroness Heather Hallett DBE, was appointed in December 2021.

3 The Inquiry team is set to begin its work in spring 2022 and has been established under the Inquiries Act 2005, with powers to compel the production of documents and to summon witnesses to give evidence on oath. Given the status of the inquiry, members and officers who are no-longer serving at the time of the Inquiry (which may sit for several years) can still contribute and may be called to give evidence.

4 The Inquiry's Draft Terms of Reference (Annex A) were published on 10th March and are subject to public consultation until 7th April 2022.

5 The Inquiry website was launched this week [UK Covid-19 Public Inquiry \(public-inquiry.uk\)](https://www.ukcovid19publicinquiry.uk)

Implications for Wales and Welsh local government

6 The draft Terms of Reference state that the aims of the Inquiry are to:

“Examine the COVID-19 response and the impact of the pandemic in England, Wales, Scotland and Northern Ireland, and produce a factual narrative account.

- In relation to central, devolved and local public health decision-making and its consequences...*
- The response of the health and care sector across the UK...*
- The economic response to the pandemic and its impact, including government interventions...*

Identify the lessons to be learned from the above, thereby to inform the UK's preparations for future pandemics.”

- 7 The Minister for Finance and Local Government and Welsh Government officials highlighted the forthcoming Inquiry and Welsh Government's preparations to leaders at January's Executive Board meeting.
- 8 WLGA and Welsh Government officials have met to discuss the COVID-19 Inquiry. The Welsh Government has been unable to share information in advance, but there is recognition of the need to share information, when possible, for openness and transparency and to encourage as full a Welsh public service response as possible into the UK-wide Inquiry.
- 9 The Welsh Government has since written to chief executives of all public bodies in Wales to remind them of the importance of document retention and to begin preparations for the Inquiry.
- 10 The WLGA and local authorities have already submitted public evidence to several Senedd Committee COVID-related Inquiries throughout the pandemic, particularly during 2020-21¹. These, along with correspondence with officials and Ministers and partner agencies, will form the basis of any WLGA submission to the Inquiry.
- 11 Local authorities and the WLGA will however have a significant number of documents, correspondence, meeting papers and records produce during an unprecedented two-year period of pace and pressure. Document collation and coordination will therefore require significant planning and resource
- 12 Leaders discussed the COVID-19 Inquiry on 4th March, and it was agreed that the WLGA would collate all WLGA Ministerial correspondence and submissions into a chronological documents pack, to ensure all leaders and authorities have access to this information in advance of them submitting evidence to the Inquiry. This exercise will however take several months to complete. The Senedd has produced a very helpful timeline of key decisions and events during the COVID-19 pandemic².
- 13 It is anticipated that the Inquiry would sit for several years and that each of the 22 local authorities would wish to submit evidence separately as well as a WLGA response. The LGA is likely to respond on behalf of authorities in England.
- 14 It is anticipated that the Welsh Government will be given 'core participant status', which would mean it would have access to and able to raise queries about evidence submitted to the Inquiry.

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- [WLGA Evidence - Inquiry into the impact of the Covid-19 outbreak on children and young people in Wales](#) (November 2020 and January 2021)
- [WLGA Evidence - Inquiry into Covid-19 and its impact - Voluntary Sector](#) (November 2020)
- [WLGA Evidence - Inquiry into the Covid-19 outbreak on health and social care in Wales](#) (Sept 2020)
- [WLGA Evidence - Inquiry into Covid-19 and its impact - Local Government](#) (July 2020)
- [WLGA Evidence - Inquiry into Covid-19 and its impact - Housing](#) (July 2020)
- [WLGA Evidence - Rapid Review for Care Homes in Relation to Covid-19 in Wales](#) (July 2020)
- [WLGA Evidence - Inquiry into the impact of the Covid-19 outbreak on children and young people in Wales](#) (June 2020)
- [WLGA Evidence – Inquiry into the Impact of Covid-19 on Sport](#) and [oral evidence](#) (June 2020)
- [WLGA Evidence - Inquiry into the impact of the Covid-19 outbreak on children and young people in Wales](#) (June 2020)
- [WLGA Evidence - Inquiry into the Covid-19 outbreak on health and social care in Wales](#) (May 2020)

² [Coronavirus timeline: the response in Wales \(senedd.wales\)](#) (Sixth Senedd) and [Coronavirus timeline: Welsh and UK governments' response \(senedd.wales\)](#) (Fifth Senedd)

15 It is not clear what approach the Inquiry will take, whether there will be separate geographical focus (it is assumed that the Inquiry will wish to gather evidence through sessions held in Wales and other parts of the UK), sectoral focus or thematic/issue based

16 There are several aspects of the pandemic and the governmental and public service response that local authorities and WLGA submissions may consider:

- Preparations for pandemic response
- Emergency planning and Civil Contingencies arrangements and legislation
- Communications, engagement and joint planning around announcements and regulations
- Decision-making processes, planning and proportionality of restrictions/lockdowns, legislation and regulations, including approach to closures and then re-opening of facilities and services.
- Local government funding: financial resilience, cash flow, support for individuals, and the operation of the hardship fund
- Business support and furlough
- PPE coordination, procurement and supply
- Testing regime and Test, Trace and Protect
- Wider economic impacts, including tourism and visitor economy and use of second homes
- Shielding and support for individuals, including self-isolation payments
- Schools including face-to-face arrangements and experiences during lockdown including FSM, distance learning and examinations
- Housing and homelessness
- Public protection, enforcement and regulatory services
- The experiences of the NHS and social care, in particular residential care homes
- Workforce pressures, especially in health and social care and safe working practices and negotiations with unions
- Vaccination programme planning and coordination

17 Submissions will require self-reflection and public commentary about the approach of partner organisations. Some of these messages will be constructive and positive, demonstrating the effectiveness of local government and the collective public service partnership approach in Wales.

18 Local authorities' experiences and perspectives will vary throughout different stages of the pandemic, including pre-pandemic preparations, the initial individual and collective emergency response of Government and partners, through to the evolution of a more established, regularised routine of relations and responses as experience, arrangements and measures developed throughout the two-year period.

19 There will inevitably be challenging messages, where decisions were contested or when different approaches could have been taken, which will seek to identify areas for improvement and ensuring lessons are learned.

20 Local authorities and WLGA submissions may consider:

- **Local authorities' own responses** - what worked well and lessons to be learned

- **Local and regional partners' responses**, including LHBs, Police and third sector and LRF/SCG/RCG civil contingencies arrangements - what worked well and lessons to be learned
- **National bodies' responses**, including Public Health Wales, Regulators and WLGA – what worked well and lessons to be learned
- **Welsh Government response** – what worked well and lessons to be learned
- **UK Government response** - what worked well and lessons to be learned

Recommendations

21 Members are asked to:

21.1. Comment on the contents of the report and consider whether the WLGA should respond to the consultation on the Inquiry's Draft Terms of Reference.

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UK COVID-19 INQUIRY
DRAFT TERMS OF REFERENCE – MARCH 2022

The inquiry will examine, consider and report on preparations and the response to the pandemic in England, Wales, Scotland and Northern Ireland, up to and including the inquiry's formal setting-up date. In doing so, it will consider reserved and devolved matters across the United Kingdom, as necessary, but will seek to minimise duplication of investigation, evidence gathering and reporting with any other public inquiry established by the devolved administrations.

The aims of the inquiry are to:

1. Examine the COVID-19 response and the impact of the pandemic in England, Wales, Scotland and Northern Ireland, and produce a factual narrative account. Including:

- In relation to central, devolved and local public health decision-making and its consequences:
 - preparedness and resilience;
 - how decisions were made, communicated and implemented;
 - intergovernmental decision-making;
 - the availability and use of data and evidence;
 - legislative and regulatory control;
 - shielding and the protection of the clinically vulnerable;
 - the use of lockdowns and other 'non-pharmaceutical' interventions such as social distancing and the use of face coverings;
 - testing and contact tracing, and isolation;
 - restrictions on attendance at places of education;
 - the closure and reopening of the hospitality, retail, sport and leisure sectors, and cultural institutions;
 - housing and homelessness;
 - prisons and other places of detention;
 - the justice system;
 - immigration and asylum;
 - travel and borders; and
 - the safeguarding of public funds and management of financial risk.
- The response of the health and care sector across the UK, including:
 - preparedness, initial capacity and the ability to increase capacity, and resilience;
 - the management of the pandemic in hospitals, including infection prevention and control, triage, critical care capacity, the discharge of patients, the use of '*Do not attempt cardiopulmonary resuscitation*' (DNACPR) decisions, the approach to palliative care, workforce testing, changes to inspections, and the impact on staff and staffing levels;
 - the management of the pandemic in care homes and other care settings, including infection prevention and control, the transfer of residents to or from homes, treatment and care of residents, restrictions on visiting, and changes to inspections;

- the procurement and distribution of key equipment and supplies, including PPE and ventilators;
- the development and delivery of therapeutics and vaccines;
- the consequences of the pandemic on provision for non-COVID related conditions and needs; and
- provision for those experiencing long-COVID.

- The economic response to the pandemic and its impact, including government interventions by way of:
 - support for businesses and jobs, including the Coronavirus Job Retention Scheme, the Self-Employment Income Support Scheme, loans schemes, business rates relief and grants;
 - additional funding for relevant public services; and
 - benefits and sick pay, and support for vulnerable people.

2. Identify the lessons to be learned from the above, thereby to inform the UK's preparations for future pandemics.

In meeting these aims, the inquiry will:

- listen to the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic. Although the inquiry will not investigate individual cases of harm or death in detail, listening to these accounts will inform its understanding of the impact of the pandemic and the response, and of the lessons to be learned;
- highlight where lessons identified from preparedness and the response to the pandemic may be applicable to other civil emergencies;
- consider the experiences of and impact on health and care sector workers, and other key workers, during the pandemic;
- consider any disparities evident in the impact of the pandemic and the state's response, including those relating to protected characteristics under the Equality Act 2010 and equality categories under the Northern Ireland Act 1998, as applicable;
- have reasonable regard to relevant international comparisons; and
- produce its reports (including interim reports) and any recommendations in a timely manner.