Institutional Evasion of Covid-19 Related Policing Responsibilities

Katherine MacBean and the unanswered question about Operation Talla

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Introduction

Katherine MacBean asked Avon and Somerset Police a confined question:

Did Operation Talla guidance influence the refusal to accept allegations she attempted to report in 2022?

The review decision of 24 November 2026 recognises that precise question, but does not answer it.

Instead, it endorses reliance on another process without showing how that process will determine what informed the force's own decision.

A separate letter from Martin Smith, Solicitor to the UK Covid-19 Inquiry, makes that omission particularly important.

His letter explains that the Inquiry is not tasked with referring possible criminality to prosecution or other authorities and does not routinely do so, while acknowledging exceptions.

That is not an assurance that the Inquiry will resolve Katherine's complaint about police handling.

The central failure is therefore identifiable:

A local policing decision has been displaced into an asserted alternative process whose suitability for answering the complaint has not been demonstrated.

The complainant is left without the explanation Katherine sought.

What this paper establishes

The evidence consists of Katherine's original complaint, her review application, Sally Fox's review outcome and Martin Smith's Inquiry letter.

The criticism developed here concerns institutional evasion in the handling and explanation of responsibility.

It is not a finding that the named individuals conspired, or that the underlying criminal allegations were proved.

The complaint the force was asked to answer

In Katherine's complaint to Avon and Somerset, dated 15 October 2026, she describes contacting that force in summer 2022, possibly around August, to report alleged criminality arising from official Covid policies.

She expressly qualifies her recollection of the date.

She identifies PC Connor Blackmore of Keynsham Police Station as the officer with whom she spoke.

Her account is that Blackmore consulted supervisors and subsequently told her that the allegations would not be accepted.

This is Katherine's recollection, not a finding independently established by the documents I have examined. It nevertheless identifies a practical starting point:

- the officer,
- his supervisors,
- the contact records, and
- the instruction or reasoning communicated to him.

Katherine expressly separates the merits of her original allegations from the process by which the force refused to accept them.

She does not ask Professional Standards to determine every Covid controversy or investigate the whole of Talla.

She asks whether national guidance caused, informed or influenced this particular decision.

Why she raised the issue in 2026

The complaint explains that she did not know of the relevant national material in 2022.

She cites subsequently disclosed January 2022 policing communications, including the Chief Constables' Council meeting of 12 January and the communication to chiefs and Force Duty Gold Officers dated 18 January.

She also refers to later-disclosed references to rejection and non-recording guidance.

Katherine identifies T/DCC Nikki Watson of Avon and Somerset as attending the January Council meeting.

That attendance is cited within the complaint.

The reference gives a line of enquiry into the force's possible receipt of national information. It does not, by itself, prove that Watson authorised the refusal, transmitted particular guidance to Blackmore or knew of Katherine's attempted report.

The answer sought was clear

Katherine sought:

- the date and records of her contact,
- the identity of the supervisors consulted,
- the reason for refusing the report,
- the relevant guidance and an assessment of the handling.

She requested preservation of contact logs, notebooks, messages, briefings and national or Gold communications.

She invited an evidenced answer whichever way it went:

- explain the role such guidance played,
- or identify the basis for concluding it played none.

The review application identified the unanswered issues

At this point, I must say, there is a difference between difficulty and demonstrated futility.

Re: Inspector Reed and Ben Biggs

Katherine's review application records that Ben Biggs emailed the outcome and review rights on 22 October 2026, communicating Inspector Reed's decision.

It attributes to Reed concerns about the age of the events, the likelihood of sufficient evidence remaining and the difficulty of identifying a meaningful outcome.

Those are the grounds reported in the application.

Biggs is identified as the person communicating the decision.

These materials do not establish that he made it.

Reed is identified by rank and surname - no forename is supplied.

Responsibility should be attributed with that precision.

What proportionate enquiry might have established

The review application asks whether the original contact records were searched, Blackmore approached, the supervisors identified or retained force and national guidance checked.

It challenges the assumption that evidence would be insufficient without an account of what remained available.

There is a substantial difference between finding that records no longer exist after checking and predicting that nothing useful will be found.

The application identifies manageable lines of enquiry.

The written outcome should explain whether those lines were pursued or why their likely value did not justify doing so.

The same distinction applies to delay.

The incident's age is relevant, but Katherine's explanation concerns later evidence suggesting a possible reason for the refusal.

The review outcome does not explain how that new evidential context affected the assessment.

A meaningful outcome did not require proving the original allegations

Katherine identified an explanation, a decision-maker, the guidance applied, an assessment of propriety and possible learning as useful outcomes.

She also questioned whether the police outcome had narrowed her broader Covid-policy complaint to allegations about NHS staff administering vaccinations.

That narrowing matters because the institution must assess the complaint actually made.

The documents do not establish whether the vaccination-specific description came from an original police record or an assumption.

The review application expressly sought that clarification.

Sally Fox's outcome does not provide it.

Sally Fox recognised the question and upheld closure

I consider we are now in receipt of what amounts to a conclusion without a demonstrated alternative.

The PCC decision of 24 November 2026

Sally Fox signed the review outcome as Director of Performance and Accountability for the Avon and Somerset Police and Crime Commissioner.

The letter bears review reference 2564544 and police complaint reference HC/CO/2691/26.

It describes the police decision as discontinuing the complaint and expressly recognises its narrow scope:

Whether national Talla material influenced the refusal to accept, record or progress Katherine's allegations.

Fox then states that the police considered the matter better handled through another process and had cited the national public inquiry.

She declines to uphold the review, concluding:

“Your concerns are best handled through another legal process.”

She expresses satisfaction that the decision was lawful, reasonable and proportionate.

The difficulty is not that Fox failed to understand the question. Her letter records it accurately.

The difficulty is the missing explanation connecting that question to the asserted suitability of another process.

Which process would answer this complaint

If Fox means the UK Covid-19 Inquiry, the outcome identifies no relevant procedure, commitment to examine Katherine’s interaction, accepted referral or route to a determination about the force’s decision.

If she means a different legal process, the substantive alternative is left unnamed.

Her invitation to seek independent guidance does not supply that missing explanation.

The statement that she reviewed relevant material does not identify what checks, accounts or guidance records informed the conclusion.

It does not show whether Katherine's specific challenges concerning Blackmore, the supervisors, record retention, complaint scope and meaningful outcomes were resolved.

An outcome need not reproduce every document, but its reasoning should allow the complainant to understand why the proposed alternative fits her actual complaint.

Closing correspondence leaves the factual question open

Fox says she cannot respond to further correspondence after an unsuccessful review, referring to challenge through the civil courts and possible prejudice from further comment.

Whatever the availability of a court challenge, requiring a complainant to challenge closure is different from identifying a process which will answer the original factual question.

The result is a closed complaints route and an unresolved explanation of the earlier police refusal.

The documents show no substantive determination of whether Talla guidance influenced that refusal.

They also contain no acknowledgement that the requested records have been preserved.

That absence does not establish that records were destroyed. Rather, it simply leaves preservation unconfirmed.

The legal reasoning requires correction and explanation

There is importance also in examining Regulation 6 and the guidance on taking no further action.

Fox's letter attributes a six-item list of circumstances for taking no further action to regulation 6 of the Police (Complaints and Misconduct) Regulations 2020.

The list includes fanciful complaints, complaints better handled elsewhere and complaints with insufficient information.

Regulation 6 concerns a different issue: An exception to the duty to investigate where substantially the same conduct or matter has previously been addressed, subject to conditions

concerning fresh indications, fresh substantive evidence and previous handling.

It does not contain the six-item list set out in the review letter.

The letter's list instead closely tracks examples in the IOPC's statutory guidance.

Those examples concern reasonable and proportionate handling and are not presented there as an exhaustive statutory list.

This is a definite misattribution in a letter insisting that the decision must first be lawful.

It requires correction.

It does not alone establish that taking no further action was legally unavailable.

It means the legal explanation given cannot be accepted as an accurate account of the provision it cites.

What the complaints guidance requires to be considered

The IOPC guidance:

- recognises meaningful explanations and learning as outcomes;
- permits limited enquiries without a formal investigation;
- expects consideration of accounts and policy application;
- and warns against closure merely because a complaint is difficult.

It calls for a detailed rationale for no further action.

Its review provisions require an independent conclusion about the outcome, consideration of steps that could have been taken and sufficient explanation to understand the result.

The analytical question is therefore practical:

What made the alternative process more suitable than checking the force's own decision.

Fox's letter gives the conclusion, but does not demonstrate that comparison.

The Inquiry's legal limit must be stated accurately

Section 2 of the Inquiries Act 2005 prevents an inquiry from determining civil or criminal liability, whilst allowing it to determine facts and make recommendations from which liability might be inferred.

The Inquiry is therefore capable of fact-finding, but its existence does not automatically supply a substitute for handling an individual police complaint.

The suitability of the proposed substitute still requires a reasoned explanation.

The Inquiry letter exposes the gap in the proposed route

Martin Smith is the Solicitor to the UK Covid-19 Inquiry and his statement is relevant to the institutional consequence.

What Martin Smith, acting in his official capacity on behalf of the Inquiry has actually said

On 23 October 2026, Martin Smith, Solicitor to the Inquiry, wrote to myself, as Lead Investigator of Ethical Approach UK, replying to my email of 22 October.

The letter, reference 2600013542, concerned arrangements for identifying, preserving and referring evidence of possible criminal offending.

Smith stated that the Inquiry was *'not tasked with referring evidence indicating possible criminality to prosecution or other authorities'* and therefore did not routinely make such referrals.

He also recognised circumstances in which it contacts those authorities, giving information suggesting a risk of serious harm as an example.

His qualification must be retained: The letter does not say that referrals or contacts are impossible.

Smith's letter predates Fox's review outcome.

The significance lies in comparing the institutional positions:

(1) Fox endorses another process without demonstrating its capacity to answer Katherine's complaint.

(2) Smith describes boundaries which cannot be treated as an assurance of an equivalent accountability route.

The evasion lies in the displacement of the question

The Inquiry's work may overlap with policing issues. No document here establishes that it has undertaken to identify Blackmore's supervisors, obtain the relevant force records or determine what informed this refusal.

There is also no demonstrated handover of Katherine's complaint to a body accepting responsibility for answering it.

A reference to another institution is not, by itself, a transfer of responsibility.

Where the original body declines to examine its own conduct, the absence of a demonstrated alternative leaves a gap which the complainant cannot repair merely by repeating her allegations elsewhere.

That is the institutional evasion evidenced here: A precise request for an account of police decision-making is recognised, closed and redirected without a demonstrated answer or an equivalent route to one.

The record does not establish a coordinated design between the force, the PCC's office and the Inquiry. It does, however, establish the consequence of the positions communicated.

What should now be placed on record

Avon and Somerset Police should identify the available contact records, Blackmore's account, any identifiable supervisors and the national or local material relevant to the decision.

The PCC's office should correct the regulation 6 attribution and explain why the actual complaint was better handled elsewhere, addressing the review grounds.

If enquiries establish uncertainty, their scope and limitations should be explained.

The public interest is direct - A force's possible application of national non-recording guidance is a question about access to

policing itself and closing Katherine's complaint does not answer it. Nor does invoking the Inquiry answer it.

The answer requires an evidenced account of the decision which the force was asked to explain.