

Module 2, Week 4 Evidential Hearings Summary

Martin Reynolds - Former Principal Private Secretary to the Prime Minister

- Mr Reynolds created a new WhatsApp group called PM Updates. On 15 April 2021, just a matter of a few weeks before Mr Johnson announced the public Inquiry to Parliament, Mr Reynolds turned on the disappearing message function in this WhatsApp group meaning that messages would disappear from this chat 7 days after they're sent. Mr Reynolds couldn't explain why he did this saying: "I don't believe it was intended to prevent the Inquiry from having sight of them. It could be that I was worried about someone screenshotting exchanges." Although the WhatsApp messages are not available MR is confident that all the content will be available in emails.
- With the benefit of hindsight, it does appear that they should have been far more vigorously looking and testing their arrangements for what was about to come and that would arguably have made a bit difference when the crisis hit. The evidence appears to suggest that they should have been assessing the situation differently and moving more quickly but that note gave the sense that they were prepared.
- Mr Reynolds agreed that there was an untoward delay. They didn't test their plans. For a period of a month, we had been assuming a certain number of things. If we had tested the plans, it would have been possible to deal with some of the issues which we were then confronted with. The plans were not crisis ready and were not sufficient. It is correct that the Cabinet Office failed to ensure there were plans and a proper strategy in place.
- On 23rd March there was a phone call with Evgeny Lebedev (Owner of the Telegraph). The following day there was a private meeting. Mr Reynolds wasn't at the meeting and would not have asked what it was about. He said it is for the PM to decide use of his time. Mr Reynolds may have said "are you sure you want to do this" but if he decided that it was important that was for him to decide.
- It fair to say PM did blow hot and cold on some issues, including the most vital ones.
- 20 May, Mr Reynolds sent an email about how nice it would be to make the most of this lovely weather and have some socially distanced drinks in the garden and to bring your own booze.
- Mr Reynolds was deeply sorry for his part in those events, and apologised unreservedly for the message. The story broke about 15 months later so he thought the impact on public confidence was less.

Imran Shafi – Former Private Secretary to the Prime Minister for public services

- Said that the concern was that if you suppress the spread, as soon as you lift the restrictions it spreads again and there is no immunity because you suppressed it. So, the idea is to mitigate so that enough people have been infected without overwhelming the NHS. It was known that many people will die. Didn't think there was ever a proper conversation in February about whether to suppress or mitigate. The system went in into default of accepting the pandemic flu/mitigate approach.
- In hindsight there should have been advice with different options presented to Ministers: You can do this and the costs and benefits are such and such. It wasn't discussed until March. It was only once they started to see just how stark the gap was between the likely path of the pandemic - even with mitigation - and how many beds were available that he thought it became clear to people in Number 10, including him, just how unprotected the NHS would be and just how many people would die under a mitigation approach.
- Thought that there was too much focus on excess deaths management and not enough focus on preventing those deaths in the first place. Thought that, in hindsight it's unfortunate that they didn't spend every day in February focused on all the detailed operational plans.
- Boris Johnson definitely did not want to lock down. He was concerned about the other harms that would be caused. "Why are we destroying the economy for people who will die soon anyway." Shafi couldn't be sure, but thought that was said by the former PM.

Lee Cain - Former Director of Communications at No. 10

- Said that they were informed that the Department of Health view was the UK was incredibly well prepared. The Secretary of State (Matt Hancock) was confident on the preparedness. Even when the action plan was launched in early March they were still of the view that they were well prepared. Boris Johnson didn't want to overreact and was worried about the Government being swept up in media hysteria and causing more harm.
- The 3rd March Action plan was not a plan to deal with Covid. It was a very thin overview of how they may manage the virus. The first element was Contain and by then, Contain was already off the table. No 10 started to get concerned because if this was the plan then they clearly didn't have a plan. Dominic Cummings was demanding to see the plans and calling for the Department of Health to provide them. It was probably only Cummings who was really forcefully kicking the tyres. Cain didn't think he got a great deal of information back.
- Dominic Cummings to Boris Johnson: "*We've got big problems coming, Cab Off terrifyingly shit, having to drive and direct the machine.*"
- Cain would agree with his assessment of the Cabinet Office. No one knew who the point person was and who should be driving and coordinating all this. No one was holding their hands up and taking responsibility. Even now Mr Cain wouldn't know who it should have

been. Overall, Cain would agree there was a lack of leadership and there was chaos.

- If Professor Medley was saying in February that the NHS would be overwhelmed that message did not get through to them. They took their steer from Patrick Vallance and Chris Whitty. On the 13th March, Ben Warner said that under the mitigation plan the NHS would be overwhelmed. That was news to Cain.
- The collective agreement at that meeting was that only a full lockdown would suppress the spread and save the NHS from collapse. The decision wasn't made at the meeting, but it was the agreed position. It didn't happen until 23rd March – it's quite a big undertaking and lots needs to get done to make it happen. While it was longer than they would have liked, there was a justifiable reason for it.
- Cain thinks anyone that's worked with the Prime Minister for a period of time will become exhausted with him sometimes. He can be quite a challenging character to work with, just because he will oscillate, he will take a decision from the last person in the room. Cain thinks that's pretty well documented in terms of his style of operating, and it is rather exhausting from time to time.
- Covid was the wrong crisis for this Prime Minister's skillset, which is different, Cain thinks, from not potentially being up to the job of being Prime Minister. He would often delay making decisions, he would seek counsel from a lot of people and change his mind. In some issues that can be a great strength but here we needed quick decisions and to hold the course.
- Cain was very critical of the back to work policy and Eat Out To Help Out. What are we signalling to the public? It indicates Covid is over, get back to work, crowd on trains, get into restaurants and enjoy dinner with friends. He said that is fine if you won't need suppression again but it was clear that they would have to suppress again, that was the plan. Businesses didn't want people back in, they were still saying work from home, scientific advice was that there would need to be another lockdown, so it made no sense to get everyone back to work so that was a cause of great frustration.
- Cain was in support of circuit breaker lockdowns that were called for in September. Instead, they went to tiers. These months is when the oscillation was most pronounced because Boris Johnson did not want to go back into lockdown and the team knew it was inevitable. You can forgive some of the errors in the first lockdown because everything was moving so fast, but by this time we were saying we had learned all these lessons from the first period so why are we making the exact same mistakes again, moving too slow, which means a longer harder lockdown, more harmful to the economy.
- Regarding Matt Hancock, the general view was that they were not getting all the accurate information from him in meetings and that was causing frustration.

- Dated 26.08.20 in Patrick Vallance's Diary: "He is obsessed with older people accepting their fate and letting the young get on with life and economy going".
- Dated 14.12.20 in Patrick Vallance's Diary: "PM says his party thinks the whole thing is pathetic and Covid is just nature's way of dealing with old people and I am not entirely sure I disagree with them. A lot of moderate people think it is a bit too much."

Dominic Cummings - Former Adviser to the Prime Minister

- Cumming highlighted problems with Cabinet Office (CO): He said there was a mix of a lot of the wrong people in the wrong job, no real scrutiny, culture of classifying things to hide mistakes and scrutiny, management was bad, the senior people themselves didn't know who was in charge of what. It is the Prime Minister who was responsible for the wrong people remaining in crucial jobs in the Cabinet Office.
- SAGE did a brilliant job at coordinating scientific expertise but the mechanism for conveying it to Number 10 could be radically improved. Very often there were confused interpretations of what was heard by officials who didn't necessarily understand what they had heard.
- The question of plans for vulnerable people was almost entirely appallingly neglected by the planning system. On 19th March they realised that there was essentially no shielding plan. A junior official tried to raise a warning about domestic abuse and children in care but the system never properly listened to her.
- Cummings believed they were being misled by Matt Hancock about what was being done to protect the care home sector, ramp up testing and how to get adequate supplies of PPE.
- There was a general feeling in Number 10, that the way in which the Prime Minister responded constantly to the media was extremely bad and extremely damaging to the Covid response. There were specific concerns about his relationship with The Telegraph, and there were specific concerns and also suspicions of possible corruption in terms of his relationship with Osborne and funnelling money to the Evening Standard. The Evening Standard is owned by Lord Lebedev who Boris Johnson met with in March.
- Dominic Cummings declined to apologise for Barnard Castle.

Helen MacNamara - Former Deputy Cabinet Secretary

- Supported Mark Sedwill in his role as Cabinet Secretary.
- Ms MacNamara was not sure whether there would ever have been a normal pattern of working for Mr. Johnson. The monomaniacal focus on Brexit and what was communicated to them was everything else could wait until that was settled.
- In Jan/Feb Boris Johnson was very confident they would sail through Coronavirus. He rarely referred to the briefings on it. Ms MacNamara felt

the confidence was deeply worrying. There was an assumption that they were going to be great at everything without any sort of hesitancy or questioning behind closed doors where we should be more reflective and fact checking. That tone was completely absent. The jovial tone re: containments measures and Italy was overreacting and the breezy confidence that we would do better than others jarred with Ms MacNamara. She raised concerns and said: 'Surely, we should pause for a moment' and Chris Whitty supported her. Shortly afterwards it went back to the assertion that they were well prepared and shouldn't panic. She left feeling like she had been patronised for raising the point.

- The Cabinet Office was told time again by the Health Secretary (Matt Hancock) that they had plans in place. That was said in her hearing. No ambiguity. She thought his confidence was based on having seen the plans and assured himself. Ms MacNamara was surprised to realise what he said wasn't true.
- On Friday 13th, Ms MacNamara walked into the Prime Minister's study but the PM was not there. Dominic Cummings was there with others. Ms MacNamara had just been talking to Mark Sweeney (in charge of coordinating DH). Sweeney said he had been told for year there was a plan but there is no plan and they are in huge trouble. Ms MacNamara then said that the country is heading for disaster and they are going to kill thousands of people.
- The exclusion of the female perspective led to a significant lack of thought given to childcare in the context of school closures, domestic violence, carers, guidance for pregnancy. The lack of women in the room meant that these policy decisions were not even being considered.
- Issue of PPE fitting women had been raised by Ms MacNamara a number of times. Simon Stevens told the Prime Minister it was fine. Ms MacNamara didn't feel there was much more that she could do, that was the end of the road really.
- They were told that the NHS capacity was elastic. She realised what was meant by that was the capacity of the people in the NHS to work themselves into the ground to keep people alive.

Doctor David Halpern - President and former Chief Executive Officer of the Behavioural Insights Team

- 'Behavioural fatigue' was not a phrase from them. Chris Whitty describes it as a mistake on his part.
- On 13th March there was a meeting with SAGE. This was a significant meeting. They were not ready for what was unfolding. There was some realisation in the room and cracking on the confidence.
- There was a strong case for using financial incentives to support self-isolate. This was important for compliance and whether people were able to follow the rules. However, the Treasury were resistant.

Baron Simon Stevens of Birmingham- Former Chief Executive Officer of NHS England

- Baron Stevens attended almost all the COBR meetings. Had the observation that when Matt Hancock was chairing the COBR other Secretaries of State would avoid it and their departments would send junior ministers instead. Stevens was not saying it was cause and effect, it was just an observation. If the PM had chaired the meetings, he thinks more Secretaries of State would have attended.
- Stevens raised the issue of financial support for people taking measures to self-isolate. He was reflecting what he had been told directly by people which was that the measures were not working because there wasn't enough financial support for people who were being asked to self-isolate.
- There were occasional moments of tension and flash point with Matt Hancock which is probably inevitable during the course of a 15-month pandemic. He said he hadn't seen strong evidence to back up strong allegations that he was untruthful. He was for the most part someone Stevens could trust.
- Operation Nimbus was a tabletop exercise that took place on 12th February so that the various Government departments could look at what they needed to do to prepare if the virus turned into a pandemic. There was a discussion regarding who should be responsible for making decisions about prioritisation and allocation of stretched NHS resources. Matt Hancock took the decision that he, rather than the medical professionals, should ultimately decide who should live or die. This is highly undesirable. Stevens certainly wanted to discourage the idea that an individual Secretary of State, other than in the most exceptional circumstances, should be deciding how care would be provided. We are well served by the medical profession.
- Helen MacNamara was right to raise the issue of PPE for women. The Prime Minister raised it with him on April 13th. Stevens did not say there was no problem with this. He said that they were already aware of the issue and there was ongoing work in relation to it.
- 2016 NERVTAG made a formal recommendation that there should be a rolling NHS program for the fit testing of respirators FFP3 Masks as an important part of infection control. Stevens did not know about the recommendation. He did not agree that if there had there been a rolling program of fit testing the issues have been flagged much earlier. It would have been worse. If you are doing it in situation where there was ample PPE supply, you wouldn't have detected the problem until the shortage arose.

Guidance published on 19th March regarding hospital discharge:

- 15,000 of the beds were as a result of postponing routine surgery.

- The other 15,000 would be because of the support provided to return people either back home or to care home settings. It would be people who would be returning to care homes they had originally come from so it wouldn't be new people going into care homes. Stevens didn't agree there would be a higher number of people going to care homes.

There was a discussion between the DHSC, Ministers and senior doctors on 11th March about testing and who should be prioritised. The Secretary of State (Matt Hancock) made the decision on the basis of clinical advice not to prioritise people going into care homes for testing.

Sir Christopher Wormald - Permanent Secretary of the Department of Health and Social Care

- **Matt Hancock** - There were two things raised. There were a very small number of cases where it was said that Secretary of State said something that was untrue. Sir Wormald did not witness or come across instances where he said something actually untrue. There were a lot of people who said he was over optimistic on what would happen or over promised on what can be delivered. In the individual instances that were raised about untruths, Sir Wormald couldn't see any validity to the issues raised. Sir Wormald was not aware of it being said that he was regularly speaking untruths.
- He said it's a matter of perception. He was sure Matt Hancock would say he believed what he said was deliverable. His style of leadership was to set very targets for motivation. The things that were raised with Sir Wormald were things like he wants to hit 100k tests and they didn't think that could happen. That was a matter of opinion and Matt Hancock was entitled to say it.
- They had conversations where Sir Wormald said people believe you are over promising. He said he was saying it because he thought it was possible and important to be both optimist and aspirational. That is a decision for him if that is an image he wishes to portray. Sir Wormald thinks he was aware people thought that but will be surprised at how widespread it was. He was well aware of Dominic Cummings and the Cabinet Secretary but thought he would be surprised that Helen MacNamara had that view. Had Sir Wormald known at the time how widespread it was, that would have been a big worry.
- **Measures** - With hindsight they were at least a week late at all points of NPI decisions. With hindsight they should have imposed them earlier. Sir Wormald thought the decisions were rational at the time and fully in line with the scientific. It was accepted there would have to be more restrictions, the debate was about the timing. The view of the CMO and others was that there were the big downsides to their NPI regimes so they wanted to go into them at the right time and come out of them as quickly as possible to minimise the collateral damage.

- **Guidance for Social / Community Care and Residential Setting dated 24th February and published the next day** - The guidance states: *“This guidance is intended where there is no transmission in the community so it is unlikely that anyone receiving care in a care home or in the community will become infected. Currently no evidence of transmission in the UK so no need to do anything differently in any care setting.”*

Information available at the time:

- 6800 people tested and 13 positive cases.
- Deaths in Italy had started and doubled over night.
- Diamond Princess – 700 people had become infected.

Q: So the virus had reached the UK and the internationally the picture was grim, why were you advising the care home sector infection was very unlikely and to do nothing?

A: Because that was the clinical advice at the time. At this moment actual infection numbers in England, were believed to be very low indeed. There is a distinction between what were our predictions for the future and our advice to people at the time. I don't see those two things as being inconsistent.

Q: The advice to those managing care homes was do nothing?

A: That advice was correct. I haven't seen anything that to suggest that advice was incorrect or out of line with our scientific advice.

Professor Yvonne Doyle - Former Medical Director and Director for Health Protection, Public Health England

HCID Criteria:

1. High fatality rate.
 2. Spread rapidly.
 3. Difficult to detect.
 4. Needs an enhanced response.
- Covid was designated HCID on a precautionary basis.
 - HCID limits the number of laboratories that can engage with it, and they needed many more labs to conduct the work so they decided to deescalate it to Category 2. That allowed a far larger number of labs to do work on the virus including testing.