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Scottish Affairs Committee

Coronavirus and Scotland: Interim Report on Intergovernmental Working

First Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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The Scottish Affairs Committee

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Summary

The coronavirus outbreak has been the most significant public health and economic challenge that Scotland has faced in recent times, with lockdown restrictions having a huge impact on individuals and businesses nationwide. Unprecedented interventions have been required from both the UK and Scottish Governments to mitigate the social and economic impact.

At the heart of the response to the pandemic has been the need for effective coordination and relations between all four nations of the United Kingdom, particularly given that key policy areas, such as health, are devolved. We analyse and evaluate the nature of the joint working relationship and what has become known as the four-nations approach. In particular, we examine the dynamic between the UK and Scottish Governments from the start of the outbreak.

Without doubt, the response to the crisis has thrown up new ways of intergovernmental working and has further tested intergovernmental structures that were already under strain. The use of these structures to co-ordinate policy responses have varied throughout the pandemic. Familiar mechanisms for intergovernmental relations (IGR), such as the Joint Ministerial Committee (JMC), have not been used, with intergovernmental discussion primarily taking place through the Government's Civil Contingencies Committee (COBRA) and five new Ministerial Implementation Groups (MIGs). Scientific cooperation has taken place between the Chief Medical Officers and Chief Scientific Advisors of the four nations, the UK Government's Scientific Advisory Group for Emergencies (SAGE) and the Scottish Government's COVID-19 Advisory Group.

There has been unprecedented coordination through the four-nations approach. From the early stages of the pandemic, the devolved administrations had input into the UK-wide Joint Action Plan, were consulted on the measures contained in the UK Coronavirus Act and have taken part in a UK-wide scheme to procure Personal Protective Equipment (PPE). Initially, any policy differences between the four nations were minimal and a matter of timing rather than fundamental divergence.

However, there have been policy differences since the second review of lockdown restrictions in early May. Each published its own plan for easing the rules and reopening parts of the economy. Messaging in England, but delivered at a UK-wide level, changed from 'Stay at Home' to 'Stay Alert' without the First Minister of Scotland being told what the new message would be in advance. From this point onwards, England often moved at a faster pace than the rest of the UK in terms of its messaging, the activities permitted and the businesses that could now reopen. We recognise good reason for the four nations taking different measures in accordance with their needs, however, this divergence coincided with the main mechanisms for cooperation, COBRA and the MIGs, ceasing to operate. We note evidence that suggests this has caused divergence to happen almost by accident and led to confusion about how decisions are made.

We conclude that the UK Government has failed to make clear when its messaging applies only to England. We call on Ministers to outline how they intend to address such failings and how they plan to distribute future messages.

We are concerned that MIGs and COBRA have ceased to meet in the context of the pandemic and that devolved nations now appear to be consulted informally rather than through formalised, minuted mechanisms. The Government should outline how it has discussed decisions with the devolved nations and how it has guaranteed regular communication thus far, why the MIGs and COBRA have ceased to meet and what consultation there was with the devolved administrations prior to this decision. Ministers must outline their plans for the coronavirus Cabinet Committees, [Covid-19 Operations Committee and COVID-19 Strategy Committee] and how those will involve and incorporate the priorities of the devolved nations. The fact that the Joint Ministerial Committee has not been used throughout the course of the pandemic raises questions about the suitability of existing intergovernmental structures in crisis situations and what it means for the future of intergovernmental relations. The Government should justify its preference for the use of COBRA and the MIGs over the JMC thus far and explain how it will incorporate concerns about IGR structures into its ongoing Review of Intergovernmental Relations.

Evidence heard on the role of the Office of the Secretary of State for Scotland (Scotland Office) shows that Scottish and UK Ministerial counterparts prefer to communicate directly, rather than via the Scotland Office. This means there is a continued risk of it finding itself out the loop on UK-Scotland issues relating to the pandemic. The Government must specify and define a clear role for the Scotland Office in the context of COVID-19 and similar UK-wide emergencies. We think there is potential for it to play a formal coordination role in ensuring that relevant ministers in the UK and Scottish Governments are meeting regularly and this may help fill the 'vacuum' in ministerial level communication between the UK and Scottish Governments that we heard described.

Communication on a scientific level appears to have been regular and consistent between the four nations. However, it is unclear whether the advice given by SAGE and the Scottish Government's COVID-19 Advisory Group to their respective Governments has been the same throughout the pandemic. It is difficult to assess these concerns due to issues around transparency. The UK and Scottish Governments should provide details of the procedures and processes used by their advisory groups for providing scientific advice. In addition, both Governments should consider increasing the number of 'on the ground' public health officials in key advisory roles to complement the expertise of academics.

The Government's Joint Biosecurity Centre has been broadly welcomed by the witnesses we heard from, however, some questions around the role of the Centre, and how the devolved nations will feed in, remain. The Government should clarify this and provide an assessment of the benefits of establishing such a Centre for all four nations.

The coronavirus pandemic has inflicted a devastating blow to Scotland, both from a health and economic perspective and has had a profound impact on devolution. The long-term impacts of the coronavirus pandemic on the relationship between the four Governments of the UK are yet to be seen. We will continue to observe intergovernmental developments, whilst continuing to press for effective intergovernmental structures.

1 Introduction

Coronavirus and devolution

1. The coronavirus outbreak has been the biggest public health issue that Scotland has faced in recent memory. Lockdown restrictions have had a huge impact on individuals and businesses nationwide with unprecedented interventions being required from both the UK and Scottish Governments to avoid the most severe social and economic consequences.
2. At the heart of the response to the crisis has been the need for effective relations between the two administrations. However, the response to the pandemic has thrown up new ways of intergovernmental working and has further tested the existing intergovernmental structures.
3. Our predecessor Committee in the previous Parliament carried out a significant amount of work on intergovernmental relations. Its June 2019 report on the relationship between the UK and Scottish Governments found a lack of trust between them.¹ Despite the significant changes in relations over two decades, alongside regular disputes, the report concluded that the infrastructure to support intergovernmental working, primarily the Joint Ministerial Committee has, remarkably, remained largely unchanged.² It is with the former Scottish Affairs Committee's report in mind that we have published this interim report, part of our major inquiry into coronavirus and Scotland. We focus on the nature of the joint working relationship between all four nations of the United Kingdom. In the report, we analyse and evaluate what has become known as the four-nations approach, a novel way of managing the relationship between the UK Government and devolved nations of the UK. In particular, we provide analysis of the dynamic between the UK and Scottish Governments during the pandemic.
4. As our report concludes, there has been unprecedented coordination through the four-nations approach but, more recently, divergence has occurred in policy areas. The handling of COVID-19, in London and Edinburgh, is likely to be a defining point in the future of intergovernmental relations and could raise fundamental questions about the assumptions that have underpinned the operation of the intergovernmental machinery since devolution.

Our inquiry

5. We launched our inquiry, [Coronavirus and Scotland](#), on 12 May and published a call for written evidence to address the following terms of reference:
 - i) How effective has the four-nations approach been in tackling the coronavirus pandemic? What improvements could be made to formal intergovernmental structures, such as the Joint-Ministerial Committee, in light of the pandemic?

1 Scottish Affairs Committee, Eighth Report of Session 2017–19, [The relationship between the UK and Scottish Governments](#), HC 1586

2 Scottish Affairs Committee, Eighth Report of Session 2017–19, [The relationship between the UK and Scottish Governments](#), HC 1586, para 4

- ii) To what extent has the Four Nations Action Plan (published 3 March) been fit for purpose? How was it designed, and did it reflect the right balance of expert advice?
- iii) How will the UK Government's 'Stay Alert' message, announced on 10 May, impact Scotland? How effective was the coordination between UK and Scottish Governments, and their respective advisory groups, in relation to the 'Stay Alert' message?³
- iv) What implications are there for divergence in UK and Scottish Government policy in tackling the pandemic? Should there be further divergence between nations in easing lockdown restrictions?
- v) Have the UK's funding package and support schemes been sufficient in supporting Scottish businesses, employees and self-employed people in Scotland? Have they been able to reach all sectors in Scotland?
- vi) Has UK and Scottish Government policy around key workers been effective? What further policy changes are required to support: a) seasonal workers; b) social care workers; and c) other key workers?
- vii) What more could the UK and Scottish Government do to ensure that Scottish key workers have been able to gain access to personal protective equipment (PPE)?
- viii) How has the Coronavirus pandemic impacted a) the oil and gas industry in Scotland; b) the Scottish food and drinks industry; and c) the rural economy? What support ought to be provided by the UK and Scottish Governments?
- ix) Have there been particular Scottish issues relating to coronavirus that have not been addressed by a Government response?

6. We held seven oral evidence sessions prior to the publication of this report and would like to thank all the witnesses who contributed to the inquiry, particularly in these unprecedented and very busy times. Given that this report focuses on intergovernmental relations throughout the pandemic thus far, we intend to publish further work addressing the impact of COVID-19 on various sectors in Scotland at a later date.

Economy

7. Throughout the pandemic there have been economic interventions by the UK Government directly into Scotland and through the Scottish Government via increased Barnett funding. The Scottish Government has also contributed to Scotland-only support schemes.

8. We recognise the economic support put in place by the UK Government, which has benefited those living and working in Scotland. This includes direct support such as the furlough scheme (officially known as the Coronavirus Job Retention Scheme), the Self-

3 This text was agreed before the Scottish Government, and other devolved administrations, changed their own messaging during the pandemic.

Employed Income Support Scheme, Bounce Back Loans and the Coronavirus Business Interruption Loan Scheme.⁴ The UK Government also provided support through Barnett consequentials. Direct support and Barnett consequential financial support totalled over £10.5bn by June 1st.⁵

9. We also recognise the financial support measures provided by the Scottish Government which saw a re-prioritising of existing budgets that had been set before the pandemic (£255 million) and spending from the Scottish Government's reserves (£66 million).⁶ We note the Scottish Government view that a review of the fiscal framework could be necessary, to ensure that the Scottish Government has the powers to deal with emergencies, such as pandemics, in the future.⁷

10. We will provide a more detailed analysis of the economic consequences of the coronavirus pandemic, as well as sectoral impacts, in our future report, which is scheduled to be published later this year.

Report structure

11. Chapter 2 considers some of the key milestones reached via the four nations approach. Chapter 3 examines the effectiveness of the four-nations approach and the main mechanisms for intergovernmental relations during the pandemic, as set out in Appendix 1. Chapter 4 provides a brief summation of final thoughts.

4 [Q21](#) [Rt Hon Alister Jack]; UK Government, [Coronavirus \(COVID-19\): Information for individuals and businesses in Scotland](#), accessed 16 July 2020

5 UK Government, [Summer Statement delivers plan for jobs in Scotland](#), accessed 20 July 2020; Evening Express, [UK Government spent more than £10bn in Scotland during crisis, Tories say](#), 1 July 2020

6 Scottish Parliament, [What is the Scottish Government spending on coronavirus \(COVID-19\) support?](#), accessed 21 July 2020

7 [Q208](#) [Akash Paun]; Scottish Government's Advisory Group on Economic Recovery, [Towards a Robust, Resilient, Wellbeing Economy for Scotland](#), accessed 16 July 2020; The Press and Journal, [State of the nation: Economy experts give recommendations on path forward as Scotland emerges from pandemic](#), 22 June 2020

2 Coronavirus and intergovernmental working: the story so far

12. The following timeline provides an overview of the pandemic so far and the key moments in the UK and Scottish Governments' response. The boxes highlighted in grey record the evidence sessions undertaken by our Committee:

Date (2020)	Event
20 January	Calls between the four nations, arranged by the UK Department of Health and Social Care to discuss COVID-19 began. ⁸
22 January	The UK Government's Scientific Advisory Group for Emergencies (SAGE) met for the first time to discuss COVID-19. ⁹
24 January	COBRA held its first meeting in ministerial form with leaders from the four nations. ¹⁰
31 January	First UK cases of COVID-19 with two people from the same family testing positive. ¹¹
2 March	The first coronavirus case in Scotland is confirmed after a patient was diagnosed having recently travelled from Italy. ¹² However, concerns were raised about the presence of coronavirus at a Nike conference in Edinburgh in February. ¹³
3 March	The UK-wide action plan , one of the first examples of substantive four-nation cooperation, is published. It set out what the UK as a whole had done, and planned to do, to tackle the coronavirus outbreak.
11 March	World Health Organisation declares the virus a pandemic. ¹⁴ UK Chancellor Rishi Sunak announces a £12bn package of emergency support to help the UK in his first budget. ¹⁵
13 March	First death of a patient in Scotland from COVID-19. ¹⁶
16 March	Prime Minister Boris Johnson advised everyone in the UK against "non-essential" travel and contact with others. ¹⁷

8 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 23 June 2020, HC (2019–2021) 377, [Q62](#), [Michael Russell]

9 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 23 June 2020, HC (2019–2021) 377, [Q62](#), [Michael Russell]

10 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 23 June 2020, HC (2019–2021) 377, [Q62](#), [Michael Russell]

11 BBC News, [Coronavirus: Two cases confirmed in the UK](#), 31 January 2020

12 BBC News, [Coronavirus: First case confirmed in Scotland](#), 2 March 2020

13 UK Parliament, [Written Question - 49656](#), 20 May 2020

14 Scottish Parliament Information Centre, [Timeline of Coronavirus \(COVID-19\) in Scotland](#), accessed 16 July 2020

15 Scottish Parliament Information Centre, [Timeline of Coronavirus \(COVID-19\) in Scotland](#), accessed 16 July 2020

16 Scottish Government, [First death of patient from Coronavirus \(COVID-19\)](#), accessed 16 July 2020

17 BBC News, [Coronavirus: PM says everyone should avoid office, pubs and travelling, 16 March 2020](#)

Date (2020)	Event
17 March	<p>Ministerial Implementation Groups (formerly Ministerial Implementation Committees) were developed in four key areas: health, public services, economic response and international.¹⁸</p> <p>The UK Government's Chief Scientific Adviser said that if the number of UK deaths could be kept below 20,000, that would be a "good result" from the COVID-19 pandemic.¹⁹</p>
20 March	<p>Chancellor Rishi Sunak announces the Coronavirus Job Retention Scheme, the first of an unprecedented £330bn package of support measures from the UK Government.</p> <p>Other measures include: Coronavirus Business Interruption Loan Scheme (CBILS), Large Business Interruption Loan Scheme (LBS), Self-employment income support scheme, Bounce Back Loan scheme for small businesses, Deferral of VAT and income tax payments.²⁰ The UK Government has also provided the Scottish Government with £3.8bn in Barnett consequentials.^{21,22}</p> <p>The Scottish Government allocated a £2.3bn package of support for businesses throughout the pandemic. These include a Business Support Fund, rates relief, 100% rates relief, self-employed and SME support, support for fishing and associated industries.²³</p>
23 March	<p>The Prime Minister announced UK-wide lockdown restrictions,²⁴(followed by respective announcements by the devolved nations) Lockdown came into force in England, Scotland and Wales on 26 March and Northern Ireland on 28 March.²⁵</p>
25 March	<p>The Coronavirus Act 2020, which gave additional powers to the devolved administrations to deal with the pandemic, is given Royal Assent.²⁶ Officials from each of the devolved administrations worked together from mid-February to ensure the legislation was drafted to meet their needs.²⁷</p> <p>Scottish First Minister Nicola Sturgeon announces the establishment of a COVID-19 Advisory Group for Scotland.²⁸</p>
10 April	<p>UK-wide plan for the procurement of Personal Protective Equipment (PPE) announced by the Department of Health and Social Care.²⁹</p>

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- 18 Institute for Government, [UK Government coronavirus decision making: key phases](#), June 2020
- 19 Sky News, [Coronavirus: Experts once said 20,000 deaths was a 'good outcome' - so where is the UK headed now?](#), 27 April 2020
- 20 UK Government, [Coronavirus \(COVID-19\): Information for individuals and businesses in Scotland](#), accessed 16 July 2020
- 21 UK Parliament, [Written Question - 903985](#), 1 July 2020
- 22 Figure correct prior to the Chancellor's 8 July Summer Statement which announced a further £800m of Barnett consequentials.
- 23 Scottish Government, [Coronavirus \(COVID-19\): support for businesses](#), accessed 16 July 2020
- 24 House of Commons Library, [Coronavirus: the lockdown laws](#), July 2020
- 25 Institute for Government, [Coronavirus lockdown rules in each part of the UK](#), July 2020
- 26 Legislation.gov.uk, [Coronavirus Act 2020: Explanatory Notes](#), accessed 3 July 2020
- 27 Institute for Government, [A four-nation exit strategy](#), May 2020, p 4
- 28 Scottish Government, [New expert group to study the spread of COVID-19](#), accessed 16 July 2020
- 29 UK Government, [Government sets out plan for national effort on PPE](#), accessed 16 July 2020

Date (2020)	Event
15/ 16 April	Lockdown extended in all four-nations of the UK following the first review of restrictions. ³⁰
17 April	Scottish First Minister Nicola Sturgeon said divergence in Scotland could be justified "if the evidence and the science tells us that because we are all at different stages of the infection curve we might need to do things slightly differently". ³¹
28 April	The Scottish Government advised people to wear face masks in public in limited circumstances as a precautionary measure. ³² However, at that time, UK Health Secretary, Matt Hancock, said that the UK Government's position had not changed and that there was "weak science" on the use of facemasks. ³³ As the scientific advice changed, face coverings were made mandatory on public transport in England from 15th June, ³⁴ and Scotland followed seven days later on the 22nd June. ³⁵ Face coverings in closed public places have been made mandatory in Scotland from 10 July, ³⁶ and in England from 24 July. ³⁷
Early May	Following the second review, the four UK nations made different decisions about their lockdowns. Prime Minister Boris Johnson announced a change from the 'Stay at Home' to 'Stay Alert' message in England. He also announced changes to guidance in England on working from home where it was not possible, unlimited exercise and two people meeting from different households. ³⁸ The Scottish Government, and other devolved administrations, kept the 'Stay at Home' message with First Minister being critical of the UK decision. Scotland changed guidance to allow for unlimited outdoor exercise. ³⁹
14 May	Scottish Affairs Committee holds first evidence session on Coronavirus in Scotland with the Secretary of State Rt Hon Alister Jack MP, Minister Douglas Ross MP and Gillian McGregor, Director of the Scotland Office.
21 May	Scottish Affairs Committee takes evidence from Scottish Government's Chief Medical Officer Dr Gregor Smith, Chief Scientific Adviser Prof. Sheila Rowan and Prof. Andrew Morris (University of Edinburgh and Chair of SG Covid-19 Advisory Group).
27 May	Prime Minister Boris Johnson told the Liaison Committee that there had been fantastic co-operation, collaboration, between all four nations of the UK and that differences "are very marginal". ⁴⁰

30 Foreign & Commonwealth Office, [Foreign Secretary's statement on coronavirus \(COVID-19\)](#), accessed 16 July 2020; Scottish Government, [First Minister COVID-19 update - 16 April 2020](#), accessed 16 July 2020; Welsh Government, [First Minister of Wales' statement on coronavirus lockdown extension](#), accessed 16 July 2020; Northern Ireland Executive, [Covid-19 press conference - 15 April 2020](#), accessed 16 July 2020

31 Scottish Government, [First Minister COVID-19 update](#), accessed 16 July 2020

32 Scottish Government, [Coronavirus \(COVID-19\): public use of face coverings](#), accessed 16 July 2020

33 The Guardian, [Ministers split over coronavirus advice on wearing facemasks](#), 28 April 2020

34 UK Government, [Face coverings to become mandatory on public transport](#), accessed 16 July 2020

35 Scottish Government, [Face coverings mandatory on public transport from 22 June](#), accessed 16 July 2020

36 Scottish Government, [Coronavirus \(COVID-19\) update: First Minister's speech 2 July 2020](#), accessed 16 July 2020

37 UK Government, [Face coverings to be mandatory in shops and supermarkets from 24 July](#), accessed 16 July 2020

38 UK Government, [PM address to the nation on coronavirus](#), accessed 16 July 2020

39 Scottish Government, [Coronavirus \(COVID-19\) update: First Minister's speech](#), accessed 16 July 2020

40 Liaison Committee, HC 322, [Oral evidence from the Prime Minister, Q13](#), 27 May 2020

Date (2020)	Event
Late May	<p>The third review of lockdown restrictions again led to divergence between the four nations with England progressing with further lifting of restrictions. On 28 May, Prime Minister Boris Johnson said that from 1 June in England, regulations on gatherings would be relaxed to allow people to meet outside in groups of up to six people.⁴¹ Gradual reopening of schools/ colleges and retail throughout June⁴² and an announcement made on 'support bubbles'.⁴³</p> <p>In Scotland on 28 May, Nicola Sturgeon announced easing of restrictions to allow people to spend more time outside for recreation, but public still urged to stay at home as much as possible. From 29 May, two households allowed to meet in outdoor up to a maximum of eight people.⁴⁴</p> <p>Wales and Northern Ireland also made more modest changes to their lockdown rules.</p>
11 June	UK Government published figures showing that, up to the end of May, the Coronavirus Job Retention Scheme had furloughed 628,000 Scottish jobs, and the UK Government has spent £425 million on supporting 146,000 self-employed people in Scotland through the Self-Employment Income Support Scheme. ^{45 46}
11 June	Scottish Affairs Committee takes evidence from Scottish Government Cabinet Secretary for Health and Sport, Jeane Freeman OBE MSP, and Clinical Director of Healthcare Quality and Strategy Prof. Jason Leitch.
18 June	Scottish Affairs Committee takes evidence from Akash Paun, Institute for Government, Prof. Nicola McEwen, Centre on Constitutional Change, Prof. Linda Bauld, University of Edinburgh and Prof. David Bell, University of Stirling.

41 UK Government, [PM: Six people can meet outside under new measures to ease lockdown](#), accessed 16 July 2020

42 UK Government, [PM: Six people can meet outside under new measures to ease lockdown](#), accessed 16 July 2020

43 UK Government, [PM statement at the coronavirus press conference](#), accessed 16 July 2020

44 Scottish Government, [Lockdown begins to ease in Phase 1](#), accessed 16 July 2020

45 UK Government, [UK Government supports nearly 800,000 jobs across Scotland](#), accessed 16 July 2020

46 Updated UK Government figures to the end of June show that the Coronavirus Job Retention Scheme had furloughed 736,500 jobs in Scotland; UK Government, [Coronavirus Job Retention Scheme Statistics: July 2020](#), accessed 21 July 2020

Date (2020)	Event
Late June	<p>On 23 June, the UK Government announced that in England from 4 July: pubs, restaurants, hairdressers and some leisure facilities and tourist attractions would be able to reopen; two households would be able to meet indoors; “staycations” in England would be permitted and “accommodation sites” in England would be reopened; and weddings with a maximum of thirty attendees would be permitted.⁴⁷</p> <p>In Scotland, the First Minister announced the move to phase two of its response to coronavirus on the 18 June. This included some changes to Scotland’s lockdown laws: Three households were permitted to meet outside, those living alone were able to visit or be visited people one other household. This essentially allowed people in Scotland to form “support bubbles” as those in England had been able to do since 12 June.⁴⁸</p> <p>In Wales, retail reopened from 22 June, requirement to stay local would be lifted from 6 July.⁴⁹ People would be able to form an “extended household” with one other household from the 6 July.⁵⁰</p> <p>The Northern Ireland Executive announced on 18 June that: Hair salons, barbers and other beauty businesses would be able to reopen from 6 July; visitor attractions from 3 July, holiday and caravan sites from 26 June; hotels, restaurants, bars, cafes and coffee shops from 3 July with some restrictions.⁵¹ On 23 June the Executive announced that people would be able to meet in groups of up to six inside someone’s home.⁵² On 29 June the Executive announced that outdoor gatherings of up to 30 people would be permitted.⁵³</p>
25 June	Scottish Affairs Committee takes evidence from Jonnie Hall, National Farmers Union Scotland, Karen Betts, Scotch Whisky Association, and James Withers, Scotland Food and Drink.
2 July	Scottish Affairs Committee takes evidence from David Phillips from the Institute for Fiscal Studies and Alasdair Smith from the Scottish Fiscal Commission as part of its Coronavirus and Scotland inquiry.
3 July	<p>Scotland’s five-mile travel limit lifted.⁵⁴</p> <p>The UK Government brought in changes to quarantine rules, which came into force from 10 July.⁵⁵</p>

47 UK Government, [PM announces easing of lockdown restrictions](#), accessed 16 July 2020; HC Deb, [Covid-19 update](#), 23 June [volume 677, c1167- 1170]

48 SP Deb, [Meeting of the Parliament Tuesday 18 June 2020: Covid-19: Next steps](#), c2- 11

49 Welsh Government, [First Minister announces further steps to unlock Wales](#), accessed 16 July 2020

50 Welsh Government, [Extended households will enable families to be re-united](#), accessed 16 July 2020

51 Northern Ireland Executive, [Executive agrees changes to help families and most vulnerable](#), accessed 16 July 2020

52 Northern Ireland Executive, [Executive moves on indoor visits](#), accessed 16 July 2020

53 Northern Ireland Executive, [Executive Daily Update: Initiatives to deal with Coronavirus](#), accessed 16 July 2020

54 BBC News, [Coronavirus: Scotland’s five-mile travel limit lifted](#), 3 July 2020

55 UK Government, [Coronavirus \(COVID-19\): travel corridors](#), accessed 16 July 2020

Date (2020)	Event
6 July	Scottish Government announces reopening of pubs outdoors immediately and indoors from 15 July. ⁵⁶
8 July	Scottish Government announces changes to quarantine rules, which came into force from 10 July. ⁵⁷
9 July	Scottish Affairs Committee takes evidence from the oil and gas sector on the impact of COVID-19. Witnesses include Colette Cohen OBE from Oil and Gas Technology Centre, Deidre Michie OBE from Oil and Gas UK, and Prof. John Underhill from the Institute of Petroleum Engineering.
16 July 2020	As of 16 July, there were 292,552 COVID-19 cases and 45,119 deaths across the UK. As part of that, in Scotland, there were 18,384 cases and 2,490 deaths. ⁵⁸

13. In the early stages of the pandemic, it was clear that, whilst each part of the United Kingdom has different needs and demographics, a significant amount of joint working between its four Governments would be required. As the Scottish Government’s Cabinet Secretary for Health and Sport, Jeane Freeman OBE MSP told us on 11 June, “the virus is no respecter of national boundaries, so cross-national and, indeed, international learning and co-operation is critical”.⁵⁹ This is especially so, given that many of the relevant policy areas are devolved.

14. We are pleased to see evidence of joint working between the four nations beginning in January 2020, some time before the first UK cases of COVID-19 were reported. The UK and devolved administrations worked together on the UK-wide joint action plan in early March, the point when the term ‘four-nations approach’ was first used. There was also input from the devolved nations into the UK Coronavirus Act which conferred a range of new powers on the administrations in Holyrood, Cardiff Bay and Stormont. As Akash Paun, Senior Fellow at the Institute for Government, told us: “the Governments were literally at that stage on the same page”.⁶⁰

15. The use of intergovernmental structures to co-ordinate policy responses have varied throughout the pandemic. We note from the start of the crisis that familiar mechanisms for intergovernmental relations, such as the Joint Ministerial Committee (JMC), have not been used for the UK and devolved Governments to coordinate their response. Instead, during the crisis, intergovernmental discussion has taken place predominantly with First Ministers attending the Civil Contingencies Committee (COBRA) and five new Ministerial Implementation Groups (MIGs) that were established to look at specific aspects of the coronavirus response. Scientific cooperation has taken place between the Chief Medical Officers and Chief Scientific Advisors of the four nations, the UK Government’s Scientific Advisory Group for Emergencies (SAGE) and the Scottish Government’s COVID-19 Advisory Group which was set up in March.

56 BBC News, [Coronavirus: Scotland reopens beer gardens and outdoor cafes as lockdown eases](#), 6 July 2020

57 Scottish Government, [Coronavirus \(COVID-19\): public health measures at borders \(international travel\)](#), accessed 16 July 2020

58 UK Government, [Coronavirus \(COVID-19\) in the UK](#), accessed 16 July 2020

59 [Q117](#)

60 [Q168](#)

16. When the Prime Minister announced lockdown restrictions on 23 March, the devolved administrations immediately followed, and throughout this initial phase there were only small variations in timing rather than fundamental policy differences.⁶¹

17. However, while the four nations continue to cooperate on a scientific level, and in areas such as the procurement of personal protective equipment (PPE) and testing, there has been increasing policy differences since the second review of lockdown restrictions in early May. Each nation published its own plan for easing the rules and reopening parts of the economy. At every stage since, England has moved at a faster pace than the rest of the UK in terms of its messaging, the activities permitted and the businesses, such as non-essential retail, that could now reopen. As we discuss later in this report, a coordinated approach can still mean the four nations taking different measures in accordance with their needs, but we note that this divergence has coincided with the main mechanisms for cooperation, COBR and the MIGs, ceasing to operate.

18. It is without doubt that, with so many aspects of the pandemic requiring cooperation, there has never been greater need for effective intergovernmental relations. We agree with the Secretary of State's comments that "both a four-nations and a UK-wide approach have been essential to tackling the [COVID-19] pandemic".⁶²

61 Institute for Government, [Coronavirus and devolution](#), July 2020

62 Secretary of State for Scotland ([COR0012](#))

3 Effectiveness of intergovernmental working during COVID-19

19. In this Chapter, we comment on the relationship between the UK and Scottish Governments during the crisis so far. We consider the extent of a four-nations approach, including the implications of policy divergence, and the effectiveness of the mechanisms and structures used to facilitate joint working between the UK and devolved administrations.

Four-nations approach and initial intergovernmental communication

20. For the purposes of this report, we define the four-nations approach as the joint working and cooperation between the United Kingdom's four Governments in their response to Coronavirus, including on where they do and do not wish to share a common response.

21. It has been clear that from the very start, there have been commendable attempts to facilitate close working relationships between the four nations. Writing for the Constitution Unit, UCL, Akash Paun noted that there had been “close working” between the four nations on the Coronavirus Act, which was: “drafted with significant devolved input before being passed at Westminster with devolved consent under the Sewel Convention”.⁶³

22. We also saw the publication of the Four-Nations Action Plan on 3 March 2020. The Plan was co-signed by the UK, Scottish, Welsh and Northern Ireland Governments, and laid out a strategy for a four-nations approach. The document stated that the Plan would do the following:

Recognising the respective roles and responsibilities of the UK government and devolved administrations, this document sets out what the UK as a whole has already done – and plans to do further – to tackle the current coronavirus outbreak.⁶⁴

23. In his written evidence the Secretary of State for Scotland, Rt Hon Alister Jack MP explained what he sees as the benefits of coordination:

The four-nations approach has meant that administrations across the UK have been and will continue to pool resources and expertise on a range of matters related to the response, while respecting the devolution settlements. This approach has built on many years of co-operation between the administrations on preparations for public health emergencies and other matters related to civil contingency planning and response. The UK and Scottish Governments have had very regular interaction at all levels, including between ministers and officials, between the Chief Medical Officers (CMOs), senior NHS clinicians and public health officials, and among the scientific experts advising both Governments.⁶⁵

24. Scottish Cabinet Secretary for Health and Sport, Jeane Freeman OBE MSP, told us in evidence on 11 June 2020 that at the start of the crisis:

63 Akash Paun, Constitution Unit, UCL, [Five key questions about coronavirus and devolution](#), 31 May 2020

64 UK, Scottish, Welsh Governments and Northern Ireland Executive, [Four Nations Action Plan](#), March 2020

65 Secretary of State for Scotland ([COR0012](#))

The four nations came together using the advice that came primarily through SAGE, that consensus approach to the scientific advice, and crafted, agreed and published at the same time the four-nation plan, which set out the phases that we would individually, in each of our countries, and collectively work our way through, from containment through to delay and so on. At that point, there were, I think it is fair to say, considerable interrelationships and discussions.⁶⁶

Early stage communications

25. We were interested to hear about the nature of communication the Cabinet Secretary had had with the UK Government in the early stages on the pandemic. She reported that:

By and large it is weekly, usually about 30 to 45 minutes. We have, I think, in every single one of those conversations discussed PPE. We have also discussed where we are respectively in our own approaches to testing and contact tracing: are we ready to launch it, how is it going, how have the first weeks gone, and so on. I have raised with the Secretary of State the decision taken by the Department for International Trade and others that the overseas network would not support the devolved administrations in securing international orders for PPE, so we have raised that. By and large, it is implementation issues, although we do also discuss where we are likely to be going in policy terms, for example, around shielding. We are not making shared decisions at that point, it is very much an exchange of information.⁶⁷

26. An account of effective working relationships in the early stages of the pandemic was also expressed by the then Scotland Office Minister, Douglas Ross MP. In his evidence to us on 14 May 2020, he told us that:

Dialogue between all four Health Secretaries around the nations, all four Chief Medical Officers around the nations and all four clinical leads around the nations has been exceptional. People have rightly expected politicians to work together, and we are also seeing our health authorities and our health leaders across the country working together.⁶⁸

27. Scotland Office Director Gillian McGregor CBE, said in the same session that during the pandemic there had been “a real ramping up in engagement at official level between all the devolved administrations and the UK Government.”⁶⁹ The Secretary of State for Scotland, Rt Hon Alister Jack, said he believed the four-nations approach has also been demonstrated in areas such as the procurement of Personal Protective Equipment. He cited the centralised PPE facility in Liverpool from where supplies have been sent to the Scottish NHS.⁷⁰

28. Many of the academics and commentators we questioned also echoed the view of good cooperation at the start. Professor Nicola McEwen, Co-Director at the Centre on Constitutional Change, said:

66 [Q118](#)

67 [Q131](#)

68 [Q27](#)

69 [Q18](#)

70 [Q54](#)

If you look back to the early phase and the action plan document of 3 March, that looks to me very much like an intergovernmental document. It speaks in the language of intergovernmental relations and seems to be something that has been co-determined and shaped by all of the Administrations.⁷¹

29. It has been necessary, and important, for the UK's four nations to work cooperatively in order to tackle a pandemic that does not respect borders. There was considerable effort at the start of the outbreak to work together, with the publication of the Four-Nations Action Plan. Each of the devolved administrations were also able to feed into the development of the UK Coronavirus Act 2020.

Emerging variation in policy between nations

30. Throughout the pandemic there have been differences in the policies between each Government of the UK. At first, these were minor but, in general, co-ordination efforts between the four-nations were perceived to have been excellent. Linda Bauld, Professor of Public Health at the University of Edinburgh's Usher Institute, told us that "there was similar messaging coming from the UK Government and the devolved nations. I think that was necessary and important because of the scale of the challenge that the UK faced."⁷² Akash Paun, a Senior Fellow at the Institute for Government, commended initial co-ordination but noted that "things have changed very much since then".⁷³

31. On 10 May, the Prime Minister made a major announcement, which was broadcast across the UK, but which made changes that only applied in England. He stated, amongst other measures:

- A move from the "Stay at Home" message to "Stay Alert";⁷⁴
- That people could "take more and even unlimited amounts of outdoor exercise";⁷⁵ and
- "anyone who can't work from home, for instance those in construction or manufacturing, should be actively encouraged to go to work".⁷⁶

32. When the change was announced, Scottish First Minister Nicola Sturgeon's own media briefing stated that the message in Scotland remained unchanged:

For the avoidance of doubt, let me be clear – except for the one change I have confirmed today, the rules here have not changed. We remain in lockdown for now and my ask of you remains to Stay at Home.⁷⁷

33. From this point onwards, the approach to managing the coronavirus pandemic differed between the four nations of the UK. However, we are aware that there is an opinion that such differences were to be expected, due to the devolved nature of decision making: the Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP, told the Public

71 [Q167](#)

72 [Q165](#)

73 [Q168](#)

74 UK Government, [Prime Minister's statement on coronavirus \(COVID-19\): 10 May 2020](#), accessed 16 July 2020

75 UK Government, [Prime Minister's statement on coronavirus \(COVID-19\): 10 May 2020](#), accessed 16 July 2020

76 UK Government, [Prime Minister's statement on coronavirus \(COVID-19\): 10 May 2020](#), accessed 16 July 2020

77 Scottish Government, [Coronavirus \(COVID-19\) update: First Minister's speech 10 May 2020](#), accessed 16 July 2020

Administration and Constitutional Affairs Committee on 29 April that while he thought it was better for the UK nations to work together, “different policy approaches can be floated or proposed”.⁷⁸ The Institute for Government has argued that while a coordinated strategy between the four nations is preferable, “a co-ordinated approach does not mean a uniform approach” and there may be legitimate reasons for the four nations to move at different speeds in easing the lockdown.⁷⁹

34. Despite these differences, there was insistence that each of the Government’s decisions were co-ordinated via a four-nations approach. The Secretary of State for Scotland’s appearance at our Committee meeting on 14 May came just as these differences easing of lockdown restrictions had emerged. At that point the Secretary of State was clear that it remained “absolutely a four nations approach”⁸⁰ and that the differences between them were “absolutely miniscule”.⁸¹ He went on to say:

As you know, there was a divergence at the weekend over the messaging, and some disagreement over timing. Everyone has a different opinion of what their R number is, which is fine; although the R number is scientific, it is created from a broad range. We are still pooling our resources and expertise and we are co-ordinating, but we completely respect the right of the devolved nations to move at a different pace if they need to.⁸²

35. We continued to note concern around divergence of policy between the nations of the UK. Akash Paun, Institute for Government, warned that, while there might be good reasons for the different governments of the UK to diverge, “weakening systems of intergovernmental co-operation, information sharing and dialogue” was causing divergence to almost happen by accident.⁸³ This is of concern given that, as Nicola McEwen stated, future issues of economic recovery “will equally require co-operation and communication between the Administrations for quite a long time to come [...] whether or not you can describe it as collectively a four-nations approach”.⁸⁴

Risks around messaging

36. If the policies themselves diverged slightly, but were not that different, it seems to us that the major issue related to problems in messaging and ensuring that the public understood what behaviours would be acceptable in the various jurisdictions. Nicola McEwen said one of the problems is around the role of the UK Government:

The UK Government are simultaneously speaking for the UK as a whole and also acting as the Government of England. That has been at the source of some of the confusion in the public health messages, where it is not always clear, and it has not always been made clear when the messages are directed at England alone and when they are directed at the UK as whole.⁸⁵

78 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 29 April 2020, HC (2019–2021) 118, [Q188](#)

79 Institute for Government, [A four nation exit strategy: How the UK and devolved governments should approach coronavirus](#), May 2020

80 [Q2](#)

81 [Q6](#)

82 [Q2](#)

83 [Q168](#)

84 [Q171](#)

85 [Q172](#)

37. We also recognise problems for those living on the border, where it has been even more unclear which policies apply to them. When discussing the matter, Dr Gregor Smith, Chief Medical Officer for Scotland, reflected that: “messaging is important. How people understand the message becomes an important consideration in terms of how you create confidence that people are going to respond and comply with the behaviours. That is something that has been a consideration throughout our scientific advisory structures. It is something that has a very clear feed-in to the SAGE advisory networks through the work of the SPI-B subgroup”.⁸⁶

38. We asked the Secretary of State, when he gave evidence, to give an account of the discussions that had taken place between the UK and Scottish Governments prior to the UK Government changing its message from ‘Stay at Home’ to ‘Stay Alert’. He said that there had been meetings, including with the First Minister and Deputy First Minister, and other communication between officials. He told us it was made very clear to the Scottish Government that there was going to be a change in message, but he conceded that Nicola Sturgeon’s account of not being consulted on what the message would be was correct. He said it was also the case that “many Government Departments were not consulted on the message, because the message was for the communications experts to bring forward”.⁸⁷

39. The Secretary of State acknowledged that the change and differences in messaging “did cause some confusion”.⁸⁸ He stated that:

I think we have all accepted—that that could have been more specific, but we were very quick to make that clear. The UK Government were very quick to make the position clear immediately afterwards.⁸⁹

Differing messages

40. Professor Bauld, criticised a “lack of transparency”⁹⁰ around intergovernmental co-operation which she said led to confusion about some of the approaches. David Bell, Economics Professor at the University of Stirling, agreed, saying it had “been difficult to see why decisions had been made”.⁹¹ He went on to say that:

Clearly with a pandemic it may be appropriate to take actions in different places at different times, but there has not been the same sort of overview about the development of the pandemic across the whole of the United Kingdom.⁹²

41. We understand that if a four-nations approach still exists, it does not mean uniformity. We are concerned that, as time has gone on, divergence has increased significantly, sometimes accidentally, leading to public confusion and questions about how decisions are made.

42. The UK Government has failed to make clear when its messaging applies only to England, causing unnecessary confusion in the devolved nations. There should be

86 [Q75](#)

87 [Q3](#)

88 [Q14](#)

89 [Q14](#)

90 [Q165](#)

91 [Q166](#)

92 [Q166](#)

messaging clarity to minimise confusion across national boundaries, and this must begin to happen with immediate effect. Then, in its response to the Committee, the Government must outline how it intends to address its failings in messaging, and how it plans to distribute future messages. All Government policy announcements must state clearly to which nation they apply. Post-message clarification is too late a point for providing these explanations, since, it risks leaving members of the public without the information they need to determine which messages apply to them, when they need it.

Joint Ministerial Committee vs. Ministerial Implementation Groups

43. The long-established mechanism for intergovernmental relations, the Joint Ministerial Committee (JMC), has not been used throughout the pandemic. This came as a surprise to us given that the JMC has been, as our predecessor Committee stated in its report, the foundation of intergovernmental relations since the start of devolution. In his oral evidence, the Secretary of State said:

During our dealing with this pandemic, there has been a lull in JMCs. We have been instead operating pretty much daily on what we call MIGs: ministerial implementation groups. There are a variety of different MIGs on health, the economy, the public sector and so on. The Scottish Government Minister or officials—usually both—and those from the other devolved nations will be present, feeding into and debating in those meetings.⁹³

44. Whilst Jeane Freeman MSP told us that she felt it was “disappointing that the JMC had not met” and that there was a feeling “it could fulfil a useful function”,⁹⁴ others are of the opinion that it would not have been an appropriate mechanism for dealing with coronavirus. Scottish Government Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP said, when giving evidence to the Public Administration and Constitutional Affairs Committee on 23 June 2020:

I do not think there has been a single academic report that has found it fit for purpose. The JMC is bust, and I am the only person who has been to every meeting of the JMC (EN) and, believe me, it is bust.⁹⁵

45. We heard similar sentiments from Professor Nicola McEwen, of the Centre on Constitutional Change, when she told us that, had the JMC been used for COVID-19, “its weaknesses and limitations would have been exposed”.⁹⁶

46. The Secretary of State did point out to us that the Ministerial Implementation Groups have not replaced the JMC but were being used instead for discussions on COVID-19.⁹⁷

93 [Q18](#)

94 [Q135](#)

95 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 23 June 2020, HC (2019–2021) 377, [Q89](#)

96 [Q175](#)

97 [Q19](#)

COBRA and Ministerial Implementation Groups

47. When the Secretary of State first spoke to us on 14 May, he told us that there were two or three MIG meetings each day and “quite often at weekends”.⁹⁸ Meetings of COBRA have come in addition to those “when there are major decisions to be taken”.⁹⁹

48. However, we heard conflicting evidence from Jeane Freeman MSP who said that COBRA and MIG meetings, involving decision makers from devolved nations, have become so infrequent they are barely meeting at all. She told us that “the engagement at senior ministerial and political level has not been as consistent as we would wish it to be.”¹⁰⁰ At the time of her oral evidence, on 11 June, she said “the last COBRA meeting was 10 May.”¹⁰¹ She also said that while the four nations approach was a “very positive start” and “remained important”,¹⁰² she did not understand why COBRA and the Ministerial Implementation Groups, had stopped meeting with nothing put in their place.

49. It is unclear whether the number of meetings decreased over time, or if attendance of decision-makers decreased with time. Either way, it appears to be the case that at some point, decision-makers in Scotland were not taking part in MIGs or COBRA meetings.

50. Despite Nicola McEwen describing the MIGs as “creatures of Whitehall”,¹⁰³ Michael Russell MSP told the Public Administration and Constitutional Affairs Committee on 23 June 2020 that:

The ministerial implementation group structure was good. I think we all regret that it suddenly came to an end without consultation with the other Administrations. Nothing has been put in its place that actually brings people together. [...] Cobra is clearly useful, and again it has not met recently. There was a four-nations communications call every day, which came to an end in early June and that is to be regretted. We are probably in a bit of a limbo at the present moment.¹⁰⁴

51. This raises questions about what formal mechanisms are currently in place to host intergovernmental discussion and what will replace them. Jeane Freeman MSP stated there is now “a vacuum in terms of shared discussion and decision making at ministerial level.”¹⁰⁵

52. The First Minister, I understand, has had calls both with Michael Gove and with the Prime Minister, but there have been no forums at governmental level for that shared discussion, decision making and information exchange that you would have, for example, through COBRA.”¹⁰⁶

98 [Q19](#)

99 [Q19](#)

100 [Q118](#)

101 [Q118](#)

102 [Q119](#)

103 [Q167](#)

104 Oral evidence taken before the Public Administration and Constitutional Affairs Committee on 23 June 2020, HC (2019–2021) 377, [Q75](#)

105 [Q135](#)

106 [Q135](#)

53. We understand that the MIGs are to be replaced by two Cabinet Committees but it is not clear whether they will have any relation to the JMC and, as Akash Paun pointed out, whether the Governments from Scotland, Wales and Northern Ireland will be involved.¹⁰⁷ Mr Paun reported that the UK Government did have a plan:

To replace those Ministerial Implementation Groups with two new Cabinet Committees on coronavirus strategy and coronavirus operations [...] The Government seem to be basing that model on the Cabinet Committee structure that was used during the latter phase of the Brexit process. There is obviously a view that that worked well in ensuring a kind of cross-Government discussion of the various issues that arose in responding to coronavirus whereas, as I understand it, the Ministerial Implementation Groups were seen as creating rather separate sectoral discussions. I believe that is partly the reasoning behind it, but as far as the Scottish Government are concerned, I think it is yet to be clarified whether Scottish Ministers and Ministers from the other devolved Governments will be invited to meetings of those new Cabinet Committees. I think the UK Government should clarify that as soon as possible, and the Committee should put pressure on them to do so.¹⁰⁸

54. The Government website lists membership and terms of reference for those Committees online. The Covid-19 Operations Committee includes a membership of the Chancellor of the Duchy of Lancaster, and Minister for the Cabinet Office (Chair), Chancellor of the Exchequer, Secretary of State for Health and Social Care, and states that “Other Cabinet Ministers will be invited according to the agenda”. The Government states that the terms of reference are “to deliver the policy and operational response to Covid-19”.¹⁰⁹

55. The membership of the Covid-19 Strategy Committee includes the Prime Minister (Chair), Chancellor of the Exchequer, Secretary of State for Foreign and Commonwealth Affairs and First Secretary of State, Secretary of State for the Home Department, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, Secretary of State for Health and Social Care, and the Secretary of State for Business Energy and Industrial Strategy. The terms of reference will be to drive the Government’s strategic response to Covid-19, considering the impact of both the virus and the response to it, and setting the direction for the recovery strategy.¹¹⁰

56. Notably, neither Committee’s membership nor terms of reference refer to a commitment to include decision makers in devolved nations within discussions on a consistent basis.

Impact on future intergovernmental relations

57. We asked our witnesses whether coronavirus could be a turning point for the management of intergovernmental relations (IGR). While there was general acknowledgement that something ought to be done to improve intergovernmental

107 [Q175](#)

108 [Q175](#)

109 UK Government, [List of Cabinet Committees and their membership as at 29 June 2020](#), accessed 1 July 2020

110 UK Government, [List of Cabinet Committees and their membership as at 29 June 2020](#), accessed 1 July 2020

working, repeated UK Government promises to review the IGR machinery and “a lack of early communication on developments, a lack of codetermination of policy decisions and a lack of joined-up working”¹¹¹ during the pandemic did not prompt optimism.

58. One of the standard mechanisms for IGR, the JMC, received a particularly poor prognosis, with the Royal Society of Edinburgh stating in its written evidence that: “If [the JMC] is deemed to be inappropriate to support the recovery phase, this would add to the questions long posed about the utility of the JMC mechanism as the central feature of UK intergovernmental relations”.¹¹²

59. To resolve the long-standing IGR issues, a major step change is required. Akash Paun, from the Institute for Government, stated that: “It is even clearer now that, where there are big issues that do not respect borders, such as a big pandemic, you need proper systems for trying to reach joint decisions that do not necessarily impinge upon the autonomy of the different Governments, but that at least try to develop consensus between the Governments”.¹¹³ We await the UK Government’s Review of Intergovernmental Relations, which was launched in March 2018, and hope that it contains commitments to strength intergovernmental working, and supporting mechanisms.

60. **We are concerned to hear that Ministerial Implementation Groups (MIGs) and COBRA have ceased to meet in the context of the pandemic. From what we have heard about how communication standards currently stand, decision-makers in devolved nations have come to be consulted in an informal way, rather than via formalised, minuted mechanisms like the JMC. We recommend that the Government outline how it has discussed decisions about the pandemic with decision-makers in devolved nations, and how it has guaranteed that regular communication have been taking place between the four nations, thus far. The Government should explain why MIGs and COBRA have ceased to meet and what consultation there was with the Scottish, and other devolved governments, prior to this decision.**

61. *Looking to the future, Ministers must outline, in response to this report, their plans for the coronavirus Cabinet Committees, [Covid-19 Operations Committee and COVID-19 Strategy Committee] and how those Committees will incorporate the priorities of the devolved nations. In view of the previous Scottish Affairs Committee’s report on intergovernmental relations,¹¹⁴ the Government must now commit to the following:*

- i) *That key decision-makers in devolved nations hold permanent seats on the COVID-19 Cabinet Committees;*
- ii) *That the COVID-19 Committees be staffed by officials with a deep understanding of all four nations of the UK. In particular, the secretariat must include officials from the Office of the Secretary of State for Scotland, the Office of the Secretary of State for Wales and the Northern Ireland Office, as well as representatives of the Scottish Government (and other nations including Wales and Northern Ireland); and*

111 [Q190 \[Akash Paun, Institute for Government\]](#)

112 Royal Society of Edinburgh ([COR0013](#))

113 [Q174](#)

114 Scottish Affairs Committee, Eighth Report of Session 2017–19, [The relationship between the UK and Scottish Governments](#), HC 1586

- iii) *That formal mechanisms will exist to guarantee intergovernmental communications, including formal meetings between Ministers in devolved nations; officials in devolved nations; advisory services in devolved nations.*

62. We have also noted that the Joint Ministerial Committee (JMC) has not been used as a method of intergovernmental communication throughout the pandemic, although we have heard suggestions that it would not have been fit for purpose in the COVID-19 context. This raises further questions about the resilience and suitability of existing intergovernmental structures in crisis situations and what it means for the future of intergovernmental relations. *We call on the Government to justify its preference for COBRA and the Ministerial Implementation Groups over the Joint Ministerial Committee as the main mechanisms for intergovernmental relations during the pandemic thus far.*

63. *We also recommend that the Government explain to us how it will incorporate concerns about the resilience and suitability of current IGR structures (particularly the JMC) into its ongoing review of Intergovernmental Relations.*

Office of the Secretary of State for Scotland

64. Professor McEwen explained that in general, the role of the Scotland Office is “to represent the interests of Scotland in the UK Government and to represent the UK Government in Scotland”.¹¹⁵ However, she described how, on an intergovernmental relations level, the Scottish Government prefers: “to nurture relationships directly with Whitehall portfolio Departments, and if there is any unlocking needed, it now tends to be done by the Cabinet Office.”¹¹⁶ Jeane Freeman MSP confirmed to us that, from a health point of view, she has had no direct working relationship with the Secretary of State for Scotland during the pandemic.¹¹⁷

65. Those sentiments were also reflected in our former Committee’s report on the relationship between the UK and Scottish Governments. It concluded that:

The Scotland Office has played an important role during high profile, Scotland specific political developments in recent years—such as the passage of Scotland Acts. However, outside of these major events it is clear that the majority of most intergovernmental relations are conducted directly between the Scottish Government and the relevant Whitehall departments. The Scotland Office needs to adapt to the reality of how devolution is working on the ground. We do, however, recognise that there is a legitimate role to be played in terms of the Office representing the work of the UK Government in Edinburgh.¹¹⁸

66. Others, however, felt that the Office for the Secretary of State for Scotland (Scotland Office) had held a key role during the pandemic thus far. Akash Paun, Institute for Government, argued that the Scotland Office does serve a function within Whitehall as a

115 [Q177](#)

116 [Q177](#)

117 [Q137](#)

118 Scottish Affairs Committee, Seventh Special Report of Session 2017–19, The relationship between the UK and Scottish Governments: [Government Response to the Committee’s Eighth Report](#), HC 2532

centre of expertise and institutional memory about the devolution settlement. He said that it also holds contacts, relationships and networks that are useful to other Departments but added that it is not “the central player in managing intergovernmental relations”.¹¹⁹

67. We also note the comments made by Scotland Office Director, Gillian McGregor, that it has “ramped up” meetings at an official level:

We have created some new channels for communication, bringing in parts of the government machine that may not have interacted with the devolved administrations before, such as procurement and technical expertise.¹²⁰

68. In the Secretary of State’s written evidence to the inquiry, he mentions various ministerial and official level engagement and adds “much of this [...] engagement has been initiated or facilitated by Ministers and officials in the Office of the Secretary of State for Scotland; officials are in routine communication with Scottish Government officials across a range of policy areas.”¹²¹

Vacuum of leadership

69. As discussed in the former section of this report, it appears that the MIGs and COBRA are no longer meeting, with Jeane Freeman MSP stating that there is now “a vacuum in terms of shared discussion and decision making at ministerial level”.¹²² In addition, it remains unclear whether the new COVID-19 Cabinet Committees will involve decision-makers from the devolved nations.

70. From our predecessor Committee’s evidence session with Rt Hon Alister Jack MP, Secretary of State for Scotland, last year, we understand that the Department is committed to being “Scotland’s voice in Whitehall”.¹²³ This commitment was echoed in the Government’s written evidence to us, which stated that: “Much of [the] ministerial and official level engagement has been initiated or facilitated by Ministers and officials in the Office of the Secretary of State for Scotland; officials are in routine communication with Scottish Government officials across a range of policy areas”.¹²⁴ We suspect that this co-ordination role may be a key area of development for the Department.

71. Evidence heard on the role of the Office of the Secretary of State for Scotland (Scotland Office) echoes the findings of the previous Committee, which found that Scottish and UK Ministerial counterparts preferred to communicate directly, rather than via the Office of the Secretary of State for Scotland. While the Secretary of State and officials at the Scotland Office provided us with accounts of additional engagement with the Scottish Government, there is a continuing risk of the Scotland Office finding itself out the loop on UK-Scotland issues relating to the pandemic.

72. *The Government must specify and define a clear role for the Office of the Secretary of State for Scotland in the context of COVID-19 and similar UK-wide emergencies. We understand that the Department is committed to being Scotland’s voice in Whitehall*

119 Scottish Affairs Committee, Seventh Special Report of Session 2017–19, The relationship between the UK and Scottish Governments: [Government Response to the Committee’s Eighth Report](#), HC 2532

120 [Q18](#)

121 Secretary of State for Scotland ([COR0012](#))

122 [Q135](#)

123 [Oral evidence taken on 16 October 2019](#), HC (2017–19) 46, Q2 [Alister Jack MP]

124 Secretary of State for Scotland ([COR0012](#))

and has already arranged a series of communications between respective Ministers and officials in the Scottish and UK administrations. In that case, we think there is potential for it to play a formal coordination role in ensuring that relevant ministers in the UK and Scottish Governments are meeting regularly and are invited to all intergovernmental discussions. This may help fill the ‘vacuum’ in ministerial level communication between the UK and Scottish Governments that has been described to us.

Scientific cooperation

73. Throughout our inquiry, we have heard a substantial amount of evidence about the scientific cooperation that has taken place between the four nations during the pandemic.

74. Interim Chief Medical Officer (CMO) for Scotland, Dr Gregor Smith, told us the four CMOs of the UK had been meeting on a regular basis since the end of January, approximately three times per week, with more than 50 meetings having taken place by the time he gave evidence on 21 May 2020. He added:

We also have meetings of senior clinicians from across the UK nations twice a week. During those meetings, we particularly discuss new and emerging information in relation to clinical issues; where there needs to be a consensus formed on how we approach those clinical issues across the United Kingdom, those decisions tend to be made in those meetings so that we can then take the advice forward for Ministers to consider.¹²⁵

75. During that session, he told us that the meetings “have been incredibly important to come to a consensus view on what the evidence means, so that that can then be taken back to the Scottish context—I am able to provide advice, based on the evidence, as it has emerged, which can then be applied in the Scottish context.”¹²⁶ Dr Smith also said:

Our science advice comes from a variety of different sources. There are the scientific advisory structures that we have. We receive advice on evidence from the SAGE structures and the Scottish Advisory Group. Within that, there are specific advisers with a specialism in infection prevention and control, who sit in the Scottish group in particular. They lead sub-groups both for SAGE and the Scottish advisory group on how we can strengthen our approaches to infection prevention and control. That has been a really critical part of our increasing understanding and our learning about the way that this virus approaches.¹²⁷

76. Professor Sheila Rowan, the Scottish Government’s Chief Scientific Advisor, explained how she interacts across all four nations:

I obviously have contact with the CSA network across the UK and the devolved Administrations. There are CSAs for pretty much every Government Department, and we meet on a regular basis, typically weekly [...] and that forms one route by which the CSAs have regular contact and can share information.¹²⁸

125 [Q61](#)

126 [Q65](#)

127 [Q87](#)

128 [Q62](#)

She added:

I am the science adviser to the Scottish Government, so my role is to help the Scottish Government to access its science advice, which can come from a variety of different sources. Then, in terms of decisions, that feeds in to be taken into account by Ministers, who make those decisions. My role in that, in the current situation, is partly to sit on the covid-19 advisory group that helps to inform the CMO, and to help information to flow in that way.¹²⁹

77. Professor Andrew Morris, from the University of Edinburgh and Director of Health Data Research UK, is also Chair of the Scottish Government's COVID-19 Advisory Group. When he gave evidence on 21 May 2020, he pointed to good relations on a medical and scientific level:

What works well is that, since my appointment on 25 March, I have participated in every SAGE meeting. We have a principle of reciprocity with SAGE, so we see all their papers and they see our minutes, and I have attended every SAGE meeting—except today, because of this Committee, I should say. That notion of reciprocity and trying to define the up-to-date scientific evidence, when there is so much uncertainty about this new disease, has worked very well. Our specific role is to work in partnership with SAGE, but then to provide advice to Scottish Ministers through the CMO on the specific aspects of the science in relation to the context of Scotland.¹³⁰

78. Professor Jason Leitch, the Scottish Government's Clinical Director of Healthcare Quality and Strategy told us on 11 June 2020 that each of the professional groupings talk often, in pandemic and out of pandemic:

The four chief medical officers talk often. They are meeting in the evenings twice a week presently. Then we have a broader senior clinicians group with about 15 to 20 of us from the four countries. Public Health England, Public Health Scotland, the clinical directors of the system—Steve Powis in England and me—and the chief nurses and chief medical officers working together to try to make choices and decisions about the advice we are going to give. Shielding is a good example. That group would look at which elements of shielding need to be adjusted or need to be added to, then there would be a smaller meeting to decide whether we should put, say, dialysis in the shielded group and then those decisions are made at an individual country level following that individual advice.¹³¹

Transparency

79. It is clear that on a medical and scientific level, the evidence points to comprehensive and frequent communications between experts across the four nations. However, a number of questions and criticisms have been made, including on SAGE's transparency.¹³² Professor Linda Bauld said:

129 [Q63](#)

130 [Q64](#)

131 [Q135](#)

132 The Guardian, [Case for transparency over SAGE has never been clearer](#), 24 April 2020

Key scientific advisers and people working within the Scottish Government were not able to see transparently the kind of advice that SAGE was providing. That was a big problem, and it has changed now. Then Scotland formed its advisory group quite late at the end of March. I think the Governments are getting some different advice, maybe not on issues to do with the best type of testing or PPE, or those kinds of issues, but more about what is prioritised for risk and crucially, I think, how the different disciplines on those groups are dominant or not.¹³³

80. She also questioned the lack of clarity around the advice that led to different decisions about the pace of easing of lockdown, saying that “not everything has been transparent at all”.¹³⁴ Professor Andrew Morris, who Chairs the Scottish Government’s COVID-19 Advisory Group, told us:

Transparency is a very important principle. [...] [The Scottish] Government and I agreed that the membership and the minutes [of the Advisory Group] should be published, and it has been. [...] The issue of the transparency of SAGE should be asked of the chief scientific adviser, Patrick Vallance, and the UK CMO, Chris Whitty.¹³⁵

81. The lack of transparency led to further concerns about the advice provided to the UK and Scottish Government in tackling coronavirus outbreaks. As mentioned earlier in the report, the four Governments have taken different decisions around lockdown policy and timing. Although, the Governments have said that their actions have been based on “scientific advice”, a lack of transparency in some cases makes it challenging to assess those claims. Reflecting on this issue, Professor David Bell, University of Stirling, said that even if the advice given to the UK and Scottish Governments was the same, they could still take different attitudes to risk and that “it is clearly possible that one Government want to take a more cautious approach than another.”¹³⁶

Lack of practical expertise

82. We have been concerned to hear about a gap in on-the-ground clinical experience amongst key decision makers. Professor Bauld, University of Edinburgh, voiced concern in her evidence that the three expert groups that feed into SAGE are “almost devoid of practical, on the ground public health experience.”¹³⁷

83. Communication on a scientific level appears to have been regular and consistent between the four nations. Transparency around SAGE has improved with the publication of its membership and minutes. However, it is unclear whether the advice given by SAGE and the Scottish Government’s COVID-19 Advisory Group to their respective Governments has been the same through-out the pandemic. This may be due to emphasis on different considerations in each area of the UK, including demographic considerations, such as age, and local R rate. It is difficult to assess these concerns due to issues around transparency.

133 [Q169](#)

134 [Q188](#)

135 [Q106](#)

136 [Q170](#)

137 [Q170](#)

84. *We call on the UK and Scottish Governments to provide details of the procedures and processes used by their advisory groups for providing scientific advice. A commitment to transparency around scientific advice would provide the public and Parliament with the means necessary to scrutinise decisions around the pandemic.*

85. *In addition, we recommend that both the UK and Scottish Governments should consider increasing the number of ‘on the ground’ public health officials in key advisory roles to complement the expertise of academics.*

Joint Biosecurity Centre

86. On 10 May, the UK Government announced the creation of a Joint Biosecurity Centre (JBC) to bring together expertise and analysis to inform decisions on tackling COVID-19. The JBC is intended to look at evidence and biosecurity threats in England, although the Government has said it “will engage with the devolved administrations to explore how the centre can operate most effectively across the UK”.¹³⁸

87. On 14 May 2020, the Secretary of State told us that work on the JBC was collaborative across the four nations:

There is a biosecurity centre that all four nations are feeding into, and through that biosecurity centre [...] we will hopefully improve the quality of the COVID Alert System.¹³⁹

88. Witnesses to our inquiry welcomed the announcement but said that questions remain about its operations, particularly who from each of the devolved nations will be involved. Professor Andrew Morris, Chair of the Scottish Government’s COVID-19 advisory Committee, said on 21 May 2020:

The scientific community is of the view [...] that being able to create a reliable, scalable and sustainable system for active surveillance that would allow early detection of potential disease outbreaks at a locality level is absolutely essential, so the JBC, as it is called, is to be welcomed. [...] Who precisely the Scottish Government select to represent us is something that you will have to ask the policy makers.¹⁴⁰

89. Dr Gregor Smith, Interim Chief Medical Officer for Scotland, outlined what he sees as the advantages of a JBC:

The role that interests me most closely is the way that it develops and uses data sources across the UK. That is a really interesting development. For instance, on a number of occasions, Professors Rowan, Morris and myself have explored the types of data sets that would be particularly useful in Scotland. When there is an opportunity to work on those data sets with colleagues in the other nations across the UK, then certainly it is very attractive to us as clinicians and scientists to be able to make sure that we are part of that evidence-gathering process.¹⁴¹

138 Institute for Government, [Joint Biosecurity Centre](#), May 2020

139 [Q37](#)

140 [Q96](#)

141 [Q101](#)

90. Similarly, Professor Leitch, the Scottish Government’s National Clinical Director told us that:

Anything that helps us with intelligence gathering, with intelligence sharing in a safe way and making more intelligent and data evidence-based choices about how to move through the stages of this pandemic is welcome. We have been peripherally involved in the decision making around that UK Government-based theme. A bit like the tracing app, I think it is fair to say that the Cabinet Secretary and I would be of a mind that if it were useful, if it fed into our data systems and our data systems could feed into it, and if we were comfortable with both the security and privacy of it, we would of course engage in it.¹⁴²

91. Despite the JBC being broadly welcomed, there was some scepticism in the evidence we received about the initial announcement. Linda Bauld, Professor of Public Health at the University of Edinburgh’s Usher Institute told us that it was “a good example of the UK Government going ahead with a particular initiative, embracing it and being very enthusiastic about it, because to the public anything with ‘biosecurity’ in the title sounds serious and is something to be taken account of”.¹⁴³ She voiced concern that the announcement was made quickly “without adequate consultation”.¹⁴⁴

92. Akash Paun, Institute for Government, agreed, saying “when you look back on it, it does look rather that the Government, the Prime Minister perhaps, wanted to have a big impressive-sounding initiative to announce, but they had not worked out the details of what that was going to look like in practice. I think the question marks about how the devolved Governments will be involved in it remain.”¹⁴⁵

93. The concept of the Joint Biosecurity Centre has been broadly welcomed by the witnesses we heard from, particularly the opportunity for the sharing and development of data sets. However, some questions around the role of the Centre remain, particularly how the devolved nations will feed in.

94. *The Government must answer a range of outstanding questions in relation to the Joint Biosecurity Centre, including: the Government’s assessment of the benefits of establishing such a Centre for all four nations, how the devolved administrations will contribute and who in the Scottish Government will be given the opportunity to do so.*

142 [Q163](#)

143 [Q181](#)

144 [Q181](#)

145 [Q183](#)

4 Final thoughts

95. The coronavirus pandemic has inflicted a devastating blow to Scotland, the United Kingdom, and across the world. 2,490 people in Scotland have lost their lives (as of 16 July 2020). In parallel, the pandemic has had a substantial impact on the economy. The four Governments of the UK must work together to engage the right policies, to manage this pandemic in the most effective ways they can.

96. Additionally, the coronavirus pandemic has had a profound impact on the management of devolution. In March, we observed a decision to take a four-nations approach to co-ordinate Government reactions to the pandemic. The publication of the four-nations Action Plan set out the four Governments roadmap for achieving consensus between England, Scotland, Wales and Northern Ireland. It provided information on how the pandemic could be managed across borders, in a co-ordinated way, whilst respecting the devolved nature of policy making in key areas such as health. This was a way in which the four-nations could work together to tackle the life-threatening COVID-19 pandemic.

97. Whilst early intentions looked promising, it soon became apparent that the standard mechanism for co-ordinating intergovernmental relations, the Joint Ministerial Committee, was not being engaged. Instead we saw the rise of Ministerial Implementation Groups (MIGs) and the Civil Contingencies Committee (COBRA), but eventually, even these mechanisms were replaced with alternative committees. We have seen different policies being chosen in different parts of the UK, with divergent messages causing confusion amongst the public. However, we were reassured, such decisions were based on sound scientific advice.

98. Looking to the future, two new Cabinet Committees and the Joint Biosecurity Centre are being proposed as the way forward in managing the pandemic. But it is not clear to what extent these new structures will provide for effective intergovernmental working. It is unclear whether Scottish institutions, including Members of the Scottish Government, will have a seat at the table.

99. The long-term impacts of the coronavirus pandemic on the relationship between the UK, Scottish, Welsh and Northern Ireland Government are yet to be seen. The four-nations approach remains a novel idea. We will continue to observe intergovernmental developments, whilst continuing to press for effective intergovernmental structures.

Conclusions and recommendations

1. We understand that if a four-nations approach still exists, it does not mean uniformity. We are concerned that, as time has gone on, divergence has increased significantly, sometimes accidentally, leading to public confusion and questions about how decisions are made. (Paragraph 41)
2. *The UK Government has failed to make clear when its messaging applies only to England, causing unnecessary confusion in the devolved nations. There should be messaging clarity to minimise confusion across national boundaries, and this must begin to happen with immediate effect. Then, in its response to the Committee, the Government must outline how it intends to address its failings in messaging, and how it plans to distribute future messages. All Government policy announcements must state clearly to which nation they apply. Post-message clarification is too late a point for providing these explanations, since, it risks leaving members of the public without the information they need to determine which messages apply to them, when they need it.* (Paragraph 42)
3. We are concerned to hear that Ministerial Implementation Groups (MIGs) and COBRA have ceased to meet in the context of the pandemic. From what we have heard about how communication standards currently stand, decision-makers in devolved nations have come to be consulted in an informal way, rather than via formalised, minuted mechanisms like the JMC. *We recommend that the Government outline how it has discussed decisions about the pandemic with decision-makers in devolved nations, and how it has guaranteed that regular communication have been taking place between the four nations, thus far. The Government should explain why MIGs and COBRA have ceased to meet and what consultation there was with the Scottish, and other devolved governments, prior to this decision.* (Paragraph 60)
4. *Looking to the future, Ministers must outline, in response to this report, their plans for the coronavirus Cabinet Committees, [Covid-19 Operations Committee and COVID-19 Strategy Committee] and how those Committees will incorporate the priorities of the devolved nations. In view of the previous Scottish Affairs Committee's report on intergovernmental relations, the Government must now commit to the following:* (Paragraph 61)
 - *That key decision-makers in devolved nations hold permanent seats on the COVID-19 Cabinet Committees;* (Paragraph 61.i))
 - *That the COVID-19 Committees be staffed by officials with a deep understanding of all four nations of the UK. In particular, the secretariat must include officials from the Office of the Secretary of State for Scotland, the Office of the Secretary of State for Wales and the Northern Ireland Office, as well as representatives of the Scottish Government (and other nations including Wales and Northern Ireland);* and (Paragraph 61.ii))
 - *That formal mechanisms will exist to guarantee intergovernmental communications, including formal meetings between Ministers in devolved nations; officials in devolved nations; advisory services in devolved nations.* (Paragraph 61.iii))

5. We have also noted that the Joint Ministerial Committee (JMC) has not been used as a method of intergovernmental communication throughout the pandemic, although we have heard suggestions that it would not have been fit for purpose in the COVID-19 context. This raises further questions about the resilience and suitability of existing intergovernmental structures in crisis situations and what it means for the future of intergovernmental relations. *We call on the Government to justify its preference for COBRA and the Ministerial Implementation Groups over the Joint Ministerial Committee as the main mechanisms for intergovernmental relations during the pandemic thus far.* (Paragraph 62)
6. *We also recommend that the Government explain to us how it will incorporate concerns about the resilience and suitability of current IGR structures (particularly the JMC) into its ongoing review of Intergovernmental Relations.* (Paragraph 63)
7. Evidence heard on the role of the Office of the Secretary of State for Scotland (Scotland Office) echoes the findings of the previous Committee, which found that Scottish and UK Ministerial counterparts preferred to communicate directly, rather than via the Office of the Secretary of State for Scotland. While the Secretary of State and officials at the Scotland Office provided us with accounts of additional engagement with the Scottish Government, there is a continuing risk of the Scotland Office finding itself out the loop on UK-Scotland issues relating to the pandemic. (Paragraph 71)
8. *The Government must specify and define a clear role for the Office of the Secretary of State for Scotland in the context of COVID-19 and similar UK-wide emergencies. We understand that the Department is committed to being Scotland's voice in Whitehall and has already arranged a series of communications between respective Ministers and officials in the Scottish and UK administrations. In that case, we think there is potential for it to play a formal coordination role in ensuring that relevant ministers in the UK and Scottish Governments are meeting regularly and are invited to all intergovernmental discussions. This may help fill the 'vacuum' in ministerial level communication between the UK and Scottish Governments that has been described to us.* (Paragraph 72)
9. Communication on a scientific level appears to have been regular and consistent between the four nations. Transparency around SAGE has improved with the publication of its membership and minutes. However, it is unclear whether the advice given by SAGE and the Scottish Government's COVID-19 Advisory Group to their respective Governments has been the same through-out the pandemic. This may be due to emphasis on different considerations in each area of the UK, including demographic considerations, such as age, and local R rate. It is difficult to assess these concerns due to issues around transparency. (Paragraph 83)
10. *We call on the UK and Scottish Governments to provide details of the procedures and processes used by their advisory groups for providing scientific advice. A commitment to transparency around scientific advice would provide the public and Parliament with the means necessary to scrutinise decisions around the pandemic.* (Paragraph 84)

11. *In addition, we recommend that both the UK and Scottish Governments should consider increasing the number of 'on the ground' public health officials in key advisory roles to complement the expertise of academics. (Paragraph 85)*
12. The concept of the Joint Biosecurity Centre has been broadly welcomed by the witnesses we heard from, particularly the opportunity for the sharing and development of data sets. However, some questions around the role of the Centre remain, particularly how the devolved nations will feed in. (Paragraph 93)
13. *The Government must answer a range of outstanding questions in relation to the Joint Biosecurity Centre, including: the Government's assessment of the benefits of establishing such a Centre for all four nations, how the devolved administrations will contribute and who in the Scottish Government will be given the opportunity to do so. (Paragraph 94)*

Appendix 1: Intergovernmental mechanisms

Office of the Secretary of State for Scotland (the Scotland Office)

The Office of the Secretary of State for Scotland—known as the Scotland Office—supports the Secretary of State in promoting the best interests of Scotland within a stronger United Kingdom. It ensures Scottish interests are fully and effectively represented at the heart of the UK Government, and the UK Government’s responsibilities are fully and effectively represented in Scotland.

The Office of the Secretary of State for Scotland lists its objectives as:

- Strengthen and Sustain the Union;
- Act as Scotland’s Voice in Whitehall; and
- Championing the UK Government in Scotland.¹⁴⁶

Joint Ministerial Committee (JMC)

Joint Ministerial Committees (JMCs) are meetings of Ministers from the UK and devolved Governments. The JMC, in its plenary form, is a meeting between the Prime Minister and the devolved First Ministers as well as the UK Government territorial Secretaries of State that is expected to meet once a year.¹⁴⁷ It is intended to be the primary heads of government forum in which the devolved administrations can air their views to the UK Government.¹⁴⁸

There are a number of sub-committees that meet to consider specific issues. There are currently two JMC sub-committees—the JMC (Europe) and JMC (European Negotiations). The former meets roughly four or five times a year to consult on UK Government positions on EU issues which affect devolved matters ahead of European Council meetings.¹⁴⁹

The JMC’s remit is to consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities;

- Where the UK Government and the devolved administrations so agree, to consider devolved matters if it is beneficial to discuss their respective treatment in the different parts of the UK;
- To keep the arrangements for liaison between the UK Government and the devolved administrations under review; and
- To consider disputes between the administrations.¹⁵⁰

146 Office of the Secretary of State for Scotland, [About us](#), accessed 3 July 2020

147 Scottish Parliament, Culture, Tourism, Europe and External Affairs Committee, [Intergovernmental Relations](#), accessed 3 June 2020

148 Public Administration and Constitutional Affairs Committee, Sixth Report from the of Session 2016–17, [The Future of the Union, part two: Inter-institutional relations in the UK](#), HC 839

149 Institute for Government, [Devolution and the Joint Ministerial Committee](#), February 2018

150 UK Government, [Memorandum of Understanding and Supplementary Agreements between the United Kingdom Government, the Scottish Ministers, the Welsh Ministers, and the Northern Ireland Executive Committee](#), October 2013, p 12

COBR or COBRA

COBR or COBRA (Cabinet Office Briefing Room) is shorthand for the Civil Contingencies Committee that is convened to handle matters of national emergency or major disruption. Its purpose is to coordinate different departments and agencies in response to such emergencies. COBR is the acronym for Cabinet Office Briefing Rooms, a series of rooms located in the Cabinet Office in 70 Whitehall.¹⁵¹

Ministerial Implementation Groups (MIGs)

Ministerial Implementation Groups (MIGs) are a form of Cabinet Committee. Cabinet committees are groups of ministers that can “take collective decisions that are binding across government”.¹⁵² They are partly designed to reduce the burden on the full cabinet by allowing smaller groups of ministers to take decisions on specific policy areas. These committees have been around in some form since the early 20th century.¹⁵³

MIGs have been used during the coronavirus pandemic. Four new implementation committees were created focusing on health, public sector preparedness, economy and international response.¹⁵⁴

Scientific Advisory Group for Emergencies (SAGE)

The Scientific Advisory Group for Emergencies (SAGE) is responsible for ensuring that timely and coordinated scientific advice is made available to decision makers to support UK cross-government decisions in the Cabinet Office Briefing Room (COBR). The advice provided by SAGE does not represent official government policy.¹⁵⁵ SAGE has been activated to advise on the UK Government’s response to the coronavirus (COVID-19) pandemic”.¹⁵⁶

During the pandemic SAGE has typically been Chaired by the UK Government Chief Scientific Advisor Patrick Vallance and Chief Medical Advisor, Professor Chris Whitty.¹⁵⁷

Members of SAGE come from over 20 different institutions, covering a broad range of scientific expertise.¹⁵⁸ Amongst the members of the group are the Scottish Chief Medical Officer, Dr Gregor Smith, the Chief Scientific Adviser for Scotland, Dr Sheila Rowan, and Professor Andrew Morris, Chair of the Scottish Government COVID-19 Advisory Group.¹⁵⁹

Scottish Government Covid-19 Advisory Group

The Scottish Government has appointed its own scientific advisory group: the Scottish Government Covid-19 Advisory Group.

151 Institute for Government, [COBR \(COBRA\)](#), January 2020

152 UK Government, [List of Cabinet Committees](#), accessed 10 July 2020

153 Institute for Government, [Cabinet committees](#), July 2020

154 UK Government, [New government structures to coordinate response to coronavirus](#), 17 March 2020

155 UK Government, [Scientific Advisory Group for Emergencies \(SAGE\)](#), accessed 15 May 2020

156 UK Government, [Scientific Advisory Group for Emergencies \(SAGE\)](#), accessed 15 May 2020

157 UK Government, [Scientific Advisory Group for Emergencies \(SAGE\)](#), accessed 15 May 2020

158 UK Government, [List of participants of SAGE and related sub-groups](#), accessed 3 July 2020

159 UK Government, [List of participants of SAGE and related sub-groups](#), accessed 3 July 2020

This group was formed as “the Scottish Ministers, the Chief Medical Officer and Deputy Chief Medical Officer in Scotland, in consultation with the Chief Scientific Advisor for Scotland have identified the need for additional scientific analysis of the impact of COVID-19 in Scotland, based on regularly updated advice and modelling from the UK Scientific Advisory Group for Emergencies (SAGE), and other emerging scientific evidence”.¹⁶⁰ It meets every Thursday.¹⁶¹

It is chaired by Professor Andrew Morris, Professor of Medicine at the University of Edinburgh and Director of Health Data Research UK.¹⁶² The Group reports through the Chief Medical Officer directly to Ministers in Scotland.¹⁶³

Joint Biosecurity Centre (JBC)

The Joint Biosecurity Centre (JBC) was announced on 10 May to bring together expertise and analysis to inform decisions on tackling Covid-19.¹⁶⁴ It brings together experts on disease incidence and control—epidemiologists—with other analysts from across government to give UK Government ministers, via the Chief Medical Officer, joined up advice on decisions about managing the disease.¹⁶⁵

The JBC intends to look at evidence and biosecurity threats in England, although the Government has said it “will engage with the devolved administrations to explore how the centre can operate most effectively across the UK, as it is established”¹⁶⁶

On 5 June the JBC announced the appointment of its Director General Claire Gardiner¹⁶⁷ and currently has just under 200 staff.¹⁶⁸

160 Scottish Government, [Scottish Government Covid-19 Advisory Group](#), accessed 29 May 2020

161 Scottish Government, [Scottish Government Covid-19 Advisory Group](#), accessed 3 July 2020

162 Scottish Government, [Scottish Government Covid-19 Advisory Group](#), accessed 29 May 2020

163 Scottish Government, [Scottish Government Covid-19 Advisory Group](#), accessed 29 May 2020

164 Institute for Government, [Joint Biosecurity Centre](#), May 2020

165 Institute for Government, [Joint Biosecurity Centre](#), May 2020

166 UK Government, [Our plan to rebuild: The UK Government’s COVID-19 recovery strategy](#), accessed 16 July 2020

167 UK Government, [Senior civil servant and former lecturer in medical statistics appointed to Joint Biosecurity Centre](#), accessed 17 July 2020

168 UK Parliament, [Written Question - 62376](#), 2 July 2020

Formal minutes

Thursday 16 July 2020

Members present:

Pete Wishart, in the Chair

Mhairi Black	Jon Cruddas
Andrew Bowie	Douglas Ross
Deidre Brock	Sally-Ann Hart
Wendy Chamberlain	John Lamont
Alberto Costa	

Draft Report (*Coronavirus and Scotland: Interim Report on Intergovernmental Working*), proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 11 read and agreed to.

Paragraph 12 read.

Amendment proposed, to leave out “The Scottish Government has also announced a £2.3bn package of support for businesses throughout the pandemic, and insert

“The Scottish Government confirmed it would fully pass on the UK government’s £2.3bn package of support for Scottish businesses throughout the pandemic. [20 March]”—
(Douglas Ross)

Question put, That the amendment be made. The Committee divided.

Ayes, 5	Noes, 6
Andrew Bowie	Mhairi Black
Alberto Costa	Deidre Brock
Sally-Ann Hart	Wendy Chamberlain
John Lamont	Jon Cruddas
Douglas Ross	Liz Twist
	Pete Wishart (Chair’s casting vote)

Question accordingly negatived.

Amendment proposed, to insert

“Scottish Government Ministers informed of positive cases of Covid-19 at a Nike Conference in Edinburgh, the first confirmed cases in Scotland. This information was not shared with the public. [3 March]”—(Douglas Ross)

Question put, That the amendment be made. The Committee divided.

Ayes, 4	Noes, 5
Andrew Bowie	Mhairi Black
Alberto Costa	Deidre Brock
John Lamont	Wendy Chamberlain
Douglas Ross	Jon Cruddas
	Liz Twist

Question accordingly negatived.

Paragraphs 12 to 60 read and agreed to.

Paragraph 61 read.

Amendment proposed to leave out “must commit to the following”, and insert “should consider the following”—(Douglas Ross)

Question put, That the amendment be made. The Committee divided.

Ayes, 5	Noes, 6
Andrew Bowie	Mhairi Black
Alberto Costa	Deidre Brock
Sally-Ann Hart	Wendy Chamberlain
John Lamont	Jon Cruddas
Douglas Ross	Liz Twist
	Pete Wishart (Chair’s casting vote)

Question accordingly negatived.

Paragraphs 61 to 99 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Papers were appended to the Report as an Appendix.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Thursday 3 September at a time to be fixed by the Chair.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Thursday 14 May 2020

Mr Alister Jack, Secretary of State, Scotland Office; **Douglas Ross**, Parliamentary Under-Secretary, Scotland Office; **Gillian McGregor**, Director, Scotland Office

[Q1–59](#)

Thursday 21 May 2020

Dr Gregor Smith, Interim Chief Medical Officer for Scotland; **Professor Sheila Rowan**, Chief Scientific Adviser for Scotland; **Professor Andrew Morris**, Independent Chair, Scottish Government's Covid-19 Advisory Group

[Q60–116](#)

Thursday 11 June 2020

Jeane Freeman OBE, Cabinet Secretary for Health and Sport, Scottish Government; **Professor Jason Leitch**, Clinical Director of Healthcare Quality and Strategy, Scottish Government

[Q117–163](#)

Thursday 18 June 2020

Akash Paun, Senior Fellow, Institute for Government; **Professor Linda Bauld**, Professor of Public Health, University of Edinburgh; **Professor Nicola McEwen**, Co-Director, Centre of Constitutional Change; **Professor David Bell**, Professor of Economics, University of Stirling

[Q164–220](#)

Thursday 25 June 2020

Jonnie Hall, Director of Policy, National Farmers Union of Scotland; **James Withers**, Chief Executive, Scotland Food and Drink; **Karen Betts**, CEO, Scotch Whisky Association

[Q221–264](#)

Thursday 02 July 2020

Professor Alasdair Smith, Commissioner, Scottish Fiscal Commission; **David Phillips**, Associate Director, Institute for Fiscal Studies

[Q265–310](#)

Thursday 09 July 2020

Deirdre Michie, CEO, Oil and Gas UK; **Colette Cohen**, CEO, Oil and Gas Technology Company; **Professor John Underhill**, Chair of Exploration Geoscience, Institute of GeoEnergy Engineering, Chief Scientist, Heriot-Watt University, Member, Scottish Scientific Advisory Council

[Q-311–355](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

COR numbers are generated by the evidence processing system and so may not be complete.

- 1 British Veterinary Association (BVA) ([COR0006](#))
- 2 Food and Drink Federation Scotland ([COR0020](#))
- 3 The Law Society of Scotland ([COR0014](#))
- 4 NFU Scotland ([COR0002](#))
- 5 Oil and Gas UK ([COR0015](#))
- 6 Royal Society of Edinburgh ([COR0013](#))
- 7 Scotland Office ([COR0012](#))
- 8 ScotlandIS ([COR0007](#))
- 9 Scottish Beef Association ([COR0017](#))
- 10 Scottish Care ([COR0010](#))
- 11 Scottish Land and Estates ([COR0019](#))
- 12 Scottish Renewables ([COR0005](#))
- 13 Scottish Retail Consortium ([COR0016](#))
- 14 Which? ([COR0018](#))