



UPDATE ON INDEPENDENT REVIEW INTO THE ISLE OF MAN GOVERNMENT'S HANDLING OF THE CORONAVIRUS PANDEMIC

Background

1. The Standing Committee of Tynwald on Public Accounts Annual Report covering activity during the session 2020-2021 recommended that a public inquiry should be held on the Isle of Man Government's handling of the coronavirus pandemic; and that it should cover the period December 2019, when the first case of Covid-19 was reported in China, to the end of September 2021, the end of the term of office of the 2016-2021 administration.
2. On 16 November 2021, Tynwald approved the Chief Minister's amendment to the PAC's proposal, determining that an independent review ('the Review') be commissioned which will be conducted by an independent chair rather than a public inquiry, with the terms of reference for the Review to be prepared jointly by the Public Accounts Committee and Council of Ministers and then submitted to Tynwald for its approval.
3. Tynwald also supported the PAC's proposal that Tynwald waive privilege in relation to any evidence relating to the Covid-19 pandemic held by the Public Accounts Committee and Tynwald Policy Review Committees; and resolved that such evidence may be provided on terms decided by the relevant Committee to an independent review if requested.
4. The terms of reference for the review were approved on 26 April 2022 when Tynwald approved the following motion:

That Tynwald approves the terms of reference for an independent review into the Isle of Man Government's handling of the coronavirus pandemic; covering the period December 2019, when the first case of Covid-19 was reported in China, to the end of September 2021, the end of the term of office of the 2016-2021 administration, with a report to be published to Tynwald by the last day of December 2023. [\[GD 2022/0033\]](#)
5. An extensive recruitment process was undertaken in May 2022 to identify a suitably qualified and experienced Chair for the Review and a selection panel formed jointly by Council of Ministers and the Public Accounts Committee considered a number of candidates. The panel recommendation that Kate Brunner KC be appointed chair of the Review was approved by Council of Ministers on 28 July 2022.
6. Subsequent to the appointment of the chair for the Review, her preliminary research and further consideration, Ms Brunner wrote to the chair of the selection panel Hon Jane Poole-Wilson MHK seeking two specific changes to the terms of reference: to extend the period within scope and to clarify the presentation of evidence in the review's final report. The Public Accounts Committee and Council of Ministers are in agreement that it is logical to extend the period of consideration by

the review to 1 April 2022 to allow the entirety of the major responses to the pandemic to be considered. PAC and Council also agree to the Review chair's proposals in respect of publication of evidence in her final report. At the same time as seeking Tynwald approval to these two specific changes to the terms of reference, PAC and Council have also agreed to seek Tynwald approval for –

- a new, streamlined mechanism for further changes to the terms of reference; and
 - an extension of the waiver of Tynwald privilege originally agreed in November 2021.
7. The chair additionally requested clarification in respect of the extent to which enquiries will be undertaken in public, as referenced in the background preamble to the terms of reference agreed in April 2022 ([GD 2022/033](#)). The Review chair noted that while there will be public evidence sessions and public engagement, evidence gathering will largely be out of the public gaze. This clarification has been acknowledged and agreed by the panel chair and PAC, and Ms Brunner advised to this effect in correspondence which will be published in due course.
 8. The Review is to be undertaken completely independently of the Isle of Man Government and it will have entire independence of action and thought. It will also be afforded full access to all records held by, and personnel employed by, the Isle of Man Government and all its agencies.
 9. The Chairperson will report their conclusions and identify any recommendations for consideration to Tynwald by 31 December 2023.
 10. The Review will act with complete freedom and entirely unfettered from any obligation to Isle of Man Government.

Terms of reference

Objective

The objective of the Review is to scrutinise and evaluate the Isle of Man Government's handling of the response to the coronavirus pandemic; during the period December 2019, to 1 April 2022.

The Review will assess the decisions made by Government at the time and identify any lessons to be learned.

Further, the Review will make recommendations, as necessary, to ensure that the lessons learned are embedded into current working practices, and to enhance preparedness for any future emergency response to a pandemic. It should also capture what worked well, and how or if this way of working ought to be continued.

In forming these terms of reference regard has been given to written statements in the [Standing Committee of Tynwald on Public Accounts](#) ('the Public Accounts Committee') Annual Report, and to remarks made during the debate on the motion in [November Tynwald](#), to ensure the points raised are addressed by the Review.

Governance

The Review will be led by an independent Chairperson. The Chairperson will have full editorial rights over the final report that will be provided to Tynwald. The Chairperson has the ability to appoint such professionals or laypersons as they see fit to support them in fulfilling the terms of reference.

In compiling the report, that person will be entitled to call for and obtain such evidence as they require, including from Council of Ministers (both the current and previous administration), Tynwald members, civil and public servants, business owners and the wider public.

Secretariat support for the Review will be provided by Isle of Man Government officers (outside of Cabinet Office) appointed by the Chair. The officers will be responsible for project management, data collection, the production and development of working documents, record keeping, facilitation of evidence taking and other functions as required.

The secretariat and any other individuals appointed by the Chairperson to support the Review will work under the direction of the Review's Chairperson.

Scope

Without aiming to restrict the areas or matters which the Review may consider, it is asked to cover the following:

Review areas

- Circumstances and decisions leading to the Proclamation of Emergency, Emergency Powers and the use of legal restrictions under the Emergency Powers Act 1936, together with the Public Health Act 1990, and any restrictions in the areas listed below
- Border closures and subsequent restrictions
- Education provision as a result of school closures
- Government quarantine requirements imposed for returning residents

- Loss of life as a result of Covid-19
- Benefit provision for self-employed persons and businesses, and the broader economic recovery and support schemes provided
- Individual and household isolation in relation to positive cases and close contacts
- Testing in relation to symptomatic cases, close contacts and following travel
- Contact Tracing in relation to positive cases and how it was conducted
- Vaccination governance and roll out
- Preparedness for the outbreak of a pandemic
- Genomic sequencing for positive cases
- Communications – internally to government and Tynwald, and externally to the public
- Command structures and decision making processes
- February 2021 Covid-19 Outbreak and its relation to the Isle of Man Steam Packet Company (IOMSPC), to the extent not already covered by the Public Accounts Committee's 2020-21 Annual Report ([PP 2021/0166](#)).

If at any time the Chairperson conducting the review is of the view that a specific area should be subject to a more formal public inquiry, the Chair may make such a recommendation to Tynwald in their report.

Reporting

A final report will be published by 31 December 2023. Progress or interim reports may be presented as the Chairperson shall consider appropriate throughout the process of the Review.

The final report will be a public document which will summarise the evidence gathered on which any conclusions and recommendations are based. Evidence, extracts from evidence, and summaries of evidence will be published at the Chair's discretion subject to considerations of confidentiality, relevance, cost and practicality.

Review terms of reference approved by Tynwald April 2022
Revised subject to Tynwald approval, November 2022