

**An Analysis of  
OPERATION TALLA  
Based on Statements  
made by**

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# Part 1

# **Forensic Findings Report - Part 1**

## **Operation Talla: Commencement, Command Structure and Institutional Tension**

**Author: Ian Clayton**

**Date: 3 May 2026**

### **1. Documents reviewed**

The present analysis concerns:

- Owen Weatherill statement, dated 14 April 2023, on behalf of the NPCC.
- Alan Speirs statement, dated 31 August 2023, on behalf of the NPCC, pertaining to Police Scotland.
- Alan Speirs corporate statement, dated 31 March 2025, on behalf of Police Scotland.
- Martin Hewitt statement, dated 29 June 2023, on behalf of the NPCC.

### **2. Primary finding: Operation Talla has no single stable commencement account**

The first major finding is that the documents do not present one consistent account of when Operation Talla began.

Alan Speirs' 2025 corporate statement gives the most detailed Scotland-specific account. It states:

*“Operation Talla was established within Police Scotland on 29 January 2020, following a Scottish Government Resilience Room (SGORR) meeting regarding the Covid-19 pandemic which was chaired by the First Minister.”*

That is a clear and direct statement. It places Operation Talla in Scotland in existence from 29 January 2020.

The same statement continues:

*“As a result of the meeting, Police Scotland initiated a command structure to respond to the Covid-19 pandemic and activated organisational plans for a pandemic scenario.”*

That is legally important. It means the Scottish operation was not merely discussed. A command structure was initiated.

Speirs then states:

*“This operational response was given the name ‘Operation Talla’.”*

That places the operational name itself at the January 2020 stage.

By contrast, Martin Hewitt's NPCC statement gives a different national account:

*“Operation Talla was the operational name given to that response. It was established in March 2020, with a formal commencement briefing to all Chiefs on 10 March 2020.”*

This creates an immediate tension:

Police Scotland / Speirs: Operation Talla established in Scotland on 29 January 2020.

NPCC / Hewitt: Operation Talla established nationally in March 2020, with formal briefing on 10 March 2020.

The likely reconciliation is that Scotland had an earlier operational structure which was later adopted nationally by the NPCC. Speirs expressly supports that interpretation:

*“That operational name was subsequently adopted more broadly by the NPCC to ensure consistency across the United Kingdom.”*

This is a major finding. It suggests that Operation Talla may have had a Scottish genesis or early Scottish operational identity, later adopted nationally.

### **3. Secondary finding: 20 March 2020 appears to be a documentation date, not the true operational start date**

Speirs' 2025 statement says:

*“On 20 March 2020, Police Scotland published the first version of the Operation Talla Gold Strategy Document, which reflected the objectives set during the Gold Group meeting on 30 January 2020.”*

This is critical.

The 20 March date does not appear, on that account, to be the date Operation Talla began. It appears to be the date the first Gold Strategy Document was published.

That matters because the document itself states that the strategy reflected objectives already set on 30 January 2020.

Therefore, any later institutional account relying on 20 March 2020 as the date Operation Talla was “put in place” risks conflating operational establishment with formal strategy publication.

That distinction is legally significant.

#### **4. Third finding: Police Scotland was engaged with government before Operation Talla was formally named**

Speirs’ 2025 statement makes clear that even 29 January 2020 was not the beginning of Police Scotland’s pandemic engagement.

It states:

*“The establishment of Operation Talla was not the earliest involvement of Police Scotland in the Pandemic Response.”*

It then records:

*“Prior to 29 January 2020, a representative of Police Scotland's Emergency, Event and Resilience Planning (EERP) was assigned as the Police Scotland Liaison to the Scottish Government.”*

And further:

*“On 24 January 2020, an EERP briefing paper was produced for the attention of ACC Sloan identifying a member of EERP staff as Police Liaison to the Scottish Government.”*

This establishes a pre-Talla liaison phase.

The legal importance is that Police Scotland’s engagement with the Scottish Government preceded the formal Operation Talla name, Covid-specific enforcement legislation and the March 2020 public emergency phase.

## **5. Fourth finding: NPCC involvement also predates the formal March national account**

Speirs’ 2025 statement further states:

*“Additionally, prior to 29 January 2020, the NPCC were in communication with Police Scotland, providing correspondence through Chiefsnet.”*

It continues:

*“The first correspondence identified is dated 28 January 2020. This communication also refers to a previous letter dated 27 January 2020.”*

This is highly significant.

It means that NPCC communication with Police Scotland was already occurring before:

- Scotland’s 29 January Operation Talla establishment;
- Hewitt’s 10 March national commencement briefing;
- any 20 March strategy document.

This produces a three-stage chronology:

- 24 to 28 January 2020: Police Scotland / Scottish Government / NPCC communication activity.
- 29 to 30 January 2020: Police Scotland Operation Talla command structure and Gold Group objectives.
- 10 March 2020: NPCC formal commencement briefing to all chiefs.

**6. Fifth finding: NPCC repeatedly denies directive power, but the documents evidence strong coordination architecture**

The Weatherill statement states:

*“The NPCC has no operational directive powers in relation to forces in the UK.”*

It adds:

*“It cannot instruct a force or an individual police officer to take any action or to refrain from acting.”*

Hewitt’s statement gives the same position:

*“The NPCC has no operational directive powers in relation to forces in the UK.”*

However, the same documents describe extensive coordination mechanisms.

Hewitt states:

*“Operation Talla was formed to provide a national coordination function for policing activity during the pandemic.”* <sup>2</sup>

He also states:

*“Operation Talla was run at a national level and had application for all forces in England, Scotland, Wales and Northern Ireland.”*

This is the central tension:

- Formally: no directive power.
- Functionally: national coordination, national briefings, national Gold/Silver structure, national application.

That does not prove unlawful direction, but it creates a necessary forensic question:

***At what point does “coordination” become operational standardisation in practical effect?***

## **6. Sixth finding: Hewitt identifies Paul Netherton as a formative actor before Operation Talla was formally established nationally**

Hewitt states:

*“Paul Netherton, the Deputy Chief Constable of Devon and Cornwall Police and the lead for Civil Contingencies at the time, set up early meetings with Chief Constables and other senior officers to agree an operational response to the Covid-19 pandemic.”*

This is one of the most important lines in the Hewitt statement.

It establishes that before Operation Talla was formally framed nationally, early meetings had already been convened to agree an operational response.

That means the formal “commencement” date cannot safely be treated as the beginning of national coordination. It was, at best, the formalisation of work already underway.

## **7. Seventh finding: Operation Talla remained live as of June 2023**

Hewitt states:

*“Operation Talla is still live, but with reduced resources which are focused on Recovery and Reform work.”*

This is a major temporal finding.

It means that Operation Talla was not merely a short-term 2020 emergency response. On Hewitt’s evidence, it remained live in June 2023.

That has legal and constitutional importance because it raises questions about:

- the continuing purpose of Operation Talla;
- what functions continued after emergency enforcement subsided;
- whether “Recovery and Reform” work preserved Talla structures beyond the immediate emergency.

## **8. Eighth finding: Scotland-specific material gives a more granular and likely more accurate account of the pre-April 2020 phase**

The Speirs Scotland-specific evidence is more granular than the NPCC general account. It identifies:

- SGORR meeting;
- First Minister chairing;

- 29 January Gold Group;
- 30 January further meeting;
- six strategic objectives;
- 20 March Gold Strategy Document;
- pre-29 January EERP liaison;
- Chiefsnet correspondence dated 28 January referring to 27 January.

That level of detail gives the Speirs Scotland-specific account greater evidential weight in relation to Scotland's early phase.

The NPCC account is broader and national. It appears to describe the formal national adoption or commencement of Operation Talla rather than Scotland's earlier operational establishment.

## **9. Ninth finding: The “no directive power” formulation is legally defensive**

Across the NPCC-related statements, the repeated proposition that the NPCC had no directive power appears legally deliberate.

Weatherill states:

*“Operational policing decisions remain the responsibility of force leads and individual officers, including in the context of a national emergency.”*

Hewitt similarly frames Operation Talla as not holding operational command:

*“The purpose of Operation Talla was not to hold operational command for policing, which remained wholly the responsibility of individual forces through the relevant Chief Constable and/or Force Gold Commander.”*

This is important because the documents appear to distinguish:

- command;
- coordination;
- guidance;
- operational responsibility.

The forensic question is whether that legal distinction held true in practice, particularly where national guidance or briefing material became functionally determinative.

## **10. Provisional forensic conclusion**

At this stage, the central finding is this:

The attached documents reveal a materially unstable institutional account of Operation Talla’s commencement, scope and continuing operation.

The most defensible chronology is:

- 24 January 2020: Police Scotland liaison with Scottish Government identified.

- 27 to 28 January 2020: NPCC correspondence with Police Scotland already occurring via Chiefsnet.
- 29 January 2020: Operation Talla established within Police Scotland following SGORR.
- 30 January 2020: Scotland Gold Group objectives identified.
- 10 March 2020: NPCC formal commencement briefing to all Chiefs.
- 20 March 2020: Police Scotland publishes first Gold Strategy Document.
- June 2023: Operation Talla still live, albeit reduced and focused on Recovery and Reform.

The core tension is therefore not merely about dates. It is about legal characterisation.

Was Operation Talla:

- a temporary emergency enforcement framework;
- a national coordination mechanism;
- a pre-legislative resilience structure;
- or a continuing policing reform architecture?

On the evidence presently reviewed, it appears to contain elements of all four.

That is precisely why the matter requires forensic scrutiny.

# Part 2

# Forensic Findings Report - Part 2

## Guidance, Briefings, Operational Discretion and the Boundary Between Coordination and Direction

**Author: Ian Clayton**

**Date: 4 May 2026**

### 1. Purpose of Part 2

This part examines how the attached statements describe:

- “guidance”;
- “operational briefings”;
- dissemination routes;
- Police Scotland adaptation;
- government input;
- operational discretion; and
- whether the documents maintain a coherent boundary between coordination and direction.

The analysis is confined to the documents presently under review.

## **2. Primary finding: the NPCC draws a careful distinction between “guidance” and “operational briefings”**

Martin Hewitt’s statement makes a deliberate distinction between “guidance” and “operational briefings”. The statement says:

*“Whilst these briefings were frequently referred to as ‘guidance’, this statement makes a distinction in terminology which is important, in part because of the contemporaneous publication of guidance by the government.”*

This is an important forensic point.

The NPCC appears to be attempting to avoid confusion between:

- government public-health guidance;
- NPCC/College policing guidance;
- operational briefings issued to forces.

That distinction is legally significant because “guidance” may be presented as non-binding, whereas “operational briefings” may function more practically as instructions, especially when disseminated through command channels.

## **3. Second finding: the “Four Es” guidance is presented as the principal formal NPCC guidance**

Hewitt states:

*“The key guidance for achieving compliance with Covid legislation and regulations was the ‘Four Es’ approach: Engage, Explain, Encourage, Enforce (the ‘Four Es’ guidance).*

*Enforcement, whether through the issue of a Fixed Penalty Notice or otherwise, was the last resort after the first three ‘Es’ had been undertaken.”*

He then states:

*“The ‘Four Es’ guidance was issued in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.”*

The stated purpose was to secure compliance rather than enforcement. Hewitt says:

*“Policing recognised that compliance with restrictions optimised public safety. For this reason, success was regarded as the ability to secure maximum compliance with the regulations without the need to resort to enforcement.”*

The significance is this: The formal narrative presents Operation Talla as a compliance and consent model, not an enforcement-first model.

#### **4. Third finding: the Four Es guidance deliberately preserved officer discretion**

Hewitt states:

*“The ‘Four Es’ guidance did not include specific details on how to approach each of the steps or how, when or at what speed to move from one step to the next.”*

This is important because it supports the institutional claim that the framework did not itself dictate individual enforcement decisions.

However, that creates a later tension when considered against:

- national dissemination;
- operational briefings;
- daily briefings;
- force intranet self-briefing pages;
- line-manager encouragement;
- central data analysis;
- anomaly monitoring.

The formal wording preserves discretion, but the operational system appears designed to standardise behaviour.

#### **5. Fourth finding: the Four Es guidance was widely and centrally disseminated**

Hewitt records that the Four Es guidance was not merely published passively. He states:

*“The ‘Four Es’ guidance was published on the College website, social media platforms (such as Facebook, Twitter and Linked In) and shared via communications leads at individual police forces, then disseminated by e-mail via NPCC Operation Talia to Force Leads, Force Control Rooms, published on ChiefsNet (an intranet based method of information-sharing between Chief Officers and their team), and via the media.”*

He adds:

*“The guidance was also used and referred to in the Operation Talia daily police chiefs briefing telephone call.”*

This demonstrates a high-intensity dissemination route:

- public platforms;
- force communications leads;
- NPCC email;
- Force Leads;
- Force Control Rooms;
- ChiefsNet;
- daily police chiefs calls.

That does not necessarily prove coercive instruction, but it does establish that the guidance was embedded deeply into the national policing system.

## 6. Fifth finding: operational briefings passed through legal and governmental review before sign-off

Hewitt describes the production and approval of operational briefings as follows:

*“Operational briefings’ were produced by the College and the NPCC in response to proposed or finalised legislation, regulations and/or regulation amendments as and when shared by the relevant government department.”*

The intended function was practical and frontline-facing:

*“These briefings were intended to provide a plain English, easy-to-understand representation of the relevant legislation and regulations and were drafted and formatted so that they could be used in presentations for daily police briefings.”*

The approval route is especially important:

*“The briefings were written by staff at the College and sent to the College legal team before review by senior management at the College. A draft would then be sent to the Operation Talia legal team for review before sign off at College director level.”*

Hewitt then says:

*“As a formality, the draft would be shared with the Home Office in England and/or Welsh Government in Wales for ‘government review’.”*

Finally:

*“I was then responsible for final Operation Talia sign-off, though in reality this function was often delegated to ACC Weatherill.”*

This establishes a complex approval chain involving:

- College drafting;
- College legal review;
- College senior management review;
- Operation Talla legal team review;
- College director sign-off;
- government review;
- Operation Talla final sign-off;
- often delegated to ACC Weatherill.

The forensic significance is considerable. These were not informal notes. They were legally reviewed, operationally approved products, intended for use in daily policing contexts.

## **7. Sixth finding: operational briefings were time-sensitive and functionally authoritative**

Hewitt states:

*“The approval process could take anywhere from several hours to several days - with College staff working long*

*hours, seven days a week, to ensure that briefings were provided to police officers as soon as possible.”*

The reason this matters is that frontline officers facing rapidly changing law would necessarily rely heavily upon these briefings.

Hewitt further states:

*“Briefings were also issued to Chief Officers through the ChiefsNet platform on a daily basis.”*

He describes them as:

*“short, directed updates on Operation Talia, including matters arising within specific portfolios which had relevance to policing during the Covid-19 pandemic.”*

The phrase “directed updates” is notable. It does not necessarily mean legally binding direction, but it supports the conclusion that the briefings had a command-like operational character.

## **8. Seventh finding: public messaging was integrated into the operational briefing system**

Hewitt states that operational briefing documents:

*“were often accompanied by infographics and delivered via a wider communications plan, incorporating social media platforms, to inform police officers and the public*

*about new regulations, what they meant and how restrictions would be enforced.”*

This shows that Operation Talla was not merely internal police coordination. It also shaped public-facing communication about enforcement.

That matters because public messaging can affect:

- citizen behaviour;
- officer expectations;
- perceived legal authority;
- the boundary between law and guidance.

## **9. Eighth finding: Police Scotland formally adopted the Four Es approach from 27 March 2020**

Alan Speirs' 2025 statement says:

*“The ‘Four Es’ guidance was adopted by Police Scotland from 27 March 2020.”*

He adds:

*“The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent.”*

This aligns Police Scotland's formal posture with the NPCC model.

However, the adoption date is important. The Scotland-specific Operation Talla structure existed from 29 January 2020. The Four Es approach was adopted only after the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 came into force.

This supports a two-phase model:

- pre-legislative command / resilience phase;
- post-legislative enforcement guidance phase.

### **10. Ninth finding: Police Scotland reviewed and adapted NPCC materials, but within an established cooperative channel**

Speirs states:

*“As part of Operation Talla, the NPCC shared guidance, policies and briefings with Police Scotland.”*

He continues:

*“The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement.”*

This is the Scotland-specific version of the “no directive power” argument.

The stated position is:

- NPCC shared;

- Police Scotland reviewed;
- Police Scotland adapted;
- adoption was voluntary.

But the same statement also records that Police Scotland was “*fully engaged*” with NPCC structures and participated in UK Silver Covid meetings, with primary contact through the Civil Contingencies portfolio.

The forensic tension is that “voluntary” adoption occurred inside a continuing structured national coordination system.

## **11. Tenth finding: Scotland received government guidance “in completed format for implementation”**

Speirs’ 2025 statement says:

*“Aside from the ‘Four Es’ guidance, other briefings were shared routinely within Police Scotland and with the NPCC.”*

He then identifies two categories:

*“There were two broad categories of briefings, relating to: (i) government guidance; and (ii) internal Police Scotland information.”*

The description of Scottish Government material is especially important:

*“The former was produced by the Scottish Government to accompany the introduction of new regulations or legislation. It was ordinarily received in completed format for implementation.”*

That line is significant because it suggests a practical executive-to-police pathway:

- Scottish Government produces guidance;
- Police Scotland receives it in completed format;
- Police Scotland implements operationally.

This is not, in itself necessarily unlawful, but it raises a constitutional question: ***How far did government-produced guidance shape operational policing decisions?***

## **12. Eleventh finding: Police Scotland sometimes had advance notice of proposed legal change**

Speirs states:

*“On occasion, Police Scotland were given advance notice by way of embargoed information of proposed changes to law, in order to allow sufficient time to prepare internally and assess any potential impact.”*

This is operationally understandable. It also evidences pre-enactment policing preparation.

The forensic importance is that Police Scotland was not always reacting after law was made. It was sometimes preparing internally before legal changes were formally implemented.

That supports the wider finding that Operation Talla operated at the intersection of:

- law;
- policy;
- anticipated law;
- government guidance;
- operational readiness.

### **13. Twelfth finding: enforcement information in Scotland was produced through CJSD and Operation Talla representatives liaising with Scottish Government Police Powers Division**

Speirs states:

*“Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers Division regularly to discuss the potential impact of legislation.”*

This is a key line.

It shows that enforcement-facing materials were not created in isolation by frontline policing. They emerged from:

- Police Scotland Criminal Justice Services Division;
- Operation Talla representatives;
- liaison with the Scottish Government Police Powers Division.

This gives a clear evidential basis for further scrutiny of the interface between police operational independence and government legal-policy input.

#### **14. Thirteenth finding: Police Scotland used intranet guidance and self-briefing structures to ensure consistency**

Speirs states:

*“Prior to 1 November 2020 and the publication of the Lord Advocate's guidance on the issuance of Fixed Penalty Notices, Police Scotland ensured consistency in the issuance of FPNs by providing officers with regular, detailed guidance.”*

He adds:

*“This commenced on the 27 March 2020, with regular updates being published within the organisations intranet system.”*

This is significant because it shows that operational consistency was deliberately pursued internally.

Again, consistency is not inherently improper, but consistency can become legally problematic if it displaces case-by-case judgment. At this stage, the documents do not prove that. They do, however, establish the infrastructure by which uniform enforcement behaviour was promoted.

### **15. Fourteenth finding: line managers were used as enforcement gatekeepers**

Speirs states:

*“An officer's direct line manager was responsible for checking and authorising any enforcement (i.e. Fixed Penalty Notice tickets) and, as such, were sighted on the course of action being taken by their officers.”*

He continues:

*“In doing so, line managers were able to monitor their officers and ensure adherence to the principles laid out in the ‘Four Es’.”*

This is important.

It means officer discretion was not purely individual.

Enforcement decisions were subject to line-management oversight designed to ensure compliance with the Four Es.

That could be presented positively as safeguard and quality assurance. It could also be examined critically as a mechanism of behavioural control within the force.

## **16. Fifteenth finding: CVI data was analysed daily to identify anomalies**

Speirs states:

*“CVI data was also analysed on a daily basis.”*

He adds:

*“From this, any enforcement anomalies could be identified and the respective Division made aware.”*

And concludes:

*“This was a further means to ensure that the ‘Four Es’ Guidance was being adhered to force-wide.”*

This is a significant operational control mechanism.

It shows that adherence to the Four Es was not merely encouraged. It was monitored through data analysis.

The forensic question becomes:

***What else was monitored through CVI or related Talla data systems and were non-recording or rejection practices similarly visible to command?***

## **17. Sixteenth finding: the documents preserve discretion in language but evidence standardisation in structure**

Across the statements, the language repeatedly preserves operational independence:

- NPCC has no directive power;
- forces retain responsibility;
- Police Scotland adapts voluntarily;
- enforcement is last resort;
- policing by consent.

However, the structures described include:

- national Gold and Silver coordination;
- Thematic Leads;
- daily chiefs' calls;
- ChiefsNet briefings;
- legal-reviewed operational briefings;
- government review;
- intranet self-briefing;
- line-manager authorisation;
- daily CVI analysis;
- anomaly escalation.

The tension is not that the documents openly admit direction. They do not.

The tension is that the described system may have created functional standardisation while preserving the legal language of autonomy.

## **18. Provisional forensic conclusion**

The documents establish that Operation Talla guidance and briefings were:

- legally reviewed;
- centrally approved;
- disseminated through command channels;
- integrated with government review or government-produced materials;
- adopted or adapted by Police Scotland;
- embedded through intranet briefing systems;
- reinforced by line management; and
- monitored through data analysis.

The strongest finding is this: The documents do not show a simple relationship between “non-binding guidance” and “independent officer discretion”.

They show a dense operational architecture in which guidance, briefings, legal review, government input, force adaptation, supervisor authorisation and data monitoring combined to create a highly standardised policing environment.

# Part 3

# **LForensic Findings Report - Part 3**

## **Government Interface, Legal Review and Whether Operation Talla Was Merely a Policing Structure or a Police-Government Governance Structure**

**Author: Ian Clayton**

**Date: 4 May 2026**

### **1. Purpose of Part 3**

Part 3 examines the relationship between Operation Talla, policing structures, government departments, legal review mechanisms, and external stakeholders.

The central question is whether the documents support the simple proposition that Operation Talla was merely an internal policing coordination structure, or whether they disclose something more constitutionally significant: A police-government governance architecture, operating through command, briefing, legal review, data, communications and policy/legislation workstreams.

## **2. Primary finding: Operation Talla expressly included coordination between policing and government**

Martin Hewitt's statement identifies six strategic objectives of Operation Talla. The sixth is stated as follows:

*“Coordinate communications activity across policing and government on priority issues to retain confidence of key audiences and deliver the six strategic aims.”*

This is a central finding.

The wording does not merely say that police would communicate with government. It identifies a strategic objective to coordinate communications activity across policing and government.

That matters because it places government interface within the strategic purpose of Operation Talla itself.

The constitutional importance is obvious: The maintenance of public confidence was not being treated solely as a policing matter, nor solely as a government communications matter. It was framed as a coordinated police-government communications objective.

## **3. Second finding: Operation Talla leadership included Home Office representation**

Hewitt states:

*“The members of the Operation Talla leadership changed over time, but included representation from Neil Pattinson as the Home Office Silver, Chief Constable Mike Cunningham from the College of Policing, Deputy Director Steve Bennett of the NCA and DCC Paul Netherton, who was the NPCC Civil Contingencies Lead prior to March 2021.”*

This is significant because it places a Home Office representative within the leadership architecture of Operation Talla.

The title “Home Office Silver” is especially important. It suggests the Home Office was not merely a passive recipient of policing updates. It had a named role within the Silver-level architecture.

The immediate finding is not necessarily that the Home Office directed police operational decisions. The finding is narrower and stronger:

Operation Talla’s leadership architecture included formal Home Office representation.

That substantially undermines any attempt to characterise Operation Talla as wholly internal to policing.

**4. Third finding: the Thematic Leads Group had a workstream specifically linking policing into government on policy and legislation**

Hewitt describes the Thematic Leads Group as assisting the National Silver by providing tactical direction:

*“As part of Operation Talla, ACC Weatherill led a National Silver Thematic Leads group (the Thematic Leads Group), which assisted in providing tactical direction to the National Silver.”*

Among its workstreams was “Policy/Legislation”, described as:

*“Policy/Legislation - ensuring that policing is linked in to government with regard to developing legislation and regulations, has the appropriate legal guidance from police lawyers and the subsequent legal guidance and advice was developed at pace into national guidance issued to forces.”*

This is one of the most significant passages in the documents.

It establishes that Operation Talla was operating not merely after legislation had been enacted, but in connection with the development of legislation and regulations.

It also evidences a chain:

- policing linked into government regarding developing legislation and regulations;
- legal guidance from police lawyers;
- legal guidance and advice developed at pace;

- national guidance issued to forces.

That chain is a core police-government-legal-operational pipeline.

The legal concern is not that such a pipeline existed. In a crisis, liaison is expected. The concern is whether sufficient constitutional safeguards existed to ensure that police operational independence was preserved and that guidance did not become de facto instruction.

## **5. Fourth finding: HMICFRS staff were seconded into the Thematic Leads Group**

Hewitt states:

*“The Thematic Leads Group included staff seconded from a number of police forces, the College, NPoCC, and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).”*

This is a further structural concern.

HMICFRS is ordinarily an inspection and oversight body. Its staff being seconded into an Operation Talla Thematic Leads Group means the boundary between operational coordination and later inspection/oversight requires scrutiny.

This does not in itself prove impropriety, though it does create a legitimate question:

***How could an inspection body later provide detached scrutiny of an architecture into which its own staff had been seconded?***

That is a conflict-of-role issue, or at minimum a perceived conflict-of-role issue.

## **6. Fifth finding: the Thematic Leads Group directly engaged with government departments**

Hewitt states:

*“The Group engaged in coordination with government departments.”*

This is brief but important. It confirms the Thematic Leads Group was not merely coordinating across police forces. It also coordinated with government departments.

When read alongside the Policy/Legislation workstream, it supports the finding that Operation Talla sat within a wider executive-operational environment.

## **7. Sixth finding: operational briefings underwent legal review and government review before final Operation Talla sign-off**

Hewitt describes the briefing approval process in detail:

*“A draft would then be sent to the Operation Talla legal team for review before sign off at College director level.”*

He then states:

*“As a formality, the draft would be shared with the Home Office in England and/or Welsh Government in Wales for ‘government review.’”*

He then confirms:

*“I was then responsible for final Operation Talla sign-off, though in reality this function was often delegated to ACC Weatherill.”*

This creates another legally significant pipeline:

- College / NPCC drafting;
- College legal team;
- Operation Talla legal team;
- College director sign-off;
- government review;
- final Operation Talla sign-off by Hewitt or Weatherill.

The use of the word “formality” does not remove constitutional importance. The fact remains that operational police briefings were shared for government review before final sign-off.

The question that arises is obvious:

***What did “government review” mean in practice?***

Did government merely identify legal or factual errors? Did it influence language? Did it shape the practical instructions reaching forces? The documents do not

answer those questions. They disclose the process, but not its practical effect.

## **8. Seventh finding: daily ChiefsNet briefings linked Gold/Silver activity to Chief Officers**

Hewitt states:

*“Briefings were also issued to Chief Officers through the ChiefsNet platform on a daily basis.”*

He further describes those briefings as:

*“short, directed updates on Operation Talla, including matters arising within specific portfolios which had relevance to policing during the Covid-19 pandemic.”*

This matters because ChiefsNet appears as the conduit by which national-level operational material reached Chief Officers.

The phrase *“directed updates”* is again notable. It does not necessarily mean legally binding direction, but it reinforces the conclusion that the operational briefings were more than neutral background notes.

They formed part of a daily national coordination system.

## **9. Eighth finding: Operation Talla linked public messaging, officer briefings and enforcement explanation**

Hewitt states:

*“Operational briefing documents were often accompanied by infographics and delivered via a wider communications plan, incorporating social media platforms, to inform police officers and the public about new regulations, what they meant and how restrictions would be enforced.”*

This is significant because it shows a combined communications model:

- internal police understanding;
- public messaging;
- explanation of enforcement.

The operational and public-facing narratives were therefore linked.

The constitutional risk is that public messaging can blur the boundary between law, guidance, expectation and enforcement posture. That risk is heightened where the underlying briefings had already passed through both police legal review and government review.

## **10. Ninth finding: Operation Talla interface with government was regular, high-level, and multi-channel**

Hewitt states that the Home Office had:

*“a standing position for representation at the Operation Talla Gold group and attended as matters relevant to their interests arose.”*

He also states:

*“ACC Weatherill was in regular communication with the Home Office throughout the pandemic, including in relation to the issue of enforcement. Telephone calls were made and emails sent multiple times a day to senior officials within the Home Office.”*

This is a highly significant passage.

It shows that the Home Office relationship was not incidental or occasional. It was frequent and enforcement-related.

The proper finding is:

***Operation Talla maintained intensive communication with senior Home Office officials, including on enforcement.***

That raises further questions concerning the boundary between government policy preference and police operational decision-making.

**11. Tenth finding: ministerial and senior stakeholder meetings formed part of the Operation Talla environment**

Hewitt states:

*“ACC Weatherill and I regularly attended Police Operational Briefings, which were meetings held between key stakeholders in relation to policing matters.”*

He further states:

*“The Home Secretary and Policing Minister were regular attendees at the meetings, as was Cressida Dick, who was then Commissioner of the Police of the Metropolis.”*

He also records attendance by Lynne Owens of the NCA as required.

This establishes a high-level governance forum involving:

- NPCC leadership;
- the Home Secretary;
- the Policing Minister;
- the Metropolitan Police Commissioner;
- NCA leadership where required.

Again, the existence of such meetings is not inherently improper per se, but it confirms that Operation Talla functioned within a high-level state coordination environment, not simply a police-only operational space.

## **12. Eleventh finding: COBR involvement connects Operation Talla to national crisis governance**

Hewitt states:

*“Part of the Civil Contingencies function of NPoCC is to attend COBR meetings where relevant to policing.”*

He adds:

*“ACC Weatherill and I attended a small number of COBR meetings during the pandemic in this capacity.”*

This connects the Operation Talla leadership environment to COBR-level crisis governance.

When read alongside Home Office Silver, Police Operational Briefings, government review and Policy/Legislation workstreams, it reinforces the picture of Operation Talla as part of a national governance architecture.

### **13. Twelfth finding: Scotland’s position contains parallel government-police integration**

The Scotland-specific Speirs statement records:

*“Prior to 29 January 2020, a representative of Police Scotland's Emergency, Event and Resilience Planning (EERP) was assigned as the Police Scotland Liaison to the Scottish Government.”*

It further states:

*“Within this briefing paper EERP confirmed close communication links with the Scottish Government Resilience Department and advised that they would be in a*

*position to escalate any required Police Scotland response.”*

That places Police Scotland in close contact with Scottish Government before Operation Talla’s Scottish establishment on 29 January 2020.

The Scotland-specific statement also records that Police Scotland Operation Talla was “*fully engaged*” with the NPCC and participated in UK Silver Covid meetings.

This creates a dual-interface structure:

- Police Scotland to Scottish Government;
- Police Scotland to NPCC / UK Operation Talla.

That is constitutionally important because policing and criminal justice are devolved in Scotland, yet Police Scotland was simultaneously embedded in UK-wide coordination structures.

#### **14. Thirteenth finding: Police Scotland’s enforcement-related materials involved Scottish Government Police Powers Division**

Speirs’ 2023 statement records:

*“Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers*

*Division regularly to discuss the potential impact of legislation.”*

This is a crucial Scotland-specific finding.

It identifies a specific Scottish Government division - Police Powers Division, as being in regular liaison with CJSD and Operation Talla representatives regarding enforcement information and legislative impact.

The legal issue is not that this occurred. The legal issue is what effect it had.

If Scottish Government Police Powers Division was involved in shaping enforcement-facing material, then careful scrutiny is required to determine whether operational independence was preserved in substance.

### **15. Fourteenth finding: Police Scotland had structured and direct communication with Scottish Government**

The Speirs 2025 statement records that Police Scotland did not always minute liaison meetings, but had numerous discussions with Scottish Government on proposed legislative changes:

*“While Police Scotland did not record notes or minutes in relation to liaison meetings with the Scottish Government, there are numerous examples of discussions between the parties relating to proposed changes in legislation.”*

It also states:

*“There was often a very quick turnaround between Police Scotland being advised of any draft regulations for imposition of a new offence and being able to provide feedback.”*

and:

*“When new draft regulations were circulated, senior management within the CJSD would be provided details.”*

This shows that Police Scotland was sometimes consulted on draft regulations, including draft provisions creating new offences.

That is highly relevant to legal characterisation. It means Police Scotland was not simply enforcing enacted law; it was also feeding back on draft legal instruments before or around implementation.

## **16. Fifteenth finding: Police Scotland itself described the communication line as simple and effective**

The 2025 Speirs statement says:

*“This line of communication between Police Scotland and the Scottish Government was simple and very effective, both in terms of structured meetings but also the ability to engage directly with Scottish Government officials as and when required.”*

This supports the finding that the police-government interface in Scotland was not ad hoc. It was structured and direct.

The further statement that earlier sharing of decisions and guidance would have allowed Police Scotland to shape and communicate regulations is also revealing:

*“In terms of improving communication strategies between Police Scotland and Scottish Government in any future pandemic earlier sharing of decisions and guidance being offered by the Scottish Government would give Police Scotland an opportunity, and provide feedback in respect of the implications on legislation, as well as the practical application of these.”*

The phrase *“shape and communicate regulations”* appears immediately afterwards in the same passage:

*“There were occasions when Police Scotland only became aware of Scottish Government decisions and guidance when statements were being made known to the public. This offered very little time for Police Scotland to shape and communicate regulations.”*

This is important. It indicates that Police Scotland viewed itself as having a role not merely in enforcing regulations, but in shaping and communicating them.

That is constitutionally sensitive.

## **17. Sixteenth finding: the documents evidence a legal-policy-operational loop**

When the documents are read together, they show the following loop:

- First, government departments produced or proposed legislation, regulations, guidance, or policy.
- Second, police structures, including NPCC, College, Operation Talla, Police Scotland CJSD, Operation Talla representatives, and legal teams, reviewed or commented upon that material.
- Third, legal guidance and operational briefings were developed.
- Fourth, the material was disseminated through Operation Talla, ChiefsNet, intranets, force communications systems, and public messaging.
- Fifth, compliance, enforcement, and data were monitored and reported.

That is not merely “coordination” in the loose sense. It is a governance loop.

## **18. Seventeenth finding: the repeated denial of directive power is legally important but not necessarily determinative**

The documents repeatedly assert that NPCC and NPoCC had no compulsory or directive powers. Weatherill states:

*“The NPCC has no operational directive powers in relation to forces in the UK.”*

Hewitt states the same position in materially similar terms.

Legal power and practical influence however, are not identical.

The evidence shows:

- national Gold and Silver structures;
- Home Office Silver representation;
- government review of briefings;
- Policy/Legislation workstream;
- daily ChiefsNet briefings;
- operation-wide communications plans;
- government liaison on enforcement;
- Scotland-specific liaison with the Police Powers Division;
- Police Scotland participation in UK Silver Covid meetings;
- data monitoring and operational feedback loops.

Therefore the proper forensic conclusion is: The absence of formal directive power does not resolve the question of whether Operation Talla exerted practical operational influence.

That question must be answered by examining effect, not title.

## 19. Provisional forensic conclusion

The documents support the conclusion that Operation Talla was not merely an internal policing coordination exercise.

It was a police-government governance structure, or at minimum a police-led structure deeply integrated with government policy, legal review, legislation development, public messaging, operational briefings and data-led monitoring.

The strongest evidential features are:

- strategic objective to coordinate communications across policing and government;
- Home Office Silver representation in Operation Talla leadership;
- Policy/Legislation workstream linking policing into government regarding developing legislation and regulations;
- Operation Talla legal review;
- government review of operational briefings;
- daily briefings to Chief Officers;
- Home Office standing position on Gold;
- multiple daily contacts with Home Office officials on enforcement;
- attendance at ministerial Police Operational Briefings;

- COBR attendance;
- Police Scotland liaison with Scottish Government before Operation Talla was established;
- regular Police Scotland liaison with Scottish Government Police Powers Division;
- direct feedback on draft regulations and new offences.

The central finding is therefore this: Operation Talla is described in legal language as non-directive policing coordination, but the documentary record shows a dense police-government architecture capable of shaping the legal, operational, communicative and practical environment in which policing decisions were made.

# Part 4

# **Forensic Findings Report - Part 4 / Final Part**

## **Remaining Material Observations, Evidential Omissions and Final Synthesis**

**Author: Ian Clayton**

**Date: 5 May 2026**

### **1. Purpose of this final part**

This final part brings together the remaining important observations arising from the reviewed documents and identifies what is present, what is absent and what those absences may signify.

Particular attention is given to whether the statements make any reference to a “rejection approach”, a “to not record” approach, or equivalent operational handling of public reports relating to Covid-19 vaccine allegations.

### **2. Primary finding: the Inquiry statements do not appear to disclose the 25 January 2022 rejection instruction**

On the material reviewed, the major witness statements describe Operation Talla in terms of:

- preparedness;
- resilience;
- public health policing;
- enforcement of regulations;
- the Four Es;
- Fixed Penalty Notices;
- guidance;
- briefings;
- operational discretion;
- government liaison;
- data collection;
- recovery and reform.

However, the statements do not appear to confront the 25 January 2022 Police Scotland instruction which stated:

*“Should any officer or member of staff be approached or contacted by people requesting assistance in line with any of the above, then these requests should be rejected.”*

That is a material omission.

The statement further required:

*“A SID entry should be submitted and marked for the attention of Operation Norden, and Operation Talla should be informed via a CVI entry.”*

That is important because it places the rejection instruction directly inside an Operation Talla / Operation Norden recording pathway.

The omission matters because the Inquiry statements repeatedly describe Operation Talla as a structure based upon cooperation, discretion, consent-based policing and last-resort enforcement. Yet the 25 January instruction contains the language of threshold rejection.

### **3. Second finding: the statements do not appear to use the language of “to not record” or equivalent non-recording doctrine**

The witness statements reviewed do not appear to set out, explain, or justify any national or Scottish approach described as:

- “to not record”;
- “do not record”;
- “not to record”;
- “reject / do not engage”;
- blanket non-recording;
- categorical filtering of public crime reports.

That absence is significant because other material shows a specific operational pathway in which public approaches relating to Covid-19 allegations were not to be treated as ordinary crime reports, but instead redirected into SID and CVI reporting mechanisms. The 25 January 2022 instruction expressly says requests “*should be*

*rejected*” and that a SID entry and CVI entry should be made.

The absence of any comparable discussion in the Inquiry statements creates a gap between:

- the general institutional narrative of Operation Talla; and
- a specific operational instruction issued under the Operation Talla framework.

#### **4. Third finding: the official narrative centres on enforcement, not refusal of public crime reports**

The statements repeatedly focus on enforcement activity, particularly Fixed Penalty Notices and the Four Es.

Speirs’ 2025 statement states:

*“Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three ‘Es’ had been undertaken.”*

It also states:

*“The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent.”*

That narrative is coherent as far as it goes, but it does not address a different and more serious category of policing decision: How police handled members of the public

attempting to report alleged criminality by state or public-health actors.

That is not the same as enforcing Covid regulations against members of the public.

The omission is therefore not a minor drafting point. It may indicate that the Inquiry statements were focused on enforcement of restrictions, whilst not addressing police handling of counter-allegations or public crime reports concerning the vaccine programme.

#### **5. Fourth finding: the January 2022 Chiefs' Council minutes create a bridge between CRN 6029679/21 and national coordination**

The 12 January 2022 Chiefs' Council minutes record:

*“Most forces received a letter from an anti-vax group before Christmas. A crime report was made to the Met and the final assessment should be complete next week when a clearer steer can be communicated.”*

This passage is highly material.

It establishes that:

- most forces had received relevant correspondence;
- a crime report had been made to the Metropolitan Police;
- a final assessment was expected;

- a “clearer steer” would then be communicated.

The action point later states:

*“Op Talla team to share the results of the peer review assessment relating to the Crime Report submitted to the Met Police in relation to Anti-Vaccinations with all chiefs.”*

This is important because it shows that the relevant crime report was not merely a local MPS matter. It was to be shared with all chiefs through Operation Talla.

That creates a critical evidential bridge:

crime report - peer review / assessment - all chiefs - later rejection instruction.

The Inquiry statements reviewed do not appear to squarely address that bridge.

## **6. Fifth finding: the 25 January 2022 instruction appears to operationalise the “clearer steer” anticipated on 12 January 2022**

The 12 January minutes anticipate that once the Met assessment was complete, “*a clearer steer*” could be communicated.

The 25 January Police Scotland instruction then states:

*“The Metropolitan Police Service received a complaint and a number of documents on 20 December 2021. The MPS*

*provided the complainers with a crime reference number and is reviewing the content of the documents.”*

It continues:

*“However, the MPS has been clear that nothing has been found to suggest any offences or grounds for an investigation, and that no such investigation is taking place.”*

It then gives the operational outcome:

*“Should any officer or member of staff be approached or contacted by people requesting assistance in line with any of the above, then these requests should be rejected.”*

The temporal and textual alignment is striking.

The 12 January minutes anticipate a clearer steer. The 25 January instruction gives one. The Inquiry statements do not appear to explain this sequence.

## **7. Sixth finding: the rejection instruction is not merely informational; it is operational**

The 25 January document does not simply provide background. It instructs staff how to respond.

The operative wording is:

*“then these requests should be rejected.”*

That is not neutral analysis. It is an operational handling position.

The instruction also specifies record-routing:

*“A SID entry should be submitted and marked for the attention of Operation Norden, and Operation Talla should be informed via a CVI entry.”*

That means the matter was not simply ignored. It was diverted into particular intelligence / operational reporting systems.

The forensic question is therefore:

***Were public allegations being assessed as crime reports, or being categorised as activity to be rejected and logged elsewhere?***

The witness statements do not appear to answer that question.

## **8. Seventh finding: CVI is described in the statements as an intervention-data tool, not as a substitute route for rejected crime reports**

Speirs’ statement describes CVI as follows:

*“Data was collected from the Police Scotland Coronavirus Intervention application (CVI). This was a bespoke computer system, created by Police Scotland IT services*

*working with Operation Talla, which was designed to monitor police interventions related to Covid-19.”*

It further states:

*“This allowed for targeted education and engagement to minimise the risk of future breaches in those locations.”*

In the 2025 Speirs statement, the Information Cell and CVI process are described as data and modelling tools for Covid-19 interactions, including manual data from sergeants and later officer-inputted returns.

However, the 25 January 2022 instruction uses CVI differently, requiring that Operation Talla be informed via CVI where persons seek assistance with the matters described.

That creates a further tension: Inquiry statements describe CVI as a monitoring tool for Covid-related interventions.

The 25 January instruction appears to use CVI as the record route for rejected requests relating to public reporting / service of papers.

The witness statements do not appear to discuss this specific use case.

## **9. Eighth finding: Operation Norden appears in the 25 January instruction but not in the central Talla witness narrative**

The 25 January instruction states:

*“A SID entry should be submitted and marked for the attention of Operation Norden, and Operation Talla should be informed via a CVI entry.”*

That wording suggests a dual-routing mechanism:

- SID / Operation Norden;
- CVI / Operation Talla.

The reviewed Operation Talla statements do not appear to explain how Operation Norden related to Operation Talla, nor why rejected public approaches concerning vaccine allegations were routed to both.

That omission is significant because the presence of Operation Norden may indicate that the matter was being treated not merely as pandemic policing but as security / intelligence / disorder-related activity.

## **10. Ninth finding: the public-facing and Inquiry-facing narrative is structurally incomplete**

Taken together, the statements provide substantial detail on:

- the creation of Operation Talla;

- Gold and Silver command;
- liaison with government;
- liaison with NPCC;
- briefing and guidance systems;
- FPNs;
- data collection;
- protected characteristics;
- learning and recovery.

But they do not appear to provide equivalent detail on:

- public allegations about the Covid concerns /reports, including any in relation to the vaccine programme;
- the December 2021 MPS crime report;
- the January 2022 “*clearer steer*” anticipated by Chiefs’ Council;
- the 25 January 2022 Police Scotland rejection instruction;
- the SID / Operation Norden routing;
- the CVI / Operation Talla routing of rejected requests;
- whether similar instructions existed elsewhere;
- whether crime recording discretion was affected.

That gap is central.

**11. Tenth finding: the omission is more significant because the 12 January minutes show senior national awareness**

The omission might be less important if the 25 January instruction were isolated or obscure, but it was not operating in a vacuum.

The 12 January minutes record that “*most forces*” had received relevant correspondence and that a crime report had been made to the Met. They also record the intention to communicate a clearer steer and to share the peer review assessment with all chiefs.

This means the handling of public vaccine-related allegations was known at senior national level before the Police Scotland instruction.

The failure of the statements to address this sequence leaves a material explanatory void.

## **12. Eleventh finding: the “no directive power” defence does not answer the rejection evidence**

The NPCC statements repeatedly say the NPCC had no operational directive powers.

That may be formally correct, but it does not answer the evidence that:

- Chiefs’ Council anticipated a clearer steer after the MPS assessment;
- the Op Talla team was to share the peer review assessment with all chiefs;

- the 25 January instruction then cited the MPS complaint and NPCC view;
- Police Scotland instructed requests to be rejected.

The formal absence of directive power does not determine whether an agreed handling position became functionally operative.

The correct question is not:

***Did the NPCC have legal power to command Police Scotland?***

The better question is:

***Did national coordination produce a practical handling position which Police Scotland then operationalised?***

The statements do not appear to answer that question.

### **13. Twelfth finding: the “policing by consent” narrative sits uneasily beside categorical rejection language**

The 2025 Speirs statement says:

*“The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent.”*

That is difficult to reconcile, at least at the level of tone and operational posture, with the instruction:

*“then these requests should be rejected.”*

The two may concern different categories of activity: one concerns enforcement of restrictions; the other concerns public approaches relating to vaccine allegations and service of papers, but that is precisely why the Inquiry statements' silence matters.

If these are distinct categories, the distinction should be explained. If they are not distinct, then the contradiction becomes more serious.

#### **14. Thirteenth finding: the official evidence distinguishes enforcement activity from report-handling activity, but only by omission**

The documents fully develop the enforcement narrative. They do not comparably develop the report-handling narrative.


This gives rise to a possible structural limitation in the Inquiry evidence: Operation Talla is described as a mechanism for enforcing Covid restrictions and managing pandemic impacts, but not as a mechanism for handling public allegations concerning pandemic policy, vaccination, or alleged official criminality.

That distinction is important because the latter issue is precisely where the most sensitive constitutional concerns arise.

## **15. Fourteenth finding: Police Scotland's 2026 FOI response confirms unresolved record-search issues concerning complaints**

The April 2026 FOI response asked whether concerns or complaints existed, including complaints about vaccine injuries or Police Scotland not accepting such complaints.

Police Scotland refused to provide the information on cost grounds, stating:

*“The only way to provide this information would be to contact each of the 13 police divisions within Police Scotland and the relevant specialist divisions and ask that they search their systems, records, e-mails, etc and extract any relevant information.”* 

That is important.

It does not prove such complaints exist, but it confirms that answering the question would require divisional and specialist searches across systems, records and emails.

This supports the conclusion that the issue cannot be disposed of simply by reference to the witness statements, because the relevant material may sit in divisional or specialist operational records rather than Inquiry narrative summaries.

## **16. Fifteenth finding: Speirs' later correspondence confirms the rejection instruction was published internally**

In later correspondence, Speirs stated:

*“This statement was published on the internal Police Scotland intranet which is accessible to all police officers and members of police staff.”*

He also explained:

*“The purpose of the statement was to provide guidance to officers and staff in relation to the handling of such incidents.”*

And he summarised the advice:

*“As such the advice to officers and staff was that should they be approached by any person requesting assistance in respect of such matters these should be rejected.”*

This is a key confirmation.

It means the 25 January instruction was not merely discovered as an isolated document. Police Scotland later confirmed its internal publication and its guidance function.

## **17. Sixteenth finding: Speirs' later correspondence denies filtering but does not resolve the documentary tension**

The same correspondence states:

*“This did not preclude officers from dealing with credible criminal complaints and there is no evidence to suggest that legitimate criminal reports were filtered out as a result of this guidance.”*

That is important and must be recorded fairly.

However, the statement does not fully resolve the tension because:

- the original instruction uses categorical rejection language;
- it references the MPS complaint;
- it routes matters through SID and CVI;
- it does not set out a clear threshold test for distinguishing “credible criminal complaints” from matters to be rejected;
- the FOI response refuses to provide information about whether relevant complaints existed or were raised.

Accordingly, the position remains unresolved.

## **18. Final synthesis**

The reviewed documents create a significant evidential picture.

- First, Operation Talla’s origin is not stable across accounts. Scotland-specific material places its

establishment on 29 January 2020, with pre-29 January Police Scotland / Scottish Government and NPCC communications. Hewitt's national account places formal commencement in March 2020, with a briefing to all Chiefs on 10 March. The 20 March date appears more accurately to relate to the first Police Scotland Gold Strategy Document rather than the true operational origin.

- Second, Operation Talla is repeatedly described in legally careful terms as non-directive coordination. But the same documents evidence a dense operational architecture: Gold and Silver structures, ChiefsNet, government review, legal review, Home Office representation, Police Scotland engagement with NPCC Silver, Scottish Government liaison, data monitoring and force-wide dissemination.
- Third, the statements give a detailed account of enforcement and compliance but do not appear to address the most constitutionally sensitive issue: the handling of public reports alleging criminality relating to the Covid-19 vaccine programme.
- Fourth, external contemporaneous material shows that this issue was present at senior national level by 12 January 2022, when Chiefs' Council minutes recorded that most forces had received relevant material, that a crime report had been made to the Met, that a clearer

steer was expected and that the Op Talla team would share the peer review assessment with all chiefs.

- Fifth, the 25 January 2022 Police Scotland instruction then cited the MPS complaint, cited the NPCC position, instructed that relevant requests “*should be rejected*”, and required SID / Operation Norden and CVI / Operation Talla entries.
- Sixth, none of the reviewed Inquiry statements appears to explain that rejection instruction, the “*clearer steer*”, the peer review sharing action, the SID / Norden route, or whether any comparable “*to not record*” approach existed nationally.

That omission is the final and most serious finding.

## 19. Final forensic conclusion

The Operation Talla Inquiry statements present a controlled narrative of lawful coordination, proportional enforcement, local discretion and consent-based policing.

However, the surrounding contemporaneous record discloses a separate operational strand: Public allegations relating to Covid-19 were discussed at senior national level, linked to a Metropolitan Police crime report, subjected to anticipated peer review / assessment sharing through Operation Talla and shortly afterwards became

the subject of a Police Scotland instruction that relevant requests “*should be rejected*”.

The absence of that strand from the Inquiry statements is material. This establishes a significant evidential omission.

The key question left unanswered is:

***Did Operation Talla merely coordinate pandemic enforcement, or did it also shape the threshold handling of public crime reports concerning the pandemic response itself?***

On the evidence presently reviewed, that question remains open and it is precisely the question which now requires very careful, focused scrutiny, in the public interest and in terms of upholding constitutional integrity.

**Statements by**  
**Owen Weatherill**  
**Alan Speirs**  
**Martin Hewitt**

Witness Name: Owen Weatherill

Statement No.: 1

Exhibits: 1

Dated: 14 April 2023

## UK COVID-19 INQUIRY

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### CORPORATE WITNESS STATEMENT ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

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I, Assistant Chief Constable Owen Weatherill, will say as follows:

#### Introduction

1. This is a corporate witness statement made on behalf of the National Police Chiefs' Council (**NPCC**). This document has been drafted in response to a Rule 9 request for Module 1 dated 4 January 2023 (**the Rule 9 request**), in order to assist the Chair of the UK Covid-19 Inquiry (**the Inquiry**).
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the NPCC, as well as documentary records.
3. I am currently the portfolio lead for Civil Contingencies within the NPCC. I have been a member of the Hertfordshire Constabulary for more than 30 years. In that time, I have led a range of portfolios at superintending and Chief Officer ranks. I was seconded to the NPCC in July 2019 since when I have acted as National Mobilisation Coordinator (**NMC**) and leader of the National Police Coordination Centre (**NPoCC**).
4. In preparing this statement, I have taken into account that Module 1 is directed to preparedness and resilience in the period before the direct effects of Covid-19 began to be felt in the UK, whereas later modules will examine issues relating to the

subsequent pandemic response. In accordance with the Rule 9 request, Module 1 is primarily concerned with the period from 11 June 2009 (when the World Health Organization (**WHO**) announced that the scientific criteria for an influenza pandemic had been met for what came to be known as the 2009-2010 Swine Flu Pandemic) to 21 January 2020 (the date on which the WHO published its 'Novel Coronavirus (2019-nCoV) Situation Report – 1') (**the Relevant Period**).

5. Sections of this statement have been drawn from the information provided in the NPCC Corporate Statement for Module 2, as there is overlap between the respective Rule 9 requests.
6. Through the Relevant Period, there have been a large number of changes in the leadership structure of policing and in its approach to preparation for civil contingencies. As a corporate entity, the NPCC did not come into existence until 2015. I have sought to obtain detailed information wherever possible in order to assist the Inquiry and respond to the Rule 9 request, but this statement is necessarily limited by the scope of records retained and the institutional memory of current employees and officers.

#### **NPCC's role, function and responsibilities**

7. I attach three annexes to this statement to cover the position specifically in relation to policing in Scotland (Annex A), Wales (Annex B) and Northern Ireland (Annex C).
8. The NPCC is a national coordinating body which represents all UK police forces. It serves to drive best practice in policing and to act as one voice for policing into central government. It replaced the Association of Chief Police Officers (**ACPO**) on 1 April 2015.
9. The NPCC represents all UK police forces, including territorial forces in England, Scotland, Wales and Northern Ireland, some British overseas territories, British Transport Police (**BTP**), the Civil Nuclear Constabulary (**CNC**), and the Ministry of Defence Police (**MDP**).
10. The NPCC is underpinned by a legal agreement under section 22A of the Police Act 1996 (**the Agreement**). The Agreement, which is signed by Chief Constables, Police and Crime Commissioners (**PCCs**) and non-Home Office Force equivalents (being

representatives of forces other than the territorial forces of England and Wales), declares that the parties will collaborate in the running and funding of the NPCC. The 2017 version of the Agreement [OW/1 - INQ000099935], which applied during the Covid-19 pandemic, sets out the specific functions of the NPCC at section 7.1:

- i. “The coordination of national operations, including defining, monitoring and testing force contributions to the Strategic Policing Requirement working with the National Crime Agency where appropriate;
- ii. The command of counter terrorism operations and delivery of counter terrorist policing through the national network as set out in the Counter Terrorism Collaboration Agreement;
- iii. The coordination of the national police response to national emergencies and the coordination of the mobilisation of resources across force borders and internationally;
- iv. The national operational implementation of standards and policy as set by the College of Policing and government;
- v. To work with the College of Policing, to develop national approaches on criminal justice, value for money, service transformation, information management, performance management and technology; and
- vi. Where appropriate, to work with the College of Policing in order to develop joint national approaches to staff and human resource issues, including misconduct and discipline, in line with the Chief Officers’ responsibilities as employers.”

**11.** The NPCC has no operational directive powers in relation to forces in the UK. It cannot instruct a force or an individual police officer to take any action or to refrain from acting. Guidance, policy and briefings issued by the NPCC are implemented on a voluntary basis by cooperation and engagement. Operational policing decisions remain the responsibility of force leads and individual officers, including in the context of a national emergency.

**12.** The NPCC is funded by police forces in England, Scotland, Wales and Northern Ireland, Crown Dependencies, as well as some British overseas territories, and from other NPCC member organisations.

**13.** The NPCC is a national coordinating body with representative obligations in respect of Scotland, Wales and Northern Ireland. Policing is a fully devolved matter in both

Scotland and Northern Ireland, where responsibility for criminal justice sits with Police Scotland and the Cabinet Secretary for Justice in the Scottish Government, and the Police Service of Northern Ireland (**PSNI**) and Minister of Justice for Northern Ireland respectively.

14. In Wales, responsibility for criminal justice and policing remains with the UK Government. The four Welsh police forces are funded by both the Welsh Government and the UK Government through the Home Office. The Welsh Government has the power to legislate for offences in relation to devolved matters in Wales, such as public health Regulations.

### ***NPoCC***

15. NPoCC is an operational arm of the NPCC which acts as the central point for mobilisation of mutual aid in policing. NPoCC was formed in April 2013 and replaced the Police National Information Coordination Centre (**PNICC**). It was created with a wider remit: to ensure that policing is better prepared for wide scale disorder.
16. As set out above, I have led NPoCC in the role of NMC since 1 July 2019. The names of previous NMCs can be provided to the Inquiry upon request.
17. The NMC is appointed by and reports directly to the Chair of the NPCC. I am supported by a Staff Officer, an operations team, a planning team, an intelligence team and a communications team. A Chief Superintendent leads the daily activity of NPoCC and also acts as Deputy NMC. This position directly reports to me in my role as NMC.
18. Aside from coordinating the provision of police mutual aid, NPoCC plays a role in facilitating the policing response to pre-planned and dynamic events where a response from multiple forces is required. NPoCC provides a national intelligence function through the Strategic Intelligence and Briefing team (**SIB**). NPoCC also provides a central coordination function for UK policing, supports Chief Officers at Cabinet Office Briefing Room (**COBR**) meetings, and regularly represents UK policing at official meetings and meetings at ministerial level related to national events, crises, disorder and civil emergencies.
19. Like the NPCC, NPoCC has no compulsory powers and is not able to direct any officer or force in relation to operational policing. NPoCC has the power to communicate and

facilitate the sharing of resources, but it does not have any enforcement mandate. Its work is undertaken through voluntary cooperation and engagement.

20. The role of NPoCC in planning for civil emergencies expanded as a result of the exit of the United Kingdom from the EU. Previously, planning had revolved around specific events, which were local or regional in nature. The scale and breadth of issues presented by planning for EU exit emphasised the need for a national coordination function, encompassing the work of NPoCC and the NPCC's Civil Contingencies portfolio.

### ***The College of Policing***

21. The College of Policing (**the College**) is a separate organisation which works closely with the NPCC. It was established as the professional body for policing in England and Wales on 1 December 2012, replacing the National Policing Improvement Agency. The College is represented as a stakeholder at NPCC Civil Contingency portfolio meetings, and delivers the Multi-agency Gold Incident Command (**MAGIC**) course, which provides training for officers in relation to civil contingencies.

### **Leadership and composition of the NPCC**

22. The NPCC is led by a full-time Chair who is chosen by the organisation's membership. Martin Hewitt chaired the NPCC from 2019 until April 2023. He succeeded Sara Thornton, who was the inaugural NPCC Chair. Chief Constable Gavin Stephenson succeeded Martin Hewitt in April 2023.
23. The Chair is supported by two part-time elected Vice Chairs (currently Chief Constables Michelle Skeer and Rachel Swann) and a team of staff within what is called the NPCC's 'strategic hub', being the core staff undertaking practical and administrative functions. The hub, which was first created after the Covid-19 pandemic, has five different areas of work: organisational development and change, strategic planning and performance, business support, communications, and providing coordinators for its 12 principal coordination committees.
24. The primary decision-making forum for the NPCC is the Chief Constables' Council (**the Council**). The Council is made up of Chief Constables (or Commissioner in the Metropolitan Police Service and City of London Police) of the territorial forces of

England, Scotland, Wales and Northern Ireland, including BTP, the MDP Police, the Civil Nuclear Constabulary, Crown Dependencies, the National Crime Agency (NCA) and the Chief Executive of the College.

25. The Council meets at least quarterly to discuss high-level strategic policing issues, such as the implementation of national standards. The Council acts as a representative body for forces to communicate with the NPCC, to raise issues and shape the work of the organisation. It also allows forces to reach agreement on issues of national application to ensure best practice and the adoption of a joined-up approach.
  
26. The Agreement which establishes the governance and structure of the NPCC incorporates the broad commitment of signatories to comply with collective decisions of the Council. The Agreement states that signatories will (at clause 8.1.4-5): "... comply with and assist with any operational requirements or responsibilities of the NPCC in the manner agreed by the Chief Constables' Council [and] subject to clause 8.2 comply with the decisions of the Chief Constables' Council in relation to the NPCC matters..."
  
27. However, this is not an absolute requirement. As Chief Constables retain operational policing power and responsibility, they are entitled to diverge from the collective decisions of the Council. The NPCC has no enforcement powers to take action where forces deviate from Council decisions, but it works to ensure compliance by cooperation and engagement with individual forces. This is reflected in clause 8.2 of the Agreement: "In the event that a Chief Officer determines that it would not be reasonably practicable to comply with a decision of the Chief Constables' Council, he/she shall be entitled to derogate from that decision at their own risk. In such circumstances, the relevant Chief Officer shall notify the Chair in writing of the relevant derogation and the reasons for that derogation. This Agreement does not supersede or vary the legal requirements of the office of constable. It is recognised that a Chief Officer remains operationally independent."
  
28. The NPCC has twelve Co-ordination Committees, each of which is led by a Chief Constable (subject to occasional portfolio vacancies) and supported by a full-time Committee Co-ordinator. Each committee covers a thematic area and within each committee there are portfolio leads for specific areas of policing. The current Co-ordination Committees are:

- (i) Crime Operations;
- (ii) Criminal Justice;
- (iii) Diversity, Equality and Inclusion;
- (iv) Finance;
- (v) Digital, Data and Technology;
- (vi) International;
- (vii) Local Policing;
- (viii) Performance Management;
- (ix) Counter Terrorism;
- (x) Prevention;
- (xi) Operations; and
- (xii) Workforce.

**29.** The portfolio for Civil Contingencies is within the Operations Co-ordinating Committee. The responsibility of this portfolio is to coordinate the national police structure in relation to civil contingencies and national emergencies. The portfolio might, for example, share national guidance with individual police forces via ChiefsNet (an intranet-based method of information-sharing between Chief Officers and their team). Where issues arise that cannot be resolved at a portfolio level, they are raised at committee level and, if necessary, with the Council.

**30.** I have held the portfolio since March 2021. Previous portfolio leads include Deputy Chief Constable Paul Netherton (2018-2021) and Chief Constable Charlie Hall QPM (2012-2018). Chief Constable Hall is the current Chair of the NPCC Operations Coordinating Committee, having served two terms. He was preceded by Lynne Owens.

**31.** The portfolio is currently made up of nine working groups:

- (i) Flooding/Severe Weather & Climate Change;
- (ii) Local Resilience Forums (**LRFs**);
- (iii) Disaster Victim Identification;
- (iv) Casualty Bureau;
- (v) Business Continuity;
- (vi) Search and Rescue;
- (vii) MAGIC Training;
- (viii) Nuclear Emergencies; and

(ix) Animal Diseases.

32. The LRFs group sits within my role as part of the civil contingencies portfolio; the remaining eight working groups have their own lead. This reflects the fact that the work of LRFs is not a specific policing function.
33. The Business Continuity group is concerned with ensuring that police forces fulfil their statutory duties under the Civil Contingencies Act 2004 (**the CCA**) and associated Regulations. As part of this work, the NPCC has a National Policing Business Continuity Strategy, which is periodically updated.
34. Working groups maintain contact points as appropriate with individual police forces.
35. Meetings take place on a quarterly basis between working group leads and stakeholders. The wider stakeholders include: the Home Office; the Resilience Directorate (formerly the Civil Contingencies Secretariat (**CCS**)); the Department for Levelling Up, Housing and Communities (**DLUHC**); DEFRA; National Fire Resilience; the College; PSNI; Police Scotland; the military; British Transport Police; Counter Terrorism Policing; and the Defence Chemical Biological Radiological and Nuclear Centre.

#### ***Prior to the NPCC***

36. Prior to the formation of the NPCC, ACPO had twelve National Policing Business Areas, each of which was led by a Chief Constable. Like the NPCC's coordination committees, each National Policing Business Area covered a thematic area. Some business areas included National Policing Portfolios which in turn had their own working groups focussed on more specific topics. Where relevant, Heads of National Policing Business Areas were also responsible for overseeing the work of ACPO National Units which fell within their remit. The National Policing Business Areas were subject to minor changes in the relevant period.
37. During the relevant period, the national policing portfolio for civil contingencies sat within the Uniformed Operations Business Area. Chief Constable Charlie Hall QPM held this portfolio from between 2012 and 2018, taking it on from Simon Parr.

38. The reporting structure in relation to civil contingencies operated in a similar way in ACPO as it does within the NPCC: working groups reported into portfolios, portfolios reported into committees, and committees reported into ACPO.

### **Civil contingencies: legislative and policy framework**

39. The CCA and the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (**the Regulations**) apply to the whole of the UK.

40. "Emergency" is defined in the CCA as including an event or situation which threatens serious damage to human welfare in a place in the UK. This is an event or situation which, amongst other things, involves, causes or may cause loss of human life, human illness or injury or disruption of services relating to health.

41. Part 1 of the CCA establishes the statutory framework for local civil protection arrangements in the UK and the roles and responsibilities of local responders, and sets out the circumstances in which those duties arise.

42. The Act divides local responders into two categories and imposes specific duties on each category.

43. Category 1 responders are the organisations considered to be at the core of the response to most emergencies, for example emergency services, local authorities and NHS bodies. Home Office police forces in England and Wales, PSNI, Police Scotland and BTP are all Category 1 responders. The NPCC is not itself a Category 1 or Category 2 responder under the CCA, but it has strong established stakeholder links, in particular to Category 1 emergency services responders, and support forces in their roles within the LRFs.

44. Where the CCA applies, Category 1 responders which are also police forces are required to undertake the following:

- (i) Risk assessment: assess the risk of emergencies occurring and use this to inform contingency planning.
- (ii) Emergency planning: put in place plans to respond to an emergency, exercise them to ensure they are effective and offer training to staff who may become involved in emergency response.

- (iii) Business continuity management: put in place business continuity plans to ensure they can continue to exercise critical functions in the event of an emergency.
- (iv) Communicating with the public: put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.
- (v) Information sharing: share information with other local responders to enhance coordination.
- (vi) Cooperation: cooperate with other local responders to enhance coordination and efficiency.

**45.** Category 2 responders are ‘cooperating bodies’ which are less likely to work at the heart of planning but will be involved in incidents that affect their sector, for example utility companies, transport companies and the Health and Safety Executive (**HSE**). No police body is a Category 2 responder. Whilst Category 2 responders are subject to a lesser set of duties under the CCA, they must cooperate and share relevant information with other Category 1 and 2 responders to ensure integration within the wider emergency planning framework.

**46.** The Regulations establish the scope of the duties imposed under the Act and specify the manner in which they are to be performed. For example, the Regulations establish LRFs in England and Wales, and Local Resilience Partnerships (**LRPs**) in Scotland.

**47.** The legislative framework is supported by guidance on part 1 of the CCA which was published by the Cabinet Office (**the Emergency Preparedness Guidance**).

**48.** In addition to the legislative and related policy framework, the Joint Emergency Service Interoperability Programme (**JESIP**) Joint Doctrine provides responders with guidance and principles on actions to be taken when responding to multi-agency incidents. The stated aim of the Doctrine is “to provide a framework of common models and principles which when applied consistently will improve interoperability between organisations across all levels of command”.

**48.** JESIP evolved from the Joint Emergency Services Interoperability Programme which was established in 2012. The work of the programme was consolidated during 2015 across first line responder organisations, retaining the same acronym. JESIP can be applied to any type of multi-agency incident and forms an element of MAGIC training.

A Joint Interoperability Board meets quarterly. The Board, which is currently chaired by the NPCC lead for JESIP, seeks to ensure that blue light agencies work effectively together. JESIP materials, documents, and guidance are accessible via an APP to both first responders and the public as part of a driver towards wider delivery and accessibility.

**49.** JESIP sets out the following joint working principles which should inform multi-agency response:

- (i) co-location;
- (ii) communication;
- (iii) coordination;
- (iv) joint understanding of risk; and
- (v) shared situational awareness.

**49.** JESIP did not introduce any new duties on responders, but set out the expectations of good practice which build on and complement statutory duties under the CCA and associated regulations and guidance.

#### **Duties on the police under the CCA framework**

**50.** Each police force must have the capability to discharge its duties under the CCA. Further, the Strategic Policing Requirement (**SPR**), which applies to police forces in England and Wales, includes civil emergencies as a threat which requires a national policing response. The National Policing Requirement (**NPR**), the police service's response to the SPR, includes a requirement for forces to plan and prepare for civil emergencies to fulfil their force's contribution to the national capacity in response, to have the capability of meeting the NPR, to be able to deliver an integrated response consistent across all forces and partners and connect resources effectively across force boundaries through national and regional arrangements and with key partners, particularly when planning for and responding to civil emergencies.

**51.** Accordingly, all police forces have emergency planning departments (sometimes referred to as 'contingency' planning departments) which normally sit within the operations department and will have a relationship with the LRF secretariat and with counterparts within other Category 1 responders. The departments are responsible for contingency planning, business continuity and events planning. Whilst each force's

emergency planning department is structured differently, depending on the priority functions in the relevant area, the functions within the department incorporate those set out in the CCA and the Emergency Planning Guidance.

**52.** Category 1 responders are under a duty to cooperate with each other to maintain a Community Risk Register (**CRR**). The CRR provides an agreed position on the risks affecting a local area and on the planning and resourcing priorities required to prepare for those risks. Amongst other things, it enables each Category 1 responder to be fully informed of the risks of emergency in its area and identify collectively the local plans and capabilities required. The CRR also enables LRFs and relevant Category 1 responders to undertake proportionate planning to support preparedness according to the priorities identified in their area. CRRs are shared between LRFs with whom a boundary is shared and with DLUHC's Resilience and Emergencies Division (**RED**).

**53.** Relevant sources underpinning local planning include:

- (i) The National Security Risk Assessment (**NSRA**) (formerly known as the National Risk Assessment). This is a detailed cross-government assessment of the risks facing the UK as a whole, based on the likelihood and impact of reasonable worst-case scenarios. It is produced by the Cabinet Office. Previously, the NSRA was a classified document which was shared with police forces, and LRF access to the risks came through its local force. Whilst the NSRA is now marked 'official sensitive' and so is more widely available within LRFs, it is still not made available to the public. LRFs use the information in the NSRA to identify risks that may be relevant to their local area;
- (ii) The National Risk Register (**NRR**). This was first published in 2008 as part of the National Security Strategy. It is the public-facing version of the NSRA, which sets out the government's assessment of the likelihood and potential impact of the risks facing the UK as a whole;
- (iii) The Local Risk Assessment Guidance (**LRAG**), produced by the Cabinet Office, which provides central guidance on the likelihood of some potential disruptive risks;
- (iv) The National Resilience Planning Assumptions (**NRPA**s). The NRPA's are also produced by the Cabinet Office. They are founded on reasonable worst case scenarios and provide information on generic consequences common to most risk scenarios and their maximum plausible scale, duration and magnitude, without disclosing the sensitive information on the causes of such consequences. The information provided through the NRPA's are critical to informing LRFs. NRPA's

give national and sometimes multi-LRF planning figures. LRFs will use or adapt the information and figures to assess the impact of each risk on their local area.

- 54.** For police forces, there are two primary aspects to contingency planning:
- a. planning for civil emergencies as required by the CCA, which is generally done through LRFs. Where a multi-agency response is required, then, notwithstanding the overarching LRF plan, the police (as is the case with other relevant agencies) will usually also develop their own plan which supports the LRF plan;
  - b. planning in relation to events or locations which is unlikely to involve a multi-agency approach and which is generally undertaken by forces alone.
- 55.** All of the policing regions in the UK currently have a Regional Business Continuity forum which is attended by the respective force's Business Continuity Coordinator. Regional Forums aim to hold meetings every three to four months and ideally prior to the National Business Continuity Forum meetings. The Chair or representative of each Regional Forum attends the National Forum meetings and provide updates to the group. Regional Forums report to the NPCC lead for Business Continuity, who chairs the National Forum.
- 56.** Police forces discharge the cooperation and information-sharing duties imposed by the CCA and the Regulations in three ways:
- i. within their own organisation, by ensuring that all divisions with functions to be employed in an emergency are prepared to cooperate and share information with one other internally, as well as with external stakeholders;
  - ii. directly with other organisations, through meetings, visits, phone calls, correspondence, e-mails and exercises. Such contact takes place on a day-to-day basis and often takes the form of one-on-one liaison work; and
  - iii. through managed arrangements with other organisations, which include the LRFs as the principal form of multi-agency cooperation. LRF meetings at a strategic level are required to take place at least once every 6 months. Each LRF has a single point of contact, such as a police communications duty officer, who is able to contact all core LRF members to establish a Strategic Coordinating Group (**SCG**) to respond

to an emergency within one hour during office hours and within two hours outside of office hours.

- 57.** In turn, LRFs have mechanisms and processes in place for cross-boundary working and relationship building. Until the abolition of the regional government offices in 2011, Regional Resilience Forums provided a uniform system for LRF collaboration within regions. These regional forums have been replaced with more flexible structures for multi-LRF working, which are not mandated under civil protection legislation or guidance. Current multi-LRF groupings may cover certain geographical areas and/or be thematic. Examples include LRF Chair Conferences, which took place twice a year until March 2019 and were hosted jointly by the Resilience Directorate and DLUHC (under its previous departmental name). Further, RED has allocated Resilience Advisers to each LRF, whose role is to facilitate cross-locality working and the co-operation and sharing of information between organisations, the central government and LRFs.
- 58.** Calls between LRF Chairs take place on a regular (usually monthly) basis. The format is now remote meetings held using an online platform. The calls are hosted by DLUHC.
- 59.** In addition, police forces have access to ResilienceDirect, which is a private, secure, web-based and user-driven platform delivered by the Cabinet Office's Resilience Directorate. to which all LRFs and Government Departments have varying degrees of access. The platform allows real-time information sharing and thereby facilitates multi-agency planning and collaboration during the preparation, response and recovery phases of an event or emergency. ResilienceDirect was introduced in approximately 2016 to replace its predecessor, Resilience Extranet.
- 60.** Each Government Department (including DLUHC, the Department of Health and Social Care and the Cabinet Office) and each LRF has its own dedicated area on the ResilienceDirect platform. Typically, this is a 'landing page' which contains folders or links to subpages or areas organised by subject matter.
- 61.** There are some limitations on the use of the platform. For example, organisations, including the police, do not access the material on ResilienceDirect through a single corporate account. Instead, there are individuals within each organisation with an account who can access material relevant to their own activities. As a result, not every

individual with access to ResilienceDirect has access to every area or folder/page on the platform. To gain access, users would need to apply to the Government Department or LRF with ownership of that area of the platform. Further, documents can only be uploaded by those with the requisite permissions and cannot be edited via the platform.

### **The role and structure of police involvement in emergency planning and response**

- 62.** The UK's approach to emergency response and recovery is based on a bottom-up model referred to as "subsidiarity", where operations are managed and decisions made at the lowest appropriate level. In all cases, local agencies are the building blocks of response and recovery operations. Many emergencies are dealt with at a local level with little or no input from the national or sub-national level. The role of central government and the devolved administrations is to support and supplement the efforts of local responders through the provision of resources and coordination. They will only become involved in emergency response and recovery where it is necessary or helpful to do so.
- 63.** When an emergency occurs, it is necessary to establish a dedicated command structure. The structure for civil contingencies is based on the gold, silver and bronze tiered command structure used by the police and other responder organisations, and which is also established in the JESIP Joint Doctrine. The structure is scaleable and can be applied across different levels from national to local and in a multi-agency setting. It is role- rather than rank- specific and allows for flexibility.
- 64.** The purpose of control at a national level is to manage coordination across government departments and local SCGs. Where a national response is required, the strategic aspects of the response and recovery phases will be coordinated by a COBR committee. COBR comprises ministers and senior officials from relevant departments and agencies together with representatives from other organisations as necessary, including the police. It is chaired by the designated lead department minister or senior official from that department.
- 65.** Depending on the incident, the police will be represented at COBR by the NPCC Chair, NPoCC Commander, National Policing Lead for the cause of the incident or local SCG Chair and/or police strategic commander. The SCG Chair provides an update on behalf of each of the agencies they are representing. The police strategic commander

provides an update specifically about the police response. The local SCG Chair and police strategic commander may be the same person, albeit with two distinct roles.

- 66.** At the local level, an SCG, under the umbrella of the LRF, will be established by the lead coordinating authority, which is often the relevant police force. The purpose of the SCG is to take overall responsibility for the multi-agency management of the emergency and to establish the policy and strategic framework within which lower levels of command will operate. The Chair of the SCG will ensure the incident is reviewed from a strategic perspective and provide leadership for the duration of the incident. Generally, membership of the SCG is made up of Category 1 and 2 responders in the local area. The SCG at a local level may request support from regional or national resources, if necessary, even if the emergency is not a national incident.
- 67.** Depending on the nature of the emergency, a Strategic Coordination Centre (**SCC**) may be established. The SCC's role is to provide a location and infrastructure to enable the SCG to coordinate the strategic response. Police forces usually provide the physical location and resources for SCGs, even where they are not the lead service or organisation.
- 68.** Alongside the LRF SCG structure, the police will establish their own single agency command structure, comprising:
- (i) Gold (strategic) commander: they assume and retain overall command and control for the emergency and have ultimate responsibility and accountability for the police response. They have overall responsibility for the gold strategy and any tactical parameters that silver or bronze commanders should follow. The strategic commander may also chair the SCG;
  - (ii) Silver (tactical) commander: they command and coordinate the overall tactical response in compliance with the strategy. Generally, there is one tactical commander, but it may be practical or desirable in large-scale incidents to have more than one. They will liaise with bronze commanders when developing the tactical plans and ensure they understand the strategic intentions, the wider tactical plan and the tactical objectives which relate to operations. A Tactical Coordinating Group (**TCG**) may be established to determine the coordinated response at a tactical level, comprising any tactical commanders from other

agencies or organisations, supported by officers from the force basic command unit and led by the tactical commander; and

- (iii) Bronze (operational) commander: they are responsible for the command of resources and carrying out functional or geographical responsibilities related to the tactical plan as identified by the silver commander. The number of operational commanders and their roles or specialisms will depend on the scale and nature of the incident.

69. The police response may escalate from the local level to regional and/or national level, depending on the scenario and the level of resources required. A key component of interoperability is that resources from different forces can work together during a mobilisation event. Resources deployed to an affected force may be organised into larger teams. The advantage of this is that individuals form part of a team, which makes it easier for them to identify with colleagues and be linked to a chain of command. It also allows for more efficient briefing and debriefing.

70. The JESIP interoperability framework outlines key steps to deliver an effective multi-agency response, utilising the METHANE acronym (Major Incident Declared; Exact location; Type of incident; Hazards; Access; Number and type of casualties; Emergency services present and required). The steps are identifying hazards; dynamic risk assessment; identifying the tasks; applying control measures; integrated multi-agency operational response plan; and recording of decisions.

71. The Joint Decision Model is used in an emergency involving more than one of the emergency services. It is used to help stakeholders to assemble available information, reconcile objectives and make effective decisions together. When involved in a joint situation, the three emergency services apply the model collectively.

72. METHANE is used when passing information between emergency responders and control rooms, to enable the establishment of shared situational awareness. Information sharing forms the basis of the principles outlined by JESIP.

### **Local Resilience Forums**

73. I have set out above the statutory framework within which LRFs operate. LRFs provide a vital local forum for key partners, creating a group which understands the local dynamic and is able to adapt civil contingency plans to suit the relevant issues and

challenges. At the same time, LRFs are large enough to coordinate an effective response.

**74.** LRF members know one another well, having worked, trained and exercised together, which develops mutual trust. During Brexit, LRFs also created multi-agency intelligence cells (**MAICs**) to support the decision-making of the SCGs, which were considered to be a success. LRFs have an essential role to play in the ongoing resilience of the UK, although there are inevitably variations in the quality and capability of LRFs across the country as a result of inconsistent funding arrangements and differences in individual personnel.

**75.** With the exception of London (where a single LRF covers both the Metropolitan and City of London police areas), the boundaries of the LRFs correspond to those of the police areas in England and Wales. A total of 42 LRFs have been established in England and Wales.

#### ***The role and function of LRFs***

**76.** The role of an LRF is to act as a coordinating group for responder organisations engaged in preparedness for emergencies at the police force area level. In practice, this translates as:

- (i) Providing a local forum for local issues;
- (ii) Helping coordinate risk assessment by producing a CRR, which allows the development of a consistent understanding of the hazards and threats across the LRF area;
- (iii) Facilitating Category 1 and 2 responders in the delivery of their duties under the CCA; and
- (iv) Determining a procedure for the formation of a SCG.

**77.** LRFs do not have powers to direct members to act in a particular way or to represent them legally. LRFs are not themselves operational bodies as they have no functional responsibilities or resources to deliver during an emergency. Instead, the Category 1 and 2 responders which are members of the LRF hold principal responsibility for delivery.

## ***LRF structure***

- 78.** LRFs are led by a Chair. The role of the Chair extends to representing the LRF at meetings with other levels, including with the devolved nations and the central government. They cannot require members to take any action and do not have directive powers over participating organisations. Chairs are chosen by the local membership, changing regularly depending on the individual circumstances of the LRF. LRFs are regularly chaired by a senior police officer, partly because LRF and police area boundaries are largely identical. Senior fire officers and local authority officials are also regular Chairs. The criteria include the need for the Chair to be able to speak with authority about the LRF area and strategic civil protection issues.
- 79.** The work of the LRFs is supported by DLUHC RED in England, and the emergencies branch of the Welsh Government in Wales. In addition, there are Lead Government Departments (**LGDs**) for each of the Category 1 and 2 responders which represent them in the UK and issue guidance in relation to their functions. The Welsh Government acts as an LGD for Welsh LRFs.
- 80.** The Resilience Directorate is responsible for the CCA and local resilience policy and in that capacity it coordinates the resilience work of LGDs. The Resilience Directorate and LGDs report to a Cabinet sub-committee on Threats, Hazards and Resilience and Contingencies, which itself reports to a Cabinet committee, the National Security Council.
- 81.** A typical LRF comprises a Chief Officer Group, a General Working Group, Task and Finish Groups and various Sub-Groups.
- 82.** The Chief Officer Group conducts strategic discussions and is composed of senior representatives from Category 1 responder organisations (for example, a (deputy) chief executive from the local authority or a (deputy) chief constable from the local police force). The Chief Officer Group meets at least once every six months and all papers for discussion are copied to all Category 1 and 2 responders in the relevant LRF area and any standing members which are not Category 1 or 2 responders, such as voluntary sector and military representatives. Local responders are also invited to submit agenda items in advance of the Chief Officer Group meetings.

- 83.** The General Working Group is a permanent group that supports the Chief Officer Group by bringing issues to its attention and ensuring its decisions are implemented, such as training and exercise programmes. It is composed of officers from the organisations represented on the Chief Officer Group and/or additional responder organisations. Meetings are held regularly to prepare for meetings of the Chief Officer Group and implement its decisions.
- 84.** Below the General Working Group in the LRF structure are Task and Finish Groups and Sub-Groups, which are established as needed with the approval of the Chief Officer Group by reference to the priorities set out in the CRR to support the General Working Group and provide an opportunity for organisations which do not attend the main LRF meetings to make a contribution.
- 85.** Some of the groups are permanent, such as the Risk Sub-Group (which coordinates the production of the CRR). Others are temporary, such as the Task and Finish Groups, which are tasked with delivering a defined outcome.

#### ***The LRF Secretariat***

- 86.** Each LRF has a secretariat responsible for ensuring that the LRF performs effectively. It includes a secretary and, where possible, a coordinator or manager. Any member can fulfil these roles. The secretariat's tasks depend on the level of funding available to them. Funding is provided by LRF members, on a voluntary basis. Historically there has been no central funding, reflecting the pre-pandemic expectation of LRFs: namely, to deal with local, occasionally regional, issues on a short term basis. Some additional funding was made available by the government during the preparations for a no-deal Brexit and during the Covid-19 pandemic, and the NPCC understands some additional funding is to be made available in the near future.
- 87.** Key tasks of the secretariat include:
- (i) Fixing the date of the Chief Officer Group meetings;
  - (ii) Agreeing the agenda and attendance with the LRF members;
  - (iii) Organising the production of papers and presentations;
  - (iv) Circulating papers to all Category 1 and 2 responders in the LRF area;
  - (v) Briefing the chair;
  - (vi) Taking the minutes and following up the matters arising and action points;

- (vii) Disseminating the minutes to all Category 1 and 2 responders in the LRF area and other LRF members; and
- (viii) Ensuring that meetings of the General Working Group, Sub-Groups and Task and Finish Groups are effectively organised and recorded, and that relevant issues from these groups are brought to the attention of the Chief Officer Group.

**88.** The following additional tasks may be undertaken by the secretariat where there is a coordinator or manager (and in the absence of one, these are undertaken by the LRF Chief Officer Group and the General Working Group):

- (i) Tracking progress in carrying out the LRF's decisions, including competent delivery of its programme, which may include the CRR, developing multi-agency plans and running multi-agency exercises;
- (ii) Preparing and delivering from time to time a strategic assessment on the capability and readiness of local responders, acting together, to respond; and
- (iii) Acting as a focal point for the dissemination of documents containing policy initiatives and requests from other levels of government.

***LRF meetings and methods of communication***

**89.** The Chief Officer Group of the LRF meets at least once every six months and more frequently by agreement. The frequency of the meetings of the General Working Group and the Sub-Groups is set by the LRF.

**90.** So far as reasonably practicable, each Category 1 responder and each Category 2 responder invited must attend all Chief Officer Group meetings or be effectively represented at them by a representative from the same sector. The police do not ask other organisations to represent them at the LRF.

**91.** LRF meetings are typically attended by local government and central government representatives. Local government is represented by the local authorities, which are Category 1 responders, while the central government is represented by DLUHC RED in England and the Welsh Government in Wales.

**92.** As LGDs, DLUHC RED and the Welsh Government are expected to be standing members of the LRFs in their area. This representative function is carried out by Government Liaison Officers (**GLOs**), employees of DLUHC, whose role is to attend

LRF meetings, provide a two-way conduit between government and the LRFs, offer advice, and encourage cross-boundary working and the sharing of good practice. GLOs have often covered multiple LRFs, though more typically each LRF is now assigned a GLO, drawn from employees of DLUHC. The NPCC does not have direct links to the GLO network; it communicates with DLUHC through its representative attendance at civil contingencies portfolio meetings.

**93.** Prior to the Covid-19 pandemic, there were a number of additional points of communication between government departments and the framework of LRFs. These enabled the government to engage with and provide support to LRFs in the context of resilience and emergency preparedness. They included:

(i) LRF Chairs' conferences. These were hosted biannually by Resilience Directorate and DLUHC (under its previous departmental names). The last conference was held in March 2019. The civil contingencies portfolio lead from the NPCC was usually represented. The conferences provided a valuable opportunity for key issues affecting LRF participants to be raised at a national level, and the hosts were able to connect directly with LRF Chairs and gain insight into the state of LRF preparedness. These conferences were discontinued due to Covid-19 restrictions; and

(ii) The National Capabilities Survey (**NCS**), later (from 2014) the Resilience Capabilities Survey (**RCS**). This was a voluntary survey conducted by Resilience Directorate on a biennial basis from 2006 onwards to obtain an overview of the national resilience picture in England and Wales. It collected data on planning, response and recovery plans and responders' experiences of emergencies. Survey responses were collated and summary information disseminated in the form of 'Highlight Reports' or 'Gateway Bulletins'. The survey was conducted at LRF level, with responses invited from individual responders. The NPCC itself was not a participant in this work.

### ***Involvement of the NHS and other health organisations in LRFs***

**94.** There are a range of organisations in the health sector which are Category 1 responders and LRF members, who are subject to the same duties and obligations in respect of risk assessments, emergency planning, cooperation and maintaining public awareness as all Category 1 responders and whose role is particularly significant where a health issue arises. These include: Primary Care Trusts (**PCTs**), Local Health Boards, the Public Health Wales NHS Trust, Trusts (Foundation and Non-Foundation), and Ambulance Trusts.

95. Some LRFs have a health Sub-Group. In England, the local NHS is normally represented at the LRF by the lead PCT (apart from the ambulance service, which will be separately represented). In Wales, Health Boards, the Public Health Wales NHS Trust and the Welsh Ambulance Services Trust will normally be represented. The Health Protection Agency is represented separately from the above organisations.

***Involvement of voluntary organisations in LRFs and civil contingencies***

96. The Voluntary and Community Sector Emergencies Partnership (**VCSEP**) is a partnership of voluntary and community sector organisations working with statutory partners to provide additional support and resources in response to an emergency. It is hosted by the British Red Cross and was formed in 2018/2019 in response to learning from events in 2017, including the Grenfell Tower fire, the London Bridge attack and the Manchester Arena bombing. The organisation replaced the Voluntary Sector Civil Protection Forum (**VSCPF**).

97. Until very recently, the NPCC maintained contact with the BRC in relation to civil contingencies through Simon Lewis MBE, who was the charity's Head of Crisis Response. He is a former Chief Superintendent and former head of emergency preparedness at the Metropolitan Police Service. As a result of the contact and relationship with Simon Lewis, the NPCC had a good relationship with the BRC and positive engagement with VSCPF. The civil contingencies portfolio Lead, then Paul Netherton, was represented at VSCPF meetings. Simon Lewis also attended civil contingencies portfolio stakeholder meetings and provided voluntary sector representation at those meetings.

98. Whilst the NPCC is considered a core member of the VCSEP, in practice the organisation has had a relatively limited role. Unlike VSCPF, the NPCC does not routinely attend VCSEP meetings. During the Covid-19 response, further difficulty arose as the VCSEP moved their meetings to Zoom which is not accessible through police computer systems. The NPCC's contact with the BRC also reduced during the Covid-19 period as Simon Lewis stopped attending civil contingencies portfolio meetings, although he remained in touch and continued to receive the minutes of meetings.

99. Volunteering within the VCSEP structure is primarily focussed on community support, coordinated within local authorities through LRFs. Police forces have a limited role in this area of work, as they do not coordinate volunteering for civil emergencies (although they do work internally with volunteer organisations for policing operations such as search and rescue). LRF engagement with the voluntary sector varies across the country. There is no one size fits all approach, as the requirements of each community are different and relationships between LRFs and the voluntary sector in each area may face different challenges.

### ***Exercising***

100. The Regulations require that emergency plans include provision for carrying out exercises to ensure the plan is effective. The statutory framework does not mandate any particular frequency of exercises. When an emergency plan is created, the exercise regime will be written into the plan. Operational imperatives may impinge on planned exercising as a result of additional demands placed on LRFs to respond to ongoing civil emergencies, and this was true during both the EU exit period and the pandemic. Generally speaking, LRF Chairs are not able to dictate how often exercises should take place. The decision to conduct an exercise is a joint decision reached by cooperation between the responder organisations in relation to both subject matter and frequency, unless the work is part of a national exercise. This reflects the flexibility accorded to LRFs to focus effort and resource on those risks most relevant to the specific local community.

101. Three types of exercises are used in practice: discussion based, table-top and live exercises. These may be used for single agency or multi-agency plans. The aspects of an emergency plan most frequently tested are the contact list, the activation process, communications equipment, premises selected for the activity, setting up procedures and information management. Other aspects may be tested, depending on the circumstances and the exercise objectives put forward by participants in advance. For example, if a new plan has been introduced, an existing plan has been updated or a group of people are new in a role.

102. Each LRF should have an exercise protocol. After an exercise, there will be a form of debrief. Usually this is a hot debrief immediately after the exercise to capture any learning that needs to be incorporated urgently into the plan, which would be followed by a structured debrief to capture the broader learning points. A review of the

plan would then take place and any updates implemented. Some emergency planning exercises may overlap with business continuity testing. For example, testing emergency plans for pandemic flu would inevitably concern the business continuity matter of staff absences.

- 103.** Exercise Cygnus took place over three days in October 2016. It was a national level (or 'Tier 1') exercise designed to assess the UK's preparedness and response to an influenza pandemic. Participants included government departments, responders in LRFs, and the NHS and Public Health England at national, regional, and local levels. Participation was not mandatory. Public Health England produced its report into Exercise Cygnus on 13 July 2017. A series of workshops was set up in January 2018 by DLUHC/ Resilience Directorate on local authorities' pandemic flu preparations. The purpose of the workshops was to "give an update on the cross-government work which builds on lessons identified during Exercise Cygnus" and to "share good practice and to provide feedback on some of the material from this work before it is published", and provided an opportunity to share learning between LRF members.

#### ***Protected characteristics and equality considerations***

- 104.** As set out above, emergency planning is highly dependent on the demographic and geographic context of the local area. Each LRF is required as part of its duties to consider that local context when making and reviewing risk assessments which underpin emergency planning, in accordance with the Emergency Preparedness Guidance. For the majority of areas, the relevant local context includes matters related to specific groups and their needs or particular risk factors.
- 105.** In addition, all police officers and the NPCC as an organisation have specific duties under the Equality Act 2010 and the equivalent legislative provisions in the devolved nations. Those duties must be taken into account when exercising any policing powers and apply to officers participating in civil contingencies work and emergency planning as part of business as usual arrangements.
- 106.** The NPCC is not able to comment on the extent to which matters related to the needs of specific groups were taken into consideration in discussions about emergency planning and risk assessments within particular LRFs.

## **The NPCC's views as to preparedness for the pandemic**

- 107.** The NPCC's views as to the state of readiness of LRFs, police forces, and UK government prior to and as at 21 January 2020 are of necessity tempered and informed by hindsight and by the experience of the pandemic. They are also shaped and limited by the functions of the NPCC as set out earlier in this statement.
- 108.** LRFs have a vital role to play in the coordination of the local level response to any emergency. They are the entities best placed to liaise with and inform the local community, to keep it safe. In the context of Covid-19, where the whole country was subject to the same emergency, that role was still more critical. The ability of LRFs to operate effectively is inextricably linked to the adequacy of information they receive.
- 109.** Information and guidance from central government was provided to LRFs via DLUHC and the Resilience Directorate, with GLOs used for more dynamic information sharing. ResilienceDirect was the principal mechanism for disseminating information and guidance. Most stakeholders have access to this database. The NPCC was not aware of any serious concerns expressed about the efficacy of this system prior to the pandemic.
- 110.** There was a range in the extent to which the preparedness of LRFs had been tested during the relevant period. This range was very largely attributable to EU exit planning, which spanned a number of years and which engaged some LRFs to a very considerable degree (for example, any LRF with a significant freight port). These LRFs, as a result, were well used to being operational. In this way, EU exit planning was beneficial, in that it allowed LRFs to test their response structures for a significant national event in advance of the Covid-19 pandemic and to rehearse lines of communication.
- 111.** The extended period of debate and planning generated by the decision to leave the EU and the revision of effective dates for that departure did, though, absorb a very significant proportion of the capacity of both government and at least a proportion of LRFs in the arena of preparation. This resulted in reduced capacity to devote to other areas of concern, which had direct and relevant ramifications. The NPCC understands, for example, that this was a factor leading to the cancellation of the pandemic simulation exercise and a LRF Chairs' Conference which were due to take place during 2019.

112. As previously indicated, LRF funding was very largely derived from its local membership, and was not mandated. Funding and resourcing accordingly varied as between LRFs, and expectations placed on LRFs could sometimes strain their relatively limited resources.
113. The NPCC is not generally able to comment on the extent to which local risk assessments, emergency plans and forecasts accounted for the possibility of a pandemic like Covid-19 during the proposed date range, or whether the requirements in respect of business continuity, public awareness and information sharing had been generally met, or whether this varied between LRFs (or equivalents in the devolved nations). Neither is the NPCC aware of any formal national assurance process to ensure pandemic plans were in place in accordance with requirements or to monitor consistency or suitability across LRFs in different areas. Responses to the RCS and NCS and accompanying high-level reports from the relevant period may provide an indication of whether local emergency plans in place on 21 January 2020 across the UK were adequate to deal with a pandemic like Covid-19. Within the LRF structure, the local risk assessments, emergency plans and forecasts drawn up by health agencies as lead responders in preparation for the possibility of a pandemic like Covid-19 would be particularly important.
114. The NPCC is also unable to comment on the extent to which specific LRFs and their equivalents in the devolved nations were involved in ensuring local emergency plans relevant to a pandemic were exercised during the relevant period. This data is likely to be held by the Local Government Association and/or DLUHC. The exercising of plans by LRFs would respond to matters other than a national risk, and would be entirely at the behest of an individual LRF. Exercising in respect of a national risk, such as an influenza pandemic, is generally led by government, as was the case with Exercise Cygnus. Similarly, in response to the Ebola outbreak of 2013-2016, there was a national drive to ensure that all LRFs reviewed their plans and ran workshops and guidance was circulated to all forces on dealing with infected persons and on Personal Protective Equipment (**PPE**).
115. At the outset of the pandemic there were existing established lines of information-sharing within police forces and between LRFs, and regular contact both with the lead for Resilience, Emergency Planning and Risk Management (at that time) and the Home Office. As a consequence of the pandemic, the number and frequency

of these were increased, reflecting a growing sense within NPCC that the pandemic was more likely to become a national emergency which may require a more structured response from policing.

**116.** There was no national policing plan at as 21 January 2020 for a pandemic. Every police force is an operationally independent entity with distinct working practices, policies and operational context. It would be difficult to provide an assessment of the general state of readiness within policing, in part because civil contingency planning is typically multi-agency. It is likely that this is why His Majesty's Inspectorate of Constabulary and Fire and Rescue Services does not ordinarily assess preparedness for civil contingencies.

**117.** I make one specific observation relating to the provision of PPE. A key aspect of preparedness for the Covid-19 pandemic was the availability of PPE. Inadequate supply of PPE of sufficient quality was capable of seriously impacting the provision of essential services, including the police service. In the very early stages of the pandemic, some police forces were receiving disparate advice as to the standards of PPE required and how it should be deployed. The context for this inconsistency was a degree of disparity in the public health messaging and in the interpretation of health and safety legislation as to these requirements.

**118.** It was not until the end of August 2020 that the Department of Health and Social Care (DHSC) began to supply items of PPE free-of-charge to Operation Talla for processing through its Covid-19 PPE Temporary Distribution Hub and onward transmission to Home Office Police forces, so that sourcing and procuring by the NPCC became unnecessary. "Talla" was the name given to the Operation formed by NPCC to provide a national coordination function for policing activity during the pandemic. It was not until September 2021 that the DHSC developed a supply chain and logistic partner capable of delivering PPE from a central point to public sector bodies. This was made available to policing throughout the UK, and would meet the level of service previously afforded to police forces from the Covid-19 PPE Temporary Distribution Hub. The gaps in this timeline were filled by the NPCC, which sourced, procured, and quality assured all PPE items moved in to policing until August 2020 and distributed those items until September 2021. I give this as an important example of the extent to which the UK government was in a state of readiness as at January 2020, despite the statutory provisions and structures designed and intended to ensure readiness.

119. The CCA and associated requirements provides a framework for a way of working which fosters a collective approach amongst key stakeholders. Whether the balance has yet been struck correctly as between central and local responsibility, accountability, and management remains to be and should be established.
120. The CCA framework was not used by government so as to establish the framework for the application of sanctions at short notice to the population as a whole through regulation and enforcement. The NPCC was not involved in consultation or discussions prior to January 2020 as to how such a framework might best be put in place.
121. The NPCC was likewise not involved in consultation or discussion prior to January 2020 in respect of government planning for the prospective need to develop national capability for the collection and the dissemination of data. Non-provision of such data timeously during the pandemic to police was capable of hampering police efficacy, and on occasion did so. For example, the absence of data in respect of the decision to impose a local lockdown in Leicester meant that police were unable to contextualise or understand the nature and scope of the risk and thus made community engagement harder.

### **Future planning and lesson learning**

122. The need to identify, capture, and reflect on both short- and longer-term learning and implications of the policing of Covid-19 was initiated by Operation Talla in the early stages of the pandemic under the rubric of the Recovery Learning and Reform Programme. Separately, a C-19 Foresight Group was established within the Civil Contingencies Portfolio. This early recognition reflected the NPCC's awareness that, regardless of the progress of the pandemic, it would be necessary to harvest as much by way of data, information, understanding, and learning as possible, and that the sources of such understanding would be manifold, both internal to the police service and external.

### ***C-19 Foresight Group***

123. The work of the C-19 Foresight Group included the commissioning of a series of Interim Operational Reviews during the Covid-19 Pandemic. These were intended

to provide a real-time reflection from frontline strategic leaders in the midst of the Covid-19 response. The reviews were carried out by Nottingham Trent University and the Hydra Foundation, and published on the University website: [C19 National Foresight Group Outputs | Nottingham Trent University](#):

- i. C19 National Foresight Group: Report – First Interim Operational Review, 11 May 2020 (date of review: 22<sup>nd</sup> April 2020)
- ii. C19 National Foresight Group: Report – Second Interim Operational Review, 21 July 2020 (date of review: 17<sup>th</sup> June 2020)
- iii. C19 National Foresight Group: Report – Third Interim Operational Review, 27 October 2020 (date of review: 16<sup>th</sup> September 2020)

Each review identified a series of themes and resulted in a number of recommendations directed at UK Government, at LRFs, and others. The third interim operational review “engaged over 160 delegates from a range of different organisations. ...[it] had participation from all but one LRF, Government Departments and supporting agencies and third sector bodies.”

- 123.** In addition, a focussed review of one LRF was carried out on 9<sup>th</sup> November 2020. This review resulted in a detailed Interim Operational Review (18<sup>th</sup> January 2021) and a summary report, “LRF Learning: Sharing ideas from a local Interim Operational Review (21<sup>st</sup> January 2021)”. The Executive Summary explains that “[t]he Covid-19 pandemic has highlighted the value of LRFs whilst exposing gaps in capabilities. This review has captured the learning from one LRFs experiences and provides 22 recommendations that will support all LRFs. ... We hope the themes and recommendations laid out in this short summary help all LRFs at this time.”

### ***Recovery Learning and Reform Programme***

- 124.** A Board was established to support, direct and review the delivery of the programme, with core members drawn from the NPCC, the Home Office, the College, the NCA, the Independent Office of Police Conduct, the Association of PCCs, HMICFRS, and Counter Terrorism Policing. The first meeting was held on 7<sup>th</sup> July 2020.
- 125.** The expressed aim of this programme was two-fold:

- i. “Supporting the identification and sharing of learning and knowledge in near real-time to inform ongoing decision making and planning.
- ii. To develop an objective, evidence based understanding of the long-term impact and implications of Covid-19 on and for policing.”

**126.** In August 2021, a cross-policing system group was established by Operation Talla and NPoCC. The purpose of this group is to draw together the specific and thematic learning points identified through the work of the programme and increasingly available through published academic studies, and begin the process of formulating recommendations. That work is ongoing and will incorporate any recommendations made by the Inquiry. The implementation and assurance in respect of recommendations will be allocated to the relevant portfolio leads within NPCC structures.

### ***Knowledge Sharing Events***

**127.** A key new process established in respect of the identification and sharing of knowledge was the holding of Knowledge Sharing Events (**KSEs**). These were online events, held from 5<sup>th</sup> May 2020, generally twice a week, and from then throughout the relevant period. These were established and hosted for the most part by the College and otherwise by the NPCC. Each session dealt with a discrete topic and was supported by a written summary and reference material. Topics and practice were presented by officers, practitioners and specialists, and included an all-force question and answer session. Following each session a summary report with supporting materials was made available. Topics included both Covid-specific and wider policing matters, reflective of the impact of the disruption across the whole of policing. The success of KSEs in providing a forum for rapid centralised sharing of information and experience was recognised in 2020 by the College and the NPCC. KSEs are now permanent.

**128.** During 2020 and 2021 focussed learning and consultation events were held and independent reports commissioned, intended to extract wider organisational learning themes and priorities. These included:

### ***Events***

- i. In August 2020, an exercise carried out by the College, working with the NPCC and with individual forces, to identify the top 10 organisational learning priorities

in respect of the Covid-19 response, resulting in a final report of 18 November 2020 identifying strengths, weaknesses and areas for improvement.

- ii. In April 2021, an online debriefing event held by the Hydra foundation using 10Kv – cloud methodology, designed to extract from participants their view on what went well, what solutions had been developed, and what messages they wished to send to senior leaders.

### ***Commissioned reports***

- iii. 'Covid-19 and Future Threats: a Law Enforcement Delphi Study', November 2022. UCL was commissioned by the NPCC to complete this study with the following key aims:

- Systematically assess learned experiences of policing during the disruption to inform future policy;
- Contribute towards the readiness of Law Enforcement Agencies to police future disruptions and operate under 'normal' conditions;
- Anticipate future crime trends; and
- Inform policing strategy and policy

The report resulted in a series of recommendations including in relation to themes of foresight activity and community engagement.

**129.** The Inquiry's attention is also drawn to the work of the Police Foundation, an independent policing think tank which, in conjunction with Crest Advisory, carried out a significant research project on UK policing and the Covid-19 pandemic. This project examined "the strengths and weakness of the current policing model in England and Wales, with a particular focus on policing structures, use of technology, strategic planning and public consent." The project's initial report was circulated to all programme stakeholders through the Board and Regional Recovery Group. The final report was published on 10<sup>th</sup> January 2022. The Recovery Programme has reviewed the recommendations; those relating to policing directly considered within the relevant NPCC portfolios with a view to identifying and progressing any further response.

**130.** Of note is the recognition of the importance of the strong strategic core provided through the NPCC:

“In areas such as the procurement of PPE, working in partnership with government and issuing consistent guidance to forces around enforcing complex and changing laws, having central coordination through the NPCC and the College of Policing proved extremely valuable. In fact the service would not have been able to operate effectively without it.

This raises the question as to why such central coordination is not more routine in other dimensions of policing ... a lack of national workforce planning means that forces have allowed significant skills gaps to develop particularly in the investigation of more complex types of crime ... a lack of centrally collected and analysed individual data poses a risk to a service that does not adequately understand the demand it faces.”

**131.** Whilst the work of the NPCC Programme is ongoing, as set out above, the NPCC agrees that the Covid-19 pandemic underlined the utility of a central lead holding a national portfolio for civil contingencies. The NPCC's intention is that future NPoCC NMCs will also hold the Civil Contingencies Portfolio.

**132.** It is likely, generally, that there is scope for improvement in systems and processes both for assuring the ongoing preparedness of the country for future analogous emergencies, the adequacy of funding to serve that purpose, and for information sharing as between key operational stakeholders.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Personal Data**

**Signed:** \_\_\_\_\_  
**Assistant Chief Constable Owen Weatherill**

**Dated:** 14<sup>th</sup> April 2023

Witness Name: Alan Speirs

Statement No.: 1

Exhibits: AS/01-AS/04

Dated: 31 August 2023

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF T/DCC ALAN SPEIRS

### ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

### PERTAINING TO THE POLICE SERVICE OF SCOTLAND

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#### Introduction

1. This is a witness statement on behalf of the National Police Chiefs' Council (**NPCC**), drafted in response to a Rule 9 request for Module 2A dated 22 November 2022 (**the Rule 9 request**).
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the Police Service of Scotland (**Police Scotland**), as well as documentary records.
3. I am the Temporary Deputy Chief Constable (**T/DCC**) responsible for Professionalism Strategy and Engagement within Police Scotland. I am a member of the Force Executive with over 30 years experience in Policing. I was

responsible for leading Police Scotland's operational response to the Covid-19 pandemic from March 2020.

### **Role and function of Police Scotland**

4. The information in this section pertaining to the role and function of Police Scotland is drawn from the Annex to the Corporate Witness Statement of the NPCC for Module 1 of the Covid-19 Inquiry. That information is replicated herein for ease of reference between different modules of the Inquiry.
5. Criminal justice and policing are officially devolved to the Scottish Government under the Scotland Act 1998, with police forces administered by Scottish institutions for hundreds of years. The single service responsible for policing in Scotland is Police Scotland, which is wholly funded by the Scottish Government.
6. Police Scotland came into being on 1 April 2013, under the Police and Fire Reform (Scotland) Act 2012 (**the Act**). Prior to that date, policing in Scotland was administered by individual constabularies and organisations, namely:
  - i. Central Scotland Police;
  - ii. Fife Constabulary;
  - iii. Northern Constabulary;
  - iv. Dumfries and Galloway Constabulary;
  - v. Grampian Police;
  - vi. Lothian and Borders Police;
  - vii. Tayside Police;
  - viii. Strathclyde Police;
  - ix. The Scottish Police Services Authority (including the Scottish Crime and Drug Enforcement Agency).
7. Police Scotland falls within the portfolio of the Cabinet Secretary for Justice in the Scottish Government. The Scottish Police Authority (**SPA**) is responsible

for oversight of Police Scotland and reports to Scottish ministers and Parliament. The force is also subject to inspections by HMIC in Scotland.

8. Policing in Scotland is led by the Chief Constable who is supported by an executive team comprising three Deputy Chief Constables and a Deputy Chief Officer. They are assisted by ten Assistant Chief Constables and four Directors who are responsible for Finance, ICT and Change, Strategy and Innovation, and People and Development.
9. The Chief Constable of Police Scotland from March 2020 and throughout the response to the Coronavirus Pandemic was Sir Iain Livingstone QPM. He assumed the role on an interim basis on 8 September 2017, formally became Chief Constable on 27 August 2018 and retired 10 August 2023. Police Scotland is currently led, on an interim basis, by Deputy Chief Constable Designate, Fiona Taylor QPM. The following have previously served as Chief Constable of Police Scotland:
  - i. Sir Stephen House QPM (1 October 2012 – 30 November 2015);
  - ii. Neil Richardson QPM (Interim; 30 November 2015 – 5 January 2016);
  - iii. Philip Gormley QPM (5 January 2016 – 8 September 2017).
10. The three geographical regions of Scotland (North, West and East) are each overseen by an Assistant Chief Constable. Within each region, there are divisions led by a Chief Superintendent. In total, there are 13 local policing divisions in Scotland, each of which is aligned to a local area.
11. Under section 32 of the Act, Police Scotland is required to work in collaboration with other organisations, where appropriate, to achieve the purposes of policing as set out in the Act. The Chief Constable of Police Scotland is also required to seek to secure continuous improvement in the policing of Scotland and make arrangements to secure best value for the Police Service under section 37 of the Act.

12. In pursuance of these objectives, Police Scotland is a participating organisation within the NPCC and contributes to its funding. Its role is the same as that of signatories to the NPCC Agreement, but it is able to derogate from the decisions of the Chief Constables' Council where necessary and justified, for example to ensure compliance with Scottish legislation.

13. The role of the NPCC in relation to Police Scotland during the Covid-19 pandemic was coordinating and representative, in that it acted as a conduit for information sharing between forces and had some engagement with Whitehall on behalf of policing interests. However, the NPCC played no role in the enforcement of Covid-19 regulations in Scotland and it has no operational directive powers in relation to Police Scotland or any individual officer.

### **Operation Talla in Scotland**

14. Operation Talla was established within Police Scotland on 29 January 2020, following a Scottish Government Resilience Room (**SGORR**)<sup>1</sup> meeting regarding the Covid-19 pandemic which was chaired by the First Minister. As a result of the meeting, Police Scotland initiated a command structure to respond to the Covid-19 pandemic and activated organisational plans for a pandemic scenario. This operational response was given the name "Operation Talla". That operational name was subsequently adopted more broadly by the NPCC to ensure consistency across the United Kingdom.

15. An initial Gold Group meeting was held on 29 January 2020, with a further meeting on 30 January 2020 convened by the Emergency, Events and Resilience Planning Unit<sup>2</sup>. During the second meeting, six strategic objectives were identified for Operation Talla. The objectives were:

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<sup>1</sup> This is a function of the Scottish Government which is activated during national crises to assist with coordination. It fulfils a similar role to the Cabinet Office Briefing Rooms in Whitehall.

<sup>2</sup> This is a Unit within Police Scotland which plays a role in planning, preparation and training for national crisis scenarios.

1. Provide an appropriate Police response, in support of health professionals, to incidents involving the coronavirus;
2. Safeguard health, safety and wellbeing of staff through appropriate planning, preparation and response arrangements;
3. Provide appropriate communications to inform and reassure public and staff, in line with Public Health guidance;
4. Work with other agencies to prevent the spread of the disease;
5. Monitor and respond appropriately to any community tensions;
6. Ensure Business Continuity arrangements are in place within Police Scotland.

16. On 20 March 2020, Police Scotland published the first version of the Operation Talla Gold Strategy Document, which reflected the objectives set during the Gold Group meeting on 30 January 2020.

17. The structure of Operation Talla consisted of Gold and Silver commanders, with Bronze representation aligned to different portfolios, including:

1. Business Continuity: this cell focused on resourcing and planning to ensure Police Scotland was able to maintain critical policing functions throughout the pandemic;
2. Logistics: this cell was tasked with identifying, sourcing, procuring, delivering and training in the use of PPE. At a later stage, the Logistics Cell worked on the procurement of PPE to ensure BAU could continue after Operation Talla concluded;
3. Information: this cell focused on obtaining and sharing statistical information regarding Coronavirus interventions;
4. Health and Safety: this cell was formed to address ongoing health and safety concerns raised by the pandemic. It was tasked with ensuring that appropriate policies and procedures were adopted and implemented to meet the evolving risk posed to Police Scotland staff and officers.

18. Other departments within Police Scotland also played a role in Operation Talla, including the Corporate Communications, Contact, Command and Control Division, and the Criminal Justice Services Division (**CJSD**). These departments, among others, were represented at the Operation Talla Silver and Gold groups.
19. Gold and Silver meetings were usually remote and were held regularly throughout the pandemic, with the specific frequency changing over time to meet emerging threats or time-sensitive issues. Decisions made at meetings were communicated and disseminated across Police Scotland by Corporate Communications using the Operation Talla section of the Police Scotland Intranet. Frontline officers also received a daily electronic briefing containing pandemic-related data and information about changes to regulations, legislation or guidance.
20. The Strategic Oversight Board, which was chaired by the Chief Constable, was responsible for oversight of the Operation Talla command structure.
21. Operation Talla within Police Scotland was fully engaged with the NPCC throughout the pandemic and participated in the UK Silver Covid meeting. This was done in order to maximise the shared value in collaboration and cooperation in furtherance of the statutory obligations of Police Scotland under the Act.
22. Contact was ordinarily through the NPCC portfolio lead for Civil Contingencies, a role which was initially held by Paul Netherton and subsequently by Owen Weatherill. It was through this channel that the Covid-19 Police Gold Strategy document which is referred to above at [§16] was shared to enable forces to adopt or adapt it to develop local strategies. There were weekly meetings for the first month of the pandemic, between Police Scotland and the NPCC, thereafter the primary means of contact was via the NPCC Operation Talla Gold and Silver meetings which were chaired by ACC Martin Hewitt and ACC Weatherill, respectively and at which Police Scotland were represented. There were also separate and less frequent opportunities

for contact between Police Scotland and NPCC through the Civil Contingencies forums, chaired by Paul Netherton.

### **Guidance, briefings and information sharing**

23. As part of Operation Talla, the NPCC shared guidance, policies and briefings with Police Scotland. The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement. This aligned with the usual practice of Police Scotland and the NPCC prior to the pandemic.

24. For example, during the pandemic the NPCC produced guidance setting out the 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance; INQ000099936**). Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three 'Es' had been undertaken. The 'Four Es' guidance was produced in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.

25. The 'Four Es' guidance was adopted by Police Scotland from 27 March 2020. The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent. This remained the approach of the organisation throughout the pandemic.

26. Aside from the 'Four Es' guidance, other briefings were shared routinely within Police Scotland and with the NPCC. There were two broad categories of briefings, relating to: i) government guidance; and ii) internal Police Scotland information.

27. The former was produced by the Scottish Government to accompany the introduction of new regulations or legislation. It was ordinarily received in completed format for implementation. On occasion, Police Scotland were given advance notice by way of embargoed information of proposed changes to law,

in order to allow sufficient time to prepare internally and assess any potential impact.

28. The second category included documents produced within Police Scotland to assist staff and officers in undertaking their roles safely within the context of the pandemic. Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers Division regularly to discuss the potential impact of legislation.
29. Aside from matters related to enforcement, a broad range of briefings were produced by departments within Police Scotland. For example, the Health and Safety department and the People and Development department produced information about social distancing, hygiene and working from home, which was disseminated to staff.
30. When identified, issues requiring guidance were referred by the Bronze representative for decision at the Silver Group meeting and on occasion ratified at Gold Group level, or through the Strategic Oversight Group which was chaired by the Chief Constable. When agreement was reached, changes to guidance were communicated back to all policing divisions and departments through the Corporate Communications Department. The information was disseminated using the Police Scotland intranet and email system and briefings were given to supervisors so that frontline officers could be informed of any changes by their line managers prior to starting a shift.
31. Other than the 'Four Es' guidance, material which was shared by the NPCC was not adopted wholesale within Scotland. This was because of differences in the regulations and the approach taken by the Scottish Government. Instead, Police Scotland generally drafted its own documents and guidance, or made amendments to NPCC material to ensure it was tailored to the context of policing in Scotland.

32. Nonetheless, Police Scotland maintained positive contact and cooperation with the NPCC throughout the pandemic through the Single Point of Contact (**SPOC**) for Police Scotland. The primary method of information sharing between the NPCC and Police Scotland was a digital platform called "ChiefsNet". A support officer for the executive team of Police Scotland was expected to access ChiefsNet on a daily basis to review documentation that had been uploaded and disseminate relevant information to the most appropriate department within Police Scotland. If necessary, the material would then be shared with officers through the organisation's ordinary procedures. All members received Daily Submissions, which highlighted incidents of note, crime trends or other concerns relevant to forces throughout the UK. Information was also shared with the NPCC via email circulation lists.
33. In addition, data was collated from the Police Scotland Coronavirus Intervention application (**CVI**). This was a bespoke computer system, created by Police Scotland IT services working with Operation Talla, which was designed to monitor police interventions related to Covid-19. CVI was created as a result of the recognition of the importance of collecting and monitoring data regarding pandemic policing for the purposes of ensuring transparency and accountability.
34. Prior to the pandemic, only instances of enforcement were recordable on police data systems. The introduction of the 'Four Es' guidance meant that it became important to find ways to record occurrences of the first three Es, namely engagement, explanation and encouragement by officers.
35. CVI utilised an existing Sharepoint platform and was live for use by officers by mid-April 2020. The platform allowed officers carrying out interventions to submit information to CVI about engagement with the public. The data was collated and used to monitor trends or incidents involving large numbers of people. CVI did not record personal details of those involved in the interventions, but it did record the location of the incident, which assisted Police Scotland in identifying locations where potential breaches were concentrated.

This allowed for targeted education and engagement to minimise the risk of future breaches in those locations.

### **Fixed Penalty Notices**

36. The Fixed Penalty Notice (**FPN**) scheme was introduced under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (**the Regulations**) in late March 2020. An FPN is not a criminal conviction, but it is recorded on police systems and may be disclosed by an enhanced disclosure application for a period of time after it is issued. Prior to the Covid-19 pandemic, the FPN scheme was already in existence and used by Police Scotland to address a variety of offences including, but not limited to, anti-social behaviour and road traffic matters.

37. The FPN framework in Scotland relative to Coronavirus enforcement was overseen by the Lord Advocate. Their role included the determination of the monetary value of FPNs, identifying the range of persons who could potentially be subject to an FPN and producing guidance to officers within Scotland on the issuing of FPNs. These were not matters in relation to which Police Scotland had the power to make a determination or effect unilateral change.

38. In practice, FPNs were issued by an officer who identified an offence under the Health Protection (Coronavirus) (Scotland) Regulations 2020 (or subsequent iterations and amendments to those Regulations). The officer was responsible for undertaking background checks to confirm that the person in question was eligible to receive an FPN. Factors affecting eligibility included the person's age and whether they had previously received one or more FPNs. If the person was found to meet the necessary criteria, the officer would issue an FPN before registering it for submission to their supervisor.

39. The issuing of a FPN was considered a measure of last resort and this position was emphasised and communicated internally. Governance included a review of all FPNs by the issuing officer's supervisor to ensure the procedure had been adhered to. This included consideration of whether the appropriate offence had

been identified and relevant information completed. If the criteria were not fulfilled, the supervisor could initiate withdrawal of the FPN. FPNs were also reviewed by personnel within the Central Ticket Office<sup>3</sup> or the local divisional equivalent for the relevant area.

40. Details of FPNs were then shared with the courts so that information could be received regarding payment, or whether an FPN had been contested. This information was retained and collated at a divisional level within Police Scotland.

41. If an FPN were contested in court by the recipient, a “Standard Prosecution Report” would be submitted by Police Scotland to the Procurator Fiscal. The evidence contained therein could then be used by the Procurator Fiscal to determine whether there was a case to answer.

42. The issuance of FPNs was included as part of the daily reporting structure of Police Scotland. Each FPN was recorded on the CVI platform.

43. Guidance on the issuance of FPNs by officers was produced by the Lord Advocate and was published in open-source format online on 1 November 2020.

44. There were a number of changes to the FPN framework during the pandemic. For example, initially the minimum age for eligibility to receive an FPN was 16 years old. This was reviewed by the Lord Advocate and on 27 May 2020 the minimum age was increased to 18 years old. This change was prompted by receipt of a report from the Children and Young People’s Commissioner identifying human rights concerns.

45. On 20 April 2020, Police Scotland was contacted by the Scottish Government and notified of the potential change. It was afforded an opportunity to comment,

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<sup>3</sup> The Central Ticket Office is a central office within Police Scotland for tickets and FPNs to be collated and the necessary administration completed, before they are shared with the court.

with a deadline for responses of the end of the same day. In its response to the Government, Police Scotland did not oppose the proposed change, but recommended amending the Lord Advocate's guidelines to allow breaches by persons aged 16 or 17 years old to be dealt with by way of Recorded Police Warning instead of an FPN. This response was given because Police Scotland recognised the importance of ensuring the protection of children and conforming with the UN Convention on the Rights of the Child, but balanced this against the need to regulate the behaviour of 16 or 17 year olds which could otherwise increase transmission and place vulnerable persons at risk. This recommendation was ultimately adopted by the Scottish Government.

46. The 'Four Es' guidance was at the forefront of all decision-making for the enforcement of Covid-19 regulations. This was regularly reinforced through internal messaging and officer briefings. This consistent messaging within Police Scotland led to a predominant use of dispersals, meaning interventions resulting in the persons involved ceasing the activity in breach and leaving the relevant area without a formal disposal, with a relatively small proportion of police encounters leading to the issuing of FPNs (11.6% of all interventions, with less than 0.5% of the adult population of Scotland receiving an FPN, according to the Fourth FPN Report dated 4 August 2022, at page 11).

### **Consideration of Protected Characteristics**

47. Police Scotland must ensure at all times that any exercise of its policing powers is undertaken in accordance with its obligations under the Equality Act 2010. This principle applied prior to the pandemic and throughout the relevant period. All officers are trained to know and apply these requirements as part of business as usual policing.

48. Throughout the pandemic, Police Scotland sought to engage with partners to understand the impact of Covid-19 on those with protected characteristics and on ethnic minority groups. In May 2020, the Police Scotland department for Partnerships, Prevention and Community Wellbeing, Equality and Diversity

(PPCW E&D) was tasked with contacting partners to ask about communities' experiences of the pandemic to inform the policing response.

49. A number of responses from partner organisations resulted in direct action on the part of Police Scotland. For example, Disability Equality Scotland reported an increase in contact from persons refused entry and/or service in supermarkets on the basis that they were not wearing a face covering. Reports included staff requiring a medical letter or exemption card before allowing customers to enter. In response, PPCW E&D ensured that the Scottish Business Resilience Centre (**SBRC**) circulated a reminder of the terms of the guidance to retailers, including information about exemptions from the requirement to wear face coverings;
50. Another example is that Police Scotland were informed by partner organisations and stakeholders such as Deaf Action, Deaf Scotland, Deafblind Scotland and others of difficulties faced by those reliant on lip-reading as a result of the widespread use of face coverings. Police Scotland sought to address this by procuring IIR masks with clear panels to facilitate communications with officers. These masks were issued to all divisions and departments as an alternative to the standard IIR for use as and when required.
51. Specific guidance was created for British Sign Language communities by Police Scotland. A number of webinars and online public meetings were held to provide reassurance in response to the concerns. For example, PPCW created a video entitled "Police Scotland – BSL Coronavirus Message July 2020" in accessible format. The video was shared on YouTube, Facebook and Twitter and disseminated to partner organisations and stakeholders such as the SBRC.
52. PPCW E&D worked with local policing Divisions and ethnic minority communities to monitor pandemic-related tensions. There was a recorded increase in crimes and other incidents directed towards individuals perceived to be of Chinese and/or South East Asian origin, linked to the perception that the virus had originated from China. Aside from policing and working to prevent the incidents, Police Scotland communicated with the Scottish Chinese

Professionals Group to identify concerns. A manual review of incidents between January and September 2020 was undertaken based on records to identify relevant offending and the primary location of concerns. The review identified that there had been an overall increase in the number of such incidents during the Covid-19 pandemic.

53. In response, Police Scotland created guidance for Chinese communities in relevant languages to promote the importance of reporting instances of crimes or discrimination. Bespoke guidance was provided to particular Divisions on how to assist in the creation of a Third Party Reporting Centre (TPR) as a further avenue to encourage reporting of incidents.

54. The PPCW E&D Unit worked with an organisation called East and South East Asian Scotland, to establish a TPR Centre. A Chinese New Year video was created which included COVID messaging. Safety advice around increased criminality during Chinese New Year was also produced and translated to increase accessibility.

55. Another issue identified during communications and outreach with partners working with vulnerable groups and minority communities was the impact of the pandemic on persons who live with autism, mental health problems, learning disabilities or other hidden disabilities. It was identified during the pandemic that additional guidance for officers on the emergency powers would be helpful to offer reminders of the need for awareness and care, in terms of their needs to access spaces outside their homes for mental and physical health. In response, guidance was circulated to officers on 27 April 2020.

56. Throughout the pandemic, Police Scotland sought to identify where there had been disproportionate impact upon vulnerable groups and minority communities and to take steps where possible within its powers to address that impact in partnership with academic institutions, charitable organisations and community groups.

## **Communications with the Scottish Government**

57. There was regular engagement between members of the Force Executive, Senior Managers of Police Scotland and the Scottish Government. This included Covid Compliance Advisory Group, Legislation Review Meetings and Legislative catch-up meetings. Officers from Operation Talla and CJSD supported these meetings, and also engaged with the Scottish Government regarding legislation and proposed changes to regulations. A small unit from CJSD was created for the purpose of liaising directly with the Scottish Government Police Policy Division to discuss new regulations and perceived challenges. Officers from the unit were responsible for preparing briefings for dissemination to officers, usually in the form of PDF or Powerpoint documents.

58. The majority of the meetings between the Scottish Government and officers from Operation Talla were formal, structured and agenda-based. However, as a result of the dynamic nature of the pandemic there were often also informal meetings and discussions with the Scottish Government. Such meetings gave Police Scotland an opportunity to highlight implementation and enforcement challenges associated with certain aspects of the legislation. Open lines of communication allowed for clarity to be sought where necessary.

59. Police Scotland also worked to fulfil its statutory functions under the Civil Contingencies Act during the Covid pandemic, including by coordinating Resilience Partners through the establishment of the National Coordination Centre (**NCC**). The NCC operated on a virtual model. Within the NCC there were Scottish Government Liaison Officers, who acted as a conduit for information with the Scottish Government and arranged the attendance of relevant partners at SGORR meetings. According to records held by Police Scotland, senior police representatives attended 23 SGORR meetings held during 2020, 11 in 2021 and 6 in 2022. ACC Williams attended SGORR meetings on behalf of Police Scotland and in his wider role in the Resilience Partnership, as co-chair of the Strategic Coordination Group.

60. Throughout the pandemic, there were frequent and dynamic changes to legislation, regulations and circumstances. In that context, the notification

periods afforded to make changes to operating models and policy were at times very short. Police Scotland was sometimes required to make changes related to enforcement at a fast pace. On occasion, due to the nature of the pandemic, there was very little time for consultation in advance. For example, emails informing Police Scotland of legislation changes were sometimes received after office hours or after the changes were adopted.

61. One example of the very fast turnaround time for the introduction of policy amendments affecting enforcement and policing relates to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 18) Regulations 2021, which, *inter alia*, imposed restrictions on places of worship. Due to the complexities of these changes, there were challenges in providing Police Scotland with advance notice of the proposed amendments.

62. The amendments were then subject to further emergency amendments in the hour before they came into force, following the outcome of a judicial review by another party. In those circumstances, Police Scotland had limited time to amend and circulate internal briefings to frontline officers. While this was an extraordinary example involving late judicial intervention, it is illustrative of the challenges faced in relation to the implementation and enforcement of regulations during the pandemic.

63. Aside from the challenges posed by short timescales, there were some occasions where questions arose regarding the interpretation of the Regulations. For example, on 28 August 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) (Amendment No 13) Regulations 2020 came into force, making it an offence for any person to attend a party of 6 or more persons within a private dwelling. The provisions gave relevant persons the power to force entry to a premises where such a party was taking place in certain circumstances. However, in practice officers were unable to establish the number of persons within a dwelling without entering it, so this power could not be used. Police Scotland liaised with the Scottish Government to highlight the practical implications and seek

amendment to the legislation. Following this dialogue, on 2 November 2020 the regulations were amended again to remedy the issue and empower relevant persons to force entry if they reasonably suspected that a gathering consisting of more than six persons was taking place.

64. The short timescales and occasional confusion regarding the interpretation of the regulations reflected the difficult circumstances of the pandemic and the need to respond to evolving data. Although the rapid changes were sometimes challenging, in general Police Scotland worked well with the Scottish Government. There were frequent meetings and a continuing dialogue by email and phone, so that issues could be raised promptly and addressed as needed.

65. There is no record of Police Scotland being asked to provide information or advice to the Scottish Government regarding the effect of proposed legislation or regulations upon those with protected characteristics under the Equality Act 2010 and/or ethnic minority groups. While Police Scotland sought to engage with partner organisations and local communities on this issue as set out above at [§§47-56], no extant records of liaison with the Government on this issue have been identified.

66. The Chief Constable was invited to give evidence to Holyrood Committees regarding policing in the pandemic. Evidence has been provided by the Chief Constable and Police Scotland both in writing and in person, for example:

- i. Evidence was given to the Justice Sub-Committee on 9 June 2020 and a written response was provided by the Chief Constable on 19 June 2020;
- ii. Evidence was given to the Justice Sub-Committee on Policing on 27 August 2020;
- iii. Written evidence was provided in response to an invitation dated 8 September 2020 to a Round Table evidence-gathering meeting of the Criminal Justice Committee;
- iv. Written evidence was given to the Committee on behalf of the Chief Constable by the Assistant Chief Constable for

Public Protection on 23 October 2020, pertaining to the provision of support for vulnerable groups during the pandemic;

- v. Written evidence was provided on 19 November 2020 in response to an invitation from the Scottish Parliamentary Covid-19 Committee.

### **Independent Advisory Group**

67. On 9 April 2020, an Independent Advisory Group (**IAG**) was established by Police Scotland and the SPA in order to review the use of temporary police powers in response to the Covid-19 pandemic and to consider ethical issues arising. In accordance with the Terms of Reference of the IAG [**AS/01 – INQ000232511**], dated 27 April 2020, the purpose of the group was to ensure that the use of powers by Police Scotland was compliant in application and spirit with:

1. Human rights principles and legal obligations;
2. The values of Police Scotland – integrity, fairness and respect – and its “safety and wellbeing” remit as laid out in the Police and Fire Reform Act (Scotland) 2012; and
3. The purpose of the 2020 Act and Regulations, namely safeguarding public health.

68. The group was chaired by John Scott KC and reported directly to the SPA in its role as the oversight body for Police Scotland. It was established in order to ensure that the temporary police powers were being used appropriately and that enforcement remained a last resort, in order to provide an additional monitoring and assurance function. The remit of the group included taking account of the views of police officers and members of the public regarding the scope, clarity and use of the powers during the pandemic.

69. The IAG met on a regular basis between April 2020 and May 2022. As part of its outreach efforts, the IAG held a number of webinars which were

livestreamed online to share information with the public about the impact of policing the pandemic and human rights. Webinars were held on 30 July 2020 and 5 October 2020.

## **Lessons learned/reflections**

### ***NPoCC and face coverings***

70. The handling of the provision of PPE bears specific mention. This was essential to enabling the police service to function through the pandemic, and to the discharge of the service's responsibilities to officers and staff. Operation Talla worked with the National Police Co-ordination Centre (**NPoCC**) in respect of PPE. At the outset of the pandemic, NPoCC played an important role in the ordering and distribution of PPE to police forces throughout the UK. In July 2020, Police Scotland received a delivery of 32,000 face coverings from NPoCC at no cost to the force. These were distributed across Police Scotland for use within the office environment to enable business continuity.
71. A different approach was taken to the use of face coverings in frontline policing in Scotland. Health Protection Scotland provided sector-specific guidance for emergency workers regarding PPE which was circulated within Police Scotland in February 2020. As a result of this guidance, a risk assessment was carried out by Police Scotland's Health and Safety department in order to identify the level of PPE required to ensure officers were safe in public-facing roles. This risk assessment was undertaken in consultation with the Scottish Police Federation and by reference to Scottish HSE guidance which had been published online.
72. As a result, Police Scotland determined that the safest course of action was to require the use of Respiratory Protective Equipment by officers, and in particular to require the use of a Filtering Face Piece 3 (**FFP3**) mask.
73. This enhanced standard of protective equipment was different to that required by organisations in other areas of the UK. The enhanced approach was taken

because of the increased likelihood of frontline officers being required to breach social distancing guidance in the course of their duties and the possibility of that occurring in relation to a person who was Covid-19 positive (as opposed to office staff within Police Scotland, who were less likely to have close contact with persons who were Covid-19 positive). The rationale included consideration of the fact that the effectiveness of type IIR fluid resistant surgical masks can be dependent on other persons present using the same level of protection.

74. As a result of this decision, Police Scotland took steps to source its own face coverings to the FFP3 standard. IIR FRSM masks were issued for use in the office and vehicle environment only, on the basis that all persons present were required to utilise them.

75. While the procurement of the masks was not challenging, the fitting of the masks and training officers in their proper use did present a logistical challenge. Police Scotland responded to this by purchasing additional portacount machines and training dedicated face fit testers. Officers with facial hair were instructed to be clean shaven at all times when required to use an FFP3 mask. Ultimately, all officers identified as requiring an FFP3 mask had been fitted with the new PPE and tested within 3 months.

### ***The OLG***

76. At an early stage of the pandemic, Police Scotland recognised the importance of organisational learning, as well as the effect which the pandemic could have in creating lasting changes to organisational culture. An Organisational Learning Group (**OLG**) was established in order to identify opportunities for learning and best practice. The OLG was chaired by Superintendent Catriona Paton. Its role was to:

- i. Provide a central learning repository and co-ordination function to capture lessons identified and learned through Op Talla activity;
- ii. Provide an Op Talla 'Scoping Report' capturing and assessing all issues and suggestions raised by staff, partners and National Policing networks

- through liaison with the NPCC and others, identifying key themes and learning recommendations for Senior Executive approval;
- iii. Where relevant and necessary, utilise formal de-briefs to provide deeper understanding of Op Talla impact on staff, partners and organisational structures, processes and communication.

### ***The Recovery Strategy and RCIG***

77. Police Scotland also developed a “Recovery Strategy”, to identify medium- to long-term requirements for recovery and learning from the pandemic. This strategy was later renamed as the “Renewal and Continuous Improvement Strategy”, focusing on i) supporting Police Scotland’s people; ii) shaping processes and managing change; and iii) external service delivery.

78. In addition, Police Scotland formed a Renewal and Continuous Improvement Group (**RCIG**) to coordinate planning within business areas in order to return to a new operating normality following the pandemic.

### ***The Operational Scoping Report and reflection document***

79. As part of the Recovery Strategy, Police Scotland commissioned an “Organisational Scoping Report” to set out learning identified from Operation Talla. [AS/02 – INQ000232510] The report addressed the period from the start of the pandemic to June 2020. The final version of the report was published on 10 July 2020.

80. The report made 27 recommendations for learning by the organisation. It was supported by six appendices, including the following information:

1. Research and innovation: providing information and recommendations regarding Public Confidence surveys;

2. External learning from the NPCC: providing an overview of submissions made to the College of Policing related to Operation Talla;
3. External learning from the National Co-ordination Centre: providing an overview of lessons learned submissions from the Multi-Agency Co-ordination Centre;
4. Target Operating Model: Mapping opportunities and recommendations to identify best practice;
5. CLIO search to assist in identifying key themes;
6. Recommendation Completion: providing a template for completion to ensure learning has been embedded.

81. Internal messaging encouraged the submission of identified good practice and learning points to the OLG to inform the Scoping Report.

### ***The debrief project***

82. In the second half of 2022, Police Scotland conducted an organisational debrief. [AS/03 – INQ000232508] I played a key role in this project and was the “owner” of the final report. To facilitate the debrief, a set of broad questions were hosted on an accessible platform which was shared with line managers to enable officers and staff to submit collective responses. The report was compiled in sections to include:

- i. Practice;
- ii. Observations; and
- iii. Recommendations.

83. Fifteen different recommendations were identified from the feedback to be taken forward. An action plan is being developed to ensure the recommendations are implemented where appropriate.

### ***The FPN reports***

84. In order to understand trends in enforcement during the pandemic and ensure transparency and accountability, Police Scotland commissioned a group of academics (Dr Victoria Gorton, Dr Ben Matthews, Professor Susan McVie and Dr Kath Murray) to write four reports on the use of FPN notices in Scotland during the pandemic. The reports were commissioned to inform the work of the IAG. All four reports were published online and are available in open source format.

85. The final report, dated 4 August 2022, addressed the use of FPNs by Police Scotland throughout the pandemic. [AS/04 – INQ000237055] The report drew upon data provided by Police Scotland listing all FPNs issued under the Coronavirus legislation between 27 March 2020 and 31 May 2021, as well as data gathered from the CVI system. The report made a range of findings regarding enforcement, which have been received by Police Scotland and will form an important part of lesson learning for the organisation moving forward.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Signed:** Personal Data

**Dated:** 31 August 2023

Witness Name: Alan Speirs

Statement No.: 2

Exhibits: AS-7/01-AS-7/05

Dated: 31 March 2025

## UK COVID-19 INQUIRY

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### CORPORATE WITNESS STATEMENT OF DCC ALAN SPEIRS

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I, Alan Speirs, will say as follows: -

#### Introduction

1. This is a corporate witness statement on behalf of the Police Service of Scotland (**Police Scotland**). This document has been drafted in response to a Rule 9 request for Module 7 dated 31 March 2025, in order to assist the Chair of the UK Covid-19 Inquiry.
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the Police Scotland as well as documentary records. The statement has been ordered in accordance with the headings identified by the Inquiry Team.
3. I am the Deputy Chief Constable (**DCC**) responsible for People and Professionalism within Police Scotland. I am a member of the Force Executive with over 30 years' experience in Policing. I was responsible for leading Police Scotland's operational response to the Covid-19 pandemic from March 2020.
4. I have previously provided a witness statement to the inquiry on behalf of Police Scotland in response to a Rule 9 request for Module 2A. The statement was dated 31 August 2023.

## Background

5. The information in this section pertaining to the role and function of Police Scotland is drawn from the Annex to the Corporate Witness Statement of the NPCC for Module 1 of the Covid-19 Inquiry. That information is replicated herein for ease of reference between different modules of the Inquiry.
6. Criminal justice and policing are officially devolved to the Scottish Government under the Scotland Act 1998, with police forces administered by Scottish institutions for hundreds of years. The single service responsible for policing in Scotland is Police Scotland, which is wholly funded by the Scottish Government.
7. Police Scotland came into being on 1 April 2013, under the Police and Fire Reform (Scotland) Act 2012 (**the Act**). Prior to that date, policing in Scotland was administered by individual constabularies and organisations, namely:
  - i. Central Scotland Police;
  - ii. Fife Constabulary;
  - iii. Northern Constabulary;
  - iv. Dumfries and Galloway Constabulary;
  - v. Grampian Police;
  - vi. Lothian and Borders Police;
  - vii. Tayside Police;
  - viii. Strathclyde Police; and
  - ix. The Scottish Police Services Authority (including the Scottish Crime and Drug Enforcement Agency).
8. Police Scotland falls within the portfolio of the Cabinet Secretary for Justice in the Scottish Government. The Scottish Police Authority (**SPA**) is responsible for oversight of Police Scotland and reports to Scottish ministers and Parliament. The force is also subject to inspections by HMIC in Scotland.

9. Policing in Scotland is led by the Chief Constable who is supported by an executive team comprising three Deputy Chief Constables. They are assisted by ten Assistant Chief Constables and four Directors who are responsible for Corporate Finance, Digital and Transformation, Strategy and Analysis, and People and Development.
10. The Chief Constable of Police Scotland from March 2020 and throughout the response to the Coronavirus Pandemic was Sir Iain Livingstone QPM. He assumed the role on an interim basis on 8 September 2017, formally became Chief Constable on 27 August 2018 and retired 10 August 2023. Police Scotland was then led, on an interim basis, by Deputy Chief Constable Designate, Fiona Taylor QPM until the current Chief Constable Jo Farrell took office on 4 October 2023.

The following have previously served as Chief Constable of Police Scotland:

- i. Sir Stephen House QPM (1 October 2012 – 30 November 2015);
  - ii. Neil Richardson QPM (Interim; 30 November 2015 – 5 January 2016);
  - iii. Philip Gormley QPM (5 January 2016 – 8 September 2017).
11. Three geographical regions of Scotland (North, West and East) are each overseen by an Assistant Chief Constable. Within each region, there are divisions led by a Chief Superintendent. In total, there are 13 local policing divisions in Scotland, each of which is aligned to a local area.
  12. Under section 32 of the Act, Police Scotland is required to work in collaboration with other organisations, where appropriate, to achieve the purposes of policing as set out in the Act. The Chief Constable of Police Scotland is also required to seek to secure continuous improvement in the policing of Scotland and make arrangements to secure best value for the Police Service under section 37 of the Act.
  13. In pursuance of these objectives, Police Scotland is a participating organisation within the NPCC and contributes to its funding. Its role is the same as that of signatories to the NPCC Agreement, but it is able to derogate from the decisions of the Chief Constables' Council where necessary and justified, for example to ensure compliance with Scottish legislation.

14. The role of the NPCC in relation to Police Scotland during the Covid-19 pandemic was coordinating and representative, in that it acted as a conduit for information sharing between forces and had some engagement with Whitehall on behalf of policing interests. However, the NPCC played no role in the enforcement of Covid-19 regulations in Scotland, and it has no operational directive powers in relation to Police Scotland or any individual officer.

### **Pandemic Preparedness**

15. Operation Talla was established within Police Scotland on 29 January 2020, following a Scottish Government Resilience Room (**SGORR**) meeting regarding the Covid-19 pandemic which was chaired by the First Minister. As a result of the meeting, Police Scotland initiated a command structure to respond to the Covid-19 pandemic and activated organisational plans for a pandemic scenario. This operational response was given the name "Operation Talla". That operational name was subsequently adopted more broadly by the NPCC to ensure consistency across the United Kingdom.
16. An initial Gold Group meeting was held on 29 January 2020, with a further meeting on 30 January 2020 convened by the Emergency, Events and Resilience Planning Unit. During the second meeting, six strategic objectives were identified for Operation Talla. The objectives were:
  1. Provide an appropriate Police response, in support of health professionals, to incidents involving the coronavirus;
  2. Safeguard health, safety and wellbeing of staff through appropriate planning, preparation and response arrangements;
  3. Provide appropriate communications to inform and reassure public and staff, in line with Public Health guidance;
  4. Work with other agencies to prevent the spread of the disease;
  5. Monitor and respond appropriately to any community tensions;
  6. Ensure Business Continuity arrangements are in place within Police Scotland.

17. On 20 March 2020, Police Scotland published the first version of the Operation Talla Gold Strategy Document, which reflected the objectives set during the Gold Group meeting on 30 January 2020.
18. The structure of Operation Talla consisted of Gold and Silver commanders, with Bronze representation aligned to different portfolios, including:
  1. Business Continuity: this cell focused on resourcing and planning to ensure Police Scotland was able to maintain critical policing functions throughout the pandemic;
  2. Logistics: this cell was tasked with identifying, sourcing, procuring, delivering and training in the use of PPE. At a later stage, the Logistics Cell worked on the procurement of PPE to ensure BAU could continue after Operation Talla concluded;
  3. Information: this cell focused on obtaining and sharing statistical information regarding Coronavirus interventions;
  4. Health and Safety: this cell was formed to address ongoing health and safety concerns raised by the pandemic. It was tasked with ensuring that appropriate policies and procedures were adopted and implemented to meet the evolving risk posed to Police Scotland staff and officers.
19. Other departments within Police Scotland also played a role in Operation Talla, including the Corporate Communications, Contact, Command and Control Division, and the Criminal Justice Services Division (**CJSD**). These departments, among others, were represented at the Operation Talla Silver and Gold groups.
20. Gold and Silver meetings were usually remote and were held regularly throughout the pandemic, with the specific frequency changing over time to meet emerging threats or time-sensitive issues. Decisions made at meetings were communicated and disseminated across Police Scotland by Corporate Communications using the Operation Talla section of the Police Scotland Intranet. Frontline officers also received a daily electronic briefing containing pandemic-related data and information about changes to regulations, legislation or guidance.

21. The Strategic Oversight Board, which was chaired by the Chief Constable, was responsible for oversight of the Operation Talla command structure.
22. Operation Talla within Police Scotland was fully engaged with the NPCC throughout the pandemic and participated in the UK Silver Covid meeting. This was done in order to maximise the shared value in collaboration and cooperation in furtherance of the statutory obligations of Police Scotland under the Act.
23. Contact was ordinarily through the NPCC portfolio lead for Civil Contingencies, a role which was initially held by Paul Netherton and subsequently by Owen Weatherill. It was through this channel that the Covid-19 Police Gold Strategy document was shared to enable forces to adopt or adapt it to develop local strategies. There were weekly meetings for the first month of the pandemic, between Police Scotland and the NPCC, thereafter the primary means of contact was via the NPCC Operation Talla Gold and Silver meetings which were chaired by ACC Martin Hewitt and ACC Weatherill, respectively and at which Police Scotland were represented. There were also separate and less frequent opportunities.
24. The establishment of Operation Talla was not the earliest involvement of Police Scotland in the Pandemic Response. Prior to 29 January 2020, a representative of Police Scotland's Emergency, Event and Resilience Planning (**EERP**) was assigned as the Police Scotland Liaison to the Scottish Government.
25. On 24 January 2020, an EERP briefing paper was produced for the attention of ACC Sloan identifying a member of EERP staff as Police Liaison to the Scottish Government.
26. Within this briefing paper EERP confirmed close communication links with the Scottish Government Resilience Department and advised that they would be in a position to escalate any required Police Scotland response.
27. Additionally, prior to 29 January 2020, the NPCC were in communication with Police Scotland, providing correspondence through Chiefsnet.

28. The first correspondence identified is dated 28 January 2020. This communication also refers to a previous letter dated 27 January 2020.

### **Co-working**

29. As part of Operation Talla, the NPCC shared guidance, policies and briefings with Police Scotland. The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement. This aligned with the usual practice of Police Scotland and the NPCC prior to the pandemic.
30. For example, during the pandemic the NPCC produced guidance setting out the 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (the 'Four Es' guidance **Exhibit AS-7/01 [INQ00009936]**). Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three 'Es' had been undertaken. The 'Four Es' guidance was produced in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.
31. The 'Four Es' guidance was adopted by Police Scotland from 27 March 2020. The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent. This remained the approach of the organisation throughout the pandemic.
32. The use of Chiefsnet is and was an effective means of sharing information between the NPCC and Police Scotland however, as many of the TTI offences were not enforced in Scotland, no comment can be provided as to the information sharing relating to this.
33. There were examples of differences between policing guidance shared by the NPCC and guidance drafted by Police Scotland which related to test, trace and isolate (TTI).

34. On 28 May 2020, NHS Scotland introduced the Test and Protect program. This program was previously referred to as Test, Trace, Isolate and Support (**TTIS**) and was designed to interrupt chains of transmission by identifying positive cases and tracing people who may become infected.
35. Unlike the English NHS TTI program, the version released by NHS Scotland was not run in conjunction with the Police.
36. The following is a timeline of the legislation and regulations pertaining to Scotland, dates detailed refer to date of enactment:
  - i. 10/02/2020 - Health Protection (Coronavirus) Regulation 2020 – UK wide
  - ii. 25/03/2020 - Coronavirus Act 2020 – UK wide
  - iii. 27/03/2020 - Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 - Scotland only
  - iv. 06/04/2020 - Coronavirus (Scotland) Act 2020 – Scotland only
  - v. 08/06/2020 - Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 – Scotland only
37. The Scottish legislation superseded UK legislation in terms of offences, restrictions and regulations, resulting in differences.
38. While the Coronavirus Act 2020, which was enacted on 25 March 2020, set out similar powers and offences in relation to potentially infectious persons (Schedule 2, Part 2 referring to England, and Part 3 referring to Scotland) these were not implemented in Scotland. On 27 March 2020 the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 was enacted which detailed restrictions, and specific offences and penalties within Scotland.
39. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, enacted on 27 March 2020, was the main legislation implemented and adhered to within Scotland.

40. Therefore, while in England there was an offence for a person to fail to isolate when informed by track and trace to do so, as stipulated in Coronavirus Act 2020, Scotland did not have an analogous offence.
41. Additionally, there was no liaison between NHS Scotland, Public Health Scotland and Police Scotland in relation to any potential Test, Trace and Isolate offences, as a result.
42. On 08 June 2020 Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 were introduced, which resulted in a similar stance being adopted in Scotland, to that adopted in England, in relation to persons entering the country from overseas.
43. This process came into place on 30 July 2020 and involved Public Health Scotland contacting non-exempt passengers, by telephone, who arrived in Scotland and were under quarantine.
44. The purpose of the call from Public Health Scotland was to confirm that the contact details provided by the passenger were correct.
45. Public Health Scotland made a maximum of 3 attempts to call the passenger. If there was no reply on the third attempt, then Public Health Scotland would pass the details to police so that further enquiry could be completed to establish contact and rule out any suspicion that the passenger may have knowingly provided false or misleading information on the form.
46. Police Scotland's C3 Resolution Team would then make two further attempts to call the passenger. Where telephone contact was successful, the 'Four Es' policing style was adopted to resolve the issue, and no further action was taken.
47. Where telephone contact was unsuccessful, a Storm Incident was created and Force Reserve Unit (**FRU**) or local policing officers were dispatched to attend the address provided by the passenger to make further enquiry.

48. If officers encountered an individual and it was clear that they had committed or were committing an offence, then the force direction was that officers should employ the 4Es approach to encourage that person to comply with quarantine regulations.
49. Police Officers were advised that they would be expected to issue a fixed penalty notice, as detailed in the Fixed Penalty Notice (FPN) guidance, but only as a last resort.
50. The number of Fixed Penalty Notices issued under these regulations were minimal, it has been confirmed that only 36 tickets were issued (IAG report dated 25 August 2021, published by Susan McVie). This accounted for 1.6% of all tickets issued between March 2020 and June 2021.

#### **Development and operation of TTI**

51. While Police Scotland did not record notes or minutes in relation to liaison meetings with the Scottish Government, there are numerous examples of discussions between the parties relating to proposed changes in legislation.
52. Police Scotland's statement in respect of Module 2A details two specific examples of the close working practice between Police Scotland and the Scottish Government. These are as follows:
  - i. Definition of a child. (Paragraph 44 of Module 2A statement)
  - ii. Forcing entry to premises. (Paragraph 63 of Module 2A statement)
53. There was often a very quick turnaround between Police Scotland being advised of any draft regulations for imposition of a new offence and being able to provide feedback. It was noted that the Scottish Government legal copywriters were working as quickly as they could to provide these drafts.
54. When new draft regulations were circulated, senior management within the CJSD would be provided details. This information would be passed to the relevant business area for review and to identify any points for clarification or perceived

operational issues. CJSD senior management would thereafter feedback to the Scottish Government identifying any issues or recommendations.

55. This line of communication between Police Scotland and the Scottish Government was simple and very effective, both in terms of structured meetings but also the ability to engage directly with Scottish Government officials as and when required.
56. In terms of improving communication strategies between Police Scotland and Scottish Government in any future pandemic earlier sharing of decisions and guidance being offered by the Scottish Government would give Police Scotland an opportunity, and provide feedback in respect of the implications on legislation, as well as the practical application of these. There were occasions when Police Scotland only became aware of Scottish Government decisions and guidance when statements were being made known to the public. This offered very little time for Police Scotland to shape and communicate regulations.

#### **Data and Modelling**

57. On 17 March 2020, Police Scotland formed an Operation Talla Information Cell. This cell was responsible for the ingathering and dissemination and analysis of data relating to Covid-19 interactions.
58. From 27 March 2020, the Information Cell sought manual data on Police interventions, provided by individual shift Sergeants, through a recognised template. This template was collated divisionally and returned via email to the information cell.
59. Initial analysis determined that the levels of response was not consistent across the organisation. As such, the Coronavirus Intervention Application (**CVI**) process was adopted, allowing individual officers to input their own returns, improving accuracy.
60. The CVI online application was created and launched on 6 April 2020 advising that, with immediate effect, officers must record occasions where the following powers were utilised:

- i. Closing of premises
  - ii. Intervention at premises to ensure compliance with restrictions
  - iii. Detaining a person on medical grounds
  - iv. Dispersing persons who disperse upon being informed (compliant)
  - v. Dispersing persons who require to be instructed to disperse
  - vi. Dispersing persons using reasonable force
  - vii. Issuing Fixed Penalty Notices issued under new legislation
  - viii. Arresting persons under new legislation
61. Legislation changes meant that the CVI had various iterations as new offences, such as quarantine following foreign travel, were added.
62. The Information Cell generated a daily briefing which provided analysis and identified key trends such as non-compliance hotspots and timings. This daily briefing was provided to Divisional Commanders and Executive Officers to assist with the Policing response to Covid interventions at a local level.
63. Key trends were identified daily and these trends changed throughout the course of the pandemic.
64. The data utilised by Susan McVie and referenced within the IAG reports was provided by the Information Cell.
65. CVI data was also referenced within 'Police Use of Covid-19 Fixed Penalty Notice in Scotland – Trends in enforcement from March 2020 to May 2021'.
66. No analysis of trends relating to TTI offences was conducted as no such offence was applicable in Scotland with the exception of offences in relation to international travel under the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. Only 36 FPNs were issued under these regulations, as confirmed from data extracted from the IAG report dated 25 August 2021. These figures represented such a small proportion of the overall ticket issuance that no trends could be ascertained, and any analysis would not be valid.

## Equalities

67. The CVI system did not record personal details or protected characteristics of individuals subject to intervention.
68. Protected characteristics of persons were recorded when interactions resulted in enforcement. If reported for an offence or issued with an FPN, an individual's gender, ethnicity and age would be recorded. This would be the only data available in this regard.
69. Police Scotland did not seek feedback from ethnic minority groups in respect of the impact of TTI offences as these offences, other than those linked to international travel, were not enforced in Scotland.
70. Police Scotland did however engage with the Diversity Staff Associations. Constructive review was also received from the established Independent Reference Group (**IRG**). Police Scotland regularly considered data and was unable to identify any specific challenges in policing the regulations as it related to protected characteristics. Due to the lack of any identified challenges, Police Scotland would not have been able to provide any additional information or advice to the Scottish Government.
71. Police Scotland's approach to the Four Es allowed a measured and proportionate engagement with all community groups.
72. The Scottish Government had established partner forums which included Academia. These forums were responsible for considering public behaviours as a consequence of the guidance and regulation and were best placed to advise on the effects for these regulations as it related to protected characteristics
73. Officers did receive guidance, in relation to the need to avoid discrimination when enforcing offences under the Covid regulations. This was provided via the Police Scotland intranet service.

74. Guidance was updated on a regular basis and officers were tasked to self-brief at the commencement of their shift.
75. Direct line management was also responsible for briefing officers of any amendments to legislation or guidance.
76. Such guidance, detailing the need to avoid discrimination was published within the organisation's intranet in April, July and November 2020.
77. A further Organisational Risk Assessment document, dated 31 December 2020, also highlighted the need to provide guidance for Police officers in order to avoid discrimination when enforcing the regulations.

#### **Enforcement and adherence**

78. As part of Operation Talla, the NPCC shared guidance, policies and briefings with Police Scotland. The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement. This aligned with the usual practice of Police Scotland and the NPCC prior to the pandemic.
79. For example, during the pandemic the NPCC produced guidance setting out the 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (the 'Four Es' guidance **Exhibit AS-7/01 [INQ00009936]**). Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three 'Es' had been undertaken. The 'Four Es' guidance was produced in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.
80. The 'Four Es' guidance was adopted by Police Scotland from 27 March 2020. The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent. This remained the approach of the organisation throughout the pandemic.

81. Aside from the 'Four Es' guidance, other briefings were shared routinely within Police Scotland and with the NPCC. There were two broad categories of briefings, relating to: (i) government guidance; and (ii) internal Police Scotland information.
82. The former was produced by the Scottish Government to accompany the introduction of new regulations or legislation. It was ordinarily received in completed format for implementation. On occasion, Police Scotland were given advance notice by way of embargoed information of proposed changes to law, in order to allow sufficient time to prepare internally and assess any potential impact.
83. The second category included documents produced within Police Scotland to assist staff and officers in undertaking their roles safely within the context of the pandemic. Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers Division regularly to discuss the potential impact of legislation.
84. Aside from matters related to enforcement, a broad range of briefings were produced by departments within Police Scotland. For example, the Health and Safety department and the People and Development department produced information about social distancing, hygiene and working from home, which was disseminated to staff.
85. Briefing papers and guidance were also produced by Police Scotland in relation to the enforcement of international travel regulations. This was the only TTI related offence enforced in Scotland.
86. Regarding the application of reasonable excuse as a defence for TTI offences, on 9 June 2020, Police Scotland published guidance on the organisation's intranet detailing the 'New Coronavirus Legislation for International Travel – Operational guidance'.

87. This guidance contained a further hyperlink, allowing officers access to a PowerPoint presentation detailing the legislation. Within which, a list of 'reasonable excuse' defences were identified.
88. Prior to 1 November 2020 and the publication of the Lord Advocate's guidance on the issuance of Fixed Penalty Notices, Police Scotland ensured consistency in the issuance of FPNs by providing officers with regular, detailed guidance. This commenced on the 27 March 2020, with regular updates being published within the organisations intranet system. (AS/05-Guidance re Issuance of FPNs)
89. The 'Four Es' approach meant that FPNs were a measure of last resort which was a consistent message referenced within the Police Scotland 'self-briefing' intranet pages – throughout the course of the pandemic. This enforcement policy was also encouraged directly by line managers, during the working day.
90. An officer's direct line manager was responsible for checking and authorising any enforcement (i.e. Fixed Penalty Notice tickets) and, as such, were sighted on the course of action being taken by their officers. In doing so, line managers were able to monitor their officers and ensure adherence to the principles laid out in the 'Four Es'.
91. CVI data was also analysed on a daily basis. From this, any enforcement anomalies could be identified and the respective Division made aware. This was a further means to ensure that the 'Four Es' Guidance was being adhered to force-wide.
92. Due to the supervisor review process, there are no means to accurately collate the number of FPNs withdrawn after referral to a supervisor. Following such a withdrawal, legacy records would have been amended to 'No Crime' and would not have been migrated to the current national crime recording system which is now in place.
93. Following the supervisor review process, valid FPNs were forwarded and reviewed by personnel within the Central Ticket Office (CTO) or the local divisional equivalent for the relevant area.

94. Initially, the CTO Staff would check the paper FPNs that they received inputting the details onto a spreadsheet known as the FPN master copy (material previously disclosed - D55 11 1 1 FPN Master copy (Misc))
95. It was up to individual issuing officers to satisfy themselves that the circumstances they were dealing with met the criteria for issuing of an FPN under the Health Protection Regulations, according to circulated guidance. This guidance was prepared by CJSD Policy and circulated to CTOs.
96. The guidance was provided to CTO staff, with CJSD Policy regularly engaging with them to provide any update on new offences and recurring issues to enable best practice.
97. Once the offences had been added to officer's devices, FPN tickets were sent electronically via PRONTO manager to the CTOs. The criteria that CTO staff were checking was as follows:
  - i. offence and legislation that was relevant at the time of issuance
  - ii. the amount (including checking if any previous tickets had been issued)
  - iii. general name/address details
  - iv. check that a reference number was detailed and if not search systems for same
  - v. highlight any issues with the officer themselves or their line manager
  - vi. all tickets received would be registered on the 'FPN master copy' spreadsheet
  - vii. any ticket invalidated / withdrawn Scottish Courts and Tribunal Service (**SCTS**) would be updated as would the spreadsheet
  - viii. common issues would be raised with Crime Management Unit (**CMU**)
98. Over and above the accuracy check, CTO staff also assisted with the validity of the tickets by ensuring the conditions for issue had been met by referring to the legislation.

99. Where there was ambiguity that an offence had been committed or that the ticket was invalidated due to how it had been completed by the issuing officer, CTO would raise with the officer themselves, a supervisor, CMU or CJSD Policy for guidance and consideration would thereafter be made to withdraw or cancel a ticket.

#### **FPN Process – 16-17 year olds**

100. Prior to 27 May 2020, it was confirmed that 84 FPN tickets were issued to persons under 18. 36% of 16-17 year olds (approximately 30 individuals) paid their tickets (as per the data containing within 'Data Report on payment outcomes of Police Fixed Penalty Notices registered by the Scottish Courts and Tribunal Service during the Coronavirus Pandemic' dated November 2021, authored by Susan McVie). There is nothing in this report to suggest any recompense was made to those who paid prior to the new minimal age being established.
101. Following the changes to the minimum age, tickets were still subject to a supervisor, CTO and SCTS review. At one of these stages the ticket was withdrawn.
102. The Direct Measures Standard Operation Procedure (Published 16 July 2018) confirmed that the issuing of a Recorded Police Warning (**RPW**) would not result in a record of criminal conviction: "it will be recorded as an alternative to prosecution and will be retained for a period of two years on the Criminal History System (**CHS**) and counted as "live" for a period of three months."
103. If an RPW was issued in good faith, but following review it was established there was insufficient evidence, the RPW would be removed from CHS and all other crime systems updated to reflect this. It would be the responsibility of the enquiry officer to ensure that the offender was also updated with this outcome. The Standard Operating Procedures confirmed that Fixed Penalty Notices would NOT form part of an escalation process for offending by 16 and 17 year olds.
104. Prior to Covid regulations being introduced, FPNs were never a form of disposal for persons aged 16 and 17 years. In comparable circumstances, these individuals would have been dealt with by way of RPW as an alternative to prosecution.

105. The review of regulations regarding the issuance of FPNs, and the raising of the age limit from 16 to 18, brought the issuing of FPNs for Covid offences in line with other FPN offences, and provided consistency in approach.
106. The CVI system only recorded the issuance of an FPN or Standard Prosecution Report (**SPR**). It did not collate or record numbers of RPWs. As such there is no means to identify how many people aged 16-17 years of age were issued with a Recorded Police Warning.

### **Challenges**

107. Although Scotland did not recognise TTI offences, an example of challenges arising from tight timescales were in relation to quarantine following foreign travel, regulation 6 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regs 2020 was identified. These regulations were amended 31 times between 08 June 2020 and 20 September 2021. Around March 2021, there was ongoing communication between Police Scotland (**CJSD**) and Scottish Government around the role Police were to play in enforcing the regulations. Accordingly, there were occasions on which it appeared unclear as to who/when Police Scotland were to intervene in the enforcement of the regulations.

### **Independent Advisory Group**

108. On 9 April 2020, an Independent Advisory Group (**IAG**) was established by Police Scotland and the SPA in order to review the use of temporary police powers in response to the Covid-19 pandemic and to consider ethical issues arising. In accordance with the Terms of Reference of the IAG **Exhibit AS-7/02 [INQ000232511]** dated 27 April 2020, the purpose of the group was to ensure that the use of powers by Police Scotland was compliant in application and spirit with:
1. Human rights principles and legal obligations.
  2. The values of Police Scotland – integrity, fairness and respect – and its “safety

and wellbeing” remit as laid out in the Police and Fire Reform (Scotland) Act 2012; and

3. The purpose of the 2020 Act and Regulations\*, namely safeguarding public health. (\*pertaining to Scottish Legislation)

109. The group was chaired by John Scott KC and reported directly to the SPA in its role as the oversight body for Police Scotland. It was established in order to ensure that the temporary police powers were being used appropriately and that enforcement remained a last resort, in order to provide an additional monitoring and assurance function. The remit of the group included taking account of the views of police officers and members of the public regarding the scope, clarity and use of the powers during the pandemic.

110. The IAG met on a regular basis between April 2020 and May 2022. As part of its outreach efforts, the IAG held a number of webinars which were livestreamed online to share information with the public about the impact of policing the pandemic and human rights. Webinars were held on 30 July 2020 and 5 October 2020.

### **Lessons learned**

111. At an early stage of the pandemic, Police Scotland recognised the importance of organisational learning, as well as the effect which the pandemic could have in creating lasting changes to organisational culture. An Organisational Learning Group (**OLG**) was established in order to identify opportunities for learning and best practice. The OLG was chaired by Superintendent Catriona Paton. Its role was to:

- i. Provide a central learning repository and co-ordination function to capture
- ii. lessons identified and learned through Op Talla activity.
- iii. Provide an Op Talla 'Scoping Report' capturing and assessing all issues and
- iv. suggestions raised by staff, partners and National Policing networks through liaison with the NPCC and others, identifying key themes and learning recommendations for Senior Executive approval.
- v. Where relevant and necessary, utilise formal de-briefs to provide deeper

- vi. understanding of Op Talla impact on staff, partners and organisational structures, processes and communication.

### **The Recovery Strategy and Renewal and Continuous Improvement Group**

112. Police Scotland also developed a “Recovery Strategy”, to identify medium- to long-term requirements for recovery and learning from the pandemic. This strategy was later renamed as the “Renewal and Continuous Improvement Strategy”, focusing on (i) supporting Police Scotland’s people; (ii) shaping processes and managing change; and (iii) external service delivery.
113. In addition, Police Scotland formed a Renewal and Continuous Improvement Group (**RCIG**) to coordinate planning within business areas in order to return to a new operating normality following the pandemic.

### **The Operational Scoping Report and reflection document**

114. As part of the Recovery Strategy, Police Scotland commissioned an “Organisational Scoping Report” to set out learning identified from Operation Talla **Exhibit AS-7/03 [INQ000232510]**. The report addressed the period from the start of the pandemic to June 2020. The final version of the report was published on 10 July 2020.
115. The report made 27 recommendations for learning by the organisation. It was supported by six appendices, including the following information:
  1. Research and innovation: providing information and recommendations regarding Public Confidence surveys.
  2. External learning from the NPCC: providing an overview of submissions made to the College of Policing related to Operation Talla.
  3. External learning from the National Co-ordination Centre: providing an overview of lessons learned submissions from the Multi-Agency Co-ordination Centre.
  4. Target Operating Model: Mapping opportunities and recommendations to identify best practice.

5. CLIO search to assist in identifying key themes.
  6. Recommendation Completion: providing a template for completion to ensure learning has been embedded.
116. Internal messaging encouraged the submission of identified good practice and learning points to the OLG to inform the Scoping Report.

### **The debrief project**

117. In the second half of 2022, Police Scotland conducted an organisational debrief **Exhibit AS-7/04 [INQ000232508]**. I played a key role in this project and was the “owner” of the final report. To facilitate the debrief, a set of broad questions were hosted on an accessible platform which was shared with line managers to enable officers and staff to submit collective responses. The report was compiled in sections to include:

- i. Practice.
- ii. Observations; and
- iii. Recommendations.

118. Fifteen different recommendations were identified from the feedback to be taken forward. An action plan is being developed to ensure the recommendations are implemented where appropriate.

### **The FPN reports**

119. In order to understand trends in enforcement during the pandemic and ensure transparency and accountability, Police Scotland commissioned a group of academics (Dr Victoria Gorton, Dr Ben Matthews, Professor Susan McVie and Dr Kath Murray) to write four reports on the use of FPN notices in Scotland during the pandemic. The reports were commissioned to inform the work of the IAG. All four reports were published online and are available in open-source format.

120. The final report, dated 4 August 2022, addressed the use of FPNs by Police

Scotland throughout the pandemic. **Exhibit AS-7/05 [INQ000237055]**. The report drew upon data provided by Police Scotland listing all FPNs issued under the Coronavirus legislation between 27 March 2020 and 31 May 2021, as well as data gathered from the CVI system. The report made a range of findings regarding enforcement, which have been received by Police Scotland and will form an important part of lesson learning for the organisation moving forward.

121. Foreign travel offences were the only TTI regulations enforced in Scotland. A total of 36 tickets were issued under the foreign travel regulations, as such there was insufficient data to identify trends or provide meaningful feedback.

**Statement of Truth**

122. I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Personal Data**

Signed:

Dated: 06/06/2025



Witness Name: Martin Hewitt

Statement No.: 1

Exhibits: MH/1 - 14

Dated: 29 June 2023

## UK COVID-19 INQUIRY

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### CORPORATE WITNESS STATEMENT ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

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I, Assistant Commissioner Martin Hewitt, will say as follows: -

#### **Introduction**

1. This is a corporate witness statement on behalf of the National Police Chiefs' Council (**NPCC**). This document has been drafted in response to a Rule 9 request for Module 2 dated 22 November 2022, in order to assist the Chair of the UK Covid-19 Inquiry.
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the NPCC, the National Police Coordination Centre (**NPoCC**), the College of Policing, and ACRO, as well as documentary records.
3. I was the Chair of the NPCC between March 2019 and April 2023, when I was succeeded by Chief Constable Gavin Stephenson. I joined Kent Police in 1993 and subsequently moved to the Metropolitan Police Service in 2005. My previous roles include Assistant Commissioner (Professionalism) and Assistant Commissioner (Frontline Policing). From 2015 – 2019 I was Vice Chair of the NPCC.

## The NPCC's role, function and responsibilities

4. The NPCC is a national coordinating body which represents all UK police forces. It serves to drive best practice in policing and to act as one voice for policing into central government. It replaced the Association of Chief Police Officers (**ACPO**) in 2015.
5. The NPCC represents all UK police forces, including territorial forces in England, Scotland, Wales and Northern Ireland, some British overseas territories, British Transport Police (**BTP**), the Civil Nuclear Constabulary (**CNC**), and the Ministry of Defence Police (**MDP**).
6. The NPCC is underpinned by a legal agreement under Section 22A of the Police Act 1996. The agreement, which is signed by Chief Constables, PCCs and non-Home Office Force equivalents (being representatives of forces other than the territorial forces of England and Wales), declares that the parties will collaborate in the running and funding of the NPCC. The 2017 version of the agreement [**MH/1 – INQ000086562**], which applied during the Covid-19 pandemic, sets out the specific functions of the NPCC at section 7.1:
  - i. “The coordination of national operations, including defining, monitoring and testing force contributions to the Strategic Policing Requirement working with the National Crime Agency where appropriate;
  - ii. The command of counter terrorism operations and delivery of counter terrorist policing through the national network as set out in the Counter Terrorism Collaboration Agreement;
  - iii. The coordination of the national police response to national emergencies and the coordination of the mobilisation of resources across force borders and internationally;
  - iv. The national operational implementation of standards and policy as set by the College of Policing and government;
  - v. To work with the College of Policing, to develop national approaches on criminal justice, value for money, service transformation, information management, performance management and technology; and

- vi. Where appropriate, to work with the College of Policing in order to develop joint national approaches to staff and human resource issues, including misconduct and discipline, in line with the Chief Officers' responsibilities as employers."
7. The NPCC has no operational directive powers in relation to forces in the UK. It cannot instruct a force or an individual police officer to take any action or to refrain from acting. Guidance, policy and briefings issued by the NPCC are implemented on a voluntary basis by cooperation and engagement. Operational policing decisions remain the responsibility of force leads and individual officers, including in the context of a national emergency.
8. The NPCC is funded by police forces in England, Scotland, Wales and Northern Ireland, Crown Dependencies, as well as some British overseas territories, and from other NPCC member organisations.
9. The NPCC is a national coordinating body with representative obligations in respect of Scotland, Wales and Northern Ireland. Policing is a fully devolved matter in both Scotland and Northern Ireland, where responsibility for criminal justice sits with Police Scotland and the Cabinet Secretary for Justice in the Scottish Government and the Police Service of Northern Ireland (**PSNI**) and Minister of Justice for Northern Ireland respectively.
10. In Wales, responsibility for criminal justice and policing remains with the UK Government. The four Welsh police forces are funded by both the Welsh Government and the UK Government through the Home Office. The Welsh Government has the power to legislate for offences in relation to devolved matters in Wales, such as public health Regulations.
11. The NPCC is led by a full-time Chair who is chosen by the organisation's membership.
12. The Chair is supported by two part-time elected Vice Chairs (currently Chief Constables Michelle Skeer and Rachel Swann) and a team of staff within what is called the NPCC 'strategic hub', being the core staff undertaking practical and administrative functions. The hub, which was first created after the Covid-19

pandemic, has five different areas of work: organisational development and change, strategic planning and performance, business support, communications, and providing coordinators for its 12 principal coordination committees (as to which see paragraph 17 below).

13. The primary decision-making forum for the NPCC is the Chief Constables' Council. The Council is made up of Chief Constables (or Commissioner in the Metropolitan Police Service and City of London Police) of the territorial forces of England, Scotland, Wales and Northern Ireland, including the British Transport Police, the MDP Police, the Civil Nuclear Constabulary, Crown Dependencies, the National Crime Agency (**NCA**) and the Chief Executive of the College of Policing.
14. The Council meets at least quarterly to discuss high-level strategic policing issues, such as the implementation of national standards. The Council acts as a representative body for forces to communicate with the NPCC, to raise issues and shape the work of the organisation. It also allows forces to reach agreement on issues of national application to ensure best practice and the adoption of a joined-up approach.
15. The s22A agreement which establishes the governance and structure of the NPCC incorporates the broad commitment of signatories to comply with collective decisions of the Chief Constables' Council. The agreement states that signatories will (at section 8.1.4-5):

“... comply with and assist with any operational requirements or responsibilities of the NPCC in the manner agreed by the Chief Constables' Council [and] subject to clause 8.2 comply with the decisions of the Chief Constables' Council in relation to the NPCC matters...”

16. However, this is not an absolute requirement. As Chief Constables retain operational policing power and responsibility, they are entitled to diverge from the collective decisions of the Council. The NPCC has no enforcement powers to take action where forces deviate from Council decisions, but it works to ensure compliance by cooperation and engagement with individual forces. This is reflected in section 8.2 of the Agreement:

“In the event that a Chief Officer determines that it would not be reasonably practicable to comply with a decision of the Chief Constables’ Council, he/she shall be entitled to derogate from that decision at their own risk. In such circumstances, the relevant Chief Officer shall notify the Chair in writing of the relevant derogation and the reasons for that derogation. This Agreement does not supersede or vary the legal requirements of the office of constable. It is recognised that a Chief Officer remains operationally independent.”

17. The NPCC has twelve coordination committees, each of which is led by a Chief Constable (subject to occasional portfolio vacancies) and supported by a full-time Committee Coordinator. Each committee covers a thematic area and within each committee there are portfolio leads for specific areas of policing. The current coordination committees are:

- i. Crime Operations;
- ii. Criminal Justice;
- iii. Diversity, Equality and Inclusion;
- iv. Finance;
- v. Digital, Data and Technology;
- vi. International;
- vii. Local Policing;
- viii. Performance Management;
- ix. Counter Terrorism;
- x. Prevention;
- xi. Operations;
- xii. Workforce.

18. Within each coordination committee there are a number of portfolio leads who are responsible for specific subject areas within policing. For example, within the Crime Operations committee there are portfolios related to cyber-crime and domestic abuse.

19. The Policing Chief Scientific Advisor (**CSA**) for the NPCC is Professor Paul Taylor. He was selected in January 2021 and started in his role in May 2021, with a direct report to the Chair of the NPCC. There was no Scientific Advisor in place prior to January 2021. It is an advisory role which involves providing independent scientific advice and challenge to the Chair of the NPCC in relation to strategic decision-making, policy and operational decisions.
20. The NPCC is hosted by the Metropolitan Police Service (**MPS**) and based at offices in London, but it is a wholly independent organisation. As part of the hosting arrangement with the MPS, the NPCC has access to financial, HR and legal support.
21. Quality assurance of the NPCC is undertaken by an independent Assurance Board and the Performance Sub-Committee.

### **NPoCC**

22. The National Police Coordination Centre (**NPoCC**) is an operational arm of the NPCC which acts as the central point for mobilisation of mutual aid in policing.
23. NPoCC has been led by Assistant Chief Constable Owen Weatherill as National Mobilisation Coordinator (**NMC**) since 1 July 2019. The NMC is appointed by and reports directly to the Chair of the NPCC. He is supported by a Staff Officer, an operations team, a planning team, an intelligence team and a communications team. A Chief Superintendent leads the daily activity of NPoCC and also acts as Deputy NMC. This position directly reports to ACC Weatherill in his role as NMC. ACC Weatherill is also the current portfolio lead for Civil Contingencies which sits within the NPCC Coordination Committee, having held the portfolio since March 2021.
24. Aside from coordinating the provision of police mutual aid, NPoCC plays a role in facilitating the policing response to pre-planned and dynamic events where a response from multiple forces is required. NPoCC provides a national intelligence function through the Strategic Intelligence and Briefing team (**SIB**). NPoCC also provides a central coordination function for UK policing, supports Chief Officers at

COBR, and regularly represents UK policing at official meetings and meetings at ministerial level related to national events, crises, disorder and civil emergencies.

25. Like the NPCC, NPoCC has no compulsory powers and is not able to direct any officer or force in relation to operational policing. NPoCC has the power to communicate and facilitate the sharing of resources, but it does not have any enforcement mandate. Its work is undertaken through voluntary cooperation and engagement.

### ***College of Policing***

26. The College of Policing (**the College**) is a separate organisation which works closely with the NPCC. The College was established as the professional body for policing in England and Wales on 1 December 2012, replacing the National Policing Improvement Agency. The College is a company limited by guarantee which is owned by the Secretary of State for the Home Department but operates at arms-length from the Home Office.
27. The College is currently led by CEO Andy Marsh, the former Chief Constable of Hampshire and Avon and Somerset, who took over from the interim CEO Deputy Chief Constable (**DCC**) Bernie O'Reilly in September 2021. DCC O'Reilly had taken over from the former CEO, Chief Constable Mike Cunningham.
28. The purpose of the College is to support the fight against crime and protect the public by ensuring professionalism in policing. It has no operational policing role and its areas of responsibility are set out in the Explanatory Notes to the Anti-Social Behaviour, Crime and Policing Act 2014:

“First, the College will have the responsibility for setting standards and developing guidance and policy for policing. Second, it will build and develop the research evidence base for policing. Third, it will support the professional development of police officers and staff. Fourth, it will support the police, other law enforcement agencies and those involved in crime reduction to work together. Fifth, it will identify and develop the ethics and values of the police...”

29. The College's remit is limited to police officers and staff, other police force employees, and volunteers, such as Special Constables in England and Wales. It works alongside experts from other agencies to develop specialist knowledge to ensure College publications, such as Authorised Professional Practice (**APP**) and training, are informed, relevant and based on the best available evidence.
30. The College operates in relation to policing in England and Wales and liaises closely with police services of Northern Ireland and Scotland, seeking to create a collaborative approach (particularly in cross-border operational arrangements, such as for deployment of police firearms teams). However, Police Scotland and the PSNI each have separate internal departments which undertake similar functions to the College of Policing.

#### **The scope and nature of Operation Talla**

31. The Covid-19 pandemic posed a wide range of challenges in every aspect of private and public life. Policing in this country faced many such challenges, as the pandemic affected every part of our work and every part of the service. The police service had to adjust to novel conditions and do what it could to ensure that it was able, so far as possible, to discharge its usual functions and duties, whilst also paying proper regard to its responsibilities for the safety and welfare of its officers and staff. In addition, however, the provisions of the Coronavirus Act 2020 and related Covid-19 Regulations led the police service into public health policing, which was largely uncharted territory. This unprecedented situation called for an unprecedented response. The NPCC recognised that the policing strategy for the pandemic would require a coordinated approach. The NPCC had recent experience of a successful national coordination exercise in respect of candidate security during the campaign period of the December 2019 General Election. Paul Netherton, the Deputy Chief Constable of Devon and Cornwall Police and the lead for Civil Contingencies at the time, set up early meetings with Chief Constables and other senior officers to agree an operational response to the Covid-19 pandemic.

32. Operation Talla was the operational name given to that response. It was established in March 2020, with a formal commencement briefing to all Chiefs on 10 March 2020. Operation Talla is still live, but with reduced resources which are focused on Recovery and Reform work.
33. The purpose of Operation Talla was not to hold operational command for policing, which remained wholly the responsibility of individual forces through the relevant Chief Constable and/or Force Gold Commander. Instead, Operation Talla was formed to provide a national coordination function for policing activity during the pandemic.
34. In order to achieve this, Operation Talla sought to ensure that there was clear communication between forces and to facilitate effective liaison with relevant government departments. Operation Talla was also intended to provide guidance and support for contingency planning and operational responses taken by individual forces and to capture and share learning for policing and partners.
35. Operation Talla was run at a national level and had application for all forces in England, Scotland, Wales and Northern Ireland. Apart from the central NPCC Operation Talla Gold and Silver coordination structure, each force had its own force-specific leadership for its local Covid response. Some also named this Operation Talla, though some forces adopted different operational names.
36. The six primary strategic objectives of Operation Talla were:
  - i. Save life and safeguard the vulnerable where possible;
  - ii. Identify and where possible mitigate the primary pressures which will otherwise inhibit our ability to deliver 1 above;
  - iii. Safeguard the health and wellbeing of our staff;
  - iv. Provide support to other agencies where appropriate and proportionate – having regard to threat harm and risk and resource availability;
  - v. Planning for recovery phase from the outset – to enable the earliest possible return to normality;

- vi. Coordinate communications activity across policing and government on priority issues to retain confidence of key audiences and deliver the six strategic aims.
37. Operation Talla was led by me in the role of National Gold. The National Silver was ACC Weatherill, who, as stated above, is also the NMC for NPoCC and took over the portfolio lead for Civil Contingencies from March 2021.
38. The members of the Operation Talla leadership changed over time, but included representation from Neil Pattinson as the Home Office Silver, Chief Constable Mike Cunningham from the College of Policing, Deputy Director Steve Bennett of the NCA and DCC Paul Netherton, who was the NPCC Civil Contingencies Lead prior to March 2021.
39. The twelve leaders of the NPCC coordination committees also played a role in Operation Talla, holding responsibility for the relevant thematic areas at NPCC level.
40. As part of Operation Talla, ACC Weatherill led a National Silver Thematic Leads group (**the Thematic Leads Group**), which assisted in providing tactical direction to the National Silver. The group had identified work strands and was able to consult the corresponding portfolio leads within the NPCC's coordination committees for specific areas of work. The work strands managed by the Thematic Leads Group changed over time, but included:
- i. Resources/Capability – the coordination of national mutual aid, mobilisation and national reporting mechanisms, tracking national police absence levels;
  - ii. Welfare/Wellbeing – ensuring police officers and staff were proactively informed and supported during all phases of Operation Talla;
  - iii. Equipment/PPE – ensuring all police officers and staff were equipped with the necessary equipment/PPE;
  - iv. Strategic Communications and Stakeholder Management – ensuring the UK policing response and command structure communicates effectively with internal and external partners;

- v. Community Impact/Tension – ensuring the state of normality is benchmarked, the developing impact of Covid-19 is understood and appropriate steps are taken with partners to respond to emergent changes;
  - vi. Service Delivery – tracking national trends in reported crime and demands on policing, assessing and reporting on service delivery, and monitoring any changes as a result of Covid-19;
  - vii. Policy/Legislation – ensuring that policing is linked in to government with regard to developing legislation and regulations, has the appropriate legal guidance from police lawyers and the subsequent legal guidance and advice was developed at pace into national guidance issued to forces.
41. The Thematic Leads Group included staff seconded from a number of police forces, the College, NPoCC, and His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (**HMICFRS**). The Group engaged in coordination with government departments. The group held an internal daily meeting and hosted a wider meeting on a weekly basis with stakeholder organisations.
42. ACC Weatherill met regularly with regional leads at the chief officer level, enabling a two-way flow of information related to the pandemic and the policing response. This occurred both through regular scheduled meetings and informal contact as required. There was also a separate weekly civil contingencies meeting held by DCC Netherton which included a range of external partners. This was merged with the regional leads meeting in late 2020 for efficiency purposes.
43. Operation Talla worked with the College to produce operational briefings and guidance on Covid-19 legislation and matters arising from the pandemic for police forces in England and Wales, such as PPE. Guidance and operational briefings for Scotland, Northern Ireland, the Crown Dependencies and overseas territories were developed locally due to the devolved responsibilities for policing and differing legislative requirements, but each region drew on the materials disseminated by the NPCC when drafting operational briefings and guidance.

**The role, function and responsibilities of the NPCC in the enforcement of Covid-19 Regulations in England**

44. As set out above, the range of Operation Talla's work during the pandemic was considerable and encompassed far more, in terms of the coordination of the national policing effort, than simply the enforcement of Regulations.
45. The NPCC played no direct role in the enforcement of Covid-19 Regulations in England. This reflects the structure and function of the NPCC, which, as I have already noted, does not include operational command or directive powers towards individual officers or forces.
46. While the NPCC worked with the College to produce and disseminate briefings on the practical application and effect of the Regulations, and in this way worked hard and extensively throughout the pandemic to achieve compliance with Covid legislation and regulations, enforcement remained at all times the sole responsibility of individual officers and forces, as well as non-policing organisations such as the Health and Safety Executive and local government. For example, the power to issue a Prohibition Notice was conferred on local authorities as well as police officers. There was an early decision, confirmed through subsequent operational briefings, that the issue of a prohibition notice would be led by local authority officers.

#### **Relationship with the ACRO Criminal Records Office**

47. ACRO was founded in 2006 as the ACPO Criminal Records Office following a decision by the then Association of Chief Police Officers (**ACPO**). It is a wholly separate organisation to the NPCC, but the two organisations work closely together. The aim of ACRO was to establish an operationally-focused unit to organise the management of criminal records information and improve the links between criminal records and biometric information. When ACPO was dissolved in 2015/2016, the ACPO Criminal Records Office became ACRO.
48. ACRO is hosted by Hampshire Constabulary under the lead of the Chief Constable. As employees of Hampshire Constabulary, ACRO staff take ultimate direction and control from the Chief Constable. However, ACRO's operational focus is distinct from that of the force.

49. ACRO's operational work is overseen by the ACRO governance board, which is independent of ACRO and is chaired by the Chair of the NPCC. This board comprises stakeholder representatives from government, policing and expert members, as well as representatives from Scotland and Northern Ireland Police.

### ***The role of ACRO in administering Fixed Penalty Notices***

50. ACRO played a role in the coordination of payments of Fixed Penalty Notices (FPNs) under the Covid Regulations. Outside the context of the Covid-19 Regulations, FPNs are ordinarily processed by the police with payments transferred to the courts directly. However, the Covid-19 Regulations stipulated that fine payments should instead be received by the Local Authority where the offence took place (see, for example, the Health Protection (Coronavirus, Restriction) (England) Regulations 2020 at Regulation 10(2)-(3)). At the time, some police forces did not have administrative systems which could support the transfer of payments to the relevant Local Authority and this created a significant resource burden.
51. ACRO therefore assumed a central management role in the administration of FPNs. The initial proposal regarding FPNs was directed to Hampshire Constabulary only, but it was subsequently expanded to all forces in England. ACRO identified this as an opportunity to coordinate all territorial police forces and the administration of fines, supporting a consistent national approach in administering notices and collecting payments in England under the Covid-19 Regulations. Over time, this was expanded to Welsh Forces. Police Scotland and PSNI remained independent from the process.
52. ACRO worked closely with the College and Operation Talla to create standardised offence wordings and proformas for the issuance of FPNs. These proformas were used by forces in England & Wales to record and submit evidence authorising the issuing of an FPN. ACRO also assisted where forces utilised other systems, such as Pronto, to create and submit evidence. Approximately 30 proformas were developed to meet the requirements of changing Regulations over time. ACRO developed penalty notice letters and additional correspondence templates for

English and Welsh offences (with translations), updating the wording to keep pace with rapidly-changing restrictions.

53. The initial decision to commence the FPN process remained the responsibility of individual forces. Where a FPN proforma was filled in, the relevant officer would review it and send it to ACRO electronically. ACRO conducted internal checks and either referred the matter back to the force or issued the formal FPN notification to the recipient. The organization then acted as the receiving entity for funds paid in response.
54. Further information in relation to the designation of ACRO as a competent authority in relation to FPNs can be provided by ACRO if required.
55. ACRO was responsible for maintaining data related to the issuance of FPNs and for developing data accuracy and rejection processes to improve the quality of information submitted by forces and to ensure the consistency of data recorded.
56. ACRO's analysis team provided reports to Operation Talla on a regular basis to show FPN enforcement activity. The data was not always comprehensive as various forces were working on different timescales for FPNs. For example, some used electronic proformas to refer potential FPNs to ACRO, while others used handwritten proformas. Some forces had internal quality assurance processes which took more time than other forces' processes. In general, the data provided a picture of compliance in different areas over time, which helped to inform senior police and government officials' communication strategies and decisions on the ongoing policing response. Reporting was initially undertaken on a weekly basis, but the frequency reduced as the issuance of FPNs lessened over time.

### **Guidance and briefings provided to police forces in relation to the Covid Legislation and Regulations**

57. The work of the NPCC through the relevant period was directed at achieving compliance with Covid legislation and regulations whilst recognising, identifying and managing the potential and actual impact of Covid-19 on existing core functions of policing.

58. Essential to this work was the drawing up and effective dissemination of clear and accurate operational briefings to all forces, and through forces to police officers and staff. Whilst these briefings were frequently referred to as 'guidance', this statement makes a distinction in terminology which is important, in part because of the contemporaneous publication of guidance by the government.
59. The process employed by the NPCC and the College of Policing in drafting guidance and issuing operational briefings is described below.

### **Guidance**

60. The key guidance for achieving compliance with Covid legislation and regulations was the 'Four Es' approach: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance**) [MH/2 – INQ00099936]. Enforcement, whether through the issue of a Fixed Penalty Notice or otherwise, was the last resort after the first three 'Es' had been undertaken.
61. The 'Four Es' guidance was developed by a small group of staff from the NPCC following receipt of the first emergent set of Covid-19 regulations. The group worked long hours over a period of 2-3 days in order to develop a consistent approach to policing enforcement which was easy to remember, based on the 'five step appeal process' used by many frontline officers (consisting of: i) simple appeal; ii) reasoned appeal; iii) personal appeal; iv) final appeal; v) action).
62. The 'Four Es' guidance was issued in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic. It was regularly referred to in Covid police briefings. This was the sole example of 'guidance', formally named as such, issued by the NPCC/the College during the pandemic, as it provided guidance on how to approach enforcement of Covid restrictions.
63. The 'Four Es' guidance did not include specific details on how to approach each of the steps or how, when or at what speed to move from one step to the next. Policing recognised that compliance with restrictions optimised public safety. For this reason, success was regarded as the ability to secure maximum compliance with the

regulations without the need to resort to enforcement. This is the aim towards which the 'Four Es' guidance was directed.

64. The 'Four Es' guidance was published on the College website, social media platforms (such as Facebook, Twitter and LinkedIn) and shared via communications leads at individual police forces, then disseminated by e-mail via NPCC Operation Talla to Force Leads, Force Control Rooms, published on ChiefsNet (an intranet based method of information-sharing between Chief Officers and their team), and via the media. The guidance was also used and referred to in the Operation Talla daily police chiefs briefing telephone call.
65. The same approval process for the 'Four Es' guidance was used for operational briefings, as set out below.

### ***Operational Briefings***

66. 'Operational briefings' were produced by the College and the NPCC in response to proposed or finalised legislation, regulations and/or regulation amendments as and when shared by the relevant government department.
67. These briefings were intended to provide a plain English, easy-to-understand representation of the relevant legislation and regulations and were drafted and formatted so that they could be used in presentations for daily police briefings. The documents were designed to be easily accessible; they could be printed by officers or accessed on electronic devices when needed.
68. The usual process for producing and approving operational briefings was as follows. The briefings were written by staff at the College and sent to the College legal team before review by senior management at the College. A draft would then be sent to the Operation Talla legal team for review before sign off at College director level. As a formality, the draft would be shared with the Home Office in England and/or Welsh Government in Wales for 'government review'. I was then responsible for final Operation Talla sign-off, though in reality this function was often delegated to ACC Weatherill.

69. The approval process could take anywhere from several hours to several days - with College staff working long hours, seven days a week, to ensure that briefings were provided to police officers as soon as possible.

### ***Communication with forces***

70. The primary stakeholders for the NPCC are its constituent police forces, including Police Scotland, PSNI, the forces of the Crown Dependencies, and other forces such as the CNC, the BTP and the MOD Police. Throughout the pandemic, the NPCC remained in communication with forces to identify and address challenges and policing matters.
71. Communication was undertaken through formal meetings, electronic communication and information sharing processes. The most common methods of briefing were through the medium of Silver meetings or by individual correspondence with the relevant portfolio leads within the NPCC as specific issues arose. In addition, many matters were linked into Gold meetings and the daily work of Operation Talla.
72. In general, the most immediate granular or time sensitive matters were dealt with on a daily basis with communications through the Silver group, to daily/weekly briefings and/or individual correspondence with portfolio leads, whereas less time-sensitive issues of broader application could be reserved to formal consideration within the Gold group as appropriate.
73. Briefings were also issued to Chief Officers through the ChiefsNet platform on a daily basis. The briefings were short, directed updates on Operation Talla, including matters arising within specific portfolios which had relevance to policing during the Covid-19 pandemic. Chiefs' Operational Briefings, which in respect of issues of specific note might incorporate correspondence commencing "Dear Colleagues", provided information to Chief Constables and other stakeholders regarding important updates, including in relation to changes in regulations and updates from the Independent Ethics Committee. The documents were drafted by personnel from a range of portfolios, depending on their contents.

74. For example, the Chiefs' Operational Briefing dated 9 April 2020 was circulated just before the Easter weekend 2020. It highlights the direction to use the 4Es staged approach, and provides information to Chief Constables and portfolio leads in respect of PPE guidance and public messaging.
75. Once signed off, operational briefings were disseminated in accordance with the process set out above and published on the College website. The operational briefing documents remained on the College website until they were superseded by new or updated briefings to reflect new or amended regulations.
76. Operational briefing documents were often accompanied by infographics and delivered via a wider communications plan, incorporating social media platforms, to inform police officers and the public about new regulations, what they meant and how restrictions would be enforced.
77. Social media and scenario infographics were produced for social media channels including Twitter, Facebook and LinkedIn. These materials were also provided directly to police forces. The scenarios covered subjects including:
  - i. Changes to regulations;
  - ii. Coronavirus Act;
  - iii. 'Four Es' guidance;
  - iv. Health conditions requiring exercise – exemptions for specific health conditions/carers;
  - v. Homelessness;
  - vi. Substantive offences;
  - vii. Travel;
  - viii. Under 18s;
  - ix. Bank holidays;
  - x. Large gatherings;
  - xi. Fines.
78. Early in the pandemic, the College published on its website one iteration of CPS guidance. This was not NPCC or College guidance. The document was called: 'What constitutes a reasonable excuse to leave the place where you live' (09.04.2020).

This document was published as there was confusion about what constituted a reasonable excuse to leave one's home, and in anticipation of what was expected to be a warm Easter weekend. As subsequent regulations communicated the matter more clearly, no further CPS guidance was published on the College website during the pandemic.

79. The only other Covid-19 guidance published and disseminated was not directly connected to enforcement of the regulations but contained guidance on carrying out normal policing during a pandemic. This guidance was provided to police forces via a secure internet site (not the College's publicly accessible website). This guidance included:

- i. Responding to domestic abuse;
- ii. Referral support for victims;
- iii. Referral support for perpetrators;
- iv. Guidance for telephone first response to domestic abuse;
- v. Domestic abuse decision making framework;
- vi. Serial potentially dangerous stalking perpetrators;
- vii. Conducting telephone interviews;
- viii. Signatures on witness statements;
- ix. Missing persons;
- x. Breath-testing.

80. When developing guidance or operational briefings incorporating material which required technical or epidemiological expertise, the NPCC liaised with organisations such as the Health and Safety Executive, Public Health England (**PHE**) and the Defence Science and Technology Laboratory. For example, the NPCC provided briefings to forces regarding the standards of PPE required to keep officers safe. In order to achieve this, the NPCC held meetings with expert stakeholders to ensure the briefings reflected best practice. Whether to implement the recommended standards remained a matter for individual forces and ultimately a different approach was taken to PPE by Police Scotland, but the NPCC disseminated briefings and assisted in making available to forces a stock of PPE which met the relevant

requirements as part of its national procurement hub (see below at paragraphs 112-114).

### **Issues arising in respect of guidance and briefings**

81. In practice, notice received of an imminent change was often very short, particularly in the first 3-4 months of the pandemic. The notice period was sometimes measurable in hours, with limited if any opportunity for consultation. On at least one occasion the NPCC became aware of the existence of new proposed restrictions by social media. The result was that there were multiple occasions when there was a time lag between the coming into force of new legislation and the availability and dissemination of briefings, which meant that the commencement of enforcement was on occasion correspondingly delayed.
82. A separate source of difficulty was created where the legislation lacked clarity or specificity, or where government-issued guidance or messaging was inconsistent with or went beyond the legislation enacted. For example, by 5<sup>th</sup> June 2020 in Wales, Scotland and Northern Ireland, secondary legislation made businesses responsible for maintaining a distance of two metres between persons on their premises. This was not a legal requirement in England; it appeared only in government guidance.
83. Another important example is provided by the restrictions in respect of movement of people during lockdowns. Following the announcement by the Prime Minister of the first national lockdown on 23<sup>rd</sup> March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into effect at midnight on 26<sup>th</sup> March 2020. It became an offence to leave home without a reasonable excuse.
84. These regulations provided a lengthy and non-exhaustive list of reasonable excuses for a person to leave the place where they lived, including 'to take exercise either alone or with other members of their household'. The regulations did not limit the number of times a person could leave their home per day, or how far they could travel, or the length of time they could spend outside. Individuals were permitted to leave home multiple times and for any period of time, provided that they had a reasonable excuse. The list of reasonable excuses was different in all four nations

and the governments of each nation made differing amendments to the lists during the first three months of lockdown.

85. By contrast, government guidance – which was similarly repeatedly revised, initially set out a limited number of circumstances capable of amounting to a reasonable excuse: *shopping for basic necessities; one form of exercise per day; a medical need or as necessary to avoid the risk of injury or harm; travelling for work purposes*. No assistance was provided in guidance or Legislation as to what might amount to a basic necessity.
86. Discrepancies between the legislation/regulations and government guidance heightened the risk of i) police officers misunderstanding the extent of their powers and obligations and ii) the public misunderstanding the nature of the restrictions. Police officers have no power to enforce government guidance, as opposed to legislation and regulations. The discrepancies between the two reinforced the need for clear NPCC briefings to police forces. The NPCC also needed to raise discrepancies of this kind with government while working under great time pressure.
87. Protest activity was not initially identified in guidance or legislation as an example of a 'reasonable excuse' for breaching restrictions on either movement or gathering. Following the making of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 on 3<sup>rd</sup> July 2020, gatherings organised by a political body became a recognised exemption from restrictions, subject to the completion by organisers of Covid-19 risk assessments '*which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(14), whether or not the gathering organiser is subject to those Regulations*' and the implementation or measures to manage the risks of transmission.
88. The expertise or capacity of the police to review those assessments was not considered (or not considered in consultation with the NPCC or forces) in advance of the making of the regulations and was an unwelcome additional burden in an operational context which demanded discretion and sensitivity. Issues associated with the policing of protests during the pandemic period received considerable media attention, were the subject of legal challenge and some investigatory work by HMICFRS.

89. Whilst there were important differences between the regulations and guidance for England and for Wales, including in particular in the definitions of essential travel and in the durations of lockdowns, in practice few issues with interpretation or enforcement arose. Examples of the limited issues which did arise are:
- a. A perverse and unintended effect on some households in England, whose closest shopping facilities were in Wales, but who were required to carry out far lengthier journeys in England because of the relative strength of the Welsh restrictions
  - b. The occasional rescinding of a FPN where it was issued under the wrong legislation.
90. It is likely that the lack of issue was attributable to the clarity and robustness of the regulations and guidance for Wales, coupled with an awareness in the police forces, Welsh and English, through whose areas the border runs.

#### **The extent and nature of NPCC liaison with key stakeholders**

91. Throughout the pandemic, engagement and liaison with stakeholders remained a priority for the NPCC to ensure consistency of approach and effective communication in the administration of policing and the response to the introduction of Regulations. As part of this process, the NPCC undertook and received a broad range of briefings in order to remain up to date with information regarding the pandemic and to share relevant material with partner organisations and forces.
92. Individual police forces and Chief Constables are the primary stakeholders for the NPCC. Engagement with forces has been addressed supra at paragraphs 70 - 80.

#### ***Partner organisations***

93. In addition to forces and Chief Constables, the NPCC has key stakeholders which are separate to the organisation but work in close partnership, namely the College and ACRO. Both the College and ACRO had representatives embedded within Operation Talla and were represented in Gold and Silver groups as required. In

relation to ACRO, there was regular dialogue between ACC Weatherill and T/ACC Stuart Murray, including by attendance at Gold meetings, email correspondence and telephone communications. Liaison with the College has been addressed above in relation to the production of operational briefings and guidance.

94. As set out above at paragraphs 48-57, ACRO played a central role in enforcement through its administration of FPN notices, data management and responsibility for the collection of payments for distribution to Local Authorities. The College also played a key role in enforcement through the drafting of operational briefings and guidance related to Covid-19 legislation. The NPCC engaged regularly with both ACRO and the College in relation to these matters following the introduction of the relevant Regulations. Aside from informal channels of communication which were maintained as a dialogue throughout the pandemic, both organisations had personnel embedded in Operation Talla and were represented at Silver and Gold meetings when required.

### ***External stakeholders***

95. The NPCC has working relationships with a number of external stakeholders, such as the Home Office and other government departments. The Home Office had a standing position for representation at the Operation Talla Gold group and attended as matters relevant to their interests arose.
96. ACC Weatherill was in regular communication with the Home Office throughout the pandemic, including in relation to the issue of enforcement. Telephone calls were made and emails sent multiple times a day to senior officials within the Home Office.
97. ACC Weatherill and I regularly attended Police Operational Briefings, which were meetings held between key stakeholders in relation to policing matters. At the height of the pandemic, the meetings were held twice a week, but the frequency decreased over time.
98. The Home Secretary and Policing Minister were regular attendees at the meetings, as was Cressida Dick, who was then Commissioner of the Police of the Metropolis.

Lynne Owens, Director General of the NCA, also attended the Police Operational Briefings as required. After early meetings, an arrangement was introduced for additional police chiefs to attend the Briefings to assist in sharing contextual information regarding the situation outside of London. This was organised on a rotating system to ensure breadth of representation.

99. The meetings were used as a line of communication to brief partners, share challenges and discuss the best approach. For example, where difficulties arose with Regulations and enforcement due to the rapid pace of implementation, this was shared in the Police Operational Briefings. In my experience, the meetings were constructive and enabled us to have a method of sharing concerns with government.
100. Both the Crown Prosecution Service (**CPS**) and Ministry of Justice (**MOJ**) had representation on NPCC portfolios and worked with the portfolio lead for Criminal Justice throughout the pandemic. The NPCC also assisted in facilitating links between partner organisations. For example, when FPNs were introduced the Border Force was not an existing prosecuting authority, so the NPCC liaised with Border Force and connected the organisation with the NPCC's CPS and MOJ contacts.
101. It was rare for the NPCC to have communications with No. 10 Downing Street or the Cabinet Office. On 2 September 2020, ACC Weatherill and I attended a meeting with the Prime Minister and some members of Cabinet in relation to localised lockdowns. Prior to that meeting, the NPCC did not have sight of government data regarding epidemiology and transmission. A request was made for the Department of Health and Social Care (**DHSC**) to include the NPCC in its weekly meetings. This allowed ACC Weatherill to receive updates on transmission data, which assisted Operation Talla in its approach to policing.
102. Part of the Civil Contingencies function of NPoCC is to attend COBR meetings where relevant to policing. ACC Weatherill and I attended a small number of COBR meetings during the pandemic in this capacity.

## **Learning and reflection**

103. The need to identify, capture, and reflect on both short and longer-term learning and implications of the policing of Covid-19 was initiated by Operation Talla in the early stages of the pandemic under the rubric of the Recovery Learning and Reform Programme. Separately, a C-19 Foresight Group was established within the Civil Contingencies Portfolio. This early recognition reflected the NPCC's awareness that, regardless of the progress of the pandemic, it would be necessary to harvest as much by way of data, information, understanding, and learning as possible, and that the sources of such understanding would be manifold, both internal to the police service and external.
104. A Board was established to support, direct and review the delivery of the programme, with core members drawn from the NPCC, the Home Office, the College of Policing, the National Crime Agency, the Independent Office of Police Conduct; the Association of Police and Crime Commissioners; HMICFRS; and Counter Terrorism Policing. The first meeting was held on 7<sup>th</sup> July 2020.
105. The expressed aim of this programme was two-fold:
- i. Supporting the identification and sharing of learning and knowledge in near real-time to inform ongoing decision making and planning.*
  - ii. To develop an objective, evidence based understanding of the long-term impact and implications of Covid-19 on and for policing.*
106. The College worked throughout the pandemic to ensure that learning and effective practice was shared. It worked with forces to gather examples of effective COVID related operational practice and tactics and shared this information through a variety of channels. As the pandemic affected geographic regions at different rates and intensities a key aim was to identify and share early emerging practice and learning so it could be quickly applied across England and Wales.
107. Early in the pandemic the College developed a COVID restrictions web page as a quick reference guide so that officers and staff could get the information they needed quickly and easily. This could be accessed on any mobile device and was structured to give one-click access to the information officers needed when attending COVID

related calls. Advice was grouped to reflect potential scenarios that officers could experience on the street, under four specific headings (persons; groups and gatherings; premises, events and places; and businesses) and included details of the relevant restrictions, offences, and the fixed penalty notice amounts. The webpage was updated daily and included a list of upcoming College events and programmes and their status.

108. Later, the College restructured the web page into the College's 'COVID-19 Hub' providing additional information on:

- i. Understanding the law
- ii. PPE
- iii. Interviewing victims, witnesses, and suspects
- iv. Looking after yourself
- v. College updates

109. The COVID-19 restrictions meant that those crimes that occurred in the home and online appeared to increase. Early reports from China and Italy, who imposed lock down early on, indicated a significant increase in domestic abuse (DA) cases. Once lockdown was introduced in the UK, the College became concerned that there could be a risk of DA incidents rising but incidents not being reported to the police.

110. In response, the College regularly met with the DA charity sector. These meetings identified significant changes in the number and nature of demand and as a direct result, the government carried out publicity campaigns to highlight DA risks and encouraged victims to report. Many forces also carried out local publicity campaigns to encourage reporting.

111. In response to fears of an exponential increase in DA and domestic homicides, the College was involved in the Home Office 'Domestic Homicides and Victim Suicides During Covid-19 Pandemic' [MH/3 INQ000216922] report and acted as a critical reader. The research was the first of its kind in England and Wales to look at the impact of the COVID-19 pandemic on domestic homicides and suicides following domestic abuse, learn lessons and prevent future deaths occurring. Our involvement meant domestic homicides in a domestic setting were included within the research

parameters, and therefore that child homicides were also included, as opposed to homicides falling within the narrower definition of 'domestic abuse'.

112. A number of products were readily accessible to policing via the Knowledge Hub Civil Contingencies Community. These included:
  - i. Weekly Practice Briefings: provided swift identification and sharing of emerging practice, tactics and learning, and enabled forces to adopt and adapt early learning through the different stages of the pandemic;
  - ii. A 'COVID community of practice' facilitated by the College, offered officers and staff from across policing an opportunity to request and provide advice on COVID related issues as well as acting as a forum for wider discussion on emerging issues.
  
113. The College's organisational development and peer support team captured and shared emerging practice and learning in the response and recovery phase of the pandemic. The team acted as a central hub - signposting and dealing with requests for information from forces and facilitated networking through knowledge sharing events ['KSEs'].
  
114. A key new process established in respect of the identification and sharing of knowledge was the holding of KSEs. These were online events, held from 5<sup>th</sup> May 2020, generally twice a week, and from then throughout the relevant period. These were established and hosted for the most part by the College of Policing and otherwise by the NPCC. They provided a means of capturing more information and creating a regular, live way for forces to engage and question one another's experiences and share learning. From this, the KSE evolved to support forces in a more bespoke manner. Each session dealt with a discrete topic and was supported by a written summary and reference material. Topics and practice were presented by officers, practitioners and specialists, and included an all-force question and answer session. Following each session a summary report with supporting materials were made available. Topics included both Covid specific and wider policing matters, reflective of the impact of the disruption across the whole of policing. KSEs were readily available to policing via the Knowledge Hub Civil Contingencies

Community. The success of KSEs in providing a forum for rapid centralised sharing of information and experience was recognised in 2020 by the College of Policing and the NPCC. KSEs are now permanent.

115. The College also created the COVID-19 Ideas Survey to gather ideas and practice from front line practitioners, where some key projects were identified and progressed such as: the GoodSam App - an emergency video responder application adapted to policing.

116. During 2020 and 2021 focussed learning and consultation events were held and independent reports commissioned, intended to extract wider organisational learning themes and priorities. These included:

- i. In August 2020, an exercise carried out by the College of Policing, working with the NPCC and with individual forces, to identify the top 10 organisational learning priorities in respect of the Covid-19 response, **[MH/4 – INQ000216923]**. This was available to policing via the Knowledge Hub Civil Contingencies Community.
- ii. 'Organisational learning in policing during Covid-19: Strengths, Barriers, and Areas for Improvement': report published in November 2020, detailed what was working well, the barriers and areas for improvement across UK policing, again available to policing via the Knowledge Hub Civil Contingencies Community **[MH/5 – INQ000099937]**.
- iii. In April 2021, an online debriefing event held by the Hydra foundation using 10kv – cloud methodology, designed to extract from participants their view on what went well, what solutions had been developed, and what messages they wished to send to senior leaders **[MH/6 – INQ000099938]**.
- iv. 'Covid-19 and Future Threats: a Law Enforcement Delphi Study', November 2022. UCL was commissioned by the NPCC to complete this study with the following key aims:
  - Systematically assess learned experiences of policing during the disruption to inform future policy

- Contribute towards the readiness of Law Enforcement Agencies to police future disruptions and operate under 'normal' conditions
- Anticipate future crime trends
- Inform policing strategy and policy

The report resulted in a series of recommendations including in relation to themes of community engagement; staff well-being; and activity requiring investment [MH/7 – INQ000099939].

- v. 'Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups' [MH/8 – INQ000099940].

The NPCC published regular statistics throughout the pandemic on how many FPNs were issued by police forces under the coronavirus Regulations. This was made possible through the centralization of part of the FPN process through ACRO (as described above from paragraph 51 onwards) and was reflective of the NPCC drive towards transparency in respect of its work to ensure compliance with the legislation.

During the Covid-19 pandemic, the NPCC commissioned analysis of Fixed Penalty Notices issued by police forces under the Health Protection (Coronavirus, Restrictions) Regulations 2020 between 27<sup>th</sup> March 2020 and 25<sup>th</sup> May 2020 (**the First Report**). The analysis was undertaken by John Flatley and Rosanna Currenti from the Government Statistical Service and was subject to peer review by a researcher from the College of Policing and an independent academic. The analysis relied upon the aforementioned data gathered by ACRO.

The purpose of the First Report was to understand, so far as practicable, the extent to which there was disproportionality in the issuance of FPNs by age, sex or race.

In July 2020, the NPCC shared the First Report with all forces in order to inform and contextualise the use of policing powers moving forward. In addition to sharing the information with forces, on 27 July 2020 the NPCC published the First Report on its website along with the full data set underlying the analysis. Following publication of the First Report, the NPCC continued to publish FPN data obtained from ACRO, as described above at paragraph 57.

vi. “Policing the pandemic in England and Wales: Police use of Fixed Penalty Notices from 27 March 2020 to 31 May 2021” [MH/9 – INQ000187993].

Following the completion of the First Report an additional report was commissioned to reflect a significantly longer period: 27<sup>th</sup> March 2020 – 31<sup>st</sup> May 2021 (**the Second Report**). The Second Report was authored by four academics: Susan McVie, Kath Murray and Victoria Gorton from the University of Edinburgh and Ben Matthews from the University of Stirling.

As of the date of this statement, the Second Report has not yet been published. However, it has been disclosed to the UK Covid-19 Inquiry in advance of publication in order to assist the Chair of the Inquiry.

The Second Report was commissioned by Operation Talla through ACC Weatherill. This was done because:

- i. The issuance of FPNs by police forces under the coronavirus regulations was ongoing;
- ii. The NPCC considered it was necessary to determine whether the matters identified in the First Report in relation to disproportionality were continuing over the longer period of analysis and, if so, to what extent;
- iii. The provision of analysis regarding specific policing areas was helpful to assist forces in responding appropriately to local trends;
- iv. Updated analysis was needed to reflect changes in regulations and restrictions over time;
- v. Ongoing scrutiny was considered important to ensure progress and transparency.

The Second Report is limited in scope to the consideration of certain categories of FPNs. For example, it does not analyse FPNs issued by competent authorities other than police forces in England and Wales. It does not include FPNs issued by the BTP or the MDP. FPNs issued in relation to breaches of face covering regulations and local lockdown rules have also been excluded from analysis because of the difficulty of drawing meaningful comparisons where restrictions in force in different local areas varied significantly over time.

The Second Report should properly be considered in its context, which includes the role of the NPCC in relation to the enforcement of coronavirus regulations (described in paragraph 7 and paragraphs 45 - 47 above), the role of ACRO in administering FPNs (described from paragraph 51 of this statement onwards) and the central importance of the 'Four Es' guidance (described from paragraph 61 onwards).

117. Both the First Report and Second Report include some analysis regarding the enforcement of coronavirus regulations by reference to protected characteristics such as age, sex and race. The NPCC seeks to ensure full compliance with its duties under the Equality Act 2010 (and the equivalent provisions of the Northern Ireland Act 1998) (**Equality Duties**) when exercising its functions. Similarly, as public authorities, territorial forces have overarching Equality Duties with which all officers are expected to comply when exercising policing powers. This was the case prior to the Covid-19 pandemic and remained unchanged throughout the relevant period.
118. The exigencies of the Covid-19 pandemic did not alter officers' or forces' existing Equality Duties. The enforcement of coronavirus regulations was subject to those considerations and obligations, in the same way as any exercise of policing powers outside of the context of a global pandemic. Consequently, it was not necessary to produce new guidance or documentation for officers to amend operational procedures. The Equality Duties were taken into consideration by the NPCC and College of Policing when guidance and operational briefings were drafted, in accordance with relevant staff members' obligations and training.

119. In August 2021, a cross policing system group was established by Operation Talla and NPoCC. The purpose of this group is to draw together the specific and thematic learning points identified through the work of the programme and increasingly available through published academic studies, and begin the process of formulating recommendations. That work is ongoing and will incorporate any recommendations made by the Inquiry. The implementation and assurance in respect of recommendations will be allocated to the relevant portfolio leads within NPCC structures.
120. The Inquiry's attention is drawn to the work of the Police Foundation, an independent policing think tank which, in conjunction with Crest Advisory, carried out a significant research project on UK policing and the Covid-19 pandemic. This project examined *'the strengths and weakness of the current policing model in England and Wales, with a particular focus on policing structures, use of technology, strategic planning and public consent.'* The project's initial report was circulated to all Programme stakeholder through the Board and Regional Recovery Group. The final report was published on 10<sup>th</sup> January 2022. The Recovery Programme has reviewed the recommendations; those relating to policing directly considered within the relevant NPCC portfolios with a view to identifying and progressing any further response.
121. Of note is the recognition of the importance of the strong strategic core provided through the NPCC:

*In areas such as the procurement of PPE, working in partnership with government and issuing consistent guidance to forces around enforcing complex and changing laws, having central coordination through the NPCC and the College of Policing proved extremely valuable. In fact the service would not have been able to operate effectively without it.*

*This raises the question as to why such central coordination is not more routine in other dimensions of policing ... a lack of national workforce planning means that forces have allowed significant skills gaps to develop particularly in the investigation of more complex types of crime ... a lack of centrally collected and analysed individual data poses a risk to a service that does not adequately understand the demand it faces.*

122. The nature and importance of the work of ACRO and the College of Policing in respect of the central coordination function of the NPCC have been described previously in this statement.
123. The handling of the provision of PPE bears specific mention. This was essential to enabling the police service to function through the pandemic, and to the discharge of the service's responsibilities to officers and staff.
124. As part of the UK policing response to Covid-19, stocks and supply chains for PPE for policing via existing force level arrangements were insufficient and failing. Against a backdrop of international world-wide shortages of PPE supply, the challenge was significant, directly impacting staff safety and sickness levels if not addressed. Access to suitable PPE in the required volumes was recognised as a key driver in enabling policing to maintain service delivery capabilities, and thus directly impact public safety, reassurance and confidence. Operation Talla sourced, procured, and quality assured all PPE items moved in to policing until August 2020. These were shipped to the Covid-19 PPE Temporary Distribution Hub, where stock management processes were applied, and staff from NPoCC allocated the distribution of goods across the UK and its overseas police dependencies. The NPoCC staff further provided advice and guidance to forces to help manage stock, understand their PPE demand, and ensure logistic practices were in place that guaranteed relevant PPE to front line officers/staff.
125. A dedicated strand of work to develop a national PPE supply chain for UK police forces was developed and implemented centrally within Operation Talla through the establishment of an effective national procurement hub. The work resulted in uninterrupted supplies of PPE (over 20 million items) to 51 police forces, with robust quality assurance processes resulting in a zero incidence of fraud in procurement and early consistent satisfaction expressed by the Police Federation.
126. At the end of August 2020, the Department of Health and Social Care (**DHSC**) began to supply items of PPE free-of-charge to Operation Talla for processing through the Covid-19 PPE Temporary Distribution Hub and onward transmission to Home Office Police forces. Operation Talla ceased sourcing and procuring PPE products.

127. By September 2021, DHSC developed a supply chain and logistic partner that had been operating across the UK for over six months, successfully delivering PPE from a central point to public sector bodies. This process was mature, had been tested, and was now available to policing throughout the UK, and would meet the level of service previously afforded to police forces from the Covid-19 PPE Temporary Distribution Hub.

### ***Ethics Committee***

128. The day-to-day work of Operation Talla to coordinate and support policing activity during the pandemic has been described above. Within weeks of the start of the Operation, it was clear that the unprecedented nature of the policing task was giving rise, and would continue to give rise, to ethical issues and dilemmas which were also unprecedented.

129. Although the Operation Talla leadership and the leadership of individual forces were able to benefit from their discussions of problems as they arose (via the regular daily and weekly meetings and briefings) and thus to draw on a vast collective body of knowledge and experience of policing, it was decided that the Operation would also benefit from the independent advice and support of individuals with a wider range of work and life experiences.

130. This was the background to the Independent Ethics Committee ("**the Committee**"), whose Terms of Reference were issued on 17<sup>th</sup> June 2020 and whose first meeting took place on 1<sup>st</sup> July 2020.

131. The Bishop of Manchester, The Right Reverend David Walker, agreed to chair the Committee and Mike Stamp, the NPCC Lead for Human Rights and the Director of Legal Services for the Devon & Cornwall & Dorset Police, agreed to act as Vice Chair. The Chair and Vice Chair appointed nine other members, each of whom was independent of both the NPCC and Operation Talla:

- i. Andrew Lockley, the Chair of the South Yorkshire Police Ethics Panel;

- ii. Ben Owusu, the Chair of the Independent Advisory Group for Race for the Metropolitan Police Service;
- iii. Gina Radford, the former Deputy Chief Medical Officer for England;
- iv. Justice Tankebe, a Lecturer in Criminology at the University of Cambridge;
- v. The Venerable Liz Adekunle, the Archdeacon of Hackney;
- vi. Mannie Sheer, an Organisational Development Consultant and Researcher;
- vii. Nazir Afzal, the former Chief Crown Prosecutor for the North West Region;
- viii. Suzanne Shale, the Chair of the London Police Ethics Panel; and
- ix. Lisa-Marie Smith, the Chair of the Association of Police Lawyers.

132. As is clear from the Terms of Reference **[MH/10 – INQ000099941]**, the role of the Committee was to provide advice and support on ethical issues relating to Covid-19, via Operation Talla, to the police forces in England and Wales and thereby to enhance trust and confidence in the governance and actions of the Police Service.

133. The Committee was intended to meet monthly for a period of a year. The last of its regular meetings took place in July 2021, although an extraordinary meeting was called at short notice in December 2021, with a much larger attendance, in order to consider the then pressing question of possible mandatory vaccinations for the Police Service.

134. Operation Talla staff provided administrative and secretarial support to the Committee. Questions or issues for consideration by the Committee at its meetings were put to the Committee, together with any relevant material, by ACC Weatherill's then staff officer, Inspector Pete Healey. Some came direct from the leadership of Operation Talla itself and others came from individual police forces. The Committee would then discuss the points arising at its next meeting.

135. ACC Weatherill attended every meeting, in accordance with the Committee's Terms of Reference, in order to provide contextual updates to the Committee and to facilitate discussions.

136. After discussion, the Committee would give its views or advice on the issues put to it. Sometimes, the Committee asked for more information or decided that the question merited further debate and discussion at its next meeting.

137. The Committee's role was advisory in nature; it had no power to make decisions, nor to direct the Operation Talla or force leadership. Rather, as it was put in the Terms of Reference, it acted as a "critical friend" and provided "constructive feedback on the challenges that Covid-19 has resulted in for the Police Service". It considered general issues and high level policy questions, rather than individual or specific operational decisions.
138. The Committee's discussions and advice were recorded in minutes, drafted by Inspector Pete Healey, reviewed by the Chair and then considered by the Committee at its next meeting. It was ACC Weatherill's responsibility to report the Committee's advice back to the leadership of Operation Talla. In terms of wider dissemination, this was considered on a case by case basis, depending on the nature and urgency of the issue. The Committee's advice would be passed on during Gold and Silver Group meetings, in meetings of the Thematic Leads Group and in the weekly regional leads meetings. On a number of occasions, summaries of the Committee's relevant discussions were produced for distribution to Operation Talla personnel and more widely. Sometimes, the Committee's advice was reflected in one of the many Chiefs' Operational Briefings issued during the pandemic, as explained above at paragraph 74. On significant issues, the Committee's advice shaped the contents of "Dear Colleagues" letters sent out by the Operation Talla leadership or NPCC leads. Finally, there were occasions when the Committee's views shaped public statements or other forms of comment made by the leadership of Operation Talla.
139. At the outset of the Committee's work, it was hoped that the Committee's advice would be made publicly available via the NPCC website. However, given the sensitivity of some of the topics considered and the media and political interest in some aspects of police work during the pandemic, it was decided that the benefits to Operation Talla and to the leadership of individual forces of the Committee's work should not be prejudiced or put at risk by wider dissemination of its deliberations and advice. It was vital that the Committee should feel able to offer frank and independent guidance as the Police Service navigated the many operational challenges posed by the pandemic.

140. Over the course of its year of monthly meetings, the Committee considered a wide range of topics. The Terms of Reference set out its scope in the following terms:

- *Monitoring the use and the impact of the below new Police Powers, and scrutinise how these are being utilised by Forces, ensuring transparency and independent oversight.*
- *How to encourage voluntary public compliance.*
- *How best to enforce Health Protection (Coronavirus Restrictions) (England) Regulations 2020, Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or The Health Protection (Coronavirus International Travel) (England) Regulations 2020.*
- *How to exercise powers to direct members of the public to present for COVID-19 testing and enforce medical directions under the Coronavirus Act 2020.*
- *Acting as a critical friend to provide advice which will help to inform the training for staff in relation to the new powers.*
- *Seek to engage local communities, along with skilled and experienced individuals.*

*The group does so with the aim of:-*

- *Informing the appropriate police action.*
- *Helping the service meet its obligations under the Code of Ethics and the Equality and Human Rights Legislation.*
- *Support Police officers, Staff and Volunteers and the Service generally to act in ways that are necessary, proportionate and non-discriminatory and encourage public trust in the Police*

141. Although this summary of the role of the Committee inevitably reflects the landscape as it was in June 2020, in what was a high-pressure and fast-moving operation in uncharted territory for policing, in broad terms it proved to be a fair summary of the Committee's work in the year that followed, both in terms of the areas in which it gave advice and in the types of assistance and support that it gave to Operation Talla.
142. For example, the first issue considered by the Committee at its first meeting, on 1<sup>st</sup> July 2020, concerned the initial analysis of Fixed Penalty Notice data issued between 27 March and 25 May 2020, undertaken by staff from the Government Statistical Service in their report "Policing the Pandemic" (and referred to in paragraph 106(iv) above), together with questions arising concerning consistency and proportionality in enforcement across police forces. The Committee returned to these and related questions in their August, September and October meetings and again in meetings during 2021, including at the final monthly meeting in July that year.
143. The meeting minutes show the wide range of topics covered by the Committee during its meetings, some of which were considered at a number of meetings. For example, the question of policing protests and large gatherings in light of the Coronavirus Regulations (which featured at the July and September 2020 and March 2021 meetings), the issues concerning the possible imposition of fines of £10,000 for certain breaches of the Regulations (which were discussed at the September and November 2020 meetings) and questions about vaccinations for police officers (which were debated at the November 2020 and January and March 2021 meetings).
144. Sometimes issues of this kind were brought back to the Committee for further discussion at its request, sometimes they re-appeared on the agenda because of developments in the intervening period and the need for further advice and guidance in light of the up to date position.
145. In summary, the Committee provided Operation Talla and force leaders with a regular opportunity to obtain a sense check on policing approaches and thoughtful and considered independent guidance on some of the complex ethical and other

issues thrown up by the difficult enforcement challenges facing officers in their communities.

### **Select Committees**

146. On three occasions, the NPCC was invited to and did attend Parliamentary Select Committees. These were:

- i. **18<sup>th</sup> March 2020:** Home Affairs Committee: Home Office preparedness for Covid 19: <https://committees.parliament.uk/oralevidence/222/default/> [MH/11 – INQ000216993]

#### Witnesses

- I: Lucy Moreton, Corporate Officer, Immigration Services Union.
- II: DCC Paul Netherton, National Police Chiefs' Council Lead for Civil Contingencies, and Deputy Chief Constable, Devon and Cornwall Police; ACC Weatherill, Strategic Lead, National Police Coordination Centre.
- III: Emma Moore, Chief Operating Officer, UK Border Force; Angela Perfect, COVID-19 Incident Gold Commander, UK Border Force.

- ii. **21<sup>st</sup> October 2020:** Home Affairs Committee: Home Office preparedness for Covid 19: <https://committees.parliament.uk/oralevidence/1097/html/> [MH/12 – ]

#### Witnesses

- I: Chief Constable Pam Kelly, Gwent Police, Chief Constable Andy Rhodes, Lancashire Constabulary, Assistant Commissioner Louisa Rolfe, Lead on Domestic Abuse Portfolio, National Police Chiefs' Council, and ACC Weatherill, Operation Talla, National Police Chiefs' Council.
- iii. **24<sup>th</sup> February 2021:** Joint Committee on Human Rights: The government's response to Covid-19: human rights implications of long lockdown: <https://committees.parliament.uk/oralevidence/1756/pdf/> [MH/13 – INQ000216992]

Witnesses

II: ACC Weatherill, Assistant Chief Constable, National Police Coordination Centre; Ben-Julian Harrington, Chief Constable, Essex Police, and Public Order and Safety Lead, National Police Chiefs' Council; John Apter, National Chair, Police Federation of England and Wales.

147. The Inquiry may wish to note, in addition, the Home Affairs Committee: Home Office preparedness for Covid 19 of **6<sup>th</sup> April 2020**:

<https://committees.parliament.uk/oralevidence/267/pdf/> [MH/14 – INQ000052974]

Witnesses

I: Sergeant Simon Kempton, National Lead for Covid-19, Police Federation of England and Wales, and Chief Superintendent Paul Griffiths, Chair, Police Superintendents' Association.

II: Chief Constable Lisa Winward, North Yorkshire Police, Chief Constable Garry Forsyth, Bedfordshire Police, Chief Constable Peter Goodman, Derbyshire Police, and Chief Constable John Robins, West Yorkshire Police.

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Signed:** \_\_\_Martin Hewitt\_\_\_\_\_

**Dated:** \_\_\_29 June 2023\_\_\_\_\_

