

GUIDANCE DOES NOT CREATE ITSELF

The Unresolved Provenance, Authority, Ethics and Accountability of the Operation Talla “*Guidance to Not Record*”

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Introduction

On 14 February 2022, an internal policing communication recorded a sentence which, more than four years later, remains inadequately explained:

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

There is no need to embellish those words.

There is no need to speculate about conspiracy.

There is no need, at this stage, even to determine whether the guidance was lawful.

The sentence itself creates the enquiry.

There was something described within the national policing environment as “*the guidance to not record*”.

It related to activity occurring “*across the country*”.

Its effectiveness was capable of assessment.

And the creation of only one additional report was cited as evidence that the guidance had been “*a success*”.

Those are the starting facts.

But guidance does not create itself.

Someone conceives it.

Someone formulates it.

Someone decides that it should be adopted.

Someone communicates it.

Someone receives it.

Someone implements it.

And where its operation is subsequently assessed as successful, somebody must possess some understanding of the objective against which that success is being measured.

The question with which this paper begins is therefore elementary:

WHO CREATED THE GUIDANCE TO NOT RECORD?

It is deliberately not:

Which police officer created it?

The fact that the guidance becomes visible through policing records does not establish that its intellectual, operational or policy origin was within policing.

Its provenance might prove to have been entirely within policing.

It might have arisen from legal advice.

It might have developed through Operation Talla or another national coordination structure.

It might have resulted from discussions between different police forces.

It might have arisen within an interaction between policing and Government.

Or its provenance may be something else entirely.

The evidence must decide.

This paper therefore makes no assumption about where the guidance originated.

Instead, it follows the documentary trail backwards from the point at which the guidance becomes visible.

And it asks that the trail be followed until there is nowhere else for its provenance to go.

1. Start With What Is Known

The relevant chronology did not begin on 14 February 2022.

A report alleging serious criminal offending connected with the Covid-19 vaccination programme had been made to the Metropolitan Police on 20 December 2021 and allocated CRN 6029679/21.

Substantial documentary material was subsequently provided.

By 12 January 2022, Operation Talla Gold and Silver Command had convened a national meeting concerning members of the public attending police stations and presenting criminal allegations relating to Covid vaccination.

On 18 January, Assistant Chief Constable Owen Weatherill, then Operation Talla Silver and National Mobilisation Coordinator, circulated a national communication to Chief Constables and Force Gold Officers.

Then, on 14 February, came the internal assessment:

“the guidance to not record has been a success”

because:

“only one additional report has been created.”

The documents presently available do not establish the complete authorship, provenance, legal basis or dissemination route of that guidance. That limitation must be stated expressly.

But that limitation does not make the question disappear. It creates it.

2. “Guidance” Necessarily Has a Provenance

The first route of enquiry concerns creation.

If this was formal written guidance, where is it?

What was its title?

When was it drafted?

Who drafted it?

Who requested it?

Who approved it?

Who possessed authority to approve it?

Who received it?

What was its stated purpose?

If it was not formal written guidance, another set of questions follows.

Was it oral advice?

Was it contained in an email?

Was it communicated through Gold/Silver command?

Was it conveyed through national briefings?

Was it legal advice translated into an operational position?

Was it a consensus emerging from a meeting?

Was it an instruction described informally as guidance?

If there was no single document called “***guidance to not record***”, how did those communicating internally come to use that apparently shared description?

There is no escape from provenance merely by changing the form of the guidance.

Written guidance has an author.

Oral guidance has a speaker.

Legal advice has an adviser and client.

A command decision has a decision-maker.

A collective decision has participants and ordinarily some institutional record.

A policy has an origin.

Guidance does not create itself.

3. Nor Should Its Origin Be Presumed to Be Policing

This point requires particular care.

Operation Talla existed within an environment of substantial interaction between policing and Government.

That does not establish Government authorship of the *“guidance to not record”*.

But neither can Government involvement properly be excluded merely because the guidance subsequently appears within policing records.

There is important evidence explaining why.

On 3 February 2026, the Bishop of Manchester, David Walker - the person who chaired the Operation Talla policing ethics committee, told the House of Lords:

“During Covid, the Operation Talla policing ethics committee was largely set up under my chairmanship because police chief constables were under such pressure from Government Ministers...”

He described Ministers announcing things and saying:

“This is now the law”

when, he said:

“it was not.”

He then explained:

“The police wanted somebody independent who could support them in the face of that kind of ministerial overreach.”

Those words do not prove that Ministers created the non-recording guidance.

They do something different.

They make it unsafe simply to assume that every important operational position visible inside Operation Talla necessarily originated independently inside policing.

The Chairman of Talla's own independent ethical mechanism has placed governmental pressure upon chief constables and ***“ministerial overreach”*** squarely within the historical environment.

The provenance enquiry must therefore remain open.

Did the guidance travel from policing outwards?

Or did something originating elsewhere travel into policing?

The records must answer.

4. Every Possible Origin Produces Another Record

Suppose the NPCC created the guidance.

Then identify the decision.

Suppose Operation Talla created it.

Then identify the Gold or Silver decision, meeting, communication or log.

Suppose an individual force originated the approach and it was subsequently adopted nationally.

Then identify the force, original proposal and route of adoption.

Suppose the guidance arose from legal advice.

Then identify, subject to any properly applicable privilege, the institution which commissioned the advice, the issue upon which advice was sought, the recipient and the operational decision which followed.

Suppose Government proposed the approach.

Then identify the department, official, communication and policing decision by which any proposal was independently considered and adopted.

Suppose Government did not propose it.

Then the documentary provenance should be capable of demonstrating its independent origin elsewhere.

Suppose nobody formally “created” it because it emerged through collective discussion.

Then identify the discussion.

Suppose it was merely an informal operational understanding.

Then explain how that informal understanding became sufficiently widespread and sufficiently definite that somebody could subsequently assess “*the guidance to not record*” as successful across activity occurring “*across the country*”.

Every explanation remains open, but every explanation creates an evidential consequence.

5. “Success” May Be More Revealing Than “Guidance”

There is another word in the 14 February communication which demands attention.

Success.

Guidance cannot meaningfully be judged successful without some conception of what it was intended to achieve.

The communication itself appears to identify the metric:

“only one additional report has been created.”

That creates an unavoidable question.

Was reducing the number of reports being created an intended operational outcome?

If yes:

Who established that objective?

If no:

Why was the creation of only one additional report cited as evidence that the guidance had succeeded?

Perhaps there is another explanation.

Perhaps duplicate reports were being consolidated.

Perhaps the underlying allegations had already been assessed centrally.

Perhaps evidence from different complainants was preserved through another mechanism.

Perhaps forces were instructed to route material somewhere other than ordinary crime-recording processes.

Perhaps the intention was legitimate administrative rationalisation rather than suppression of allegations.

Every one of those explanations is capable of investigation.

But each requires the next question:

What was the alternative process?

Where are its records?

Who administered it?

What evidence entered it?

What safeguards existed?

What happened when materially different evidence was presented?

How could a complainant challenge an erroneous assessment?

What audit trail remained?

And what happened to information which might subsequently become relevant to a criminal investigation?

An alternative process cannot merely be asserted.

It can be evidenced.

6. Scotland Provides an Important Test

Subsequent Police Scotland material adds another part of the provenance trail.

The documentary record now associates the relevant Scottish operational approach with the Speirs Directive and places it within the wider Operation Talla/national policing environment.

Later Police Scotland disclosure attributed the relevant decision as having “*came via the Gold Command.*”

That does not establish the ultimate origin of the wider guidance.

It does establish another link which can be followed.

What did Gold Command receive?

From whom?

What precisely was transmitted?

Was the Scottish approach independently formulated after receipt of national information?

Was it implementation of wider advice?

Was it adaptation of that advice?

Who possessed the original source material?

The appropriate response to each institutional referral is therefore not frustration.

It is simply:

Thank you. Then who was immediately upstream?

Follow the chain.

7. Lawfulness Is Only One Wall

Eventually, the provenance enquiry must encounter law.

What legal basis supported the guidance?

What crime-recording framework applied?

What distinction was drawn between declining to record a further crime and declining to receive, assess or preserve potentially different evidence?

What legal advice was obtained?

What consequences were considered for complainants, witnesses and victims?

Those questions matter.

But even a complete demonstration of lawfulness would not conclude this enquiry because lawfulness and ethics are not synonymous.

A public institution may possess legal power to do something without that fact alone answering whether exercising the power in that manner was just, proportionate or ethically defensible.

The question is therefore not merely:

Were you legally permitted to do it?

There is another:

Was it right?

8. The Ethical Question

The ethical issue is particularly acute because non-recording operates at the threshold.

There is an important distinction between deciding not to enforce an offence and deciding not to record an allegation.

The Operation Talla Ethics Committee itself demonstrated the former distinction in October 2020. It considered the legal and evidential basis for enforcement of self-isolation requirements and concluded that police should refrain from enforcement until necessary safeguards, including an MoU and data-sharing agreement were in place.

That restrained state coercion until its proper foundation existed.

Non-recording presents the converse problem.

As my previous Ethics Committee analysis observed, a decision not to record potentially determines whether an allegation enters ordinary police processes in the first place.

That raises questions beyond administrative convenience.

What if one allegation was true?

What if one complainant possessed evidence others did not?

What happened to that evidence?

Was it preserved?

Was it assessed?

Could it be retrieved?

Could decisions be reviewed?

Could patterns across different reports be identified?

What happened to the institutional audit trail?

And what safeguards protected the citizen against an erroneous threshold decision?

These are questions about policing, but they are also questions about justice.

9. Operation Talla Had a Conscience

There is a reason the ethical issue cannot simply be dismissed as retrospective moral philosophy.

Operation Talla possessed its own Independent Ethics Committee.

Martin Hewitt's evidence describes a mechanism which acted, in substance, as Talla's “*conscience*”, “*challenge point*” and “*critical friend*”.

There was an identifiable route by which issues arising within Talla leadership or individual forces could reach the Committee through administrative machinery associated with ACC Owen Weatherill and his staff officer.

The machinery existed.

It could examine operationally important questions.

It had previously considered whether enforcement possessed a sufficient legal and evidential foundation.

And when another important issue arose concerning mandatory vaccination of police officers in December 2021, the Committee could be reconvened extraordinarily.

The question is therefore unavoidable:

WAS THE “*GUIDANCE TO NOT RECORD*” REFERRED TO THE INDEPENDENT ETHICS COMMITTEE?

If yes:

Produce the referral.

Produce the papers.

Identify the question posed.

Identify those attending.

Produce the minutes.

Identify the advice.

Identify the resulting decision.

If the Committee considered the approach ethically defensible, that is important evidence.

If it imposed safeguards, identify them.

If it objected, identify what happened next.

If the answer is no, a different question arises:

Who decided that an operational approach capable of affecting whether allegations of criminal offending entered ordinary policing processes did not require independent ethical scrutiny?

The presently available published record does not establish that such a referral occurred. That is not proof that it did not occur. The distinction is important.

But the question now has an identifiable answer.

Somebody either referred it.

Or nobody did.

Which?

10. The CPIA Question Cannot Simply Be Avoided

There is then a further legal consequence requiring careful treatment.

The Criminal Procedure and Investigations Act 1996 and its associated investigative framework concern, among other matters, the conduct of criminal investigations, the recording and retention of relevant material and subsequent disclosure obligations.

This paper does not assert that the “*guidance to not record*” was created for the purpose of avoiding CPIA obligations.

There is presently insufficient evidence to establish such an intention.

The proper question is anterior.

If allegations or associated material are prevented from entering an ordinary investigative process at the threshold: what procedural obligations which might otherwise arise never become engaged?

That question requires examination of the precise process actually used.

If evidence was nevertheless retained within an alternative system, identify it.

If CPIA-compliant records were maintained where required, identify them.

If the guidance operated only before any criminal investigation existed, explain the applicable threshold and how that threshold was determined.

If reports were treated as intelligence instead, identify the retention, assessment and retrieval arrangements.

The answer cannot be obtained by debating labels. It requires reconstruction of what actually happened to the information.

11. The Public Account and the Internal Account

The importance of that reconstruction becomes clearer when the contemporaneous public-information environment is considered.

On 14 February 2022, Full Fact was corresponding with police about claims concerning a live vaccine investigation and the significance of crime reference numbers.

The policing response chain recorded that, to its knowledge, only two police records had formally been created - the Metropolitan Police record and another in West Yorkshire.

Then, internally, came the assessment that the “**guidance to not record**” appeared to have been successful.

Two days later, Metropolitan Police communications were preparing proactive lines saying that no criminal investigation would be launched and that the crime reference number had been widely misrepresented as evidence of an investigation or wrongdoing.

Yet the same disclosed chain referred to the CRIS report being with Hammersmith CID, to Directorate of Legal Services involvement, and to the completed MPS position being forwarded by the Metropolitan Police Covid Lead to Owen Weatherill, Operation Talla Silver.

Those facts do not themselves prove that a substantive criminal investigation into the alleged offences was underway.

They do however demonstrate that the internal environment was materially more complex than a crime-reference number existing in isolation.

The question for the purposes of this paper is different:

What did those communicating publicly know about the contemporaneous “**guidance to not record**”?

That question can now be asked of the institutions which were there.

12. The Inner Wall: 2022

By this stage the historical enquiry can be reduced to a finite set of propositions.

Someone conceived the approach.

Someone authorised or adopted it.

Someone communicated it.

Forces received some form of guidance or advice.

Operational consequences followed.

Its success was subsequently assessed.

Therefore the first evidential wall consists of seven questions:

WHO conceived it?

WHO authorised or adopted it?

WHAT precisely was communicated?

WHEN was it communicated?

TO WHOM was it communicated?

WHY was it considered necessary?

BY WHAT CRITERIA was it judged “*a success*”?

Those questions concern 2022, but they are no longer the only questions.

13. The Outer Wall: 2026

Primary evidence has subsequently emerged.

Institutions have been notified.

Questions have been asked.

The evidential position has changed.

That creates a second category of accountability which must not be confused with responsibility for creating the original guidance.

An institution cannot necessarily be criticised for failing to investigate something it genuinely did not know existed.

But, once an institution receives credible primary evidence, the question changes.

Before notice:

What did you know?

After notice:

WHAT DID YOU DO WHEN YOU KNEW?

That question applies independently of responsibility for the original guidance.

A person or organisation which played no role whatsoever in creating the guidance may subsequently acquire responsibilities arising from its institutional function, possession of relevant records, oversight role or receipt of credible evidence.

The two groups may ultimately prove entirely different.

14. When Ignorance Ceases to Be Available

Notice is capable of proof.

A document can be supplied.

Its receipt can be acknowledged.

Questions can be recorded.

A response can subsequently be compared with those questions.

At that point there are again only a finite number of possibilities.

Perhaps the institution investigates.

Then identify what it did.

Perhaps it already knows the provenance.

Then identify it.

Perhaps it does not know.

Then identify the searches undertaken.

Perhaps another institution holds the answer.

Then identify that institution.

Perhaps records have been destroyed.

Then identify when, pursuant to what retention policy and by whom.

Perhaps records exist but cannot lawfully be disclosed.

Then identify the legal basis relied upon.

Perhaps the institution disputes the significance of the phrase.

Then explain what “*guidance to not record*” meant.

Perhaps the guidance has been misunderstood.

Then produce the contextual record which corrects that misunderstanding.

Every reasonable explanation remains available, but an explanation is not the same thing as an assertion.

Evidence it.

15. Protection Must Not Be Presumed Either

There is an important distinction between proving that an institution is deliberately concealing something and observing that institutional conduct has the effect of leaving something unexplained.

This paper does not allege a cover-up.

It does not allege conspiracy.

It does not presently accuse any institution of protecting the original decision-maker.

Those propositions require evidence.

Neither should the absence of evidence identifying the original decision-maker become a permanent shield against enquiry.

The proper method is sequential.

If Institution A says Institution B was responsible, ask Institution B.

If Institution B identifies Institution C, ask Institution C.

If Institution C says the decision came through Gold Command, examine Gold Command.

If Gold Command relied upon advice, identify the advice.

If the advice came from outside policing, follow it outside policing.

If it came from Government, identify the Government record.

If it did not, establish where it actually came from.

There is no need to decide the destination before following the road.

And there is a simple proposition against which institutional resistance can ultimately be measured:

IF NOBODY IS CONCEALING THE ORIGIN OF THE GUIDANCE, ESTABLISHING ITS ORIGIN SHOULD BE A COMMON OBJECTIVE.

16. “*We Need Not Answer*” Is Not the Same as “*We Should Not Answer*”

Lawfulness and ethics intersect again at this point.

An institution may possess a legal basis for withholding particular information.

Legal professional privilege may apply.

Freedom of information exemptions may apply.

Data protection obligations may restrict disclosure.

Operational sensitivities may genuinely exist.

Those questions must be respected on their merits.

But a legal entitlement not to disclose a particular document does not necessarily answer the wider ethical question:

Should the public be told who authorised an important national approach affecting the treatment of allegations of criminal offending?

Nor does the absence of a particular statutory duty to investigate necessarily answer:

What should an institution entrusted with public responsibility do when credible evidence raises a serious unresolved question within its area of responsibility?

Minimum legal compliance and ethical public administration are not always identical.

There are occasions when the more important institutional question is not:

“Must we answer?”

but:

“Why should we not?”

17. The Morality of the Original Decision

There is an even simpler moral test.

Assume, for the moment, that every legal question is answered favourably to those responsible.

Assume there was legal authority.

Assume the guidance complied with applicable recording rules.

Assume no statutory obligation was breached.

The ethical question survives intact:

WAS IT RIGHT?

Was it right to measure success by the creation of fewer reports?

Was every potentially relevant allegation nevertheless capable of proper assessment?

Were citizens treated fairly?

Was potentially important evidence preserved?

Were decision-makers independent?

Were appropriate safeguards present?

Was there independent scrutiny?

Could mistakes be corrected?

Could an individual reporting genuine evidence distinguish between lawful consolidation and institutional refusal?

Did the system preserve public confidence in the impartial administration of justice?

If satisfactory answers exist, they should strengthen the institutional position.

There should be no reason to fear them.

18. The Morality of What Happens Now

The moral question does not belong exclusively to 2022.

Suppose an institution today becomes aware that an unexplained national approach may have affected access to ordinary policing processes.

Suppose it possesses relevant records.

Suppose it possesses powers to enquire.

Suppose it is responsible for oversight.

Suppose it is expressly shown the primary evidence.

What then?

There may still be no legal obligation compelling a particular response, but ethical responsibility asks something more.

Does the institution attempt to establish the truth?

If it does, the record will show that.

If it does not, the reason can be explained.

This is why the conduct of institutions after knowledge is capable of becoming evidence in its own right.

Not evidence automatically proving complicity in the original decision.

Not evidence automatically proving concealment.

Evidence of something much narrower:

What the institution did after it knew there was a question requiring an answer.

19. Every Gate Remains Open - On One Condition

There may be an entirely innocent explanation.

Indeed, there may be several.

Perhaps the guidance was created entirely within policing after careful operational and legal consideration.

Produce that history.

Perhaps Government played no role whatsoever.

Establish the independent provenance.

Perhaps Government supplied information but policing independently reached the decision.

Identify the interface and decision-making process.

Perhaps the guidance resulted from privileged legal advice.

Identify the decision taken upon that advice and the institutional authority for it, to the extent lawfully possible.

Perhaps reports were not separately recorded because an effective central process already existed.

Identify that process.

Perhaps all evidence was preserved.

Identify the repository and safeguards.

Perhaps the Independent Ethics Committee considered the matter.

Produce the record.

Perhaps it did not because there was a compelling reason why referral was unnecessary.

Explain the reason and identify who made that determination.

Perhaps “**success**” has been misunderstood.

Explain what success meant.

Perhaps the entire phrase has been taken out of context.

Produce the context.

Perhaps records no longer survive.

Identify their former existence, custodianship and lawful disposal.

Perhaps another organisation possesses them.

Name it.

Every innocent explanation remains open.

There is only one condition:

EVIDENCE IT.

20. The Question That Cannot Be Delegated Forever

Eventually referral must end.

An instruction cannot travel backwards through an infinite number of institutions.

At some point somebody originated it.

At some point somebody decided it should operate.

At some point somebody communicated it.

And at some point somebody assessed what happened afterwards and wrote:

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

The documentary chain therefore has a beginning.

The fact that the beginning has not yet been publicly identified does not mean that it does not exist.

It means that the reconstruction is incomplete.

Nor can responsibility for completing that reconstruction be passed indefinitely from institution to institution.

If policing says the guidance came from elsewhere, identify elsewhere.

If elsewhere says the operational decision belonged to policing, identify the police decision.

If both participated, identify the respective roles.

If neither accepts authorship, then the surviving records become even more important.

Guidance does not exist without human agency.

21. Two Questions, Four Years Apart

The entire issue can now be reduced to two questions.

The first belongs to 2022:

WHO CREATED THE GUIDANCE TO NOT RECORD?

The second belongs to 2026:

WHY DO WE STILL NOT KNOW?

The first concerns those who conceived, authorised, adopted, communicated and implemented the approach.

The second concerns every institution which has subsequently acquired sufficient evidence, knowledge, records, authority or responsibility to assist in establishing what occurred.

Those groups may prove entirely different.

Neither should presently be accused without evidence.

Neither should be insulated from questions merely because the other remains unidentified.

Conclusion

Guidance does not create itself.

It does not authorise itself.

It does not disseminate itself.

It does not implement itself.

It does not determine what happens to citizens who encounter it.

It does not measure its own effectiveness.

It does not describe itself as “*a success*”.

And, once discovered, it does not investigate its own provenance.

People do these things.

Institutions make decisions.

Institutions communicate them.

Institutions retain records.

There will therefore be an explanation.

Perhaps that explanation will demonstrate that the *“guidance to not record”* was lawful, necessary, proportionate and ethically defensible.

If so:

produce it.

Perhaps it will demonstrate that Government played no part whatsoever in its conception.

If so:

establish that from the record.

Perhaps it will demonstrate that Government and policing discussed the issue but that the operational decision was independently taken by police.

If so:

show where that decision was made.

Perhaps Operation Talla's Independent Ethics Committee examined the question and was satisfied.

If so:

produce the referral, consideration and advice.

Perhaps the guidance did not mean what the words appear to mean.

If so:

produce the complete context.

Perhaps non-recorded reports and evidence entered another robust, auditable process which protected evidence and access to justice.

If so:

identify it.

Perhaps the creation of fewer reports was not the intended measure of success.

If so:

explain why it was cited as evidence of success.

Perhaps those institutions now aware of the evidence have already undertaken serious work to establish the provenance.

If so:

say what has been done.

Every reasonable explanation remains available.

Every gate remains open to evidence, but assertion cannot substitute indefinitely for documentary fact and institutional referral cannot continue indefinitely because somewhere, at the beginning of this chain, somebody knew where the guidance came from.

The investigation need not guess who.

It need only continue moving backwards through the documentary record, from implementation to dissemination. From dissemination to authorisation. From authorisation to formulation. From formulation to origin.

And, separately, forwards from disclosure. From disclosure to knowledge. From knowledge to responsibility. From responsibility to action - or inaction.

Lawfulness must be examined.

So must proportionality.

So must governance.

So must accountability.

And beyond all of them lies the question which no legal technicality can finally answer:

WAS IT RIGHT?

There is no allegation which needs to be manufactured.

There is no conspiracy which needs to be presumed.

There is no predetermined institutional destination at which this investigation needs to arrive.

There is simply a sentence written inside the national policing environment in February 2022:

“it would appear that the guidance to not record has been a success...”

Four years later, that sentence still demands provenance.

So the questions remain.

Who conceived it?

Who authorised it?

Who communicated it?

Who implemented it?

Who decided that fewer reports constituted success?

Was it independently scrutinised?

Where did it actually originate?

And now:

Who knows enough to answer those questions today?

For anyone able to provide the documentary explanation,
there remains one entirely unobstructed route.

It is the simplest route of all.

PRODUCE THE RECORD.