



House of Commons
Public Administration
and Constitutional Affairs
Committee

**A Public Inquiry into
the Government's
response to the
Covid-19 pandemic:
Government's response
to the Committee's
Fifth report**

**Fourth Special Report of Session
2019–20**

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Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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The committee is a select committee, the powers of which are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the internet via www.parliament.uk.

Publication

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Committee reports are published on the Committee's website at www.parliament.uk/pacac and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Iwona Hankin (Committee Operations Officer), Claire Hardy (Committee Specialist), Gabrielle Hill (Committee Operations Manager), Dr Philip Larkin (Committee Specialist), George Perry (Media Officer), Sarah Rees (Clerk), Dr Patrick Thomas (Committee Specialist), Rebecca Usden (Senior Committee Specialist) and Jonathan Whiffing (Second Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Public Administration and Constitutional Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3268; the Committee's email address is pacac@parliament.uk.

You can follow the Committee on Twitter using [@CommonsPACAC](#).

Fourth Special Report

The Public Administration and Constitutional Affairs Committee published its Fifth Report of Session 2019–21, *A Public Inquiry into the Government's response to the Covid-19 pandemic* (HC 541) on 10 September 2020. The Government's response was received on 10 November 2020 and is appended to this report.

Government Response to the Public Administration and Constitutional Affairs Committee report: A Public Inquiry into the Government's response to the Covid-19 pandemic

Introduction

The Government is grateful to the Committee for its report.

The Government has always been clear that there will be opportunities to look back, analyse and reflect on all aspects of COVID-19. As the Prime Minister has said, this will include an independent inquiry at the appropriate time. For now the Government is focused entirely on responding to the pandemic and saving lives, particularly as the country is experiencing a second wave of the virus.

The Committee makes a number of detailed recommendations as to the independent inquiry's eventual terms of reference. Given the position set out above, it would be premature to respond to each of these recommendations in detail at this stage. When decisions are made on these matters, Parliament will of course be informed in the usual way.

Recommendation 1

Whilst the Parliamentary Commission into Banking Standards demonstrates that Parliament can, under the right circumstances, provide an alternative to public inquiries, in the case of the coronavirus pandemic, an independent public inquiry is the most appropriate means to scrutinise the Government's coronavirus response. The available resources and time obligations would risk overwhelming any parliamentarians involved and would prevent them from fulfilling their main responsibilities. However, a Parliamentary Commission could be used to investigate matters not covered in a public inquiry, providing it can be demonstrated that it is the most appropriate vehicle for doing so.

Government response to Recommendation 1

The Government agrees that an independent inquiry into COVID-19 should be established at the appropriate time.

Recommendation 2

The coronavirus pandemic did not arise because of human error or systemic failures of policy. Consequently, a public inquiry into how the Government has responded to the coronavirus pandemic should be primarily focussed on improving policy. It should ensure that the right lessons are learnt from any mistakes that have been made. Accountability cannot be ignored: for learning to take place, it is important to understand the events that have occurred, the decisions that were taken and the reasons for that. The impact of decisions on those most directly affected by them must be understood. There must be honesty about mistakes made. But the public inquiry should be forward-looking and the primary purpose of any look backwards should not be to apportion blame but to understand how to ensure that the country is better prepared for any future pandemic. The inquiry should be organised on this basis. This should include avoiding the excess adversarialism of the quasi court-style proceedings of some inquiries.

Recommendation 3

It is clear that non-statutory inquiries are able to proceed more flexibly outside the confines of the Inquiries Act. Their reliance on cooperation can also create an environment that is more conducive for evidence gathering. Nonetheless, the safeguard that the statutory powers provide for accessing evidence or administering oaths means that it would be preferable that an inquiry into the Government's response to the coronavirus pandemic should be established under the Inquiries Act.

Recommendation 7

The Committee has recommended that an inquiry into the Government's response to the coronavirus outbreak should be forward-looking and policy focused. As a result, thought should be given to a non-judicial appointment as Inquiry Chair. The Minister should clearly demonstrate the consideration that has been given to the choice of appointment, in accordance with the Cabinet Office Guidance and as part of greater transparency for which we have called. This should include publishing the candidate specifications in advance of the appointment being made and allowing a brief amount of time for feedback on the documentation.

Recommendation 8

A balance needs to be struck between incorporating all the expertise an inquiry needs within its panel and the need to ensure that the panel is small enough to work effectively. However, whilst we acknowledge that external advisers can be used, the breadth of any inquiry into COVID-19 is likely to be so wide-ranging that a panel will be a necessity. Even if a panel is appointed, the breadth of the inquiry is likely to require further expert input from advisers. For the inquiry to usefully incorporate such advice, as well as the range of evidence it will inevitably receive, and then to synthesise this into workable recommendations, a high calibre panel will be fundamental.

Recommendation 11

The Government should, alongside the terms of reference, set out its plans to cover issues that cannot be included in the public inquiry. This will allow those who are impacted by the wider issues to understand how and when they can contribute to lessons learned and allow the public inquiry to focus on the issues with which it has been tasked.

Government response to Recommendations 1, 2, 3, 7, 8, 11

The Government is grateful for the Committee's detailed and careful consideration of the range of complex issues involved in determining the eventual terms of reference and leadership of the independent inquiry. We will consider those recommendations which relate to the inquiry's scope, shape, chairmanship and format at the right time for those decisions to be made and respond further to the Committee in due course.

Recommendation 4

However, we are convinced of the value of scrutiny in improving policy. Departments have presumably been conducting ongoing in-house assessments of what has and has not worked well with their responses to the pandemic. Departments should make these assessments available to the relevant select committees to scrutinise the Government's response in the areas within their remit. Summaries should also be made public.

Government response to Recommendation 4

The Government notes this recommendation. Departments will continue to respond to all requests for information from select committees in the normal way, and continue to engage with Members of Parliament and the House of Lords, including through answers to written and oral questions.

Our collective understanding of the virus, and how it spreads, has vastly improved since the initial wave of infections. As a responsible government we have been planning and continue to prepare for a wide range of scenarios. In the coming months we will continue to assess these plans, including what the UK can learn from other nations and to ensure effective coordination between Departments and with the devolved administrations.

In May the Government published its [COVID-19 recovery strategy](#). This was updated in July, including details on planning for the Winter. On 12 October the Prime Minister announced the Local COVID Alert Levels to simplify, standardise and in some places toughen local rules in England. Our planning assumptions and guidance are kept under review and amended as the scientific and medical advice develops. Information will continue to be shared when it is possible and appropriate to do so.

Recommendation 5

The Government has committed to holding a public inquiry into the response to the coronavirus. It is correct to do so. The Prime Minister has said, however, that the inquiry will not be held whilst efforts to combat the pandemic continue. Given the time an inquiry typically takes to begin its evidence gathering, the Government should

announce the inquiry into the response to the coronavirus immediately to allow time to set up the secretariat and other administrative functions which should mean it could start taking evidence early next year. Delaying the set-up will inevitably delay the inquiry's ability to start work in earnest.

Government response to Recommendation 5

The Government has always been clear that there will be opportunities to look back, analyse and reflect on all aspects of COVID-19. As this recommendation recognises, the Prime Minister has announced that this will include an independent inquiry at the appropriate time.

However, a premature inquiry risks drawing key people away from their work on the pandemic itself: impeding our response; slowing-down Government action; and potentially risking lives. And it is not yet possible to predict when conditions will be right for the inquiry to start. Clearly we all want to beat this virus as soon as possible—that is why the pandemic response needs to be our full focus.

The Government is committed to ensuring that when the inquiry is established it will be in a position to commence its work promptly.

Recommendation 6

The role of the inquiry chair is clearly fundamental to the way in which the inquiry is conducted as well as to how it is perceived. Chairs need to be seen to be impartial but also as authoritative and sympathetic. Given this significance, the rather haphazard nature of many appointments seems to us inadequate. The appointment of chair lies with the relevant Minister. However, in the case of a public inquiry into coronavirus, a far greater degree of transparency in the appointment of the chair is required. The appointing minister should be able to demonstrate that proper consultation and deliberation has been conducted before the appointment is made. The appointment should be subject to a pre-commencement hearing with the relevant select committee, given the high level of parliamentary interest in this inquiry.

Government response to Recommendation 6

As the Committee recognises in making this recommendation, the appointment of an inquiry chair is a matter for the sponsoring minister. For inquiries under the Inquiries Act, ministers are under a statutory obligation to ensure that inquiry chairs and panel members have the requisite expertise and are impartial. The same considerations apply to appointments to non-statutory inquiries.

The Government makes a range of public appointments and recognises that pre-appointment and pre-commencement hearings are appropriate for a number of specific appointments, as set out in Cabinet Office guidance available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771845/Cabinet-Office-Guidance-pre-appointment-scrutiny-of-public-appointments.pdf.

Where an appointment is long term it may be listed on the public appointments Order in Council and appointments will be made by ministers in line with the Governance Code

for Public Appointments. Some of these appointments will be subject to pre-appointment scrutiny. If an appointment is to a role that is expected to be time-limited, it may be made in line with the long standing practice that ministers can directly appoint individuals to undertake specific pieces of work. This is the case for inquiry chairs.

The Government accepts the need for high-quality appointments in respect of the eventual independent inquiry; however, a pre-commencement hearing in this context would not be appropriate, in particular as it might risk the inquiry chair being drawn into the political process and undermine the perceived impartiality of the chair.

Recommendation 9

As with the appointment of the chair, the Government should be fully transparent in the appointment of panel members.

Government response to Recommendation 9

As set out above, the appointment of an inquiry panel is a matter for the sponsoring minister. For inquiries under the Inquiries Act, ministers are under a statutory obligation to ensure that inquiry panel members—if appointed—have the requisite expertise and are impartial. The same considerations apply to appointments to non-statutory inquiries.

Recommendation 10

Inquiries should have a clear purpose, be it policy learning or accountability, and the terms of reference should be determined by that. Consultation with those who have been directly affected by the coronavirus pandemic can make a significant contribution to a public inquiry. Gaining the input of those with direct experience of the issues being inquired into can ensure the inquiry covers the most important questions far better than would be the case if the terms of reference were to emerge fully formed from a ministers' office. However, the expectations need to be managed and a single inquiry cannot address every issue. The minister and chair must balance the need to be inclusive with the need to allow the inquiry to maintain focus and to report in a timely manner.

Government response to Recommendation 10

The Government agrees that inquiries should always be established with a clear purpose, and notes the Committee's analysis of the balance to be struck in the drafting of the independent inquiry's terms of reference. As set out above, we will consider the Committee's recommendations which relate to the inquiry's scope, shape, chairmanship and format at the right time for those decisions to be made.

Recommendation 12

The Committee believes that each administration, be it the UK or devolved should establish its own inquiry. This is because most aspects of the response to the pandemic are devolved matters but doing such also ensures proper attention is granted to each of the nations' response, it is the route to a statutory inquiry that requires the least

negotiation and deliberation and it is still possible to understand the UK-wide response by including cooperation between administrations in the terms of reference within each inquiry. The UK Government should consider the coordinating role between the Governments of the UK, including public communications.

Government response to Recommendation 12

The Government notes those aspects of this recommendation which relate to reserved matters. As set out above, we will consider its recommendations which relate to the inquiry's scope, shape, chairmanship and format at the right time for those decisions to be made.

Recommendation 13

With an event as far reaching and impactful as the coronavirus pandemic, government policy has been put under enormous strain, so it is important that the Government can clearly demonstrate that it is learning lessons. The Committee would expect the Government's response to include a full explanation of why it does not accept a particular recommendation. It should also adopt this "comply or explain" approach where a recommendation is only partially accepted or addressed by different means.

Government response to Recommendation 13

The Government agrees that in responding to the inquiry's eventual report, Government should be clear as to whether or not it is adopting any particular recommendation, and the rationale behind that decision.

Recommendation 14

Select committees control their own agendas and it is up to their chairs and members whether to hold the Government to account for the implementation of inquiry recommendations. However, it is clear that, for the value of an inquiry to be realised, there needs to be some means by which the Government is held to account for the steps it takes in response to the inquiry findings. Too often that has not been the case. The breadth of the areas likely to be covered by the inquiry means that a number of select committees will have oversight of key areas of the Government response. The Liaison Committee should consider adding the 'scrutiny of the Government's responses to public inquiries' to the list of core tasks for departmental select committees.

Government response to Recommendation 14

The Government notes this recommendation.

Recommendation 15

The National Audit Office should work with select committees to monitor the implementation of all the elements of the recommendations of the coronavirus public inquiry. It should provide periodic reports to the relevant select committees updating them on the state of implementation across the range of areas covered.

Government response to Recommendation 15

The Government notes this recommendation.