

Dated: 20 September 2023

**EVIDENCE FOR THE COVID 19 INQUIRY**

**MODULE 2**

**RESPONSE TO RULE 9 REQUEST**

**(28 June 2023)**

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**FIRST WITNESS STATEMENT OF RT HON DAME PRITI PATEL MP DBE**

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**PART ONE: INTRODUCTION AND OVERVIEW**

1. I, **Priti Patel**, provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 28 June 2023 (“the **Rule 9 Request**”).
2. I was the Secretary of State for the Home Department (“**Home Secretary**”) from 24 July 2019 until 6 September 2022. I have been the Member of Parliament for Witham since 2010, and prior to being appointed as Home Secretary held the following positions:
  - July 2016 to November 2017: Secretary of State for International Development
  - May 2015 to July 2016: Minister of State for Employment
  - July 2014 to May 2015: Exchequer Secretary to the Treasury
3. This statement is based on my personal recollections of events and the decisions taken by myself and by the UK Government during the Covid-19 pandemic. I have been assisted in preparing this statement by the dedicated Home Office team formed to support the Covid-19 Inquiry. The team are able to search Departmental records to support my recollections and provide factual information about government policies and practices.

4. The vast volume of data available concerning the Covid-19 response poses a challenge in how best to assist the Inquiry in witness evidence. I have endeavoured to use my statement to provide a means to understanding the central issues and the factual position at the relevant time, and to provide a guide to the most relevant documents.
5. My statement should be read in conjunction with the witness statement of Patricia Hayes CB, former Home Office Second Permanent Secretary, (**“the Home Office MOD 2 Core Statement”**) and the witness statement of Paul Lincoln CB, former Director General of Border Force, (**the “UK Borders Witness Statement”**).
6. Both corporate Home Office Witness Statements refer to the detailed Home Office Composite Timeline (**“the Home Office Chronology”**) provided in response to the Rule 9 Request. Within my statement I will also refer to a supplementary **“Hidden Harms Chronology”** which focuses on particular aspects of the matters upon which information was sought in the Rule 9 Request. In addition, I will refer to underlying documents which are provided in the disclosure made to the Inquiry (or available in the public domain), using the Inquiry production references.
7. Before progressing to the detail of my statement, I wish to express my sincere condolences to all who were bereaved during the Pandemic. Every death was a tragedy and my thoughts go to all of those who lost loved ones or continue to suffer from the impacts of Covid-19. I also pay tribute to everyone in public service and especially our police forces and law enforcement agencies, our fire and rescue services, and Border Force, for their extraordinary contributions throughout the pandemic. Each and every day they stood on the front line and risked their own health to keep us all safe. It is with great sadness that I pay my respects to those who lost their lives while serving their communities and country, and extend my sympathies to all those in policing, fire, and the Home Office who lost relatives, friends, and colleagues.

#### **Statement Structure and Overview**

8. **PART TWO of the statement outlines the role and responsibilities of the Home Secretary**, and my role in UK Government decision making structures.
9. **PART THREE outlines key decisions** in relation to the UK Border, the implementation of measures to support those at risk of ‘hidden harms’, and the formulation,

implementation and enforcement of public health and Covid-19 legislation and regulations.

10. **PART FOUR provides my key reflections.**

**PART TWO: ROLE OF HOME SECRETARY**

11. In this section of the witness statement, in response to the Rule 9 Request, I will provide:

- a. The main responsibilities of the Home Secretary
- b. The principles of Collective Cabinet Government
- c. A list of the formal decision-making committees, groups, or forums dealing with the UK Government's response to Covid-19 which I attended

**(a) Responsibilities of the Home Secretary**

12. The Home Secretary has overall responsibility for all Home Office business, oversight of the Home Office ministerial team, and oversight of the Security Service. During the Pandemic, I had overall responsibility for the Home Office response to Covid-19.

13. The Home Office is the lead Government department for immigration and passports, drugs policy, crime, fire, counter-terrorism and police. It is responsible *inter alia* for:

- i. Keeping the United Kingdom safe from the threat of terrorism;
- ii. Reducing and preventing crime, and ensuring people feel safe in their homes and communities;
- iii. Supporting visible, responsible and accountable policing by empowering the public and freeing up the police to fight crime;
- iv. Working on the problems caused by illegal drug use;
- v. Shaping the alcohol strategy, policy and licensing conditions;
- vi. Fire prevention and rescue;
- vii. Securing the UK border and controlling immigration;
- viii. Considering applications to enter and stay in the UK;
- ix. Issuing passports and visas;
- x. Civil registration in England and Wales.

14. The Home Secretary is a member of the Cabinet and the National Security Council (“NSC”).

**(b) Key Principles of Collective Cabinet Government**

15. As defined in The Cabinet Manual, Cabinet is the ultimate decision-making body of government.<sup>1</sup> The purpose of Cabinet and its committees is to provide a framework for ministers to consider and make collective decisions on policy issues. The Cabinet system of government is based on the principle of collective responsibility. All government ministers are bound by the collective decisions of Cabinet, save where it is explicitly set aside, and carry joint responsibility for all the Government’s policies and decisions.
16. The Ministerial Code states that the principle of collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached.<sup>2</sup> This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained.

**(c) Key Decision-Making Committees**

17. Cabinet, chaired by the Prime Minister, was formally responsible for decision making during the Covid-19 response, supported by the formal and informal committees outlined below. I was a member of the Cabinet throughout the Pandemic.
18. COBR was convened on 24 January 2020 to respond to the emerging health emergency, with Covid-19 specific COBRs continuing until March 2020. In March 2020, the scale of the UK government’s response necessitated the establishment of the Ministerial Implementation Groups (“MIGs”). I attended COBR and the MIGs, delegating to my ministerial team where necessary and appropriate.
19. In April 2020, a ministerial quad was formed consisting of the Prime Minister, the Chancellor of the Exchequer, the Secretary of State for Health and Social Care, and the Chancellor of the Duchy of Lancaster. I do not believe there was a formal secretariat or system of record keeping for the “Quad”. However, it became, in practice, the primary decision-making forum for the Pandemic and set the parameters for the formal Cabinet committees detailed below.

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<sup>1</sup> PP/01 – INQ000182315

<sup>2</sup> PP/02 – INQ000249765

20. In May 2020, I asked the Home Office Permanent Secretary, Sir Matthew Rycroft, to discuss with the Cabinet Secretary the Covid-19 governance structures with the Cabinet Office to reflect that decisions needed to be taken by those with the statutory or departmental responsibilities for the issues under consideration. This feedback was provided in response to the Cabinet Office’s review of governance structures for the Pandemic.<sup>3</sup>
21. The MIGs were in place until June 2020 and were replaced by the Covid-19 Strategy Committee (“**Covid-S**”) and the Covid-19 Operations Committee (“**Covid-O**”), following the Cabinet Office’s review of governance.
22. In my capacity as Home Secretary, I attended the following formal decision-making committees convened to support the Cabinet’s management of the Covid-19 response:

| <b>Committee</b>                                  | <b>Description</b>  | <b>Dates Effective for Covid-19 Response</b> |
|---|---|--|
| <b>COBR</b>                                       | Main UK Government forum for crisis response  | January 2020 – March 2020                    |
| <b>Ministerial Implementation Groups (“MIGs”)</b> | Four groups focusing on health, public sector preparedness, economy, and international response | March 2020 – June 2020                       |
| <b>Covid-19 Strategy (“Covid-S”)</b>              | Forum for strategic Covid-19 decisions  | June 2020 – February 2021                    |
| <b>Covid-19 Operations Committee (“Covid-O”)</b>  | Main forum for cross-cutting operational decisions  | June 2020 – March 2022                       |

<sup>3</sup> PP/03 - INQ000239639, PP/04 - INQ000239640

23. These meetings were organised and convened by the Cabinet Office. Agendas and papers were managed by the Cabinet Office, with contributions from relevant departments when requested. The chairing of these committees was determined by the Cabinet Office and varied according to Ministerial availability.

### **PART THREE: KEY DECISIONS**

24. In this section of the witness statement, I will provide a summary of:
- a. Key decisions relating to the UK border measures during the Pandemic
  - b. Advice and key decisions taken to support those at risk of hidden harms
  - c. The formulation, implementation and enforcement of public health and Covid-19 legislation and regulations
  - d. Covid-19 Regulations and the Democratic Right to Protest
  - e. Racial disproportionality in the policing and enforcement of the Covid-19 legislation and regulations

#### **a) Key decisions relating to the UK border measures during the Pandemic**

##### Overview

25. To understand my involvement in key decisions relating to the border it is helpful to understand a number of key points. As Home Secretary, my primary duty was to ensure that UK border security was maintained during the Pandemic. I became responsible for the operationalisation and enforcement of health measures at the UK border, and the enforcement of compliance with isolation requirements, through the changes that were brought by the Department of Health and Social Care (“DHSC”) regulations. Enforcement was undertaken by the police in line with their guidance. However, port health measures are the responsibility of the Secretary of State for Health and Social Care,
26. UK Government decisions relating to the necessity and implementation of border health measures including port of entry screening, managed quarantine, pre-departure testing, ‘travel corridors’ and the ‘traffic light system’ were informed by the UK Government’s Scientific Advisory Group for Emergencies (“SAGE”), DHSC, and relevant public health bodies.



27. At the outset of the Pandemic, I was in favour of targeted and proportionate measures which restricted non-essential international travel from epidemiological hot spots to limit the risks of imported cases coming into the UK but at the same time enabled goods, including food and medicines, to enter the UK. Paragraphs 43 - 44 below outlines the advice the Home Office Chief Scientific Advisor, Professor John Aston, sought from SAGE on whether it would be beneficial to stop flights from specific countries. Verbal advice from Professor Aston informed my responses at COBR and Cabinet during this period.
28. Actions taken by my Department to support other targeted measures within the UK Government's borders and international travel policies included:
- i. **From 10 January 2020**, providing route specific passenger data to Public Health England.<sup>4</sup> This data was also provided to me through Departmental reporting from late January 2020.
  - ii. **From 3 February 2020**, pausing the processing of visa applications from any individual who had travelled through or been resident in Wuhan or the Hubei Province, China since 1 December 2019.<sup>5</sup> The 'hold' on processing visa applications was extended to Iran on 25 February 2020.<sup>6</sup>
  - iii. **On 7 November 2020**, denying entry to the UK for any visitors from Denmark, with exceptions in place for freight and hauliers, in response to the variant strain of Covid-19 spreading from mink farms to local communities.<sup>7</sup>
  - iv. **In January 2021**, I sought additional advice on how to further restrict, for public health purposes, the number of people travelling to the UK from or through countries with high case rates. The advice considered how these restrictions could be applied by pausing the processing of visa applications in a non-arbitrary and non-discriminatory manner whilst enabling critical healthcare professionals to enter the country and for trade to continue.<sup>8</sup>
29. In parallel to the consideration of a common sense, targeted approach for border restrictions, I sought a constructive dialogue with the Department for Transport ("DfT") and the travel industry in recognition of the challenging and shared operating

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<sup>4</sup> PP/05 - INQ000051694

<sup>5</sup> PP/06 - INQ000051878

<sup>6</sup> PP/07 - INQ000052164

<sup>7</sup> PP/08 - INQ000054103

<sup>8</sup> PP/09 - INQ000054689

environment for ports, carriers, and Border Force during the Pandemic. It was important to me that the travel industry was supported and their concerns about the economic impacts of international travel restrictions and health measures at the border were listened to.<sup>9</sup>

### **Key Decisions**

30. The implementation and easing of border measures in response to Covid-19 can be summarised in the following key phases:

- **Restricted travel from specified countries:** 9 January 2020 to 1 March 2020
- **Essential Travel Only:** 23 March 2020 to 9 July 2020
- **Travel Corridors:** 10 July 2020 to 16 May 2021
- **Traffic Light System:** 17 May 2021 to 18 March 2022

#### Restricted travel from specified countries: 9 January 2020 to 1 March 2020

31. The UK Government's position on health measures at the border during the initial months of the Covid-19 response is outlined in my evidence to the Home Affairs Select Committee (April – May 2020) and my statement to the House of Commons on 3 June 2020.<sup>10</sup> Collective responsibility required me to publicly support the decisions made within the formal and informal decision-making bodies for the Pandemic. Throughout this period, I supported the science led approach taken by Cabinet which was based on official advice presented to me.<sup>11</sup>

32. Throughout this period, I understood the challenges associated with international travel. As such, during this phase of the pandemic I pressed for targeted border measures focusing on arrivals from 'hot spot' countries such as China, Iran, and the United States. The Home Office Chronology, and associated disclosure, includes my briefing and speaking notes for the various Cabinet level meetings, including Cabinet, COBR, MIG, and Covid-O which I attended on the Covid-19 response. My ministerial role in key decisions made relating to the border are outlined, and evidenced, below.

33. Following the World Health Organisation's announcement of a novel coronavirus on 9 January 2020, Border Force officials began providing passenger data for routes specified by Public Health England ("**PHE**") from 10 January 2020. This data was used

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<sup>9</sup> PP/10 - INQ000239641, PP/11 - INQ000239643

<sup>10</sup> PP/12 – INQ000053034, PP/13 – INQ000249762

<sup>11</sup> PP/14 – INQ000212304



to inform PHE's initial planning for potential enhancements of port health measures.<sup>12</sup> Effective working relationships between Border Force and PHE were well established at official level, and I was not involved in the decision to provide passenger data. On 26 January 2020, I was informed that 1561 passengers and crew had entered the UK on direct flights from Wuhan since 10 January 2020.<sup>13</sup>

34. As set out above, port health measures are the responsibility of the Secretary of State for Health and Social Care. On 21 January 2020, my officials met with officials from PHE, DHSC, and DfT to discuss potential precautionary activities at ports receiving direct flights from Wuhan.<sup>14</sup> My officials were advised that temperature screening was not considered reliable for identifying people with the virus and that high rates of false negatives and false positives were likely from such screening. They were also informed that DHSC ministers (who were responsible for decision-making in this area) would receive a formal submission advising on port health measures to be implemented at Heathrow. As Home Secretary, I was not involved in the decision for Port Health teams to meet all direct flights from Wuhan from 22 January 2020, as these measures involved port health officials.<sup>15</sup> Port health officials consisted of the principle port medical inspector and port health doctor, and not Border Force officers.
35. The initial SAGE meeting for the Covid-19 response on 22 January 2020 considered advice from the New and Emerging Respiratory Virus Threats Advisory Group ("**NERVTAG**") which advised against port of entry screening because temperature screening was considered unlikely to be of value, given the likelihood of false results.<sup>16</sup> SAGE supported NERVTAG's position. SAGE advice on the efficacy and risks of border restrictions was consistent with long held Government policy on border controls during a pandemic and informed UK government decision making. The Home Office Chief Scientific Advisor, Professor John Aston, or his deputy, attended SAGE and from January 2020 provided me with regular verbal briefings on the emerging scientific advice for responding to Covid-19.
36. On 27 January 2020, I met with the Home Office Permanent Secretary who updated me on the closure of UK Visa Application Centres ("**VACs**") across China.<sup>17</sup> Whilst there were no formal restrictions preventing travel to the UK at this stage, the closure of the

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<sup>12</sup> PP/05 - INQ000051694, PP/15 - INQ000051710

<sup>13</sup> PP/16 - INQ000051766

<sup>14</sup> PP/17 - INQ000051708

<sup>15</sup> PP/18 - INQ000051719

<sup>16</sup> PP/19 - INQ000086853

<sup>17</sup> PP/20 - INQ000051780

VACs across China for public health reasons was suppressing the number of travellers able to obtain a visa and enter the UK. As the virus spread in the following weeks and months, our VACs closed across the world. Again, these closures limited the number of people able to enter the UK from countries with high case rates of Covid-19.

37. On the same day, the Secretary of State for Health and Social Care announced that anyone returning from Wuhan was required to self-isolate for 14 days. At this stage there were no confirmed cases of Covid-19 in the UK and the risk to the UK population was considered to be low. As Home Secretary, I was not involved in the public health decision to require self-isolation, or any subsequent decisions to implement or withdraw further guidance on requirements to self-isolate after international travel.<sup>18</sup>
38. On 3 February 2020, SAGE considered modelling of the impact of border restrictions and concluded that that if the UK reduced imported infections by 50%, this would possibly delay the onset of any epidemic in the UK by about 5 days; 75% would possibly enable 10 additional days; 90% would possibly lead to an additional 15 days; and a 95%+ reduction would possibly lead to a month's delay of the onset of an epidemic in the UK.<sup>19</sup> SAGE noted that the measures required to achieve such delays would need to be draconian and co-ordinated, and would have impacts on supply chains. It was also considered that any length of delay that could be engendered would not only have the draconian impacts, but also that it would not provide significant additional time for NHS preparations.
39. SAGE's position was informed by SPI-M modelling on the impact of possible interventions including international travel restrictions on daily transmission in the UK. SPI-M had advised that it was possible by 3 February 2020 there may already have been unseen sustained transmission in the UK, in which case travel restrictions would have no impact.<sup>20</sup> This set of conclusions was provided to COBR on 5 February 2020. This position was reconfirmed at SAGE on 23 March 2020.
40. Legal advice on the powers to refuse admission to the UK, or to compel medical examination at the UK border, for non-EEA (European Economic Area) nationals was sought on 3 February 2020. I subsequently discussed the position with the Secretary of State for Health and Social Care and, on the advice of my officials, concluded that the

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<sup>18</sup> PP/21 – INQ000051786

<sup>19</sup> PP/22 - INQ000051883

<sup>20</sup> PP/23 - INQ000087430

public health powers owned by DHSC were the most suitable powers for addressing a public health threat at the border.<sup>21</sup>

41. On 9 and 11 February 2020, I received additional advice from Home Office officials on the ability to limit entry to the UK in lieu of border restrictions.<sup>22</sup> This advice noted that SAGE had been commissioned to provide further advice on the effectiveness of border closures.
42. Throughout this period, as Home Secretary, I sought to maintain UK border security and the flow of critical goods through the border whilst supporting the port health measures being determined by public health bodies and balancing those with the needs of the supply chains and the travel industry. My officials and I engaged with port operators and DfT on the inclusion of powers in the draft Coronavirus Bill to ensure we could direct the closure of a port if necessary for border security reasons during the Pandemic. The dedication and hard work of Border Force to protect its officers and maintain border security meant that these powers were never used.
43. The day before the first National Lockdown, on 22 March 2020, the Home Office specifically requested advice from SAGE on restricting flights from Iran, Spain, Italy, Germany and France in recognition of Covid-19 case rates in these countries. In response, on 23 March 2020, SAGE reaffirmed its previous advice (see paragraphs 37 - 38) that closing borders would have a negligible effect on spread, concluding that the numbers of cases being imported by international travel were insignificant compared to domestic transmission and comprised approximately 0.5% of UK cases.<sup>23</sup>
44. SAGE also noted that it was unlikely that the current rate of international travel posed a significant risk to Border Force officers. The position of the expert scientific advice during this period was that at best closing borders could only delay the spread of the virus and the utility of the delay in turn depended upon whether it had any significant effect on the readiness of the NHS to deal with the Pandemic. By this time, the general advice was that the vast majority of the spread of the virus did not take place at the border but rather by community transmission.

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<sup>21</sup> PP/24 - INQ000051874

<sup>22</sup> PP/25 - INQ000051983

<sup>23</sup> PP/26 - INQ000052717

45. At COBR on 23 March 2020, as we made the unprecedented decision to enter a national lockdown, I maintained the need to be vigilant around route-based suspensions and signalled my strong support for targeted measures if required.<sup>24</sup>

Essential Travel Only: 23 March 2020 to 9 July 2020

46. By 22 May 2020, air passenger arrivals into the UK were down by 99% compared to the previous year.<sup>25</sup> By this stage, the global impact of the Pandemic was considerable and all countries were experiencing similar declines in passenger numbers and were undertaking measures for essential travel. On this date, I announced temporary public health restrictions at the border in recognition that Covid-19 transmission rates in the UK were reducing and consequently international travel now presented a higher risk of importing new cases or strains and triggering a new wave of the Pandemic.<sup>26</sup>

47. The decision to introduce these measures was made at the Ministerial Implementation Group and informed by advice from SAGE on 28 April 2020 and discussions at Cabinet on 7 May and 10 May 2020.<sup>27</sup> I was supportive of these measures and advocated for them to be implemented by the end of May in order to give confidence to the UK public and international partners that we were acting proportionately to mitigate the risks of international travel as we were easing domestic restrictions.<sup>28</sup>

48. In accordance with the measures to be implemented, the Home Office developed the Passenger Locator Form (“PLF”) to capture vital data for the purposes of contacting and tracing individuals arriving in the UK. The PLF was operational from 8 June 2020 until 18 March 2022. During its lifetime, almost 50 million PLFs were submitted and 6.5m user accounts were created. Additionally, the PLF was updated each time there was a change in border policy, including each change to the traffic light system (see below). The development and maintenance of the PLF, including the coding of every change, was the responsibility of the Home Office. Home Office officials, ministers and I regularly had to ask Cabinet colleagues to include sufficient time for updating the PLF before changes to health measures took effect.

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<sup>24</sup> PP/27 - INQ000212304

<sup>25</sup> PP/28 - INQ000053268

<sup>26</sup> PP/29 - INQ000053346

<sup>27</sup> PP/30 - INQ000053291, PP/31 - INQ000053267

<sup>28</sup> PP/32 - INQ000053259

49. On 29 June 2020, the Secretary of State for Transport published a Written Ministerial Statement announcing an intention to ease health measures.<sup>29</sup> This included allowing passengers to be exempted from self-isolation in certain circumstances and the development of categorisation of countries based on risk from a public health perspective. A further statement on 6 July 2020 confirmed the ending of self-isolation requirements for travellers from countries where the risk of importing Covid-19 was sufficiently low.<sup>30</sup>
50. I supported the move to a more targeted risk-based approach which reflected the need to protect the UK public, focused on restricting travel from hot spots, and enabled commercial travel to begin to recover.

#### Travel Corridors: 10 July 2020 to 16 May 2021

51. Travel corridors were announced on 6 July 2020 and become operational from 10 July 2020. Throughout summer 2020, countries were added and removed from the travel corridor arrangements based on the latest epidemiological data for each country. I was supportive of the risk-based concept but advocated for increased awareness of the operational challenges associated with regular changes to the arrangements.<sup>31</sup>
52. In response to the unacceptable abuse front line Border Force officers were receiving when trying to implement travel rules, I called on Cabinet colleagues to improve communications with carriers, passengers, and international partners on the purpose and importance of completing the PLF.<sup>32</sup> I also advocated for rule changes to take effect at 04:00 hours, with sufficient notice, to reduce the risk of passengers arriving in the UK to discover policy had changed whilst they were in transit. Throughout this period, I remained concerned that decisions on health measures at the borders were not being taken with sufficient regard of the operational impacts for Border Force officers and the travelling public.
53. The Global Travel Taskforce ("GTT") was established in October 2020 to consider measures to support the recovery of international travel and tourism sectors. Jointly chaired by the Secretary of State for Transport and the Secretary of State for Health and Social Care, the taskforce included representation from the Home Office. Border Force officials worked with the GTT to further develop the PLF and plan for changes to passenger

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<sup>29</sup> PP/33 - INQ000053540

<sup>30</sup> PP/34 - INQ000053572

<sup>31</sup> PP/35 - INQ000053871, PP/36 - INQ000053902

<sup>32</sup> PP/37 - INQ000053677



flows at ports. My focus was on mitigating the operational implications at ports of the public health and international travel measures being determined by DfT and DHSC.

54. On 7 November 2020, I implemented immigration powers to prevent entry to the UK for visitors arriving from Denmark following the decision at Covid-O to implement a travel ban. These measures were a response to the widespread outbreaks of Covid-19 in Danish mink farms.<sup>33</sup> I considered it important to move quickly to address concerns about importing new cases or strains, and was in favour of this risk based approach which also provided necessary exemptions to enable freight to enter the UK.
55. On 9 January 2021, I implemented similar measures using existing immigration powers to refuse entry to the UK to anyone who had travelled indirectly from Namibia, Zimbabwe, Botswana, Eswatini, Zambia, Malawi, Lesotho, Mozambique, Angola, Seychelles and Mauritius, or if they had declared that they had been in these countries during the previous ten days. The decision to refuse entry was formally taken by Covid-O based on risk assessments by the Joint Biosecurity Centre and PHE.<sup>34</sup>
56. By this stage, the UK was in the third national lockdown. Covid-O continued to consider the latest risk assessments relating to international travel and at Covid-O on 15 January 2021 the decision was made to suspend travel corridors from 18 January 2021.<sup>35</sup>
57. On 27 January 2021, following Covid-O on 26 January 2021, I announced measures to further minimise travel across international borders and reduce the risk of Covid-19 transmission.<sup>36</sup> I also announced the establishment of the Managed Quarantine Service (“MQS”) on 27 January 2021 for those arrivals who could not be refused entry to the UK.
58. On 4 February 2021, the Prime Minister wrote to the Secretary of State for Health and Social Care to appoint him as the single accountable Cabinet Minister for the successful delivery of MQS and the associated testing regime.<sup>37</sup> Under the leadership of the 2<sup>nd</sup> Permanent Secretary at DHSC, a programme was established to:
  - i. Define the preferred end to end operating model for managed isolation and mandatory testing for all international arrivals;

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<sup>33</sup> PP/08 - INQ000054103

<sup>34</sup> PP/38 - INQ000054426

<sup>35</sup> PP/39 - INQ000054492

<sup>36</sup> PP/40 – INQ000049240

<sup>37</sup> PP/41 - INQ000049120



- ii. Produce and then monitoring and assuring the cross-Government Integrated Delivery Plan for the new capabilities;
- iii. Engage with key stakeholders and users, and ensuring coherent communication of the overall plan; and,
- iv. Work with others to manage and mitigate real-time issues once measures come into force and ensuring responsiveness to issues arising.

59. Further detail on how MQS would operate was discussed and agreed at Covid-O on 4 February 2021. I was supportive of the need to quarantine arrivals but concerned about the operational implications for Border Force because they did not have the powers or the capacity to escort arrivals to the MQS. I was advised that an additional 3050 full time equivalent Border Force officers would be required to handle the operational impacts of the decisions being made at Covid-O.<sup>38</sup> At Covid-O, I raised the need for DfT to engage with carriers and ports to ensure that the operational implications of the tougher measures were understood across the sector. I received regular updates on the implementation and operational impacts of MQS.<sup>39</sup>

#### Traffic Light System: 17 May 2021 to 18 March 2022

60. On 17 May 2021, international travel resumed and the traffic light system went live. Under the traffic light framework, travellers from 'Green' list countries were no longer required to quarantine subject to the production of a negative pre-departure test and a further PCR test on day 2 of their arrival. Travellers from 'Amber' list countries could quarantine at home.
61. My position was that the resumption of non-essential international travel in parallel with the easing of domestic restrictions was a critical decision which had considerable risks. I thought that we needed to develop an approach to managing our borders that was effective, sustainable, and responsive to change, recognising that our capacity to manage the risk was finite. This capacity included the Managed Quarantine Service and I was concerned that it could be overwhelmed if the demand for international travel exceeded the spaces available. I also advocated at Covid-O for unambiguous communications which advised the public on what each category meant to support understanding and compliance with the measures.<sup>40</sup>

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<sup>38</sup> PP/42 - INQ000054617

<sup>39</sup> PP/43 - INQ000054682

<sup>40</sup> PP/44 - INQ000055059

62. The **UK Borders Witness Statement** provides further information on the specific scientific and legal advice, policy consideration, sector engagement, and operational issues applicable to the formulation of the Home Office operational response at the UK border during each phase of the Pandemic.

**b) Advice and key decisions taken to support victims of Hidden Harms and other vulnerable groups**

Overview

63. Throughout my career, I have campaigned relentlessly for the victims of crime and abuse. I firmly believe that we have a duty to protect and support those who are targeted, exploited, and harmed by criminals. In my role as Home Secretary, I was dedicated to protecting the most vulnerable in society including children and women, to giving victims a voice, and to securing justice for them.

64. I know that for many home is not the safe-haven it should be and I spoke publicly throughout the Pandemic to let victims know that they had not been forgotten and that the Government would not let them down.<sup>41</sup>

65. On 11 April 2020, I spoke at the Downing Street Press conference alongside Martin Hewitt, Chair of the National Police Chiefs' Council, and Professor Stephen Powis. Martin Hewitt and I gave an update on the emerging crime picture, at that stage of the pandemic, and outlined where extra Government work with law enforcement partners was underway including the better protect victims.

66. It is important to note that total crime had dropped since the start of the pandemic because people followed the necessary advice to stay at home. But, while the guidelines kept the majority of the public safe, it was evident and deeply concerning that that many others including women and children would be isolated, vulnerable, and in some cases in danger.

67. We were already seeing increases in on-line crime such as fraud and, working with our agencies, we knew that the perpetrators of sickening online child sexual abuse were exploiting the fact that more young people and children were at home and online.

68. In the weeks leading up to that 11 April 2020 press conference, my Ministerial colleagues and I had worked with key organisations such as Refuge and Women's Aid to understand

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<sup>41</sup>PP/45 - INQ000249767

the demands and issues this important front line sector were experiencing. Many of their caseworkers and professional support staff were working from home which brought new challenges to how support, advice, and care could be provided to the women and children who were victims of domestic abuse. The National Domestic Abuse Helpline was reporting a 120% rise in the number of calls it received in one 24-hour period. This was deeply concerning.

69. Through extensive negotiations with HMT, we were able to announce that £750 million would be made available for those organisations providing services and support for victims of domestic abuse and their families. My message to them was that as we had come together as a nation to support one another during the pandemic and keep each other safe; the victims of abuse would not be alone.

70. I then went on to launch a new public awareness raising campaign highlighting that if anyone is at risk of, or experiencing domestic abuse, help was still available. The campaign, under the hashtag #YouAreNotAlone, aimed to reassure those affected by domestic abuse that support services remained available during such a difficult time. I remain immensely grateful for the care and support of so many who came together to support and protect women and their children during this challenging time.

71. At Cabinet committees, including COBR and MIG, I advocated for a wider definition of vulnerable people, and for greater consideration of the impacts of lockdowns and school closures on women and children.<sup>42</sup> Through extensive negotiations with HMT funds were made available for specific schemes for my work on hidden harms and support for vulnerable groups.<sup>43</sup> This included funding for the vital charities and frontline workers who give refuge and support to people and who protect vulnerable children. Paragraphs 79 - 83 provide further information on the funding made available and the organisations who benefited.

72. Throughout the Pandemic, I continued with my long-term agenda for tackling these devastating crimes. On 3 March 2020, the Domestic Abuse Bill had its first reading, and almost fourteen months later it was signed into law on 29 April 2021. During the Bill stages we engaged with, and took evidence, from many organisations within the violence against

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<sup>42</sup> See for example PP/46 - INQ000052628, PP/47 - INQ000053129, PP/48 - INQ000053301

<sup>43</sup> PP/49 - INQ000053911, PP/50 - INQ000053737

women and girls sector, including Refuge, Women's Aid, Southall Black Sisters, Women for Refugee Women, and Galop.<sup>44</sup>

73. On 9 October 2020, I appointed Nimco Ali, OBE, as an Independent Government Adviser on Tackling Violence Against Women and Girls.<sup>45</sup> On her appointment I said "Nimco Ali's dedication to raising awareness of the sickening practice of Female Genital Mutilation and advocacy for victims of gender-based violence, means she is ideally placed to advise the Government on tackling these appalling crimes."<sup>46</sup> Her role included supporting the consultation on the Tackling Violence Against Women and Girls Strategy by hearing from a wide range of people across the UK. On 30 March 2022, I launched the new Tackling Domestic Abuse Plan which delivers many of the provisions set out in the landmark Domestic Abuse Act.<sup>47</sup>

74. On 22 January 2021, I published the first-of-its-kind national strategy to protect children from all forms of child sexual abuse.<sup>48</sup> The Tackling Child Sexual Abuse Strategy set out my whole-system response to all forms of child sexual abuse. This strategy understands that tackling child sexual abuse, like all hidden harms crimes, requires action from across all agencies, all sectors, charities, communities, technology companies, and society more widely. It was this mindset which informed my actions throughout the Pandemic.

75. We know that the Pandemic had a profound affect on our society, and that public health measures intended to keep people safe increased the risks of abuse at home and online for children and vulnerable women and girls. In August 2021, the Report of the G7 Gender Equality Advisory Council 2021 recognised that there had been an increase in all types of violence against women and girls during the Pandemic.<sup>49</sup> Throughout the Pandemic, the Domestic Abuse Commissioner, my officials, ministers, and I took action to support those at risk of hidden harms (including domestic abuse and child sexual exploitation).<sup>50</sup> These actions are summarised below.

#### Before the First National Lockdown

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<sup>44</sup> PP/51 – INQ000273615, PP/52 – INQ000273594, PP/53 – INQ000279976

<sup>45</sup> PP/54 -INQ000273614

<sup>46</sup> PP/54 -INQ000273614

<sup>47</sup> PP/55 – INQ000249761

<sup>48</sup> PP/56 – INQ000249768

<sup>49</sup> PP/57 – INQ000207459

<sup>50</sup> PP/58 – INQ000231094

76. UK government pandemic planning before 2020 had not considered lockdown as a non-pharmaceutical intervention. Consequently, the Home Office had no pre-existing plans in place to protect vulnerable people required to stay at home in the event of a pandemic.

77. As the situation in the UK worsened in March 2020, I outlined at the Public Sector Ministerial Implementation Group on 17 March the activity being undertaken by the Home Office and other Government Departments to put in place measures to protect vulnerable people. This included:

- The Home Office working with The Salvation Army to produce guidance for those working in safehouses protecting the victims of modern slavery
- Guidance by Public Health England and the Ministry of Housing, Communities, and Local Government for domestic abuse refuge providers
- Joint working between the Home Office, Department for Education, and Department for Health and Social Care to ensure enhanced barring checks by the Disclosure and Barring Service could be carried out within 24 hours
- The implementation of communicable disease plans in Immigration Removal Centres and new guidance for asylum accommodation derived from guidance provided by public health bodies including Public Health England.<sup>51</sup>

78. During this time, my concern was that collectively the UK Government was not considering widely enough the people impact of the measures which would shortly need to be implemented, such as school closures. Departmental records show that I raised at COBR on 18 March 2020 the need to widen the definition of 'vulnerable people' beyond the elderly, pregnant women, and those with underlying health conditions. Central to my concerns was the impact of school closures on vulnerable children including those at risk from hidden harms, child sexual exploitation and abuse.<sup>52</sup> I also requested that the definition of 'Key Workers' be expanded to include charities and workers delivering key frontline services, with specific consideration of volunteers/workers in domestic abuse refuges.<sup>53</sup> Colleagues appeared to recognised my concerns, and I hoped that my contribution would help to promote this issue in future decision making by relevant Ministers.

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<sup>51</sup> PP/59 - INQ000052595

<sup>52</sup> PP/60 - INQ000052626

<sup>53</sup> PP/61 - INQ000052628



79. Following the unprecedented decision to implement a national lockdown, key UK government actions included:

- i. **8 April 2020:** £750m additional funding for frontline charities including those supporting domestic abuse victims<sup>54</sup>
- ii. **1 April 2020:** The re-prioritisation of Home Office funding to address Covid-19 related threats for victims of child sexual abuse and exploitation<sup>55</sup>
- iii. **6 April 2020:** Changes announced to enable individuals supported through the modern slavery victim care contract to stay in government-funded safe accommodation for three months<sup>56</sup>
- iv. **11 April 2020:** £2m additional Home Office funding for domestic abuse helplines following initial sector engagement on emerging needs during the Pandemic<sup>57</sup>
- v. **11 April 2020:** Launching the #YouAreNot Alone campaign<sup>58</sup>
- vi. **2 May 2020:** £76m additional funding to support survivors of domestic abuse, sexual violence, and vulnerable children and their families and victims of modern slavery<sup>59</sup>
- vii. **7 May 2020:** Letter to technology industry partners on countering online child sexual exploitation and abuse during the COVID-19 pandemic<sup>60</sup>
- viii. **21 May 2020:** The Hidden Harms summit chaired by the Prime Minister. Attendees included the Domestic Abuse, Victims, and Childrens Commissioners, and representatives from Imkaan, Refuge, Women's Aid, Barnardo's and the NSPCC<sup>61</sup>
- ix. **18 November 2020:** £18m of further funding provided for rape and domestic abuse services

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<sup>54</sup> PP/62 – INQ000215567. Allocated HMT funding for domestic abuse charities was as follows: £15m allocated to Ministry of Justice for Police and Crime Commissioners to allocate to domestic abuse charities, £10m allocated to Ministry of Housing, Communities and Local Government for domestic abuse accommodation services, and £2m for the Home Office to allocate.

<sup>55</sup> PP/63 – INQ000231071

<sup>56</sup> PP/64 – INQ000052921

<sup>57</sup> PP/65 – INQ000053039

<sup>58</sup> PP/65 – INQ000053039

<sup>59</sup> PP/66 – INQ000053229

<sup>60</sup> PP/67 – INQ000231162

<sup>61</sup> PP/68 – INQ000053322



- x. **7 December 2020:** Relaunch of the #YouAreNot Alone campaign
  - xi. **14 January 2021:** Launch of the 'Ask for Ani' scheme<sup>62</sup>
80. Funding allocated by the Home Office was provided to the following organisations providing support to children and vulnerable people:
- i. **Advocacy After Fatal Domestic Abuse:** Independent organisation offering specialist and expert Advocacy and peer support after fatal domestic abuse
  - ii. **AVA – Against Violence and Abuse:** UK charity committed to ending gender-based violence and abuse
  - iii. **BAWSO:** Supports people from Black and Ethnic Minority backgrounds who are affected by domestic abuse and other forms of abuse, including Female Genital Mutilation, Forced Marriage, Human Trafficking & Prostitution
  - iv. **Children and Families Across Borders:** Protects vulnerable children separated from their families across international borders
  - v. **Employers Initiative on Domestic Abuse:** Support for nearly 1,300 large and small businesses, collectively comprising over 25% of the UK workforce, to take effective action on domestic abuse
  - vi. **Family Rights Group:** Charity that advises parents, grandparents, relatives and friends about their rights and options when social workers or courts make decisions about their children's welfare
  - vii. **Hestia:** Domestic Abuse Services
  - viii. **Hollie Gazzard Trust:** Builds individual and community resilience to domestic abuse
  - ix. **Innovating Minds:** Social enterprise supporting children and young people with emotional and mental health needs
  - x. **IRISi:** Social enterprise promoting and improving the healthcare response to domestic violence and abuse

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<sup>62</sup> PP/69 – INQ000054472

- xi. **Karma Nirvana:** Support for those affected by honour-based abuse
- xii. **Kids Out:** Support for children living in refuges
- xiii. **Micro Rainbow:** Support for LGBTQI asylum seekers and refugees
- xiv. **Muslim Women's Network UK:** Charity working to work to improve the social justice and equality for Muslim women and girls
- xv. **Paladin National Stalking Advocacy Service:** Supports victims of stalking in England and Wales
- xvi. **Reducing the Risk of Domestic Abuse:** Supporting adults and children at risk of domestic abuse and empowering the professionals and volunteers who support them
- xvii. **Refuge:** Domestic Abuse organisation
- xviii. **Respect:** Support for male victims of domestic abuse
- xix. **SafeLives:** UK-wide charity dedicated to ending domestic abuse
- xx. **Southall Black Sisters:** Provides holistic advocacy services aimed at helping Black and minoritised women live free from all forms of violence and abuse
- xxi. **Standing Together Against Domestic Violence:** National charity bringing communities together to end domestic abuse
- xxii. **Surviving Economic Abuse:** UK charity dedicated to raising awareness of economic abuse and transforming responses to it
- xxiii. **Suzy Lamplugh Trust:** Personal safety charity and leading stalking authority
- xxiv. **The Vavengers:** Committed to ending Female Genital Mutilation / Cutting and other forms of Violence Against Women and Girls
- xxv. **Victim Support:** Supporting victims of crime and traumatic incidents in England and Wales
- xxvi. **Welsh Women's Aid:** Support for women in Wales.

**xxvii. Women's Aid Federation of England.** <sup>63</sup>

81. Home Office funding enabled charities to enhance online support services and helplines, in response to increased demand for remote services. We also secured support from Fujitsu to provide IT expertise to smaller domestic abuse charities to enable specialist trained support workers to provide their crucial services remotely.<sup>64</sup>
82. Through the 18 Violence Reduction Units in England and Wales, the Home Office provided £2.8m of funding to 300 small and micro supporting vulnerable children at risk of serious violence.<sup>65</sup>
83. Further HO funding was provided, as business as usual, to the following non-statutory organisations supporting victims and survivors of child sexual abuse at a national level: Barnardo's, Mosac, NAPAC, Rape Crisis, Safeline, The Survivors Trust, Victim Support.<sup>66</sup>
84. At each stage of the Government's response, my focus was on whether sufficient consideration was being given to the vulnerable in our society. In summer 2020, I raised at Cabinet the issue of what plans were in place for the provision of free school meal vouchers during the school holidays, and what plans the Department for Education had for addressing the widening attainment gap.<sup>67</sup> My briefing in advance of Covid-O on 25 June 2020, records my concerns about the mental health impacts on children, my support for the National Tutoring Programme, and the support available for vulnerable children.<sup>68</sup> Again, Cabinet colleagues appeared to recognise my concerns and I trusted that these would be taken forward with Ministers from the relevant departments.
85. In autumn 2020, the Minister for Safeguarding and Vulnerability and I received advice on Home Office contingency planning for Domestic Abuse, Modern Slavery, Child Sexual Abuse and "County Lines" as we approached the winter.<sup>69</sup> Central to this planning was consideration of the impacts of lockdowns and restrictive measures, and how action could be taken to prevent violence and exploitation. In December 2020, the Minister for Safeguarding, and the Minister for Policing and Crime jointly wrote to Police and Crime Commissioners, Chief Constables, and Directors of Violence Reduction Units to outline

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<sup>63</sup> PP/70 – INQ000231201, PP/70A – INQ000273593. PP/70B – INQ000273613

<sup>64</sup> PP/71 – INQ000086591

<sup>65</sup> PP/72 - INQ000053891, PP/73 - INQ000054274

<sup>66</sup> PP/74 - INQ000231214

<sup>67</sup> PP/75 - INQ000053481

<sup>68</sup> PP/76 - INQ000053528

<sup>69</sup> PP/77 – INQ000053891, PP/78 - INQ000054123

the additional support and £2.8m funding available to protect children and young people at risk of violence, exploitation, and county lines.<sup>70</sup>

86. The launch of the Ask for Ani scheme in January 2021, during the third national lockdown, provided a further lifeline to victims of domestic abuse. In partnership with Boots and independent pharmacies across the UK, the scheme provides a discrete and safe way to get urgent help.<sup>71</sup>
87. The **Home Office MOD 2 Core Statement**, the **Hidden Harms Chronology** provide further information on the policy consideration including Equality Impact Assessments, sector engagement, additional funding, initiatives, and communications campaigns delivered by the Home Office to support those at risk.

**c) The formulation, implementation, and enforcement of public health and Covid-19 legislation and regulations**

88. Our police deserve the upmost respect, support and recognition during the Pandemic. Brave officers put their lives on the line every day to keep us safe, demonstrating remarkable courage, sacrifice, and public duty. Each and every day during the Pandemic they delivered for the country, risking their health in the interests of public safety whilst receiving physical and verbal abuse for doing their jobs.
89. Throughout the Pandemic, the police had my full support as they upheld the important principles of policing by consent. Their focus on achieving public co-operation through the 4 Es model of 'engage, explain, encourage and enforce' supported the vast majority of the UK population to do the right thing and follow the rules. At times, the rapid transmission of the virus and our response led to uncertainty for the both the police and the public as regulations necessarily changed at short notice to protect us all. Our police worked tirelessly in these challenging circumstances to keep the streets safe, protect the NHS, and save lives. They have my upmost admiration.

**Formulation, Implementation and Enforcement of Regulations**

90. The Coronavirus Act 2020 and the **Health Protection (Coronavirus, Restrictions) (England) Regulations 2020** ("The Regulations"), and all future iterations of the regulations were owned by the Department for Health and Social Care. Home Office officials contributed to the formulation of policy options and regulations by providing advice

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<sup>70</sup> PP/79 - INQ000054274

<sup>71</sup> PP/69 - INQ000054472

on whether a regulation could be considered “proportionate”, for example considering whether it would be comprehensible to the public, practical to enforce, contribute to community tensions, or could cause a breakdown in the policing by consent model. Operational guidance on police enforcement of the regulations was produced by the College of Policing, with a focus on relying on policing by consent. Home Office officials subsequently engaged with police partners and other government departments to support understanding of the implementation and relaxation of regulations as necessary throughout the Pandemic. The **Home Office MOD 2 Core Statement** provides further information on the role of Home Office officials in the formulation, implementation, and enforcement of The Regulations.

91. Central to the collaborative working relationship with the police was the daily morning operations call. This call consisted of Martin Hewitt (Chair, National Police Chiefs Council), Lynne Owens (Director General, National Crime Agency), Cressida Dick (Commissioner, Metropolitan Police Service), rotating attendance by Chief Constables from England and Wales, and Home Office representation at official and ministerial level. These calls were invaluable in providing myself and Kit Malthouse, the Minister for Policing and Crime, with insight into the experiences and challenges of the police in supporting compliance with the public health regulations. I am immensely grateful for the partnership working across policing, the intelligence services, and law enforcement agencies during this period.
92. Throughout the Pandemic my advice to the Prime Minister and Cabinet was that the police would focus enforcement activity only on egregious breaches of the regulations.<sup>72</sup> Whilst the media gave prominence to specific enforcement activity, it is important to remember that the vast majority of issues relating to public non-compliance with the regulations were resolved through the ‘engage, explain and encourage’ elements of the Four Es. The police and I considered enforcement to be the last resort to achieve compliance with the regulations. My advice to all government ministers was based on the professional operational experience of policing.
93. Whilst the Home Office liaised closely with the National Police Chiefs’ Council throughout the Pandemic, operational independence meant that individual police forces were responsible for their own response. All guidance pertaining to police enforcement of Covid-19 legislation and regulations was developed by the College of Policing for dissemination to forces. The College of Policing is an operationally independent non-departmental public body and its guidance was a policing product, independent of the Home Office.

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<sup>72</sup> PP/80 - INQ000054268, PP/81 - INQ000054533, PP/82 - INQ000054576



94. I provided my backing to the police to enforce The Regulations using their professional judgement and spoke publicly of the need for strong enforcement where people were clearly breaking the rules. My position was that enforcement saved lives and that the police would not stand by while a small number of individuals put others at risk.<sup>73</sup>

95. I considered that the frequency and timing of changes to the public health regulations was unhelpful for policing, and I was in favour of making as few changes as possible to the regulations. At times, I was concerned that the Home Office was not always consulted in a sufficiently timely manner to provide assurance that policies were enforceable before regulations were laid, for example this is reflected in my letter to the Prime Minister dated 4 December 2020.<sup>74</sup> Decisions taken by informal or formal Cabinet committees to change regulations required time to ensure that the police could operationalise those decision and issue guidance to front line officers. To build public confidence in the regulations and their policing it was essential that our officers understood the regulations, and where necessary could explain them to the public. I sought to voice the needs of the police to Cabinet colleagues at meetings I had with the Prime Minister, at Cabinet, and at Covid-O meetings and to maintain the focus on keeping the public's trust in how we policed the public health regulations.<sup>75</sup>

96. In December 2020, the Covid-19 Police Enforcement Strategy, developed by the Home Office, National Police Chiefs' Council (“NPCC”), DHSC, the Cabinet Office Covid Taskforce, and No. 10 formalised policing's three key objectives for the Pandemic. These objectives were:

- a. **Infection:** to help slow the rate of infection by disrupting high risk behaviours and activities.
- b. **Public confidence:** to give the public confidence that measures are being fairly and proportionately enforced.
- c. **Public trust:** to maintain or increase the broad public support which is the cornerstone of our model of policing by consent.<sup>76</sup>

97. In recognition of the risks faced by frontline policing during the Pandemic, I was in favour of targeted vaccination for occupational groups - subject to the scientific advice of the Joint Committee on Vaccination and Immunisation. I considered that the police, and other

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<sup>73</sup> PP/83 – INQ000216444

<sup>74</sup> PP/80 - INQ000054268

<sup>75</sup> See for example: PP/84 - INQ000054186, PP/80 - INQ000054268, PP/85 - INQ000055049

<sup>76</sup> PP/86 - INQ000054913, PP/87 - INQ000054915, PP/88 - INQ000054916.



people involved in keeping the country safe, should have additional protection once those at highest risk of mortality from the virus had been vaccinated.<sup>77</sup>

98. In April 2021, Martin Hewitt (Chair of National Police Chiefs' Council) and I wrote to police chiefs outlining a refreshed enforcement strategy which ensured that policing priorities continued to be based on the latest available scientific evidence and the most high-risk behaviours continued to be targeted.<sup>78</sup>

99. The **Home Office MOD 2 Core Statement** provides further information on the role of the Home Office in the development and enforcement of the regulations in each phase of the Pandemic.

d) **Covid-19 Regulations and the Democratic Right to Protest**

100. In my statement to the House of Commons on 15 March 2021, I affirmed that the freedom to protest is a cornerstone of our democracy, whilst also recognising that the Government's duty during the Pandemic was to prevent more lives being lost.<sup>79</sup> Balancing individual freedoms with the public duty to protect life informed the discussions which I, Home Office ministers and officials, and policing leads had on public protest during the Pandemic.

101. In normal circumstances, a large and peaceful protest would not be of concern to the authorities. However, the Covid-19 Pandemic was an unprecedented national health emergency which tragically claimed thousands of lives. This severe public health risk led me to urge the public not to attend protests, although the management of protests and the use of law enforcement powers is an operational, and independent, matter for the police. Consequently, the Home Office did not issue guidance on the policing of protests.

102. Throughout the Pandemic, the police enabled protests to be held, including those relating to:

- i. Anti-lockdown (May 2020 – March 2021)
- ii. Extinction Rebellion (May – September 2020),
- iii. Black Lives Matters (June 2020),

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<sup>77</sup> PP/89 - INQ000054756

<sup>78</sup> PP/90 - INQ000054914

<sup>79</sup> PP/91 – INQ000249766

- iv. Colston Statue (June 2020),
- v. HS2 (February 2021)
- vi. 'Kill the Bill' (March to summer 2021)<sup>80</sup>

103. In June 2020, I received legal advice in relation to the DHSC owned Health Protection Regulations, which had been enacted, and the right to protest. The Regulations did not contain an exemption for protests. The issue under consideration was the extent to which protests remained possible in light of the Regulations, whilst at the same time appreciating that the scientific data supported the enactment of the restrictions. This matter was subsequently the subject of decisions in the High Court and the Court of Appeal (see below).<sup>81</sup> . Operational decisions relating to protests needed to be taken by the police n taking into account the context of the specific regulations, outlined below, in place at each stage of the Pandemic.

104. Restrictions on protest in the DHSC owned regulations for England are summarised below:

- i. **26 March 2020:** Regulation 7 of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, came into force and imposed restrictions where no person was permitted to participate in a gathering in a public place of more than two people. The exceptions for this provision did not include protest.<sup>82</sup>
- ii. **4 July 2020:** The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 came into force and relaxed restrictions. Regulation 5 allowed gatherings for up to 30 people subject to certain provisions including the organiser having taken all reasonable measures to limit the risk of transmission of the coronavirus.<sup>83</sup>
- iii. **14 October 2020:** The three tier system came into force. Gatherings of more than six were prohibited with the exception of gathering for the purposes of protest. This exception applied in all three tiers.<sup>84</sup>

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<sup>80</sup> PP/92 – INQ000249771

<sup>81</sup> PP/93 - INQ000231186, PP/94 - INQ000231189

<sup>82</sup> **PP/94A** INQ000052787

<sup>83</sup> PP/95 – INQ000065421

<sup>84</sup> PP/96 – INQ000109839, PP/97 – INQ000215589, PP/98 – INQ000065423

- iv. **5 November 2020:** The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 and implementation of the 2<sup>nd</sup> national lockdown again restricted gatherings of more than two people in public spaces.<sup>85</sup>
- v. **2 December 2020:** The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 include restrictions on gatherings of more than six, subject to a list of exceptions. All three tiers including an exception for protest.<sup>86</sup>
- vi. **20 December 2020:** Schedule 3A of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 introduced Tier 4 and removed the exception for protest from Tier 4 only. On 26 December 2020, a new exception was introduced for the purposes of picketing.
- vii. **5 January 2021:** All of England was placed in Tier 4 which prevented people from leaving the home without a 'reasonable excuse'. The exception for the purposes of picketing remained.

105. At the time of the Black Lives Matters protests (June 2020) and the Reclaim the Streets Vigil for Sarah Everard (March 2021), gatherings of more than 6 people became illegal through the Health Protection Regulations for public health reasons with no exception provided for protests.<sup>87</sup> DHSC and Cabinet Office were responsible for the drafting of The Regulations. I consider that the restrictions on freedom of assembly in The Regulations were in the interests of public safety and necessary for the protection of health.

### Black Lives Matter

106. My statement to the House of Commons on 8 June 2020 in response to George Floyd's tragic death in the United States recognised the strength of feeling over his senseless killing.<sup>88</sup> I acknowledged that a sense of injustice had driven people to take to the streets to protest in the United States; however I maintained that no matter how strongly people felt about this issue putting lives at risks by protesting in large numbers across the UK was not justified. I urged people to find another way to express their strength of opinion, to follow the rules, and not to risk losing further lives to the Pandemic.<sup>89</sup>

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<sup>85</sup> PP/99 – INQ000249770

<sup>86</sup> PP/100 – INQ000054237

<sup>87</sup> PP/93 - INQ000231186, PP/101 - INQ000231245, PP/102 - INQ000231246

<sup>88</sup> PP/103 – INQ000249769

<sup>89</sup> PP/104 – INQ000249763

107. My position, as reflected in my public communications, was that Covid-19 remained a real risk and that mass gatherings, for whatever reason, risked spreading the disease. As set out in the statement made by UK police leaders on 3 June 2020, the right to lawful protest is a key part of any democracy which the UK police uphold and facilitate.<sup>90</sup> However, Covid-19 is a deadly disease and, at the time of the protests, restrictions were in place to prevent its spread. For whatever reason people wanted to come together, we asked that they continued to work with officers during the challenging time. In the UK we have a long-established tradition of policing by consent, working in communities to prevent crime and solve problems. The power of the police to fulfil their duty is wholly dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.<sup>91</sup>

108. The police across the UK oversaw around 200 Black Lives Matters protests, with approximately 100,000 people in attendance, over the weekend of 6 – 7 June 2020. The police had my full backing to act proportionately, fairly, and courageously, in line with their existing statutory and common law powers and duties in relation to public order public safety policing.<sup>92</sup>

109. The need for a proportionate response on policing protests during the Pandemic is set out in a letter issued on 3 June 2020 by Chief Constable Ben-Julian Harrington, national lead for public order policing. This letter included advice to public order leads across the four nations to consider working collaboratively with protesters to emphasis their social responsibility to fellow protesters with regards to public health guidance. The letter also referred to the need to consider the risk of creating disorder by inappropriate enforcement of Covid-19 Regs when balanced against protest activity.<sup>93</sup>

110. The vast majority of protesters were peaceful. However, a lawless minority turned to abusive behaviour and violence, injuring at least 35 police officers in London on one occasion.<sup>94</sup> I was clear that no cause is served by violence, hooliganism, or a threat to life. Despite large gatherings being illegal for vital public health reasons, the police had sought to uphold the fundamental democratic right to protest at a risk to their lives and others. In return, missiles and flares were shamefully thrown at them.

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<sup>90</sup> PP/105 – INQ000249772

<sup>91</sup> PP/106 – INQ000249760

<sup>92</sup> PP/103 – INQ000249769

<sup>93</sup> PP/107 - INQ000231190, PP/108 - INQ000231191

<sup>94</sup> PP/109 – INQ000249763 - [INQ000314601], Protests must be peaceful and in accordance with social distancing rules

## Reclaim the Streets Vigil

111. The murder of Sarah Everard rightly ignited anger at the danger posed to women by predatory men, an anger I feel as strongly as anyone.<sup>95</sup> Mass gatherings in March 2021 were, under The Regulations, unlawful (subject to a reason excuse exception), and my personal preference for reflecting the strength of feeling about her murder was for people to light candles, and not attend public events. The country was shaken by Sarah's murder and women, in particular, wanted to express their grief, sadness, and their heartfelt loss for Sarah and her family.
112. It was an operational decision for the Metropolitan Police Service as to how to enforce The Regulations in respect of public events and, if such events took place, how to police them. I recollect that when speaking to the Commissioner, I outlined that it was vitally important to me that the policing of any event in Sarah's memory was proportionate, dignified, and respectful. I also asked officials to keep me informed of the plans, staffing, and the approach being taken by the Metropolitan Police Service.
113. The internal Home Office advice I received on 13 March 2021 in advance of the planned Reclaim These Streets vigil in memory of Sarah included the Metropolitan Police Service's position in respect to the rights to freedom of expression and assembly under Articles 10 and 11 of the European Convention on Human Rights ("ECHR"), and the legal challenge brought by the organisers on that position.<sup>96</sup>
114. This advice followed the decision of the High Court in Leigh v Commissioner of Police for the Metropolis, which reaffirmed a previous decision of the Court of Appeal that the right to protest, as guaranteed by Articles 10 and 11 of the ECHR, was given effect by the "reasonable excuse" exception to the prohibition on public events in The Regulations.<sup>97</sup>
115. I was advised that any Government communications on the vigil should follow communications issued by the Metropolitan Police Service following the decision of the High Court.<sup>98</sup> The advice on the sequencing of communications reflected that the Metropolitan Police Service had operational responsibility for the management of the vigil.
116. The scenes from Clapham Common on the evening of 13 March 2021 were terrible, upsetting, and caused me considerable dismay. On 14 March 2021, I wrote to Tom Winsor, then Her Majesty's Chief Inspector of Constabulary, to commission a bespoke thematic

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<sup>95</sup> PP/110 – INQ000249766

<sup>96</sup> PP/102 – INQ000231246

<sup>97</sup> [2021] EWHC 661 (Admin); R (Dolan) v Secretary of State for Health and Social Care [2020] EWCA Civ 1605

<sup>98</sup> PP/102 – INQ000231246



inspection into the Metropolitan Police Service's handling of the event, covering the police's operational decision-making, application of the law in the context of the Covid-19 regulations and engagement with those at the event and the wider public.<sup>99</sup>

117. The subsequent report, published on 30 March 2021, identified that the Metropolitan Police Service had made an incorrect interpretation of the Covid-19 All Tiers Regulations but had given "entirely appropriate" consideration to protesters' rights under Articles 10 and 11 of the ECHR, and the need for a necessary and proportionate policing response.<sup>100</sup>

**e) Racial disproportionality in the policing and enforcement of the Covid-19 legislation and regulations**

118. On 3 April 2020, I was informed that Home Office officials had agreed data requirements with the police to record the rates of enforcement and compliance with the Regulations. The data recorded would generate reporting on the number of penalties issued by location, date and demographics (including the protected characteristics of age, gender, ethnicity, and disability), and would enable the monitoring of any disparities in the issuing of Fixed Penalty Notices ("FPNs").<sup>101</sup>

119. On 2 June 2020, the Home Office Press Office informed me that the Metropolitan Police Service would be releasing a press notice and report at 0600 Wednesday 3 June 2020 on their enforcement of Covid-19 legislation and use of Fixed Penalty Notices. I was informed that Home Office analysis had found that the data showed that black people are roughly three times as likely to be issued with an FPN than white people, compared to the resident population.<sup>102</sup>

120. On 23 July 2020, the Minister for Policing and the Fire Service and I received briefing on the NPCC report examining the extent of racial disproportionality in police use of new powers under the Public Health Regulations.<sup>103</sup> The report had been prepared by Government Statistical Service staff in Home Office Analysis and Insight, for the NPCC, by using police force data from English and Welsh forces for the number of FPNs issued between 27 March 2020 and 25 May 2020 for breaching public health regulations.

121. The report concluded that the analysis highlighted the complexity around the police enforcement of the public health regulations introduced to prevent the spread of Covid-19.

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<sup>99</sup> PP/111 – INQ000249764

<sup>100</sup> PP/92 – INQ000249771

<sup>101</sup> PP/112 - INQ000052923

<sup>102</sup> PP/113 - INQ000239645

<sup>103</sup> PP/114 - INQ000053635.



It was apparent that police forces issued FPNs at varied rates. The data on its own could not identify whether that is due to different approaches to enforcement activity, possibly reflecting local context, or because observance of the regulations varied across the country.<sup>104</sup> The NPCC considered the findings of the Home Office analysis in their action plan on disproportionality in policing, which influenced guidance subsequently prepared by the College of Policing pertaining to police enforcement of Covid-19 legislation and regulations.

#### **PART FOUR: KEY REFLECTIONS**

122. On 22 December 2020, in the context of rising infection rates from the Alpha variant and the introduction of Tier 4 restrictions, I stated that the UK had been ahead of the curve in terms of proactive measures in relation to the Pandemic.<sup>105</sup> This remains my position. No one could know the trajectory of the virus, but throughout the year, including in December 2020, the Government took proactive steps to keep the country safe based on the latest scientific and medical advice.

123. The changing scientific and medical advice necessitated short notice and regular changes to The Regulations intended to keep each of us safe. My speaking notes for Cabinet committees throughout the Pandemic, including COBR and Covid-O, record that I was in favour of transparent public communications to help people follow the rules and understand the rationale for decisions. Future pandemic planning should include improved crisis communications to support compliance, rather than enforcement, with public health regulations.

124. As outlined above, the operational challenges faced during the Pandemic by the police, Security Services, law enforcement agencies, fire and rescue services, and Border Force were considerable. These services worked tirelessly to keep the country safe during a hugely challenging time for the country, whilst operational guidance was updated regularly in response to the rapidly changing nature of the Pandemic.

125. I cannot speak highly enough of the bravery, commitment, and sacrifices that they made each day during the Pandemic. We owe an immense debt of gratitude to all those throughout the UK who worked tirelessly on the front line throughout the pandemic, serving our communities, and supporting the NHS to keep us safe. The enduring professionalism of these services should not go unrecognised by this Inquiry.

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<sup>104</sup> PP/115 – INQ000099940

<sup>105</sup> PP/116 - INQ000231238

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court 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 in its truth.

I am content for this witness statement to form part of the evidence before the UK Covid-19 Inquiry and to be published on the Inquiry's website.

Signed:

Personal Data

Rt Hon Dame Priti Patel, MP

Dated:

20 September 23