To: Victims Commissioner for England and Wales

Date: 25 November 2026 at 13:48

Dear Ms Waxman

Re: Victim Survey 2026 - Operation Talla evidence and the recommended independent review

I write following publication of the Victim Survey 2026 and your recommendation that the Lord Chancellor and Home Secretary jointly commission an independent review of victims' experiences across the criminal justice system.

I attach my paper, ***"Operation Talla and the Review of Access to Justice"***, which explains why the evidence gathered through Ethical Approach UK's ongoing investigation requires full and substantive consideration within any resulting review.

The central issue concerns access to policing at its earliest stage: whether allegations made by members of the public received individual assessment, or whether national guidance influenced decisions preventing their acceptance, recording or progression.

The existence of guidance described within policing as *"guidance to not record"* is expressly documented.

An internal email dated 14 February 2022, addressed to Assistant Chief Constable Owen Weatherill and the Press Office, stated:

"We have not been formally recording numbers of attempts to follow this process across the country. Our latest assessment shows that it is still occurring, it would appear that the guidance to not record has been a success as only one additional report has been created. (West Yorks. as below)."

That correspondence raises questions directly relevant to the review you recommend.

- What guidance was being described?
- Who authorised it?
- Which reports did it cover?
- What individual assessment remained available?
- What justified measuring its apparent success by the small number of additional reports created?

The acknowledgement that attempts were not being formally counted nationally makes examination of the underlying records particularly important, as the number of reports created cannot, by itself, explain what happened to those attempting to report, what evidence they offered or why particular decisions were made.

Your new report's findings concerning inaccurate records, investigative shortcomings, blurred accountability and the burden placed upon victims to obtain information provide a compelling context for examining these matters.

My attached paper also addresses Katherine MacBean's complaint to Avon and Somerset Police.

Katherine asked a narrow factual question: *Whether Operation Talla guidance influenced the refusal to accept allegations she attempted to report in 2022*.

The subsequent review accurately identified that question but upheld closure by reference to another process, without demonstrating how that process would answer it.

This illustrates why scrutiny must extend beyond the initial reporting decision to the effectiveness of the mechanisms intended to hold that decision to account.

I therefore ask that the Operation Talla evidence be expressly brought to the attention of those considering your recommendations and included within the scope and evidence-gathering arrangements of any resulting review.

Full consideration must mean examination of the underlying documents, the relevant institutional decisions and their practical effects, followed by reasoned findings. Acknowledging receipt of the material, without addressing the questions it raises, would leave the central issue untouched.

A review should examine the provenance and dissemination of the guidance, its application to individual attempted reports, the basis of its reported *"success"*, the extent of ethical scrutiny and the subsequent handling of requests for accountability.

I recognise that your recommendation does not itself establish a review or settle its terms of reference. That makes this an important point at which to ensure that decisions controlling entry into the criminal justice process are expressly included.

I can provide the primary correspondence and a structured evidential bundle to support examination of the matters identified.

A review beginning at first contact must examine what happened when people made that contact and were unable to secure meaningful consideration of their allegations. The Talla evidence provides an actual instance which is relevant to the practical points requiring full and proper examination in such respects.

I would welcome acknowledgment of this submission and confirmation of how it will be taken into account when your Office advances the recommendation.

Yours sincerely

Ian Clayton

Lead Investigator

Ethical Approach UK

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Attachment: Operation Talla and the Review of Access to Justice (PDF)

Operation Talla and the review of access to justice

Why the evidence of non recording must be examined

Author: Ian Clayton

Published: 25 November 2026

Any review must examine how access is controlled

The Victims' Commissioner's recommendation for an independent review of the victim's journey through criminal justice requires a searching examination of how that journey begins.

The evidence gathered by Ethical Approach UK concerning Operation Talla belongs within that examination.

It concerns decisions capable of determining whether public allegations receive consideration at all.

The Victim Survey 2026 describes failures of communication, investigation and accountability across England and Wales. Its first recommendation calls upon the Lord Chancellor and

Home Secretary jointly to commission an independent review extending from first contact to post-conviction support. It expressly includes outcomes, accountability and the operation of different agencies. This is a recommendation for a review, rather than confirmation that one has been commissioned.

The Talla investigation has identified contemporaneous policing correspondence referring to *'guidance to not record*'.

An email of 14 February 2022 described its apparent success by reference to only one additional report having been created. The same email acknowledged that the numbers of attempts across the country were not being formally recorded.

That combination demands examination.

Policing was discussing the apparent effectiveness of an approach to non-recording whilst acknowledging the absence of a formal national count of the attempts to which it related.

The surviving report count cannot disclose the full history of those attempts, the evidence offered or the reasons for each decision.

The question for an independent review is whether the institutional account accurately explains what happened to people seeking police assistance.

The relevant evidence includes the guidance itself, its authorisation, its dissemination and the records of its application.

A review organised solely around cases already visible in official systems would risk overlooking the decisions which determined that visibility.

This paper concerns the non-recording mechanism identified within Talla and the subsequent pursuit of accountability.

The existence of that mechanism is a reason to examine its operation; it does not convert every allegation associated with Covid policy into an established crime.

A review must test the police response against the evidence of what officers actually received and did.

A review of access to justice must examine the decisions which controlled access and the Talla evidence makes that

examination unavoidable if the proposed review is to properly fulfil its stated purpose.

What the Commissioner has identified

The survey gathered 6,248 responses from people who had experienced or reported crime since 2021.

Its findings provide substantial evidence of respondents' experiences. They are not determinations of individual complaints.

The importance for Talla lies in the specific failures the report identifies, rather than any suggestion that the survey investigated Talla itself.

At page 44, the report records that half of respondents disagreed that police had investigated their allegations thoroughly. It identifies concerns about inaccurate records, repeated provision of information and missed or delayed investigative opportunities. It reproduces one respondent's account that police wrongly classified a case as not a crime, later acknowledged that it was a crime, but then said too much time had passed to justify action.

That is an illustrative account, not an adjudicated finding. Its significance is plain: classification and delay can determine whether an allegation ever receives an effective investigation.

Pages 65–66 address a further difficulty. Four per cent of survey respondents said they had withdrawn from an investigation.

Separate police outcome data cited by the report recorded victim non-support in 25 per cent of recorded offences.

These are different datasets and cannot be treated as a direct measure of error. The report nevertheless identifies a possible disconnect between police recording and victims' understanding of their own decisions. It discusses incorrectly applied outcome codes and inadequate recording of reasons for withdrawal.

The lesson for scrutiny is exacting. An outcome code, a case label or a closure entry does not explain itself. The investigator must examine the events which produced it. A record stating that a person ceased to cooperate cannot answer whether that person was discouraged, left uninformed or unable to secure necessary assistance.

At pages 77 to 79, the report explains the importance of reasons for charging decisions and identifies low awareness of opportunities to challenge certain decisions.

Victims could understand and accept disappointing decisions when those decisions were properly explained. An adverse outcome and an unexplained outcome are therefore distinct problems.

The foreword describes a system in which communication breaks down between agencies and accountability becomes blurred.

The conclusions identify the burden placed upon victims to pursue information and navigate institutional processes.

Those findings give the proposed review a task extending well beyond improving the courtesy or frequency of updates.

The substantive question is whether a person received an accountable decision on the matter raised. The fact that an institution completed a process cannot settle that question.

The Talla record which requires examination

On 18 January 2022, Assistant Chief Constable Owen Weatherill issued a communication to Chief Constables and Force Duty Gold Officers.

He was identified as Operation Talla Silver and National Mobilisation Coordinator.

The communication expressly addressed attempts to report alleged criminal offences concerning the vaccination programme. It therefore extended to the handling of public allegations, alongside its other operational subjects.

Under the heading "*Anti Vax "criminal complaints"*, Weatherill stated that *"currently NO investigation has been initiated'*.

The communication also described a review of documents and reproduced Metropolitan Police statements that no criminal investigation had been launched.

The review should establish the source, scope and verification of those assurances and how receiving forces understood them.

A national assurance concerning one report and an instruction governing the treatment of other reports are distinct matters. Their relationship must be reconstructed from the records.

The email of 14 February 2022 at 14:16 was sent to Weatherill and the Press Office, with other details redacted. It stated:

"We have not been formally recording numbers of attempts to follow this process across the country. Our latest assessment shows that it is still occurring, it would appear that the guidance to not record has been a success as only one additional report has been created. (West Yorks. as below)."

The words *'it would appear'* qualify the assessment. They do not remove the reference to guidance or the chosen measure of success.

The precise document being described, the meaning of *'report'* and the activities covered by *'not record'* must be identified.

Receipt of information, an incident entry, an intelligence record, a recorded crime and an investigation are different activities. A review must establish precisely which were affected.

The email does not supply a national denominator against which the single additional report can be assessed.

It does not establish how many people approached police, what evidence they offered, whether their circumstances differed or whether their allegations received individual consideration.

These omissions prevent the claimed success from standing as an adequate account of public access to policing.

On 30 April 2025, Weatherill forwarded the email chain. His signature identified him then as the NPCC lead for the Covid Public Inquiry.

This establishes that the chain remained available and was being circulated at that time. It does not establish its submission to the Inquiry.

The proposed review should obtain the relevant transmission and disclosure records rather than leave that question to assumption.

The email supplies a documentary starting point. Any review must obtain the decisions and individual records behind it.

Ethical scrutiny must reach the decision itself

Senior policing had expressly recognised the value of ethical challenge.

The Chief Constables' Council minutes of May 2021 record discussion of the ethics committee established to assist Covid management and support for a continuing NPCC ethics panel to provide feedback and challenge.

The July 2021 minutes record further work concerning the existing arrangements, with ACC Owen Weatherill identified as the action owner.

Those records establish awareness of the need for ethical scrutiny. They heighten the importance of identifying whether the later non-recording guidance was submitted for that scrutiny.

The existence of a committee cannot establish that a particular operational decision was examined by it.

The proposed review should obtain the committee's terms of reference, referral arrangements, agendas, papers, minutes

and advice relevant to the guidance. It should identify whether the committee could initiate examination of an issue or depended upon operational policing to place that issue before it. It should establish whether members received enough information to understand the consequences for members of the public attempting to report alleged crime.

An absence of a referral in a limited collection of documents cannot establish with certainty that no referral occurred. The necessary answer lies in a complete examination of the relevant records and those responsible for maintaining them.

That examination is particularly important where public confidence has been invited on the strength of the existence of independent ethical oversight.

The review should then connect any advice with the operational decision.

- What question was put to the committee?
- What information accompanied it?
- What advice followed?
- Was the guidance changed, qualified or subjected to safeguards as a result?

The record should allow those stages to be followed.

The public interest in this examination is direct. A guidance mechanism affecting the recording of allegations also affects the evidence available for later supervision, inspection and complaint.

Ethical scrutiny must consider that practical effect. Otherwise, the system may invite confidence in safeguards without demonstrating that those safeguards reached the decision under challenge.

Independence must be tested by what scrutiny could reach, what it actually reached and what followed. A committee's existence alone cannot answer those questions.

A complaint closed with its central question unanswered

Katherine MacBean's complaint provides a concrete example of why the review must follow decisions beyond the initial police encounter.

On 15 October 2026, she asked Avon and Somerset Police to establish whether national Talla guidance had caused,

informed or influenced the refusal to accept allegations she attempted to report in summer 2022.

She expressly distinguished that question from determination of the underlying allegations.

She identified PC Connor Blackmore of Keynsham Police Station. Her account was that he consulted supervisors and subsequently told her the allegations would not be accepted.

She acknowledged uncertainty about the precise date and requested the force's contemporaneous records. Her account identifies a line of enquiry; it does not by itself establish the reason for the refusal or the involvement of national guidance.

The necessary enquiry was specific. Identify the contact, the supervisors, the information considered and the decision made. Establish what national or local guidance was available and whether it played any part.

An answer supported by those records could resolve the question in either direction.

On 24 November 2026, Sally Fox, Director of Performance and Accountability in the Avon and Somerset Police and Crime

Commissioner's Office, issued the review outcome under reference 2564544.

Her letter accurately stated the narrow question. It recorded that police had discontinued the complaint because it was best handled through another process, citing the national public inquiry.

Fox upheld the decision and referred to another legal process, without identifying how that process would determine the factual question about the force's own decision.

Martin Smith, Solicitor to the UK Covid-19 Inquiry, had separately explained in a letter to myself of 23 October 2026 that the Inquiry was not tasked with referring evidence indicating possible criminality to prosecution or other authorities and did not routinely do so.

He identified circumstances in which contact with authorities could occur. His letter does not establish that the Inquiry cannot examine relevant facts. It does, however, establish why invoking the Inquiry requires an explanation of what it will actually do in place of the process being closed.

Fox’s letter does not demonstrate that the Inquiry had accepted Katherine’s particular issue, would retrieve the local records, or would answer whether Talla guidance influenced the refusal.

The procedural outcome therefore leaves the substantive question of Katherine’s complaint unresolved.

A review must therefore examine whether referral to another institution secures an answer, or merely supplies the reason why the first institution will not provide one.

What proper consideration of the evidence requires

The Victim Commissioner's proposed review should expressly include decisions not to accept or record allegations, the national guidance influencing those decisions and the effectiveness of subsequent complaint and review mechanisms.

The review concerns England and Wales, but its examination of national coordination should obtain relevant material from other jurisdictions where that material explains the source or transmission of guidance affecting forces within its remit.

The Talla material should be admitted as a connected evidential history. A bundle acknowledged and then omitted from the analysis would not constitute substantive consideration.

The review should identify the questions raised, obtain the underlying institutional records, test explanations against them and publish reasoned findings.

First, it should reconstruct the guidance's provenance. That requires the operative wording, drafts, approvals, distribution records, supporting assessments and any later amendment or withdrawal. It should identify who decided the approach and

distinguish that person from those who communicated or implemented it.

Second, it should trace application to individual attempted reports. Sampling should extend beyond recorded crimes to retained contact logs, station records, incident and intelligence systems, complaints and supervisory correspondence. It should establish what evidence was offered, what individual assessment occurred and whether materially different allegations were treated as already answered by a general position.

Third, it should test the claimed success. The review should establish what was counted, what was excluded, which baseline was used and whether any assessment examined the quality of decisions. A low number of reports created cannot, without that work, establish that the public received a proper service.

Fourth, it should examine ethical oversight and subsequent accountability together. The records should show whether the guidance was scrutinised, how it was represented in later institutional accounts and whether complaints secured evidence-based answers. The national and local records must be compared, so that one institution’s explanation can be tested against another’s.

The review must be independent of those whose decisions it examines, have a defined means of securing relevant records and publish its findings with sufficient supporting material for the public to understand them.

Where wrongdoing or individual remedial issues emerge, the arrangements for placing those matters before the competent body should be explicit.

A review should not reproduce the unresolved transfer of responsibility it is examining.

The Talla-related evidence raises questions squarely within the recommended examination of first contact, outcomes and accountability. Its inclusion is necessary to the review's completeness. Omitting it would leave a documented mechanism affecting access to policing outside an exercise intended to explain that access.

Policing described non-recording as an apparent success. The public is entitled to an independent examination of what that success meant for people attempting to report alleged crime.

Sources and document references

- Office of the Victims' Commissioner for England and Wales, The Victim Survey 2026, published 24 November 2026.

- NPCC disclosure compilation held by Ethical Approach UK.

- ACC Owen Weatherill, national communication dated 18 January 2022, addressed to Chief Constables and Force Duty Gold Officers.

- Email dated 14 February 2022 at 14:16 to Owen Weatherill and the Press Office; earlier Weatherill email at 13:52 and accompanying exchange. Forwarding email dated 30 April 2025 at 10:07, with Weatherill's Inquiry-related signature. The author of the 14:16 email and some recipients are redacted in the disclosure.

- Chief Constables' Council minutes, May 2021 (This record predates the February 2022 email and do not establish whether the later guidance was referred for scrutiny).

- Katherine MacBean, formal complaint to Avon and Somerset Police Professional Standards Department, 15 October 2026, concerning potential application of Operation Talla guidance to her attempted report in summer 2022.

- Sally Fox, Director of Performance and Accountability, Avon and Somerset Police and Crime Commissioner, complaint review letter dated 24 November 2026, reference 2564544, police complaint HC/CO/2691/26.

- Martin Smith, Solicitor to the UK Covid-19 Inquiry, letter to Ian Clayton dated 23 October 2026, reference 2600013542.

Note:

All evidential documents referred to above plus significantly more are in the possession of the author and can be produced to the Victims' Commissioner upon request.