

PARLIAMENT HAS NOW STATED THE STANDARD

Relevant Matters Arising from the House of Lords Debate on the Public Office (Accountability) Bill

1 September 2026

1. Introduction

On 1 September 2026, the House of Lords gave a Second Reading to the Public Office (Accountability) Bill.

The debate ranged across Hillsborough, the Post Office Horizon scandal, infected blood, Grenfell, Windrush, healthcare failures, policing, regulators, whistleblowers, public records and the institutional cultures which permit error or wrongdoing to remain concealed.

This paper does not suggest that legislation debated in September 2026 retrospectively imposed duties upon public officials or institutions in 2022. Nor does it seek to appropriate the experiences of those whose suffering led to the legislation.

The relevance of this present paper is narrower.

For several years, questions have been raised concerning the handling of criminal allegations made during the Covid-19 period; Operation Talla; the recording or non-recording of reports; the provenance of what an internal policing communication subsequently described as “*the guidance to not record*”; the preservation and disclosure of records; and the manner in which public institutions have responded as previously unavailable primary evidence has emerged.

The significance of the 1 September debate is that Parliament itself discussed many of the principles against which the present-day institutional response to such evidence can properly be considered.

Those principles include candour, transparency, proper record-keeping, institutional responsibility, investigation of credible evidence, correction of error, ethical leadership and resistance to institutional defensiveness.

The debate therefore provides an unusually useful contemporary benchmark.

2. The Central Parliamentary Proposition: Public Institutions Must Not Close Ranks

One of the clearest themes of the debate was that public accountability requires something more than responding defensively after wrongdoing has finally been established.

The Government's presentation of the Bill addressed the institutional response to failure: public authorities should not close ranks or simply wait until somebody succeeds in forcing the truth from them. The intended culture was one in which institutions come forward, explain what happened and take responsibility.

Also addressed was the danger of institutional defensiveness, describing the proposed ethical framework as one intended to identify and confront wrongdoing before such defensiveness becomes established.

That distinction is important.

There is a considerable difference between:

“What could this institution reasonably have known in 2022?”

and:

“What is this institution doing in 2026, after primary evidence has been placed before it?”

The first is an historical evidential question.

The second is a contemporary accountability question.

The emergence of new evidence changes the latter even where it cannot change the former.

3. David Walker, Lord Bishop of Manchester: Stewardship, Accountability and Institutional Defensiveness

Particular attention should be paid to the contribution of the Right Reverend Prelate the Bishop of Manchester, David Walker.

His contribution is relevant because of his established connection with the ethical oversight of national Covid policing.

In the 1 September debate, he declared his position as co-chair of the ethics committee of the National Police Chiefs' Council.

He spoke of public office as a matter of:

“stewardship, not dominance”

and addressed the relationship between the possession of power and the corresponding standards expected of those exercising it.

He subsequently addressed what occurs when authority is insufficiently accountable and when:

“denial and defensiveness are enabled”

emphasising transparency, accountability and continuing public scrutiny.

Those observations acquire particular significance when considered alongside Walker's previous connection with Operation Talla.

There is, however, an evidential distinction which should be maintained.

A review of the published 1 September transcript identifies no express reference to *“Operation Talla”*.

4. David Walker's Earlier Operation Talla Evidence

The significance of Walker's September contribution becomes clearer when placed beside his earlier parliamentary statement concerning Operation Talla itself.

On 3 February 2026, Walker expressly referred to the Operation Talla policing ethics committee and explained the circumstances in which it had been established.

He said that it had been created largely because chief constables were experiencing pressure from Government Ministers and required independent ethical support in the face of what he described as:

“ministerial overreach.”

That earlier statement does not establish that Government created, requested or authorised any subsequent *“guidance to not record”*.

It would be wrong to make that evidential leap.

It does, however, establish something relevant to any investigation of provenance: The relationship between Government policy pressure and policing decision-making was sufficiently significant during Operation Talla for its Ethics Committee Chair subsequently to describe ministerial pressure publicly in those terms.

Accordingly, the provenance of any national non-recording position should not simply be presumed from the fact that evidence of it appears within policing records.

The legitimate question remains:

Did the guidance originate within policing and travel outwards, or did some part of it originate elsewhere and travel into policing?

That is a question for records, not speculation.

5. What Happens When Credible Evidence Reaches Those in Authority?

One of the most directly relevant contributions came from Baroness Featherstone.

She addressed the position arising where somebody in authority receives credible evidence of serious wrongdoing and questioned whether merely processing the resulting complaint is sufficient.

Her contribution raised the possibility of a positive responsibility to ensure that credible evidence is properly investigated and acted upon.

That proposition bears directly upon the distinction between historical knowledge and present knowledge.

An institution may legitimately say:

We did not possess this document in 2022.

That answer, if correct, may resolve one question.

It does not resolve another:

What did you do when the document was subsequently provided to you?

The latter question is becoming increasingly important as primary documentation concerning Operation Talla and associated matters continues to emerge.

There comes a point at which historical ignorance, even where genuine, ceases to answer the contemporary question.

6. Responsibility Cannot Simply Be Passed Between Institutions

Baroness Cavendish of Little Venice identified another problem of considerable relevance.

Drawing upon her experience of whistleblowing and regulation, she observed that the greater the number of agencies involved and the larger the state apparatus becomes, the easier it can become to conceal matters and: *“pass the buck”*.

This observation is particularly pertinent where an evidential trail crosses institutional boundaries.

Operation Talla involved national policing structures and beyond.

The documentary questions now under examination potentially touch individual police forces, NPCC structures, national command arrangements, Government-policing interfaces, legal advice, regulatory bodies and other organisations.

That complexity cannot itself provide an answer.

If Institution A says that Institution B was responsible, and Institution B points towards Institution C, the evidential task is not completed.

It becomes more precise.

- Who made the decision?
- Who authorised or adopted it?
- Who communicated it?
- Who implemented it?
- Who retained the record?

Institutional complexity should assist reconstruction of the chain of responsibility. It should not destroy it.

7. Records Are Part of Accountability

The debate also contained a particularly relevant discussion concerning police records.

Lord Faulkner addressed the preservation of police records and the importance of bringing them properly within public-record arrangements.

His contribution referred to the proposition that police forces should be required to preserve records where they may subsequently be necessary for public accountability.

That issue goes directly to the provenance of the “*guidance to not record*”.

Guidance capable of operating across policing does not simply materialise.

Somebody must formulate, adopt or approve it.

It must then be communicated.

Recipients must receive it.

Operational personnel must understand sufficiently what is expected of them to implement it.

If its effectiveness is subsequently assessed, information must travel back through some mechanism by which that assessment can be made.

Each stage would ordinarily be capable of leaving a documentary footprint:

- emails;
- briefing notes;
- decision logs;
- meeting minutes;
- legal advice;
- operational instructions;
- command records;
- force communications;

- intelligence assessments;
- or subsequent evaluations.

The appropriate response to uncertainty about provenance is therefore not to speculate. It is to find the records.

8. Reasons for Material Decisions

Lord Rennard identified a series of features relevant to responsible public administration, including honesty, candour, proper record-keeping, timely disclosure, correction of known error, the giving of reasons for material decisions and fair treatment.

That provides another useful contemporary test.

If a national approach existed under which particular reports were not to be recorded, several elementary questions follow:

- What was the decision?
- What precisely did the guidance say?
- Who made or adopted it?
- What was its legal or operational basis?
- What reasons were recorded?
- What safeguards accompanied it?
- What review mechanism existed?

- And who was accountable for its consequences?

Those questions do not necessarily presume that the decision was unlawful. They are the questions by which the decision can be understood.

9. “the guidance to not record has been a success”

This is where the parliamentary discussion meets the documentary evidence particularly sharply.

An internal policing communication of 14 February 2022 stated:

“it would appear that the guidance to not record has been a success as only one additional report has been created.”

That language contains several distinct propositions.

- There was something described internally as guidance.
- It concerned recording.
- Its effect was being assessed.
- The creation of only one additional report was regarded as evidence of its success.

The most important word may therefore not be “*guidance*”. It may instead be “*success*” because success necessarily invites further questions:

- *Successful at achieving what?*

- *If the creation of only one additional report demonstrated that the guidance had succeeded, was reducing the creation of such reports an intended operational outcome?*
- *If it was, who established that objective?*
- *If it was not, why was the number of additional reports being used as the measure by which success was assessed?*

These are documentary questions capable of documentary answers.

10. Ethical Oversight

This leads inevitably to Operation Talla's ethical machinery.

If Operation Talla maintained an independent ethical mechanism intended to act as a challenge point to national policing decisions, an obvious question arises concerning a national approach affecting whether allegations made by members of the public entered ordinary police recording processes.

Was that approach submitted for independent ethical consideration?

There are two principal possibilities.

If yes, the relevant referral, papers, minutes, advice, recommendations and resulting decision should identify what the Ethics Committee was asked and what it advised.

If no, a different question arises:

Who determined that such an approach did not require independent ethical scrutiny, and why?

Again, neither answer should be presumed. The purpose of our investigation is to establish which is correct.

11. “we cannot delegate our conscience to regulators”

Towards the conclusion of the debate, the Government Minister expressly adopted Baroness Cavendish's observation that:

“we cannot delegate our conscience to regulators.”

The Minister described the problem as “*not just a legal exercise*” and spoke of the need to drive ethical behaviour throughout organisations.

That distinction is fundamental.

The question surrounding national non-recording is not exhausted by asking:

Was somebody legally entitled to issue the guidance?

Other questions remain:

- Was it ethically considered?
- Was its effect upon members of the public considered?
- Was its impact upon access to ordinary criminal-justice processes considered?
- Were safeguards established?
- Was independent scrutiny sought?
- Was the decision documented?
- And when questions subsequently arose, were they confronted openly?

Lawfulness and ethical propriety are related concepts.

They are not synonymous.

12. Accountability “*at all times*”

Baroness Brinton drew attention to the Bill's stated intention that public authorities should maintain:

“ethical conduct, candour, transparency and frankness”

and noted that the relevant formulation was not confined merely to what happens after an institutional failure.

Lord Bichard similarly addressed the concept of responsibility operating “*at all times*”, rather than simply

when an inquiry eventually begins and emphasised that the ultimate responsibility of public officials is not merely to departmental reputation, senior management or Ministers.

This is important to our present investigation because the question is no longer confined to events in 2022.

There are now two chronologies.

Before disclosure

- Who knew?
- What was decided?
- Where did the guidance originate?
- Who authorised or adopted it?
- Who disseminated it?
- Who implemented it?
- What records were created?

After disclosure

- Which institutions have now been shown the evidence?
- What enquiries have they undertaken?
- Have they sought the decision records?
- Have they established provenance?
- Have they examined the consequences?
- Have they corrected any previous account rendered inaccurate or incomplete by the new evidence?
- If they have not done those things, why not?

That second chronology is being created right now.

13. Institutional Knowledge

The debate also touched upon a deceptively difficult point, relating to how knowledge held within a large institution is attributed to the institution itself.

Lord Wolfson described the “*imputation of knowledge within an organisation*” as appearing like a dry legal question but being, in reality, extremely important.

That observation has obvious relevance here.

It may eventually be necessary to distinguish carefully between:

- knowledge possessed by an individual officer;
- knowledge within a force;
- knowledge within Operation Talla;
- knowledge within NPCC structures;
- knowledge within Government;
- knowledge within legal departments;
- and knowledge formally attributable to an institution.

One should not simply collapse those categories into one, but neither should organisational fragmentation be permitted automatically to extinguish accountability.

The evidential task is to reconstruct the information route.

14. Parliament's Concern Was Not Merely Historical

One of the most significant features of the debate is that Parliament repeatedly recognised that institutional accountability problems are not confined to famous historical scandals.

Baroness Brinton expressly observed:

“But it is not just about the past”.

That is precisely the distinction which matters here.

Whatever eventually emerges concerning the origins of the 2022 non-recording position, the present institutional response is occurring in 2026.

The original decision is historical.

The response to its discovery is contemporary.

An institution cannot alter what it knew four years ago.

It can however, determine what it does now.

15. The Standard Parliament Has Now Articulated

Taken as a whole, the 1 September debate produces a remarkably coherent set of principles.

- Public authority should involve stewardship rather than dominance.
- Power requires accountability.
- Institutions should resist denial and defensiveness.
- Credible evidence should be confronted rather than merely processed.
- Records matter.
- Reasons matter.
- Whistleblowers and those bringing information forward matter.
- Institutional complexity should not permit responsibility simply to be passed elsewhere.
- Regulators cannot substitute for individual institutional conscience.
- Errors, once known, should be confronted and where appropriate corrected.
- And truth should not have to be extracted from the State only after years of resistance.

These are not propositions being imposed upon Parliament from outside. They are propositions Parliament itself articulated while considering legislation directed towards public accountability.

16. Application to the Present Evidential Position

The application should be restrained.

The existence of the 1 September debate does not itself establish:

- that the “*guidance to not record*” was unlawful;
- that Government created it;
- that Operation Talla's leadership created it;
- that its Ethics Committee knew about it;
- that any particular institution deliberately concealed it;
- or that anybody presently responding to enquiries is protecting another person or institution.

Those propositions require evidence. But, the debate does provide a powerful answer to a different question:

What should happen now it has been established that the documentary evidence exists?

The answer emerging repeatedly from Parliament is difficult to misunderstand.

- Establish the truth.
- Preserve the records.
- Follow the evidence.
- Identify responsibility.
- Explain material decisions.
- Correct what is shown to have been wrong.

- Do not permit institutional boundaries to become barriers to accountability.
- And do not wait for somebody else to force the answer from the institution.

17. Conclusion - Now That You Know

The importance of the 1 September 2026 debate lies ultimately in timing.

The original events under examination as part of our investigation occurred principally in 2022.

Much of the evidence did not become publicly available until considerably later (Spring 2025 onwards).

That distinction must always be respected.

It would be unfair to ask an institution in 2022 to respond to evidence which it genuinely did not possess, but that proposition has an unavoidable corollary.

Once the evidence is supplied, ignorance of that evidence ceases to be an available explanation.

The question changes.

It is no longer merely:

What did you know then?

It becomes:

What do you know now?

And thereafter:

What have you done about it?

That is where the parliamentary debate of 1 September 2026 assumes particular significance.

- Parliament has spoken extensively about candour.
- It has spoken about transparency.
- It has spoken about records.
- It has spoken about ethical leadership.
- It has spoken about institutional defensiveness.
- It has spoken about credible evidence reaching those in authority.
- It has spoken about public bodies passing responsibility between themselves.
- And it has spoken about the responsibility of public institutions to get to the truth.

Against that background, establishing the provenance of the “*guidance to not record*” should not be controversial.

If nobody is concealing its origin, establishing its origin ought to be the common objective.

- Guidance does not create itself.
- It does not authorise itself.

- It does not distribute itself.
- It does not implement itself.
- It does not measure its own success.
- And, when subsequently discovered, it does not investigate itself.

People perform each of those functions.

Institutions hold their records.

The task is therefore not to guess where the guidance originated.

It is to follow the evidence backwards from the point at which it becomes visible, across whatever institutional boundaries it crossed, until its provenance is established.

And in September 2026 there is one further essential point which cannot be answered by reference to events four years ago:

Now that you know, show us what you did.

Ian Clayton

5 September 2026