

30th September 2022

COVID-19 Inquiry

Purpose

1 To update members on the progress of the UK COVID-19 Inquiry.

Background

2. The UK COVID-19 Inquiry has been set up by the UK Government to '...play a key role in examining the UK's pandemic response and ensuring that we learn the right lessons for the future.'
3. The Inquiry is chaired by the Rt Hon Baroness Heather Hallett DBE 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.
4. Baroness Hallett has set out an ambitious timetable, with preliminary hearings starting on 4th October and public evidential hearing from the Spring 2023. Baroness Hallett is aware that experiences were different across the UK and the Inquiry will therefore seek evidence from and visit different parts of the UK to ensure as many people as possible are heard. A 'listening exercise' will commence in the Autumn to enable people who wish to share their experience with the Inquiry to do so.
5. The Inquiry has broad terms of reference, which were consulted upon earlier in the summer. The WLGA and LGA participated in the consultation, meeting with the Inquiry Secretariat to ensure local government's role during the pandemic will be considered. The terms of reference note that the Inquiry will:
 - Examine the COVID-19 response and the impact of the pandemic in England, Wales, Scotland and Northern Ireland, including:
 - the public health response across the whole of the UK, including preparedness and resilience;
 - the response of the health and care sector across the UK; and
 - the economic response to the pandemic and its impact; and
 - Identify the lessons to be learned from the above, to inform preparations for future pandemics across the UK

Inquiry modules

6. The Inquiry will take a modular approach to its investigations:

Module 1 will examine the resilience and preparedness of the UK for the coronavirus pandemic. This will therefore analyse the state of play prior to the outbreak, and what steps the authorities had taken to equip themselves to cope with a pandemic such as Covid.

Module 2 will be split into parts and will examine core political and administrative governance and decision-making by the UK government. Module 2B will address the same overarching and strategic issues from the perspective of Wales (and separate modules will be cover Scotland and Northern Ireland).

Module 3 will investigate the impact of Covid, and governmental and societal responses to it, on healthcare systems, including on patients, hospitals and other healthcare workers and staff.

7. The WLGA is expected to be particularly engaged in Module 2B which will consider “the structures of the Welsh Government and the key bodies within it involved in Wales’ response to the pandemic and their relationships and communications with the UK Government, other devolved administrations and local authorities within Wales”, Welsh Government’s response to pandemic, approach and decision-making relating to non-pharmaceutical interventions, data collection and modelling and public health communications in Wales.
8. The WLGA and Welsh local authorities made a significant contribution throughout the pandemic; leaders met regularly with Ministers and other partners throughout the pandemic and were therefore closely involved in terms of decision-making around non-pharmaceutical interventions (which will be the focus of Module 2B) and local government played a key role in responding to the pandemic, enforcing regulations and lockdowns, providing services and support and supporting the wider health response, including field hospitals, testing and vaccination (likely to be the focus of Module 3).
9. The Inquiry’s first procedural hearings will begin on 4th October for Module 1. Public hearings will begin in spring 2023 for Module 1 and summer 2023 for Module 2. More information on Module 3 timings will be available on the Inquiry website in due course.
10. Baroness Hallett aims to undertake the Inquiry as speedily as possible “*so that lessons can be learned before another pandemic strikes*”.

Preparations for the Inquiry

11. The Welsh Government has been sharing information with Welsh public services since the announcement of the Inquiry, including convening regular meetings to advise on collective preparations. The Welsh Government has also written to local authorities and public bodies regarding arrangements to consider putting place given the likely focus and potential demands regarding evidence placed on public services during the Inquiry.
12. The WLGA is also working closely with the LGA, who are providing advice and support to authorities and advised authroities to consider taking a range of preparations, including:

- Identify relevant documents and establish a document management system for relevant information, including guidance for staff on document preservation, ensuring they are properly identified, filed, securely saved and easily retrievable.
- Identifying those staff who may be required to provide evidence or be witnesses and establishing a mechanism for preparing and supporting them, including any senior staff/key individuals who are leaving/have left the organisation
- Identifying and preserving other material which, although not directly relevant, may inform responses to the Inquiry team.
- Developing a communications strategy particularly if likely to be criticised

13. The Chair has powers to serve a “Rule 9” Inquiries Procedure Rules 2006 request asking either for (a) documents or (b) witness evidence or both and such requests could be made of councils during the Inquiry. For councils this will be served on the Chief Executive setting out the issues to be covered. This is a voluntary request. However the Chair has powers to serve a section 21 notice under the Enquiries Act 2005 to compel a person to produce documents or give evidence. Sanctions for non-compliance may be imprisonment or fine or both. Given that the Inquiry team have indicated that the Chair will be expecting a quick response to any requests Councils are advised to commence identifying and collating relevant documents and witnesses including preparing them, in order to be in a position to respond quickly to requests for information.

14. The WLGA has produced a range of correspondence and documentation throughout or relating to the COVID-19 pandemic and has previously submitted evidence to several Senedd Committee Inquiries into various aspects of COVID-19. The WLGA is therefore beginning to collate and categorise its documentation in anticipation of requests from the Inquiry.

15. The Senedd has also developed a comprehensive Coronavirus timeline listing key dates in terms of the response in Wales - <https://research.senedd.wales/research-articles/coronavirus-timeline-the-response-in-wales/>

16. Given the Inquiry’s anticipated focus and the potential implications for local government of the Inquiry’s work, the WLGA has successfully applied for core participant status for Module 1, jointly with the LGA and is currently applying for core participant status with the LGA for Modules 2/2B. The approach to be core participant status was agreed with WLGA Group Leaders.

17. Any organisation or individual may submit evidence to the Inquiry, however, bodies granted core participant status will have access to relevant evidence submitted by other bodies, including the government, will have the right to make opening and closing statements at any hearing, the right to suggest lines of questioning to be pursued by Counsel and the right to apply to the Inquiry to ask questions of witnesses during a hearing.

18. The LGA is providing legal advice and support to the WLGA and has also appointed leading Counsel Robin Allen KC to provide support. Robin Allen KC has previously provided support to the LGA on a number of issues relating to Grenfell Tower Fire and the public inquiry.

UK Commission on Covid Commemoration

19. The UK Government has also established a separate Commission to decide how the United Kingdom will remember those who lost their lives during the Coronavirus pandemic and recognise those involved in the unprecedented response.
20. The Commission is chaired by former Culture Secretary, The Rt Hon Baroness (Nicky) Morgan and also includes Professor Keshav Singhal MBE FLSW from Wales.
21. The Commission will undertake a UK-wide 'conversation', including gin C Cardiff on Friday 30th September to hear from those that lost loved ones and to consider how those that contributed to the pandemic response, including public service workers, can be commemorated.

Recommendations

22. **It is recommended that members note the contents of the report and ensure their authorities are making preparatory arrangements ahead of the Inquiry.**

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