

The Part They All Overlooked

The Covid-19 Inquiry and the Missing Discussion

Executive Summary

This paper examines a straightforward question arising from the documentary record.

It compares two sets of official documents.

The first set consists of documents created during January 2022 showing that one particular aspect of Operation Talla - the handling of certain reports made by members of the public concerning Covid-19, the vaccination programme and related allegations, was treated as an issue requiring national discussion, national operational communication and operational implementation.

The second consists of the publicly disclosed witness statements provided by senior policing figures, Martin Hewitt, Owen Weatherill and Alan Speirs, to the UK Covid-19 Inquiry.

When those documents are compared, a single constitutional question naturally arises.

How can an operational issue regarded as sufficiently important to be discussed nationally, communicated nationally and implemented operationally appear to receive no substantive attention within the publicly disclosed policing evidence presented to the UK Covid-19 Inquiry?

This paper does not answer that question.

It simply explains why it now arises.

1. An Operational Issue of National Importance

The documentary record now available demonstrates that the handling of certain Covid-related reports from members of the public was not treated as an isolated local policing issue.

Official documents show that it became part of national operational coordination during January 2022.

The chronology includes:

- discussion at the NPCC Chief Constables' Council on 12 January 2022;
- a nationally circulated Operation Talla communication issued by Assistant Chief Constable Owen Weatherill on 18 January 2022;

- the Police Scotland operational publication issued by Assistant Chief Constable Alan Speirs on 25 January 2022; and
- Police Scotland's later Freedom of Information confirmation that the publication stemmed from NPCC advice and the United Kingdom Gold Command structure.

Collectively, those documents demonstrate that the subject was regarded as requiring national operational policing coordination.

Whether that operational approach was correct is not the subject of this paper.

The point is more limited.

The documentary record demonstrates that the issue was considered nationally important.

2. The Inquiry Evidence

The UK Covid-19 Inquiry subsequently received finely detailed witness statements from the senior policing representatives referred to above, describing Operation Talla, its structure, governance and operational response to the pandemic.

Those statements discuss numerous aspects of national policing during Covid-19.

- They explain command structures.
- They describe operational challenges.
- They examine policing philosophy.
- They address the relationship between national coordination and local operational independence.
- They discuss guidance, public engagement and enforcement.
- They provide substantial evidence concerning Operation Talla.

However, when these publicly disclosed statements are examined alongside the January 2022 operational documents, one feature becomes apparent.

Having carefully examined the publicly disclosed witness statements, I have been unable to identify any substantive discussion at all of the nationally coordinated handling of the category of public reports which was described within the January 2022 documents.

3. The Missing Discussion

The contrast is striking.

During January 2022, the handling of these reports was:

- discussed by Chief Constables;
- the subject of an agreed national operational steer;
- communicated nationally to Chief Constables and Force Duty Gold Officers;
- incorporated into operational guidance issued within Police Scotland; and
- later explained officially as having originated from NPCC advice and the UK Gold Command structure.

Yet the same operational issue appears to receive no substantive attention within the publicly disclosed policing witness statements presented to the UK Covid-19 Inquiry which I have examined in great detail.

This paper does not speculate why. There may be perfectly proper explanations.

Equally, there may be additional material not presently available to the public.

The documentary comparison simply identifies a difference between two sets of official records.

4. Why It Matters

Public inquiries exist to establish the fullest possible understanding of events of significant public importance.

They depend upon evidence and they also depend upon the completeness of the evidential record placed before them.

The issue identified in this paper is one of constitutional completeness.

If an operational policy was regarded during January 2022 as sufficiently important to require national discussion, national communication and operational implementation, it is reasonable to ask whether that same operational issue forms part of the complete evidential picture presented to the Inquiry.

That question does not presume any answer. Nor does it imply any criticism of the Inquiry itself.

It simply arises from comparing one official documentary record with another.

Conclusion

This paper does not suggest that anyone sought to mislead the UK Covid-19 Inquiry.

Nor does it attempt to explain why this aspect of Operation Talla appears to receive no substantive discussion within the publicly available witness statements provided by Messrs Hewitt, Weatherill and Speirs.

Instead, it records a documentary comparison.

The January 2022 operational documents demonstrate that the handling of certain Covid-related public reports became a matter of national operational coordination.

The publicly disclosed policing witness statements to the Inquiry, which have been extensively examined for the purpose of producing this paper appear to contain no substantive discussion of that very same operational issue.

Whether that difference has any significance is not a matter determined by this paper. It is simply a constitutional question arising from the documentary record itself.

Sometimes the most important constitutional question is not what the documents say, but rather, what they do not appear to say.

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11 July 2026