

## COVID 19 INQUIRY: MODULE 2

### OPENING SUBMISSIONS OF THE NATIONAL POLICE CHIEFS' COUNCIL

#### *Introduction*

1. The National Police Chiefs' Council (**the NPCC**) is a national co-ordinating body, which represents all UK police forces. In this Inquiry, it is a Core Participant in Modules 1, 2, 2A, 2B and 2C and, in that capacity, it represents UK policing. No individual police force or police officer is a Core Participant.

#### *Legal Framework, Governance and Constitution*

2. The NPCC, which replaced the Association of Chief Police Officers (**ACPO**) in 2015, is underpinned by an agreement (**the Agreement**) made under s 22A of the Police Act 1996.
3. The functions of the NPCC are set out in section 7.1 of the Agreement [INQ000086562\_0022-0023] and include: the co-ordination of national operations; the co-ordination of the national police response to national emergencies; the co-ordination of the mobilisation of resources across force borders; and the national operational implementation of standards and policy, as set by the College of Policing (**the College**) and government.
4. The NPCC is led by a full-time Chair, elected by the organisation's membership. Its primary decision-making body is the Chief Constables' Council (**the Council**), which is made up of the Chief Constable or a chief

officer representative of each member organisation. The Council meets at least quarterly to discuss high-level strategic policing issues, such as the implementation of national standards. It allows member forces to reach agreement on issues of national application, to ensure best practice and the adoption of a joined-up approach.

5. The Agreement enshrines the broad commitment of member forces to comply with collective decisions of the Council. However, this is not an absolute requirement. The chief officers of each force retain their operational power and independence and may derogate from Council's decisions: see section 8.2 of the Agreement: [INQ000086562\_0024].
6. This reflects the fundamental point that the NPCC has no operational directive powers in relation to forces. It cannot instruct a force or an individual officer to take action or to refrain from acting. Operational policing decisions remain the responsibility of force leads and individual officers, including in the context of a national emergency.
7. The NPCC has twelve coordination committees, each of which is led by a Chief Constable or other force lead, 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 National Police Coordination Centre and leadership*

8. The National Police Coordination Centre (**the NPoCC**) is the operational arm of the NPCC and acts as the central point for mobilisation of mutual aid in policing. It is led by the National Mobilisation Coordinator (**the NMC**), who is appointed by and reports directly to the Chair of the NPCC.

9. During the Covid-19 pandemic, the Chair of the NPCC was Assistant Commissioner Martin Hewitt and the NMC was Assistant Chief Constable Owen Weatherill. From March 2021, ACC Weatherill was also portfolio lead for Civil Contingencies.
10. In addition to coordinating the provision of police mutual aid, the NPoCC facilitates the policing response to pre-planned and dynamic events, where a response from multiple forces is required. It also provides a central coordination function for UK policing, represents Chief Officers at COBR where appropriate, and regularly represents UK policing at official meetings and meetings at ministerial level relating to national events, crises, disorder and civil emergencies.
11. However, like the NPCC, the NPoCC has no power to direct an officer or a force in relation to operational policing. It has no enforcement mandate. Its work is undertaken through engagement, discussion and cooperation.

### *The College*

12. The College was established in 2012 as the professional body for policing in England and Wales. Its purpose is to support the fight against crime and to protect the public by ensuring professionalism in policing. It works closely with the NPCC, but it has no operational policing role. It is responsible, amongst other things, for setting standards and developing guidance and policy for policing. It works alongside experts from other agencies to develop specialist knowledge so as to ensure that its publications and training are informed, relevant and based on the best evidence available.

13. Although its remit is limited to policing in England and Wales, the College liaises regularly with Police Scotland and the Police Service of Northern Ireland (**the PSNI**). However, both these forces have their own internal departments which undertake similar work to the College's.

### *Operation Talla*

14. Operation Talla was the name given to UK policing's response to the Covid-19 pandemic. It was established in March 2020, when, in the early stages of the pandemic, the NPCC recognised that the police's strategy for the pandemic would require a coordinated, national approach.

15. The pandemic posed a wide range of challenges in every aspect of public and private life. Policing and police officers faced many such challenges, as the pandemic affected every part of the service.

16. Policing 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 duties and functions, whilst also paying proper regard to its responsibilities for the safety and welfare of its officers and staff.

17. In addition, the provisions of the Coronavirus Act 2020 and the related Covid-19 Regulations led the police service into public health policing, which was largely uncharted territory.

18. Operation Talla was an unprecedented national response to this unprecedented situation. It was established to provide a national coordination function for policing activity during the pandemic. Its aim was to facilitate clear communication between forces and effective liaison with relevant government

departments. It sought to provide guidance and support for contingency planning and operational responses by individual forces and to capture and share learning for policing and partners.

19. The Operation was run at national level, with AC Martin Hewitt, the Chair of the NPCC, as Gold Commander and the NMC, ACC Owen Weatherill, as Silver Commander. In addition to the national command structure, each force had its own leadership for its local Covid-19 response.

20. 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 (i) above;
- (iii) Safeguard the health and well-being 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.

21. During the course of the pandemic, the work of Operation Talla covered just about every area of policing and deployed all available resources of the NPCC. The twelve leaders of the coordination committees took responsibility for their respective policing areas, within the context of the overall Operation.

22. In addition, a National Silver Thematic Leads Group was formed, to provide tactical direction and support to ACC Weatherill. The work strands managed by this Group changed, in response to changing conditions and challenges, over the course of the pandemic, but included the following: Resources/Capability; Welfare/Wellbeing; Equipment/PPE; Strategic Communications and Stakeholder Management; Community Impact/Tension; Service Delivery and Policy/Legislation and Recovery and Reform
23. The Thematic Leads Group met each day and hosted weekly meetings with stakeholder organisations. ACC Weatherill met regularly with regional leads at the chief officer level, both in regular scheduled meetings and informal contact, as required.
24. Operation Talla worked with the College to produce operational briefings and guidance for police forces in England and Wales on a range of matters during the course of the pandemic. Briefings and guidance for other member forces, including Police Scotland and the PSNI, were developed locally, due both to devolved responsibilities for policing and differences in local legislation, but each region drew on material disseminated by the NPCC when producing its own briefings and guidance.

#### *The NPCC and the enforcement of Covid-19 Regulations*

25. As has already been noted, the range of Operation Talla's work was very wide indeed and covered just about every area of policing activity. The police were one of the key front-line organisations, dealing with the day-to-day impact of the pandemic on members of the public and on local communities whilst also, of course, dealing with its impact on the police workforce and on normal policing activity.

26. In this Module, the Inquiry has decided to focus on the enforcement of Covid-19 Regulations. However, at all stages of the pandemic, the work of the NPCC and of Operation Talla encompassed far more than that, in terms of the coordination of the national policing effort.

27. Moreover, the NPCC played no direct role in the enforcement of Covid-19 Regulations. As explained above, the NPCC has no operational command or directive powers in relation to forces or individual officers.

28. Thus, although the NPCC worked with the College throughout the pandemic to produce and disseminate briefings on the practical application and effect of the Regulations, enforcement remained at all times the responsibility of individual officers and forces.

#### *Guidance and Briefings provided to police forces in relation to Covid-19 Regulations*

29. The work of the NPCC throughout the pandemic was directed at achieving compliance with Covid legislation and Regulations, whilst recognising and managing the potential impact of Covid-19 on the core functions of policing. A vital aspect of this work was the drawing up and dissemination of formal guidance and of clear and accurate operational briefings to all forces and through forces to police officers and staff.

#### *The NPCC's Guidance: the 4 Es*

30. The key guidance issued by the NPCC and the College in March 2020 for achieving compliance with Covid legislation and Regulations was the 'Four Es' approach: Engage, Explain, Encourage, Enforce [INQ000099936]. The approach

underpinning it was simple; enforcement was the last resort, after the first three 'Es' had been undertaken.

31. The 'Four Es' guidance remained in place throughout the pandemic and was regularly referred to in operational briefings and public statements. It was published on the College website, on social media platforms and was widely shared via police channels and in the media. It remained the sole example of "guidance", formally named as such, issued by the NPCC and the College during the pandemic.

32. It did not include specific details on how to approach each of the steps or on how, when or at what stage or speed to move from one step to the next. Those questions, as is the case with policing generally, were always for individual officers on the front line. Rather, the guidance reflected the core recognition that compliance with restrictions optimised public safety. Enforcement was the last resort.

#### *Operational Briefings in relation to the Covid-19 Regulations*

33. Operational briefings were produced by the NPCC and the College in response to proposed or finalised legislation, regulations or amendments thereto, as and when shared by the relevant government department. They were intended to provide an easy to understand representation of the relevant material and were drafted so that they could be used in presentations at daily police briefings. The documents were designed to be easily accessible, whether as hard copy documents or when held on electronic devices.

34. Generally, the briefings were drafted by the College and sent over to the Operation Talla team (including the legal team) before final sign off. The draft

would also be shared with the relevant government department (usually the Home Office and/or the Welsh Government), for their review. This process took anything from a few hours to a few days, depending on the circumstances and the government's timetable for introduction of the relevant regulations. The NPCC and the College had to work at pace so as to ensure that briefings were provided to police officers as soon as possible.

*Operational Briefings and communication with forces: generally*

35. Throughout the pandemic, the NPCC remained in very close communication with forces and force leaders to identify and address challenges and policing issues. Communication was undertaken in wide range of ways, as set out in greater detail in AC Martin Hewitt's witness statement, at paragraphs 71-78 [INQ0000216925\_0017-0019].

36. As well as producing a series of operational briefings in relation to the Covid-19 Regulations, the NPCC issued guidance on carrying on normal policing activities during the pandemic. The topics covered reflected the unintended consequences of a prolonged period of restrictions and the many difficulties encountered by police in undertaking their work during that time. They included: Responding to domestic abuse; Referral support for victims; Referral support for perpetrators; Guidance for telephone first response to domestic abuse; Domestic abuse decision-making framework; Serial potentially dangerous stalking perpetrators; Conducting telephone interviews; Signatures on witness statements; Missing persons and Breath-testing.

*Operational Briefings in relation to the Covid-19 Regulations: issues*

37. Throughout the pandemic, decision-makers in government found themselves having to address the many unprecedented challenges presented to the conduct of private and public life and of governmental administration by Covid-19.
38. In the context of the Covid-19 Regulations, as is well-known, there were frequent changes to the legal framework, by way of the introduction of new or amended regulations. As noted above, the kind of public health policing which was required of forces and officers during the pandemic was in itself novel. The many shifts in the legislative regime inevitably added to the difficulties faced by UK policing in this new territory.
39. Of the major issues encountered by the NPCC in this area, the first concerned timing. Notice received of imminent changes to regulations was often very short, particularly during the first 3-4 months of the pandemic. This might be as little as a few hours, with limited, if any, opportunity for discussion or consultation. On at least one occasion, the NPCC was first made aware of the existence of proposed new restrictions via social media.
40. The result of this was that, inevitably, there were many occasions on which there was a time lag between the coming into force of new regulations and the availability of operational briefings. This meant, in turn, that enforcement of them was correspondingly delayed.
41. The second major issue concerned the occasions on which government-issued guidance was inconsistent with or went beyond what the legislation itself provided.

42. A significant example of this related to the restrictions in respect of free movement during lockdowns. Following the announcement by the Prime Minister of the first national lockdown on 23 March 2020, the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 came into effect at midnight on 26 March 2020. It became an offence to leave home without reasonable excuse.
43. These regulations included a long but 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, nor how far they could travel, nor the length of time they could spend outside. Individuals could leave home multiple times and for any period of time, provided that they had a reasonable excuse.
44. However, government guidance initially set out a limited range 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 clarification was provided in either this guidance or in the regulations as to what might amount to a basic necessity.
45. Discrepancies between regulations and government guidance heightened the risk of the public misunderstanding the nature of the restrictions and heightened the risk of police officers misunderstanding the extent of their powers and obligations.
46. There is, of course, a fundamental point at the heart of this. Police officers have an obligation to enforce the law but no obligation to enforce government

guidance. These sorts of discrepancies reinforced the need for clear NPCC operational briefings to forces. In addition, of course, the NPCC had to raise discrepancies of this kind with government while working under great time pressure.

### *Learning and Reflection*

47. The need to identify, capture and reflect on both short and longer-term learning in relation to the policing of the pandemic was recognised by the Operation Talla team, in the early stages. It was understood that, regardless of the progress and duration of the pandemic (as to which there was no certainty), it would be necessary to harvest as much by way of data, information, information and learning as possible, to the benefit of the continuing policing effort and with an eye on future pandemics or other national emergencies.
48. A Board was established and first met in July 2020 to support, direct and review the delivery of this Recovery Learning and Reform Programme. Members of the Board came from the NPCC and the College but also from the Home Office, the National Crime Agency, the Independent Office of Police Conduct, the Association of Police and Crime Commissioners, Her Majesty's Inspectorate of Constabularies, Fire and Rescue Service and Counter Terrorism Policing.
49. The aim of the 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.

50. Details of the main features of the programme are given at paragraphs 103-145 of AC Martin Hewitt's witness statement [INQ000216925\_0025 to 0039]. The following aspects are highlighted.
51. The College played a major part in the programme and worked throughout the pandemic to ensure that learning and effective practice was shared. It worked with forces to gather examples of Covid-related operational practice and tactics and shared this information through a variety of channels. As the pandemic affected different regions of the country at different rates and intensities, a key aim was to identify and share emerging good practice learning, so that it could quickly be applied across England and Wales.
52. The College developed a Covid restrictions web page (later restructured as the Covid-19 Hub), as a reference guide, so that officers and staff could get the information they needed speedily and easily. Advice was grouped to reflect potential scenarios which front line officers could encounter on the street. The page was updated daily.
53. Starting in early May 2020, the College and the NPCC hosted online knowledge sharing events which generally took place twice a week. They provided a means of capturing more information and creating a regular way for forces to engage with and question each other's experiences and share learning. Each session dealt with a discrete topic and was supported by written summaries and reference material.
54. In addition, during 2020 and 2021, focused learning and consultation events were held and independent reports commissioned, so that wider learning themes and priorities might be drawn from the pandemic policing experience.

55. An example was the work commissioned from experts on the question of enforcement: see AC Martin Hewitt's witness statement at paragraph 116 (v) to paragraph 118 [INQ000216925\_0029-0031].
56. The background to this was the ground-breaking work done during the pandemic by ACRO Criminal Records Office (**ACRO**). ACRO played a central role in the coordination of payments of Fixed Penalty Notices (**FPNs**) under the Covid-19 Regulations.
57. Ordinarily, FPNs are processed by police forces, with payments transferred to the courts directly. However, the Covid-19 Regulations stipulated that fine payments should be received by the local authority where the offence took place. Some police forces did not have the administrative systems to support payments to local authorities and so ACRO agreed to assume a central management role in the administration of FPNs.
58. Although the initial decision to issue an FPN remained the responsibility of officers on the ground and local forces, ACRO worked closely with the College and Operation Talla to create standardised wordings and proformas for the issuance of FPNs. The officer issuing would send the proforma into ACRO. Once ACRO's checks had been undertaken, it would issue the FPN and act as receiving entity for funds paid in response.
59. ACRO maintained data relating to the issuance of FPNs and provided reports to Operation Talla on a regular basis, to show enforcement activity. Overall, the data helped to provide a picture of compliance in different areas over time, which, in turn, helped to inform senior police and government officials' communication strategies, as well as decisions on the ongoing police response.

60. The NPCC published regular statistics throughout the pandemic on how many FPNs were issued by forces under the Covid-19 Regulations. This was possible because of the centralisation of the administrative process via ACRO.
61. In addition, the NPCC commissioned expert analysis of FPNs issued by forces. The first analysis focused on the early stages of the regulatory regime (covering the period from 27 March to 25 May 2020). This work was undertaken by officials from the Government Statistical Service and peer reviewed by the College and an independent academic. The NPCC's aim in commissioning the report [INQ000099940] was to understand, as far as practicable, the extent to which there was disproportionality in the issuance of FPNs by age, sex or race.
62. Following the publication of this report, a second report was commissioned by Operation Talla from academics (led by Professor Susan McVie) based at Edinburgh and Stirling Universities. Although their work was limited in scope to certain categories of FPNs, their independent analysis covered a significantly longer period (from 27 March 2020 to 31 May 2021) [INQ000187993].
63. This report was commissioned at time when FPNs were still being issued by police forces. The NPCC considered it was necessary to determine whether the matters identified in the first report in relation to disproportionality were continuing over a longer period of analysis and later in the pandemic and, if so, to what extent. It was believed that the provision of analysis regarding specific policing areas would be helpful to assist forces in responding appropriately to local trends. Moreover, the updated analysis would reflect changes in regulation and restrictions over time. Finally, it was felt that ongoing scrutiny was important on the grounds of transparency and to ensure progress.

64. The initial expert analysis of FPN data (referred to in paragraph [62] above) was the first issue considered by the independent Ethics Committee, set up by Operation Talla in June 2020 and chaired by the Bishop of Manchester, the Right Reverend David Walker.
65. Within weeks of the start of Operation Talla, 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.
66. 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 daily and weekly meetings and operational briefings) and so to draw on a vast collective body of knowledge and experience of policing, it was decided that the Operation would benefit from the independent advice and support of individuals with a wider range of work and life experiences.
67. This led to the formation of the Ethics Committee, whose terms of reference (set out in full at paragraph 140 of AC Martin Hewitt's statement [INQ000216925\_0037]) made clear that its role was to provide advice and support on ethical issues relating to Covid-19, via Operation Talla, to police forces in England and Wales and thereby to enhance trust and confidence in the governance and actions of the police service.
68. The plan was for the Committee to meet monthly for a year, starting in July 2020, although an extraordinary meeting took place in December 2021, with a large attendance, in order to consider the then pressing question of possible mandatory vaccinations for the police service.

69. The Committee's role was advisory. It had no power to make decisions, nor to direct Operation Talla or force leadership. Rather, as it was put in its 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.

70. Further details relating to the Ethics Committee's work can be found in paragraphs 128-143 of AC Martin Hewitt's statement [INQ000216925\_0034-0038], but, in summary, the Committee provided Operation Talla and force leaders with a regular opportunity to obtain a sense check on policing approaches and with thoughtful, considered and independent guidance on some of the complex ethical and other issues thrown up by the difficult enforcement and other policing challenges facing officers in their communities.

71. Meeting these challenges required and received an exceptional response from policing. For the duration of the health emergency presented by the pandemic, flexibility and resilience were required throughout the police service, as it adapted to the novel responsibilities conferred on it and sought to keep the public safe.