



States of
Guernsey

Access to Public Information Request

Date of receipt: 20 November 2020

Date of response: 14 December 2020

Access to Public Information request: further questions relating to 'lockdown' and CCA decisions

Request:

Request for Access to Public Information :

Access to Public Information regarding Guernsey's COVID-19 response

Questions regarding the response given by the Civil Contingencies Authority (CCA) on 17th November 2020 in reply to questions submitted dated 20th October 2020.

Please note that questions follow the answers to the previous questions, and are in blue, about halfway through this email, after the initial section 15:

Access to Public Information Request

Date of receipt: 20 October 2020

Date of response: 17 November 2020

Access to Public Information request regarding Guernsey's COVID-19 response

Request:

On 23rd March the UK government brought in a lockdown policy.

At the time, the Guernsey government through the then Chief Minister, Gavin St. Pier, said that a lockdown was not appropriate for Guernsey because of the economic and psychological consequences.

The next evening, a lockdown policy for Guernsey was announced to commence at 00.01 hours on 25th March.

1.)What was the reason for this dramatic change of mind bearing in mind there had been just one on Island confirmed transmission (and this would not be reason for a non-medically evidenced lockdown)?

2.)Who advised the Guernsey authorities to bring in a lockdown policy?

3.)Did Guernsey's Medical Officer of Health, Dr. Nicola Brink, recommend a lockdown policy? 2

4.)What form of discussion, if any, took place on the recommendation to have this lockdown policy?

5.) What other alternative options, if any, were discussed?

6.)In relation to any discussions, who took part in them, and who voted to bring in this lockdown policy prior to this policy being announced?

7.)In relation to the lockdown decision, and the admitted awareness that a lockdown would have economic and psychological consequences (and in fact many other consequences too), was there any analysis of the costs and benefits, indeed disadvantages, of such a lockdown policy?

8.)What discussions, if any, were carried out with the business community and indeed other senior politicians before the lockdown decision was made?

9.)What advice/information was given to the Guernsey authorities by the British government or bodies responsible to it, on the subject of a lockdown?

(It is noticeable that all the home countries of the UK and all the three British Crown Dependencies and fourteen British Overseas Territories had lockdowns, regardless of their covid-19 circumstances).

10.)What medical and political advice/information was given to the Guernsey authorities by the UK government, Public Health England, the Ministry of Justice or any government agency, politician or public servant associated with them ?

The Guernsey authorities have had access to covid-19 government information from the UK and elsewhere.

Guernsey followed the discredited “flatten the curve” theories of Public Health England’s Professor Neil Ferguson.

11.) In view of the extensive damage done to Guernsey’s economy and other aspects of Island life, should Guernsey claim compensation from the British government for their advice which led to a lockdown in Guernsey?

Guernsey is now successfully out of lockdown.

12.) Why was there not an earlier assessment as to the effectiveness of the lockdown policy, bearing in mind a number of countries in the world have been successful in their covid-19 policies without lockdown, and whose policies were solely based on proven medical measures ?

Guernsey had 13 deaths in relation to covid-19 and 11 of these were in Care Homes and two in hospital. All were over 70 and in the vulnerable category.

13.) Why did the Guernsey authorities follow the admitted SAGE policy of creating fear to achieve the population’s compliance, which broadly resulted in the local media effectively no platforming any viable alternative policies to the lockdown ?

14.) In retrospect, was it in Guernsey’s interests to deprive the States members and the general public of the knowledge of the viable alternatives to lockdown ?

15.) Who wrote and authorised the various media releases to the UK and elsewhere, which publicised the roles of the then Chief Minister Gavin St. Pier and the then President of the Health and Social Care Department, Heidi Soulsby, and Dr. Nicola Brink, the Medical Officer of Health, in relation to the Island’s covid-19 policies?

Response (provided by the Civil Contingencies Authority):

(1) What was the reason for this dramatic change of mind bearing in mind there had been just one on Island confirmed transmission (and this would not be reason for a non-medically evidenced lockdown)?

This information is in the public domain as it was explained in full at the media briefing when the decision to enter lockdown was made. It therefore falls outside the scope of the API.

1.) Presumably, this answer means there were no other reasons, apart from what was made public ?

This decision, in hindsight, was made out of misplaced fear and panic, following the UK lockdown policy, and was obviously wrong.

2.) Will the CCA apologise for this?

It has been accepted by the CCA that they did take note of information from SAGE and Public Health England, amongst other bodies. However, there was plenty of information available from a number of bodies and countries, that infection rates were not that relevant, as those actually at risk of death make up only a minute proportion of the population of any country.

3.) What evidence did the CCA actually have, apart from what they publicly stated, to justify bringing in an Island wide lockdown, for a virus which is a member of the corona family, of which flu is also a member, and which has never been a serious damage to the lives of the overwhelming majority of the Guernsey population?

(2) Who advised the Guernsey authorities to bring in a lockdown policy?

The Director of Public Health.

4.) Which other Public Health Officials, if any, backed her decision to recommend lockdown to the CCA?

(3) Did Guernsey's Medical Officer of Health, Dr Nicola Brink, recommend a lockdown policy?

Yes.

5.) Had Dr. Brink at any time previously recommended or discussed the issue of lockdown with the CCA or individual senior politicians?

(4) What form of discussion, if any, took place on the recommendation to have this lockdown policy?

The decision was made by the Civil Contingencies Authority at a meeting held on 24th March 2020.

6.) How long was this meeting for? Did all those attending have a vote and what was the recorded vote?

7.) Can you please provide minutes of this meeting?

(5) What other alternative options, if any, were discussed?

The Civil Contingencies Authority had already introduced a number of alternative and lesser measures, including bringing forward the start of the Easter holidays for the Bailiwick's schools, limiting introducing travel restrictions limiting travel to essential travel and requiring those arriving in the Bailiwick to self-isolate for 14 days on arrival, the licensing hours for licensed permissions and recommending the adoption on non-pharmaceutical interventions by all Bailiwick residents.

The Civil Contingencies Authority considered whether other lesser measures would be sufficient to address the concerns around community seeding and the likely impact of the virus on the Bailiwick's population and the potential risk of the Islands' health services being overwhelmed.

8.) In relation to this answer, why did the CCA not give further time for their alternative measures so their effectiveness, or otherwise, could be ascertained, bearing in mind there was nil evidence that a lockdown would work?

9.) Also, did not the CCA consider that having a non- lockdown approach, using only proven medical measures, was the most logical and practical way forward for Guernsey, especially

as there was evidence that non lockdown countries were being successful with their policies, even at this stage?

(6) In relation to any discussions, who took part in them, and who voted to bring in this lockdown policy prior to this policy being announced?

In accordance with the statutory procedures set out in the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the decision was made by the 4 permanent members (i.e. the Presidents of the Policy & Resources Committee, the Committee for Home Affairs, the Committee for the Environment & Infrastructure and the Committee for Health & Social Care) and the two temporary members (i.e. the members nominated by the States of Alderney Policy & Finance Committee and the Sark Chief Pleas Medical & Emergency Committee).

10.)As per the request made at the beginning of this email, please provide a copy of the minutes of this meeting, as well as any additional information which was provided in order for the CCA members to make their decision?

(7) In relation to the lockdown decision, and the admitted awareness that a lockdown would have economic and psychological consequences (and in fact many other consequences too), was there any analysis of the costs and benefits, indeed disadvantages, of such a lockdown policy?

At its meeting on 24th March 2020, the Civil Contingencies Authority's focus was on the urgency of the need to protect human life, safety or health. In assessing whether the conditions for making emergency regulations as set out in sections 12 and 13 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the Authority did consider the economic and psychological impact of lockdown.

11.) As previously mentioned, please provide the minutes of this meeting, together with any papers given to the CCA on the subject of the economic and psychological impact on Guernsey of the lockdown policy.

12.) In this regard, it is known that SAGE did not supply any such assessment to the UK government, so is it correct that Guernsey did not have any such assessment either ?

(8) What discussions, if any, were carried out with the business community and indeed other senior politicians before the lockdown decision was made?

None given the urgency of the situation and that the provisions of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 provided the Civil Contingencies Authority with the statutory authority to take such decisions subject to the conditions set out in sections 12 and 13 of the Law being satisfied.

13.) In retrospect, does not the CCA feel that even if the situation was urgent, the consequences of a lockdown policy were just as much, if not more urgent, and that discussions should have been held with the business community, and indeed with other interested bodies ?

(9) What advice/information was given to the Guernsey authorities by the British government or bodies responsible to it, on the subject of a lockdown?

(It is noticeable that all the home countries of the UK and all the three British Crown Dependencies and fourteen British Overseas Territories had lockdowns, regardless of their covid-19 circumstances).

The Civil Contingencies Authority received no advice from the British government or bodies responsible to it. However, it was cognisant of the information published by Public Health England on the spread of the virus across the UK.

14.) The answer stated that the CCA received no advice from the British government or bodies responsible to it, but the question was in respect of the Guernsey authorities generally, not just the CCA.

So the question remains to be answered in respect of Guernsey and Crown authorities who have had contact with the British government or bodies responsible to it, please.

15.) In respect of the information taken notice of as published by Public Health England, at what stage, if any, did the CCA become aware that the accuracy of this was being seriously questioned by a number of medical and scientific professionals?

(10) What medical and political advice/information was given to the Guernsey authorities by the UK government, Public Health England, the Ministry of Justice or any government agency, politician or public servant associated with them?

The Guernsey authorities have had access to covid-19 government information from the UK and elsewhere.

Guernsey followed the discredited “flatten the curve” theories of Public Health England’s Professor Neil Ferguson.

The Director of Public Health advised the Civil Contingencies Authority that her advice in respect of the risk of the virus spreading controlled across the Bailiwick’s population had taken account information from the UK Chief Medical Officer and her opposite numbers in Jersey and the Isle of Man.

16.) In respect of this disclosure, did Dr. Brink or any of her team have email and/or phone communications with the UK Chief Medical Officer and/or that team, and what did they say on the subject of Guernsey’s proposed lockdown?

(11) In view of the extensive damage done to Guernsey’s economy and other aspects of Island life, should Guernsey claim compensation from the British government for their advice which led to a lockdown in Guernsey?

As indicated above in response to earlier questions, the decision to enter lockdown in March 2020 was based on evidence, based on the local measures to prevent, mitigate or control the spread of the COVID-19 virus and not the advice of the British government. The information provided by Public Health England was one of many sources of information that was considered in the local context. Furthermore the CCA would question the basis on which the requestor describes the damage to the Guernsey economy as ‘extensive’, a claim which the requestor has not substantiated. Clearly all world economies have suffered

because of the pandemic and Guernsey is not an exception, but in relative terms the Guernsey economy has performed well in large part due to the success of the lockdown and wider COVID response. This has allowed many parts of the economy to trade as normal for much of the year; and unemployment, having increased significantly during lockdown has already returned to near pre-COVID levels. The States now faces a major challenge in recovering the economy but it is as well placed as it could expect to be, and in a better position than many other jurisdictions.

17.) Are the CCA absolutely certain there is no liability on behalf of the British government in respect of the Guernsey lockdown? (Because if that is the true situation, there is no case to claim compensation, and means that Guernsey will lose all the millions that the Guernsey lockdown has cost)

18.) In respect of this answer, would the CCA have recommended a lockdown, if the UK and Guernsey circumstances had remained the same, but the UK had not gone into lockdown?

19.) Are the CCA stating that they would have recommended Guernsey going into lockdown on its own, or will they accept that the UK's decision to go into lockdown affected the decision for the CCA to recommend lockdown for Guernsey as well ?

20.) It is also stated in the response that the CCA's decision to go into lockdown was based on evidence, but what exactly was this dramatic evidence which necessitated the recommendation of a lockdown? (Certainly what was made public at the time, when forensically examined, did not justify this).

For instance, why would the spread of this virus (which is not harmful to the overwhelming majority of the Guernsey population) justify having an Island lockdown?

21.) The response also disputes that the damage to Guernsey's economy has been extensive, when it clearly has been. Does not the CCA consider the sectors of the economy which have been seriously affected, including the hospitality and Visitor Guernsey sectors? Are these of no consequence? Even the finance sector has been affected, or is this disputed too? Is not Guernsey deeply in debt because of this lockdown policy?

22.) It is further stated that all world economies have been affected by this covid-19 crisis, which is true but why is the CCA avoiding the truth, that the non- lockdown countries have all suffered a great deal less?

23.) It is also stated that Guernsey has performed well in the circumstances, partly because of lockdown, but where is the evidence that lockdown has enabled the Guernsey economy to perform as stated?

24.) What is more likely is that the CCA realised that the lockdown policy was damaging the economy

(and other areas), and decided to come out of it. In that regard, the Guernsey economy of course is in a better position than some others to recover. Guernsey, however, is not in a better position than those countries which never had a lockdown, or only had partial ones. It is clear that all of them are better placed to recover, or does the CCA dispute that lockdowns do damage economies ?

25.) On which date were the Guernsey authorities given the initial and full details on the UK government's economic support package for those in the UK affected by their lockdown?

On what date were economic support packages for Guernsey put together for consideration by Guernsey's Chief Minister's department, or just him? On which date were they formerly discussed and approved before they went to the States of Guernsey?

(12) Guernsey is now successfully out of lockdown. Why was there not an earlier assessment as to the effectiveness of the lockdown policy, bearing in mind a number of countries in the world have been successful in their covid-19 policies without lockdown, and whose policies were solely based on proven medical measures?

Guernsey had 13 deaths in relation to covid-19 and 11 of these were in Care Homes and two in hospital. All were over 70 and in the vulnerable category.

The Civil Contingencies Authority is aware that different jurisdictions have taken different approaches in endeavours to prevent, mitigate or control the spread of the COVID-19 virus. As a new virus it did not consider that, in March 2020, there were any "proven" medical measures for doing so but throughout the recent months it has considered not only the experience and knowledge gained locally to prevent, mitigate or control the spread of the COVID-19 virus but also that from other jurisdictions.

26.) This response disputes that there were "proven" medical measures available to consider in March 2020 to deal with the COVID-19 virus. If that is the case, why did the CCA adopt a not "proven" non- medical measure of lockdown to try to deal with it? (At that time,

there were fundamental proven medical measures available as an alternative, some of which Guernsey did use. There was information available world -wide, from WHO (World Health Organisation) and individual countries, on measures to take, and indeed WHO did not recommend lockdowns as such).

(13) Why did the Guernsey authorities follow the admitted SAGE policy of creating fear to achieve the population's compliance, which broadly resulted in the local media effectively no platforming any viable alternative policies to the lockdown?

The Guernsey authorities did not follow SAGE advice when deciding whether or not lockdown should be introduced in Guernsey.

27.) The question was why did the Guernsey authorities follow the admitted SAGE policy of creating a climate of fear in order to ensure compliance- not did the Guernsey authorities follow SAGE advice when deciding whether or not lockdown should be introduced in Guernsey. So please answer this.

In particular, can the CCA confirm what their media policy was and if they were aware of any efforts, or made such efforts, to have the local media on side to support Guernsey's COVID-19 policies, to the detriment of alternative policy options?

(14) In retrospect, was it in Guernsey's interests to deprive the States members and the general public of the knowledge of the viable alternatives to lockdown?

The Members of the States of Deliberation have not been denied an opportunity for debate. In accordance with the requirements of section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the emergency regulations relating to lockdown (and indeed all 8

COVID-19 related emergency regulations) have been laid before the States of Deliberation as soon as practicable after being made, together with a Proposition for the emergency regulations to be approved. This procedure has afforded the States of Deliberation with an opportunity to debate these matters.

28.) The question was not about the opportunity of politicians to debate, but about why they were not provided all the information of the different options, especially those used by non- lockdown countries? Neither were the general public.

So why was this information not made publicly available, why was the emphasis instead one of giving fear based arguments for the lockdown policy?

Why too, were the States of Guernsey politicians presented with a fait accompli, with the decision already having been made?

(15) Who wrote and authorised the various media releases to the UK and elsewhere, which publicised the roles of the then Chief Minister Gavin St. Pier and the then President of the Health and Social Care Department, Heidi Soulsby, and Dr Nicola Brink, the Medical Officer of Health, in relation to the Island's covid-19 policies?

The media releases were drafted by the States Communications Team in close consultation with the members of the Civil Contingencies Authority and officers advising the Authority. The States of Guernsey's media releases were intended principally for the local community, and much of the national and international coverage was generated 'organically' with national news organisations approaching Guernsey having seen the success of its COVID response. In those instances, the States Communications Team worked with national and international media to provide responses, interviews and other content to maximise the benefits for Guernsey's reputation.

Other bodies, such as Locate Guernsey and private sector organisations also promoted the success of Guernsey's COVID response to media in the UK and elsewhere generating further coverage.

In respect of this answer, which of the CCA politicians were consulted about the media releases?

Which officers advised the CCA?

Why did the media releases not also focus on the achievement of Guernsey's Education Committee, who had brought about school openings in a much more logical way, and ahead of those in the UK, and when this was very relevant to the national UK situation?

Which PR or political agencies were involved with these media releases and how much expenditure was incurred in respect of them and/or those who in the media who wrote or broadcast in respect of these Guernsey news items?

I thank you for your consideration of these requests for information, and I look forward to the responses.

Response provided by the Civil Contingencies Authority:

The requestor has had 15 questions on this subject answered, and now proposes a further 29 questions – some of which are effectively the same question phrased slightly differently, or requesting an unreasonable level of detail relating to internal discussions of the CCA.

All of the requestor's questions ultimately stem from the requestor's view that Guernsey should not have entered into a lockdown. The requestor is of course entitled to his opinion but the CCA has responded to the fundamental point both in its previous responses and many times publicly (as CCA decisions were publically explained and publically challenged by the media from before lockdown and throughout the pandemic).

The requestor also asks for minutes of CCA meetings, which the CCA has already stated in response to other requests made under the Code of Practice for Access to Public Information and through the media that, under Section 22(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, these are not documents that can be released under the Code of Practice for Access to Public Information. Section 22 of the Law prohibits the release of material that could damage the work of the CCA in preventing, controlling or mitigating and aspect of an emergency or an effect of the emergency. The CCA has decided that the release of the minutes and briefing papers relating to the current emergency could be damaging to its ongoing work.

The CCA has sought to provide a reasonable level of disclosure with this requestor in previous requests but the level of detail and the access to confidential information now being sought is not reasonable and therefore the CCA is applying exception 2.4 (Internal Discussion and Policy Advice) which is applicable in cases of 'Information whose disclosure would harm the frankness and candour of internal discussion, including:

- proceedings of the Policy & Resources Committee, Principal Committees and other committees of the States;
- projections and assumptions relating to internal policy analysis;
- analysis of alternative policy options and information relating to rejected policy options;
- confidential communications between Committees, public bodies and regulatory bodies.'