

**David Richards OBE**  
Cyfarwyddwr Priodoldeb a Moeseg  
Director of Propriety and Ethics



Llywodraeth Cymru  
Welsh Government  
11th August 2022

Dear Solicitor to the Inquiry,

### **Application to be a core participant in Module 1**

1. This is the application of the Welsh Government (“**WG**”), made under r. 5 of the Inquiry Rules 2006 (“**the Rules**”) and in accordance with the Core Participant Protocol (dated 21 July 2022) (“**the Protocol**”), to be a core participant (“**CP**”) in Module 1 (“**M1**”). For the purposes of r. 5(1) of the Rules, WG consents to being designated a CP in M1.
2. I am authorised by the First Minister of Wales to make this application on behalf of, and to give the consent of, WG.

### **Scope of Module 1**

3. The Opening Statement said that Module 1 “will consider the extent to which the risk of a Coronavirus pandemic was properly identified and planned for and whether the UK was ready for that eventuality. The module will look at the UK’s preparedness for whole-system civil emergencies, including resourcing, the system of risk management and pandemic readiness. It will scrutinise government decision-making relating to planning and seek to identify lessons from earlier incidents and simulations and international comparisons”. Module 1 will also consider “The Government structures and specialist bodies concerned with risk management and civil emergency planning including devolved administrations and their structures....”.

### **The application**

#### *Overview*

4. In relation to resilience and emergency planning:
  - 4.1 Since devolution in 1999, WG has provided political leadership for the development and co-ordination of resilience and emergency responses in Wales. WG co-ordinated all-Wales multi-agency planning, supporting local planning and response and acting as a link between the UK



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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding

Government and Welsh Local Resilience Forums (“**LRFs**”). Leadership is exercised by various means, but primarily by establishing arrangements to plan and prepare for various civil contingencies (including a pandemic) to ensure the effective/efficient co-ordination between Welsh and UK public bodies; by preparing guidance and advice; by running/participating in pandemic-related exercises and ensuring that outcomes are considered and reviewed.

4.2 WG consistently and closely participated in Four Nations groups concerned with preparation for a pandemic and participated in public health exercises (Wales-specific and UK-wide) designed to test the robustness of arrangements for responding to a pandemic and to identify/implement lessons and recommendation (e.g. Exercise Cygnus (Wales); Exercise Cygnus (UK); Exercise Cygnet). As a pandemic would not respect internal borders within the UK, close co-ordination between the Four Nations was both necessary and desirable to prepare for such an event. For that and the other reasons set out here, WG has a direct and significant role in the matters to be investigated in M1 (in relation to both Wales and the UK) and a significant interest in all aspects of the matters to be investigated.

4.3 During the pandemic the WG ha also implemented significant emergency measures to support the Welsh economy for example, the establishment of an “Economic Resilience Fund”, and the provision of business rate relief.

4.4 In addition to the pre-existing leadership role, the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), transferred to the Welsh Ministers, executive functions under Part 1 of the Civil Contingencies Act 2004 (“**CCA**”) including powers to issue guidance in relation to the duties imposed under the CCA, powers to monitor compliance and also powers to make regulations, orders and directions in Wales. Accordingly, WG would play a central role in considering the implementation of any recommendations that the Inquiry may make in this area.

5. Specifically, in relation to health and social care resilience and emergency planning:

5.1 Healthcare and social care have been within devolved competence since 1999. WG has exercised its powers to lead, develop and co-ordinate public health and social care planning, including the preparation of resilience and emergency planning in relation to a pandemic.

5.2 In discharging its healthcare and social care-related planning responsibilities, WG is advised by its Chief Medical Officer on emerging diseases (including Covid-19 and its epidemiology) and Public Health Wales (among other sources of expert advice and support).

#### *Pandemic-related preparedness arrangements*

6. The arrangements in Wales for pandemic-related response are led by WG. In particular:

6.1 In addition to LRFs which are concerned with resilience and preparedness in the four Welsh regions, in 2003, WG established and leads the Wales Resilience Forum (“**WRF**”) to promote good communication and the enhancement of emergency planning across agencies and services in Wales. The WRF also considered policy and funding issues.

- 6.2 In September 2005, the WRF approved and adopted the Pan-Wales Response Plan which provides the framework for management of an emergency in Wales and the arrangements for liaison with the UK Government.
- 6.3 The Wales Resilience Partnership Team (“**WRPT**”) was set up by WG to support the WRF by providing arrangements for assessing the implications in Wales of the work produced by the UK Capabilities Programme. The WRPT’s principal function is to produce a framework for the development of resilience/emergency capability in Wales (including pandemics) and to advise the WRF. Following Exercise Cygnus (UK) in 2016, the WRPT delegated responsibility for the implementation of consequential recommendations to the Wales Pandemic Preparedness Group (“**WPPG**”). The WPPG’s work supplemented and informed WG’s participation in the UK Government’s Pandemic Flu Review Board (“**the Board**”) which reviewed and implemented the national recommendations flowing from Exercise Cygnet (2016). WG was a Board member, actively involved in its work and that of its sub-groups.

#### *Healthcare-specific planning arrangements*

7. In summary:
- 7.1 Healthcare has been a devolved function since 1999. The Health Emergency Preparedness Unit (“**HEPU**”) was established following devolution to provide emergency planning policy advice to Welsh Ministers and to co-ordinate emergency planning across NHS Wales. HEPU established the Wales NHS Emergency Planning Advisors Group (“**EPAG**”) which consisted of representatives of the principal NHS Wales bodies (such as the Local Health Boards) and the WPPG. EPAG is responsible for strategic health emergency planning.
- 7.2 To address UK-wide NHS pandemic planning, WG participates in Four Nations health resilience arrangements (e.g. Four Nations Emergency Planning Leads Group).
- 7.3 WG advised the NHS in Wales on the requirements for operational planning for a pandemic.
- 7.4 Since devolution, WG has stored and maintained countermeasures (e.g. antivirals; antibiotics; consumables and PPE) to ensure that they can be deployed efficiently in a pandemic.

#### *Social care planning arrangements*

8. In summary:
- 8.1 Social care has been a devolved function since 1999. Following the swine flu epidemic and Exercise Cygnus (Wales), WG published the Wales Health and Social Care Influenza Pandemic Preparedness & Response Guidance in 2014. It advised the Welsh social care sector about the risks involved in a flu pandemic and the impact on demand for social care, resident illness and death and reliance on community care to cope with the numbers needing to be discharged from hospitals or becoming vulnerable. Following Exercise Cygnus (UK) in 2016, WG’s Social Care Directorate co-ordinated work on developing measures to manage a surge of care demand in a pandemic.

## **Conclusion**

9. For the reasons set out above, for the purposes of r. 5(2)(a) of the Rules, WG has a direct and significant role in the matters to be investigated in M1; under r. 5(2)(b), it has a significant interest in all aspects of the matters to which M1 relates and, as to r. 5(2)(c), given its responsibility for and leadership of resilience and emergency planning in Wales, including the exercise of executive statutory functions under Part 1 of the Civil Contingencies Act 2004, WG may be the subject of explicit or significant criticism during M1 and/or in the Inquiry report (interim or otherwise). WG, therefore, asks to be a CP in M1 and agrees to being so designated.

## **Other matters**

10. Given WG's responsibility for the leadership and co-ordination of resilience and emergency planning in Wales and its role as strategic and legislative lead for health and social care it has not explored making an application to be a core participant with another person or organisation. WG confirms that it is legally represented. As well as being advised by its in-house Legal Services Department it has also retained Browne Jacobson LLP (Stephanie McGarry) as its solicitors.
11. If you require any further information or clarification about this application, please do not hesitate to make contact.

Yours sincerely,

### **David Richards OBE**

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