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Ms Kate Brunner KC
Chair of Independent Covid Review

8 November 2022

Dear Ms Brunner

Independent Covid Review – Isle of Man

I write in response to your letter of 11 October 2022 in which you provided an update on the progress of the Review to date and asked for three matters to be considered and reflected as clarifications and changes to the background and Terms of Reference of the Review.

Thank you for setting out in full the reasons for your request which has assisted consideration.

I can report to you that the Public Accounts Committee and the Council of Ministers have considered your reasons and are agreeable to making the alterations to the Terms of Reference you have requested as regards the period covered by the Review and the publication of your Report in terms of the evidence published. These changes will have to be approved by Tynwald for the reasons set out below.

As regards the change to background preamble to the Terms of Reference, it is noted that this is a point of clarification to make clear that, having determined there should be an Independent Review, as opposed to a formal public inquiry, it was not the expectation that the Review would be conducted by way of formal court-like public hearings. This is recognised. However, it is felt that it would not be appropriate to amend the background text, but rather to acknowledge this by way of this letter and by commentary in Tynwald when moving the motion to seek approval for the changes to the Terms of Reference.

In their consideration and response, the Public Accounts Committee recognise that you as the independent Chair, should have the flexibility to determine which elements of the Review are conducted in public and which in private. They were, however, keen to encourage the public elements of the Review and asked for transparency to be a key consideration in its structuring, and you have subsequently made clear to me that you will keep the principles of transparency at the forefront of the Review's methodology. In addition, it was felt important that in your public engagement in relation to the Review, you provide explanation and assurance as to your approach to conducting the Review and the different approaches to evidence-gathering.

Following a Tynwald resolution in November 2021 that the Terms of Reference for the Review should be subject to Tynwald approval, and the current Terms of Reference having been approved by Tynwald in April 2022, the changes now proposed are also subject to Tynwald approval. The intention is to therefore to take a motion to November 2022 Tynwald to:

- seek approval for the two amendments to the Terms of Reference,
- recognise that further amendments may be made to the Terms of Reference by the Council of Ministers with the agreement of the Public Accounts Committee; and

- to address the matter of waiver of parliamentary privilege.

The final point is one which I understand has been raised with the Clerk of Tynwald's office and which it is considered important to address to allow the Review to access all records that may be relevant. The amended Terms of Reference and Tynwald motion are included with this letter and will be published on the Register of Business with a view to being brought before November Tynwald for approval.

Yours sincerely



Hon. Mrs Jane Poole-Wilson, MHK
Minister for Justice & Home Affairs