

24<sup>th</sup> November 2023

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## **COVID INQUIRY UPDATE**

### **Purpose**

1. This paper updates members on the UK Covid-19 Inquiry and the WLGA's involvement across the various modules.

### **Background**

2. The [UK Covid-19 Inquiry](#) is an independent public inquiry set up to examine the UK's response to and impact of the Covid-19 pandemic, and to learn lessons for the future. The Inquiry is Chaired by Baroness Heather Hallett, a former Court of Appeal judge, 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.
3. In order to allow a full and focused examination of all the different aspects of the pandemic that are covered in the Terms of Reference, the Inquiry's investigations have been divided into modules. To date, six modules have been announced and are at varying stages of completion:
  - Module 1 – Resilience and Preparedness
  - Module 2 – Core UK decision making and political governance
  - Module 3 – Impact of Covid-19 pandemic on healthcare systems in the 4 nations of the UK
  - Module 4 – Vaccines and therapeutics
  - Module 5 – Procurement
  - Module 6 – Care Sector
4. The Inquiry Team has indicated that further modules will be announced in the coming months. Each module will investigate issues across the UK, including in the devolved administrations of Scotland, Wales and Northern Ireland. This will cover both 'system' and 'impact' issues across the UK including:
  - Testing and tracing
  - The Government's business and financial responses
  - Health inequalities and the impact of Covid-19
  - Education, children and young persons
  - Other public services, including frontline delivery by key workers.
5. Any organisation or individual may submit evidence to the Inquiry. The Chair also 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 course of each individual module. For councils this will be served on the Chief Executive setting out the issues to be covered. This 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.

6. Given that the Inquiry team have indicated that the Chair will be expecting a quick response to any requests, Councils are advised to maintain their records, identifying and collating relevant documents and witnesses, in order to be in a position to respond quickly to requests for information.
7. The WLGA has a small team dedicated to support its role in the UK Covid-19 Inquiry. In April 2022 a Covid-19 Policy Officer was recruited, under the management of Head of Regulatory Services, to coordinate the WLGA's role in the Inquiry. For Modules 1 and 2B additional external advice and expertise has been provided by a former local authority Chief Executive and a Director of Public Protection Wales. The LGA is providing legal advice and support to the WLGA and has also appointed leading Counsel Robin Allen KC to provide legal support and representation at Inquiry hearings.

## **UK Covid-19 Inquiry Modules**

### **Module 1 – Resilience and Preparedness**

8. This module examined the resilience and preparedness of the United Kingdom. Was the risk of a Coronavirus pandemic properly identified and planned for? Was the UK ready for such an eventuality? The module looked at the UK's preparedness for whole-system civil emergencies, including resourcing, the system of risk management and pandemic readiness. It scrutinised government decision-making and sought to identify whether lessons were learned from earlier incidents and simulations and from international practices and procedures.
9. Public hearings for this module have concluded, having taken place 13<sup>th</sup> June – 19<sup>th</sup> July 2023. For this module, the WLGA was granted Core Participant status as a joint applicant with the LGA.
10. A Core Participant is a person, institution or organisation that has a specific interest in the work of the Inquiry, and has a formal role defined by legislation. Core Participants have special rights in the Inquiry process. These include:
  - being provided with electronic disclosure of evidence relevant to the particular subject matter of the Inquiry in respect of which they are so designated;
  - having the right to make opening and closing statements at any hearing;
  - having the right to suggest lines of questioning to be pursued by Counsel;
  - having the right to apply to the Inquiry to ask questions of witnesses during a hearing.
11. Core participants are bound by confidentiality agreements and cannot discuss any information they or any other organisation has submitted to the Inquiry Team, or

discuss issues relating to the inquiry that have not been published for public consumption.

12. Chris Llewelyn (WLGA Chief Executive) attended Dorland House, London to give evidence to the Inquiry on 12<sup>th</sup> July 2023. The WLGA provided evidence and answered questions under oath in a joint session alongside the Chief Executives of LGA and NILGA. In its evidence for this module, the WLGA emphasised the need for the following:

- Advance planning for Welsh local authorities having to manage different approaches being taken by the devolved and Central Governments.
- Better and fuller direct interaction between Central Government and Welsh local authorities, where policy directions are UK-wide and not devolved.
- Contingency arrangements for the urgent deployment of (pre-trained and appropriately skilled) officers into emergency command and advisory roles.
- Reserve stocks at scale, and for robust supply chains, for the provision of specialist medical equipment and goods such as PPE.
- Reserve capacity, public sector workforce redeployment plans, and logistical support/call-on contracts are necessary to stand-up key support services.
- Robust communication plans where there are differences of legal or administrative approach is essential.
- A more systemised approach to taking account of protected characteristics in emergency plans.
- More freedom for Welsh Government in deciding its reserve levels for LAs and overall provision for greater emergency funding is essential if other services are not to be cut back.

## **Module 2 – Core UK decision making and political governance**

13. This module will be split into parts and will examine core political and administrative governance and decision-making by the UK government. It will include the initial response, central government decision making, political and civil service performance as well as the effectiveness of relationships with governments in the devolved administrations and local and voluntary sectors. Module 2 will also assess decision-making about non-pharmaceutical measures and the factors that contributed to their implementation.

14. Public hearings for this module commenced 3 October 2023 and are scheduled to continue until 14<sup>th</sup> December 2023. The LGA (England) is a core participant for Module 2.

15. The Inquiry has already heard from a number of senior Whitehall and Downing Street officials in post at the relevant time. They have been questioned on, and provided evidence of the enormous pressures the departments were working under, and also the tensions, disagreements and culture which developed between those responsible for the discharge of pandemic response within Government. It is

expected that the former Prime Minister, Chancellor and Health Secretary among others will provide evidence in the coming weeks.

## **Module 2B - Core UK decision-making and political governance – Wales**

16. 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). It will also examine the decision-making of key groups and individuals within the government in Wales including the First Minister and other Welsh Ministers, in particular between early January and late March 2020 when the first national lockdown was imposed.
17. A Module 2B preliminary hearing to consider procedural issues relating to the conduct of future public hearings and the Inquiry's investigations was due to take place on 16 November 2023, but was postponed at short notice by the Inquiry Team. Public hearings for this module are scheduled to take place in the Mercure Cardiff North Hotel from 27th January – 14th March 2023.
18. For Module 2B the WLGA successfully applied to be granted Core Participant status. As core participants, the WLGA is unable to discuss the content of any submission made to the Inquiry or any evidence disclosed by other individuals or organisations.
19. The schedule of witnesses for Module 2B has not yet been disclosed by the Inquiry Team – the WLGA will not know if it is required to give evidence until its publication.

## **Module 3 – Impact of Covid-19 pandemic on healthcare systems in the 4 nations of the UK**

20. This module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This will include consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the Covid-19 pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people's experience of healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated module.
21. The WLGA applied for Joint Core Participant Status together with the Local Government Association (LGA), the Association of Directors of Adult Social Services (ADASS) and the Association of Directors of Social Services Cymru (ADSS Cymru). A Chair's letter received on 14 February 2023 made a decision not to designate the WLGA, or any of the above organisations, as Joint Core Participants in Module 3, thereby declining its application.

22. The WLGA considered it had relevant information to share with the Inquiry regarding a limited number of items within the Module 3 Preliminary Scope. In March 2023, the WLGA submitted a voluntary statement of evidence to the Inquiry Team.

23. It is anticipated that Module 3 substantive hearings will begin in autumn 2024.

## **Module 4 – Vaccines and therapeutics**

24. This module will consider and make recommendations on a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. There will be a focus on lessons learned and preparedness for the next pandemic.

25. Thematic issues relating to unequal vaccine uptake will be examined, to include the identification of groups which were the subject of unequal uptake, potential causes of such unequal uptake and the Government response.

26. Based on the preliminary outline scope for Module 4 the WLGA did not submit an application for core participant status. The WLGA is considering the relevant information it has in relation to this module and may submit an application to provide a voluntary witness statement.

27. It is anticipated that Module 4 substantive hearings will begin in summer 2024.

## **Module 5 – Procurement**

28. This module will consider and make recommendations regarding the procurement and distribution to end-users across the four nations of the United Kingdom of key healthcare related equipment and supplies, including PPE, ventilators and oxygen. It will investigate the robustness and effectiveness of procurement processes, the adequacy of the items obtained (including their specification, quality and volume) and the effectiveness of their distribution to the end-user. It will examine any challenges experienced and seek to extract lessons to be learned. It will also consider the UK-wide procurement of lateral flow tests and PCR tests.

29. On 15 June 2023 the Chair of the Inquiry sent a Rule 9 evidence request to each local authority in England and Wales in relation to the procurement of PPE and associated supply and demand throughout the pandemic. This Rule 9 request was sent to local authority Chief Executives and Heads of Legal services, with clear instruction to share only on a need-to-know basis. Responses were coordinated by the LGA research team and it has been confirmed that all 22 local authorities in Wales submitted information.

30. Based on the preliminary outline scope for Module 5 the WLGA considers it has key information to share with the Inquiry and on 17 November 2023 submitted a joint application with the LGA for Module 5 Core Participant status.

31. It is anticipated that Module 5 substantive hearings will begin in early 2025.

## **Module 6 – Care Sector**

32. This module will examine the care sector across the UK. Full detail on the scope of this module will not be published until December 2023, however it is anticipated that the following topics may be covered:

- Core decision making by the UK Government and the devolved administrations in respect of the care sector.
- The capacity of the care sector to respond to a pandemic and how this evolved during the Covid-19 pandemic.
- Residential homes, nursing homes and people's experience of the care sector
- during the Covid-19 pandemic.
- Care-related inequalities.

33. On 1 November 2023, the Chair of the Inquiry sent a Rule 9 evidence request to each local authority in England and Wales in the form of a questionnaire. In preparation for this module the Inquiry are keen to hear from local authorities at an early stage of their work, so that they may consider issues raised while progressing the investigation. Local authorities were given a deadline of 22 November 2023 to respond to this questionnaire. This Rule 9 request was sent to local authority Chief Executives and Heads of Legal services, with clear instruction to share only on a need-to-know basis.

34. The Module 6 Core Participant application window will be open from 12 December 2023 to 19 January 2024, during which time the WLGA will consider whether to submit an application. It is anticipated that Module 6 substantive hearings will begin in spring 2025.

## **Bereaved family representation**

35. Over 6000 individuals who lost family members during the pandemic have formed a not for profit company and have created "COVID Bereaved Families for Justice", whose aim is to campaign for lessons to be learned on behalf of their relatives. At the hearings, they have Kings Counsel representation for England, Wales and Northern Ireland bereaved families, and have a strong voice in holding to account and questioning witnesses.

## **Next Steps**

36. The WLGA will continue to examine the information produced by the Inquiry team as further modules are released, and carefully consider the extent to which it can reasonably assist with evidence and proposals or recommendations from a local government perspective.

## **Recommendation**

**37. Members are asked:**

**37.1 To note the contents of this report which is for information.**

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**Report cleared by Chris Llewellyn, Chief Executive**

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