

The Pandemic and Devolution – Intergovernmental Relations under Stress

Paul Anderson, Coree Brown Swan and Judith Sijstermans

UK in a Changing Europe – February 2024

The [UK Covid Inquiry](#) has wrapped up its public hearings in Scotland on decision-making during the pandemic. Perhaps unsurprisingly, the evidence exposed a difficult and even dysfunctional relationship between the UK and devolved governments and brought to the fore different perspectives on how the governments of the UK should relate to each other in a crisis. What, then, did the Inquiry reveal about how UK intergovernmental relations (IGR) operated during the pandemic and future challenges for devolution?

Intergovernmental strain

Unlike other countries, where a centralised approach was imposed to manage the pandemic, the initial response in the UK was largely coordinated and included only minor deviations in the implementation of interventions. The UK, Scottish, Welsh, and Northern Irish governments worked together to produce a [Coronavirus Action Plan](#), First Ministers attended emergency COBR meetings and [new intergovernmental forums](#) were created to facilitate interaction to respond as swiftly as possible. Notably, existing IGR structures were side-lined, having long been viewed as no longer fit for purpose and [in urgent need of reform](#).

It was not long, however, before fissures in this ad hoc way of operating became evident. From May 2020, the UK government started to ease measures in England, an approach which was rejected by the devolved governments in Scotland, Wales and Northern Ireland.

Intergovernmental interaction became less frequent; regular meetings were abandoned and the repeated requests by devolved leaders to reconvene emergency meetings fell on deaf ears. While the breakdown of relationships between governments had long been hinted at, in particular in [public statements by devolved ministers](#), it was exposed in greater detail by evidence to the Inquiry.

Criticisms from the devolved side included the exclusion of devolved governments from key decision-making forums, a failure to coordinate messaging and regulations, and a [lack of contact](#) between decision-makers in the devolved nations and London. It became clear from the evidence given to the Inquiry that mistrust between governments was mutual.

In his [evidence](#), Scottish Secretary Alister Jack suggested that distrust between the governments was inevitable when engaging with the SNP (who he characterised as wanting “to destroy the United Kingdom and destroy devolution”) but not inherent to devolution itself. Devolution, he argued, “works very well when governments want to work together.”

Despite this assertion, in UK government ministers' written evidence, there was a request to consider whether legislative changes to 'support a more uniform UK-wide response to a future pandemic or equivalent emergency' – a request which was roundly critiqued by the [Scottish government's submission](#) as beyond the remit of the committee.

Jack's evidence also emphasised his preference for policy alignment, suggesting that devolution worked best when the UK government led and devolved governments could "work out how they could do it, but just slightly differently."

Former First Minister Nicola Sturgeon explicitly critiqued this approach in her written submission, arguing that a main challenge at the time was 'a mindset that considers the UK government position on any issue to be the orthodox or 'correct' one and any divergence by the [devolved administrations] as being out of step.'

Westminster Knows Best?

Implicit to the UK government's approach to Covid, then, is the principle that a single, united response to a crisis is best. Indeed, in his oral evidence Alister Jack called for 'a more centralised approach to our response' in the event of future crises.

Submissions from Scottish government ministers, on the other hand, centred on an effort to take a 'four-nations' approach where appropriate while respecting the wishes of all governments to take a different path in the event of epidemiological evidence, other health issues or indeed disagreements about specific interventions.

The 'four nations' framing puts each nation on equal footing, rejecting the suggestion from the UK government that UK policy be seen as primary and devolved policy as secondary.

Sturgeon's written evidence argued for a deeper respect for devolution, rather than formal changes to the devolution settlement.

Both Scottish and UK government ministers made explicit comments on the constitutional arrangements of the UK in their reflections to the Inquiry. But it was the UK government that suggested changes to the constitutional settlement, with its arguments for policy agreement and further centralisation in cases of crisis. The Scottish government predominantly confirmed what Sturgeon described as the 'statutory reality' and *status quo* of devolution.

Lessons learned

The Inquiry's evidence sessions in Scotland reinforced the impression of poor interpersonal relations and a dearth of trust between levels of government. For more effective relations to be forged, a [change in mindset](#) from all governments and a willingness, where necessary, to work together is needed.

A joint review undertaken by the UK and devolved governments to reform UK intergovernmental machinery – which published its conclusions in 2022 – represents

a positive step in the right direction. But the use of the Inquiry as a space to propose changes to the devolution settlement, and defend the status quo, suggests that the new structures are not working as effectively as might be hoped as forums to discuss and resolve differences. Given this, it is unclear whether the new structures would improve coordination in a crisis.

Coordination is no doubt important. But legislative measures to support a more centralised approach to any future crisis, as suggested by the UK government, contrasts with the principles of devolution in the UK, whereby the devolved governments are free to act within their policy competences, even at times of significant crisis.

For more, see their [paper](#) 'State making or state breaking?' Crisis, COVID-19 and the constitution in Belgium, Spain and the United Kingdom' examining the impact of the pandemic on state and substate nationalism in Belgium, Spain and the UK.