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Chair, Public Administration and
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House of Commons
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Dear William,

Thank you for your letter of 16 July following my appearance in front of the Committee on 14 July. I am writing in response to the questions you raised in your letter which are for the Cabinet Office to answer. My colleague, the Minister of State for Health, will respond separately on the questions related to the Department for Health and Social Care (Q130, Q131, Q158-159 and Q185).

Ministerial accountabilities for COVID-19 across Govt (Q111)

You remarked during the session that the 'List of ministerial responsibilities' guidance published by the Cabinet Office had not been updated since October 2019 and asked for information on the COVID ministerial accountabilities across DHSC and for all Government Departments. The Cabinet Office will soon be publishing an updated list of ministerial responsibilities. Following its publication, I would be happy to share a copy of the list with you and answer any specific questions you may have. As you will be aware, the Chancellor of the Duchy of Lancaster is the chair of the COVID Operations Cabinet sub-committee.

Civil Contingencies Act and legal advice (Q119)

I recognise the Committee's interest in the use of the Civil Contingencies Act 2004 (CCA). As the Chancellor of the Duchy of Lancaster explained 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'.

This approach provided greater legal certainty for the government and other bodies and agencies who were responding to the pandemic. CCA emergency regulations would have required parliamentary approval within seven days (if Parliament was still sitting), and could have been amended at that point; could have been struck down in the court as secondary

legislation; and would have had to be renewed every 30 days. The Government believes its approach was right, especially since Parliament went into recess shortly after the Coronavirus Act was passed and changed its business arrangements so as to protect Parliamentarians and their staff, thereby limiting the opportunity for retrospective debate and repeat approvals.

You are right to note that, as the Chancellor of the Duchy of Lancaster told the committee in April, the government does not share legal advice. I recognise Parliament's interest in how the government approached this legislation and would be prepared to share, on a confidential basis, the document which explains the policy background, which informed the decision Ministers took.

Exercises on economic impact of a pandemic (Q136-139)

The Government takes seriously safeguarding the economy. The National Security Risk Assessment assesses all included risks, including for example, a pandemic influenza, against a set of seven impact dimensions; 'economic impact' is one of these.

The Government has been building its capacity for monitoring and responding to economic shocks - at a local, national, and sectoral level - for some time. A number of departments, including HMT, BEIS and Cabinet Office have a role in monitoring emerging economic risks, and to ensure that public finances are resilient. HM Treasury has procedures in place to continually monitor the UK economy, including identifying and preparing for emerging economic risks, as well as to ensure the public finances are resilient to those risks. BEIS regularly conducts desktop exercises on large company failures. Both HMT and BEIS took part in Exercise Cygnus. Examples of recent large company failures that have been managed across several Government Departments include Thomas Cook (2019), Carillion (2018) and Monarch Airlines (2017). In addition to these experiences, Departments have also been driven by lessons learned in 2008, and measures taken in advance of a potential 'No Deal' EU exit late last year.

Coordinated response plans exist across the financial sector. As with any developing risk, plans would be adjusted as the situation develops. These monitoring systems and existing plans enable Government to understand the scale and nature of the challenge of COVID-19 to the economy as a whole and to act quickly. HM Treasury has announced unprecedented support packages to keep as many people as possible in their existing jobs, help viable businesses to stay afloat and protect the incomes of the most vulnerable – including the Coronavirus Job Retention Scheme (CJRS) and Business Interruption Loan Schemes (CBILS).

National Risk Register (Q141-143)

On your query about the National Risk Register, the public-facing National Risk Register (NRR) reflects the key insights and assessments made in the most recent National Security Risk Assessment (NSRA).

For each iteration of the NSRA, the risk landscape is comprehensively reviewed to ensure that the risks that could most significantly disrupt the UK are included. The methodology that underpins the NSRA is also refreshed, drawing on the expertise of the internal and external scientific and academic communities. Key improvements to the 2019 NSRA included: the combination of both malicious and non-malicious risk scenarios on the same risk matrix for the first time; updating the assessment timescale; and the inclusion of new impact criteria to better account for the international consequences of risks and the impact on the UK's security apparatus. These changes will be reflected in the findings and information included in the next iteration of the NRR.

The next NRR will reflect the latest UK risk landscape, including the new risks added to the NSRA since the 2016 iteration, and will be presented in a manner consistent with the latest methodology. Work on the latest NRR had started before the onset of the coronavirus pandemic. However, due to the significant impact of Covid-19, we now need to re-evaluate the UK risk landscape with a range of stakeholders, including the behavioural science community. This work is in progress, and once complete we intend to use it to produce an up to date NRR. We remain committed to publishing the refreshed document, which will be made available on GOV.UK by the end of October 2020.

I hope that you find this information helpful.

A handwritten signature in black ink, appearing to read 'P M Mordaunt', with a long horizontal flourish extending to the right.

Rt Hon Penny Mordaunt MP
PAYMASTER GENERAL

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Rt Hon Penny Mordaunt MP
Paymaster General
By email

16th July 2020

Follow-up from 14th July evidence session

I am very grateful to you and Katharine Hammond for giving evidence to our Committee on Tuesday 14th July as part of our inquiry into the Coronavirus Act 2020. This letter sets out those further points and some requests for additional information that could not be covered in the session due to time constraints. I enclose with this letter a copy of the transcript of the session.

During the session an offer was made to provide the Committee with more information on different strands of COVID-19 work and ministerial accountabilities across the Department of Health and Social Care. I would be grateful to receive such information for the Department of Health and Social Care but also for all Government Departments. **(Q111)**

A point of interest in the Committee's inquiry has been the suggestion that the Government could have used the Civil Contingency Act 2004 in response to COVID-19. Particularly, for example, as a "stopgap" measure to allow more time for Parliamentary scrutiny. The Government has previously stated that it did not use the Civil Contingencies Act because of legal advice it received. I appreciate the Government will not ordinarily publish legal advice but it would be helpful if such advice could be shared with the Committee confidentially, as was raised during the evidence session. **(Q119)**

Exercise Cygnus, conducted in 2016, made several recommendations to improve the UK's pandemic preparedness. I have been to the Cabinet Office to review the report of this exercise. Please could we have a list of things that were changed as a result of that Exercise's findings and recommendations. **(Q130)**

As covered during the evidence session, there have been recommendations made to us about the two-monthly reports produced under the Coronavirus Act and the debate that

will take place six months after the passing of that Act. It would be helpful if the Government could commit to publishing in its two-monthly reports:

- why provisions under the Coronavirus Act are still necessary; and
- the evidence base for their necessity and their effectiveness.

It has been suggested to us that the Government should publish, in good time for the debate at the six month point:

- the original rationale for the non-temporary provisions in the Coronavirus Act 2020;
- why those provisions are still justified; and
- the evidence base to demonstrate those provisions are still effective.

Can the Government commit to publishing this information no later than two weeks before the debate? (Q131)

During the evidence session, the Committee asked if we could receive a precis of exercises that had been conducted to measure and prepare for the economic impact that a pandemic would have. (Q136-139)

An updated version of the 2017 National Risk Register has not yet been updated. I would be grateful if you could write to us setting out what changes have been made between the 2017 and 2019 national risk assessment, and also update the Committee when the latest risk register will be published, acknowledging that it is a document that is constantly updated. (Q141-143)

An equalities assessment of the Coronavirus Act 2020 has not been published. During the session it was suggested that the Committee may receive some information on the equalities impact of both that Act and other parts of the Government's coronavirus response. I would be grateful to receive such information as soon as possible. (Q158-159)

The Committee would also be grateful to receive the Government's estimate of the likely demand for PPE in a "second wave". (Q185)

Additional matters

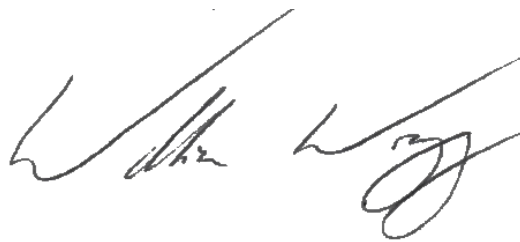
Under the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the Secretary of State must review the need for the regulations every 28 days. I have previously raised in the Chamber the suggestion that the Government should at least publish a written statement at the end of each review period setting out what decision it has made at the end of the review period and the basis for that decision. Could you please consider this request again and, if you are not inclined to accept it, set out the reasons for not doing this.

It is clear that local lockdowns will be an important part of the Government's management of the coronavirus going forward. Please could you provide an overview of the responsibilities and powers local authorities and the UK Government will have for imposing local lockdowns and what the statutory framework is in which those powers will be exercised. During the evidence session, it was suggested that the responsibilities for local lockdowns sit with the Ministry of Housing, Communities and Local Government. I would be grateful if you could clarify the split of responsibilities between the Department of Health and Social Care, MHCLG and the Cabinet Office for local lockdown, perhaps with an illustrative example.

In addition, in his statement to the House on 29th June, the Secretary of State for Health and Social Care described local Directors of Public Health as having statutory powers to close individual organisations. I would be grateful if you could set out to which statutory powers the Secretary of State was referring.

I appreciate we have requested a large amount of information in this letter but we would be particularly grateful if we could receive a response by Monday 27th July to enable the Committee to continue its work. I would be happy to receive any information as it is ready, rather than wait for a single letter responding to all my requests.

I have written in the same terms to the Minister for Health, Edward Argar MP.

A handwritten signature in black ink, appearing to read 'William Wragg', written in a cursive style.

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee