

1 sound like an odd thing to say, and this is what I said
2 in my statement, that in many ways January 2020 really
3 felt like the beginning of the Johnson administration,
4 even though he had been in office for some time before
5 then. It was just after the election and it was kind of
6 supposed to be the beginning of this, what we thought at
7 the time was a decade of Johnson government.

8 Q. And I'm going to ask you more about all of that in
9 a moment. But before I do, I've mentioned your witness
10 statement. It's very long. It's 100 or so pages, and
11 it's obvious to anyone who reads it, and we will be
12 adducing it and publishing it in full, that you spent
13 a very long time preparing it.

14 Can you give us some idea of, first of all, how long
15 you did spend on it and, secondly, apart from assisting
16 us, what you hope to achieve with your statement?

17 A. Well, I think public inquiries are important. I think
18 they're essential. I've had the misfortune at various
19 other points in my career to be working in the
20 civil service where things have gone wrong, and I've
21 always found it both really important that there is
22 a point for reflection and that you should yourself, in
23 the civil service, always be asking questions about
24 what's happened and what you could have done better, but
25 that also there is a very important part, I believe, in

5

1 the Inquiry properly.

2 So I feel like I've had to be my own forensic
3 archaeologist of my time in 2020, and it's been hard
4 enough for me to work out what was happening when, and
5 I was there, because of the difficulties with accessing
6 documents, accessing the right information, and because
7 unfortunately the Cabinet Office deleted my work mobile
8 phone, so I've not had access to those records either.

9 Q. And we'll come to one or two parts of your evidence
10 where you say you're sure that there were relevant
11 WhatsApp messages and so on that you sent, but you no
12 longer have them because you returned your phone to the
13 Cabinet Office when you left and they have been unable
14 to provide it back to you, and I think they've told you
15 that it's -- is it the phone itself that's been
16 destroyed or has the material been deleted?

17 A. I'm not entirely sure, although I definitely did ask,
18 because I know that the messages were all backed up.
19 I asked if they could provide a kind of -- I'm going to
20 use the wrong word, but like a simile of the phone so
21 that I could at least see the messages and that wasn't
22 possible either.

23 I should reassure the Inquiry that most of my
24 business, as you would expect, is on email and most of
25 it is all captured in the public record, so I don't

7

1 our settlement of government or way that we operate
2 public administration that there needs to sometimes be
3 something like this today, where we all have to come and
4 explain and account for what we did on something this
5 important and significant.

6 It has been -- you know, it has been a real effort
7 to put the statement together and to do the work, for
8 lots of reasons, but it feels a lot like the least
9 I could do in the circumstances, to be honest, and
10 I hope that I've been able to give a fair and reasonable
11 account of what happened and I hope that some things can
12 be better as a result.

13 Q. It's clear, as we will work through it, that you refer
14 to a number of documents, emails, papers that you
15 drafted and so on. I think it's right to say that you
16 came across some obstacles in obtaining material that
17 you needed for your witness statement. Could you tell
18 us something about that?

19 A. I did, and I want to be quite careful, because I think
20 that -- I mean, you will have heard already that it's
21 very easy to bash a government department, and I'm not,
22 when I'm criticising the Cabinet Office, blaming
23 particular individuals, I should say. Very much not.
24 But it has been extraordinarily difficult to get even
25 the most basic pieces of information to be able to serve

6

1 worry that there's a huge amount of material that you're
2 not seeing which is relevant to the work that I was
3 doing.

4 Q. But nonetheless a frustration that the phone messages
5 weren't available?

6 A. It is, yeah.

7 Q. Let's move on, Ms MacNamara, and I want to start, as you
8 do in your statement, although I want to take this part
9 reasonably briefly, with the question of how ready the
10 government machine was for the pandemic which developed
11 from the start of 2020.

12 What I'd like to do, if I may, is go to paragraph 23
13 of your statement on page 12, which is your summary at
14 the end of this section of your witness statement, where
15 you say this:

16 "In summary, then, when Covid arose as a concern in
17 January 2020, the UK Government was already on the back
18 foot from another once-in-a-generation event. Key parts
19 of the system were either subject to change or might
20 have been and were awaiting clarification. Many
21 ministers, senior civil servants and special advisers
22 were uncertain in their role. There was no clear
23 'business as usual' pattern of working with Mr Johnson.
24 The Cabinet Office and Whitehall had developed some
25 unhealthy habits in terms of ways of working, and it was

8

1 a low-trust environment in terms of relationships
2 between the civil service and the Prime Minister and his
3 political team."

4 So just to pick up on a few of those points, first
5 of all, the once-in-a-generation event that you refer to
6 was Brexit?

7 A. Yes.

8 Q. Now, some other witnesses have made the point that, at
9 least in some respects, the experience of Brexit, and in
10 particular the preparations for an no-deal Brexit, were
11 valuable as a precursor to the experience of the
12 pandemic.

13 First of all, do you agree with that? And secondly,
14 if so, what is the wider point you're making about the,
15 if you like, deficit of the Brexit experience?

16 A. I mean, first, yes, I absolutely agree that the no-deal
17 preparations and the experience of doing the no-deal
18 preparations was immensely valuable and actually, in
19 retrospect, it's one of the frustrations when I think
20 about whether I should have been more reflective at the
21 time, that we knew how hard that had been, how unnatural
22 it had been for Whitehall to have to think across
23 a whole system, and think about things we weren't
24 practised in doing, and work collectively across a huge
25 range of operational and policy areas, and it had been

9

1 substantial machinery of government changes potentially
2 before deciding who to put in which Cabinet jobs.

3 So this period -- and I think the reshuffle then
4 came quite late into that February. It was just
5 before -- it was the Friday before the House rose for
6 the half term recess.

7 So there were an awful lot of people who weren't
8 sure what jobs they had. There was particularly
9 uncertainty on the political side, obviously, but also
10 on the civil service given the potential for large
11 amounts of machinery of government change, and I think
12 it's been mentioned before, but there was, you know,
13 again a lot of hostile briefing about the civil service,
14 which was making people feel uncomfortable, and at this
15 time there was what was happening in the Home Office
16 with the then Home Secretary and the
17 permanent secretary.

18 Q. That's a reference to the falling out between
19 Priti Patel and the permanent secretary, Mr Rutnam?

20 A. Yeah.

21 Q. And that's an issue that you yourself were asked to take
22 some role in. You investigated allegations of bullying,
23 and that was something that was going on at very much
24 this time?

25 A. Yes.

11

1 very difficult to start off with. And then over that
2 preceding year, and actually, to give them credit, to
3 a large part when Boris Johnson became Prime Minister
4 the team had really focused very hard and done an
5 enormous amount of good work that did stand us in very
6 good stead, but we sort of somehow hadn't clocked that
7 we were kind of two years previously on Covid, if I can
8 use that as an example. So yes.

9 But the wider deficit, I think, is partly a -- and
10 I should make the point, this is nothing to do with
11 whether the country decided to leave the EU or not, my
12 point is entirely about the Whitehall and Westminster
13 response, and particularly the Whitehall structures, had
14 been bent out of shape by a series of things that had
15 happened.

16 So the business-as-usual model of the Cabinet Office
17 that lots of people who worked in the centre of
18 government would recognise wasn't really there for all
19 sorts of reasons in January 2020.

20 There was also, when I talk about uncertainty, which
21 might be the most useful point in here to highlight,
22 there hadn't been a significant Cabinet reshuffle after
23 the 2019 election. The election had fallen right at the
24 end of December, really, and the Prime Minister had
25 wanted to take some time and to consider some quite

10

1 Q. You mentioned there also, you say there was no clear
2 pattern of working with Mr Johnson -- this is something
3 we'll come back to -- but was that an extraordinary
4 matter?

5 A. I mean, that's a very good question, I'm not sure
6 whether there would ever have been a normal pattern of
7 working for Mr Johnson. But I do know that the kind of
8 monomaniacal focus of him and his political team, for
9 reasons which I'm sure that they would happily give, on
10 just focusing on EU exit from July 2019 and then getting
11 to the election, meant that they, at least in the way it
12 was communicated to us, everything else could wait,
13 everything else could wait till after this question was
14 settled, and then there was going to come a very large
15 amount of change, and we were just not sure what that
16 change was ever going to be.

17 Q. Just going back to the beginning of this paragraph,
18 these are all matters that you say contributed to this
19 sense of being on the back foot at the beginning of that
20 year, and that was one of them, was it?

21 A. Yeah.

22 Q. Lastly, here, you talk about unhealthy habits that had
23 developed in the Cabinet Office and Whitehall during
24 the previous period. Was one of those the sense of
25 bypassing Cabinet government?

12

1 A. Yes.

2 Q. Well, I think I won't ask you any more about that, I'm
3 going to come back to that in due course.

4 Let's move on, Ms MacNamara. I want to ask you then
5 about those early months of 2020 and the emergence of
6 the pandemic. The Inquiry has now heard a lot of
7 evidence about what took place in January, February,
8 March of that year, the developing understanding both of
9 the scientists and people at the centre of government of
10 the virus, SAGE meetings, COBR meetings, and so on.

11 Can you just give us an insight into how
12 the pandemic impinged on your own work as you went
13 about, no doubt, many other things in the Cabinet Office
14 in that period.

15 A. Of course. So we were obviously aware that there was
16 this emerging problem. Probably the most visibility
17 I personally had of that was via the Cabinet Secretary's
18 Monday morning meetings. So, as I suspect is normal
19 everywhere, he'd gather his top team together and we
20 would cover what was happening, and so that was
21 the place that, from very early in January, I remember
22 first hearing about the response to the virus, which was
23 very much framed as an international rather than
24 a domestic problem at that point. And then
25 I occasionally attended the morning meeting on behalf of

13

1 the Cabinet Office, you certainly became aware of
2 the pandemic and the way in which it was being treated?

3 A. Yes.

4 Q. I'd like to take you to just a couple of references in
5 your statement about this.

6 First of all, if we may, paragraph 24 of your
7 statement, which is on page 13.

8 Here you are discussing that part of your role which
9 involved drafting briefs for the Cabinet, for
10 the Prime Minister for his Cabinet meetings.

11 Picking it up towards the bottom of that paragraph,
12 about six or seven lines up from the bottom, you say:

13 "In practice in this case the tone of the Cabinet
14 briefs on the Coronavirus, and in particular
15 the injections of caution I made about the uncertainty
16 of the picture, did not register with Mr Johnson -- he
17 rarely referred to the brief. In those early Cabinet
18 meetings in particular Mr Johnson was very confident
19 that the UK would sail through and we should all be
20 careful of over-correcting in advance of something that
21 was unlikely to have a huge impact and for which -- in
22 any case -- we were well prepared."

23 Just to get the timing clear at the beginning of
24 that paragraph, you say we're talking now about
25 January/February, and was that your experience of

15

1 the Cabinet Secretary, so this is the Prime Minister's
2 daily meeting, and I would have picked it up from there.
3 And then obviously in the Cabinet. So as well as being
4 somebody who could see what was happening in the world,
5 but in the Cabinet Office that's where I first
6 understood what was happening.

7 Q. And just to be clear about this, we've already
8 established what your role was, you've told us at
9 least one other thing that was taking up your time
10 during that period, the issue around Priti Patel and her
11 permanent secretary, but we shouldn't get the idea,
12 should we, that it was part of your job to deal with
13 Covid; you were at a higher level than that, overseeing
14 the entire work of the Cabinet Office, is that a fair
15 way of putting it?

16 A. So there is -- sorry, this is probably going too much
17 into civil service structures -- there is a separate
18 Permanent Secretary for the Cabinet Office. What I was
19 overseeing was the kind of old-fashioned operation of
20 government. I wasn't ever responsible for any of the
21 teams who were preparing for or running crisis response
22 or any of the -- I had no direct line management over
23 any of these teams, no.

24 Q. Yes. But, as you say, in the course of attending these
25 meetings and no doubt simply being in Downing Street and

14

1 Mr Johnson's early approach to the disease?

2 A. Yes, and it -- I mean, we -- it was a pretty confident
3 climate in general, so it wasn't unusual for the message
4 that we were going to be great at it to be the kind of
5 general overriding message of anything that was brought
6 before the Cabinet.

7 Q. Just pause there, because there's another passage
8 I wanted to ask you to look at, which is on page 15,
9 it's the last few lines of paragraph 27. I think this
10 really picks up the point you were just making,
11 Ms MacNamara, now you're talking about being at, not the
12 Cabinet meeting, but the early morning meetings, and you
13 say:

14 "During this period [four lines from the bottom] the
15 atmosphere and discussion in the morning meetings
16 I attended was confident and macho. This in itself was
17 not a new thing, but it seemed even more so than usual:
18 we were going to be world-beating at conquering Covid-19
19 as well as everything else."

20 A. Yeah.

21 Q. What did you mean by that?

22 A. Well, just that it was striking that something that
23 I felt personally was obviously deeply worrying, that
24 the -- there was a sort of **de facto** assumption that we
25 were going to be great without any of the hesitancy or

16

1 questioning or that sort of behind closed doors bit of
 2 government, which isn't about saying everything is
 3 smashing and going brilliantly but actually being a bit
 4 more reflective and checking that everything is going to
 5 be quite as great as we'd like it to be. And that tone,
 6 in my observation from these discussions, was just
 7 completely and utterly absent.

8 Q. Just moving on further down this page at paragraph 29,
 9 you refer to one particular incident which obviously was
 10 one that you remembered. Now we're in early March and,
 11 in fact, you've linked it to the day when there was
 12 an issue about the Prime Minister shaking hands at the
 13 hospital, which we know was 3 March, so you're right,
 14 it's early March.

15 Picking it up about five or six lines down, you
 16 refer to the "jovial tone". You say:

17 "But the jovial tone, the view that in implementing
 18 containment measures and suspending work and schooling,
 19 the Italians were overreacting, and the breezy
 20 confidence that we would do better than others had
 21 jarred with me."

22 Just carrying on, you describe raising at this
 23 meeting concerns that you'd essentially picked up at the
 24 school gate or sort of on your parents' WhatsApps and
 25 saying surely we should just pause for a moment, and

17

1 the Italians, was just -- it just felt completely --
 2 well, it felt how it sounds.

3 Q. You may have answered in part my next question, because
 4 I wanted to ask you whether this was just sort of macho
 5 posturing or whether it actually had an effect on
 6 policy. Is it the case, then, do you think, that this
 7 approach you're describing slowed down or even prevented
 8 the government from doing perhaps the messaging that it
 9 ought to have done?

10 A. I think it will be quite hard for me to know, because
 11 there is a -- you know, if you are in that sort of
 12 meeting with that sort of Prime Minister in that sort of
 13 environment, it's quite hard to be the person who
 14 injects a note of caution or says, "I'm not really sure
 15 about this" or ... so I can't say that it wasn't --
 16 you know, I can't presume that because that's what
 17 I heard that elsewhere there weren't also people saying
 18 "Hang on a second". I imagine that there were,
 19 actually. It's whether they were heard or not that
 20 I think is the question, and I would say undoubtedly
 21 that the sort of unbelievably bullish "we're going to be
 22 great at everything" approach is not a smart mentality
 23 to have inside a government meeting.

24 Q. I want to just look at another part of your witness
 25 statement which relates to something that's going on at

19

1 Chris Whitty supporting you. But then, to finish off,
 2 if we go over the page, you say that after that sort of
 3 moment:

4 "Shortly after, the conversation went back to the
 5 assertion that we were so well prepared ... we should
 6 not panic."

7 And you say you:

8 "... left the room even more concerned that we were
 9 in the wrong place tonally, feeling I had been
 10 patronised for raising the point and I was particularly
 11 bothered by the supreme confidence I had heard."

12 A. I think -- I mean, yes, and obviously that is accurate,
 13 I think that the thing I was most concerned about at the
 14 time is I really thought that people wanted to know the
 15 right thing to do. I wanted to know the right thing to
 16 do. You know, should we be keeping our children off
 17 school if they had a cough? Should we be seeing
 18 vulnerable people and grandparents?

19 It wasn't -- it really wasn't clear, and I happen to
 20 have a great faith and confidence in that most of the
 21 time people will do the right thing and I felt it was
 22 that disconnect that I felt so strongly that actually,
 23 if we could just tell people when the right and kind and
 24 proper thing to do is, people would do that and sitting
 25 there and saying it was great and sort of laughing at

18

1 the same time. It's the question of your response to
 2 the way in which restrictions about football matches
 3 were addressed. It's page 29, paragraph 52.

4 So you refer, in fact, to 2 March, so perhaps a day
 5 or two before that meeting that we were just discussing.
 6 You say then that you attended both the Prime Minister's
 7 morning meeting and also a briefing for Opposition
 8 Frontbench politicians, which as we'll come to see, that
 9 was another of your duties, was it not?

10 A. Yes.

11 Q. You described that this was at a time when there was
 12 an issue as to whether attendance at football matches
 13 should be restricted, and the government's policy was
 14 that it wasn't necessary because everyone was outdoors,
 15 and you had concerns about this, which was in part
 16 prompted by a discussion with opposition politicians?

17 A. Yes, that's right, and probably it's at this point that
 18 alarm bells start really ringing in my mind, and it
 19 might be a good point to say it's actually quite
 20 important in terms of the operation of government that
 21 you don't start interfering with other people's day
 22 jobs, particularly when you're senior. So I was quite
 23 careful at this period of time to try to understand what
 24 was happening rather than to kind of immediately go to
 25 marching about questioning and saying "this doesn't feel

20

1 right to me".

2 So I felt that was the proper thing to do. I wish
3 absolutely I had said more and done more and trusted my
4 instincts much earlier. I don't think there's anybody
5 who's going to sit before you who isn't going to say
6 that about what happened in the February particularly.

7 But this was a good example of the opposition
8 politicians who, throughout this period, were entirely
9 reasonable in asking questions in private and not
10 criticising the government in public, that, it was the
11 shadow Health Secretary, as I say here, had said that --
12 had asked a question about why going to the football was
13 okay, given what he and I knew about going to the
14 football, which, yes, of course, when you're in
15 the stadium shouting into the ground, that probably is
16 low risk of transition(sic), but when you're in the pub
17 or on the train beforehand or on the concourses, you're
18 incredibly close to other people. I should say I spent
19 a long time at the Premier League a long time after this
20 trying to make going to football grounds safe in terms
21 of Covid transition(sic).

22 I was worried that the kind of house view was that
23 football games were okay showed -- and this is not
24 a criticism of the people, it's a criticism of process,
25 of other things -- that nobody who was involved in that

21

1 given that so many of the assertions about how well
2 prepared we were would turn out to be wrong only weeks
3 later."

4 But it goes, as you say in the statement, some way
5 to explaining that level of confidence at the time, that
6 there were plans in place.

7 Now, we heard Mr Cain yesterday giving his evidence
8 about this plan, saying that when he read it he thought
9 it was a sort of communications document, it had no
10 substance to it. Did that strike you at the time?

11 A. So of all of the things I had to go back and read,
12 I found re-reading this document one of the hardest in
13 retrospect, because it's so far away from what the
14 reality turned out to be. I -- like Mr Cain, I thought
15 it was a communications document and that underneath it
16 there would be things that I would recognise as a plan,
17 as in who's doing what by when, what's the strategy,
18 some enormously laborious bureaucratic documents which
19 I knew and loved at the time, and I thought that's what
20 was there was, and it was, of all of the shocking things
21 at that period of time, discovering that there wasn't
22 actually that sort of document.

23 Q. If we look at the next paragraph, paragraph 31, we see
24 you do say that at around this time, in early March, you
25 started asking for "the plans", so-called, you've used

23

1 discussion had probably ever been to a football game in
2 quite the way that most people go to football games, and
3 it was that gap between what I knew to be how most
4 people lived their lives and what was really happening
5 in places, and this theoretical idea that standing
6 outside singing was okay made me worry about what other
7 disconnects there might be. It wasn't just about
8 football, it was that this seemed like a big problem if
9 people were thinking that something was one thing when
10 it was really something completely different.

11 Q. So we've touched on the sort of macho culture,
12 overconfidence, but this is another theme that we'll
13 come back to in your statement, won't we, a concern
14 about lack of real-world experience around the table
15 amongst those who were taking these decisions?

16 A. Yeah.

17 Q. Going back, though, if we may, to that question of
18 overconfidence, one of the points that was made that
19 you've referred to was this idea that there was a plan,
20 not just a plan, but a very good plan, a world-beating
21 plan.

22 If we can look, yes, at paragraph 30, thank you, on
23 page 16, you say -- you refer to the action plan that
24 was published in March, early March, and you say:

25 "In retrospect this is an extraordinary document,

22

1 inverted commas, so that you could dovetail the advice
2 that you would be giving with the plans that you thought
3 were about to be taken out of the drawer and
4 implemented.

5 Did you ever find those plans?

6 A. No.

7 Q. Do you think they existed?

8 A. I don't know. They didn't exist in a way that was
9 usable or that exist -- or that anybody. Had, and
10 I think these are not -- there is the Cabinet Office
11 crisis response plan, but there is also -- the pandemic
12 readiness was the responsibility of the Department of
13 Health, so the working assumption, incorrect, was that
14 the Department of Health had a whole series of plans
15 that were ready for this, and that there then was
16 a sequential or related series of plans for the
17 Cabinet Office to co-ordinate. But I don't think
18 anybody in the Cabinet Office thought that their
19 beginning, middle and end of their whole job was
20 responding to the pandemic, they were supposed to be
21 co-ordinating the plans that other people had that had
22 existed and were practised. I don't think I saw a plan
23 for that either, by the way, I'm not saying that both of
24 these things existed, but it's sort of a gap on a gap,
25 rather than ...

24

1 Q. So we're talking about plans that should have been drawn
 2 up in different places --
 3 A. Yes.
 4 Q. -- but at least part of the problem, perhaps what you
 5 really wanted to see were those plans from
 6 the Department of Health focusing on this pandemic
 7 preparedness set of issues?
 8 A. Yes. And I don't -- I mean, I don't know if it will be
 9 possible to -- there might be very good reasons why you
 10 can't publish these, but I attached to my witness
 11 statement the Eurozone contingency plans that we had in
 12 the Cabinet Office, and they go into whether(?) there's
 13 an operations manual, there is a meetings manual,
 14 there's a communications -- there's -- it's basically
 15 a lot of groundwork which you -- even if there had been
 16 plans, they wouldn't have been perfect for this time,
 17 I think it's important to say that too, but that was the
 18 sort of thing that I thought existed, and/or something
 19 like the plans for no-deal exit, which were incredibly
 20 thorough and ready to -- ready to go, in that it was
 21 perfectly possible to pick it up and see what meeting
 22 happened in what order.

23 And the thing that I thought I was doing was just
 24 taking all of that planning and then putting on top of
 25 it: this is how we will manage Cabinet and collective

25

1 was talking about?
 2 A. I assumed he'd seen them and been through them and
 3 thought they were adequate. I thought that's what he
 4 was saying.
 5 Q. As it turned out, that really couldn't have been
 6 the case, could it?
 7 A. I mean, you'd have to ask -- ask him, but I would not
 8 understand a scenario where these plans did exist and
 9 yet we never got them.
 10 Q. Can I move on and ask you about just one other issue
 11 relating to this period, and that's the so-called
 12 chickenpox parties. It's page 32 of your statement,
 13 paragraph 59.

14 Again, we're still talking about that early March
 15 period, and it's been publicly discussed, has it not,
 16 this idea that your boss, the Cabinet Secretary,
 17 Mark Sedwill, was talking at this stage about chickenpox
 18 parties? Mr Cummings was asked about this yesterday,
 19 and his evidence was that he was sort of profoundly
 20 shocked when he heard about these discussions because
 21 they seemed to him to indicate quite how far removed
 22 from reality, if you like, people's understanding,
 23 including Mr Sedwill's, were of the pandemic and how far
 24 it had reached.

25 In your statement, first of all, let's be clear, you
 27

1 decision-making and these are the structures and way we
 2 should arrange ourselves in the Cabinet Office. I don't
 3 think even at this time I really understood that that
 4 wasn't in fact the -- that wasn't in fact the question.

5 Q. That there was nothing for you to start with from
 6 the Department of Health?
 7 A. No.
 8 Q. And you detail in your statement, Ms MacNamara, you say
 9 you have gone back and thought why, why you didn't
 10 challenge this earlier, why you'd had this assumption,
 11 which, to be fair, we've heard you shared with many
 12 other people, that there were these plans in place, and
 13 you give a number of reasons, and I just want to pick up
 14 in fact on the last one.

15 So if we can go to page 20 of your statement, it's
 16 the (vii) at the top, you make the point that:
 17 "The Cabinet was told [in your words] time and time
 18 again by the Health Secretary that we had plans in
 19 place."

20 A. Yeah.
 21 Q. In your hearing?
 22 A. Yes.
 23 Q. Was there any ambiguity, looking back?
 24 A. No.
 25 Q. Had you assumed that when he said that, he knew what he

26

1 say that you're not sure that actually Mr Sedwill
 2 advocated chickenpox parties, but you think it probably
 3 was something that was discussed by him in
 4 the Cabinet Office. As I read it, your take on this is
 5 that, if you like, it provides an insight into the way
 6 people were thinking about the pandemic as late as early
 7 March?

8 A. I think it really shows our lack of understanding.
 9 I think our collective -- and I can't say what basis
 10 this was on, but I don't think we understood how serious
 11 Covid could be for certain people, I don't think we
 12 properly understood any of the serious consequences like
 13 Long Covid, any of these things. And I think we
 14 definitely did have the mindset that the thing to do was
 15 to, you know, if you had Covid then you'd be
 16 better and then it would be better because you weren't
 17 going to get Covid again, the notion that we'd be --
 18 be infected.

19 Now, that could be just our collective ignorance
 20 rather than something that was said. I definitely don't
 21 remember Mark Sedwill advocating chickenpox parties. We
 22 were talking a lot about family dynamics and what people
 23 would do, I mean -- and by the way I think chickenpox
 24 parties are a very bad idea -- but you -- it's more
 25 revealing of what we were thinking at the time and our

28

1 level of -- our lack of understanding, I think.

2 Q. Yes.

3 Let me move on to a different, although related,
4 subject and it is this idea of "following the science".
5 It's paragraph 36 and page 21, if we can.

6 Just picking it up from the start of that paragraph,
7 you say:

8 "[You] remember conversations [in the same period as
9 we're talking about now] in late January/early February
10 where those of us working together in
11 No 10/Cabinet Office at one step removed from
12 the handling of the response expressed doubt about the
13 argument that we should 'follow the science'."

14 You go on to say this is one of those areas where
15 you wish you'd been able to access your phone, because
16 you have a memory that you were texting or WhatsAppping
17 people about this; is that right?

18 A. Yes.

19 Q. But as we will see, it wasn't just texts, because there
20 were some emails that you sent about that, and we'll
21 come to those.

22 But if we move on, if we can, to -- well, no, sorry,
23 could we stay with paragraph 36, please. You make it
24 clear that the concern wasn't that you thought that
25 Chris Whitty and Patrick Vallance, and no doubt all of

29

1 at the centre, than other areas, it was almost like
2 a safety blanket, that because epidemiology, no doubt
3 modelling, is actually really quite complicated science
4 which decision-makers didn't feel confident with, they
5 reached for this idea of "following the science" in
6 a way that, to use the point you make there, they
7 wouldn't have done in another situation, for example
8 economics, and you say:

9 "... it would have been laughable to propose
10 following 'the economics'."

11 But nonetheless people did say they were "following
12 the science"?

13 A. Yes, and I should say there are a very large number of
14 very brilliant scientists and people with scientific
15 backgrounds working in Whitehall. So it's not that
16 they're not there, it's just that they're rarely in
17 the kind of upper echelons of the civil service and
18 the Cabinet Office, and also in the kind of ministerial
19 and political environment. So that was my point,
20 really, that that sort of ignorance, which I would --
21 you know, Mr Cummings and I are both history graduates,
22 so, you know, there's only so much of your own learning
23 and knowledge that you can apply to asking good
24 questions, and I think that we were collectively
25 under-confident on being able to ask questions about

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1 those who supported them, were anything other than
2 excellent scientists who could provide scientific
3 advice; what you go on to sketch out is a slightly
4 different concern. Perhaps you can explain it.

5 A. I thought it was a very odd thing to say. It's not what
6 governments normally do, is just decide that they're
7 going to blindly follow advice from something else. So
8 I didn't -- that was my first question with it, is why
9 are we following? Is that the right thing that
10 a government should be doing is following the science?

11 And I also, probably more significantly, didn't
12 understand what "the science" was, and thought it felt
13 both like, to my first point, a bit of a cop-out --
14 you know, we're not making any decisions, we're just
15 following the science -- and an unfair one on the
16 scientists in particular, and then secondly there's so
17 much and so many different scientific questions involved
18 and even I, who's not an expert, could see that.

19 So I thought it was an odd thing to stick so
20 religiously to, although I could see its value as
21 a comms line.

22 Q. If we look at paragraph 38, which is over on the next
23 page, you make a further point, Ms MacNamara, which, as
24 I understand it, is that, perhaps because science was
25 something that people were less confident about, people

30

1 science, even though we had some very good scientific
2 advisers around us.

3 Q. Let me ask you a more direct question about this. We've
4 seen evidence, in particular from Patrick Vallance's
5 dairies, but not only that, that he and others were
6 frustrated about the fact that the Prime Minister,
7 Mr Johnson, didn't understand the science and would get
8 it wrong, and they would have to repeatedly explain what
9 they regarded as being quite basic points about
10 infection rates, modelling, worst-case scenarios and so
11 on. Did you experience that too?

12 A. Yes. As in did I witness that?

13 Q. Yes.

14 A. Yes. Yes.

15 Q. Drawing this together, at paragraph 39 at the bottom of
16 this page and going over to the next, you make the point
17 that science was really only one part of the decisions,
18 that sort of suite of decisions that was going to need
19 to be made, and if we can just skip to the next page and
20 the end of that paragraph, you say:

21 "The questions about how to respond to Covid-19
22 were -- in my mind -- huge political, ethical, moral,
23 social and economic questions that went to the heart of
24 the kind of country we were or wanted to be, alongside
25 a whole set of relentlessly practical operational issues

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1 like supply of food and medical equipment. There would
 2 be hard choices and they should be made by elected
 3 Ministers."

4 Is that part of this disagreement that you had with
 5 this phrase of "following the science"?

6 A. Yes, I thought it was unfair in two directions. So
 7 never mind the point about what science and which
 8 scientists and does anybody understand the science, but
 9 this was going to be huge for the whole country and for
 10 everybody, and it wasn't right to abnegate
 11 responsibility to effectively an unelected group of
 12 people and put everything on their shoulders, both
 13 because it wasn't fair and right for them but, probably
 14 more importantly, it's not fair and right in terms of
 15 who these choices belong to.

16 Q. Let's just look at a document where you raised this
 17 issue at the time. So it's tab 6 in the bundle, and
 18 it's INQ000285980. It's the top of that page.

19 You're emailing Mark Sweeney in early March, and at
 20 the second paragraph there's a conversation about
 21 something else and then you say:

22 "btw [by the way] apart from my mini-rant about the
 23 masculine tone, i have some VIEWS about the way we are
 24 treating 'science' like it's the word of God. We don't
 25 always go where the science leads us...Chris [Whitty] is

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1 clear.

2 Q. Well, thank you. We see that.

3 The last thing I wanted to ask you about this,
 4 though, is what we see here is you talking to
 5 Mark Sweeney, who was another senior civil servant in
 6 the Cabinet Office, about following the science. Is
 7 this something you took up with Boris Johnson or elected
 8 politicians, saying, expressing the type of views you've
 9 described today and which you seem to have been emailing
 10 Mark Sweeney about?

11 A. I don't remember raising it with Mr Johnson, but I did
 12 see him regularly and felt very comfortable with being
 13 able to say what I thought to him and ask him questions.
 14 So it's perfectly possible that I would have said: what
 15 does this even mean, what is the science, or something.
 16 I don't think -- I can't remember a specific instance,
 17 but it would be very surprising to me to have felt so
 18 clearly about something for a number of weeks and not to
 19 have said it to him. I would have done.

20 Q. Yes.

21 Let's move on in the chronology, Ms MacNamara.
 22 I want to ask you about that period in the middle of
 23 March. We've certainly heard a lot of evidence
 24 yesterday about that time when the strategy changed.

25 As you subsequently discovered, you were in fact
 35

1 exceptional [by the way] so this is not a pop at him but
 2 the answer isn't just what is rational."

3 There is another email, which I won't bring up, at
 4 about the same time where you make a similar point that
 5 this idea of following the science is giving too much
 6 weight to scientific advice?

7 A. Yeah.

8 Q. So does this reflect the type of concerns you were
 9 expressing at the time?

10 A. It does. It does. And, Mr O'Connor, would you mind if
 11 I made a similar point? I don't know whether later in
 12 my evidence we're going to get to talking about the
 13 Grenfell fire, but I can see that that's on the screen.

14 Q. No, do.

15 A. I just want to -- you may see through my evidence that
 16 I am referring back to the learning I had from having
 17 been the Director General for Housing and Planning at
 18 the time of the fire. I just am always conscious that
 19 is not -- it's not just a policy experience, it was
 20 a tragedy that happened in our city and 72 people lost
 21 their lives and a lot of other people's lives were
 22 profoundly changed by that, and I wouldn't want anybody
 23 to see what I was saying or hear what I'm saying and not
 24 think that I don't acknowledge that as a separate thing.
 25 It's not -- I think it's just important to make that

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1 coming down with Covid yourself, weren't you --

2 A. Yes.

3 Q. -- on Friday 13th and Saturday 14 March. And I think
 4 it's right that, was it the Saturday that was your last
 5 day in the Cabinet Office and you dialled in to some
 6 meetings on the Sunday and --

7 A. So I worked from home all day Sunday, yeah, but decided
 8 not to go to the office because I was worried that
 9 I might have the virus by then.

10 Q. Yes. So we'll bear that in mind. But with that in
 11 mind, let's look at page 32 of your statement, please,
 12 and paragraph 60 at the bottom of the page. You quote
 13 there the account which Mr Cummings has given of that
 14 occasion towards the end of the day on Friday, 13 March
 15 where you walk in. As we'll come to see -- perhaps we
 16 should have touched on this earlier -- we've heard about
 17 Downing Street and the Cabinet Office being, as it were,
 18 places very close to each other but with separate
 19 organisations. You were based in the Cabinet Office,
 20 were you not, but spent much of your time in
 21 Downing Street?

22 A. Yes.

23 Q. The account that Mr Cummings has given is of you walking
 24 from the Cabinet Office into Downing Street and in fact
 25 into the Prime Minister's study that evening -- he

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1 wasn't there, the Prime Minister -- but you saying, and
 2 this is his account but I think you agree with it, that
 3 you had just been talking to Mark Sweeney, whose name
 4 we've just seen, who was in charge of co-ordinating with
 5 the Department of Health.

6 "He said [that's Mr Sweeney had said but you're
 7 reporting it] 'I have been told for years there's
 8 a whole plan for this. There is no plan. We are in
 9 huge trouble'."

10 And then you said, expressed your view, that:

11 "I have come through here to the Prime Minister's
 12 office to tell you all that I think we are absolutely
 13 fucked. I think this country is heading for a disaster.
 14 I think we are going to kill thousands of people. As
 15 soon as I have been told this, I have come through to
 16 see you. It seems from the conversation you are having
 17 that that is correct."

18 Give or take a few words, is it right that that's
 19 an accurate account?

20 A. Yes.

21 Q. It's very striking.

22 A. Yes.

23 Q. No doubt you can still remember that moment of
 24 realisation?

25 A. Yes, it was horrible. So I think -- I mean, you heard

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1 everything in our power to make it as -- you know,
 2 impact as little as possible in the time we had
 3 available in the circumstances that we were, not what
 4 would have been better weeks or weeks ago, but from that
 5 moment on what were we going to collectively do.

6 Q. The context, then, is the government has a strategy,
 7 it's in the action plan, it's "Contain, Delay,
 8 Mitigate", squashing the sombrero, and as we read this
 9 account, what was the real tipping point for you was
 10 suddenly realising the complete lack of any supporting
 11 planning to make that policy work; is that right?

12 A. It's more that the scale of what was going to have to
 13 happen, I think, was just so outside of what anybody had
 14 thought might be necessary. So I'm -- you'll have
 15 people before you who are much more familiar with
 16 the planning as it was, but that the fact that we would
 17 have to effectively ask everybody in the country to stay
 18 at home, and the impact that that would have. It's one
 19 of the things, if you work in government, you can just
 20 start to imagine all of the consequentials that will be
 21 for: what are you going to do about the Prison Service?
 22 What are you going to do about all the other bits of
 23 public service? What about people who are vulnerable?
 24 You can just imagine -- and I remember feeling -- this
 25 kind of explosion of all of the questions that we would

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1 from Mr Cummings yesterday. I think that in effect on
 2 either side of the link door, which is the door between
 3 Downing Street and the Cabinet Office, and my office was
 4 just above it, that we'd been sort of going through
 5 the same process I think in those previous two weeks, in
 6 the sense that -- the just increasing concern that
 7 actually we were really radically in the wrong place.
 8 And my experience that Friday where I had started with
 9 the morning meeting in Downing Street, I think, and then
 10 I'd done another briefing with the opposition where
 11 their concerns -- all the opposition parties and their
 12 concerns were entirely valid and their anxieties were so
 13 clear and high, and I felt listening to what the
 14 government side and my side of the table were saying, it
 15 was -- I was more alarmed rather than reassured at
 16 the end of that meeting.

17 And so I'd spent most of the day that Friday, on top
 18 of all of the other things that we'd been doing the
 19 previous week, really trying to gauge how much of
 20 a problem I thought we had. And it was a sense of
 21 foreboding like I hope nobody sitting in that office
 22 ever has that again, actually. It was a very, very
 23 scary experience, and -- but I felt that it wasn't in
 24 any doubt in my mind at that point that we were heading
 25 for a total disaster, and what we had to do was do

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1 need to be able to answer, and my fear that we wouldn't
 2 be able to answer them, and so we'd be trying to deal
 3 with these two things.

4 We've got accustomed to talking about lockdowns and
 5 we all lived through it, but if you go back to what it
 6 felt like at that time in March, it's sort of
 7 inconceivable that you would in fact do what we then
 8 went on to do. And, you know, I've -- I heard a little
 9 bit about, you know, should we have locked down earlier;
 10 we could not have gone any faster in a safe way, I don't
 11 believe, from that day.

12 Now, could all sorts of other things have been
 13 different beforehand? I'm pretty sure, yes, of course.
 14 But the scale of the undertaking was absolutely
 15 enormous, and I think it's -- once we got used to
 16 sort of imagining you could lock down and open up and
 17 lock down and open up, there's -- there's nothing like
 18 that, we didn't -- there wasn't a manual or a playbook
 19 or anything.

20 Q. I just want to explore this issue. You said there that
 21 part of your thinking on this day was there was going to
 22 be a need to lock down and how was that going to happen.
 23 As I said, the plan at the time was that there wasn't
 24 going to be a lockdown.

25 A. Yeah.

40

1 Q. There was going to be squashing the sombrero. And what
2 we've heard from Mr Cummings and others is that what
3 made them realise at very much this time that there
4 would need to be a change was that the plan, the
5 mitigation plan, wouldn't work because the NHS would be
6 overwhelmed, and it simply couldn't be done because it
7 would involve too many people dying.

8 A. Yeah.

9 Q. That's not quite what you've put here, and I'm just
10 interested whether that was something that was in your
11 mind or whether it was more, as you've said, to do with
12 the scale of the planning that was going to be needed?

13 A. I think -- I think that is a fair distinction, actually,
14 and definitely the conversation that I then went on to
15 have with Mr Cummings and Mr Glassborow and Mr Warner in
16 Number 10, I understood from that conversation much more
17 that there wasn't going to be this peak that we were
18 going to get through or squash, there was going to be
19 a long and sustained period of time.

20 But I think at that time I didn't feel I had a very
21 good understanding of what the virus would be. I didn't
22 have a very good understanding of the impact on
23 NHS capacity. What I had a good instinct for was seeing
24 what was happening elsewhere in the world and knowing,
25 having had a number of conversations with Mr Sweeney

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1 what you described as a "scratchy meeting" with the DHSC
2 and others that Mark Sweeney chaired where, your words,
3 you say:

4 "... it was clear the DHSC view was to wait until
5 the latest possible moment to tell people they had to
6 stay at home ..."

7 So what are you trying to convey by that word
8 "scratchy" and the content of that meeting?

9 A. So I think when we were -- and you're right, there were
10 lots and lots of meeting notes and papers and details of
11 all of the meetings that happened on that Saturday.
12 When we were trying to find the note of this meeting
13 I think we worked out that it was actually on
14 the Sunday, so it was the Sunday meeting of the --
15 for the Prime Minister and this was the prep meeting
16 before then to make sure -- it's a classic bit of civil
17 servicing, to make sure that the civil servants all
18 understand what the other civil servants are going to
19 say, and that you've got some sort of co-ordination, so
20 you're using the ministerial time most effectively.

21 The reason I remember this as "scratchy" is because
22 at this point it felt like we really were in slightly
23 different places in terms of a group of us in the centre
24 who had got much further on how bad this would be quite
25 quickly, and a -- perfectly reasonable I should say --

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1 about the legislation that might be needed, that
2 the worst-case scenario, which worryingly was looking
3 like something that might actually happen, not
4 a worst-case scenario, we just hadn't done any of
5 the planning. So how are people going to get fed if
6 they have to stay at home? What's going to happen to
7 schools if people have to stay at home? And it was
8 those more, which you might expect. My background is as
9 a domestic policy civil servant, so that's probably
10 where my mind went more than anything else. And
11 I probably still at that point fervently hoped that
12 the planning we would have to do for that extreme
13 scenario wasn't in fact going to be needed, but I really
14 knew we had to get that extreme scenario actually worked
15 up.

16 Q. We've heard and you describe in your statement as well
17 the series of meetings which then took place over that
18 weekend. We'll have other witnesses who can help us
19 with those, so I'm not going to take you through them in
20 detail, but I do just want to ask you about one of the
21 meetings, which you describe at paragraph 65 of your
22 witness statement, so it's on page 35.

23 I think it would have been on the Saturday where you
24 say that -- I think it's in preparation for a larger
25 meeting involving more senior decision-makers, there was

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1 concern from DHSC who knew as well if not better than we
2 did that the planning wasn't there to support this.
3 That there needed to be more time to get some of this
4 planning actually done.

5 So it's a bit of a -- the scratchiness was precisely
6 that. At this point I think we were in an unbelievably
7 urgent hurry to get where we needed to be as fast as
8 possible.

9 Q. And one of the points that Mr Cummings made in his
10 evidence yesterday is that we shouldn't assume that
11 there was some sort of transition from the containment
12 plan to the suppression plan that everyone agreed with,
13 and that it was seamless; in fact over this weekend
14 people were disagreeing, there was uncertainty, it was
15 by no means a smooth transition from plan A to plan B,
16 and it sounds like you agree with that?

17 A. I do agree with that, and it's because I think we had --
18 we'd got to a different place much faster. And it's
19 not -- that is also reasonable if you think about it
20 from the perspective of the DHSC colleagues involved.
21 They were more well versed, might well have understood
22 better the consequences for the health operation. It's
23 not -- I wouldn't want to give the impression that they
24 didn't have some valid points that they were making,
25 I just think that we had moved into a different way of

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1 thinking about what might happen.

2 Q. Yes. Just lastly on this, then, a couple of fairly high
3 level questions. Mr Cain yesterday gave evidence that
4 although, to be clear, no decision to lock down was made
5 over that weekend, and I think that's commonly agreed
6 evidence, his impression was that over that weekend it
7 became the collective view. No doubt, Mr Cummings'
8 point, not smoothly, but still it became the collective
9 view that there would need to be a lockdown. Do you
10 agree with that?

11 A. That's certainly how I saw it, yes.

12 Q. As we've heard, you dropped out of the picture because
13 you became unwell, but of course we know that
14 the lockdown was announced about ten days later, on
15 the Monday of the week after. Were you expecting the
16 lockdown to happen earlier than that? You've given us
17 a clue to your answer already in terms of how much
18 needed to be done. But your own view, had you expected
19 it to happen earlier or not?

20 A. I don't know, is the honest answer. I'd -- I thought it
21 would happen as soon as it was possible to do it,
22 because -- given there were some really big questions to
23 ask and answer, I think.

24 Q. We've heard that a lot went on on the following week,
25 involving Mr Johnson and others, but you were not

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1 you took to try to address that problem, and there was
2 an involvement on your part in a number of other
3 Covid-related matters.

4 So would it be fair to say it was a very busy, very
5 demanding time for you following your return to work?

6 A. Yes, undoubtedly.

7 Q. If we can look, please, at paragraph 73 of your witness
8 statement, so it's page 40, you give -- perhaps we can
9 briefly zoom out so we can see the whole page, the title
10 is "Prisons", but you give us a vignette, if you like,
11 of an incident that took place on your first day back,
12 which -- we'll look, but I think you're suggesting that
13 it in fact drew together some of the themes of your
14 experience that was to come.

15 What in fact happened, you say, was that
16 a relatively junior member of the staff at Number 10
17 came to you with a concern about what was going to
18 happen at prisons, and in particular whether prisoners
19 who were in unsafe conditions in the prisons should be
20 released or not. And, without reading out
21 the paragraphs, the essence of it is that you were
22 surprised and concerned that a decision hadn't been
23 taken at departmental level, and there seemed to be
24 a certain amount of failure to take a decision that
25 needed to be taken; is that right?

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1 involved in any of that --

2 A. No.

3 Q. -- because you, in fact your whole family, got Covid?

4 A. Yeah.

5 Q. You were off work from that Monday for, I think, the
6 best part of three weeks?

7 A. Yes. I don't think -- the other thing I should say, and
8 this might help you with the evidence in the emails and
9 the record, I'm not sure we referred to it as "lockdown"
10 at that point. I don't think we were talking about
11 there being a "lockdown". I think we were talking about
12 people having to stay at home, from memory.

13 Q. Moving on, then, looking ahead, you came back to work on
14 April 2, which, as I say, I think was about two and
15 a half weeks or so that you were off.

16 A. Mm-hm.

17 Q. And then, as we've heard, you were in post until
18 February of 2021, when you left the Cabinet Office.

19 During that time, then, the Prime Minister was very
20 unwell and there were issues for you to deal with in
21 that regard. Your boss, Mark Sedwill, resigned and was
22 replaced by Simon Case?

23 A. Mm-hm.

24 Q. You had serious concerns about conditions, working
25 conditions at the Cabinet Office, and there were steps

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1 A. Yes. Yes, I was worried -- well, as I said in the
2 statement, worried that the decision should probably
3 have been taken in the department and then if that
4 wasn't going to be the case it should have been taken in
5 the Cabinet committee structures that had been set up.
6 So the notion this decision was still hanging and was
7 dependent on the Prime Minister personally taking a view
8 was a cause for concern for me.

9 Q. And that it had needed to be raised by -- with you --
10 a junior member of staff, that's not the way
11 the government should have been running?

12 A. No, and I should say although she was, I mean,
13 technically in civil service terms junior, rather
14 brilliant and the private secretary responsible for home
15 affairs, so she was effectively doing her -- she was
16 doing her job, but the fact that it was a private
17 secretary in Number 10 who was having to force such
18 a big question is not how government should operate, no.

19 Q. I should have made that clear. I mean she was junior to
20 you --

21 A. Yes.

22 Q. -- but that includes rather a lot of people in
23 the civil service?

24 A. Yeah.

25 Q. But then let's just look at paragraph 74, if we can,

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1 because you say:

2 "In retrospect many of the systemic problems that
 3 caused substantial issues in managing the response were
 4 visible in this moment: i) the sucking into No 10 of too
 5 much of the decision making by the political machine and
 6 this compounding a narrowed perspective, ii) a general
 7 lack of knowledge or understanding of how large parts of
 8 the state operate, iii) an over-ideological (in [your]
 9 view) approach to individual decisions ... an absence of
 10 the accountable people in departments being involved or
 11 sufficiently involving themselves in decision making ...
 12 Cabinet government not serving its usual purpose ...
 13 unreasonable pressure on the No 10 private office and
 14 [finally] an absence of humanity."

15 A. Yeah.

16 Q. We will go to most if not all of those themes in
 17 the questions I'm going to ask you after a break that we
 18 may have shortly, but I wanted just to pick up on that
 19 very last consideration. You say "an absence of
 20 humanity". That's a -- it's a broad term, it's
 21 a powerful term. What did you mean by it?

22 A. I mean, I'm sure, as you say, we'll talk more about this
 23 in general, but I think in this particular example it
 24 was the fact that there would be individual prison
 25 officers at risk, public servants who were just,

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1 you know, coming to work and doing their job, that
 2 individual prisoners, who had already in effect been
 3 punished for the crime that they had committed by being
 4 in prison, the lack of care or comprehension that they
 5 needed also to be looked after, there was
 6 a responsibility to look after those people. And then
 7 also that there was a responsibility to look after
 8 the families of the people for whom the prisoners might
 9 be returning back to. And it just felt very -- very
 10 cold, actually, in terms of the decision-making. But
 11 all of those broader points are true as well.
 12 I included this as an illustration; I'm sure there are
 13 countless more.

14 MR O'CONNOR: Yes. Well, as I say, we will go on and touch
 15 on, as I say, I think most if not all of those themes.

16 My Lady, since I'm going to move on, may this be
 17 a good moment for a break.

18 LADY HALLETT: Certainly. I shall return at 11.25.

19 (11.10 am)

20 (A short break)

21 (11.25 am)

22 LADY HALLETT: Mr O'Connor.

23 MR O'CONNOR: Ms MacNamara, we had reached the moment where
 24 you returned to work following your period of illness
 25 with Covid. I think we said that your return day was

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1 2 April, and one of the issues that you had to address
 2 as soon as you got back was the question of the
 3 Prime Minister's illness and how the Cabinet Office was
 4 going to respond to that. I think it was a Thursday,
 5 that 2 April, and at that point I think it's right that
 6 the Prime Minister was already ill and self-isolating in
 7 his flat in Downing Street, and he was admitted to
 8 hospital over that next weekend and, as we all know,
 9 became very ill.

10 You describe in your witness statement one of
 11 the tasks then that you had to address was thinking
 12 through how, as a matter of constitutional propriety,
 13 the government would continue whilst he was unwell, in
 14 particular in the event that he became too ill to
 15 communicate his wishes, which as we know he did.

16 So you describe in your witness statement
 17 discussions that took place, decisions being made, and
 18 you refer to Dominic Raab, as the First
 19 Secretary of State, assuming certain responsibilities.
 20 It's apparent, if we can -- we don't need to turn it up,
 21 but at paragraph 94 of your statement you refer to, in
 22 your words, having to make it up as you go along.

23 I'm going to take you to a document in a moment, but
 24 the sense of your statement is that there were no plans,
 25 a bit like we were talking before the break, for you to

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1 reach for you to show you and your colleagues how you
 2 might address this problem; is that right?

3 A. Yes, it is, and I think it's probably accurate to say
 4 that there were times at this period where it felt like
 5 working or living in a sort of dystopian nightmare, that
 6 just when one terrible thing had happened then the next
 7 terrible thing was about to happen. And the
 8 Prime Minister being so gravely ill was obviously awful.

9 It is fair to say that there is no magic cupboard
 10 you can open in the Cabinet Office that has a kind of
 11 "this is what you should do in these circumstances", but
 12 I wouldn't want to be too alarming around that, because
 13 there is also always precedent and practice and
 14 knowledge and expertise that you can draw on in those
 15 circumstances. But personally, it was very challenging.
 16 The Cabinet Secretary also had Covid at this point in
 17 time, and we felt very vulnerable, if I'm honest.

18 Q. We can get a sense of the thought processes in the work
 19 you were doing if we look at a document, which is tab 13
 20 in the bundle, it's INQ000286029.

21 This is a document, Ms MacNamara, you drafted,
 22 didn't you?

23 A. Yes.

24 Q. And I think we underline the word "draft", don't we?

25 A. Yes. I mean, this is -- one of the experiences of

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1 coming before these inquiries is that you see your very,
 2 very first -- this is the first draft of my thinking on
 3 that Sunday, I think. On the Sunday.

4 Q. We take it as we find it, Ms MacNamara, but it's
 5 certainly a valuable insight into the types of issues
 6 that you felt you needed to consider at the time, and we
 7 can see you've put -- well, the title "How we manage
 8 while PM is ill", and scenario A being if he is ill but
 9 able to communicate, and B if he is unable to
 10 communicate his wishes.

11 Then we see, do we not, a series of, if you like,
 12 categories of decision-making, which perhaps reflected
 13 Cabinet Office directorates or areas of work, and
 14 a sort of first thought as to how you might manage who
 15 would take these decisions, whether they needed to be
 16 taken, whether they could be deferred. It's a battle
 17 plan really, is it not?

18 A. It's a very first draft of it, and I think you have
 19 the -- not that I could promise the later draft is much
 20 more polished, but you have got a more final version
 21 which lines up some of this, yes.

22 Q. We see then, if we go on to the second page, there is
 23 a series, in true, good civil service style, of lines to
 24 take, questions and answers, the types of issues that
 25 you were obviously anticipating people -- perhaps not

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1 Q. Yes. I just want to come back to that question of
 2 preparedness. We've been told many times that
 3 a pandemic, an influenza pandemic in fact, was at
 4 the top of the risk register. We have spoken about
 5 the plans that were or weren't made to prepare for such
 6 a pandemic. But even if it was a flu pandemic that was
 7 to emerge rather than the Covid pandemic that we know in
 8 fact took place, even in that situation, it would be
 9 entirely foreseeable, would it not, that people at
 10 the top of government, including the Prime Minister,
 11 would be affected by the illness?

12 Don't you think, with that in mind, that this is
 13 the sort of thinking that should have been done in
 14 advance, not necessarily by you, but by the system?

15 A. So I do think there should have been more thinking in
 16 advance, and I hope that there is now -- I'd be amazed
 17 and horrified if there isn't -- about, when you are in
 18 this particular kind of crisis where the key people can
 19 get ill or their families get ill or they suffer
 20 a bereavement, that there is a better set of plans and
 21 provisions, yes, for the Prime Minister, but also other
 22 ministers. And although you're absolutely right,
 23 you know, there isn't a kind of "open the box and here
 24 is the plan" on a Prime Minister being ill, fortunately
 25 Mark Sedwill and I had in fact done some work and

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1 necessarily the press, but people with whom you're
 2 dealing will want to know the answer, and we get a sense
 3 perhaps of that vulnerability you were just describing
 4 and exactly how anxious and also a sense of making it up
 5 as you go along.

6 If we look at the third page, the question:
 7 "What if the PM gets worse?"

8 So perhaps scenario C. And your fairly frank
 9 reflection, "God knows what we say here", but the final
 10 sentence:

11 "[You] don't think there's a world in which that
 12 level of uncertainty will stretch out in a way that is
 13 constitutionally ..."

14 I think you meant sustainable?

15 A. Yeah.

16 Q. In other words, "If he does worsen we'll have to make
 17 a plan"?

18 A. Yes.

19 Q. Is that really what you're saying?

20 A. Yes, and this is a conversational style because it's
 21 a document I think that I had written for, then, various
 22 teams to start fleshing out and writing the real kind of
 23 much more detailed Q&A, but this is entirely -- yes,
 24 it's entirely in line with obviously what I was thinking
 25 that day.

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1 thinking about this in the summer of 2018, it must have
 2 been, just after we'd both taken up our role. And
 3 I should also point out there are obviously people whose
 4 job it is to think about these things in the
 5 Cabinet Office. So I was surrounded by people with deep
 6 constitutional expertise.

7 But the nature of our constitution is that not
 8 everything is -- well, very little is written down, and
 9 in practice what it relies on is sensible people making
 10 sensible decisions. I don't think anybody had foreseen
 11 the difficulties of trying to do this particular bit of
 12 thinking while actually the impact of the Prime Minister
 13 being so ill, or God forbid the worst happened, would be
 14 also be even more significant, I think, for the country,
 15 and the combined potential for that sort of instability
 16 was genuinely awful.

17 Q. Of course no doubt you're right to say that there are
 18 people in the Cabinet Office who are steeped in these
 19 sorts of issues, but I think you're also agreeing that
 20 it's very sensible to have some plans prepared?

21 A. Yes, and it will not surprise you to know that after
 22 this we made sure that there were plans, and I was
 23 pleased to see in the Cabinet Secretary's statement that
 24 there are in fact now more -- there's more robust
 25 arrangements in place. It's, again, not an experience

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1 you would want anybody to go through twice.

2 Q. Just taking a step to one side, we've talked about
3 the planning that was there or wasn't there for how to
4 deal with this situation of the Prime Minister becoming
5 very ill. But, as you've mentioned, it's also the case
6 that particularly at this time, sort of March, early
7 April, there were an awful lot of people at the top of
8 government who were ill?

9 A. Yeah.

10 Q. Not just the Prime Minister, you've also mentioned
11 Mr Sedwill, who was ill, you were ill, Matt Hancock had
12 Covid, so a whole group of you who were all at the core
13 of decision-making who all became unwell. And of course
14 we don't know exactly how many of you caught Covid, but
15 is it fair to say that there weren't the plans that
16 there might have been or the procedures or the
17 safeguards that there might have been to stop quite so
18 many people in and around Downing Street getting
19 a transmissible virus at a time of a pandemic?

20 A. It's absolutely fair. And, as I say, I really hope that
21 there is more of a plan now. And it's probably the case
22 that, even weeks and weeks before there was a decision
23 to be made to, you know, go to the next stage in terms
24 of the whole country, there should have been more care
25 taken about the key people who might be involved in

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1 Taskforce."

2 Then this:

3 "Even the basics were neglected -- as a small but
4 demonstrative example it took seven months after the
5 beginning of the pandemic to get a hand sanitiser
6 station by the link door between No 10 and the [Cabinet
7 Office] (a door with a pin pad that anyone who worked
8 for the Prime Minister was constantly having to touch on
9 their way through)."

10 A. Yeah.

11 Q. Seven months, Ms MacNamara?

12 A. Even I was surprised by that when I went back into
13 the record and saw how long it actually took.

14 Q. It's all very well to think of those complicated
15 arrangements, a bit like the royal family, to stop
16 senior officials and politicians becoming infected, but
17 if they're working between the Cabinet Office and
18 Number 10 and they're all having to touch a touch pad
19 and there's no hand sanitiser, it's perhaps hardly
20 surprising that so many of you got Covid at the same
21 time?

22 A. It's not surprising at all, and also it's indicative of
23 just a lack of care, actually, which I think was
24 damaging in all sorts of ways.

25 Q. Do you think that sort of planning has now been done or

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1 those decisions and some of the things that then were
2 put in place later in terms of having alternates and
3 people not always being in the same room and all that
4 sensible stuff about how would you minimise
5 transmission, I would hope that that's there now.

6 Q. No doubt you are right that there are some quite
7 sophisticated plans that could be made. As soon as you
8 know the virus is coming, let's think about separating
9 people, let's think about taking extra precautions, all
10 those clever things that you could put in place to try
11 to minimise the risk that a number of people in
12 a particular part of government will all be off at
13 the same time.

14 A. Yeah.

15 Q. But you refer in your statement to something far more
16 basic. If we can look at page 95 of your statement,
17 please, it's paragraph 194, so four or five lines down
18 in that -- well, let's start perhaps at the beginning.
19 You say:

20 "As an organisation the Cabinet Office excels in
21 creating the kind of faceless bureaucracy that is
22 maddening even to those who are theoretically in
23 positions of power. From the outset there was a failure
24 to programme that there was a duty of care for the
25 people who worked in No 10 or the secretariat or the

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1 systems have been changed so that we could have some
2 confidence that if there was, let's say, a flu pandemic,
3 just as transmissible if not more so than Covid, perhaps
4 there will be some sanitiser on that touch pad?

5 A. I hope so, and I hope that people are better looked
6 after, more importantly.

7 Q. I want to move on to another topic, but another matter
8 which concerned you as soon as you came back to work,
9 and that was, you describe in your statement that as
10 soon as you came back really you quickly realised that
11 there were very serious problems with the Cabinet Office
12 team, in part because they told you -- members of staff
13 that is -- that they were working under great pressure
14 and they were unhappy?

15 A. Yes.

16 Q. You describe that at least one of the responses to that
17 problem was conducting a review, as we will see, and
18 that was something that you did, I think, in early May
19 of that year, 2020. We'll look at the documents in
20 a minute, but we will see, I think, that you worked
21 first of all on this with Martin Reynolds, the principal
22 private secretary for the Prime Minister -- he is
23 of course someone we're familiar with, he gave evidence
24 earlier this week -- also an official called John Owen,
25 who we haven't seen so much of. Can you tell us what

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1 his job was, please?

2 A. So John Owen was the principal private secretary to
3 the Cabinet Secretary, so he was a director working in
4 the Cabinet Office, so --

5 Q. So he was of -- he did a similar job to Mr Reynolds?

6 A. He did the job, yeah, but for the -- but for the
7 Cabinet. So the Cabinet Secretary has their own
8 private office and John Owen was the director of that
9 during that time.

10 Q. Perhaps that leads into the next point, which is that,
11 I mean, we've touched on the fact that Number 10 and
12 the Cabinet Office are, as it were, different but the
13 same, but this was a piece of work that you did across
14 both organisations?

15 A. So I felt it was very important that it was owned by
16 both organisations, because -- because of some of
17 the friction, actually, and that also it was much better
18 if it was the Prime Minister and the Cabinet Secretary
19 had together asked for this piece of work, and
20 the reason why I thought it was important to -- sort of
21 provide a space where all the people who were very cross
22 and unhappy could tell me exactly how cross and unhappy
23 they were in a way that I could actually do something
24 about it. I think at this time, probably in line
25 with -- throughout what I was trying to do was do

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1 the things that I could, and one of the things I felt
2 very strongly was that, you know, you can march about
3 saying everything is terrible, you can commentate on the
4 chaos, or that you can try to do something to fix
5 things. And this is one of my attempts to try to do
6 something to fix things. And it was partly giving space
7 for people to be upset and unhappy as well as then
8 trying to tell -- get them to tell me how to fix it.

9 Q. And they told you in person in the sense that you
10 describe in your statement interviewing --

11 A. Yeah.

12 Q. -- 40 or more people over the course of a few days for
13 the purposes of the report?

14 A. Yes.

15 Q. Were those interviews you conducted on your own or with
16 Mr Owen or ...?

17 A. I think Martin and I did most of them together. There
18 may have been a couple of ones in Number 10 that he did
19 and a couple of ones similarly in the Cabinet Office,
20 and that was just in the interests of time, but
21 Mr Reynolds was also really concerned about what
22 he could see about how people were feeling, so it was
23 something we did together.

24 Q. Now, let's look, first of all, at the report itself, if
25 we may, so that's at tab 22, and -- thank you, it's on

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1 the screen.
2 I'm not going to go in any detail to this document,
3 Ms MacNamara, because, as we know, it went through
4 various drafts, didn't it, and I think you actually say
5 in your statement that this final draft, this document
6 we are looking at, your words, may have been "too kind".
7 And following that train of thought, there's some other
8 stuff in the drafts which I want to ask you about.
9 But just looking at this, we see the date, May 2020,
10 and your name and Mr Reynolds' name. It doesn't say who
11 it's addressed to, but do we take it from your earlier
12 answer that it would have been addressed, what, to
13 the Prime Minister and the Cabinet Secretary?

14 A. And the Cabinet Secretary, to both of them.

15 Q. So they would have both had a copy of this?

16 A. Yeah. Well, sorry, they were both given a copy of it,
17 as far as I understand.

18 Q. Right.

19 A. The Cabinet Secretary certainly had it.

20 Q. Yes. Well, let me -- we'll look back at it -- follow on
21 from there: did you discuss the contents of this
22 document with either the Cabinet Secretary or the
23 Prime Minister or both?

24 A. I discussed it with the Cabinet Secretary, yes.

25 Q. But not with the Prime Minister?

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1 A. No, and I think it was -- I think Martin was going to
2 discuss it with the -- we were both working for our
3 principals, if you like, so that wasn't -- there's
4 nothing particularly to read into that.

5 Q. No.

6 A. I probably in any case would have had a much more
7 detailed, well, conversation with Mark Sedwill because
8 it was more about the operational management and how we
9 were setting things up. So he -- the Prime Minister's
10 often the customer of the answer, not the creator of
11 the solution, and for -- Mark Sedwill would have been
12 much more interested in actually -- we would have talked
13 through -- in fact what I remember is talking through
14 both what I had heard and then what we were going to do
15 about it as a shared problem.

16 Q. All right. Let's look, if we may, at a draft of this
17 document, which is at tab 29, and it's INQ000136755.
18 I should make it clear that they are very broadly
19 the same, are they not, there are just one or two extra
20 lines in some of these drafts which I may ask you about,
21 but people shouldn't get the idea that there are huge
22 differences between the versions.

23 I want to focus on the paragraph 2 of this document
24 headed "The culture isn't getting the best from people".
25 This is actually a document the Inquiry has seen before,

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1 Ms MacNamara, but nonetheless what is included in this
 2 paragraph is striking. Your conclusions were that the
 3 organisation wasn't "working as one team between the
 4 [Cabinet Office] & No 10".

5 Looking a couple of lines down:

6 "Not sustainable. People are exhausted and
 7 stressed. Don't feel confident or empowered to take
 8 decisions (... universal sense of powerlessness ...).
 9 Trying to do too much so nothing is done well ... Views
 10 ignored. Bad behaviours from senior leaders
 11 tolerated ... Too many people behaving as if they have
 12 been parachuted in to save the day."

13 A couple of further lines down:

14 "Lots of people mentioned junior women being talked
 15 over or ignored."

16 Then there is a footnote saying that some of
 17 the people who made that observation were themselves
 18 people who had been talking over junior women. I think
 19 it's the footnote that didn't make it into the final --

- 20 A. Is that -- did that not make it into the final draft?
 21 Q. And then also this term:
 22 "We need a modern culture of organised collaboration
 23 not [a] superhero bunfight."
 24 A very similar point was put to Lord O'Donnell. In
 25 the context of this crisis, which was now well

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1 and difficult situation and people were working outside
 2 of their structures, outside of their competence, they
 3 were frightened, and it's not surprised at all to me
 4 that that didn't bring out the best in some people.

5 I think that the important thing is, like, how do
 6 you make sure that when anybody is in those sorts of
 7 situations again there are structures and systems that
 8 mitigate against what will happen to human beings in
 9 that situation. And I think that's what we were
 10 missing.

- 11 Q. Yeah, and what you were trying to address as a starting
 12 point with this report?

13 A. Imperfectly, but yes.

14 Q. The term "superhero bunfight" I think is another one
 15 that didn't make it into the final report.

16 A. Yeah.

17 Q. Help us, is what you were trying to capture, I think
 18 it's actually maybe Martin Reynolds who came up with
 19 that phrase --

20 A. It's John Owen, actually.

21 Q. Was it John Owen?

22 A. Yeah.

23 Q. Was this issue -- and you've sensibly, helpfully made it
 24 clear you're not talking about everyone, but clearly
 25 there was a problem. Is this a similar issue to that

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1 under way, and the degree of centrality that
 2 the Cabinet Office and Number 10 had in trying to
 3 address that crisis, to read these conclusions about
 4 the state of morale and ways of working within
 5 the Cabinet Office is pretty devastating, isn't it?

6 A. Well, I think it was pretty devastating. It's accurate.
 7 I also think that it's important to recognise that
 8 the fact that there wasn't a plan and there wasn't
 9 a system and that therefore everybody was working to try
 10 to run to catch up with themselves and also extremely
 11 worried and anxious about what was happening, feeling
 12 all of these different kinds of responsibility. It
 13 would sort of be amazing, given that prior of there was
 14 not a plan, that -- if it was in fact this perfectly
 15 well ordered and organised experience.

16 I think the other thing I'd like -- it's -- not
 17 everybody was behaving badly. So it's very -- it was
 18 important to highlight the things that were going wrong
 19 and the fact that there were some big cultural issues,
 20 but there were also loads of people who weren't doing
 21 that. So particularly my criticism of
 22 a macho environment doesn't mean that -- or men talking
 23 over women doesn't mean that that was all the men there
 24 all the time. And human beings are messy and
 25 complicated and this was an extraordinarily pressured

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1 macho overconfidence that you were describing in
 2 January/February or not?

3 A. That's a good question. So I'm sure that it -- you
 4 don't take the culture to the extremes from nowhere,
 5 I imagine, so I think that that macho confident bravado
 6 sort of way of operating undoubtedly made it possible to
 7 go from what might be okay in that scenario into
 8 something that was really not. Whereas if I think about
 9 working for Mrs May, I don't think there's any world in
 10 which we could have got from January to May and had this
 11 sort of culture, because it just wasn't -- it wasn't
 12 there in the DNA of the organisation at that time.

13 So I do think it is related, and I probably --
 14 I mean, unfortunately, really, given this, but
 15 I probably out of kindness to John Owen didn't include
 16 his phrase in the final report, because we were trying
 17 to also be moderate. But I think it's a good indication
 18 of the strength of feeling and how alien some of this
 19 practice was, particularly for us as civil servants,
 20 that you don't normally behave in these ways, and
 21 definitely, definitely in the domestic bit of the
 22 civil service, this is quite an unusual set of, well,
 23 culture to work in.

24 Q. There is a passage in your statement where you talk
 25 about -- no doubt generalising, but talk about two

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1 different sorts of civil servants, one being sort of
 2 "high ego", I think are the words you use, people and on
 3 the other hand "invisible" people and the system working
 4 best if there is a balance of those two types.

5 But the conclusion perhaps was that the balance had
 6 got out of balance during this period?

7 A. It had got -- but also I think the "parachuted in to
 8 save the day" thing was a real problem. We were --
 9 there were lots of new people. They all, rightly, felt
 10 a sense of mission and purpose and wanted to help, and
 11 that is a -- that's a great thing, when things are
 12 broken, people who run towards broken things. But it
 13 does also -- if you get 15 people who all think
 14 individually they are going to save the day, that does
 15 not a happy organisation or culture make.

16 Q. Yes. Let's move on and talk about another of the issues
 17 which you identify, which is the question of junior
 18 women being talked over or ignored. You describe in
 19 your statement noticing a marked change on your return
 20 in this respect. Perhaps we can just go back to your
 21 statement and let's look at page 50, paragraph 99.

22 At the beginning of that paragraph, you say:
 23 "From when I [so page 50] got back to the office
 24 other women who worked in either No 10 or the
 25 Cabinet Office sought me ought to say how pleased they

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1 a very marked change?

2 A. So it was -- it was striking, and I think the two points
 3 are related but different, and I don't know if it was
 4 a consequence of the psychological pressure people were
 5 under or -- I don't know what it was, but it was really,
 6 really obvious that not only were there hardly any women
 7 there, but when they were there they were -- you know,
 8 they had to turn their screens off so they all -- on the
 9 Zoom meeting or they were sitting in the back row or --
 10 there just weren't any women talking. Which was
 11 unusual. And that probably -- well, I don't know if
 12 it's worse than that, but related to that, women whose
 13 job it was to do something were not able to do their
 14 jobs properly because they weren't having the space or
 15 being asked the right questions or being treated with
 16 the respect that they would do. And it was genuinely --
 17 yeah, it was both striking and awful.

18 And then the fact that there were no women
 19 contributing to the policy discussion documents,
 20 a problem in itself, because there were some expert
 21 women who weren't being listened to, and also women were
 22 being looked over.

23 Q. Yes. And just last reference on this point, but if we
 24 can look at page 52, paragraph 102, please, you describe
 25 a little bit more of the experience, you say:

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1 were to see 'a woman' at the table again."

2 You go on to say that you were surprised by that,
 3 because although the Cabinet Office and Number 10 hadn't
 4 been, as it were, historically perfect in these terms,
 5 the issue between men and women hadn't been a matter of
 6 comment before, but it was now.

7 You say:
 8 "Pre-Covid I would not have characterised No 10 or
 9 the Cabinet Office as a particularly abnormally sexist
 10 environment in the context of Whitehall and
 11 Westminster ..."

12 Which are, you say, endemically sexist.
 13 "But ..."
 14 And perhaps this is the point:
 15 "... what started as a murmur became a roar over
 16 the next couple of weeks. Not only were there numerous
 17 examples of women being ignored, excluded and not
 18 listened to or talked over it was also clear that
 19 the female perspective was being missed in advice and
 20 decision making."

21 We don't go to it but in another part of your
 22 statement you say that women who had worked in Number 10
 23 and the Cabinet Office for some time reported feeling as
 24 if they had become invisible overnight.

25 Can you just help us explain what seems to have been
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1 "Women working in No 10 and the Cabinet Office
 2 experiencing very obvious sexist treatment."

3 You say it was impacting on their work. You say:
 4 "The dominant culture was macho and heroic. Neither
 5 are the preserve of men (women can be macho and heroic
 6 too) but the culture was problematic because it meant
 7 debate and discussion was limited, junior people were
 8 talked over and it felt that everything was contaminated
 9 by ego. It was positively unhelpful when the country
 10 needed thoughtful and reflective decision making."

11 So that does sound, that you say again that -- that
 12 word "macho" again, it's at least a close relation of
 13 the environment, the atmosphere that you were describing
 14 from February and March?

15 A. Yes.

16 Q. And we can see that you expressed your concerns about it
 17 at the time, and indeed they were shared by others.

18 If we can look, please, at tab 17, INQ000286044. If
 19 we can look towards the bottom of that page, this is
 20 an email, Ms MacNamara, that you sent. I don't think we
 21 have a copy list, but the sense is that it was to
 22 a group of women in the Cabinet Office and Number 10.
 23 It's dated 13 April, so a week or so after you got back.
 24 Is it right, I'm not going to read through the whole
 25 email, but you are drawing attention to some of the very

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1 themes that we've just been discussing; is that right?
 2 A. Yes. And the reason I sent this email, and I did
 3 blind -- I mean, I'm sure it's possible to find out who
 4 I blind copied it to, was partly me just checking that
 5 what I was understanding was right. So that's really
 6 why I was doing this, because it was worrying me so much
 7 what I'd heard and I wanted to make sure that I was
 8 right that this was a big problem, not an individual
 9 one.
 10 Q. If we just briefly look over the page, please, later in
 11 this email we can see, the first full paragraph on that
 12 page, you say:

"My concern is that at the moment the working
 environment/culture is too macho and egotistical."

Those words that we saw in your statement.

"This isn't going to get the best outcomes ..."

And in the paragraph above you make the sort of
 causative point that there are areas of policy that are
 suffering, you refer there to domestic abuse and
 abortion. I'm going to come back to some of those
 issues in a little while, but perhaps it's important to
 make it clear now: you weren't just -- it would have
 been important anyway to make the point that
 the treatment was bad, but you felt there were real
 consequences of that treatment at the time?

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1 "Sadly I 100% agree this is an issue."
 2 And she makes some proposals there?

3 A. Yeah.

4 Q. Just moving on, I wanted to ask you about what -- apart
 5 from seeking people's views, and we've also mentioned
 6 the review that you conducted, what further steps were
 7 taken to address this problem? You refer in your
 8 statement to the fact that just raising the issue
 9 helped, but perhaps didn't change the fundamentals. Did
 10 this problem go away or not?

11 A. So, no, but raising it as an issue and talking about it
 12 collectively I think helped people to feel clearer about
 13 the fact that it was okay for them individually to raise
 14 a concern. And after sending this email and a number of
 15 conversations I then spoke to quite a lot of people
 16 individually whose behaviour had been highlighted about
 17 what had been said and a lot of those people then
 18 moderated their behaviour. I mean, I think in that
 19 footnote that didn't make it to the final report that
 20 there is sometimes a gap between -- these men were in
 21 all -- they were very serious that they were worried
 22 about the sexism and yet they were also sometimes the
 23 people who had done the talking -- it's -- that's also
 24 sort of a consequence of working under pressure
 25 sometimes. But once the issue was highlighted people

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1 A. Yes, in my hierarchy of concerns, the thing I cared the
 2 very most about was whether we were putting our best
 3 effort into trying to tackle what the country was faced
 4 with, and I felt that this particular set of attitudes
 5 and behaviours was getting in the way of that, as well
 6 as finding it personally not right.
 7 Q. If we can look back at the first page of this document,
 8 please, I think we will see that other people replied --
 9 I mean, well, let me ask you, did you get many responses
 10 to this email?
 11 A. I think everybody replied, yeah.
 12 Q. And what was the tone of the responses?
 13 A. That they were glad that I'd raised it and they gave me
 14 other good and useful examples and said that they would
 15 do what they could to help, broadly speaking.
 16 Q. And thinking of the chronology, this is mid-April, so
 17 this would have been one of the steps that led to the
 18 review?
 19 A. Yes, although I don't think I would have seen it like
 20 that at the time, I just wanted to fix this particular
 21 problem that I could see in front of me.
 22 Q. But on this document we can see that one of the people
 23 who responded was Katharine Hammond, a very senior civil
 24 servant in the Civil Contingencies Secretariat, and she
 25 said:

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1 were -- lots of people changed. But that didn't change
 2 the overall -- no.

3 Q. A perhaps related issue is the availability of
 4 counselling for staff, and if we can look, please, at --
 5 this is a document at tab 43, INQ000308323. Yes.

6 We've moved forward in the chronology a little bit,
 7 we're now in mid-June, but this is an email you sent to
 8 someone called Carol Bernard. First of all, we note
 9 that you were there, again, drawing on your experience
 10 from the Grenfell fire and no doubt the support you gave
 11 to your staff in the aftermath.

12 But we can see what you've said, you talk about
 13 people breaking down in tears, and trying to obtain some
 14 counselling for them. Was that successful?

15 A. No.

16 Q. Why not?

17 A. I'm not sure I can answer that question. It's
 18 a profound cause of regret to me that we weren't able to
 19 better support people. And I should just be really
 20 clear, I'm not in any way -- the hierarchy of people who
 21 had more miserable times and awful things happened in
 22 their lives, and the people who had to deal with people
 23 dying from Covid, were obviously dealing with something
 24 much, much worse and more profound, and what I am
 25 talking about here is that it is very difficult being in

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1 central government in any case in these sorts of
 2 situations, never mind when you add all the
 3 externalities that these people were dealing with, and
 4 I do think it's a gap not to have psychological support
 5 available, and I had been able to provide that in other
 6 departments I'd worked in pretty easily, at very low
 7 cost to the taxpayer, in a way that was genuinely
 8 helpful for all the people working on those things. And
 9 I don't really understand why we couldn't do that then.

10 Q. I do not want to get into the detail of this,
 11 Ms MacNamara, but we see one email here where you are
 12 trying to obtain some counselling. Did you leave it at
 13 that or did you press for it?

14 A. No, I pressed a number of times, in a number of
 15 different ways.

16 Q. Just moving on a little bit, but sticking with this,
 17 these issues that were thrown up on your return and the
 18 review that you undertook. One way of describing what
 19 was shown, although I'm not sure these exact words are
 20 in your review, would be that there was a toxic culture
 21 in Downing Street and the Cabinet Office at the time.
 22 The Inquiry has heard evidence, in fact heard evidence
 23 yesterday, of the repeated use of extremely crude
 24 language in, for example, WhatsApps sent between members
 25 of the Downing Street team.

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1 both surprising and not surprising to me, and I don't
 2 know which is worse, actually. I think that he was
 3 frustrated with me at the time. I would absolutely own
 4 that. I would also say all I was doing was actually
 5 working in the service of the then Prime Minister and
 6 defending his interests.

7 I'm sure lots of this is not for you, but the two
 8 things in particular that he was cross about, one was
 9 the appointment of David Frost as the National Security
 10 Adviser, where the proposal was that Mr Frost, who had
 11 left the civil service as a director, be -- and then
 12 taken on very significant political roles, that he be
 13 then reappointed into the civil service as
 14 a permanent secretary and put in charge of national
 15 security. And for reasons I don't probably have to go
 16 into, I thought that was wrong, so I wouldn't let that
 17 happen, and had in fact come up with a proposal that
 18 would fulfil what the Prime Minister wanted, which is
 19 that Mr Frost should join the Lords and be a minister,
 20 because I felt that was more proper, and have
 21 accountability.

22 Mr Cummings in those messages is also frustrated
 23 with me and says that I was sacking special advisers,
 24 which I never did, it would never be my role. The
 25 particular thing that he looks to be extremely cross

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1 Was that, do you think, one aspect or perhaps
 2 a product of that type of toxic culture that you are
 3 reporting on in your review?

4 A. There was definitely a toxic culture.

5 Q. The Inquiry saw yesterday some particularly crude
 6 WhatsApp exchanges between Dominic Cummings and
 7 Boris Johnson about you --

8 A. Yeah.

9 Q. -- and about your possible departure from
 10 the Cabinet Office. Let me ask you: was
 11 Dominic Cummings part of that toxic culture, part of
 12 the problem?

13 A. If you -- I would just -- it would be helpful to me to
 14 make a couple of comments about those messages.
 15 The first is I think it's important to understand
 16 what was actually happening at the time. So it is
 17 undoubtedly true that the Prime Minister had offered me
 18 any number of permanent secretary jobs in order to leave
 19 the Cabinet Office during that period of time, and I had
 20 repeatedly explained that I wasn't going to participate
 21 in another of my colleagues being moved on in order to
 22 create a job for me, and so we had been having this
 23 exchange for a period of time. The things that
 24 Mr Cummings -- having seen those messages, it was --
 25 you know, it's not -- it's horrible to read, but it is

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1 about in the August is because we were involved in
 2 an employment tribunal where he had in fact dismissed
 3 a special adviser and I was insisting on him telling
 4 the truth to the employment tribunal, and he didn't
 5 respond well to that.

6 So, I mean, yes, surprising and not surprising. It
 7 wasn't a pleasant place to work.

8 Q. And I think it follows from what you say that those
 9 emails that we saw in your view absolutely are, if you
 10 like, evidence or a way in which we can gauge the type
 11 of toxic culture that you and others were experiencing
 12 at the time?

13 A. It is also revealing of exactly the wrong attitude to
 14 the civil service, if I may. That's -- I was doing my
 15 job as a civil servant and that ... I'm confident about
 16 that. And the way in which it was considered
 17 appropriate to describe what should happen to me, yes,
 18 as a woman, but yes, as a civil servant, it's
 19 disappointing to me that the Prime Minister didn't pick
 20 him up on the use of some of that violent and
 21 misogynistic language.

22 Q. Well, that was going to be my next question, because
 23 Mr Cummings has been asked about the messages that
 24 he sent, but of course, it's the point you make, which
 25 is that we have seen that Mr Johnson was a participant

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1 in not just that WhatsApp group but plenty of others
2 where this sort of language, that sort of abuse, was
3 used. Drawing on your experience in the Cabinet Office,
4 what is your reaction to what appears to have been his
5 failure to try to stop that sort of language, that
6 sort of attitude prevailing?

7 A. It is just miles away from what is right or proper or
8 decent or what the country deserves.

9 Q. Let me go on, Ms MacNamara.

10 We were talking about the solutions that were
11 thought of to try to move on and improve the culture at
12 Number 10 and Downing Street, and you explain in your
13 witness statement, I'm not going to go to the paragraph,
14 but you explain that at least part of the solution to
15 those problems was to encourage people working in
16 Number 10 and Downing Street to spend more time together
17 so that they had a chance to develop, as it were, better
18 relationships in that no doubt stressful environment.

19 In fact you emailed Martin Reynolds to that effect,
20 and at tab 27 of the bundle, INQ000136760, we see this
21 email. In fact, so it's the sort of lower half of
22 the page, we can see, can't we, that this is in fact
23 part of the drafting process of that note that we -- the
24 review document?

25 If we can look at the passage starting "I've

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1 suggested 2 messages", the paragraph, picking it up two
2 or three lines down, you say:

3 "We also agreed that we would find ways for the
4 senior team to get together on a social basis. Provided
5 it is within the guidance!"

6 Then, as it happens, you go on and mention your
7 concern that guidance on safer workplaces isn't being
8 kept to, and we've talked about that already.

9 But is this a suggestion -- this suggestion that
10 the senior team get together on a social basis, is that
11 part of this idea of trying to improve the culture at
12 Number 10?

13 A. Absolutely. I mean, people didn't -- had never met each
14 other, so you had a whole load of people, you know,
15 a lot of whom were really brilliantly useful, who had
16 been brought in to Number 10 as experts and specialists
17 on various things, who were working with people they had
18 never met, and I was particularly concerned that lots of
19 these people sort of had no idea of the sort of trip
20 wires in the organisation that they were working in, and
21 I was confident that if we could just get people to talk
22 to each other, that they might in fact be able to work
23 better together. That has been the case everywhere that
24 I have worked. And it was definitely true at this
25 period of time that that was something I was very

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1 concerned about, people didn't know each other's names.

2 Q. You add, of course, the important further thought that
3 any such meeting should be within the guidance.

4 A. Of course.

5 Q. I want to move and look at a different document from
6 very much the same time, which is at tab 24 of the
7 bundle. It's another one of these documents relating to
8 the drafting process of your review. It's actually
9 an email. Yes, we have it on screen, INQ000136754.

10 Towards the bottom of the page, we can see, this is
11 a message from John Owen, so you were saying he was
12 Mark Sedwill's private secretary and the third person
13 who contributed to the review. He is pleased with
14 the draft, he says it's cheered him up no end to read,
15 and he has put some comments in red.

16 If we can move on to page 4 in the document, please,
17 we can see under number 7 one of his sets of comments.

18 Now, the subject matter of these comments is not
19 really why I've taken you here, but what you are
20 discussing is the question of whether, as part of this
21 review, people should be encouraged to work from home or
22 not. In fact, this was another sort of theme of
23 the draft review which didn't make it into the final
24 version, perhaps because the three of you couldn't quite
25 decide what you as a combination thought about it.

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1 There were arguments both ways, were there not?

2 A. Yeah.

3 Q. One of the points Mr Owen was making, and we can see
4 he's disagreeing with the idea that people should be
5 encouraged to come into the office more, he says:

6 "I fundamentally disagree with this. When we are
7 telling the country to socially distanced it shows utter
8 contempt to the electorate to openly flout those rules."

9 Now, as I've said, there were arguments both ways
10 and we see in the documents a discussion about whether
11 in fact, because of the ways of working in Number 10, it
12 was important to be there. But that sentiment, that it
13 was important for those working at the centre to take
14 a lead and to provide an example to the rest of the
15 country, I imagine is one that you agree with?

16 A. I agree that we should have been following the rules.
17 Absolutely.

18 Q. Just thinking about both of those, then, the earlier
19 email about trying to encourage more meeting and this
20 point, what is your reflection, Ms MacNamara, on the
21 fact that, as it very well known, there were a series of
22 parties that took place in the Cabinet Office and in
23 Downing Street in the weeks and months that followed
24 these emails, including one on 18 June that you
25 attended?

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1 A. So they should never have happened, is the first thing
 2 that I would say, unambiguously, and I've set out in my
 3 statement a lot more of my thinking and explaining why
 4 I did what I did at the time. Explaining is not the
 5 same as excusing. And I think that, you know, it is
 6 both incredibly depressing and actually helpful that
 7 people understand a little bit more now about what it
 8 was like to work in that organisation during this period
 9 of time, because there's a lot about the handling of
 10 when those -- the allegations of parties came up that
 11 I profoundly disagree with and, firstly and most
 12 importantly, lying about it. I don't understand at all
 13 why it wasn't acknowledged that, on a number of
 14 occasions, I'm sure, that Downing Street and the
 15 Cabinet Office sometimes didn't follow the regulations.

16 You will see throughout any number of emails between
 17 us all, this endless conversation about: is it okay that
 18 so many people are in the office? What are we doing to
 19 try and limit the number of people in a meeting room?
 20 And some of the reasons I think why people thought they
 21 had to be at work so often, and definitely why I thought
 22 I had to be at work so often, is because it was my only
 23 mechanism of keeping any sort of control over what was
 24 happening. So -- but we collectively got all of that
 25 really, really wrong. I would absolutely acknowledge

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1 a specific subset of events, where I would also say
 2 I think "events" is one of those -- "parties" is one of
 3 those irregular verbs, so my glass of wine in the office
 4 with colleagues at the end of a difficult day is -- your
 5 "event" in the Cabinet Room is their "party", and I'm
 6 not sure how a junior civil servant working in Number 10
 7 is supposed to be able to know the difference of where
 8 those lines are drawn.

9 And I think that -- I really hope that there was
 10 also an additional piece of work done which is to look
 11 at the entirety of what happened in organisational
 12 cultures across Whitehall during that period of time,
 13 and to try to understand why, and then how can we make
 14 sure that doesn't happen again, because I think -- those
 15 are the civil service questions: why did this happen?
 16 Why did this collective group of people decide to do
 17 things that are so clearly in the wrong place? And then
 18 how do we make sure that that doesn't happen again?

19 And, like I say, I hope that piece of work has
 20 happened, because I think it's really important,
 21 because -- and I will -- this is the last thing I will
 22 say about this, but when the police drew the line at
 23 what was acceptable or not acceptable as the, I think
 24 it's called a birthday gathering, I'm not sure, in
 25 the Cabinet Room, when they said that was the wrong side

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1 that.
 2 The thing that I think has been particularly unfair
 3 about what has happened is its allowed for a portrayal
 4 of a lot of people who worked really hard and did
 5 amazing work to be presented as something that, in my
 6 experience, they weren't.

7 Now, I find it hard to talk about this because
 8 I didn't -- I wasn't there. You know, I'm -- I don't
 9 know how old I was at the time but I definitely wasn't
 10 partying in Number 10, I was either at work or at home.
 11 And I think that acknowledging what had happened,
 12 acknowledging that some of it was a symptom of
 13 the situation, being honest about the fact that actually
 14 I would find it hard to pick a one day when
 15 the regulations were followed properly inside that
 16 building -- and I know that because, as I've said in my
 17 statement, there was one meeting where we absolutely
 18 adhered to the guidance to the letter, and that was the
 19 Cabinet meeting, and everybody moaned about it. Moaned
 20 and tried to change it repeatedly. So I know how
 21 exceptional it was to really, really, really properly
 22 follow the guidance.

23 And I think that in retrospect, obviously, all sorts
 24 of things were wrong. I think that -- I really hope
 25 that in addition to the investigation that was done into

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1 of the line, I am certain that there are hundreds of
 2 civil servants and potentially ministers who in
 3 retrospect think they were the wrong side of that line.
 4 And I really hope there has been some mature
 5 conversation about that, because that sort of thing, if
 6 it's not addressed, is corrosive actually in a culture.
 7 And I hope that endless lessons are learned about this
 8 period of time, but some of them are about cultures and
 9 ways of working and supporting people and providing
 10 better infrastructure so mistakes aren't made. And when
 11 mistakes are made, owning them and saying sorry.

12 Q. Ms MacNamara, I want to take you back to one of
 13 the things you said, which is that you weren't there at
 14 the parties.

15 A. Yeah.

16 Q. Acknowledging the point you made about what we call
 17 those events --

18 A. Yeah.

19 Q. -- but you were there at one of them, weren't you?

20 A. Yes, absolutely. I mean, absolutely I was in
 21 the office. And I didn't think at the time -- and this
 22 is again my own thinking and my own profound regret, and
 23 my profound regret is for the damage that's been caused
 24 to so many people because of it as well as just
 25 the mortifying experience of seeing what that looks like

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1 and how rightly offended everybody is in retrospect.
 2 I mean, I have gone into some detail on this in my
 3 statement. I absolutely knew and thought it was
 4 actually important for there to be space for
 5 particularly the private office to be able to gather
 6 together and spend time together, and that was entirely
 7 because of the kind of culture that they were working
 8 in, and entirely because I was really worried about
 9 individuals breaking and suffering and whether they were
 10 going to be okay, and how important their colleagues
 11 were to each other.

12 And I just want to say again I'm saying none of that
 13 in excuse of my own misjudgement, and I'm saying none of
 14 that in excuse of thinking any of these things were
 15 okay, but it was a much more complex situation than has
 16 allowed to be presented for lots of different reasons,
 17 about -- and I think it's mainly I feel very strongly
 18 that it's unfair on the junior civil servants who are
 19 caught up in it.

20 Q. Complex, but still those events shouldn't have happened,
 21 should they?

22 A. Not -- no, of course not.

23 Q. You describe an institutional failure, really, but you
 24 were at the very apex of that institution --

25 A. Yeah.

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1 Q. -- and so, to the extent that there was an institutional
 2 failure, that was to a degree your failure?
 3 A. Yes. I don't -- I think describing myself as the apex
 4 of that institution is probably overstating my role at
 5 the time, but I definitely, as a senior leader working
 6 there then, of course I do, and of course I own all of
 7 the other things that I wish now in retrospect I had
 8 done more on. You can't possibly go through this
 9 experience at the time and the time I've had to think
 10 about it afterwards without thinking I wish I'd done
 11 a lot of things differently.

12 Q. Ms MacNamara, let me move on to, if you like,
 13 a constitutional issue, which takes us back to one of
 14 the issues we noted at the very start of my questions.
 15 You will recall that in that paragraph of your statement
 16 where you were summarising the preparedness or otherwise
 17 of the British Government, state, for Covid, you
 18 referred to some unhealthy habits which the system had
 19 acquired during the year or two before, and one of those
 20 that we touched on was this habit of bypassing ministers
 21 in decision-making. I won't take you to it, but you
 22 refer to the practice that developed during the Brexit
 23 discussions about ministers being put into reading rooms
 24 before Cabinet so that they could see documents that
 25 they were about to be asked to endorse. Is that

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1 the type of situation that you're describing?
 2 A. It is. It's both the -- I mean, it's not uncommon, and
 3 I've worked with lots of different Number 10s, it's not
 4 uncommon for Number 10 to not be wild enthusiasts for
 5 Cabinet government and collective agreement, so that's
 6 in general a point. It is definitely true that through
 7 the Brexit time I do think Whitehall got bent out of
 8 shape in terms of Cabinet government and ministers being
 9 treated properly and ministers being able to take
 10 decisions. I am pretty hard over as a civil servant,
 11 I think, on the importance of collective agreement and
 12 Cabinet and ministers taking decisions.

13 Q. You haven't referred to leaking. We heard from Mr Cain
 14 yesterday, we saw some WhatsApp exchanges where there
 15 was a pretty robust discussion between Mr Cain and
 16 Mr Johnson, I think it was, about leaking from within
 17 the Cabinet, names were named of people they thought
 18 were leaking material. From your experience, was this
 19 part of the explanation for why there was this desire on
 20 the part of the core decision-makers, the Prime Minister
 21 and his team, to, to use a word, marginalise Cabinet
 22 ministers?

23 A. So it's definitely an explanation, I don't think it's
 24 an excuse, would be my view. Although I do -- would
 25 absolutely agree with them on the damage that leaking

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1 caused in terms of the quality of decisions that then
 2 are taken, because you are rushing at a gate in terms of
 3 getting a decision out. And I say that, I think it's
 4 very important that there is good reporting of what
 5 government is doing, so it's not a kind of attempt to
 6 shut down journalists reporting things, but it is
 7 really, really corrosive when somebody decides to leak
 8 something ill-formed and then everybody has to rush
 9 about trying to come up with what the real answer ought
 10 to be in hours rather than days.

11 Q. Let me just now focus in on the Covid period and what
 12 you say about this in your statement. So if we can go
 13 to page 64 of your statement, paragraph 129, you say
 14 here:

15 "At the time I was concerned about what I saw as
 16 a circumnavigating of Cabinet governance and became
 17 increasingly worried about the Cabinet themselves not
 18 being given the full scientific picture or able to
 19 properly be part of accountable decision making."

20 You go on to say that there was an asymmetry, and we
 21 will recall that one of your roles was briefing the
 22 shadow Cabinet:

23 "... there was an asymmetry in that at one point the
 24 Shadow Cabinet were getting more opportunity to ask
 25 questions of the CMO [Chris Whitty] and CSA

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1 [Patrick Vallance] than Cabinet Ministers who were
 2 actually in the Government."

3 Is this the summary of that concern that you've just
 4 been describing?

5 A. Yes.

6 Q. If we look just at a couple of documents to see perhaps
 7 in practice what was going on, first of all, if we look
 8 at tab 52, and it's a WhatsApp exchange, INQ000236371 --
 9 thank you. Have you got that, Ms MacNamara?

10 A. Yeah, thank you.

11 Q. This is an exchange between a group including Lee Cain
 12 and Dominic Cummings and, as we will see,
 13 Martin Reynolds from February 2020, so it's fairly early
 14 in the period, but we see Dominic Cummings saying there:
 15 "Lots of signs that containment has failed and we
 16 shd now expect a proper pandemic."

17 And needing to have an update for the PM.
 18 If we go over the page, we see Martin Reynolds
 19 saying:
 20 "We have scheduled a ministerial meeting on Heathrow
 21 for first thing so ..."
 22 Can't have a meeting tomorrow:
 23 "... but will look to fix later ..."
 24 Then he says: well, perhaps we could cover it at
 25 Cabinet or at the -- that's the National Security

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1 Council.
 2 Then if we skip down a couple of entries, later that
 3 morning we see Martin Reynolds, who perhaps by that
 4 stage has spoken to the Cabinet Secretary, saying:
 5 "Mark S [one assumes that's Mark Sedwill] says he
 6 would prefer to do it at Cabinet so let's fix that
 7 again ..."
 8 And he makes the point that Cabinet would be "better
 9 since [it] includes [a] wider cast list including
 10 health", and so on.
 11 We see Dominic Cummings' response:
 12 "No. Cabinet leaks and if there's bad news it will
 13 leak straight out via some fool.
 14 "That's a [very] bad idea."
 15 So it's a vignette, it's a WhatsApp exchange, but do
 16 we see there in practice the problem that you're
 17 describing, which is that the opportunity to discuss
 18 a serious development, to understand the science, to
 19 have input from that wide variety of sources that
 20 Cabinet provides is being vetoed, in this case by
 21 Dominic Cummings, on his view because Cabinet leaks and
 22 "we can't" -- it's not a suitable body to have these
 23 discussions?

24 A. Yes. I mean, it's undoubtedly the case that that did
 25 mean Cabinet probably didn't get the briefing it ought

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1 to have done and it's also the case that things leaked
 2 from Cabinet just almost immediately.

3 Q. If we just look at another document -- this is tab 39,
 4 INQ000308305 -- this is a rather different situation,
 5 but perhaps the same basic point. It's an email you
 6 sent about the -- we've talked about the action plan in
 7 March. This is the roadmap, the plan for coming out of
 8 lockdown in May of 2020, and you are sending an email to
 9 Martin Reynolds, having had a first look at a draft.
 10 You've got various criticisms of it, but in the --
 11 A. Yeah.
 12 Q. -- first paragraph, one of the points you make, looking
 13 at the second line down:
 14 "On a fundamental level I don't see how this can be
 15 the recovery strategy without any debate or advice about
 16 the policy or choices contained within it and without it
 17 being shared with Government Ministers."
 18 I think in your statement you say that it simply
 19 wasn't shared amongst the Cabinet in the course of
 20 drafting it. Is that another example of this problem
 21 that you're describing?
 22 A. Yes, and it's worth -- just in case this comes across as
 23 a kind of processed nurdling, it's worth explaining why
 24 I was so bothered by it. One of the things that I think
 25 happened during the pandemic overall was that it became

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1 incredibly sort of -- and I'm not a car mechanic, so
 2 I don't know if it's short-circuited or hot-wired or
 3 whatever it was -- the ability for somebody to write
 4 something and then it to become a published document
 5 from the government was just so quick. So there's two
 6 problems with that: firstly, that you don't get --
 7 government's a serious business and the boring work of
 8 going through all of the things that are on the one hand
 9 and on the other hand is important because it produces
 10 better outcomes when something is actually going to
 11 happen in real life.

12 And also as important, if not more importantly, the
 13 accountable people for the decisions of this government
 14 are people who've been elected and I do appreciate it
 15 can feel a bit tedious to have to get them to agree but
 16 it's not a get them to agree and tick it through, it's
 17 that they are accountable and they should be making the
 18 decisions on behalf of all of us who elect them. That's
 19 not a bit of processology, it's a really fundamental
 20 point to the way that our country is governed; so it
 21 matters.

22 Q. So that's, if you like, a constitutional imperative?

23 A. Yes.

24 Q. You've also mentioned that the process of Cabinet
 25 government brings just a qualitative difference. It

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1 makes for a better decision. If we can just look,
 2 please, at page 54 of your statement, paragraph 107,
 3 I think this is the point you're driving at here,
 4 towards the bottom of that paragraph, and perhaps this
 5 is coming back to that point about breadth of experience
 6 and the real world experience that we were discussing in
 7 context with football matches.

8 But picking it up about eight lines from the bottom,
 9 if we can, you see there's a sentence in the middle of
 10 that line that says "whatever". So:

11 "Whatever the personal experience of those in the
 12 room (and it was a pretty privileged set of people by
 13 any standard) there should have been a way of advising
 14 on implications for the whole population in the way that
 15 more normal Civil Service work would have allowed for."

16 And then this:

17 "The full Cabinet were better at bringing this wider
 18 perspective -- they were a bit more grounded in
 19 consequences that were not as obvious and the
 20 complexities of the world as it is. The Cabinet were
 21 not asked their opinion very often and not on decisions
 22 in flight that I can recall."

23 So is that, if you like, the point about the quality
 24 of decision-making that is lost if the Cabinet are
 25 bypassed?

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1 a document drafted by you and Simon Case -- is that
 2 right -- I think before he became Cabinet Secretary.

3 A. Yes. This is when Simon has just been appointed as the
 4 permanent secretary of the Covid Taskforce, or what
 5 would be then the Covid Taskforce.

6 Q. In summary, is this fair, that this is a document which
 7 is -- it is part of the process by which the
 8 arrangements within Number 10 and Downing Street were
 9 rearranged and, in particular, the MIGs were put to one
 10 side and replaced by Covid-O and Covid-S?

11 A. Yes, and also an attempt to, again, kind of restart
 12 government as normal, I think, which is why there's so
 13 many other Cabinet committees also mentioned.

14 Q. As I say, the particular focus for present purposes is
 15 on the question of how the devolved administrations were
 16 to be bound in to this new process, and we can see in
 17 the summary of the document in that bold passage at
 18 paragraph 1, two or three lines up from the bottom,
 19 there is a proposal that:

20 "... we use the usual Joint Ministerial Committee
 21 mechanisms to manage the DAs."

22 Just note that word "manage" and we'll come back to
 23 it.

24 A. Yeah.

25 Q. Because there is, as one would expect, a further
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1 A. I think so, and it's also a point about the narrowed
 2 perspective which I think is a -- I presume we'll come
 3 on to that.

4 Q. Yes, we will certainly come to that.

5 I think at a different part of your statement is it
 6 fair to say that you had a similar reflection about the
 7 Covid-O group being a rather narrow group and suffering
 8 from a similar problem?

9 A. Yes, and I happen to think that more elected people
 10 involved in decision-making is better.

11 Q. Let's move on, if we may, to a rather different but
 12 still constitutionally flavoured issue. For these
 13 purposes, I'd like to look at a paper that you were
 14 involved in drafting. It was dated 22 May. It's tab 30
 15 and it's INQ000183934.

16 Now, this is a document -- the reason for going to
 17 this document, Ms MacNamara, is because of the proposals
 18 that you make about relations with the devolved
 19 administrations. There's obviously other points in this
 20 document, but that's why I'm asking you to look at it.

21 That is the front page with the Prime Minister's
 22 comments on the paper, which I'm not going to go to,
 23 but -- so if we can go to the next page, please, we see
 24 the beginning of the note as it is and, without looking
 25 at it, we can remind ourselves that this was in fact

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1 paragraph in the body of the document which gives us
 2 more detail on this issue and that's paragraph 6 on the
 3 next page. We can see that you make the point that so
 4 far the devolved administrations have been involved,
 5 first of all, by attending COBR and, secondly, by being
 6 represented on the MIGs. You say:

7 "There needs to be a mechanism to discuss and agree
 8 on a four-nation approach. In keeping with a move back
 9 to normal structures, you could convene a Joint
 10 Ministerial Committee ... when needed instead. COBR
 11 would stop meeting on Covid, unless we re-entered
 12 a crisis situation."

13 Then you talk about city mayors. Then in bold:

14 "Do you agree to use the JMC to manage conversations
 15 with the DAs? And only use COBR if we re-enter a crisis
 16 situation?"

17 And I think Mr Johnson made it clear he agreed with
 18 this proposal?

19 A. Mm-hm.

20 Q. What did you have in mind when you said that joint
 21 ministerial committees could be convened in the normal
 22 way? Was this something that was going to happen
 23 weekly, monthly?

24 A. So I think that you're right to -- you know, "manage" is
 25 an uncomfortable word to see in the summary and "manage"

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conversations" in the actual draft is a better way of putting it.

So I wasn't closely involved at this point in how conversations with the devolved administrations were going. I know that there were -- I had had conversations with the CDLs team -- sorry, that's the Chancellor of the Duchy of Lancaster -- about this note and about the proposal within it and particularly the things that he was going to be asked to do, and my understanding at that point was that it was important that there were some sort of formal structures whereby these conversations could carry on if we were closing down COBR -- not closing down COBR but, for these purposes, not having devolved administrations involved in the replacement Cabinet committees because that would be odd because, you know, it's not the way that Cabinet committees work -- then it was very important to have a mechanism for those conversations to continue in the normal way of things.

So I'm more familiar, to be honest, with the way that the JMC ran in the coalition then at this point of time. I wasn't really involved in anything to do with managing relationships. But that would have been my expectation and that would have been -- my assumption would be that would be for the CDL to do mostly but not

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"It is optically wrong, in the first place, for the UK Prime Minister to hold regular meetings with other DA First Ministers, as though the UK were a kind of mini EU of four nations and we were meeting as a 'council' in a federal structure. That is not, in my view, how devolution is meant to work."

Do you see any tension between your proposal in the document that we were looking at, your expectation and that statement by Mr Johnson?

A. Yes.

Q. Can you expand on that?

A. So I don't think I was aware in making that proposal, and I'm saying this hesitantly because I just don't have much memory about why this was here. It would have been a standard "if you're not going to engage with the devolved administrations in this way, then you must engage with them in that way" and I probably wasn't thinking about it in a more sophisticated way than that.

This is obviously entirely different. I did know that was Mr Johnson's view towards the governing structures of the United Kingdom, and I also knew that the personal -- the kind of personal politics between him and the First Minister in Scotland in the way that it was played back to me -- I never saw it first-hand -- was such that that had been a thing that people talked

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only the CDL, I'd also have been expecting that the Prime Minister and the First Ministers would also find ways to speak to each other.

Q. What we know, again in summary, is that first of all there were never any JMCs at least that --

A. Of course.

Q. -- had as their purpose dealing with Covid arrangements. Secondly, there were regular calls between Michael Gove and the devolved leaders, but that during that period the leaders of the devolved administrations repeatedly said that that wasn't adequate, that they were essentially just being -- these calls were just being used to tell them what was happening rather than as a means of, to use your phrase, using a four nations approach to discuss what should happen, they repeatedly called for JMCs which never transpired.

A. Okay.

Q. Let me ask you about a passage from Mr Johnson's witness statement. If we can call it up, it's tab 35 in your bundle, page 45, 188. It's document INQ000255836. This is a passage in his statement which has been the subject of some consideration at the Inquiry, but this is a response by Mr Johnson to the suggestion that there should have been JMCs during the pandemic. He says:

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about as being difficult in the first phase. So I suspect that this was a way of trying to go back into a more normal pattern.

I don't think it would have occurred to me that there wasn't going to be any JMCs after that.

Q. Whatever you call the meetings, were you expecting a substantive process of discussion and consultation to take place across the four nations looking forward?

A. I was expecting close working is probably the better way of putting it. That would have been my expectation, as a continuation of close working, which is not only at ministerial level. So I know that the respective CMOs of the four nations also met regularly and I would have been expecting those sorts of -- the kind of close working while respecting the devolution settlements to continue.

Q. Yes, thank you. We can take that down.

I want to move on to just another short topic and that is about the Health Secretary, Mr Hancock. Would it be fair to say that he was one of those people who you worked with fairly closely during the period of the pandemic?

A. So I will have seen him in the formal meetings, yes.

Q. But regularly?

A. Oh, very regularly, yes, but as part of the kind of --

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1 as a member of the Cabinet or as a member of
2 the committees, yes.
3 Q. You worked in the Cabinet Office?
4 A. Yes.
5 Q. He worked in the Department of Health?
6 A. Yes.
7 Q. So there was clearly some distance there but, equally,
8 he was very involved in the response to the pandemic and
9 you saw him in meetings?
10 A. Yes. I'm sorry, I don't mean to be -- I probably was in
11 a meeting with him once a day at various points, yes,
12 you're absolutely right.
13 Q. All right. I want to take you to two or three passages
14 in your witness statement. First of all, page 20,
15 please. It's that paragraph at the top. We went to it
16 earlier this morning. Just to remind ourselves, you
17 explained that one of the reasons that you were
18 confident that the plans for the pandemic existed was
19 simply because Mr Hancock time and time again, in your
20 words, and as you've explained this morning, without any
21 ambiguity, assured the Cabinet that they were there.
22 Would it be fair to say that you were surprised, let
23 down, when you realised that what he had said wasn't
24 actually true?
25 A. Erm ... I was surprised. Yes.

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1 I don't recall, anyway, a situation where it was black
2 was white, but definitely a pattern of being reassured
3 that something was absolutely fine and then discovering
4 it was very, very far from fine, and that that again is
5 sort of unusual in a Cabinet. Inside Whitehall in
6 a Cabinet committee or Cabinet government situation, you
7 don't usually get that. You don't usually get
8 everything's okay and then two weeks later not only is
9 it not okay, it wasn't even there.

10 That's very -- that's very, very unusual, in my
11 experience. And so this is my point, that not only was
12 that a problem, but why wasn't the Department of
13 Health -- why wasn't anybody who was able to say
14 "actually it's not quite like that", my experience is
15 that we didn't get those signals through from the
16 department, we didn't get a sense that actually what we
17 were being told might not be right, and then that also
18 then led to, I would have thought reasonably, a concern
19 that the processes and structures that we'd put in place
20 in order to create any accountability were in fact not
21 really working because things turned out not to be the
22 case very quickly afterwards.

23 Q. So, yes, there was an issue with processes, structures,
24 the Department of Health, but does it come back to the
25 fact that Mr Hancock regularly was telling people things

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1 Q. Let me ask you about another passage, just going forward
2 a few pages to page 58. At the very bottom of that
3 page, paragraph 117, you say that through April it
4 became obvious that the confidence Number 10 had in the
5 machinery in the Cabinet Office was in sharp decline:
6 "There were also increasing questions about the
7 performance of DHSC and the Health Secretary where the
8 issue was a lack of confidence that what he said was
9 happening was actually happening."
10 You say that the two were related, and then this:
11 "The usual systems of governance in Whitehall rely
12 on people being truthful."
13 The sense of this part of your statement seems to be
14 that people working in government at the time didn't
15 trust Mr Hancock, they didn't believe that what he was
16 telling them was true. Is that a view that you held?
17 A. So, it's definitely the view in government. It is --
18 I think it's fair to say it was what we experienced, so
19 that what was said in a meeting as actually being under
20 control or going to be delivered or something that was
21 fine, that then subsequently a matter of days sometimes,
22 or sometimes weeks later, we'd discover that that wasn't
23 in fact the case.
24 So I think it's quite hard to say, you know,
25 absolutely it wasn't the situation where, you know --

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1 that they later discovered weren't true?
2 A. Yes.
3 Q. One more passage on this, Ms MacNamara, and that's
4 page 39 of your statement. It relates back to that
5 period, that very tense and difficult period just after
6 you came back to work in April and, in fact, you can see
7 at the beginning of that paragraph you say it was
8 a fragile time.
9 In this paragraph you describe being indeed, as you
10 say, the eerily empty Number 10, partly perhaps because
11 everyone was off with Covid, but Mr Hancock had
12 recovered and was back. You say you were pleased to see
13 him recovered, and you talked about your respective
14 experiences, and then you say you remember trying to
15 reassure him that he didn't need to be in the office,
16 especially not in Number 10, and saying that it must be
17 very hard. As Health Secretary, he could not have
18 imagined the enormity of the decisions he would be
19 involved in when he was appointed and given, as you say,
20 that it was a long way from the day job, you wanted to
21 know if there was any more help or support he needed.
22 A. Yes.
23 Q. Then you have included in your statement this account,
24 and also his response, which is:
25 "He reassured me that he was 'loving' the

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1 responsibility -- and to demonstrate this took up
 2 a batsman's stance outside the Cabinet room and said
 3 'they bowl them at me, I knock them away'."

4 This is an intriguing exchange that you've chosen to
 5 include in your statement. Are you trying to tell us
 6 something about your assessment of Mr Hancock's
 7 character or the way he was doing his job?

8 A. I'm trying to explain just how jarring some of that was
 9 and how different places, lots of us who were all
 10 theoretically in the same place that we were, and it
 11 does partly go back to my point about kind of nuclear
 12 levels of confidence that were being deployed, which
 13 I do think is a problem, and it really stuck with me,
 14 this moment, and I thought -- I have tried throughout
 15 this statement to be -- give you the most honest and
 16 best account I can of what it was like to be there,
 17 because I think that's the best service that I can do in
 18 terms of you being able to come to some conclusions.

19 So it was important to me at the time, so I felt it
 20 was important to include in this way. But it's more
 21 a point about confidence than anything else.

22 Q. Confidence or, in fact, overconfidence?

23 A. I think overconfidence, yes, is completely -- I mean,
 24 yes, overconfidence. And going back to my humanity
 25 point, I think that this failure to appreciate all

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1 (1.55 pm)

2 LADY HALLETT: Mr O'Connor.

3 MR O'CONNOR: I'm grateful, my Lady.

4 Ms MacNamara, I want to turn now and ask you
 5 a series of questions about what you describe in your
 6 witness statement as narrowed perspectives on the part
 7 of decision-makers, and it's something we've touched on
 8 during the morning, the consequence of some of
 9 the behaviours and narrowed understanding, lack of real
 10 life experience, that you observed on the part of those
 11 in Downing Street.

12 You will recall that we looked at that paragraph of
 13 your statement where you brought together those themes
 14 which you thought were represented in the issue about
 15 prison releases, and one of the themes that you referred
 16 to there was a general lack of knowledge or
 17 understanding on the part of decision-makers of how
 18 large parts of the state operate.

19 With that in mind, I'd like to ask you some
 20 questions about understanding of the NHS on the part of
 21 Boris Johnson, his ministers, and so on, the NHS, which
 22 of course was of such central importance to
 23 the pandemic, as we've heard, the lockdown was caused by
 24 an understanding that there was a need to prevent
 25 the NHS being overwhelmed.

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1 the time that what we were doing was making decisions
 2 that were going to impact on everybody's lives, and that
 3 meant lots of real people with real consequences, and
 4 I don't think there was ever enough attention paid to
 5 that.

6 Q. You were trying to engage with Mr Hancock about
 7 the incredibly onerous scope and impact of the decisions
 8 he was going to have to be making, the impact on
 9 the lives of everyone in the country of those decisions,
 10 and he thought he was playing cricket?

11 A. Well, I assumed it would be weighing heavy on his
 12 shoulders. I mean, he may well tell you that it was and
 13 he felt it was important to project something else
 14 instead, I don't -- I don't know, I just know how
 15 I experienced that.

16 LADY HALLETT: Mr O'Connor, are we going to finish with
 17 Ms MacNamara before lunch?

18 MR O'CONNOR: No, we're not, my Lady, I have another half
 19 an hour.

20 LADY HALLETT: In which case it's been a long morning for
 21 you. I think we will break for lunch now, and I'm sure
 22 the stenographer would also be grateful for a break.
 23 1.55, please.

24 (12.54 pm)

25 (The short adjournment)

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1 So with that in mind, could we look, please, at
 2 page 39 of your witness statement, it's paragraph 71.
 3 The context is you're discussing challenges and debates
 4 within the Cabinet Office about the NHS and so on, but
 5 I want to pick it up about five or six lines from the
 6 bottom. Do you see it says:

7 "I do not remember anyone working in the centre or
 8 who was part of the conversations who had a detailed
 9 understanding of the way the NHS operated. This is not
 10 unusual or unique to that time. Social policy and the
 11 'operational' management of the state is always
 12 under-represented in the centre of power
 13 whereas HM Treasury, foreign policy and national
 14 security are overrepresented ..."

15 Just going back to the first sentence, you say you
 16 don't remember anyone working in the centre or who was
 17 part of those conversations who had a detailed
 18 understanding of the way the NHS operated.

19 A. Yeah.

20 Q. Given all we've heard about the importance of the NHS,
 21 and not just in terms of caring for people but
 22 the detail, whether it was going to be overwhelmed or
 23 not, that's a very striking statement?

24 A. Yes. It is -- was an observation at the time and is
 25 striking in retrospect as well. I think it probably

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1 goes to what needs to be different in the future is that
 2 it oughtn't to be possible to kind of start from that
 3 primary level of ignorance. It causes problems and it
 4 was something we felt very strongly at the time, that
 5 just actually having people who were literate in the NHS
 6 would have been more useful.

7 Q. No doubt there were attempts to educate
 8 the Prime Minister, his advisers, his ministers in the
 9 way the NHS worked, and we've seen, for example,
 10 Simon Stevens came to meetings, of course Chris Whitty,
 11 but was that a sticking plaster that did the job or do
 12 you think there was still a deficit that actually led to
 13 imperfections in policy decisions?

14 A. I think if you were starting again you might think quite
 15 differently about what is the skills and expertise and
 16 knowledge that ought to be available immediately for
 17 a Prime Minister to help support them on the business of
 18 the day, whatever it is. Say, for example, there has
 19 been a military attaché in the Prime Minister's private
 20 office for a very long time, there are very good
 21 reasons, because when the Prime Minister is taking
 22 decisions which relate to the deployment of the
 23 military, then having somebody who can sit right by the
 24 side of the Prime Minister and translate and explain and
 25 bridge that gap is very important and useful.

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1 about sympathy amongst the decision-makers] for the
 2 differential impacts on women, poorer people and how
 3 Covid was disproportionately harming Black and Asian
 4 communities, when it was raised it was treated as if
 5 these were naturally occurring phenomena rather than the
 6 consequences of deliberate choices (albeit often
 7 historic). [You] do not think the impacts on women and
 8 children were properly appreciated even much later in
 9 the process."

10 It's that term "naturally occurring phenomenon" that
 11 stands out. Can you explain what you mean by that?
 12 A. So what I mean is I think there wasn't a sufficient
 13 understanding that government, in the way that it was
 14 making designations at that time, was either compounding
 15 or correcting inequality. And I don't think there was
 16 enough understanding of the impact of what
 17 the government does or how our country works in the day
 18 to day, and then enough of a questioning look at whether
 19 the decisions and actions of the government were making
 20 that worse or -- worse or better. And, I mean, that
 21 might not have been the way that other people would
 22 phrase it, but I would, that we weren't -- there wasn't
 23 enough mindfulness about trying to address inequality,
 24 as opposed to sort of compounding it without really
 25 noticing.

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1 I'm not -- it's not my place and I wouldn't be
 2 suggesting there need to be a series of attachés, all
 3 I'm saying is that I think this is an endemic problem,
 4 that having more actual operational and detailed
 5 experience of important things for our country, it would
 6 be better if the Prime Minister could have those
 7 in-house as well as, yes, absolutely always should be
 8 relying the Chief Medical Officer and the Secretary of
 9 State for Health. Because what, in my view, you don't
 10 want Number 10 or the Cabinet Office ever to be is
 11 a sort of mini-replication of the entirety of Whitehall.
 12 Good government works when everybody is doing their jobs
 13 well and the centre is doing its job well and trying to
 14 recreate everything in the centre of Whitehall, as
 15 I think, probably, this experience shows in a pretty
 16 gruesome way does not work.

17 Q. Let me shift focus just a little bit, still on narrowed
 18 perspectives but now on that type of narrowed
 19 perspectives where there is a failure properly to
 20 consider certain groups within society. And before
 21 turning to specifics let me take you to one general
 22 observation you make, it's at page 53 of your statement
 23 at the bottom, paragraph 106, and you say this:
 24 "I remember at the time feeling as if while there
 25 was undoubtedly sympathy [and I think you're talking

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1 Q. So perhaps there was not an understanding that what the
 2 government -- the choices the government made, just as
 3 in the same way as historic choices that earlier
 4 governments had made was actually driving this change?

5 A. Yes.

6 Q. Now, we spoke earlier about the reports you did,
 7 the evidence you took, if you like, about
 8 the overtalking of women in the Cabinet Office, the fact
 9 they weren't present at meetings and so on, and I said
 10 we would come back to the causation issue, if you like,
 11 of what effect you thought that was actually having,
 12 quite apart from on policies, quite apart from
 13 the effect it was having on those concerned.

14 Perhaps we can look, please, at paragraph 103 of
 15 your statement, on page 52.

16 In this paragraph, you detail a series of policy
 17 areas which you think were affected. You say:

18 "In terms of the policy response that the exclusion
 19 of a female perspective led to significant negative
 20 consequences, including the lack of thought given to
 21 childcare in the context of school closures ...
 22 a serious lack of thinking about domestic abuse and the
 23 vulnerable, about carers and informal networks for how
 24 people look after each other in families and
 25 communities."

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1 You also say insufficient thinking about single
 2 parents alongside a disproportionate thinking about
 3 shooting and football. And you also mention a lack of
 4 guidance for women who might be pregnant and so on.

5 So at the moment dealing with those things sort of
 6 cumulatively, can you tell us a little bit more about
 7 your concerns at the time?

8 A. I could see that not only was it that decisions were
 9 being made that didn't think about these impacts, that
 10 the kind of -- the sort of absence from the room was
 11 even more problematic, that I didn't actually believe
 12 that decision-makers were wilfully and deliberately
 13 deciding to cause harm to particular groups, but that it
 14 wasn't even considered was a real -- a real problem.

15 And I should say -- I mean, I've talked a lot about
 16 women in this statement, but the issue of ethnicity and
 17 the divergent impact of Covid on different communities
 18 was something that we were really concerned about at the
 19 time as well.

20 Q. Well, let's just come to that now, because -- so if we
 21 can look, please, at tab 53 of the bundle, and it's
 22 document INQ000286042, what we can see is this is
 23 another response, isn't it, to that email we looked at
 24 earlier about women at the centre? I think we saw
 25 Katharine Hammond's response before lunch, but this is

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1 a better understanding of the data and then trying to --
 2 in lots of ways that was the way in which to try to
 3 highlight a problem or an issue at the -- at the time.
 4 But it's another good example of her -- her doing that.

5 Q. Again, it wouldn't have been your role personally to
 6 have investigated these matters, but to have --

7 A. No.

8 Q. -- made sure that other people were?

9 A. Yes. So quite often I think, as you will see through
 10 the record, what I'm doing is hearing about something,
 11 someone's raising an issue with me, and then I am
 12 working out where to put it and how to make sure that we
 13 are, as always, trying to do our best efforts and think
 14 in the biggest way possible. So that's probably how
 15 I try to work in general and it's definitely -- given
 16 very little of this was actually under my kind of
 17 operational management, it was one of the things that
 18 I thought was how I could contribute the most at
 19 the time.

20 Q. Switching back, if we may, because we were talking about
 21 issues about women --

22 A. Yeah.

23 Q. -- and those lists of issues that were, you felt, being
 24 overlooked, this is again something that you sent emails
 25 about, took action about at the time.

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1 a different one, from another civil servant called
 2 Alexandra Burns, and in the first paragraph she
 3 addresses your email about impacts on women and so on,
 4 but then she goes on, and we'll note that this is still
 5 just 13 April, to say:

6 "Separately, I feel like there is an issue bubbling
 7 on another equality dimension -- race. Lots of
 8 discussion starting publicly about the fact it seems to
 9 be hitting ethnic minorities harder."

10 She doesn't know whether it's true or not, although
 11 she clearly thinks it may well be, she can understand
 12 the problem. But then she says:

13 "... do you know if there is any work looking at
 14 this at all at the moment?"

15 Tell us, is that something that you took forward or
 16 that you were aware that others took forward?

17 A. So this is a not uncommon moment when another of
 18 the private secretaries in Number 10 is really
 19 identifying a problem and highlighting it. Quite
 20 helpfully, I think she was the first person to really
 21 start to worry and raise this as an issue.

22 From what I recall, she and I then spoke about it.
 23 She explained a bit more what she was worried about and
 24 I think -- but I'd have to check the record again --
 25 I think we started with the data and trying to get

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1 So if we could go, please, to tab 37 of the bundle,
 2 and it's INQ000308302, an email you sent ten days or so
 3 after the email we were just looking at, towards the end
 4 of April, and you say that:

5 "[You] think that we should make a list of all the
 6 things that have happened because of lack of gender
 7 diversity in decision makers. It isn't enough that we
 8 keep observing this phenomenon ... doesn't matter if the
 9 political team haven't asked or don't seem interested.
 10 As Civil Servants we have a responsibility to find a way
 11 of building this input in so that the country gets the
 12 best outcome. That isn't optional."

13 And so on, and then you start by making a list of
 14 issues which mirrors some of the points that are in your
 15 witness statement: confusion about access to abortion,
 16 guidance on pregnancy, and, the second one, not making
 17 provision for victims of domestic abuse.

18 So do we see here you trying to start a process of
 19 bringing these issues more to light?

20 A. I think -- so this is an email to Kata Escott, as she
 21 said, so just to -- she is another great example of
 22 people who run towards a problem. So she is actually
 23 a former -- she had been the principal private secretary
 24 to the previous Cabinet Secretary and she is one of the
 25 people who stepped up and volunteered to help. So this

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1 is a person I know quite well, which is probably why the
 2 tone of the email is quite brusque, I think.
 3 I certainly wasn't criticising her. I think what has --
 4 I mean, far from it.

5 I think what has happened here is that she and
 6 I have had a conversation, we've thought that raising
 7 things was enough, and then now I'm thinking that, from
 8 what she's just said to me, it's not enough and so we
 9 think about what do we do now. And this -- this whole
 10 time, as is pretty normal in the civil service, you try
 11 something and then it doesn't work so you try something
 12 else and you try something else, and I think that's what
 13 she and I are trying to do here.

14 And then she, who at the time was working in
 15 the team who were providing the advice on Covid, was
 16 making sure from her perspective, as far as she could,
 17 that these considerations were baked into the advice and
 18 thinking.

19 Q. And the theme of this email is, as you say, it's not
 20 enough just to notice these problems, or even to talk
 21 about them, we've got to do something about them; was
 22 further action taken going forward on these issues,
 23 either by you or by others?

24 A. So by her, yes, and I'm pretty sure the record will show
 25 that in terms of what then started to feature in

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1 enough in advance and that then all those people came to
 2 further harm.

3 Q. Just pursuing that issue a little further, if we can
 4 look at paragraph 45 of your statement, please, on
 5 page 25 -- so it's the bottom page, in fact, I think the
 6 bottom four lines -- do you have it?

7 A. Yes.

8 Q. You say:

9 "I remember it being far too difficult to get people
 10 to pay attention to domestic violence and lockdown --
 11 and the Number 10 Private Secretary (Hannah Young)
 12 having to push back against the assertion that it was
 13 not an urgent problem because it was 'not showing up in
 14 the data.'

15 You say:

16 "It is only because of her relentless pushing of the
 17 issue that there was eventually a summit on 'hidden
 18 harms'."

19 That's precisely the kind of thing, you say, as
 20 you've said now, where, with even weeks more to plan, it
 21 may have been possible to avert that harm?

22 A. Yes, and I think it's also -- people don't want to think
 23 about these things. So you don't want to think that
 24 awful things happen to children and partners and parents
 25 in their own home, and if you are a kind of more

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1 the advice that came from the taskforce.

2 Q. Yes.

3 One of the issues we see listed there, which you
 4 have referred to more than once in your statement, is
 5 the question of domestic abuse and I think in another
 6 email you said that you thought it was very likely that
 7 people had died because not enough had been done to
 8 think about how to address the problems that that group
 9 faced.

10 I'm not going to take you to it, but do you recall
 11 that?

12 A. I do recall that, I think that was me reacting to
 13 a Cabinet minute where the -- I think the Prime Minister
 14 said that no one had been harmed or it was something
 15 like that, and I felt that wasn't -- that the Cabinet
 16 minute needs to be accurate and I was concerned about --
 17 obviously that I thought that domestic abuse was sadly
 18 bound to have increased, and I think that it's one of
 19 those areas where, if we'd have just had a month more or
 20 six weeks more, and the sort of people that think
 21 properly about these issues in the centre of Whitehall,
 22 of which there were many, then we might have been able
 23 to do something that mitigated that harm.

24 That is one of the things that -- well, it's
 25 obviously awful that we were not able to think ahead

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1 experienced civil servant or somebody who's worked in
 2 lots of -- you have a different sense, unfortunately, of
 3 these things and I think it goes to who is involved in
 4 advising and decision-making and are they able to bring
 5 the kind of full gamut of what the state actually knows
 6 about what sometimes happens, and I feel that it was
 7 quite lopsided at this point. We were looking at harm
 8 through a very narrow lens without realising that,
 9 of course, there can be all sorts of other consequences
 10 of things you can't see.

11 Q. One of the phrases you used in that part of your
 12 statement was that this issue wasn't considered because
 13 it was "not showing up in the data", and another theme
 14 of your witness statement is this idea of, well, what is
 15 a countable thing? Should we be restricting our concern
 16 to so-called countable things or should we be thinking
 17 more broadly?

18 If we can look at another document, which is tab 11
 19 of the bundle, INQ000286019, we see here another of your
 20 emails, again from April, where you are trying,
 21 I suggest, to capture a series of these either
 22 non-countable or less countable things, and saying let's
 23 put these on the dashboard alongside hospital beds,
 24 deaths, and so on.

25 Just to pick up on what you said a moment ago, is

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1 this the type of thinking that you would have liked to
2 have done if there had been another month or two to
3 prepare for the pandemic?

4 A. Yes, absolutely. So this is an email to Mark Sweeney
5 who was running the economic and domestic secretariat
6 and, if he and his team had been able to spend a bit
7 more time, they would have been able, I'm confident, to
8 have bottomed out all of the other questions we ought to
9 be considering.

10 This isn't a perfect list, and again I'm looking at,
11 you know, a pretty hurried and conversational piece of
12 work rather than something very, very profound and
13 thoughtful. But I definitely thought that from very
14 early on we were looking at the wrong indicators, or
15 rather that there were many, many, many more signs of
16 both what was happening and what the government was
17 doing that we ought to be bearing in mind when we were
18 making decisions, and it sort of gave false comfort to
19 keep on getting ever more precise data about
20 a particular set of things.

21 That is not to say that I don't think both that
22 there was inadequate data -- that was definitely true --
23 and that data matters -- it definitely does -- but it
24 was more that I thought that we were perhaps, as I say,
25 not just focusing -- focusing on countable things and

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1 remember, the team who were working on Covid before they
2 were the taskforce, who had asked the Prime Minister to
3 raise that. I wouldn't have been involved in writing
4 the briefing. But I do remember feeling that
5 I couldn't -- once we got to that point there wasn't
6 much that I could do to keep on pressing this point,
7 because if he thought it was fine then I didn't --
8 that's sort of the end of the road really.

9 Q. Just noticing and remembering that date of 30 April as
10 being the date on which this meeting, you understood,
11 took place, just let's look at one other document,
12 please, and it's tab 21 in the bundle, INQ000286059, and
13 we need to go to at least the second page to see the
14 start of the email chain.

15 We see it starts with an email from you, another
16 email you sent during April, another pursuing of
17 a separate issue. You're emailing Simon and Mary.
18 Remind us who they are, Simon Ridley and Mary Jones?

19 A. Yes.

20 Q. It seems you at least thought that you had sent a number
21 of annoying emails to your colleagues during that
22 period?

23 A. Yes.

24 Q. But you raise with them the question of whether this
25 issue of PPE not being designed for female bodies had,

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1 also possibly counting the wrong things.

2 Q. Just one more area in this narrowed perspective, and
3 that's the question of PPE for women, another issue that
4 you tried to drive forward. If we could look, please,
5 at page 53 of your statement, paragraph 104, towards the
6 bottom of that paragraph, you say that you raised issues
7 about the "inadequacies of PPE for women, and tried to
8 make sure this was taken into account in any new
9 supply". You record that the Prime Minister, I don't
10 know whether this was at your suggestion or not, raised
11 this issue with Simon Stevens, who, as we know, was the
12 chief executive, I think, of the NHS on April 30, and
13 he, that is Simon Stevens, reassured the Prime Minister
14 that the issues with PPE fitting women's bodies had been
15 misreported and there wasn't a problem?

16 A. Yes.

17 Q. Is that something you -- were you there at that
18 meeting --

19 A. Yes.

20 Q. -- or were you told about it?

21 A. Yes.

22 Q. Was it because of your suggestion that this was raised?

23 A. So I wouldn't want to claim single credit at all, so
24 I had -- I had definitely raised this issue a number of
25 times and it was, I presume, the Covid -- I can't

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1 as it were, been considered by those who were sourcing
2 PPE in those early days of the pandemic.

3 A. Yeah.

4 Q. We see both responses that we get back, first of all
5 from Mary Jones:

6 "Hi Helen, I have not heard it discussed ... at the
7 top level meetings ... Simon will be much better
8 informed than me ..."

9 Then if we go back to the first page, the response
10 from Simon Ridley; who was Simon Ridley?

11 A. So the contribution Simon Ridley made during this whole
12 period is genuinely extraordinary, I think, and Simon
13 had been a director general in DExEU, the Department for
14 Exiting the European Union, and he is one of the people
15 that sort of went straight from that into being involved
16 in this nascent Cabinet Office team. I think at this
17 point Simon was maybe running the NHS MIG, I say --
18 sorry, I'm not -- but I think he was running one of
19 them, one of the Cabinet committee groups at that point,
20 and he would have been involved because he was involved
21 I think in the procurement of new PPE as well.

22 Q. Later in the year he became one of the heads or the head
23 of the Covid Taskforce?

24 A. I think much later, after -- yes, so he was the director
25 general, then he worked for Simon Case, and then he

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1 worked for James Bowler, and I think after James Bowler
 2 as a permanent secretary left then I think Simon became
 3 the permanent secretary then, yes.

4 Q. In any event, here's his response back in April to your
 5 email about PPE for women, he says:

6 "... thanks for raising this. I will be honest: it
 7 is not something that's been in conversations I have had
 8 thus far. That's not to say it isn't in thinking, but
 9 I will assume not really and take it up."

10 And he emphasises that diversity is important.

11 A. Yes.

12 Q. Then if we look at the top of the page we can see it's
 13 two weeks later on 30 April, the day, we saw, of the
 14 meeting with Simon Stevens, that Cleo Watson, who
 15 I think was another of the officials in Downing Street?

16 A. She was the deputy chief of staff, yes.

17 Q. Who says:

18 "Astonishing. 2 weeks later and finally raised in
 19 one of these meetings."

20 What do you think she meant by astonishing?

21 Astonishing at how long it had taken?

22 A. So she and I had been talking about this all the way
 23 throughout as well, and it would be unfair to create
 24 the impression that what she's doing here is criticising
 25 Simon and Mary, both of whom I'd worked with extensively

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1 ensure that the interests of ethnic minority people,
 2 disabled people, women, are more properly taken into
 3 account in this sort of situation?

4 A. So I think I'd say two things. Firstly, that I think,
 5 you know, you've heard some great and interesting things
 6 in your first module about how government should be
 7 ready for crisis response, and I would hope that
 8 the suggestion that I think Mr Letwin made, about
 9 creating a bit of machinery that had that responsibility
 10 of auditing and managing plans and managing risk, that
 11 you would want that unit to have that question as one of
 12 the things that it was asking, not just, "Are we ready?"
 13 and "Have we got enough of this thing in that
 14 warehouse?" but have we thought sufficiently about the
 15 impact.

16 I think that there is -- there are legal frameworks
 17 that could be in place that I believe would equip for
 18 better decision-making in terms of this sort of
 19 emergency again. And I also think this is really about
 20 normal civil service work. So in my experience as
 21 a civil servant it is just normal, and actually it's
 22 legally required of you in terms of an equality impact
 23 assessment, to make sure that the work that you are
 24 doing that you understand the impact that it's going to
 25 have.

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1 and have every confidence that what they were doing was
 2 trying to get the thing addressed. I think the reason,
 3 but I am speculating rather than knowing, and
 4 the documents would tell you, is that the reason why
 5 eventually it had to go to the Prime Minister to ask
 6 the question is because they had tried any other route
 7 to get the answer, and then -- you know, using
 8 a Prime Minister in a meeting to ask a question
 9 shouldn't be your first response if you want to know
 10 the answer. It's the point you get to if you can't find
 11 any other way of getting through the system. And
 12 I suspect that's what Cleo means here. She and I had
 13 lots of conversations about this. And in fact everybody
 14 on this email chain are people for -- who were concerned
 15 about the differential impacts on women and were trying
 16 to do something about it, in my view.

17 Q. So, Ms MacNamara, here are a whole series of issues, all
 18 of them linked to this question of narrowed
 19 perspectives, which you were raising in April, and we
 20 have been through them and to a varying degree you were
 21 able to get others to take them on. Looking forward,
 22 perhaps to the next pandemic, it's obvious from what
 23 you've said that you would hope that the Cabinet Office
 24 would have more time to think these things through, but
 25 beyond that, how should the government, do you think,

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1 Now, those things can be laborious and the answer to
 2 everything isn't "let's have another piece of law
 3 about it", but I do feel you have to have structural
 4 forcing mechanisms that don't let you not notice
 5 the impact of the decisions that you're making. And
 6 that matters even in a crisis. And I also think there's
 7 a whole host of other things about culture and
 8 behaviours and the structures and the people and the
 9 skills and experience that are around a Prime Minister
 10 that I hope will be better, because that's what we
 11 collectively all need to do, is just make sure it's
 12 better next time.

13 Q. Thank you.

14 Finally, I've got three further short points I want
 15 to ask you about which don't have much of a common theme
 16 really. The first is about overwhelming the NHS. It's
 17 been a recurring theme and, as I've said, the risk that
 18 the apprehension of overwhelming the NHS was one of
 19 the reasons that the lockdown decision was taken.

20 Of course if one is facing a population level
 21 pandemic and one is talking about hundreds, even half
 22 a million, three-quarters of a million deaths, it's easy
 23 to say in that situation the NHS will be overwhelmed.
 24 What's harder to do is to calibrate where below that
 25 the NHS overwhelm point is, if I can put it that way.

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1 This is something that you address in your statement
 2 at page 89, paragraph 181. I think we might need to go
 3 back to the page before, just to the start of that
 4 paragraph. You say:

5 "It was difficult to get the right kind of
 6 engagement from DHSC or the NHS. There was an inbuilt
 7 reluctance to accept that it was possible to get to
 8 a point where the NHS was overwhelmed and/or to
 9 acknowledge that this would be something that No 10 and
 10 the Prime Minister would need to be across ..."

11 And there's reference to concern that help from
 12 the Cabinet Office might not be helpful, and you say you
 13 kept being told that the NHS capacity was elastic.

14 Then later on, a couple of lines down, you say:

15 "It was only much later that I realised that what
 16 was meant by NHS capacity being elastic was the capacity
 17 of people working in the NHS to work themselves into the
 18 ground to keep people alive."

19 So were you in fact ever able to get to the bottom
 20 of this question of what we mean by the overwhelming of
 21 the NHS?

22 A. So this is in the following winter, so this is
 23 the winter of 2020/21, when -- and this is a place where
 24 I was much more actively involved in managing what we
 25 saw as -- well, and which were -- concurrent and

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1 it going to be about -- because we had learnt a bit more
 2 about how the NHS operates at this point, but was it
 3 going to be about it just wouldn't be possible for there
 4 to be enough ambulances and enough emergency beds in
 5 a particular place so that people could safely be looked
 6 after, or was it going to be a system risk, all of these
 7 pretty, pretty normal questions.

8 I mean, I go on into some of the detail in this in
 9 my statement, but my -- the thing I was finding really
 10 difficult is that it was very, very -- well, it was just
 11 impossible to get anybody to quantify that, to say,
 12 "We will know two weeks before we hit an absolute crisis
 13 point that we are heading for a crisis point", and then
 14 what is our plan B. And partly because, as I'm sure
 15 anybody would understand, if you had been through that
 16 experience that we -- some of us had been, we just were
 17 really possibly -- I don't think it was overconcerned,
 18 but we were extremely concerned about seeking to do
 19 whatever we could do to try to avoid this problem. And
 20 my reflection about it being the people is -- is after
 21 I left that I understood it more.

22 And I think the other thing about the NHS being
 23 elastic is the NHS is much more than just acute care and
 24 acute hospitals, and it had been my experience of
 25 working in government for a long time that when

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1 compound risks of what was going to be happening in
 2 the winter of '20/'21, so most of the work that I did in
 3 relation to Covid in the autumn was around thinking
 4 about how we just could not possibly -- I couldn't bear
 5 it if we were in the same position as we had been in the
 6 spring, and we created a small team in the
 7 Cabinet Office to manage these winter pressures. This
 8 was the winter when we were going to practically be
 9 managing through the impact of leaving
 10 the European Union, and the CDL in particular was really
 11 clear on how we needed to manage these things together
 12 and gave us some great political leadership at that
 13 period to try to manage the concurrent risks. Winter
 14 for government anyway, and I had experience of this
 15 previously in the Cabinet Office, you quite often have
 16 to do winter-readiness exercises, because the severe
 17 weather plus the NHS in normal times can get
 18 overwhelmed, it's a pretty normal, I would say, thing
 19 for the Cabinet Office and for government to focus on.

20 So, sorry, I just wanted to set out that context,
 21 because then there was at the same time this concern
 22 that I had, probably again thinking back to March, of
 23 how would we be able to identify the point at which we
 24 thought that it was likely the NHS got overwhelmed, and
 25 was this going to be in a particular geography, so was

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1 people -- you know, when -- the institution of the NHS
 2 tends to focus and talk much more about that than it
 3 does about public health or GPs or all of those other
 4 things, and I think, again looking back, I think we were
 5 not just -- weren't concerned enough about the actual
 6 kind of overall health of the population as opposed to
 7 what we would do if there wasn't -- if there were
 8 ambulances queued up outside three hospitals in the same
 9 geography.

10 So -- sorry, I think it's just a slightly broader
 11 point.

12 Q. No, it's all very helpful.

13 Let me move on and ask you about a different issue,
 14 and that's children. There is a passage in your
 15 statement, I'm not going to take you to it, where you
 16 describe the issues around the grading disputes for
 17 exams in the summer of 2020, the problem emerging in
 18 Scotland, and then happening in England. Apparently,
 19 no one had really thought about trying to address
 20 the problem in light of the Scottish experience in
 21 England.

22 Let me take you, though, at least to paragraph 164
 23 of your statement, page 81 I think. This is the sort of
 24 conclusion of that process. I think it's right to say
 25 you did some work to try and understand what had

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1 happened, and you sent some people into the Department
 2 for Education to try to assist with that.

3 A. So this is when the Cabinet Secretary was away before
 4 the new Cabinet Secretary was appointed.

5 Q. Yes.

6 A. So that's partly why I was doing it.

7 Q. Exactly. So if we can go on to the next page, in
 8 the end, as a result of all that happened, and you
 9 describe it in your witness statement, you say:

10 "[You] thought that in the circumstances it was
 11 untenable for the Secretary of State ..."

12 I think you mean Gavin Williamson.

13 "... to continue in post but [you] could understand
 14 the argument for leaving him there [for a short while]
 15 until the schools had returned ..."

16 And that's what Simon Case relayed about what
 17 the Prime Minister intended to do.

18 So do we take it that, on your evidence, your
 19 understanding was that Gavin Williamson would not remain
 20 the Education Secretary, at least for any length of
 21 time, at that point?

22 A. Yes, that was what I was told and that was in relation
 23 to the fact that the permanent secretary had effectively
 24 had to resign and it felt that, if that was the case,
 25 then -- I was told the same thing was going to be true

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1 who are in rooms in Whitehall taking decisions, and
 2 I think it's -- it's related a little bit to my point
 3 about domestic abuse, is that you just shouldn't as
 4 a state, as a government, be able to not know and
 5 understand the whole population in your decision-making,
 6 particularly the people who are outside of your
 7 day-to-day experience, and that causes problems if you
 8 think that your life is the same as everybody else's,
 9 and it's kind of fine to do that as an individual but
 10 institutionally it's really wrong.

11 Q. The last of these three topics, Ms MacNamara, is the
 12 question of the second lockdown: autumn/early
 13 winter 2020.

14 We've heard a lot of evidence in the last few days
 15 about that, about indecision, about Boris Johnson and
 16 his government not taking the scientific advice, much of
 17 which was eerily similar to the advice that had been
 18 given earlier in the year. We've heard references to
 19 trolleying, to chaos, to dysfunction.

20 There's a passage in your statement where you,
 21 I think, try and crystallise your thoughts about this.
 22 That's page 90 of your statement, paragraph 183.

23 If we pick it up about eight lines down, it says:

24 "The Prime Minister rarely accepted that to govern
 25 is to choose. He really did want it all and changed his

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1 for the Secretary of State.

2 Q. Yes. So exams: you also address the question of schools
 3 closing/not closing in early 2021. But more broadly,
 4 are these two incidents examples of a deeper problem,
 5 that the interests of children, and no doubt their
 6 parents and others they're associated with, weren't
 7 properly considered alongside all those other interests
 8 that we've been discussing?

9 A. Yes, and I think it's the invisibility which is my
 10 concern about that. It's because you can't see the
 11 problem that you are creating in the future, if you
 12 like, and I think one of the responsibilities of good
 13 government is to do that, is to make 20 years' problem
 14 today's issue to be addressed and it felt that that
 15 wasn't really material.

16 I also think, going back to my narrowed perspective
 17 point, it was really striking at the time for those of
 18 us who have children in state schools, like the vast
 19 majority of the country, that the differential
 20 experience of some children and other children and
 21 I would -- you know, my children are obviously,
 22 you know, fortunate in so many other ways that in terms
 23 of the access they have, and there wasn't enough
 24 thinking about the overall experience of children who
 25 might not have quite the same privileges as the people

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1 mind often. The decision making swung between two
 2 extremes; the Prime Minister's undoubtedly liberal
 3 instincts and then the extremes of shutting everything
 4 down, when in reality all of the discussion and debate
 5 and choices were in the middle."

6 Taking it shortly, what were your reflections about
 7 the experience of the second lockdown?

8 A. So I'll start with this point: I think by this stage
 9 it's become really clear to me that the advice from the
 10 officials who are supporting the Prime Minister and his
 11 ministers in taking these decisions is uncomfortably
 12 close to everybody to the political decision-making and
 13 I don't say that -- that's not a party political point
 14 or anything else, it's that if you are people working
 15 and trying to work for a prime minister who is changing
 16 his mind a lot and if you've got -- you want to make
 17 sure the right thing happens, and so you tailor your
 18 advice ever closer to where he is to see if maybe you
 19 can get even closer and maybe get him 50% of the way to
 20 something that, you know, is better than nothing.

21 What you are not able to do is say this is 100% --
 22 well, you can't even say it's 100% of the right answer,
 23 but there was just too -- they were far too close to
 24 having to kind of I think I've called it ride the tiger
 25 here or something, of the -- far too close to having to

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1 actually stay with what was a quite politicised
 2 environment in terms of it was about what was acceptable
 3 and what was the right political thing, as opposed to
 4 the thing I think would be better in future
 5 circumstances if there was a bit more insulation between
 6 the people who were giving the advice to the best of
 7 their ability, laying out all of the facts, and then
 8 allowing ministers to decide.

9 I appreciate that will be uncomfortable for lots of
 10 other reasons but I just don't think there was
 11 sufficient insulation between those teams at that point.
 12 And that is absolutely not to criticise the individuals
 13 involved but it just all got too much kind of swirled
 14 together, and so I don't feel those sorts of structures
 15 gets the best from the civil service.

16 I think that it was just extraordinarily frustrating
 17 to see some of the same patterns emerge in March, and
 18 part of that was because by then we had a whole load of
 19 new fresh people and so, at this point in time, I had
 20 resigned from the civil service but I was determined
 21 I was going to stay for as long possible to manage as
 22 much of the winter as I felt that I could, partly
 23 because of my experience early on.

24 One of the things that was really challenging about
 25 doing that, and I can see when I go back into my own

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1 record that my tone becomes even more kind of anxious
 2 and worried and firm about what we should and shouldn't
 3 be doing, was because we had new advisers, we had
 4 a different political team in Number 10, we had civil
 5 servants who hadn't been around in March, some of whom
 6 made the mistake of thinking that everybody who went
 7 before sort of wasn't as good as them, and that's
 8 an easy thing to think, but there was a horrible kind of
 9 repeat pattern that was going on then, and that
 10 decision-making was way too political, and I don't think
 11 there was the space for the civil service to be its best
 12 self.

13 **MR O'CONNOR:** Ms MacNamara, thank you very much. Those are
 14 all of the questions that I have for you.

15 **Questions from THE CHAIR**

16 **LADY HALLETT:** Could I ask just one question, Ms MacNamara,
 17 before we let you go, if I can get it out.

18 The relationship between special advisers and senior
 19 civil servants: Mr Cummings, I think in his written
 20 statement, objected to his being called a chief of staff
 21 by some people.

22 A. Yeah.

23 **LADY HALLETT:** Is there -- there isn't a chief of staff?

24 You spoke about somebody who was a deputy chief of staff
 25 earlier.

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1 parallel groups, which is unusual compared to
 2 departments.

3 In theory, special advisers are not supposed to be
 4 able to direct the civil service. I think at this time
 5 that was very, very, very theoretical.

6 What kind of keeps us all anchored safely
 7 constitutionally, if you like, is that the special
 8 adviser is normally working for the Prime Minister or on
 9 behalf of the Prime Minister. So if I think back to
 10 previous times, I would be very clear when I was asked
 11 to do something by a very senior adviser in Number 10,
 12 they were asking me on behalf of the Prime Minister and
 13 that was not clear at this -- so that's one of the other
 14 things that's problematic, is that it wasn't asking on
 15 behalf of the Prime Minister, it was asking separate to,
 16 which the wiring of those systems doesn't work if that's
 17 what -- if that's what happens.

18 **LADY HALLETT:** That's what I was wondering.

19 A. Yeah.

20 **LADY HALLETT:** Thank you very much indeed, Ms MacNamara.
 21 I'm extremely grateful to you and sorry we've kept you
 22 here for so long.

23 **THE WITNESS:** Don't worry. Thank you.

24 **LADY HALLETT:** Thank you.

25 **(The witness withdrew)**

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1 A. Yes. So the -- Mr Cummings never wanted to be called
 2 "chief of staff", I remember that. I think he thought
 3 that -- well, I can't remember now, but he wanted to be
 4 called "senior adviser" or something. There's no
 5 question in anyone's mind who was the Prime Minister's
 6 most senior political adviser: it was him.

7 I think, but I'm sorry I can't remember, I think
 8 Ed Lister might have had the title "chief of staff" at
 9 that point, and the Prime Minister absolutely and
 10 definitely relied on him, and Ed Lister had much more
 11 operational experience of government and of how things
 12 worked. So, in practical terms, Ed was probably -- was
 13 really helpful on particularly the autumn lockdown and
 14 managing -- Ed did much more the operational
 15 implications of the decisions that had been taken and
 16 I think that Mr Cummings did much more of the ideas,
 17 I would say.

18 I don't know how helpful that is.

19 **LADY HALLETT:** Special advisers presumably are meant to
 20 advise. They're not decision-makers, or ...

21 A. They are absolutely meant to advise.

22 **LADY HALLETT:** But they can instigate areas of enquiry, can
 23 they, and research --

24 A. They definitely can, and Number 10 has got more
 25 political advisers and civil servants together as two

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1 MR O'CONNOR: My Lady, we'll move straight to the next
 2 witness, Dr Halpern.

3 LADY HALLETT: Thank you.

4 MR KEATING: So, my Lady, can I call Professor Halpern,
 5 please.

6 PROFESSOR DAVID HALPERN (affirmed)

7 Questions from COUNSEL TO THE INQUIRY

8 MR KEATING: Thank you. Could you give us your full name,
 9 please?

10 A. Yes, I'm David Halpern, Professor David Halpern of the
 11 Behavioural Insights Team.

12 Q. Thank you.

13 Firstly, thank you so much for attending today and
 14 assisting the Inquiry with its investigations.

15 A few things by way of preliminary matters. If we
 16 can both keep our voices up, secondly speak slowly so
 17 that your evidence can be captured and my questions can
 18 be captured. If we can avoid, if we can, overspeaking,
 19 because it doesn't assist with the transcript.

20 You've helpfully provided a witness statement dated
 21 19 May of this year. We can see it in front of us. In
 22 relation to that, it runs to 65 pages and you've signed
 23 that at page 63, and you've had a chance to refresh your
 24 memory in relation to that, and can you confirm that
 25 that is true to the best of your knowledge and belief?

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1 Lastly, we'll conclude and touch -- and I emphasise
 2 touch upon -- what you describe as "Covid missteps" when
 3 we look at lessons learned.

4 Is that okay?

5 A. Yes.

6 Q. Professional background.

7 And again forgive me for perhaps dominating the
 8 strike in speaking so much at the beginning, but I can
 9 perhaps deal with this quite shortly.

10 We see it at page 2 -- forgive me, at paragraph 4.
 11 We see your background initially that you, as we know
 12 from your title as a professor, you're an academic with
 13 a lifetime tenure at the University of Cambridge and
 14 you've held posts at Oxford and Harvard.

15 We can touch upon when you first worked in
 16 government. From 2001 to 2007 -- it's at paragraph 3 of
 17 your statement -- you, on loan from Cambridge, is that
 18 right, that you assisted the former Prime Minister
 19 Tony Blair as the chief analyst in the Prime Minister's
 20 strategy unit?

21 So you were there for roughly six years, and from
 22 there you became the founding director and research
 23 director of the respected independent think tank, the
 24 Institute for Government; is that right?

25 A. That's correct.

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1 A. Yes, I can, thank you.

2 Q. As you indicated, you are here on behalf of the
 3 Behavioural Insights Team. You're now the president.
 4 When you drafted this statement you were the chief
 5 executive officer and you're here to provide an overview
 6 of the role you played on behalf of that organisation
 7 during the Covid pandemic.

8 It's an extensive statement. We can see at the top
 9 right-hand corner 105 exhibits and even those are quite
 10 substantial in themselves. It traverses many issues.
 11 We're not going to cover them all today. The first
 12 point, of course, is that your statement and those
 13 exhibits go into evidence; so we have that and that
 14 assists the Inquiry.

15 But I want to focus upon four areas: one main area
 16 and three secondary areas. The first area is really
 17 touching upon your background, which we will in
 18 a moment, and what the Behavioural Insights Team is.

19 Secondly, at the heart of your evidence, focusing
 20 upon your involvement particularly in February and
 21 March 2020, assisting and advising those at the heart of
 22 government.

23 Thirdly, understanding and compliance of social
 24 distancing from a behavioural perspective, bearing in
 25 mind your expertise in that field.

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1 Q. And we're familiar with the organisation and we've had
 2 a number of reports referred to. Indeed, we've had
 3 evidence from Alex Thomas already during this Inquiry.

4 Thereafter, once you finished at the IFG, you became
 5 a director of Behavioural Insights Team in 2010-2014.
 6 Did you set it up?

7 A. Yeah. So I went back -- it's quite unusual, perhaps --
 8 to Downing Street in 2010 to do a range of things which
 9 the then Prime Minister David Cameron was interested in.
 10 That included behavioural science -- actually, it also
 11 included things like his interest in wellbeing or other
 12 aspects of public service reform.

13 Q. Yes. So you've had experience with Tony Blair,
 14 David Cameron and, before we turn to Behavioural
 15 Insights Team, you also mention your experience in What
 16 Works group. Perhaps you could briefly explain what
 17 that was.

18 A. So What Works, and one of the things that may come
 19 through today, is the idea it's a simple question: what
 20 does work in government and policy and practice? And so
 21 it was to try and drive a more empirical, if you like,
 22 evidence-based approach to government. So I took up
 23 this role a day a week, essentially at the request of
 24 the then Cabinet Secretary, Jeremy Heywood, as the UK's
 25 What Works national adviser, which I did for ten years

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1 pretty much.

2 Q. So for perhaps a number of decades, in fact, you've had
3 access to and advised Number 10 in relation to these
4 matters?

5 A. Yes.

6 Q. Let's turn to the Behavioural Insights Team, also known
7 as the Nudge Unit, formed 2010 as part of the
8 Cabinet Office, and what was its purpose?

9 A. So in the words of the coalition agreement, it was to
10 support people to make better choices for themselves.
11 In more everyday speak, most government policy issues
12 concern human behaviour, be it public health, trying to
13 live more healthfully, paying taxes, getting people back
14 to work. When you look at it, most public policy issues
15 concern human behaviour and the strange thing is there
16 wasn't much expertise in government about that.

17 So it was set up as an experimental team, very
18 small, seven people, to try and introduce that kind of
19 expertise into government, we actually set it up with
20 a two-year sunset clause on the basis of if it didn't
21 work, then it probably wouldn't work, then it would
22 automatically be shut down.

23 Q. And the sunset clause wasn't exercised because it
24 continued within Cabinet Office until 2014, and then it
25 was positioned outside Cabinet Office, is that correct,

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1 and then in due course it became independent,
2 a completely independent entity?

3 A. That's correct, which is what it is today. Essentially,
4 because it was seeming very effective, we were receiving
5 requests from many other governments and other parts of
6 government to help. It's quite complicated to receive
7 money from another government as part of Downing Street
8 and so it was felt it was better to set it up in the
9 semi-independent and then, eventually, fully independent
10 form.

11 Q. Yes, and during Covid you were at that semi-independent
12 stage?

13 A. That's correct. We were co-owned formally by the
14 Cabinet Office and I also did a day a week directly as
15 national adviser.

16 Q. In relation to the work the Behavioural Insights Team
17 did, it was advisory, it had no decision-making power.
18 And you said that -- I'll summarise what you say in your
19 statement in relation to this -- it received inputs from
20 multiple government departments and you would supply
21 notes, run experiments to help predict behavioural
22 responses to policy options and take part in policy or
23 analytical discussions.

24 Moving on to our second topic, and again the main
25 part of your evidence that I want to draw out today is

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1 how you became directly involved in the response.

2 We see at paragraph 18 of your statement that you
3 became formally involved on 14 February,
4 Valentine's Day. That's when you were called upon.
5 Chris Wormald, the permanent secretary at the Department
6 of Health and Social Care, called upon you. And is this
7 a fair summary, that over the next month that you were
8 drawn into more and more meetings closer to the heart of
9 government?

10 A. Yes, I think broadly it is. The request came, as you
11 say, directly from Chris Wormald, the perm sec at DHSC,
12 but inevitably, even in order to our core work, we
13 needed to understand what was the transmission
14 mechanisms as it was understood, what were the other
15 policy issues. And so we were therefore pulled into
16 other meetings, including in Downing Street and
17 Cabinet Office.

18 Q. Rather adopting your phraseology of "what works", the
19 picture from the statements is that you were asking
20 multiple questions of multiple people trying to find out
21 what the problem is and how to find a solution?

22 A. Yes. When we'd originally built the Behavioural
23 Insights Team, we also built it on the back of what had
24 been the strategy unit. In order to affect someone's
25 behaviour, you need to figure out what is going on,

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1 what's the cause of the behaviour, but also, in the case
2 of Covid, what's the transmission mechanism? So how is
3 it being spread, if it's on hands or if you're coughing?

4 So it leads to quite practical questions around what
5 exactly is going on in order to be able to answer it
6 and, of course, this ranges from every aspect from first
7 line of defence when you've only got public health
8 issues like, you know, washing hands through to when you
9 move into you want people to take a test. Well, will
10 they turn up, you know? Will they stay at home if you
11 ask them? And even when you have a vaccine later on, a
12 vaccine, of course, is not a vaccination until someone
13 physically turns up and says, "Yes, you can stick it in
14 my arm".

15 Q. So pausing there, because there's a huge amount of work
16 that you did --

17 A. Of course.

18 Q. -- and you've summarised that, that you ran 57 online
19 experiments, four field experiments, and you provided
20 41 policy notes and were involved in eight longer
21 projects; so a substantial body of work that you were
22 involved with over this period of time.

23 In relation to the work you were doing, was it on
24 a UK basis, was it England, was there any consideration
25 of the boundaries between England and the devolved

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1 administrations?

2 A. So a bit. Our commissions mainly -- and, in fact, you
3 can see the main headlines just summarised there because
4 of those bodies of work, they're studies --

5 Q. Yes.

6 A. -- was mainly Department of Health, sometimes Cabinet
7 Office because we still had a core contract with
8 Cabinet Office. I don't recall any direct commissions
9 from the Scottish Government. We did do some work in
10 Wales. We did sometimes get commissions from local
11 government, Manchester or whatever. I don't recall
12 doing stuff in Northern Ireland. So mainly centre
13 government in UK Westminster.

14 Q. Thank you. And in relation to the scope of your initial
15 instructions back in February 2020, and we can see that
16 at paragraph 18 of your statement there, that initial
17 meetings with the permanent secretary, and in due course
18 Matt Hancock, but your scope really there was to assist
19 with the behavioural aspect of how the public would
20 engage with the government's response to Covid and we
21 see "provide advice on how the government would
22 communicate Covid-related messaging so the public
23 recognised the severity of the virus whilst avoiding
24 public panic". It sounds very easy when you read it out
25 like that, but it's actually quite a difficult balance

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1 regret messages which you are pretty sure will be good
2 things, generally are doing no harm almost for sure. So
3 hand washing became very rapidly, even by the time we
4 were engaged -- had been highlighted as an obvious thing
5 to try and slow transmission so yes that would be
6 an example of a no regret it's hard to think of examples
7 of washing your hands doing much harm.

8 Q. No, I can't think of one. But in relation to that
9 hand washing, that was a considerable amount of your
10 work -- when I say "your", the organisation's work --
11 during those early days in February and into March;
12 isn't that correct?

13 A. In those very early days, yes, that's correct. And
14 maybe it's an illustration we can use for a minute about
15 the nature of the work that we would do. It might seem
16 an obvious thing. Many of you would have seen the
17 posters, those green posters with the hand, they're
18 still up across Britain. So if you think about your
19 challenge, someone is going to look at that for a few
20 seconds, and the question is: how can you get as much
21 information across as possible in that poster?

22 So, you know, you wouldn't dwell on it but what we
23 would do is we would literally test, and we did test,
24 variations in posters, variations in messages, with
25 thousands of people, and say: what -- you see it for

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1 to provide information but also not to commence public
2 panic; is that fair?

3 A. Yes, quite so. We had, of course, previously worked on
4 some other crises in government, not least fuel crises,
5 where some of you may remember -- my Lady may
6 remember -- you had a minister who said, well, just fill
7 up a jerrycan and of course that led to mass panic,
8 everyone filling up their cars and the whole system
9 crashing.

10 So, yes, on the one hand you want to inform the
11 public, not least about what can they do to protect
12 themselves and their family; on the other hand,
13 of course, you want to avoid panic. Generally, you
14 don't have panic actually but you can see in this case,
15 of course, a legitimate concern.

16 Q. Yes. So one of the first public messaging programmes
17 you were involved in was "No Regrets" -- or no-regret
18 public messaging was the type of messaging you were
19 involved in?

20 A. Yes. So our belief has always been if we're asking the
21 public to do something, people have many other things in
22 their lives, let's make sure that it's authentic in the
23 sense that it's going to work, going to do some good for
24 them, and early on when there is uncertainty
25 particularly your attention is drawn to so-called no

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1 a few seconds, like in the real world, "What did it say?
2 Can you remember?" If you can't remember five seconds
3 later, it's not likely to be effective. "Would you
4 intend to do that? Would you wash your hands?"
5 You know?

6 So we would test that, and essentially by testing
7 variations you can tune and improve it so that the final
8 one that most people would have seen had gone through --
9 in fact you can -- you will see and you have in the
10 evidence a number of iterations which would increase
11 public comprehension. So it's -- even a trivial
12 example, if you looked at it across -- you would see
13 the message gets simpler, the words get bigger, some of
14 the confusion disappears. Do you need the NHS brand or
15 government brand or is it just distracting you? That
16 the image, the early images were quite a confusing
17 image, it was -- what was it? It was actually hands on
18 a rail.

19 Q. Just pausing there for a moment.

20 A. Sorry.

21 Q. I'm conscious that it's a product of a huge amount of
22 work you've done.

23 A. Yeah.

24 Q. And it's an illustration, is it not --

25 A. It is.

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1 Q. -- that evidence-based decision-making takes time and
 2 a number of iterations to perfect the message?
 3 A. It does take time, although a key issue is not as much
 4 time as you think. I mean, those things were assembled
 5 with experiments with thousands of people over days,
 6 not weeks or months, and it's a key question, in our
 7 view, about there are lots of these practical issues
 8 which are critical to effective policy or delivery which
 9 actually you need to handle in that empirical way.
 10 Q. In relation to your involvement we can put hand washing
 11 to one side, that work was still ongoing, but your
 12 involvement expanded and you were in touch with
 13 Professor Whitty on 18 February asking the questions you
 14 have alluded to already in relation to Covid
 15 transmission mechanism.

16 Again, very briefly, what was your understanding of
 17 Covid transmission at that stage, on 18 February?

18 A. Sir Chris very generously helped us, and we had that
 19 early briefing, particularly to understand what was
 20 the transmission mechanism. So, again, it might seem
 21 trivial and everything but if you think, for example,
 22 it's airborne, it may be different than if you think
 23 it's so-called fomite, when you cough it's on
 24 a surface --

25 Q. Yes?

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1 a lot about behaviour but we're not medical experts and
 2 therefore we are very much relying on it, but that was
 3 very, very strongly the impression -- well, graphs on
 4 the wall and so on.

5 Q. So was the impression from your understanding that it
 6 was a matter of not if but when this virus was going to
 7 be -- and its unstoppable once community transmission
 8 occurred?

9 A. Yes, that conditionality being important but yes in that
 10 time I think people were still hoping, if not expecting,
 11 that it would be possible to contain the virus through
 12 the work of Public Health England and others, but yes,
 13 once it got out more generally that it would be pretty
 14 much unstoppable and therefore the implication was
 15 mitigating the negative effects rather than being able
 16 to contain it.

17 Q. And at that stage, bearing in mind this meeting with
 18 the caveat, but were you content that the publications
 19 sufficiently represented the risk to the public as
 20 understood at that time?

21 A. I would have to look back at it, but I think it was
 22 pretty straightforward that -- the implication, if you
 23 read it, a lot of people were potentially going to die.
 24 And indeed there was specific discussion about
 25 the inclusion of the numbers of deaths in previous

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1 A. -- right? If you think it's on a surface, then you're
 2 going to spend a lot of time cleaning surfaces. If you
 3 think it's in the air, it's a different strategy.
 4 So he took us through what was understood about
 5 the virus, his understanding of those transmission
 6 mechanisms and, therefore, to help us work out what were
 7 the points behaviourally that you might be able to
 8 introduce to reinforce support people to slow down the
 9 spread of the virus.

10 Q. Moving on to 20 February, meeting at DHSC, and you were
 11 examining government publications, and we can see this
 12 at paragraph 23, in fact, of your statement. So another
 13 meeting, one of the many you attended at DHSC, was to go
 14 over a government publication online, and the issue was
 15 around the level of detail to include so that people can
 16 be warned about what's going to happen and the range of
 17 possibility of what might happen.

18 The bottom of that paragraph I just want to focus
 19 upon is about this:

20 "The strong expectation in the room from the medical
 21 experts [on 20 February] was that the 'wave' would be
 22 unstoppable once community transmission occurred ie once
 23 the 'contain' phase was left."

24 Is that right?

25 A. That is correct. I mean, of course I think we know
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1 pandemics, not least so-called Spanish flu, which it
 2 kept -- introduced a reference point about
 3 the seriousness of the situation, and there was
 4 discussion whether to include that, and our view was
 5 people need to be correctly calibrated about what
 6 the risk is. Not afraid but correctly calibrated. So
 7 it seemed a sensible thing to do.

8 Q. I'm going to use a different phrase, not calibration,
 9 but did you have any concerns that this information was
 10 cutting through, that there was sufficient public
 11 awareness of the risks around that time?

12 A. So this is late February --

13 Q. We're 20 February, this is before your meeting in due
 14 course on 25 February, just before Lombardy becomes more
 15 high profile.

16 A. So I didn't think it was way off, but in the days that
 17 follow it -- I mean, as you know I was -- talk about --
 18 I actually had to be away for work and, particularly
 19 returning in late February, I was pretty surprised that
 20 we were not seeing posters in profile.

21 But remember on the 20th you're still talking about
 22 contain, and therefore it's very small numbers. You're
 23 really relying on PHE to try to do their job and
 24 everyone hoped that, like SARS or previous issues, it
 25 would be contained.

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1 Q. Let's move on to a meeting you had with Dominic Cummings
 2 and Ben Warner on 25 February, we can see that at
 3 paragraph 25, Ben Warner being a data scientist who we
 4 are going to hear evidence from next week.

5 And it was a meeting on non-Covid matters, as it
 6 happened, but you say here:

7 "... we took the opportunity to compare notes and
 8 share concerns."

9 So by this stage, the dreadful events in Lombardy
 10 were in our consciousness, we could see what was going
 11 on on the televisions and the dreadful loss of life
 12 which was beginning to emerge over the days in Italy.

13 What concerns, if any, were expressed to you by
 14 Ben Warner and Dominic Cummings at this meeting?

15 A. So I don't think Dominic Cummings was at that meeting.
 16 I think it was only Ben, from memory.

17 Q. Forgive me.

18 A. It was a meeting, I mean, as indicated there, primarily
 19 looking out -- remember Ben had been brought in to try
 20 to increase the kind of quantitative, mathematical data
 21 science capability in Downing Street, so we were --
 22 a lot of it we were talking about that in general terms,
 23 is actually my memory, but I'm sure we were starting to
 24 talk in this period about, what are the data flows, what
 25 is the modelling, is it good enough, and so on.

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1 A. Well, of course, this is -- the work on Covid was
 2 starting to really take over my life and many others,
 3 but it was particularly -- we were really still trying
 4 to understand the transmission mechanisms in detail.
 5 You know, we were very interested in the detail because
 6 we're trying to, you know, guide people, you want to
 7 guide to what's effective. So, I mean, a simple example
 8 would be -- I touched on this issue about surfaces, and
 9 the guidance was being assembled -- well, do you need
 10 everybody in schools to be cleaning every floor or not?
 11 Like, is that relevant, is it not?

12 There was particular work -- so James Rubin, who
 13 I know you've spoken to, had done an absolutely
 14 excellent review on quarantine, looking at the evidence,
 15 and the extent to which people would sustain
 16 quarantining behaviour over long periods, to which his
 17 general conclusion was yes.

18 So we were very much in sort of sponge learning mode
 19 still, what can we learn about, you know, these
 20 mechanisms, previous analogous behaviour. Also, on the
 21 medical side, what is your best understanding on these
 22 transmission mechanisms?

23 So the last thing we want to be doing is telling
 24 people in campaigns to do XYZ but it's not going to be
 25 effective.

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1 I actually remember Ben Warner at that stage, you
 2 can ask him directly, was quite upbeat about the
 3 modelling and its quality, which was a sort of a good
 4 comfort. But yeah --

5 Q. So a touch base?

6 A. Yeah.

7 Q. Alive to the -- what was going on in the wider world,
 8 but no significant concerns at this stage?

9 A. Well, remember, a lot of normal government was still
 10 carrying on at this period.

11 Q. Yes.

12 A. And we look back and we can see the whole story, but at
 13 that point it hadn't really hit in force, certainly in
 14 the centre of government.

15 Q. What we're interested in is your perspective and your
 16 experience as you had interaction with central
 17 government.

18 On 26 February, the next day, this isn't
 19 a government interaction, this is when you attended
 20 a Royal Society seminar, and we've heard evidence from
 21 the president of the Royal Society, and this was
 22 a seminar to discuss quarantine as it related to the
 23 current Covid outbreak. You recall attending that
 24 meeting, that seminar. What impact, if any, did that
 25 have on you?

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1 Q. Yes.

2 A. We want to direct attention, it's a precious thing, to
 3 things that would actually make a difference to help
 4 people protect themselves and their families.

5 Q. And this work and this information finding is in
 6 a context when there is discussion, in broad terms,
 7 regarding quarantine and testing and obtaining better
 8 data; is that right?

9 A. Yes. You know, we were very interested in testing and
 10 data, and we can talk about that later if you want, but
 11 yeah every aspect of it. But even -- you mentioned
 12 testing. Let me just introduce why, behaviourally, we
 13 would also be interested in it, of course you want to
 14 know about how a disease is moving through a population
 15 or not and -- and build up where's your best place to
 16 put your testing if you've got limited capacity, but you
 17 also want to look at its behavioural capacity, so if I'm
 18 going to say, "You need to quarantine now, Mr Keating,
 19 for the next two weeks, will you do it?" are you more
 20 likely to do it if we said, "You need to take this test,
 21 and it looks like you've got Covid", well, you can
 22 imagine what the answer is, but it's an empirical
 23 question. Or even, "It may be too soon to say, we want
 24 you to quarantine for two weeks, by the weekend we will
 25 test you", and then that will confirm -- see what

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1 I mean?

2 Q. Just pause there.

3 A. So these behavioural consequences.

4 Q. Thank you. I'm --

5 LADY HALLETT: Are you continuing with that subject?

6 MR KEATING: I can pause there, because I'm conscious we've
7 been going a long time.

8 LADY HALLETT: Well, I've just had a message.

9 MR KEATING: Yes.

10 LADY HALLETT: If that's okay, right. I shall return in
11 15 minutes.

12 MR KEATING: Thank you.

13 (3.10 pm)

(A short break)

14 (3.25 pm)

15 LADY HALLETT: Mr Keating.

16 MR KEATING: Thank you, my Lady.

17 Professor Halpern, we were going to deal with the
18 topic of SAGE and how it came about that you were at
19 a number of SAGE meetings.

20 In the timeline, the 27th meeting, you were at
21 Number 10 in a meeting in the Cabinet Room which was
22 chaired by Matt Hancock, dealing with a number of the
23 issues and pinch points.

24 As a result of that and your dealings with

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1 Patrick Vallance at that time, you were asked by him to
2 join SAGE; is that correct?

3 A. That is correct, yes, in the wake of that meeting.

4 Q. What was the rationale for you being asked to join SAGE?

5 A. Well, of course, you can ask Sir Patrick Vallance. It
6 seemed there were two main issues, I think. One is,
7 we'd -- and I'd mentioned to him about some modelling
8 work we thought was very good, particularly linked to
9 Hannah Fry, the mathematician, the simulation of
10 a spreading of a coronavirus, which we thought had some
11 very powerful insights in it. We were also very
12 interested in details of the transmission, as
13 I explained earlier, including the extent to which
14 which behaviours would protect both individuals and
15 populations.

16 So Sir Patrick was very keen that there be one
17 voice, one view on this, and so he encouraged -- in fact
18 asked me to join SAGE meetings accordingly.

19 Q. And we know that you, from 3 March to 23 March, were at
20 six meetings, the first being on 3 March. Then on
21 5 March, the second meeting you attended, your summary
22 of this, which I'm going to read very briefly, is that
23 it considered how to communicate in a way that would be
24 effective and which would not panic people, that theme
25 continuing.

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1 10 March your view of that meeting as summarised in
2 your statement:

3 "At this stage there appeared to be a view within
4 SAGE that Covid was an unstoppable wave and containment
5 of the virus would not be a viable option."

6 13 March, the next meeting you attended, and this is
7 the one where your concerns crystallised and you
8 describe how the penny dropped, and we'll refer to that
9 shortly.

10 Then there are two more meetings you attended on the
11 18th and 23rd. But after the 23rd your invitations to
12 SAGE ceased. Any particular reason why that was?

13 A. I actually don't know. I did ask Patrick once, but
14 SAGE -- its membership can change, and it's for the
15 government, you know, Chief Scientific Adviser to
16 decide. It -- essentially when it went online rather
17 than in person, I don't know, I didn't seem to get the
18 invites any more, but we were pretty busy doing other
19 work, so --

20 Q. Of course, which you've set out in your statement.

21 A. -- it's for Sir Patrick to decide.

22 Q. The next subtopic is herd immunity.

23 A. Yes.

24 Q. We've heard a lot about it. You have had some
25 involvement in this and I want to touch upon your

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1 understanding of that strategy from your contacts --

2 A. Yes.

3 Q. -- with those at the heart of government. You had
4 contact with Neil Ferguson on 20 February, and you had
5 obviously contact with both the Chief Scientific Adviser
6 and the Chief Medical Officer. And what was that
7 understanding in the late February of the strategy?

8 A. So of course it had been -- was then expressed in the
9 published document on 3 March, essentially it was
10 contain if you could and then you mitigate, and that was
11 it. As you say, I am not uniquely -- was getting
12 increasingly troubled about that, I suppose, because we
13 felt there were viable ways of doing sophisticated
14 suppression, but essential by the presumption was,
15 I mean, on all quarters it felt, from a convergence of
16 different medical views, the modelling, the position on
17 vaccines, the practical experience of the CMO himself,
18 was that once essentially community transmission had
19 started it would be some version of an unstoppable wave,
20 yes.

21 Q. In relation to the term herd immunity, you yourself
22 utilised that phrase, you used that in a BBC interview
23 on 10 March which you set out in your statements. This
24 had followed on from the 3 March SAGE meeting where it
25 was unstoppable, and you refer to that interview where

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1 you made a comment about the potential need to cocoon
 2 elderly and the most vulnerable in the weeks to come,
 3 and you referred to the phrase herd immunity.

4 At that stage, why did you refer to the need to
 5 cocoon the elderly and vulnerable?

6 A. So I should explain the interview was primarily actually
 7 talking about the science behind -- you know, we talked
 8 about a moment ago --

9 Q. Hand washing?

10 A. Hand washing, but more generally how you'd apply it.

11 The interviewer, Mark Easton, at the end, asked
 12 a question. I responded, probably shouldn't have done,
 13 around essentially the vulnerable, and I'd said --
 14 partly because of course it was in all the meetings, it
 15 was in the media. Self-evidently there was 5000-fold at
 16 least in the age-infected fatality rate, and so it was
 17 pretty inevitable, it seemed -- to discuss in SAGE too
 18 of course -- that we would want to protect the most
 19 vulnerable. I use the phrase "cocooning" because it's
 20 the one used in the literature. And I think Mark Easton
 21 asked me the question about three times, which should
 22 have been a warning sign, but -- and on the third time
 23 I said we obviously need to cocoon protect and people
 24 until --

25 Q. Yes.

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1 if you've got symptoms, that you might be asked to
 2 self-isolate, but none of the stuff around what later
 3 became shielding --

4 Q. Yes.

5 A. -- had in fact been discussed in, I think, in the public
 6 policy debate.

7 Q. 10 March, unhappiness that you were dealing with
 8 cocooning/what became shielding?

9 A. Yeah.

10 Q. But herd immunity okay?

11 A. Yes, I mean, it was just very widely used in all the
 12 internal discussions as a shorthand for not government
 13 policy, as often discussed, but that it would likely
 14 arise over time.

15 Q. Yes.

16 I want to move on to our next topic, subtopic,
 17 behavioural fatigue. We have heard a lot about it and
 18 it's been in the public domain?

19 A. Yes.

20 Q. We should see this at paragraph 64. In fairness to you
 21 we need to address this. So on two occasions the Chief
 22 Medical Officer, Professor Whitty, deals with this,
 23 9 March and 12 March. And it really talks about
 24 sustainability and how people will understandably get
 25 fatigued and it will be difficult to sustain this over

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1 A. -- you know, in general population, herd immunity or
 2 whatever had been received, so --

3 Q. Sentiment, to use your phrase, was an authentic one, the
 4 need to cocoon?

5 A. Yes, exactly. You are going to need to protect the most
 6 vulnerable --

7 Q. Yes.

8 A. -- because it will scream from 10,000 feet. And the
 9 phrase "herd immunity" was being used very widely and it
 10 was probably a mistake on my part to have used it in
 11 that interview, is the truth of it.

12 Q. But you were contacted by Number 10's communications,
 13 not Lee Cain, somebody else in that office.

14 A. Yeah.

15 Q. And you summarise how there was no issue with the use of
 16 the term "herd immunity" but you were pulled up about
 17 using "cocoon"; is that correct? Cocooning?

18 A. Yes, it was specifically Jack Doyle I remember, for
 19 a hairdryer treatment. They were very angry about it,
 20 but they were particularly angry about the word
 21 "cocoon". My memory of it was because the word hadn't
 22 been used in public particularly and they didn't really
 23 want to get into that issue because it hadn't been
 24 talked about publicly as a policy issue. If you
 25 remember there was issues around if you had -- you know,

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1 a period of time. And we can see the other reference
 2 about it, (inaudible) and at a certain point starts to
 3 flag on 12 March, and he will give evidence in relation
 4 to that.

5 But the first point is this, it's been suggested in
 6 the past that you and your organisation were, in the
 7 shadows, the source of this advice is that correct --

8 A. So glad to get this clear. We were not. It's not
 9 a phrase we had used. Not only was it not from us, but
 10 also, as you will know privately from the emails, we
 11 were pushing pretty hard to move forward on social
 12 distancing measures by that point.

13 Chris Whitty, I think, I've read his statement, he's
 14 pretty clear about where it comes from and describes it
 15 as a mistake on his part. But, yeah, it was
 16 unfortunate.

17 Q. Did you relay to him at the time that it wasn't
 18 the right phrase from a behavioural scientist
 19 perspective?

20 A. I don't know if I did. He had lots of other things.
 21 I did send him a paper a few days later, which I think
 22 is in the evidence --

23 Q. This is about the Spanish flu?

24 A. Yeah, which was essentially to look at some work insofar
 25 as it had occurred during Spanish flu. The main point

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1 about the paper was that even in those very difficult
 2 circumstances you did not see this so-called fatigue,
 3 this is particularly in America it was studied, American
 4 cities. Only by the time you got to the second and
 5 particularly third times you had lockdown did you see
 6 anything akin to people really starting to give up on
 7 it. So --

8 Q. We could go to that document if you wish, but is this
 9 a fair summary, is that it gives that information?

10 A. Yeah.

11 Q. It's a discussion point but it's a little bit ambivalent
 12 in terms of providing express advice that it was
 13 the wrong thing to say, "behavioural fatigue"?

14 A. Yes, and -- but James Rubin, others in SPI-B, as you
 15 will know, there was an avalanche coming towards Chris
 16 to say, "What are you talking about?"

17 It's particularly me the context of novel behaviour,
 18 and when everybody is moving together our strong view,
 19 you mentioned the quarantine work also, was that people
 20 would comply to a high degree and so it was -- you know,
 21 was misleading to imply that that behavioural science
 22 was saying that, and indeed, as again Chris Whitty has
 23 spoken about in his statement, he unfortunately gave the
 24 impression that that was a reason for delay, which was
 25 not his intent, I think. And of course from the SAGE

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1 with the mitigate, delay messaging. You say that there
 2 was different understandings of capacity, the red line,
 3 number of beds, number of ventilators. Is that right?

4 A. Yes.

5 Q. Is it the case that during the meeting that
 6 Stephen Powis, who was an NHS director, and
 7 Patrick Vallance questioned the modellers on why they
 8 were so sure that suppression of the virus in line with
 9 what was being done in China and South Korea was not
 10 viable? That's your paragraph 73, so I'm reading out
 11 your evidence. Is that what the position was?

12 A. Yes. So my memory is Steve Powis specifically raised
 13 it. My memory is very much following on from what you
 14 just said, which is that there seemed to be confusion
 15 over what was the capacity in that red line, the
 16 difference between ICU versus serious cases -- you know,
 17 three-fold differential, et cetera -- and that this
 18 wasn't a small problem, it was a big problem and the
 19 implication was the numbers and models you've been using
 20 it will be overwhelmed.

21 So that, I think, prompted Steve Powis to say, "So
 22 why are you so sure that doing stronger measures or
 23 lockdown would necessarily rebound? Why is it a bad
 24 thing to do?" And Patrick Vallance picked up on it and
 25 said, "Yes, that is a really good question and pressed

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1 minutes you'll know was not what was being said in
 2 private.

3 Q. Next topic, change in strategy, and your experience of
 4 this. Timeline, we've dealt with 10 March, that there
 5 was a view about Covid being unstoppable, and
 6 containment was no longer viable. You have mentioned
 7 already, just a moment ago, that you had raised concerns
 8 on 12 March specifically, you raised concerns regarding
 9 the limitations of SAGE modelling in an email to
 10 Chris Wormald, Patrick Vallance, Chris Whitty,
 11 Jonathan Van-Tam, and you say this:

12 "We are at the limits of what modelling can tell
 13 us."

14 Then we see a pivotal meeting, my words, not yours,
 15 on 13 March, "SAGE meeting". My terminology, but would
 16 you agree that was a significant meeting, 13 March?

17 A. It felt to me that it was. I felt both the content of
 18 the discussion and the emotional tone in the room was
 19 there was this realisation that something was amiss and
 20 policy had to shift.

21 Q. Well, let's explore this realisation that something was
 22 amiss. So key SAGE meeting, you recall there was
 23 a graph of an infection wave over time, with a red line
 24 to represent an NHS capacity with the objective, the key
 25 objective, to keep the wave under the red line in line

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1 the modellers to answer".

2 Q. And the modellers here are Professor Medley and
 3 Professor Edmunds, SPI-M, and what was their response to
 4 that pressing or probing as you described it?

5 A. So they were very definite. You know, they are
 6 modelling experts. But what struck me again in this
 7 moment was they said, Graham particularly, absolutely
 8 sure 100%, 100%, and one of the things I would teach at
 9 Cambridge was statistics and you just think you don't --
 10 nothing is 100%, certainly in the uncertainty of models.
 11 And it troubled me really deeply, because I felt that,
 12 you know, 99%? But 100%?

13 And it was -- it encapsulated for me in a moment
 14 this overconfidence in aspects of the models.

15 Q. And in relation to that overconfidence in the modelling,
 16 you mention in your statements this confusion regarding
 17 NHS capacity and other issues, such as the low level of
 18 testing capacity, and ambition -- I presume the low
 19 level of ambition. What did you mean by that when you
 20 refer to "ambition" in your statement?

21 A. So as many things were gone through in that meeting,
 22 another one as you say was testing capacity. I remember
 23 I think my notepad had recorded as they said they had
 24 a thousand tests a month on serology, a thousand
 25 a month, and I think I'd scribbled, "Why so few?" You

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1 know, a thousand a week, a thousand a day. We're so far
 2 off the pace.

3 So now you've three major concerns piling up in this
 4 meeting --

5 Q. Just pause there, thank you. All these concerns, great
 6 concern you described it, overconfidence, and you
 7 referred to your notebook and you were making a number
 8 of notes but what you did write was that "WE ARE NOT
 9 READY"; is that correct?

10 A. I did, and indeed wrote it in capital letters, it was so
 11 striking.

12 Q. We see it there. A Number 10 colleague leaned over,
 13 crossed out your entry, which we see at the bottom of
 14 the page, and what was written instead of "WE ARE NOT
 15 READY"?

16 A. "We are fucked!"

17 Q. And that was written by your colleague, a Number 10
 18 colleague; is that right?

19 A. That's right. Ben Warner.

20 Q. Ben Warner?

21 A. Yes, who I believe you're talking to.

22 Q. So in graphic terms, reflecting the meeting, concerns
 23 regarding overconfidence, did that reflect the concerns,
 24 readiness for the unstoppable wave that was about to
 25 come?

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1 faces in the room that that was -- there was some
 2 realisation of it, a sort of cracking in the confidence.

3 Q. "Cracking in the confidence", "the penny has dropped" is
 4 how you describe it, and you say in your statement that
 5 others in the room, and you, felt that "we should have
 6 been pursuing suppression strategies"; is that right?
 7 Paragraph 74.

8 A. Yes, that's right. There's a key question of what
 9 "suppression" means, but basically --

10 Q. I think we've heard quite a lot about that.

11 A. Yes.

12 Q. So we're okay.

13 A. But yes.

14 Q. So post meeting, going through this chronology,
 15 difficult meeting, you were in contact with
 16 Matt Hancock, who you had worked with alongside for
 17 a number of weeks to update him. And you describe how
 18 you felt, that -- how you spoke to him and said that,
 19 "The penny has dropped, that we really need to do
 20 something about suppression and locking down". And what
 21 was the response?

22 A. So, yes. I had, I think, texted or WhatsApped Matt. He
 23 had called me back and I was surprised, I suppose. He
 24 said along the lines -- said this is the "best news"
 25 he'd heard all week, "best news" in a very specific

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1 A. Yes. I mean, remember, the one play that you had in the
 2 strategy as was expressed to us, I think, was that you
 3 can shape the wave, as referred to endlessly, you could
 4 flatten it, et cetera, and then you were trying to do it
 5 to stop the NHS being overwhelmed. But in this meeting
 6 you're hearing evidence that on current trajectory it is
 7 going to be overwhelmed, that we don't have the testing
 8 ready. You know, we're -- the models seem overconfident
 9 -- there were a lot of grounds for concern and so hence
 10 I really felt quite shocked and depressed. I felt that,
 11 you know, it's not our role to do all those things.
 12 We're working on the behavioural aspects to --

13 Q. Just pause there. It's my fault. I think we're both
 14 going to have to slow down a little bit.

15 A. I'm sorry, yes. Apologies.

16 Q. No, I speak fast at the best of times, so if we can try
 17 and slow down a little bit. And I've interrupted you,
 18 so forgive me. You said that you were feeling quite
 19 shocked and depressed, "it's not our role to do all
 20 those things. We're working on the behavioural
 21 aspects".

22 Is there anything you wanted to add to that answer?

23 A. Yes. So the overall sense was that, as in my notebook,
 24 we, the country, the policy world, is not ready for what
 25 is unfolding and I felt that, you know, on people's

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1 sense which is that there was this realisation that
 2 strategy might need to change, something more dramatic
 3 might have to be done in order to really stop, slow the
 4 spread.

5 So I was surprised by it, but of course I wasn't in
 6 all the meetings he was, but --

7 Q. No.

8 A. Yeah.

9 Q. Not the most natural response to a bad news message, but
 10 your impression was that he felt stronger and more
 11 immediate action was necessary, and we could not just
 12 wait for the unstoppable wave?

13 A. My sense was for ministers such as Matt Hancock, others
 14 were much closer in their centre of Number 10, but they
 15 were dutifully following the science and were very
 16 uncomfortable with where it was going. So there was
 17 appetite to be stronger in the policy moves, but they
 18 were waiting for the signal to be told that's what we
 19 need to do, and so that's why he experienced it as
 20 a good thing that that realisation was coming through.

21 Q. You say later in your statements that in particular for
 22 Matt Hancock, in your view, he was quite frustrated and
 23 was ready to act more decisively -- is that right -- at
 24 that time?

25 A. That was my sense at that time, yeah.

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1 Q. So in relation to those concerns -- we don't need to
2 turn to it -- you set out in your statement how between
3 16 and 18 March you sent several emails to Mark Sedwill,
4 Chris Wormald, Dominic Cummings, Jeremy Farrar, in
5 advance of the next SAGE meeting, expressing your
6 concern, and the need to consider a global lockdown to
7 shut down the virus, and that was something that you
8 were in correspondence with; isn't that correct?

9 A. Yes, that's correct.

10 Q. On 18 March we know that, as you set out in your
11 statements, that you argued that -- you argued for
12 a lockdown in the meeting?

13 A. Yes. Bear in mind that I had already, you know, before
14 the 13th had written to say -- in fact, literally wrote
15 a list of what we would now call "lockdown style
16 measures", slightly softer, but, yes, at this point it
17 was: why aren't we going full-blown?

18 I was not at that time aware -- I'd read
19 Patrick Vallance's statement that there were meetings
20 that had clearly occurred in between those two meetings;
21 so, in that sense, we were in our lane -- maybe not
22 seeing the whole picture. But, yes, I was really
23 concerned that we needed a very decisive decision.

24 Q. Yes. You put it very well: you're "in your lane".
25 We've got other evidence which we have and that's why

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1 he was an adviser to the Chancellor -- and I had put him
2 in touch, if I remember, on that with the government's
3 actuary, who of course were experts in some of these
4 questions.

5 Q. Yes, thank you.

6 Our third penultimate area, and it's a short one, is
7 understanding and compliance with social distancing from
8 a behavioural perspective. Again, a comprehensive
9 statement. You deal with this. Impacts of senior
10 officials' breaches. I really want to touch upon this
11 from your expertise as a behavioural scientist.

12 From the behavioural perspective, you describe the
13 Dominic Cummings incident as "very unhelpful" at
14 paragraph 140. Why was that? Why was it unhelpful, in
15 your view, from an expert point of view, not an opinion
16 point of view?

17 A. Yes. So people are very influenced by what they see
18 others doing. We all sit here quietly in this room,
19 partly taking the cues from each other. In this case,
20 in everyday speak, people are more influenced by what
21 they see others doing than what the formal rules are.
22 It's what's known as declarative norms. So littering
23 would be a simple example: you are much more likely to
24 litter in a room that already has litter. You can
25 literally experimentally test it. So there you've got

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1 I'm dealing with this quite succinctly.

2 There was one point that I wanted to draw out at
3 paragraph 93. You describe on 23 March an email with
4 Tim Leunig, who was at HMT, Her Majesty's Treasury, as
5 I understand it, and he -- there was emails between you
6 and you expressed a view that the modellers in SAGE
7 seemed to have "a remarkable thin grip on the deaths
8 caused by externalities"; in other words, from
9 behavioural or system side effects such as people being
10 too afraid to seek treatment for other conditions.

11 A. Yes.

12 Q. That's something which you had identified at that stage
13 and raised?

14 A. That's correct. I mean, we'd crawled over the models
15 quite carefully and Neil Ferguson had been kind enough
16 also to let one of my team go to Imperial, look, as it
17 were, behind the curtain of the models.

18 Q. Yes.

19 A. So we were at this point maybe less confident,
20 therefore, but this is one of a number of issues. The
21 specific thing which comes in force later, you know, if
22 people aren't going in large numbers in to get medical
23 treatment, then you get a lot of excess deaths or
24 illness as a result of that. The person -- I mean, Tim,
25 I think, had written to me about some of his concerns --

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1 a high profile figure on the face of it pretty blatantly
2 breaking the rules and justifying it, seeking to justify
3 it.

4 So it, you know, was extremely less than ideal. If
5 there was any -- anything positive to be taken from it
6 is that data generally suggested that most of the public
7 were complying and continue to comply because what
8 mattered more was those people around you, your
9 neighbours, your fellow workers, your commuters were
10 fortunately more important than what someone in
11 Downing Street was doing.

12 Q. Pausing there for a moment. So an issue, mitigated by
13 other behavioural factors, which may affect an
14 individual, but you describe it from a behavioural point
15 of view as an almost textbook example, of what not to
16 do; is that correct?

17 A. Yeah, it was atrocious.

18 Q. And later on in your statement you say it say sort of
19 blew a hole, a huge hole, in a rule-based approach and
20 undermined the credibility of Her Majesty's Government
21 in what it was asking or demanding of the public?

22 A. Yes. So I don't know how much detail you want to go in
23 on this.

24 Q. I was just going to draw that out, unless there was
25 anything else you wanted to say in relation to that that

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1 you considered to be key.

2 A. Well, let me just put a marker down that rule-based,
3 you know, frameworks on behaviour are brittle.
4 You know, you follow the rule: if you don't, you get
5 punished. They're different from a principle-based set
6 of guidance, which are more flexible.

7 Having gone down the route pretty heavily of
8 a rule-based approach, when you get a breach of it, you
9 can't wriggle and worm; you have to say "hands up". So
10 it's quite a profound issue about how you set up your
11 framework, your approach, and what that means, what
12 you're saying to the public in terms of affecting
13 behaviour.

14 Q. Yes. And it undermines public confidence?

15 A. Yeah, well, it blows a hole in it if you just break
16 the rule and think ... then try and wriggle out of it.

17 Q. Yes. The next topic relates to the work you did for the
18 Department of Health and Social Care, a study between
19 late spring and autumn 2020 into the public's
20 understanding with social distance guidelines.

21 You looked at local alert levels and whether people
22 understood the level of alert in their area; ie, is that
23 Tier 1, Tier 2, Tier 3? And the outcome of that report,
24 which may not come as a surprise, but what did that
25 study reveal?

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1 Why was the "Stay Alert" programme, very briefly, so
2 bad in your view?

3 A. It tells you to worry and doesn't tell you what to do:
4 the worst combination. Is that short enough?

5 Q. That was very short.

6 A. Very good.

7 Q. Thank you. But no, it was very helpful, thank you.

8 Especially when we're talking about communication,
9 the next programme was Eat Out to Help Out, and again
10 you've done work in relation to that in parallel, and is
11 it the case that the work, the research you did, was
12 that Covid-secure premises was a more evidence-based
13 approach which would encourage behaviours. That
14 probably is a very simple summary for a complex study?

15 A. That is correct. From memory, I think we did the study
16 for BEIS, again using this experimental approach; so
17 maybe it's helpful to explain it again. So we chose
18 several thousand people and we'd ask them, you know,
19 thinking of a restaurant you liked, would you go back
20 there? But what we're doing is we're showing different
21 people a different variation. So sometimes you'd see,
22 this is your favourite restaurant, and there is
23 a pretty -- a picture of the waiter with nothing on
24 their face, but other groups would see the waiter with a
25 mask or with a Covid-secure -- and we also asked them

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1 A. The public were very confused. The rules were getting
2 more complicated. They were struggling to remember what
3 they were. They might not know which tier they're in,
4 and so we would test this. We were testing it
5 periodically and many of the public didn't really
6 understand the rules, and this in some ways got worse
7 and worse. It does similarly -- it relates to this
8 issue, actually, of rule versus principle.

9 So if you're going down the rule-based approach, all
10 kinds of questions about, well, can I go out? Can
11 I meet people in the garden? Will that be okay? Can
12 I share a car with someone? You know, a lot of rules to
13 remember as opposed to some other countries had gone
14 down a principle-based approach. So the Japanese would
15 be an obvious example, the three Cs: avoid crowded
16 areas, avoid -- et cetera. So it gives you a general
17 sense of what's dangerous and it's for you to interpret.

18 Q. Just pause there, thank you.

19 Finally on this heading, you deal with a number of
20 programmes in your statement and their behavioural
21 effects. You talk about the stay alert programme and
22 you say this:

23 "Arguably, the UK tried to have its cake and eat it,
24 and sometimes ended up with neither. 'Stay Alert' was
25 an example [of this]."

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1 asked about if we paid you £10 or whatever, would that,
2 you know ...

3 So we're setting up different conditions to try and
4 work out how it would influence someone's intention to
5 go to the restaurant.

6 Q. And again --

7 A. A very clear result.

8 Q. Yes?

9 A. That people were very strongly influenced by anything
10 what you might call Covid-secure, the mask, the safety,
11 this is the rules for the restaurant -- I think 20-odd
12 points more likely, percentage points, to go to the
13 restaurant.

14 In contrast, paying people was quite a small effect,
15 I think six percentage points, so it was a very powerful
16 result, we thought, because it tells you that if you get
17 a Covid-secure system in place, not only are more people
18 going to be confident to go out, it's also reinforcing
19 good practice of Covid-secure requirement. So you would
20 pay a premium to go to a restaurant with your mother,
21 maybe you do that anyway, but in this case, for Covid,
22 whereas if you were a bunch of 21-year olds, you might
23 not care so much and you would go, as it were, for
24 a less secure environment.

25 Q. Thank you.

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1 So in relation to this, financially cheaper and with
 2 less risk of transmission if you went down the
 3 Covid-secure route?

4 A. Yes.

5 Q. Last points on this section is one of your looking ahead
 6 steps and we know that we shifted in the rules over this
 7 period of time, you say this:

8 "Don't go for simple rigid rules if you think it's
 9 likely you're going to have to vary them or have limited
 10 ability or intention to enforce them."

11 A. That's correct. So it builds on the earlier point --

12 Q. Yes.

13 A. -- about rules. So the worst thing to do, say this is
 14 the rule and then you can see all around it's being
 15 broken. I hesitate to say this in a room of lawyers,
 16 but the classic example is if you see a wall and it says
 17 "No ball games", the first thing you might think is,
 18 "Well, that's a pretty good wall", and as soon as you
 19 start to break the rule -- essentially you become
 20 a rule breaker.

21 So you really want to design rules that are
 22 generally followed, you want to enforce on egregious
 23 breaches but you don't want to inadvertently signal lots
 24 of people are breaking the rule because it will make it
 25 even more likely that others will follow suit.

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1 Q. Thank you. A lot of information there and we're dealing
 2 with it at a high level. It's more detail in your
 3 statement, and again I'm conscious of not -- wanting to
 4 do due justice to these important principles.

5 Let's move on to the final area, which is lessons
 6 learned, Covid missteps.

7 In July 2020 you set out a number of opinions and
 8 criticisms on the initial response to the pandemic from
 9 a behavioural perspective in a document entitled
 10 *Institutional Lessons from Covid*. You've explained that
 11 was a hard copy letter initially sent in July to
 12 Helen MacNamara and Alex Chisholm in the Cabinet Office,
 13 and later is it the case that you were asked for that
 14 copy of the document again and you updated it and in
 15 September 2020.

16 Let's have a quick look at that, so it's
 17 INQ000129093.

18 What I summarised can be seen in the top right-hand
 19 corner, and it runs to 13 pages approximately. It's
 20 a significant piece of work in itself, forms your
 21 evidence and warrants to be read and considered in its
 22 entirety, which it will be and has been on this side.
 23 So I'm not going to go through it sequentially, I just
 24 want to draw out two significant points, which is this:
 25 you describe the early misstep, and we can see it at

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1 paragraph 1:

2 "Overconfidence and anchoring in our expert medical
 3 community led to a presumption that covid would be like
 4 a flu-like wave, blinding it to the pursuit of
 5 near-suppression as a viable option and an expanded
 6 tracing system in particular. Our decision-making was
 7 vulnerable to systematic error."

8 If we could go to page 2, please, where you
 9 expand -- this is your executive summary, you expand
 10 upon this, and I'm just going to find the right
 11 reference, it's the second last paragraph, you say how
 12 this was built into the ... just pausing there for
 13 a second.

14 Next paragraph, thank you very much.

15 (Pause)

16 In fact it's the third paragraph, "Arguably the most
 17 fundamental misstep" -- forgive me, you say:

18 "This presumption was built into the
 19 Contain-Delay-Mitigate-Research strategy ... It also
 20 underpinned the early (Chris Whitty) position on test
 21 and trace and the Vallance view on 'herd immunity'
 22 (later air-brushed)."

23 It would be remiss not to pick that up now. What do
 24 you mean by the last remark, "herd immunity (later
 25 air-brushed)" in that communication in July 2020?

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1 A. Well, you'll be getting evidence from many people,
 2 I mean, Patrick's been pretty clear on it, I think
 3 within government communications there was definitely
 4 a de-emphasis on the herd immunity language and the way
 5 in which the early strategy I think was expressed.
 6 I think others can argue there was continuity but it did
 7 feel there was a significant recalibration or
 8 description of it. Yeah.

9 Q. After the media and public backlash around 13 and
 10 14 March?

11 A. Yes, and arguably, again possibly for you to determine
 12 rather than me, but a recalibration of the policy.

13 I mean, I might just say the key point actually was
 14 a slightly different -- a subtle one, which even,
 15 of course, having now had the benefit of reading
 16 Sir Patrick's own reflections, is he does talk about,
 17 even in his evidence, of course the best thing to do
 18 would have been to have a much better test and trace
 19 system and so on. But that is actually a part of
 20 sophisticated suppression. That is what the
 21 South Koreans did, that is what Singapore did, that's
 22 what many other countries did. And we didn't do it. We
 23 weren't doing it in February, it wasn't on the table,
 24 and it partly itself links to another issue in this
 25 document, which is the how. How would you do it? It's

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1 the boring mechanics of how would you find out, have
 2 a better contact tracing system built at scale and so
 3 on.
 4 **Q.** So in relation to the how point, which is --
 5 operationally, one of the points you make is that there
 6 needs to be thought as to how to deliver strategy and
 7 follow up and explore the questions and really examine
 8 under the bonnet what needs to be done?
 9 **A.** Yes, exactly, it's the very practical detail.
 10 **Q.** Yes.
 11 **A.** If you say it in a model we want to reduce social
 12 contact, a host of questions immediately follow: how?
 13 Who? What? How would we do the detail of it?
 14 **Q.** Yes. So it's two points I want to draw out. You were
 15 invited into SAGE, you were at a number of meetings, you
 16 were watching and expressing concerns from the margins
 17 and then from the centre regarding what was happening
 18 and asking questions.
 19 **A.** Yeah.
 20 **Q.** You say in your statements that your view is that
 21 yourself and others were quietly dismissed as not
 22 understanding the science. Is that correct?
 23 **A.** Erm --
 24 **Q.** By some perhaps?
 25 **A.** Some, not all, but yes.

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1 **Q.** And your phrase "anchoring" was mentioned at the outset,
 2 anchoring, groupthink, the similar phrase used, but you
 3 mention that this was at the heart of one of the
 4 missteps in that early response; is that right?
 5 **A.** Yes. And on a number of issues. "Anchoring"
 6 essentially means you have a strong prior, and you find
 7 it hard to move from it. So humans in general, so
 8 behavioural effect, tend to seek confirming evidence for
 9 their priors. We're not as good at seeking what's
 10 the counter evidence. And particularly, in this case,
 11 saying: what experiment, what piece of evidence would
 12 answer the question?
 13 You know, so that's why earlier on I mentioned you
 14 can do experiments very fast. So if you've got
 15 a question, does it work, does it not, the puzzle
 16 becomes how fast can I answer that question.
 17 **Q.** Second point I want to raise, and the final point, is
 18 this: the negative impact of overconfidence is something
 19 you mention in this report, and you refer to previous
 20 detailed work you've done on decision-making in
 21 government and the headline is "beware over-confidence"?
 22 **A.** Mm-hm.
 23 **Q.** And you say this, perhaps if we could bring this up,
 24 this is page 3, please, second last paragraph, I think.
 25 We'll just leave it there for a moment and I'll just

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1 make sure I have it. Yes, second last paragraph, third
 2 line from the bottom:
 3 "Ironically the pride in our science and our
 4 capabilities [that being the UK] slowed our ability to
 5 learn lessons from other countries. Under cover of
 6 variations of 'it is very different there', there was
 7 an arrogance that we knew better, and would do better."
 8 That's your words which you set out in this report
 9 and sent to government. Is that right?
 10 **A.** Yes, I did feel that was true. So the report,
 11 behavioural government, looks at this, it shows,
 12 for example, generally, as people become more senior
 13 their overconfidence generally gets bigger rather than
 14 less. I did feel it characterised a lot of what was
 15 happening from early on, so those very early comparisons
 16 to other countries, Japan, Germany, and it made us
 17 slower to look really carefully at what they did and
 18 learn the lessons from them.
 19 It also had many other manifestations. I mean,
 20 masks would be an example. We felt that the evidence
 21 became very compelling certainly by late March, early
 22 April, for masks, and there was a strong anchoring in
 23 and scepticism in many of the medical community.
 24 **Q.** And linked to what you say in your report, and the final
 25 point from me, is you say in your statements that there

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1 was a touch of hubris, that at paragraph 167.
 2 **A.** Yeah.
 3 **Q.** We perhaps don't need -- "a touch of hubris that we knew
 4 better, and would do better, alongside criticisms of how
 5 badly other countries ... were doing". That's a view
 6 that you formed at the time. Is that the position?
 7 **A.** That is so, from even February. I should be clear,
 8 of course, this note was written privately. It
 9 didn't -- the last thing we wanted to do was undermine
 10 key figures, on the other hand, to learn the lessons.
 11 So yes, there was a sense, I'm sure it's heard
 12 elsewhere, that we were lucky almost to have the best
 13 team in our senior figures and there's no doubt they're
 14 extremely talented and brilliant people, but that can
 15 also bring a lacuna with it of overconfidence, and
 16 particularly maybe less openness to other aspects, which
 17 is the engineering, the how, the detail, of course the
 18 behavioural too. So yes.
 19 And we could be wrong, of course, we could be
 20 totally wrong, that even if we'd gone for it, really
 21 gone for it in February, could we have built
 22 a South Korean or Singapore system? Would the public or
 23 ministers have wanted to do it, because of some of the
 24 intrusiveness it would have implied? But we feel we
 25 didn't deliver on that, and there were really a lot of

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1 examples of the slowness of the system which was then
 2 manifested with really great consequence.

3 **MR KEATING:** Thank you, Professor Halpern, they're all my
 4 questions. I'm grateful for your patience.

5 My Lady, there are two core participants you have
 6 granted permission.

7 **LADY HALLETT:** Mr Menon.

8 **Questions from MR MENON KC**

9 **MR MENON:** Good afternoon, Dr Halpern, I ask questions on
 10 behalf of a number of children's rights organisations,
 11 and I just have a few questions for you on a discrete
 12 topic.

13 At paragraph 126 of your witness statement, you
 14 mentioned that in the summer of 2020 the Behavioural
 15 Insights Team was formally commissioned to participate
 16 in a Cabinet Office-led social distancing review
 17 alongside Patrick Vallance, Chris Whitty and others. Is
 18 that right?

19 **A.** Yes.

20 **Q.** And that review was a substantial piece of work, was it
 21 not?

22 **A.** Fairly substantial, yes.

23 **Q.** In the sense at least that its report was published by
 24 the government a year later, in July 2021?

25 **A.** (Witness nods)

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1 the issue of social distancing rules. I mean, I don't
 2 know, if you can't help on that, please say so, but
 3 that's really what I'm trying to get at.

4 **A.** I'm not sure I can add much more on the specifics but
 5 you're right, I mean, there are many groups, segments,
 6 one needs to consider, including children.

7 **Q.** You mentioned the 2-metre rule. Were you aware,
 8 for example, that at approximately the same time that
 9 this review was being commissioned, in July 2020,
 10 Scotland, as an example, exempted children under 12 from
 11 the social distancing rules whereas England did not?
 12 Were you aware of that?

13 **A.** I can't remember the timing, but again you clearly are
 14 on top of the detail.

15 **Q.** Well, again you may not be able to help on this either,
 16 but can you assist as to why this review, which, as
 17 I said, you know, took a year to complete, did not
 18 explore this, I suggest, significant difference of
 19 approach vis-à-vis children under the age of 12 between
 20 Scotland and England?

21 **A.** I could be wrong, but I think it didn't -- the work was
 22 done much more -- in a much more compressed way than had
 23 a year. It may have been a year before it was published
 24 but my memory is it was done on a relatively short
 25 period of time, in the context that there were real

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1 **Q.** Yes?

2 **A.** Yes.

3 **Q.** My Lady, that report, as far as I'm aware, is not on
 4 the Relativity system, but is available on the
 5 government's website.

6 Dr Halpern, that report, published in July 2021,
 7 does not make any distinction, does it, between
 8 the differing aspects -- impacts, excuse me, differing
 9 impacts of social distancing rules on adults and
 10 children? Can you assist as to why?

11 **A.** I can't recall the detail of it. It was -- of course
 12 the main point of the report was to look at whether you
 13 could, for example, relax the 2-metre rule, replace it
 14 with -- you know, substitute other equivalent issues.
 15 But you're right, of course, there would be particular
 16 issues for children, playgrounds, et cetera, other
 17 activity. So I -- forgive me, I'm happy to look in more
 18 detail, but I don't recall the extent to which children
 19 were discussed. I don't remember it as a major theme,
 20 but I'm sure you know better than me.

21 **Q.** Just on that, I suppose there are a number of
 22 possibilities, I mean, it could be an issue in relation
 23 to the terms of reference and the scope that government
 24 had set, or it could have been because of how the team,
 25 the Behavioural Insights Team, chose to prioritise

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1 concerns, for example, on the economic impact, many of
 2 the impacts on people's lifestyle, of especially the
 3 2-metre rule, and that -- the language is often used is
 4 could you identify for example a 1 metre plus or
 5 an equivalent way of achieving the same reduction in
 6 transmission that would be less harmful to people's
 7 lives, to the economy and so on. So that was the,
 8 I think, the primary objective of it. It was -- my
 9 memory of it was done on quite a compressed time period,
 10 to be honest, so that the impacts were done --

11 **Q.** Very well.

12 **A.** Yeah.

13 **Q.** What you've described was the priority as opposed to,
 14 for example, the fact that adults and children behave
 15 differently and social distancing rules obviously impact
 16 differently on adults as opposed to children; is that
 17 right?

18 **A.** Yes, yeah, I don't doubt that.

19 **MR MENON:** Thank you.

20 **LADY HALLETT:** Thank you, Mr Menon.

21 Mr Jacobs.

22 **Questions from MR JACOBS**

23 **MR JACOBS:** Dr Halpern, I ask some questions on behalf of
 24 the Trades Union Congress. Do feel free to continue to
 25 look forward if it's uncomfortable.

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1 Could I start with page 30 of your statement and in
 2 particular paragraph 132. I think it can be brought up
 3 on screen. What you say, under the heading of
 4 "Financial incentives", is:

5 "We thought there was a strong case for using some
 6 financial incentives to support people to self-isolate
 7 when identified as having Covid or having been in
 8 contact with a case. A specific concern was that low
 9 income, and less securely employed individuals were
 10 being put off testing and isolating given the impact on
 11 their financial situation."

12 Firstly, Dr Halpern, why was it thought by you and
 13 the Behavioural Insights Team that there was a strong
 14 case for financial incentives?

15 A. So, as we touched on earlier, we were looking a lot at
 16 not just comprehension but compliance, whether people
 17 were able to follow the rules, self-isolating and so on,
 18 and we would then look at certain groups who were saying
 19 they weren't going to comply and ask them why, and one
 20 factor was of course financial.

21 In fact, I wrote a detailed note to Dido Harding --
 22 it's mentioned at the end of the evidence statement,
 23 I think -- at early June suggesting one of a number of
 24 things, I think it was 2 on the list, was we strongly
 25 recommended producing more financial support to those

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1 that our sense was the Treasury were resistant. That is
 2 the Treasury's job, to be resistant to spending money,
 3 but we found it -- our sense was they were not going
 4 to -- they weren't easily persuaded for a more generous
 5 funding package, although of course one was put together
 6 by, I think, September? You may know.

7 Q. Yes.

8 A. Yeah.

9 Q. Well, let's perhaps look at some of the evidence on
 10 that. Could we have up on screen INQ000129090.

11 So we have an email from you of 28 July 2020
 12 addressed to some officials in DHSC and also the
 13 Cabinet Office, and the second sentence is:

14 "We're also looking at the financial incentives
 15 issue for Simon Case right now, to see if we can move
 16 CX ..."

17 Is that Chancellor?

18 A. Yes.

19 Q. "... [whose] starting position is quite sceptical."

20 Pausing there, so had there been conversations
 21 between you and Mr Case about this financial incentives
 22 issue, about the Chancellor being sceptical?

23 A. I don't recall talking to Simon about it. I definitely
 24 did not talk directly with the Chancellor, but there
 25 were many officials. Also I think -- I'm trying to see.

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1 who couldn't afford it. I mean, for reasons that will
 2 be plain: you know, if you're an Uber Economy, you know,
 3 driver and you're going to lose your income, that's
 4 a pretty big deal and difficult for you. So how are we
 5 going to support that person?

6 Q. Would it be right to say in basic terms that that's not
 7 just an absence of an incentive, there's actually
 8 a powerful disincentive for compliance which needs to be
 9 addressed?

10 A. Absolutely. Absolutely.

11 Q. The correspondence on this issue which you describe in
 12 these paragraphs of your statement relates to the latter
 13 part of July 2020. Had you been aware, in the period
 14 sort of mid-March when self-isolation comes to the fore
 15 as an NPI and the end of July, of any determined sort of
 16 focus and thinking about this issue of incentives for
 17 self-isolation?

18 A. So, yes, we had raised it, of course. There was further
 19 work, I think there's one of the bits of evidence is
 20 with Gila Sacks was asked to do further work on it, and
 21 of course others such as on SPI-B had raised the issue
 22 too. In fact we were concerned not only that financial
 23 support be given, but the way in which it was given too.

24 Q. You describe raising it; was there a receptive audience?
 25 A. My memory, and I think it's in some of the evidence, was

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1 Clare Lombardelli, for example, was on the social
 2 distancing review, a senior Treasury official, so --

3 Q. Yes.

4 A. Yeah.

5 Q. Your email continues:

6 "Risk is that the national campaign -- if in doubt,
 7 get a test..." -- due for Thurs could be dogged by this
 8 lack of support, [especially] in key target groups."

9 Just briefly, what in general terms are the key
 10 target groups you're referring to?

11 A. So those individuals where we saw -- or groups -- much
 12 lower compliance or likelihood to come forward for
 13 a test. So, that particularly. We did a lot of
 14 segmentation to identify risk. That might be someone
 15 who was, for example, in an occupation which was in
 16 a lot of contact with other people -- a classic example
 17 was a taxi driver -- but whose income was very insecure.
 18 And so they were quite --

19 Q. Mr Halpern, would it be correct to say that in broad
 20 terms you're thinking about groups where compliance may
 21 be low?

22 A. Yes, particularly, yeah.

23 Q. But perhaps also transmission may be high, or higher
 24 risk?

25 A. Yeah, thank you.

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1 Q. Okay.

2 At the end of that email, or the last paragraph, you
3 say:

4 "Lots of questions remain ... about which form of
5 incentive/support would be maximally effective ... My
6 gut feeling is that HMT will be hard to move to
7 Statutory sick pay change, but could be persuaded to go
8 for an Australian style 'hardship fund' administered by
9 [local authorities]."

10 Was there a particular reason for your gut feeling
11 that HMT would be hard to move on statutory sick pay
12 change?

13 A. So, from memory only, it would be because it would have
14 a lot of, an economic term, deadweight costs, so it
15 would be very expensive, you would be paying a lot of
16 people for whom -- they probably would have complied
17 anyway; whereas something which was more akin to
18 a discretionary hardship fund, especially -- we'd
19 suggested -- built into the test and tracing system, so
20 when you were saying to someone, you know, "It looks
21 like you need to isolate, do you need support?" and then
22 be able to offer it straightaway.

23 Q. Were you aware, or did your team do any sort of
24 extensive work on the relative benefits of using the
25 statutory sick pay system as against a hardship fund?

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1 will get sorted out", that's not great. Much more
2 important to be able to say "Do you need support? We'll
3 give you that support right away" --

4 Q. Just pausing there, Mr Halpern. Those are clearly
5 important issues generally which go to the effectiveness
6 of the scheme.

7 A. Yeah.

8 Q. Is your evidence that work wasn't done, at least by your
9 team, as to whether those sort of concerns were
10 adequately addressed in the scheme as it was introduced?

11 A. I don't recall if we did experimental work on it. I do
12 recall we wrote notes about the issues, flagging them,
13 suggesting further work.

14 Q. Final question: you have given evidence about your
15 observation of 13 March that "We are not ready" or other
16 chosen expletive. Do you think it's a symptom of being
17 not ready that it's not until late September that
18 a scheme is introduced addressing something as important
19 as incentivising self-isolation?

20 A. I do, and I realise we're at time, my Lady, but perhaps
21 I could use that to make the more general point.

22 So, yes, it was way too late. We'd raised it much
23 earlier; not the only ones. But it was part of
24 a pattern, in a sense. Lots of good people trying to do
25 the right thing, but your good intention in policy or

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1 A. I don't recall detail. We did, in the gap before this,
2 try and design -- as you'll gather, one of our ways of
3 working was to figure out: how would you answer that
4 question? Literally to run an experiment, for example,
5 in a local area. We didn't win that argument but we
6 did, as mentioned in this email, identify, as it were,
7 a natural experiment which -- in care homes, which we
8 felt was quite compelling evidence to reinforce the case
9 that for low income but very important workers it was
10 important to offer that financial support.

11 Q. A few moments ago you referenced the fact that a scheme
12 of sorts was brought in -- it was obviously more or less
13 along the lines of the hardship fund administered by
14 local authorities -- at the end of September. Was your
15 team asked to do any work about the effectiveness of
16 that scheme, for example reviewing whether it was
17 effective?

18 A. I don't believe we were asked to do so. We did write
19 some work on it, particularly again around compliance
20 issues. My memory, a lot of -- we can dig that up for
21 you. A particular issue was not only about the scale of
22 the money but how difficult it is to get it.

23 So if you are someone on a low income and we say
24 "You need to self-isolate. By the way, here's a load of
25 paperwork, you have to go to someone else, hopefully it

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1 the scientific evidence, you have to translate it into
2 practical systems approaches. You know, will the money
3 work, how difficult it will be? The app was
4 similarly -- we thought the app was absolutely key. We
5 were very concerned from day one of the first lockdown
6 as: was the government ready for the end of lockdown
7 with the kind of tracking systems, et cetera? The app
8 was due, we were promised, in two to three weeks. It
9 was six months. Six months.

10 Q. Dr Halpern, could it be put this way, at least in
11 relation to the self-isolation support: it's all very
12 well and good having the idea of self-isolation, but if
13 one doesn't think carefully through the practicalities
14 of how to make it work effective, then it's not much
15 use?

16 A. Yes.

17 MR JACOBS: Those are my questions, thank you.

18 LADY HALLETT: Thank you very much indeed, Mr Jacobs.
19 That completes the evidence for today, Mr Keating?

20 MR KEATING: It does, my Lady, thank you.

21 LADY HALLETT: Well, I hope you won't deny me my free will,
22 Professor Halpern. So, on that note, thank you very
23 much for your assistance.

24 We shall resume at 10 o'clock tomorrow morning.

25 THE WITNESS: Thank you.

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