



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London
SW1A 2AS

Mr William Wragg MP
Public Administration and Constitutional
Affairs Committee
House of Commons
London
SW1A 0AA

Our reference: MC2020/05421

21 May 2020

Dear William,

Further to my letter of 9 May, I write to respond to the outstanding questions posed by the Committee on 29 April and in your subsequent letters of 5 and 18 May.

You ask about the ‘teeth’ of the Cabinet Office’s Civil Contingencies Secretariat (CCS). CCS holds responsibility for the maintenance and review of the Civil Contingencies Act (CCA) 2004 - the primary legislative framework for civil protection in the UK. The legislative framework of that Act’s regulations was assessed in March 2017, and identified as “fit for purpose”. The CCA primarily places duties on local responders, such as emergency services and local authorities. CCS is not directly responsible for assuring risk mitigation plans but can, when necessary, alert departments or local responders to the obligations placed upon them by the CCA.

You ask about the Coronavirus Act, which the Government introduced rather than using the existing CCA. Although the Coronavirus Act’s measures were urgently required, there was time for conventional legislation. As I expressed to the Committee, COVID-19 was and remains a ‘developing threat’, with the opportunity to bring in a standalone bill. The CCA is a provision of last resort, which should only be used when there are no other legislative options available, which was not the case in this instance. The introduction of the standalone Coronavirus Act was supported by a cross-Government work programme scoping provisions to be included in a free-standing Pandemic Flu Bill. This followed the key learning identified through Exercise Cygnus that ‘the introduction of legislative easements and regulatory changes to assist with the implementation of a response to a worst case scenario pandemic should be considered’.

You ask whether there is any potential overlap between the requirements of the Health Protection (Coronavirus Restrictions) Regulations and the Government’s assessment of an extension to the Coronavirus Act. We will consider this over the coming weeks as we approach the six month mark of the Act later this year.

You ask about the 2019 National Risk Register. The National Risk Register (NRR) provides the public with important information on the types of malicious and non-malicious civil emergencies that might disrupt the UK. The public-facing NRR closely aligns with the National Security Risk Assessment, a classified document that is necessarily internal. Although the National Risk Register is made publicly available once finalised, there was no National Risk Register published in 2019. Work on the latest Risk Register was advanced but will require recalibration due to the significant impact that COVID-19 has had over the past few months on the UK’s risk

landscape. Publication will proceed once that work has been completed.

You ask about the Cabinet's Office role in checking departmental contingency plans. Departments are responsible for overseeing the management of the portfolio of risks of which they have ownership. The Cabinet Office's role is to coordinate the regular assessment of the UK's overall risk landscape for both internal and public purposes, to run the Resilience Capabilities Programme, and to manage central government response. This includes convening COBR, providing crisis management training through the Emergency Planning College, and working with Departments to test emergency response plans.

You also ask about the lessons learned from Exercise Cygnus. As I noted in our discussion, it is important that we respect the need for Ministers and officials to have the space to explore lessons identified with complete candour, then develop policies and/or response plans to address these points. I am, however, keen to be as transparent as possible and will look at options for sharing the outcomes of the exercise.

You also ask for an update on the PPE portal, the so-called Clipper service. The Department of Health and Social Care can provide further detail but we have more than doubled the number of invited users, which now stands at over 2,900. There have been 1298 orders through the portal as of 18 May.

You ask about gown procurement and NERVTAG recommendations. Following advice from the NERVTAG committee on the inclusion of gowns in the pandemic influenza stockpile, the NERVTAG sub-committee for PPE was asked to confirm the exact specification for market analysis. This was received in November 2019 and market analysis was being finalised prior to commencing procurement. This was planned for early 2020 but was disrupted by the outbreak of COVID-19.

With regards to what you refer to as "rural proofing" the Government's response to COVID-19, I can assure you that the Government strongly agrees that our response to COVID-19 must serve all the regions and nations of our United Kingdom, including rural communities.

In response to your point on s97 of the Coronavirus Act, this obliges the Health and Social Care Secretary to report to Parliament every two months on whether non-devolved provisions for which he is responsible are in force, and whether powers relating to suspending and reviving provisions or altering the expiry date have been exercised. Each report will contain a statement that the Secretary of State is satisfied that the status of the provisions is appropriate. The first update report will be published on or before 31 May 2020.

I hope this response is helpful.

With every good wish,

A handwritten signature in dark ink, appearing to read 'Michael Gove', with a stylized, cursive script.

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster**



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Rt Hon Michael Gove MP

Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office

by email

18th May 2020

Dear Michael,

Thank you for your letter of 9th May, in reply to my letter following up your 29th April appearance before the Committee. I was grateful for the responses you were able to make in that time, but would like to press you on some other points which are important to the Committee, and for the ongoing scrutiny of the Government's response to Coronavirus.

I am grateful to you for your explanations to date of the arrangements for how the Covid-19 pandemic response has been organised within Government. I think that for transparency and clarity, it would be useful to see this in an organisational chart (or other diagrammatic form) as soon as possible because the operation of the workings of Government is often unclear from the outside. I look forward to your review of whether further information from the Daily Dashboard can be published.

In addition, you are still to respond on the following points from my original letter:

- A detailed response on what "teeth" the Civil Contingencies Secretariat has, including pointing to legislation where appropriate (Q204).
- Detail on why the Civil Contingencies Act (CCA) was not used instead of the new Coronavirus Act (Q215-9).
- A copy of the published 2019 National Risk Register (Q222-4).
- Whether, or not, the Cabinet Office had carried out checks on whether different Departments had robust plans for the contingency (Q233-4).
- Whether the lessons learned report from Exercise Cygnus could be put into the public domain. (Q235-7).
- The exact status of the Clipper service (Q254).
- Whether the NERVTAG recommendations had been achieved and implemented (that gowns needing to be purchased would fully meet infection control guidance and also be body-fluid repellent as a minimum standard) (Q286).

PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

In addition, you agreed to take forward two issues with Cabinet colleagues:

- Discussing with the Secretaries of State for Environment, Food and Rural Affairs, and for Housing, Communities and Local Government how the Government can make sure that it is properly “rural proofing” its response to Covid-19 (Q199); and
- Checking in with the Secretary of State for Health and Social Care about what the two-monthly report required under s97 of the Coronavirus Act (Q269).

I would be grateful for a response to this letter before the House rises for the Whitsun recess. I shall place this letter, and your reply, in the public domain.

Yours ever


William Wragg MP

Chair, Public Administration and Constitutional Affairs Committee



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
and Minister for the Cabinet Office
Cabinet Office 70 Whitehall London
SW1A 2AS

William Wragg MP
House of Commons
London
SW1A 0AA

Our reference: MC2020/05421

By email to:
pacac@parliament.uk

9 May 2020

Dear William,

Thank you for your letter of 5 May. I am responding quickly regarding the Government's five tests, as requested. The Cabinet Office will follow up with further detail in due course relating to your other questions.

You ask how the Government is measuring progress towards the five tests. We are using a variety of data to assess progress. This includes expert advice from SAGE, the Chief Medical Officer, and the Chief Scientific Adviser.

There has been a consistent fall in the daily death rate, which has decreased from 1012 on the date of the last review to 626 on 7 May. On the rate of infection, SAGE provides updated assessments of the R rate in the community and other settings which, alongside data from a nationwide surveillance survey, are monitored to ensure that incidence levels are falling. They will also be asked to consider the impact of removing social distancing measures.

You also asked how the pandemic response is organised across Government. As I set out to the Committee, and to the House in my Statement on 28 April, we established four ministerial implementation groups on 17 March to lead the Government's response. The chairs of these groups report to the Prime Minister. The Cabinet Office will look to update our published departmental organogram in due course.

On the Daily Dashboard, this contains data for use in ministerial decision making, of various degrees of sensitivity. The elements which can usefully be shared publicly already inform graphs presented at Government press conferences. We will keep under review whether we can share further information with Parliament and the public.

Government receives regular reports on the capacity of the NHS including relating to staffing, ventilators, bed availability, the stock and demand levels of PPE, and testing. All of this will be

used to show progress towards the five tests as we consider the easing of social distancing measures as an important part of our decision-making process.

I hope this initial response is helpful.

With every good wish,

A handwritten signature in black ink, reading "Michael Gove". The signature is fluid and cursive, with the first name "Michael" and the last name "Gove" clearly distinguishable.

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
and Minister for the Cabinet Office**



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Rt Hon Michael Gove MP

Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office

5th May 2020

Dear Michael,

Thank you for appearing before the Committee last week. It is an important part of our inquiry into the Coronavirus Act and we were grateful for your time.

During the session, you committed to write on several issues and I thought, for the sake of transparency and to get some additional detail in some areas, I should write to you with the full list. It is important to get some of this information very quickly, so I would be grateful if you could reply on individual issues, rather than wait until you have all the information to send one letter.

- You answered my question about how the Covid-19 pandemic response has been organised within Government and explained the Cabinet sub-committees and officials groups. It would be very useful if you could set that out in writing, perhaps with an organisational chart to illustrate the relationships between the groups (Q172-3).
- The Committee asked for details about what information on the Daily Dashboard is already shared publicly, what information is shared beyond Government and what information is restricted. You committed to consider whether the whole document could be shared and if not, what more information could be published, including the information on PPE stocks (Q178-82).
- I asked about what “teeth” the Civil Contingencies Secretariat has – it would be useful to have a more detailed response to that question in writing, including pointing to legislation where appropriate (Q204).
- You and I had an exchange about why the Civil Contingencies Act (CCA) was not used and instead the Government chose to bring forward a bespoke piece of legislation for this crisis. I accept the point that you made, that Governments rarely published legal advice. Your answer was spread across several questions and for the sake of transparency, it would be helpful for you to bring that together and provide the full explanation of why the CCA was not used (Q215-9).
- The Committee would be grateful for a copy of the published 2019 National Risk Register which we have not been able to locate on the Cabinet Office website (Q222-4).
- You agreed to confirm whether, or not, the Cabinet Office had carried out checks on whether different Departments had robust plans for the contingency (Q233-4).



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

- You committed to talk to colleagues about whether the lessons learned report from Exercise Cygnus could be put into the public domain. I would be grateful for an update on those discussions. If you are unable to share this document with the Committee, we would be grateful for a redacted version of the report. You offered that members of the Committee could come into Cabinet Office to read the document; this is sub-optimum as not all members are able to come to Westminster at the moment. However, I would be happy to take up this offer, with my clerk, at your earliest convenience (Q235-7).
- You agreed to report back on the exact status of the Clipper service (Q254).
- You committed to write before the end of the current lockdown period on how the "5 tests" will be measured and about the progress towards them (Q279). There was a wider discussion about the 5 tests in the context of the reviews required under the Coronavirus act itself. It would be helpful to know whether there is any overlap between the requirements of the Health Protection (Coronavirus, Restrictions) Regulations and the assessment that the Government will carry out before deciding whether the Coronavirus Act should be extended (Q272-3).
- You agreed to look back at the NERVTAG minutes, and DHSC procurement, to check whether the NERVTAG recommendations had been achieved and implemented (that gowns needing to be purchased would fully meet infection control guidance and also be body-fluid repellent as a minimum standard) (Q286).

In addition, you agreed to take forward two issues with Cabinet colleagues:

- Discussing with the Secretaries of State for Environment, Food and Rural Affairs, and for Housing, Communities and Local Government how the Government can make sure that it is properly "rural proofing" its response to Covid-19 (Q199); and
- Checking in with the Secretary of State for Health and Social Care about what the two-monthly report required under s97 of the Coronavirus Act (Q269).

I would be grateful if you could either include this information in your letter or arrange for colleagues to write directly to the Committee.

I shall place this letter, and your reply, in the public domain.

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee