



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

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PUBLIC ACCOUNTS COMMITTEE

Isle of Man Steam Packet Company

HANSARD

Douglas, Thursday, 13th May 2021

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Members Present:

Chairman: Hon. J P Watterson SHK
Vice-Chairman: Mr L L Hooper MHK
Mrs C L Barber MHK
Ms J M Edge MHK
Mrs J P Poole-Wilson MLC
Mr C R Robertshaw MHK

Clerk:

Mrs J Corkish

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Standing Committee of Tynwald on Public Accounts

Isle of Man Steam Packet Company

*The Committee met at 1.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas.*

[MR SPEAKER *in the Chair*]

Procedural

The Chairman (Mr Speaker): Good afternoon everyone and welcome to this public meeting of the Public Accounts Committee. I am Juan Watterson, Speaker of the House of Keys and Chairman of the Committee; and with me are the Vice Chairman, Mr Lawrie Hooper MHK; Mrs Jane Poole-Wilson MLC; Mrs Clare Barber MHK; Ms Julie Edge MHK; and Mr Chris Robertshaw MHK, along with our Clerk, Jo Corkish.

Can I ask everyone please to ensure that their mobile phone is on silent, so it does not interrupt proceedings.

This afternoon's session is being held as part of the Committee's inquiry into the Isle of Man Steam Packet Company and the border protocols during the pandemic.

EVIDENCE OF Mr Mark Woodward, Chief Executive, and Mr Lars Ugland, Chairman, Isle of Man Steam Packet Company Limited

Q215. The Chairman: I would like to ask our guests if they would introduce themselves, please.

Mr Ugland: Lars Ugland, Chairman of the Steam Packet Company.

Mr Woodward: Mark Woodward, Chief Executive of the Steam Packet, for now.

Mr Callin: Jeremy Callin, advocate representing the Steam Packet.

Q216. The Chairman: Thank you very much.

Could we perhaps start by asking how the Isle of Man Steam Packet was engaged with as soon as the borders were due to close?

Mr Woodward: I think 'engaged with' is probably a loose term. I think what actually happened was a fairly chaotic situation, as I am sure you are aware.

We were not really given any guidance in the early days of the pandemic, but we were able to use a pre-existing plan we had which we dusted off and adapted, and gave guidance to our crews and to our ships as to what we thought they should be doing at that stage, which obviously

included a lot of the common-sense measures that we now take for granted, like some social distancing, hand washing and a better regime to deep clean on board the ship. So we did that pretty much from the off.

30 At the same time, we reached out to Government to try to get some information from them as to what they thought we should be doing and to amend our procedures, if necessary. So that was what really happened from the off, if you like.

Q217. The Chairman: So what happened was you started to ramp up perhaps some of your health and safety measures first, before you were informed by Government that borders were going to close and a whole load of restrictions were going to apply. Can you just talk about how that early contact with Government worked?

Mr Woodward: Well, it did not work, is the shortest answer!

40

Q218. The Chairman: Okay, well, what happened in those very early days?

Mr Woodward: Well, as I say, we reached out to Government early on and as a result of that we initially got very little feedback – and I do not blame Government for that, I understand fully that they were in a difficult place as well and that they had no rule book by which to operate, just as we did not.

45 We perhaps were a little bit better prepared than they because we had a pre-prepared plan for pandemics, of sorts. We also, I think, probably were a bit more nimble because of the fact that we are a small organisation rather than a large government with multi-departmental issues to consider.

50 But I think in terms of what was given to us by Government early on, as I say, it was very little because I do not think they had got their own heads around what needed to be done at the time, and I am not criticising them because of that, that was just a fact.

55 I think what happened latterly is that we started to ask more detailed questions, which then were largely hinging around the fact that the borders were going to close and that brought a whole raft of different issues. We started to see cases coming on to the Island and we started to see cases amongst the crew and that then gave us other problems.

60 So at that point we really did start to reach out to Government to say, ‘We need some advice. We need some guidance on this,’ and that is where things initially were *very* slow in terms of getting feedback.

Q219. The Chairman: So we are talking about late March here and who was the initial point of contact? Was there one point of contact or were there many points of contact?

65 **Mr Woodward:** No, I think that is one of the problems throughout all of this is that there was no one point of contact. There were teams set up: a Travel Notification Service (TNS) was set up, Public Health was in the mix there somewhere, the Department of Health and Social Care was in there somewhere. (**The Chairman:** The DoI.) We were dealing with many different people at that stage.

70 Our HR manager was sort of driving the effort from our side, if you like, to try and get guidance in terms of the crew. Our marine manager was looking at the actual on-board systems and procedures. I was trying, at the top, to sort of steer them in the right direction and give them areas that we should be looking at. But we were not getting very much back in the early days because, as I say, it was pretty chaotic, to be frank, early on.

75

Q220. The Chairman: So in terms of the expectation of your staff that was based around that initial plan that you had to be able to operate in those sort of circumstances that you created. Then of course Government came along and said *we* want you to do something either different

80 or something else, something extra. How was Government's expectations of what they wanted from you communicated?

Mr Woodward: Again, fairly patchily.

85 I have provided you with a statement which, obviously we are very happy for that to be placed on the public record in its entirety, and I think that details probably in more detail than I can recall today. But in very simple terms we started to get documentation from the Government in late March, and they essentially related to giving us, firstly, exemptions from the need to self-isolate for our crew and, secondly, exemptions to allow entry to the Isle of Man, i.e. to cross the border. So those were the first things that started to happen from the Government side.

90 At that point we had very little guidance in terms of what we should be doing on board or how we should be treating people or how we should be operating. We did, I think, probably around the same sort of time – and bear in mind at that time our primary point of contact was through the Department of Infrastructure as our sort of nominated lead with the Sea Services Agreement and so on – but around that time we were asking questions of the Department and they too, frankly, did not have the answers. They did their best to get them for us, but there was a very long and tortuous chain of command. And I think the evidence you will see, and hopefully will come out of the other investigations that are being done, is that very often there are months that have elapsed between us asking what we think is a fairly straightforward question and getting a definitive answer that guides how we actually operate.

100 **Q221. The Chairman:** So these exemptions to the crew, did they just land through the email system or were there meetings and explanations about how that happened?

Mr Woodward: There were very few meetings. I mean, that is the surprising thing about all of this.

105 If I were to look back on this and say what do I think should have happened at the start, I think there certainly should have been a single point of contact, but more than that the centralisation of Government at the time, with CoMin reserving all of these powers to themselves and involving, it seems, nobody else ... The Steam Packet should have had a place at that table from the off, as far as I am concerned. And had we had a place at the table and some direct means of input then we would not be sitting here today.

Q222. The Chairman: And did you lobby for that?

115 **Mr Woodward:** I made comment to Nick Black at the time, at Infrastructure, and obviously he had asked me to produce various papers which were to go to CoMin to inform them about things we wanted to do.

120 But as the way Government – now, I understand – works, it is the case that often those papers do not actually get presented, they get paraphrased by the relevant departmental chief executives and you do not actually have any control over what is said. What you get is a nuanced version of what you have said yourself, which may or may not be actually what you meant to say.

Q223. The Chairman: And so there was there was no dialogue or correspondence between the Company and any politicians at the time?

125 **Mr Woodward:** None that I can recall. And, as I say, we were simply issued with edicts, often at very short notice by people doing their very best, I have no doubt about that, to make it happen.

And the people we dealt with at the coalface, the likes of Ann Reynolds and Nick Black, they were very helpful, but they did not have all the answers and they could not give us all the answers.

130 **Q224. The Chairman:** And one of those earlier decisions from Council of Ministers was that requirement for you to put on two sailings a day, and that was critical, wasn't it, in terms of your crewing, because that meant that mixed crews were an essential part of the delivery mechanism, and that could potentially have been avoided if you had done one sailing a day?

135 **Mr Woodward:** It is not quite as simple as that because of the crew mix we have got it would be very difficult to operate, even for a short period of time, with a single crew of either UK or Manx people. So we need to set that one straight.

I think we did, quite rightly, suggest to CoMin directly, as I understood it, that we should not be operating our conventional timetable because (a) it was a drain on financial resources, which was totally unnecessary given the level of traffic and (b) obviously there was a risk, not so much from the transmission, our angle was actually what happens if we have a major outbreak on board the ships? We could lose all of our services. So it was really about that rather than driving, 'Let's keep the transmission level low on the Isle of Man.'

145 **Q225. The Chairman:** And of course it was a demand pull from Government as well about wanting those two sailings a day.

Mr Woodward: The message we got back was, 'We want things to appear as normal; keep sailing as you are doing', and basically hang the expense.

150

The Chairman: Mrs Barber.

Q226. Mrs Barber: With the papers that you said about producing for CoMin, and obviously those not necessarily making their way in the original form. Are you able to signpost us, maybe after the session, to which papers they were, what we have seen that were to your mind –

Mr Woodward: You would probably be better asking Nick Black in evidence because I gave the paper to him. I have no idea what happened to it after that and nor was I given any feedback on it other than, 'Carry on as you are.'

160

Q227. The Chairman: But all those papers are in the evidence bundle that you provided to us? I just want to make sure we are not missing anything, they were part of that –

Mr Woodward: Sorry, I missed that first point.

165

The Chairman: All the papers that you provided to Nick Black are part of that evidence bundle that you have already provided to us? I just want to check that we are not –

Mr Woodward: I do not know if that paper is in the evidence bundle, I am not sure ... No it is not.

170

Q228. The Chairman: Is that something you would be happy to make available?

Mr Woodward: I am sure I can make it available, yes, I will have to find it. But no, I have not provided that.

175

The Chairman: Thank you very much. Ms Edge.

Q229. Ms Edge: Did you have any information or guidance from any maritime organisations to support you that you then discussed with Public Health or...?

180

Mr Woodward: Yes, absolutely. As I say, we did have a pre-dusted plan on the shelf, if you like, for pandemic planning, contingency planning, and that was largely driven by things like the International Maritime Organization (IMO) which specifically relate to seafaring bodies.

185 It is interesting that in later conversations – you took evidence from the Director of Public Health about risk assessments, for example. I think she said something fairly negative about Steam Packet risk assessments, something about the pandemic, that our plan was too detailed and was more suited to an ocean liner or, I think, words to that effect. Well, frankly, that is what the plans were, they were more detailed, and we were asked by her to dumb them down, for whatever
190 reason, later on in the process, but they were fairly detailed plans that we had and which we were operating to. They were not exactly tailored to this particular pandemic because they cannot be, but what it did give us was a sensible and serious base from which to adapt and get measures in very quickly.

I think you have to acknowledge and stand back here for a moment and recognise that the
195 Steam Packet has done probably now over 1,400 sailings, since the beginning of the pandemic, we have carried more than 23,000 passengers. There is not one single case of crew to passenger transmission. There are only four Manx cases to date, of Manx crew getting the virus. So we have a pretty damn good record in terms of transmission and what we have done and we have had very effective mitigation measures in place throughout this pandemic.

200 It is interesting because, again, listening to the evidence given by the Director of Public Health, she spent a lot of time talking about taxis. Now, I read those risk assessments and it seemed to me that the risk assessment was pretty much, ‘Wear a mask, open your window, do not talk to the passenger and sit as far away as you can.’ Now, if I were the Director of Public Health, frankly, I would be giving a lot more attention to the Steam Packet than I would be to taxi drivers. I cannot
205 judge their priorities, but that is a pretty clear indicator to me as to where priorities within Government lay at the time.

Now, whether that is because we had done such a good job to date that they felt we did not need the help – which is one thing, I can take that – but equally then it is very difficult to accept criticism later that somehow those were not as effective as they might otherwise have been.

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Q230. The Chairman: Just on those risk assessments then, obviously as everyone’s knowledge and understanding of what this means has evolved over the course of that year, have you constantly kept up to date with IMO regulations and perhaps other ferry operators as well, just to make sure that you are keeping abreast of all the developments and best practice?

215

Mr Woodward: Our marine manager is tasked with that, so his job has been to make sure that we are aware of anything that has changed and they do speak to other operators, for example. And we have tweaked things we have done, not just in response to what we have been asked locally, but by things that are considered best practice elsewhere.

220

The Chairman: Excellent Thank you.
Mrs Poole-Wilson ... sorry.

Q231. Ms Edge: Sorry, Chairman, could I just add on to that?

225

So do you think there perhaps was a lack of understanding of your business and the type of risk assessment you would have in place to be able to deal with anything anyway, when you say that she criticised the detail and perhaps you needed to dumb them down? So you purely think that was because of a lack of understanding?

230

Mr Woodward: Well, I think that was a factor in it because marine risk assessments, it is a very specific and very well regulated area of business. We are subject to all sorts of regulations from the Ship Registry, from Environmental Health and obviously from Government legislation, so we are well regulated in most regards.

235 I think the risk assessments we did specifically were aimed at what we knew, which was
keeping our crew and passengers safe, and we did do what I think were entirely reasonable things
to achieve that, and we did that very quickly.

The Chairman: Thank you. Mrs Poole-Wilson.

240 **Q232. Mrs Poole-Wilson:** Yes, thanks.

Just going back to those early days in March, and you have mentioned the lack of a single
person contact. We heard in evidence that Nick Black was charged by CoMin with producing an
on/off crewing paper – which we have not seen in evidence, but we have asked for and we hope
will be found – but to your recollection, in your conversations with Nick Black in those early days,
245 were you discussing the crewing patterns and so on and being asked to give information around
that so that CoMin understood the risks around how the ships would be running and the crewing?

Mr Woodward: If Nick was able to impart the discussions we had effectively to CoMin, they
should have been fully aware of the very real risks that we saw from operating as we had
250 suggested compared to how we are actually required to operate.

Q233. Mrs Poole-Wilson: Okay, and the second question, I think in your very helpful timeline
that you gave to us, you say on 19th March, it was actually Daniel Davies, so the interim CEO of
the Department of Home Affairs, who acknowledged that Government are aware of the Steam
Packet Company working pattern, i.e. all staff going ashore at night and with regard to
255 dispensation of 14-day self-isolation. Do you recall how that came about, that exchange, or that
communication with Mr Davies?

Mr Woodward: I think that was the result of an email I sent requesting clarification, personally.
260 I can probably dig that out for you, if you have not got it already. But I am pretty sure it is
something I said originally to the Cabinet Office, asking for clarification.

Mrs Poole-Wilson: Okay, thank you.

265 **The Chairman:** Mr Robertshaw.

Q234. Mr Robertshaw: Thank you, Chair.

From my perspective, I think it would be very helpful if we were able to walk through the
timeline from the beginning right the way through up to more recently and then perhaps talk
270 about generalities after that.

So far the story you have told us is that Government was in a degree of understandable shock
at the beginning of this, you responded in appropriate ways that you could, you had
communications with a range of different people, no single line. Is that pretty well how it stayed
in the first lockdown, could we just talk about that? Did much change in the first lockdown in your
275 engagement with Government from that which you have just described? It started 27th March
and it finished when, the first lockdown?

Mr Woodward: June, 15th June.

280 **Q235. Mr Robertshaw:** Let's deal with that first. Did much change in that period for you in your
relationship, engagement and communications with Government or was it much as you have
described so far, Mark?

Mr Woodward: I think in that first period, to be honest, there was very little change because,
285 although it was – I think you used the word 'clunky' in one of your previous sessions – it was clunky

to start with, but we pretty much got into a pattern where we had the sailing regime established. There were a few bumps along the way. We had to, for example, take the *Ben my Chree* out of service and bring *Manannan* and *Arrow* as a reaction to the crewing levels or potential crewing levels because of illness. We then had to make the *Ben my Chree* liveable for a while, again to protect the services.

290

Throughout all of that, I think it is fair to say, we had a very good exchange of information with the DoI, through Nick, because he was our main point of contact and we were obviously very clear that we kept him up to speed with what we were doing and why we were doing it. And we relied on him then to transmit that further up the chain. And if there was any feedback, we would have dealt with that appropriately. As it happens, there was very little feedback that came back.

295

Q236. Mr Robertshaw: Public Health did not become its own body, if that is the right phrase, until about April, did you have any –

300

Mr Woodward: Was it as early as that?

Mr Robertshaw: Well, technically, it was.

Mr Woodward: We have no evidence of it being that early.

305

Q237. Mr Robertshaw: Fine, you have answered the question I was just about to ask, which is you did not really have any engagement with Public Health directly in that first lockdown period?

310

Mr Woodward: Very little. In terms of meetings with Public Health I think we have had something like three meetings throughout the whole period of the pandemic.

Q238. Mr Robertshaw: Let's go section by section, because there is a lot to build on, if you do not mind.

315

Mr Woodward: No, I think the meetings ... I would have to check my notes, but I think the meetings we did have with Public Health, probably the first of them was in July or August time, so that would be post the first lockdown and then it was, I think, November time, maybe December, and then obviously the the most recent one that we are arguing about, which was not 27th January but was 3rd February.

320

Q239. Mr Robertshaw: A lot of businesses during that first lockdown had difficulties finding, getting and applying PPE. What sort of stresses and strains in that first lockdown did you have to deal with in that regard?

325

Mr Woodward: We did have problems getting, in particular, masks very early on. We did approach the Cabinet Office and we approached, I forget the lady's name, but she worked somewhere within Public Health, I think, and we were advised initially that masks were really only required for front-line health workers, we were not considered a high priority, but she did helpfully gave us some contacts. As it was, our sourcing department managed to get masks ourselves and we had a pretty good supply of masks from, I would have thought, mid-May or late-May onwards.

330

Q240. Mr Robertshaw: There was some tension in Tynwald itself about whether masks should be worn. I was one of those pushing that they should be, inside Tynwald, and DHSC's view at the time was, 'No, don't bother.' So you were getting the same signal were you?

335

Mr Woodward: Yes. I mean, the IMO guidance at the time, if I recall, was that masks were not necessary. Masks are still technically not part of PPE. You cannot legally enforce people to wear masks as part of their PPE. There are PPE regulations, but they do not include masks.

340 The jury is still out on masks, they may be helpful for people who wear them rather than people who are not wearing them, or the other way round rather, but there is no definitive position.

We took the view – and we got a lot of criticism from some of the Manx side at the time – that we should bring them in because the UK had brought them in, and we thought it would be a bizarre situation to suddenly say, coming within 12 miles of Manx territorial waters, in addition to closing the bar, ‘get your mask on’. It would have been a silly scenario, really.

Q241. Mr Robertshaw: Okay, so in that first lockdown – we will stick with that because we will be clunky and go bit by bit – how were the Isle of Man crew behaving themselves in accordance with the directions you have got? They were leaving the ship at the end of their period of –

350 **Mr Woodward:** In the first lockdown?

Mr Robertshaw: In the first lockdown.

355 **Mr Woodward:** In the first lockdown the Isle of Man crew were behaving themselves in the way that *any* other Manx resident would, which means they were going home after their duty shift and isolating.

Mr Robertshaw: Thank you very much, Chairman, that is my questions.

360 **The Chairman:** Mr Hooper.

Q242. Mr Hooper: Just to clarify, you say ‘isolating’, what you mean is they were going home and being confined at home, the same as everybody else. So the Manx public were not *isolating*, and that is important to make that distinction because isolating is a very specific term.

Mr Woodward: Yes, you are right. They were no different to any other Manx resident. They were entitled to go out for essential shopping, they were entitled to take exercise when the exercise provision applied. They were behaving as any other Manx person would.

370 **Q243. Mr Hooper:** Great. In that initial lockdown phase then, were there any checks being done on your crew above and beyond what checks were being done on the wider population –

Mr Woodward: By us or by Government?

375 **Mr Hooper:** By both, I suppose.

Mr Woodward: Well, there were no checks by us because we have absolutely no authority or power to conduct checks of any kind on our crew off duty, so not something we can opine on at all.

380 As regards Government, I think it is well known that there were absolutely no checks by anyone. If they did consider that our crew should have been in sort of strict lockdown, they were not checked on by Government in any way, shape or form, as far as I am aware. I am not aware of a single crew member who was ever reported, and we have asked if they have been visited as a result of, in theory, being confined.

385 **Q244. Mr Hooper:** Right, so during that first lockdown no one was checking. Did that surprise you at all, actually?

390 **Mr Woodward:** Not at all. Because the regulation, the documents we had got from the Chief
Secretary at the time gave them an exemption from self-isolation. They were a Manx resident as
other Manx residents were, so there was no need for him to isolate or keep away from...

395 **Q245. Mr Hooper:** At that time then, the self-isolation exemption, was that quite generic? I
know later on there is reference in emails from the Director of Public Health to things like close
contacts being required to isolate.

Mr Woodward: Yes, that came in later on. I mean, do not forget there were probably 15 or 20
now iterations of the ERO18B or whatever it was, so that just grew and grew, frankly.

400 **Mr Hooper:** But in the initial lockdown –

Mr Woodward: It was still wrong, but it grew and grew.

405 **Q246. Mr Hooper:** But in the initial lockdown that language had not appeared yet? It was still
talking about everyone –

Mr Woodward: No. In very simple terms, as far as we were concerned and as far as our crews
were concerned, the UK crew members at that time they came to work, they went home, or to
their place of residence on the Isle of Man. They did isolate, i.e. they were required to stay away
410 from everyone. They had an exemption to go back to their place of work and at the end of their
duty week they went home to the UK and they did whatever they were allowed to do under their
local rules and then they repeated that cycle each time they came back.

Once the lockdown ended on 15th June, the Manx crews were, again, like any other Manx
resident, free to do what they wanted in the community.

415 The UK crews, because they were travelling, they were leaving the Isle of Man every week for
their week off to the UK, or further afield, to an area of high prevalence, they were then required
by us and Public Health to isolate when they did come back to the Isle of Man. So in their duty
week they were required to behave as if they were behaving during the first lockdown period.

420 **Q247. Mr Hooper:** And so in respect of your UK-based crew then, when they were on Island
and isolating, do you know if any of those crew members were checked on by Government to
ensure they were –

425 **Mr Woodward:** Again, none. There were no checks whatsoever.

Mr Hooper: Right, okay, and that was just during the first lockdown or was that throughout
the whole period?

430 **Mr Woodward:** There have never been any checks on our crews that I am aware of.

Q248. Mr Hooper: And these would have been the crew that actually both you and the
Government thought should have been isolating and obviously were.

435 **Mr Woodward:** Yes.

Mr Hooper: Okay.

440 **Mr Woodward:** I should add there have been a couple of police involvements, where members
of the public have reported crew members because they believed they should have been isolating
and they have been investigated and dismissed by the Police because they were not actually in

breach of any regulations, nothing that was served on them required them to be behaving in that manner.

445 **Q249. The Chairman:** So at the end of lockdown, because what was happening before was members of crew were going home and isolating, just like every other member of the Manx public was, when lockdown ended and everyone else in society was able to mix freely, there was no conscious thought, at that point, really, it would appear that –

450 **Mr Woodward:** By us or by Government?

Q250. The Chairman: Well, by any. The risk had changed by having crew members circulating within society, having come off the boat and coming into close contact with people who were potentially infected coming over the border.

455 **Mr Woodward:** Well, there was conscious thought by us because we approached Government and said, ‘Hey, the lockdown is coming to an end, what do we do with our UK crew who are still going backwards and forwards from an area of high prevalence?’

460 We then got a message back – and I think it was quite a bit later, there was quite a big delay there – saying they should isolate when they are off duty, so that they had been anyway and we just continued with that process. But we asked that. We did not get a direction from Government saying, ‘The isolation is ending, you must...’

Q251. The Chairman: But no one thought that the Manx crew’s risk profile was any –

465 **Mr Woodward:** They were still subject to the thing which I think has still not been rescinded, document 006 – the original one, which says that they are exempt from self-isolation.

470 **Q252. Mr Hooper:** And just for clarity, it was in that kind of August time in response to your queries that you were first told about the close contact issue where Manx crew do not need to isolate unless they are –

Mr Woodward: On board the vessel?

475 **Mr Hooper:** Yes, unless they are close contacts, in which case...

Mr Woodward: Yes. That was, again, born of a slightly different issue because, again, at the time, various members of the public had made comments or complaints, and we were getting some feedback from people that crew members were either not wearing masks when they were leaving the vessel or they were leaving the vessel next to each other and chatting, or they were not wearing a mask potentially on an area in the vessel – and bear in mind we did not ask or enforce our crew members wearing masks behind the scenes – we only initially enforced it for passenger-facing roles. We did get some comments from passengers, via MHKs or other bodies, about, ‘Shouldn’t they be doing this? Shouldn’t they be doing that?’ And our view, at the time, was that they were complying with whatever they were required to comply with.

485 The fact that they were Manx residents means they did not need to wear a mask when they were leaving the ship to go home because they were Manx residents who had never left the Isle of Man, they just happened to have been on the *Ben-my-Chree* for their day’s work. They did not leave the Isle of Man, they did not set foot in an area of high prevalence of coronavirus.

490 **Q253. The Chairman:** But if you have got somebody who is public-facing and then goes into the crew room with people would not be considered public-facing, isn’t that where the risk really was?

495 **Mr Woodward:** But they would be required to wear a mask when they were public facing and they were obviously adhering to the social distancing requirements, adhering to the cleanliness requirements, the handwashing. We have high fog machines on board the vessels which cleanse the passenger areas.

500 **Q254. The Chairman:** I was thinking about UK and Manx crew mixing in a crew room or a staff room or something like that?

Mr Woodward: Well, we did take other measures on board. We did say to them that there were instructions that we do not expect you to stand chatting to each other less than two metres apart, you are required to maintain that distancing. Things like meals on board, we separated that so crew that had cabins or board had meals in their cabins, rather than the communal messes. So we did things which were practical. Bear in mind, the exemptions we got talk about reasonableness, about what is practical. We did what was reasonable and what was practical.

If Government did not want any risk, they should have just said, 'Do not sail.' There would have been no risk.

510 **The Chairman:** Mrs Barber.

Q255. Mrs Barber: Just picking up on the point you made before, Mr Woodward. You talked about the Police having been called on a couple of occasions around potential non-compliance, but obviously on looking at the notice they were in compliance, was that with crews who were from the Island or off-Island crews?

Mr Woodward: That was a Manx-based crewmember.

520 **Q256. Mrs Barber:** A Manx-based crewmember, so there was not any point at which that triggered a query, I suppose? They were comfortable that the content of the notice that person had that they were complying with was that there was no requirement?

Mr Woodward: The feedback we got was that no further action was required.

525 **Mrs Barber:** Okay.

The Chairman: Ms Edge.

530 **Q257. Ms Edge:** In the House of Keys on 3rd November, I asked the Chief Minister what the rules were for the Steam Packet regarding wearing masks and subsequently received a copy of, 'Do I need to wear a mask and face covering?' I think it was from 15th June that the UK said that anybody on public transport had to wear masks. Obviously you put that into place yourselves on the vessel.

535 I pushed the Chief Minister for an answer and he said it was not the responsibility of this Government to ensure that the Steam Packet and anybody who is operating services to the Island to protect our people, that we are checking what they are doing. However, further on he did commit to do a check. Are you aware that took place after 15th November? He said that he would ask Dol or –

540 **Mr Woodward:** The Chief Minister personally committed?

Q258. Ms Edge: No, he said:

I will find out through [our colleagues] in either DOI or Treasury what the rules are for the Isle of Man Steam Packet on wearing masks. I am sure they are following the rules and regulations...

Are you aware of that taking place?

545

Mr Woodward: Well, we did latterly, and I am talking probably around August time last year, have Isle of Man Ship Registry surveyors come and do round trips the boat, on the *Ben*, so that may well have been something that they were checking up on, obviously they have their own agenda, but they are required to do a variety of checks on the vessels in terms of technical safety. It may well be the case that masks had been added to that sort of check list, if you like, for the trips they were doing.

550

Q259. Ms Edge: Okay.

Also, just within your document it said that children under the age of 11 and individuals with breathing conditions would be exempt. At any point was that updated? I am obviously thinking more of the January cases when we had St Mary's school –

555

Mr Woodward: No, not to my knowledge.

560

Ms Edge: Okay, thank you.

The Chairman: Mr Robertshaw.

Q260. Mr Robertshaw: Thank you. Two points just for clarity, it should have entered my consciousness before now but it has not. You said that UK-based crew and others, so you were very much aware of the prevalence of infections occurring in the UK when the Isle of Man was free of it, but did you have crew living further afield, just for the record?

565

Mr Woodward: There are a few further afield crew members who were EU based at the time so they had to comply with whatever the requirements for coming into the UK were before they came to the Isle of Man.

570

Q261. Mr Robertshaw: Thank you. My second point for clarification is that you were trying to run a ferry service between an area that after the first lockdown was free of it and the UK which had that significant level of prevalence. Now, you could instruct your crew to go into isolation in the UK, but it had to be a matter of trust, didn't it? Because the Isle of Man legislation would not impose itself nor could it upon UK crew in their home environment, so you had to trust that they would be doing that, and also the Government would have to be aware of that fact, surely?

575

Mr Woodward: Yes, the Government would have to be aware.

Yes, it is a matter of trust in a generic sense, but of course we have no power except to say to them, 'You must go and adhere to the conditions in your local environment.' Because that is purely a matter for them as crew members. There is no power we have to say, 'When you are away next week off duty make sure you do x, y and z.' We are reliant on the fact that they, as citizens of the UK, will comply with UK regulations that relate to the specific area they are living in.

580

585

Q262. Mr Robertshaw: And so the Government must have known that fact, because we have both stated the obvious.

590

Mr Woodward: How could it not know that?

Q263. Mr Robertshaw: Exactly. And they stuck with the guidance they had given you in the first instance, it did not change in that first period?

595 **Mr Woodward:** No.

Mr Robertshaw: Okay, thank you. Thank you, Chair.

600 **Q264. The Chairman:** What was the point where you realised that Government's understanding of the situation was quite different from your understanding of the situation?

Mr Woodward: The media briefing in February.

605 **Q265. The Chairman:** The 18th February media briefing. And what was your reaction to that?

Mr Robertshaw: Have we jumped forward – sorry, Chair – have we jumped right forward to the – (**The Chairman:** Yes.) Can we just step back slightly?

610 **The Chairman:** Yes certainly, we can stop at the point and roll forwards a bit more slowly, yes.

Q266. Mr Robertshaw: I want to be methodical because people's minds were changing progressively everywhere, weren't they? We were all in a massive learning curve.

615 Taking the Chairman's lead here, we have moved significantly forward. We are approaching – and this is where it really becomes fascinating – the Kent variant now and even though, technically, the medics are not specifically saying, 'Yes, that variant is much more transmissible,' it was becoming, to put it bluntly, common knowledge that there was something seriously wrong.

In an earlier session somewhere, we understood that you first approached the Government with your concerns on that, I think in writing on 4th December to say, 'There is a problem that we are really concerned about here.'

620 My question is did you have any discussions with them even before 1st December saying you had growing concerns about the potential for transmissibility or was 4th December, Mark, the first time that you said to Government we need help here?

625 **Mr Woodward:** I had the discussion with DoI sometime in November, on the tail end of a Sea Services Agreement meeting, because we are also having to negotiate derogations, if you like, from the Sea Services Agreement to make sure that we were not in breach of the contract that we had to operate sea services because of regulations and directions given to us by CoMin.

So at the back end –

630 **Q267. Mr Robertshaw:** May I ask you what, in broad terms, your concern expressed at that stage was?

635 **Mr Woodward:** Our concern was very simple. We felt that there was an increasing likelihood of UK members testing positive at the time because, bear in mind, we had no testing position here whatsoever to avail ourselves of.

640 Our UK crew members who were very responsible were getting themselves tested via their local UK testing centres at the beginning and ends of their duty weeks, and that was pointing towards the fact that we were starting to see an uptick in UK crew member infections – good for us in the sense that they were caught early and they were not coming onto their duty weeks, bad for us in the sense that it started again to potentially threaten our ability to sail because we could lose a critical number of crew.

At the time, we had talked about both testing and about vaccinations, and clearly our view was that we felt vaccinations were very important. As I say, I had had an initial conversation with the

645 DoI and they undertook to take that away. I think we got the informal word back, the four letters
'JCVI' (Joint Committee on Vaccination and Immunisation) – this catch-all that miraculously cures
everything.

Q268. Mr Robertshaw: Was that through DoI or had you at this time –

650 **Mr Woodward:** That came back to us initially, I think, through DoI. They basically did what we
ask them to, which was convey our concern and the word came back at the time, 'We are sticking
to JCVI protocols.' We then raised it in writing. I think, Lars, I got you to write a letter as well at
the time.

655 **Mr Ugland:** I did.

Q269. Mr Robertshaw: To whom, may I ask?

660 **Mr Woodward:** I think it was to the Chief Minister, at the time. (**Mr Ugland:** Yes, it was.)
The Chief Minister.

Q270. Mr Robertshaw: So the Chief Minister's letter was 4th December, was that right?

665 **Mr Ugland:** Not my letter.

Q271. Mr Robertshaw No, on 4th December, I think, forgive me if I have misunderstood you,
on 4th December that was when you first, in writing, said, 'We are really now concerned', or
whatever words you used.

670 I mean even then in early December, the Kent variant was still fairly ... it was growing, but it
was not massively dominant so you were making a fairly early call on it.

Mr Woodward: It was around that time, certainly. But early December definitely was the time
when we started to push very hard, and we also at the same time introduced our own voluntary
testing on board the ships.

675 We bought the best kits we could, which at the time were and still are the lateral flow variety.
We put those on the ship early January, with the view being that if any of the crew members, for
whatever reason, or indeed any that were exhibiting symptoms of any kind, could take a lateral
flow test on the ship, if positive then we would take them off the ship straightaway and send them
for a PCR test.

680 **Mr Robertshaw:** Thank you. I do not know whether somebody else wants to pick up the
timeline there, Chairman?

685 **The Chairman:** Just to say it was from, I think, your HR department on 4th of the 12th, one of
the staff members raised it.

Mr Woodward: Sorry, Chairman, I missed that.

690 **Q272. The Chairman:** The 4th December was when one of your staff raised the issue about
crew vaccinations and the Chief Minister discussed that on the 11th, I think.

Mr Woodward: I cannot put my hand on the actual email now, but I am sure I can find it.

695 **The Chairman:** That is according to our timeline.

Mr Woodward: In my own head I am quite clear that 4th December is the time we first pushed, and I know that because we had an EGM with the shareholder on, I think, 13th December, at which Alf Cannan, the Treasury Minister, (**The Chairman:** Shareholder.) shareholder, was at the meeting and we appealed again to him to try and push this forward because we were getting
700 nowhere, or we were getting the JCVI defence at the time.

Q273. Mr Robertshaw: We were still seeing, in our understanding of the paperwork, a number of different people trying to do the right thing.

Were you still getting the impression that communications were not single line to one point,
705 there were still communications going and involving various different officers in Government trying to arrive at some sort of solution? That is the impression we get, was that yours?

Mr Woodward: I think that is probably fair to say it still was not direct. I think it was better, less clunky, if you like, than it was early on, but it still was not quick enough for us. What we really did not have was the opportunity to directly explain our concerns face to face with the people that were making the decisions and actually say, 'Yes, but look.'
710

For example, the JCVI defence. The JCVI may work well with the UK which has got 50 routes into it. Completely unsuitable for the Isle of Man with one lifeline service, and for nobody to actually recognise that and say, 'Hang on a minute here, we need to actually do this differently.' I struggle with the logic behind that, frankly.
715

Mr Robertshaw: You know from what I have said, I do.

Mr Woodward: So I think from that sense, no, it was not particularly good because we could not get at the people and say, 'Hang on a minute, this makes a real difference to the Island if you do this now.'
720

We were hit with a, 'Well, we do not know if vaccines are very effective yet, if we do that we will kill people in an old folks' home on the Isle of Man.' And the Chief Minister, I think, said, 'Well, it is people, the shop workers in Marks and Spencer's in Strand Street who come across far more people than the Isle of Man Steam Packet crews every day, maybe we should vaccinate them first.'
725

Q274. Mr Robertshaw: Was that the reply to the Chairman's letter at the time?

Mr Uglan: No.
730

Mr Woodward: I think that that was a statement that was made in one of the media briefings.

Q275. Mr Robertshaw: So it escalates to the Chairman. The Chairman writes to the Chief Minister, and we cannot go any higher than that. What was the response to that letter, Chairman?
735

Mr Woodward: It was fairly ... I think the first was an email, Lars, the second was a letter, and I think what the Chief Minister came back and said to you at that point –

Mr Uglan: The last letter, which was sent to him on 16th February, then he wanted to wait for the report to be available, the independent report that he has asked for. So I have not got a reply to my letter. (**Mr Robertshaw:** You didn't.)
740

I have asked, or we asked, to have a meeting with the Director of Public Health, the Chief Minister and David Ashford.

Mr Woodward: But it was not until 18th February that you have got a reply from the Chief Minister that said –
745

Mr Ugland: That was the 18th but –

750 **Mr Woodward:** – we now agree that we will vaccinate your crew and will you help us achieve it quickly.

Q276. Mr Robertshaw: And how long did it take from start to finish?

755 **Mr Woodward:** Well, from late November until –

Q277. Mr Robertshaw: No, I beg your pardon, from the point that you have got the notification that, yes, we will now vaccinate crew, which is well into February, when was the –

760 **Mr Woodward:** Oh, it was done almost immediately.

Q278. Mr Robertshaw: All of it?

765 **Mr Woodward:** Not all of it because some people were not on the Island until they joined their duty week.

Q279. Mr Robertshaw: A week?

770 **Mr Woodward:** It was two and a bit weeks probably until we got the majority of people done.

Q280. Mr Robertshaw: So into March?

Mr Woodward: Into early March.

775 **Mr Robertshaw:** Thank you. Chairman.

The Chairman: Thank you. Mr Hooper.

780 **Q281. Mr Hooper:** Can I ask, you mentioned about testing there, you started doing testing of the crew, when was the first time that you raised the issue of testing with the Government?

Mr Woodward: Around about the same time as, I think, we pushed vaccinations.

785 I do not recall raising it with Public Health directly. Again, I think this was done via the Department of Infrastructure. At the time the Government policy was very clear, 'We are not testing.'

790 **Q282. Mr Hooper:** Okay, so after the first lockdown finished obviously everything was a bit up in the air during the first lockdown. I think it is fair to say that you can understand if things maybe slipped through the net or things were not done, perhaps in as robust a manner as they may be should have been.

795 But in the gap then between the first and second lockdown, so that kind of June to December period, that seemed to be a sensible time for Government to start getting involved in assessing things like your risk assessments and double checking all the measures that are in place, and that seems to be what was going on in that period. There is mention of correspondence around risk assessments, you mentioned it yourself earlier.

Can you just maybe run us through how that process worked and what really happened in between the end of the first lockdown and the press statement on 18th February when suddenly all this new information came out that you were supposed to be doing things which nobody knew about?

800 **Mr Woodward:** I think the basic timeline between sort of July and December time is that obviously Manx people were free and able to travel again, as were our Manx-based crew, the UK crews were still in lockdown when they were off the vessel. They were not even allowed to exercise initially. We did push several times during that period to get them a derogation to allow an hour's exercise, we did not actually get that through until December time. Yes, there was some liaison with the Public Health function, but not as much as you think. Again, we had no regular meetings with them. You could argue at the time there was not a need for that because things were going okay, frankly, at the time.

805 There were changes obviously to the documents that we were issued with, there were several more iterations of that – still all wrong. But other than that we sort of carried on as we had been until everything went pear shaped on the February media briefing when Dr Ewart said, 'Your crews have been isolating', which –

815 **Q283. Mr Hooper:** The reason I ask is because it would seem during that period there was some back and forth by way of emails where you guys were raising questions with Public Health and with the DoI, with Government, with TNS about things that should be happening and, like you say, there were iterative changes to the documentation you were being issued during that kind of six or seven months' period.

820 At any point during that did you guys at the Steam Packet make it clear to the Government that actually your Manx crews were not isolating when they were on Island? Did that ever come up in conversation? Did that come up in email correspondence? Was that mentioned at any point to anyone, I suppose is the question I am asking?

825 **Mr Woodward:** Bear in mind, I was not in many of these meetings specifically, but my officers assure me that they were very clear that our UK crews were isolating when off duty and that our Manx crews were not isolating off duty.

830 I did get involved only in the direct face-to-face meetings after the media briefings in February. But it is quite clear from the emails I have seen, and you should have many of them in the evidence packs, that all of those who profess not to have been aware, had they read their email chains, should have been aware.

Q284. Mr Hooper: Were there any notes made at these meetings, any kind of record taken?

835 **Mr Woodward:** I think that is one weakness. I mean, we perhaps should have made notes and we did not, and I think neither did Government. So I think one of the learning points for me from all of this, and I have said to my officers, is whenever you meet with anyone from Government now you make sure there are minutes. Unfortunately, that is easy to implement with hindsight.

840 **Q285. Mr Hooper:** Would it be fair to say, though, that the outcomes of these meetings, emails and correspondence were the iterative changes to the documents. So if, for example, an issue had been raised in one of these meetings by either party, it would have been addressed, even if the meeting itself was not recorded, you would then have subsequently received an updated exemption certificate, entry notice or direction notice, which essentially was addressing the issues that were raised.

845 So if during those meetings these issues had been raised, you would have expected it to be reflected in the changes being made to the entry certificates and the direction notices?

850 **Mr Woodward:** Yes, I think that would be fair and logical because they were iterative changes and they did not come out of the fact that people had nothing better to do. They came out of the fact that there were continually queries and small things that needed to be addressed, and most of those were led by us, frankly, when you look at the email chains. We would come across

situations or things we needed to resolve and we would ask for advice and guidance and that fed into the changes that were put forward.

855 But I must make clear that I did not sit and look at these legal documents. We were working under the *clear* assumption that we knew what we were doing and Government knew what we were doing, and there was no need to sit there and delve into the legalities of the documents. When I did do that, in February, frankly I was astonished at what we had got and what we should have got and what we had been given, and I was even more astonished to sit and listen to Ministers at media briefings say that they have got documents in front of them and 'It is very clear.'

860

Mr Hooper: So in February then, if I am right to ask about February?

The Chairman: Can I just bring Mrs Poole-Wilson in before we move into February, then.

865

Q286. Mrs Poole-Wilson: It is just one additional layer on the questions that Mr Hooper is asking, which is as well as what was going back and forth in emails and the matter that you have already referenced where, because of reports about on-Island staff the Police had followed up, is it fair to say that Manx-based crew when they are on their week off, some of them do other jobs locally?

870

Mr Woodward: Yes. And in fact one of the iterations you will have seen was brought about specifically because the Department had recognised that one of our crew members, or some of our crew members, did have second jobs in their off-duty weeks when, according to them, they should have been isolating but obviously that fact passed them by, and in fact, that was specifically to address that point. So, yes.

875

There are a whole host of things that point very clearly to the fact that anyone in Government who says that they were not aware that our Manx-based crews were not isolating, frankly, I just fail to understand how they have arrived at that conclusion.

880

Mrs Poole-Wilson: Okay, thank you.

The Chairman: Mr Robertshaw.

885

Q287. Mr Robertshaw: So the first meeting with the Director of Public Health, that was in January was it?

890

Mr Woodward: Between the Company? I think it was earlier than that, but the first meeting at which this issue of crewing was discussed, was again driven by – and I have given you a document which gives the Steam Packet side of this story because, I have to say, we have no wish to fall out or criticise Government throughout any of this, and we have remained silent when others have been flinging accusations out gaily in public forums, and we have chosen to remain silent.

895

We have interjected twice: once which was to address the point when the Director of Public Health said that the crews have been isolating for the whole year, basically, the Manx crews and, secondly, and most recently, when again, she gave evidence to your Committee about the meetings, the purpose and the dates, all of which were wrong, so we felt the need to correct that.

900

Q288. Mr Robertshaw: So could we trawl over the date of the meeting and the purpose of the meeting as you understood it? I think it is important to get this out into the...

Mr Woodward: Well, it is not just as I understood, I think it is in black and white, so anyone who fails to understand that, frankly, is in the wrong job.

Mr Robertshaw: Fine. But can you repeat it, please, for us.

905 **Mr Woodward:** We had a situation where we were looking again at planning – because we
were facing the real possibility of reduced crew numbers and we needed to make sure that our
ships were able to get to statutory dry docks and so on, and *Manannan* was a particular problem.
We had to send the *Manannan* away. The only way we could see of doing that at the time was to
910 send one of our Manx captains away with her and the idea was that he would get on the
Manannan as Captain, with his car, he would take the ship to the dockyard at the other end, he
would get off it, get in his own car, drive to Heysham, get onto the *Ben my Chree* and come back.
Now clearly he would, for the purposes of the regulations, be leaving the Isle of Man. However,
we asked for some derogation, if you like, some exemption to allow him to do that very specific
915 purpose on the grounds that he would not be meeting anyone, he would not actually really be
setting foot on UK soil because he would be travelling in his own car in an enclosed space. But
anyway, the meeting was called specifically to address that. In the meantime –

Q289. Mr Robertshaw: You called for the meeting?

920 **Mr Woodward:** It was called for that meeting.

In the meantime, between the date of the initial discussion and the meeting actually being
held, we received something called an air and sea pathway document, which, again, I think you
may have seen. Something which is very clearly intended for air crews but which has got a little
bit of a bolt-on that appears to apply to sea crews. But that was *not* the reason the meeting was
925 called.

The meeting was called specifically by us to address this one issue which was getting somebody
to take *Manannan* to dock and being able to come back and not have to isolate away from his
own family, which is what the regulations at the time would have required him to do. That is why
we asked for the meeting.

930 As you say, the meeting then was not on 27th January, it was actually on 3rd February. I was
not at the meeting; my HR manager and my marine manager were both at the meeting. There
was also a senior representative from the Department of Infrastructure at the meeting.

Q290. Mr Robertshaw: There was?

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Mr Woodward: There was, amongst others.

Q291. Mr Robertshaw: Very senior?

940 **Mr Woodward:** Very senior, Nick.

I have spoken to him about his recollection of that meeting, and he has confirmed to me that
yes, it was very clearly discussed at the meeting that the Steam Packet crews, the Manx-based
Steam Packet crews, were not isolating. So that directly contravenes evidence given to this
Committee and also said at the media briefing.

945

Mr Robertshaw: Thank you very much.
That is me clear up to that point, Chairman.

Q292. The Chairman: Thank you.

950 It must have come as quite a surprise to you at that media briefing when both Dr Ewart and
the Chief Minister said that their expectation was that Manx crews were isolating, especially
when, Mr Ugland, you wrote on 16th February, just two days before the media briefing, and I
think I am quoting accurately from your letter when you said that, 'Remember that our crew, both
UK and Isle of Man, are free to live their lives in the community when off duty.'

955 **Mr Ugland:** That is right.

Q293. The Chairman: That letter would have been sent on 16th, presumably arrived on 17th and hopefully had been read by the 18th.

960 **Mr Woodward:** And the Health Minister was also copied in on that letter and he too perpetuated the position that they were unaware that our crews were ... I mean, that is almost forgivable in the sense it was only a couple of days before, but there are many instances where those same messages had been conveyed much earlier than that.

965 **Q294. Mr Hooper:** In respect of that February press briefing then, obviously that is the first time that you would have heard that your crew should have been isolating in the Government's eyes. Obviously, there was a push back directly from the Company but I am also aware there was push back directly from the crew themselves along the lines of, 'You cannot expect us to permanently isolate for a whole year.'

970 **Mr Woodward:** I think outrage from our crew.

Q295. Mr Hooper: The question I would like to ask really is do you think that response would have been exactly the same in March 2020 or June 2020, if Government earlier on had made that statement? Your response, I am assuming, would have been the same and so really, what I am trying to get at is, if Government had at any point in the preceding 12 months stated to you that your Manx crew should have been isolating, this conversation around, 'Actually, no, they are not isolating, that would be a crazy requirement' ... Because do not forget, after the press conference, after all this exploded, my understanding is the Manx crew then were no longer required to isolate by Government. Government actually seems to have backed down and said, 'No, we do not require them to isolate.'

975 So that situation would have happened in March, April, May or June, when this conversation would have been first had. So for Government to say, 'It was our understanding that your crew should have been isolating', presents to me at least, the situation to my mind, that Government has never told you that, because if they had your response would have been immediate and quite robust, just as it was following the February press conference.

Mr Woodward: Absolutely, I agree with you.

990 **Q296. Mr Robertshaw:** My question to you, as highly experienced guys in shipping, if such an imposition had been placed on your crew, how many crew would you have had left?

Mr Ugland: None! *(Laughter)*

995 **Q297. Mr Robertshaw:** So by that definition, there would be no ferry, we would all be dead ... it is a fact!

Mr Woodward: Well, the reality is, that was discussed by us because we could see what was coming potentially –

1000 **Mr Robertshaw:** No, dead because we would starve to death, I meant.

Mr Woodward: But the reality is the union, particularly the RMT, would make quite clear that they simply would not tolerate their members living in those conditions.

1005 I pleaded for some common sense on this after the statements were made. And I had meetings with TNS very shortly afterwards, I sat round the table and I said to them, 'Do you guys *really*

1010 believe that this is what has been happening? I know you cannot say anything but do you *really* believe this? Do you think that our Steam Packet crews have been self-isolating when off duty since the beginning of this pandemic? That they had been working 12 hours every day on their duty week and isolating at home for the other 12 hours of the day, and that they had done that for a week and then they have gone home for their off duty week and been isolating for 24 hours a day, and they have done that week on, week off *for a year*, without any issue of complaint from them or anyone concerned about their mental health or wellbeing, or the fact that they are probably breaching God knows how many of their human rights requirements and so on?’

1015 It just beggars belief, frankly, that *anyone* with *any* sense would think that was a tenable position that should ever have actually been applied, let alone some of the key figures in Government who perpetuated this position that this is what should have been happening.

Did they *really* believe that? Please answer that question.

1020 **The Chairman:** Mr Hooper.

Q298. Mr Hooper: So as part of this conversation that happened in February around the isolation requirements, did Government express to you that it was Government’s position that these crew were allowed to isolate at home with their families, or they should have been isolating at home with their families and what their families should have been doing? Should their families have been isolating as well as the crew or would the crew in Government’s eyes have been required to isolate away from their family home?

1025 The reason I ask is because that situation has changed a number of times for travellers. Originally they were locked in the Mount Murray, then they were required to isolate in shared accommodation and then it was hotels only. Actually to my mind again, if Government is saying, ‘Your crew should have been isolating’, did they ever communicate to you what their view was on what the crew’s families should be doing?

1030 **Mr Woodward:** No, there was no sort of nuance given as to actually what would that mean. I mean, there have been instances of modified self-isolation allowed, which is where some of those parameters have changed for individual cases or by, I think the Chief Secretary can give his own sort of special dispensation, if you like.

1035 But in terms of had we had that discussion? No, we had not because we had never actually had the discussion that our crew should be isolating when they are off duty. So we did not need to have the discussion about what the terms of that isolation should be.

1040 **Q299. Mr Hooper:** So there were no modified self-isolation issued in terms of Manx crew in relation to their family, so if Government is saying we were expecting the crew to have isolated, you would also think they would have said and we would have had to issue them with some form of modified self-isolation, or we would have had hundreds of crew and hundreds of families in permanent isolation for the last year.

Mr Woodward: Correct. Which is why it could not happen.

1050 **Q300. The Chairman:** And that also never did happen *after* the 18th February, so once they had said that this is what should be happening, they did not then go back and say, ‘Oh, well, actually we are going to make sure that this happens.’ It was just a case of the *status quo* was allowed to remain where Manx crew still do not have to.

1055 **Mr Woodward:** It is a good point, because after the 18th and 19th February, the media briefings, understandably our crew are absolutely enraged that they have effectively been called criminals, they are accused of criminality. Government have not said, ‘You must now immediately

self-isolate.’ We did not get an instruction that evening saying, ‘You have told us you are not, you must right now.’ It was a wall of silence.

1060 So we basically just had to carry on with the documents and the legislation as we understood
it and to which we have been operating all along and then there were a series of meetings
arranged with TNS, at one of which I pointed out, after having spent all the time trawling through
the legislation, saying this is what I think you should have given us to be correct. Direction notices
only apply to Manx residents and exemption entry certificates only apply to UK workers. There is
1065 no such thing as a corporate direction notice, which the Health Minister sort of said is very clear
in front of him and you should be sticking to it – you could not write this stuff, frankly.

Q301. The Chairman: Well, they didn’t. (*Laughter*) And that is kind of the point.

1070 So what was TNS’s opening gambit when they sat down to talk to you about this after that
press briefing?

Mr Woodward: I think it was uncomfortable because there were sensible people in the room,
who I like and I have got time for, but they cannot admit that this is something we were not doing
and they knew we were not doing.

1075

Q302. The Chairman: But equally nor were you required to do it afterwards.

Mr Woodward: Nor were we required ... nor did somebody knock on the door and say, ‘Oi!
You have not been doing this. You need to do it immediately.’

1080

Q303. The Chairman: But nor did they go back and change the rules, change the direction
notices to make it happen afterwards.

Mr Woodward: Well, they did effectively because they very quickly brought in ... I think on
1085 25th February, from memory, they brought in the new entry exemption certificates for UK and
modified direction notices, individual direction notices for Manx-based crews. So every single
Manx-based crew member had to register, as any of us would, as people who wanted to travel off
the Island and come back and then have to isolate.

1090 So they had to go through that process which took time and there have been many iterations
of that since. And I do not blame the TNS team because, again, they are doing a very difficult job
under very difficult circumstances but somebody, somewhere, was not taking ownership of this.

The Chairman: Mrs Poole-Wilson.

1095 **Q304. Mrs Poole-Wilson:** Yes, just accepting the point that they were doing a very difficult job,
but was there recognition when you met with them subsequent to the February press briefings,
that in fact there was some understanding within the TNS exceptions team that Manx-based
resident crews do not receive direction notices to modify because amongst the paperwork we
have there is an e-mail actually, that says, ‘I have checked the process for this and Steam Packet
1100 crew are different to other key workers in that they do not leave the boat in the UK; as a result,
they do not receive a direction notice for us to modify.’

So was there some recognition that there had been, at the very least, a lack of clarity as to
what was going on and I suppose, at the worst, just a complete breakdown in communication?

1105 **Mr Woodward:** I think absolutely they accepted there had been a lack of clarity.

I think there was an awkward silence when I specifically challenged them, ‘Did you guys really
believe this?’ Because nobody could stand up and say, ‘Yes, we believe that, absolutely.’ And you
can read that however you like. But it was a difficult conversation and they are in a difficult
position, I fully accept that.

1110 **Q305. Mrs Poole-Wilson:** And you talked about the impact for Manx-based crew after the press conferences. What has been some of the personal impact for Manx resident Steam Packet crew?

1115 **Mr Woodward:** Well, horrible things because ... it may seem trite to some people, but if you are a mother whose children have been told in the playground that the other children will not play with them because they are Steam Packet children and they might have coronavirus, to death threats, in one case we have had, to just basically people being treated as if they are second-class citizens because they work for the Steam Packet. We have had people being refused dental treatment because they are Steam Packet workers.

1120 So there is a whole range of things that go through society and it is driven by this: statements that were made publicly that effectively criminalised our crews and said that they have wilfully not done something which they were required legally to have been doing for a year.

1125 And that is the thing that makes me most angry about all of this. I forgive all of the process and the procedural stuff because, frankly, it has been a difficult time for everyone. But to not row back from this and say, 'Look, we got it wrong, we need to correct it quickly,' but to make the stand that, 'No, this was always the case and this is absolutely how we think it has always been working' and to take this, as I say, completely non-commonsensical position on it, at the highest levels of Government, just astounds me, frankly.

1130 **The Chairman:** Mr Hooper.

Q306. Mr Hooper: In terms of that meeting then: up to this point, you have advised there was not a lot of communication with Public Health, so you have not had a lot of formal advice from Public Health on a lot of these issues. Actually we have seen the emails and I do not think I would describe any of those emails as comprehensive or substantial. There are lots of very short interactions rather than a comprehensive piece of advice.

1140 Obviously going into that meeting, Government on the one side is very clear in their own mind that these are the rules we have required you to follow based on the level of risk that is being presented by the Steam Packet operation, which is quite a high level of risk, just by the very nature, I think, of what it is you guys do. So how did Government, in that kind of process, get from this position of this level of risk, and this is the only way of mitigating it – i.e. requiring you guys to isolate at home – from that position to the position they arrived at, which is the level of risk is the same, but actually it is okay for them to mix, provided they get tested or what have you, whatever the new measures in place are.

1145 I am just struggling to understand how Government has gone in so firmly saying, 'This is what you should have been doing for a year because this is what we need you to do,' but very quickly ending up on the other side of the conversation saying, 'Oh, actually, we were wrong. We do not need you to do that.'

1150 **Mr Woodward:** Well, I think if you look at the latest documents that have been issued to us, the risk assessments are much more substantial. That does not mean they are much *better*, but they are certainly much wordier, and I think there is a lot more meat, if you like, on the bone. So that is one of the prime reasons that they have sort of said, 'Well, we have looked at this carefully and this is what we can now endorse as being safe or a safe working practice.'

1155 There has got to be the fact in there that our crews are now vaccinated, for example, which is a factor and transmissibility reduction is now proven to be probably 50%, maybe 60%, so that is also a factor. The fact that they are being tested now on and off duty at the end of their duty week is also a factor.

1160 So there are real-world mitigations which you could hang your hat on and say this has materially improved the position and allows us now to say actually we are content to allow these

crews not to self-isolate when they are off duty, but that is really the only practical things have changed in there.

1165 **Q307. Mr Hooper:** So was it surprising, I suppose, that you went into that meeting and up to that point none of these mitigations had been in place, the Government was essentially just assuming everything was working properly.

1170 **Mr Woodward:** Well, the mitigations were in place because we were still doing all of those things we were still putting in obviously the social distancing, the mask wearing –

Q308. Mr Hooper: Sorry, I mean the additional mitigations of the testing and the vaccinations.

Mr Woodward: Yes, apart from that, no, I accept that.

1175 **The Chairman:** Mr Robertshaw.

1180 **Q309. Mr Robertshaw:** Just for clarity here. We have established that it was inhumane, never mind anything else, to expect crew to isolate for a year. What was your understanding of the Government's understanding of the UK crew's circumstances that if it is inhumane for us here, your crew here to try to isolate and therefore the impositions on the family, it would have been the same in the UK, was that why you introduced the lateral flow? I do not want to put words into your mouth, but is that why you were early on trying to create some degree of check and balance on the crews coming in from the UK on board? Could you talk through that for me, please?

1185 **Mr Woodward:** The lateral flow testing from our point of view was driven by the fact that we saw the fact that we were getting a higher incidence of positive cases amongst UK crew – primarily because they were being tested – so you test, you find.

1190 We took the view that if we were able to do that in the Isle of Man we could quickly identify people, get them properly tested if they showed up on a lateral flow test, isolate them and protect as many crew as we could to keep core services going. So it was driven by a desire to keep the operational ability of the company as intact as it could be.

Mr Robertshaw: Okay, thank you.

1195 **The Chairman:** Ms Edge.

Q310. Ms Edge: I think at the start you said there were only four Manx crew that have actually tested positive, was that right?

1200 **Mr Woodward:** To date.

Q311. Ms Edge: And that is since the start of the pandemic?

1205 **Mr Woodward:** Since the start of the pandemic.

Q312. Ms Edge: And are the majority of them after 18th February?

1210 **Mr Woodward:** I can tell you, I can give you the breakdown actually of the numbers, bear with me a second...

Q313. Ms Edge: And were any picked up on your lateral flows initially?

1215 **Mr Woodward:** We have had quite a few positive lateral flows, which came then into a couple of cases and we have also had some positive lateral flows which were actually negative when PCR'd so you have to take that with a pinch of salt.

In terms of UK cases, we had one positive in April, one in October, one in November, one in December, three in January, three in February and then 10 in the period between the end of February and 17th March, which were related to the February cluster, if you like.

1220 On the Isle of Man we only had three in February of this year and we had four up to 17th March.

1225 And it is an important point actually, because I have taken great issue with the fact that even the Government-commissioned report into the 'Steam Packet cluster', as they are calling it, should not be called the Steam Packet cluster. It should be called the 'February cluster'. The crew member concerned who everybody within investigation refers to as sort of 'patient zero' was actually a UK crew member who tested negative when he joined the ship. He tested positive when he left the ship, a week later.

1230 Now, we know from other cases that have gone on, or we suspect, that there has been low-level community transmission going on in the Isle of Man beyond the cluster, beyond the date the last lockdown was lifted. Because the Government Public Health advice was two cycles, i.e. 28 days, yet we lifted the lockdown after 20 days. If you come in now without a test you have to isolate for 21 days. So, given that the Director of Public Health has made comments about peat fires and smouldering and popping up, is it really surprising that after only 20 days that there may have been other cases? And for all we know – and maybe genomic testing would have allowed us to define this – it is just as likely that actually the February outbreak was *not* the Steam Packet cluster, it was actually a Manx case that has given it to a UK worker who was tested because he can take free tests and they do because they are responsible and has actually led to that. We do not know, but it is entirely wrong to call it the 'Steam Packet cluster', in our view.

1240 **Q314. The Chairman:** So in the course of your investigations and looking into all this have you ever been able to determine how 'patient zero', to use that phrase, managed to pass a case to an Isle of Man resident crew member or someone who was able to then circulate freely in the Isle of Man?

1245 **Mr Woodward:** Impossible to tell, and I think the only way you would tell that was with detailed genomic testing every time we got a positive.

Q315. The Chairman: So, in other words, you have not been able to locate a time, a place and two people coming together to pass COVID from patient zero to patient one?

1250 **Mr Woodward:** The crew members concerned were on different watches, so they interacted for probably 15 minutes, socially distanced, mask wearing etc., but the UK crew member concerned developed no symptoms and was fine, the Manx crew member did develop symptoms and was mildly ill.

1255 **Q316. The Chairman:** So as far as you are concerned, there was not a failure in the mitigations in place within the Company that led to the outbreak on the Isle of Man?

1260 **Mr Woodward:** No. And again, the Chief Minister in Tynwald stood up and said at the start of this, 'We are not going to point fingers or do anything with him *but...*'

Q317. The Chairman: And on that and on the question of the expectation and about comments made subsequently, have you ever had an apology about those?

Mr Woodward: We are waiting for one, aren't we, Chairman?

1265 **Mr Ugland:** Yes. We have asked for it. I asked for it in a letter I sent on the 16th.

Q318. The Chairman: 16th of?

1270 **Mr Ugland:** February. I got a reply on the 18th and that is when the Chief Minister said that he would wait for the independent report.

Q319. The Chairman: And just while we are on that, are we satisfied with the independence of the report?

1275 **Mr Woodward:** I have to say, I have been dealing with Stephen Hind, who is appointed from the Government side, and I have found him to be excellent: to be thorough, to be very fair, to have robustly challenged some of my conversations with him, so I think we will get a fair response from him.

1280 **Q320. Mr Robertshaw:** When do you expect that then?

Mr Woodward: I was told that it was to be delivered to the Chief Minister by the end of this week, whether or not that timetable is still on track I do not know.

1285 I know that we have answered all of the questions and the subsequent queries that we were asked to give to him. So, as far as I am aware, we have done everything that has been asked of us now.

Q321. Mr Robertshaw: Okay, the end of this week?

1290 **Mr Woodward:** That is what I was told, whether or not that is still valid I do not know.

The Chairman: Well, thank you very much for joining us this afternoon. It has been a really useful session, I think we have all got a lot out of that in terms of our understanding of how things have developed.

1295 **Q322. Mr Robertshaw:** Have we missed anything out that you wanted to say, that we have not asked, before we close? Sorry, Chair.

1300 **Mr Woodward:** I think we have probably had the opportunity to make most of the points, I think, that should have been made.

The Chairman: And bear in mind that we have also been looking at the written evidence you have been submitting as well, a point to the public to make.

1305 **Mr Woodward:** Yes. I do hope you will pay attention to that (**The Chairman:** Absolutely.) because that is more detailed and necessarily more thought out than perhaps my answers here today will be.

1310 **The Chairman:** The questions that we have been asking today have been very much built on our reading of the evidence, it is just making sure that we have our understanding right.

So thank you very much and the Committee will now sit in private.

Mr Woodward: Thank you.

The Committee sat in private at 2.42 p.m.