

Public Information Briefing

Communication to the UK Covid-19 Inquiry

Later-Emerging Evidence and the Continuing Duty of Candour

Date: 9 July 2026

Introduction

Today, 9 July 2026, Mark Sexton and myself submitted detailed correspondence to Baroness Hallett, Chair of the UK Covid-19 Inquiry, and to Hugo Keith KC, Lead Counsel to the Inquiry.

The correspondence does not ask the Inquiry to determine criminal liability. Nor does it ask the Inquiry to exceed its statutory Terms of Reference.

Instead, it invites the Inquiry to consider whether official documentary evidence which has emerged since much of its evidence was received has implications for the completeness of the evidential record upon which the Inquiry continues to proceed.

That distinction is fundamental.

Why was the correspondence sent?

In recent times, a substantial body of official documentation has entered the public domain through Freedom of Information disclosures, Subject Access Requests and other official disclosure processes.

Those documents concern, amongst other matters:

- Operation Talla;
- national policing coordination during the Covid-19 period;
- Metropolitan Police Crime Reference Number 6029679/21;
- the National Police Chiefs' Council;
- the January 2022 Police Scotland publication commonly known as the Speirs Directive; and
- subsequent official explanations concerning the origin of that publication.

Much of that material was not publicly available when witnesses originally provided evidence to the Inquiry.

The correspondence therefore asks a simple constitutional question:

Has the evidential landscape changed sufficiently that the Inquiry should consider whether its existing evidential record remains complete?

That, fundamentally, is the question placed before the Chair and Lead Counsel.

The Duty of Candour

One constitutional principle which now becomes important is the continuing duty of candour.

As explained in my recent paper, ***“The Application, The Resistance, The Revelation”***, the duty of candour exists because courts (and indeed, likewise, public inquiries) depend upon parties assisting them through openness, accuracy and fairness. It is owed to the tribunal itself so that it can perform its constitutional function on the fullest and fairest account of the relevant facts.

The recent paper to which I refer explains that later-emerging documents do not, by themselves, establish that any individual has failed in that duty. Nor do they establish that any court or inquiry reached an incorrect conclusion.

Instead, they may give rise to legitimate constitutional questions where the documentary context has materially expanded after evidence was originally given.

Why does this matter?

Public inquiries perform an important constitutional role.

Their purpose is not to prosecute individuals or determine criminal guilt.

Instead, they seek to establish an accurate factual record, examine institutional decision-making and identify lessons for the future.

That process depends upon the completeness of the evidence placed before them.

If significant official documentation enters the public domain after witnesses have already provided evidence, it is legitimate to ask whether that additional material has any bearing upon the Inquiry's continuing understanding of the relevant facts, particularly where later-emerging evidence appears to relate to matters involving individuals who have already provided evidence to the Inquiry

That is the issue raised in the correspondence.

The Current Position

The correspondence explains that:

- further official disclosures have continued to emerge since much of the Inquiry's evidence was received;
- complaints concerning aspects of these matters have entered established police and oversight processes;
- and the cumulative documentary record has expanded significantly since earlier stages of the Inquiry.

The correspondence therefore respectfully invites the Chair and Lead Counsel to consider whether those developments have implications for the integrity and completeness of the Inquiry's evidential record.

Importantly, it does not ask the Inquiry to determine criminal liability.

It asks the Inquiry to consider whether later-emerging evidence should itself be considered.

A Constitutional Principle

The wider constitutional principle extends beyond any individual investigation.

Courts, inquiries and other public bodies can reach decisions only upon the evidence available to them.

Where new documentary evidence later enters the public domain, the existence of that evidence does not automatically invalidate earlier decisions.

It may, however, raise legitimate questions as to whether the evidential landscape has changed in a way that deserves careful consideration.

Recognising that possibility is not an attack upon public institutions. It is one of the mechanisms by which constitutional accountability and public confidence are maintained.

Conclusion

The correspondence sent today is therefore not presented as an accusation against the UK Covid-19 Inquiry.

It is actually an invitation - An invitation to consider whether official documents which have emerged since much of the Inquiry's evidence was received, now justify further consideration of the integrity and completeness of the Inquiry's evidential record.

Whether any further action is ultimately required is a matter for the Inquiry itself.

The public interest certainly lies in ensuring that any such decision is made with the benefit of the fullest documentary picture available.

Ian Clayton

9 July 2026