

Thursday, 9 November 2023

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(10.00 am)

**LADY HALLETT:** Mr O'Connor.

**MR O'CONNOR:** Good morning, my Lady.

**MR MARTIN HEWITT (affirmed)**

**Questions from COUNSEL TO THE INQUIRY**

**MR O'CONNOR:** Do take a seat. Could you give us your full name, please.

**A.** My name is Martin James Hewitt.

**Q.** Mr Hewitt, you kindly provided the Inquiry with a witness statement which will come on screen now. You can see it there. We see that it's a statement in fact headed "Corporate witness statement on behalf of the National Police Chiefs' Council", but it is a statement that you made, is it not?

**A.** It is.

**Q.** In fact, if we look at paragraph 1 of the statement, you explain that you regard this as being, that phrase, a corporate witness statement. If we can look at paragraph 2 of the statement, we can see, I think, what you mean to convey by that term, which is that the information in the statement is drawn firstly from your own knowledge and experience, but also, and perhaps this is why you describe it as a corporate statement, on the basis of material provided by staff within the NPCC and

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parallel to your role with the NPCC for that period?

**A.** Yes, my main job was on the management board of the Metropolitan Police, but as an aside I also undertook the role of vice chair.

**Q.** What was your role with the Metropolitan Police at that time?

**A.** So I was an assistant commissioner on the management board, in a number of roles, during that five-year period, but from 2014 through to 2019 I was one of the assistant commissioners there.

**Q.** Yes. Then in 2019, you in fact were appointed as the chair of the NPCC, and that is, I think, a full-time role?

**A.** That is a full-time role, yeah.

**Q.** And you served in that capacity for four years or so, until earlier this year?

**A.** Correct.

**Q.** When you ceased to be chair of the NPCC, I think it was in the spring of this year, did you in fact at that point retire from the police force?

**A.** Indeed, in April this year, that's correct.

**Q.** Thank you.

It will be apparent from that brief history, Mr Hewitt, that you were of course chair of the NPCC for the entire period of the pandemic, and that of course is

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other policing bodies.

So that is the basis on which the statement was drafted, but with that in mind, we don't need to go to it, but on the final page there is a statement of truth indicating that you believe, on that basis, that the facts contained in the statement are true. Does that remain the position?

**A.** That does.

**Q.** Thank you.

I'm going to ask you first, Mr Hewitt, a few brief questions about your career. It's right, isn't it, that you joined the police, in fact the Kent Police, in 1993?

**A.** Correct.

**Q.** You transferred to the Metropolitan Police in 2005, and you then remained with the Metropolitan Police and reached the rank of assistant commissioner?

**A.** Correct.

**Q.** In 2015, is it right that you were appointed the vice chair of the National Police Chiefs' Council?

**A.** Yes. That's not a full-time role, but it was -- there are two vice chairs at any time supporting the full-time chair, so I was one of those two vice chairs, yes.

**Q.** And I think it's right that you served in that capacity for four years, until 2019, so would it be right that you were doing a job at the Metropolitan Police in

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the time period that I'm going to focus on in my questions to you today.

You provide us with a fair amount of detail about the make-up and the workings of the NPCC in your witness statement, which we're grateful for and we have in writing. I'm not proposing to go into too much detail now, because, as you also describe in your statement, the NPCC -- as indeed so many other institutions in the country -- had to act in a very exceptional way during the pandemic; is that right?

**A.** That's correct, yes.

**Q.** And so some of the things we'll be discussing today don't actually fall very neatly into the type of work that the NPCC does at other times?

**A.** One of its core roles is to co-ordinate national activity. Every police service in the UK is legally independent, and the NPCC brings together the interests of the chief officers in all of those organisations, and when there are issues which require national co-ordination, that's a role that the NPCC undertakes. But it had never taken one to the scale of dealing with Covid-19.

**Q.** Let's just look at that briefly and pick up some of those points you've just made.

We can see, we're looking at paragraph 4 of your

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1 report, as you say, as you've just described, the NPCC's  
2 sort of core function is as a national co-ordinating  
3 body representing all UK police forces, and you mention  
4 there the Association of Chief Police Officers, ACPO,  
5 which I'm sure many of us can remember from the old  
6 days. This is the successor body --

7 **A.** Correct.

8 **Q.** -- to ACPO? Then paragraph 5, it's important to bear in  
9 mind, is it not, that the NPCC represents all UK police  
10 forces? We, as an inquiry, are a UK Inquiry, we have  
11 had a number of issues relating to the other nations,  
12 Scotland, Wales, Northern Ireland, of the UK.

13 It's right, isn't it, that policing is a devolved  
14 matter in Northern Ireland and Scotland, but does it  
15 remain the position that those police forces are  
16 represented by part of the NPCC?

17 **A.** They -- it is indeed devolved in both those  
18 administrations -- or countries, but they are full, fully  
19 participating members of NPCC.

20 **Q.** Yes.

21 You've touched already on the function, in very  
22 general terms, of the NPCC, but in summary is it fair to  
23 say that it's one of a group of national bodies designed  
24 to provide national leadership and co-ordination to  
25 local police forces that all have operational

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1 then, as it were, come back to the NPCC to be signed off  
2 or approved?

3 **A.** They would be. The main decision-making body within  
4 NPCC, and arguably within policing, is Chief Constables'  
5 Council, so Chief Constables' Council brings together  
6 the chief constable, or, in the London forces, the  
7 commissioner from the individual forces, and that's  
8 where, as a body, the service makes its key decisions.  
9 That process is run by the National Police Chiefs'  
10 Council and chaired by the chair of NPCC.

11 **Q.** Yes, and that was your role?

12 **A.** That was my role for the four years, yeah.

13 **Q.** For those years, yeah.

14 Let's just look at one other dimension of this, if  
15 we can, and that's on page 3 of your statement at  
16 paragraph 7. We've already referred to the fact that  
17 the individual forces have operational independence, and  
18 you emphasise in this part of your statement that the  
19 NPCC cannot direct forces to act in any particular way;  
20 is that right?

21 **A.** Yes, that's absolutely correct, and I think that is --  
22 that is a really important point. The NPCC is not  
23 a statutory body, it is an agreement amongst all the  
24 chief officers, but in each individual force area,  
25 operational direction and control rests with the chief

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1 independence?

2 **A.** Yes.

3 **Q.** And perhaps of particular importance for present  
4 purposes, the NPCC has, as one of its roles, producing  
5 national standards, thematic policies and so on,  
6 covering a whole range of different policing matters?

7 **A.** And that's done in conjunction with the College of  
8 Policing, so the College of Policing owns standards  
9 within policing but works very closely with the NPCC,  
10 where we would be -- we would be driving where we felt  
11 those policies were required. So it's a -- it's a joint  
12 working between the College of Policing and the National  
13 Police Chiefs' Council.

14 **Q.** Just exploring that in a bit more detail, then, is it  
15 the role of the NPCC to, as it were, commission the  
16 college to work up policies?

17 **A.** Yes. I think that's a good way of describing it. So  
18 NPCC represents all the chief officers. They will  
19 obviously be working and thinking about those issues  
20 that are most important issues for policing, and when  
21 you want policies, and particularly approved practice,  
22 which defines how police should do the various things  
23 that we do, then that would be worked with the College  
24 of Policing.

25 **Q.** Do those policies, and we'll see some of them today,

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1 constable and whatever the political governance is in  
2 an individual police area, that may be a mayor, it may  
3 be a police and crime commissioner, but ultimately that  
4 governance and the operational ownership rests with the  
5 chief constable.

6 **Q.** Yes. I'm just going to ask you to try and --

7 **A.** Sorry, I will.

8 **Q.** -- speak a little more slowly in giving us your answers,  
9 Mr Hewitt.

10 You do discuss in a little detail in your statement  
11 the arrangements and procedures that apply where  
12 a particular police force or a chief constable decides  
13 not to follow the guidance of the NPCC, or the Chief  
14 Constables' Council perhaps.

15 Can I just ask you whether that is actually of much  
16 relevance to us here today? What we're going to be  
17 exploring is the fairly high-level guidance that the  
18 NPCC and the college --

19 **A.** Yes.

20 **Q.** -- provided to police forces during the pandemic, in  
21 particular in the context of enforcing Covid  
22 regulations.

23 **A.** Yeah.

24 **Q.** Was there, in fact, any sort of deliberate divergence  
25 amongst police forces from that guidance?

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1 **A.** No. That refers to the ability for a chief constable to  
2 derogate from a decision that was taken at Chief  
3 Constables' Council. That, in normal circumstances, was  
4 a very rare occurrence, and in relation to Covid I don't  
5 think it's relevant for the purposes of what the Inquiry  
6 is seeking to understand.

7 **Q.** Yes.

8 Let's move on, then, please, Mr Hewitt, to a bit  
9 more detail about precisely what the NPCC did during the  
10 pandemic. For these purposes, if we can go to page 8 of  
11 your statement, paragraph 31, and you there make the  
12 point the pandemic "posed a wide range of challenges in  
13 every aspect of private and public life", and you go on  
14 to say that was no different for the police:

15 "... the pandemic [you say] affected every part of  
16 our work and every part of the service."

17 Was that the position?

18 **A.** Absolutely. It was very clear that there was going to  
19 be a policing role in helping the country respond to  
20 Covid-19, but before that, during that and after, normal  
21 policing activity was still going to carry on, to one  
22 extent or another. So for the service it was a question  
23 of how we balanced our normal duties and all the other  
24 responsibilities with whatever came as a result of  
25 the -- policing the pandemic.

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1 **Q.** So all of that was something that police forces and the  
2 NPCC had to think about?

3 **A.** Correct.

4 **Q.** But beyond that, and this takes us to really where I'm  
5 going to be focusing, there was also this whole question  
6 of the duties of the police as they became to enforce  
7 the regulations and other laws around the Covid  
8 response?

9 **A.** Yes.

10 **Q.** In your -- in this same paragraph that we're looking at,  
11 you -- I think it's in that context, looking about seven  
12 or eight lines down, that you say:

13 "In addition ... the provisions of the  
14 Coronavirus Act ... and [the] related ... Regulations  
15 led the police service into [your words] public health  
16 policing, which was largely uncharted territory."

17 Can you just expand on that term of "public health  
18 policing"?

19 **A.** Policing traditionally would be in relation to dealing  
20 with crime and criminality and safety in that sense, and  
21 we did not have experience of policing in this regard,  
22 and I think it's important to make the point about the  
23 use of the word "enforcement". What we were really  
24 talking about was trying to achieve compliance with  
25 whatever the -- the regulations were there to keep

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1 **Q.** Yes, so we can perhaps quite easily imagine that just  
2 the normal day-to-day duties of the police, the  
3 prevention and detection of crime, the pandemic affected  
4 the way in which those duties had to be conducted at  
5 every level?

6 **A.** Every single activity that policing undertook was going  
7 to be, to some extent, different in the light of  
8 whatever we needed to do in relation to the pandemic,  
9 yes.

10 **Q.** And you also refer in your statement to a whole extra  
11 category of concerns about protecting the health and  
12 safety of police officers and, no doubt, people with  
13 whom they came into contact from catching Covid during  
14 that period?

15 **A.** Yeah, absolutely, from the outset it was going to be  
16 very clear that normal policing to one extent or another  
17 was going to continue throughout however the country  
18 responded, so we had to be thinking very carefully about  
19 how we were going to allow that to happen safely for our  
20 staff but also for all the people that they were  
21 interacting with. And as one of the chief constables  
22 put it in one of the early discussions, you know, you  
23 can't police at 2 metres distant; it's really  
24 challenging to do the work that we needed to do in the  
25 context of a pandemic.

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1 people safe, to reduce the transmission of the virus, to  
2 keep people safe, and our role was to try to achieve --  
3 play a role in achieving compliance with those  
4 regulations.

5 So it was -- it was a very new area. It was  
6 evident, as we were thinking about how we were going to  
7 have to respond to this, that was going to clash with  
8 our normal way of operating as the police service in  
9 this country, and I particularly recall being struck by  
10 the images in Italy where you were seeing villages and  
11 towns literally encircled by armed carabinieri stopping  
12 people going in and out. So we were very focused on:  
13 how do we conduct policing support in a health crisis  
14 that is consistent with the way that we seek to police  
15 ordinarily, and those were the kind of questions that we  
16 were wrestling with as we prepared to deal with whatever  
17 came.

18 **Q.** One can obviously see that this was a new territory --

19 **A.** Entirely.

20 **Q.** -- but I just want to press you on quite how different  
21 it was. I mean, as perhaps we'll come to see, would it  
22 be fair to say that many of the principles, much of the  
23 training that the police already had in public order  
24 matters, in community policing, were not that far  
25 distant from the type of approach needed during the

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1 pandemic?

2 **A.** Of course we drew throughout the pandemic on the skills  
3 that we already had in the way that we operated in  
4 ordinary circumstances. The difference was the fact  
5 that we were now -- so in the first instance, any of  
6 those things that you referred to were now having to  
7 happen in a very different context, where the  
8 individuals that we were dealing with may or may not  
9 have been carrying the virus.

10 **Q.** Yes.

11 **A.** Our officers were having to be considering their own  
12 safety, and potentially they could be carrying the  
13 virus. So you've suddenly got a very different  
14 dimension there. But the other area that I think  
15 perhaps is what was in my mind, when we talked about  
16 uncharted territory, was looking at the other countries  
17 where the virus had spread ahead of this country, you  
18 could see the kind of measures that were being taken  
19 were measures that, as far as I'm aware, in policing  
20 terms, nothing like that had happened since the Second  
21 World War. So we were going to be into positions where  
22 we were going to be imposing on people's liberty and  
23 movement and their lives in a way that was totally out  
24 of our experience at that point in time.

25 **Q.** Thank you. It's here, I think I mentioned this earlier,

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1 sense of the timeline of how long this operation was  
2 going to have to run for. And perhaps most importantly  
3 as well, it was a critical incident that it was obvious  
4 from the beginning was going to engage every part of  
5 government, because every part of government was going  
6 to have to work. And on that basis, it just seemed to  
7 me that we needed to have a co-ordinated response from  
8 the police service, across all of those police  
9 organisations, working into and with government in -- so  
10 that we were able to provide our response accordingly.

11 **Q.** Yes. This may be a slightly academic point, you were,  
12 as we've established, chair of the NPCC at this time;  
13 did you have a sort of designated role in  
14 Operation Talla or was it simply that in practice, in  
15 your role as chair, you were very heavily involved?

16 **A.** No, I had a designated role. I took the lead for -- so  
17 I was what we would call the gold commander for  
18 Operation Talla. I pulled all the chief constables  
19 together in the early -- very early March, and had the  
20 discussion to say: this is going to require national  
21 co-ordination.

22 As I said in my statement, we had undertaken  
23 a similar process the previous December during the  
24 election, the general election, in terms of providing  
25 candidate security across the country, because there

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1 that you refer to what you were facing as an  
2 "unprecedented situation calling for an unprecedented  
3 response", and the response which the NPCC gave to this  
4 situation, you named, did you not, Operation Talla?

5 **A.** Correct.

6 **Q.** We can see that if we go over to the next page of your  
7 statement, please, paragraph 9. You there refer to  
8 Operation Talla. If we can go on to paragraph 10 --  
9 sorry, I meant paragraph 33.

10 You emphasise later in the statement, and in fact  
11 this is something we've already discussed, that the NPCC  
12 has no operational function, and you are, are you not,  
13 emphasising here again that Operation Talla provided  
14 guidance but no more than that to the individual police  
15 forces?

16 **A.** I think as well as guidance perhaps the way I would  
17 describe it was as co-ordination, and co-ordination at  
18 a national level. It was very apparent, as we were  
19 watching coronavirus spread westwards, that this was  
20 going to be a critical incident in -- unlike any that  
21 I had -- and I've dealt with a number of critical  
22 incidents, as you might imagine, over my career.

23 Some real differences that I think are important:  
24 this was going to affect every single square metre of  
25 the United Kingdom, which is unusual. It -- we had no

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1 were concerns at that stage. So I pulled the chiefs  
2 together and said, "We need to do this and we will run  
3 this from the centre", and that I would take the gold  
4 role.

5 **Q.** Just a couple of further points about the way in which  
6 the operation worked. If we look at paragraph 34, we've  
7 talked already about the communication between forces,  
8 encouraging co-operation, but you also refer there to  
9 liaison with the government.

10 **A.** Yes.

11 **Q.** Which was another role that Operation Talla played. Can  
12 you expand on that for us, please?

13 **A.** So one of my key roles pre-Covid was to be the sort of  
14 chief officer representative into the Home Office, and  
15 particularly working with the Home Secretary and senior  
16 officials, and it was evident that we were going to need  
17 to be in a position to work as effectively as we could  
18 with government as the pandemic and all the measures  
19 rolled through. So we worked incredibly closely, and  
20 the team in Op Talla worked very closely with the team  
21 sitting in the Home Office that were managing the Home  
22 Office response in -- for central government for the  
23 pandemic.

24 **Q.** We will come to talk about the regulations and how they  
25 were drafted and so on, but I don't think it was the

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1 Home Office, in fact, that was responsible for drafting  
 2 those regulations. Was it the DHSC?  
 3 **A.** It was DHSC, yes.  
 4 **Q.** Did Operation Talla also have links into the DHSC or did  
 5 you have to go via the Home Office?  
 6 **A.** We -- we did the vast majority of the work that we did,  
 7 and I think quite properly, through the Home Office. So  
 8 the working relationship there was incredibly strong.  
 9 And latterly, and after -- I was involved in  
 10 a particular meeting in the Cabinet Office, I think in  
 11 the September of 2020, where at that point we did then  
 12 get some access, as the police service, to some of the  
 13 DHSC data. At that stage we were moving into tiers and  
 14 to local lockdowns, and we felt at that stage that --  
 15 understanding some of that localised data, so we were  
 16 able to take part in DHSC meetings. But up to that  
 17 point and primarily throughout the pandemic, our route  
 18 in was through the Home Office.  
 19 **Q.** Yes. Well, I'll come back to probably ask you a little  
 20 more about that when we are talking about the  
 21 regulations.  
 22 Just to finish off this part of the statement, if we  
 23 can look at paragraph 35, please.  
 24 We see there a reference again to Operation Talla  
 25 having application for all forces England, but also

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1 **A.** Yeah.  
 2 **Q.** To do this, perhaps we could call up on screen -- that's  
 3 it, INQ000099972. This, I think, is a guidance note  
 4 or -- I don't know if that's the correct term --  
 5 produced by the NPCC. We can see it's also badged with  
 6 the College of Policing at the top there. I think it's  
 7 right to say this was produced fairly early in the  
 8 pandemic in April --  
 9 **A.** Yes.  
 10 **Q.** -- I think it was.  
 11 Is this, Mr Hewitt, typical of the type of document  
 12 that was provided during the pandemic?  
 13 **A.** That is relatively typical. So this document, and  
 14 I think we may come on to look at the document around  
 15 the "Four Es", but the challenge that we had, if you  
 16 imagine, across all of the UK, 140,000-something police  
 17 officers who were going to be out in the communities and  
 18 doing what we were asked to do, was how we found a way  
 19 to, as effectively as possible, provide the information  
 20 that those officers required to go and do their job  
 21 safely and properly and to achieve the objectives that  
 22 we were setting. So there was an enormous effort placed  
 23 in producing very clear, easily understandable guidance  
 24 that would go out, obviously in this sort of form but  
 25 through all the electronic devices that officers

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1 Scotland, Wales and Northern Ireland. We've already  
 2 touched on the fact that policing is a devolved matter  
 3 in Scotland and Northern Ireland. Did the Scottish and  
 4 Northern Irish police forces in fact simply use the  
 5 guidance documents that were promulgated by the NPCC, or  
 6 did they adopt a slightly different approach?  
 7 **A.** They -- in -- they were, really important to say, they  
 8 were from a policing perspective, very fully part and  
 9 linked to Operation Talla. So in all of the various  
 10 meeting processes they were represented there, and all  
 11 of the guidance that was provided in England and Wales  
 12 was shared with Northern Ireland and with Scotland, and  
 13 in some cases they would -- they would obviously utilise  
 14 what was in our guidance but they did produce their own  
 15 guidance, but it very rarely differed in any significant  
 16 way from the guidance that we were producing. Because  
 17 one of the other points that I think is important, we  
 18 ran this as a UK police response, despite the fact that  
 19 for a significant part of the pandemic the legislation  
 20 and the regulations in the four countries differed to  
 21 one extent or another.  
 22 **Q.** Yes, and that's a point we'll come back to.  
 23 Can I turn now, please, Mr Hewitt, and ask you  
 24 a little bit more about the particular powers and the  
 25 legal framework for the enforcement exercise?

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1 carried, so that people had access to the information  
 2 they needed to have at any given time.  
 3 **Q.** Yes. So you're not -- you didn't see it as your role to  
 4 provide sort of lengthy and wordy guidance documents to  
 5 the chief constables and leave it to them to talk to  
 6 their staff; you were trying to draft documents that  
 7 would go straight to being used on the ground?  
 8 **A.** My experience over many decades is that lengthy  
 9 documents were not going to be terribly helpful for the  
 10 officers on the ground, and that whilst we shared  
 11 everything, and I met very regularly with all the chief  
 12 constables, the challenge in, if you like, contracting  
 13 that out to them was that you wouldn't get the  
 14 consistency, and what we were aiming for was to try to  
 15 get as much consistency as was possible, again against  
 16 the backdrop often of different regulations in different  
 17 countries.  
 18 **Q.** Yes.  
 19 Well, just looking at the detail for a moment, there  
 20 is, first of all, a distinction on this leaflet drawn  
 21 between number 1, which is the police powers under  
 22 the Coronavirus Act --  
 23 **A.** Yes.  
 24 **Q.** -- and number 2, which is the role of the police in  
 25 enforcing or, to use your term, "ensuring compliance" --

20

1 A. Yeah.  
 2 Q. -- with coronavirus regulations.  
 3 A. Yes.  
 4 Q. Just looking at the Act, first of all, there is there  
 5 described a power to direct people to be tested for  
 6 coronavirus and a power to enforce medical directions.  
 7 Was that in fact a power that the police found  
 8 themselves exercising very much during the course of the  
 9 pandemic?  
 10 A. In a very limited way indeed, in a very limited way.  
 11 Q. We can see from the paragraph at the bottom of the  
 12 column that it, in any event, was a power that had to be  
 13 exercised in consultation with a public health officer,  
 14 which was presumably one reason why it --  
 15 A. Yes.  
 16 Q. -- wasn't much used in practice?  
 17 A. And I think it's probably helpful: one of the -- always  
 18 one of the challenges with policing on the ground is  
 19 achieving the level of certainty around exactly what --  
 20 and I think if you take that final paragraph there  
 21 that's highlighted in red, there is so much in there  
 22 that is open to -- open to interpretation, that that  
 23 makes that a very, very difficult power for anyone to  
 24 confidently -- to confidently use on the street.  
 25 Q. Yes. But as it happens, as it turned out in fact,

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1 140 changes during the period, where that was either  
 2 a minor change or a significant change that came out --  
 3 the process that was then undertaken was that we would  
 4 receive that -- and we may come on to talk about this in  
 5 a bit more detail -- we would receive that and then  
 6 provide operational guidance out to forces to allow them  
 7 to have the best understanding they could of how those  
 8 powers were -- the powers that were enacted at that  
 9 particular point in time. And that was, as you would  
 10 imagine, a rolling process as things changed and were  
 11 superseded.

12 So it was a -- pretty much a seven-day a week  
 13 process to keep us up to speed and ensure -- and, of  
 14 course, we have to bear in mind that there would often  
 15 be differences in different countries, and then, at  
 16 various stages later, where we ended up in tiers and in  
 17 local lockdowns, even within an individual police force  
 18 area you would have different regulations being in play  
 19 at the same time --

20 Q. Yes.  
 21 A. -- which created all sorts of challenges, as you might  
 22 imagine, for policing on the ground.  
 23 Q. I was going to ask you about that. So when it did --  
 24 when one did get to the stage of different regulations  
 25 being --

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1 perhaps partly for that reason --  
 2 A. Correct.  
 3 Q. -- but in any event, it wasn't a power that really  
 4 featured --  
 5 A. No.  
 6 Q. -- during the course of the pandemic.  
 7 A. I agree.  
 8 Q. But that is to be contrasted, is it not, with the powers  
 9 in the second column of this note, the power, the duty  
 10 to enforce the various different regulations made  
 11 relating to the pandemic? There are just three  
 12 described here, and we bear in mind that this document  
 13 dates from April --  
 14 A. Early on.  
 15 Q. -- 2020, but it's right, isn't it, and we will come to  
 16 discuss that over the course of the following 12 months,  
 17 18 months, there was a proliferation of similar  
 18 regulations made which the police --  
 19 A. Yes.  
 20 Q. -- were required to consider?  
 21 A. Correct.  
 22 Q. When that happened, were further versions of this  
 23 document produced?  
 24 A. Yes. The process -- that process that went through --  
 25 and I think by my reckoning there was something over

22

1 A. Yeah.  
 2 Q. -- made, let's say, in Scotland or, as you say, later  
 3 on, particularly with the tiering structure, different  
 4 regulations within different parts of the country, was  
 5 it still your role to try and draft, with the college,  
 6 documents like this which you would send to the local  
 7 police forces?  
 8 A. And they -- but they would be clearly more specific and  
 9 related directly to individual areas. And then within  
 10 individual police forces they would have to be -- they  
 11 would have to be managing those processes themselves as  
 12 well, because it did get incredibly complex at times.  
 13 Q. Just moving on as far as this document is concerned,  
 14 we've looked at column 1 and column 2; they were both  
 15 legal duties, legal matters for the police to enforce.  
 16 On the third column, you refer to something different,  
 17 which is government guidance. Again, this is a point  
 18 we'll come back to, but the message is given here, it  
 19 seems, that police officers need to be aware that  
 20 guidance is not the law and they should bear that in  
 21 mind in enforcing in particular regulations?  
 22 A. That was an incredibly important point, and remained --  
 23 and I'm sure we will talk more about that, but we police  
 24 to the law, and I think the challenge at times where  
 25 things that were guidance were being spoken about in

24

1 a way that suggested they were a regulation was a real  
2 challenge for the service.

3 **Q.** Just a couple more short points on this document.

4 First of all, we can see both at the bottom of  
5 column 1 and also at the bottom of column 2 a note that  
6 the powers that are being discussed in each of those  
7 columns also apply to children. That was obviously the  
8 case. I'm going to come back and ask you further  
9 questions about that in due course. But was this -- it  
10 clearly was something that you thought was important to  
11 flag to officers?

12 **A.** Absolutely. I think it was -- we needed to try -- with  
13 the regulations that we had we needed to be as clear as  
14 possible. So this was always an exercise in trying to  
15 reduce the question marks in the minds of the officer on  
16 the ground, because importantly, as I think we'll come  
17 on to talk about, in our "Four Es" approach, the  
18 second E, which was about explain to the member of the  
19 public that you're talking, that can obviously only be  
20 done if the officer, you know, his or herself  
21 understands the regulations at that point in time, which  
22 was very challenging as things progressed.

23 **Q.** That was the first point.

24 The second point really goes back to a point you  
25 made about, in the context of the power, the duty under

25

1 of frustration at times that whenever, politically,  
2 people were talking about "enforcement", that  
3 automatically equalled the police, and the reality was  
4 this was about achieving compliance with the regulations  
5 which were there to protect people. This calls out  
6 Trading Standards and local authorities, but in other  
7 cases, for example, there were loads of businesses --  
8 the work that was done within supermarkets by the staff  
9 to enforce, if you like, compliance with the  
10 regulations, and I think it is important that we  
11 don't -- there was frustration at times from my  
12 perspective that "enforcement" automatically equalled  
13 the police, when it was really about a much broader  
14 effort to achieve compliance.

15 **Q.** Yes.

16 Well, that complexity, the novelty of what the  
17 police officers were being asked to do, was something  
18 that, is this right, you sought to address by providing  
19 them with the guidance we see in the bottom right-hand  
20 corner of the --

21 **A.** Yes.

22 **Q.** -- box, the "Engage, Explain, Encourage, Enforce"  
23 guidance?

24 **A.** Yes.

25 **Q.** That is something that we can see addressed more fully

27

1 the Act relating to directing people to be tested. But  
2 it applies, does it not, to the second column as well in  
3 the sense that the -- what police officers were being  
4 asked to do here involved them exercising a very great  
5 degree of discretion. I mean, one can contrast it  
6 perhaps with a straightforward prevention or detection  
7 of crime issue, if they see someone shoplifting, they  
8 take action --

9 **A.** Yeah.

10 **Q.** -- that it's really a binary thing. Here their task was  
11 much more complicated.

12 **A.** I think it is fair to say that in everyday policing,  
13 pre-coronavirus, post coronavirus, police officers on  
14 the ground have discretion, and that's the right --  
15 I think the right way that we operate: they police to  
16 the law but they have discretion on the ground.

17 What this did was bring into play a whole range of  
18 situations that were utterly different from your  
19 shoplifter example, where, you know, the crime is the  
20 crime and most people would understand that. So it took  
21 it into a very different space.

22 And if I might, just one other thing that I think is  
23 important about the second box there is where it  
24 mentions Trading Standards and local authorities.

25 I think throughout the pandemic, I had a -- some sense

26

1 in another document, if we could go to that, please,  
2 INQ000099936.

3 Mr Hewitt, we see there the "Four Es", as I think  
4 they're referred to in your statement, and I think  
5 became fairly commonly described?

6 **A.** Yes.

7 **Q.** I don't want to read this document out or to go through  
8 it in fine detail, but can you just provide us with  
9 a summary of the rationale behind this guidance that was  
10 provided?

11 **A.** So -- so the rationale -- as I said earlier, I was very  
12 clear in my mind, as were the others -- the other chiefs  
13 that I was working with, that we -- we had to police the  
14 pandemic in a way that was consistent with our policing  
15 style, a policing style that is a consensual policing  
16 style, and we knew that we were going to be going into  
17 territory that was highly unusual and the kind of  
18 restrictions that were going to be placed on people's  
19 liberty and movement were incredibly severe, and the  
20 reason for the "Four Es" was that the approach was very  
21 much about: this is about how do you most effectively  
22 achieve compliance with the regulation and therefore  
23 protect people.

24 Engaging is entirely what we do, that's how we do  
25 our policing, so it was about talking with people,

28

1 talking to people.

2 It was about explanation. We would all I'm sure  
3 accept that at various stages throughout the process  
4 there was -- there was a lack of clarity about what  
5 precisely what individual regulations meant, and in some  
6 sense I guess there would always be a degree of that,  
7 but often it was quite difficult. So we saw the police  
8 officers as an opportunity to provide that explanation  
9 to people about the rules if they were unclear.

10 Then really importantly, encouraging them to comply,  
11 because that, and this is a really important point from  
12 the policing perspective, that was the object of the  
13 exercise. The object of the exercise was not to take  
14 some action against a person, it was to get the person  
15 to comply with the regulation. So the encourage phase  
16 was there.

17 And then only lastly, and as you will see on all the  
18 literature, as a last resort, if the person refuses to  
19 comply then we would move to an enforcement stage. And  
20 that was -- this was the piece of guidance that we put  
21 out and remained throughout, and was really important,  
22 because it -- we always took it back to that being the  
23 point.

24 And it's another, I think, important point for the  
25 Inquiry to understand, is: when people talk about the

29

1 **A.** Yeah, very strongly. And in a sense it feeds off  
2 a process, a five-stage process, and I won't go into the  
3 detail, that policing uses on a day-to-day basis.  
4 I mean, I think some people would have the assumption  
5 you start from zero to arresting, but there is a whole  
6 process that goes through, and I would very strongly  
7 suggest that this approach, for any body that is  
8 involved in -- and it will not just be the police, in  
9 trying to achieve compliance with a series of safety  
10 regulations, this is the approach that should be, that  
11 should be adopted.

12 **Q.** You've mentioned this point and, as it were, encouraged  
13 us to bear in mind the enormous number of engagements  
14 that police officers would have had with members of the  
15 public during the pandemic, and that sort of unknowable  
16 number of those engagements that ended with one of the  
17 earlier Es --

18 **A.** Yes.

19 **Q.** -- without there being any need to issue a fixed penalty  
20 notice. But it must be right, mustn't it, that -- and  
21 it really goes to the point about the breadth of the  
22 discretion -- that different officers will have had  
23 a slightly different or perhaps a very different  
24 approach to when it was appropriate to issue a fixed  
25 penalty notice --

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1 level of enforcement, they tend to go directly to how  
2 many fixed penalty tickets were issued, and there is  
3 a categorical number for that; what we can't measure is  
4 how many, the hundreds of thousands, if not millions of  
5 engagements that happened where the process ended at one  
6 of the first three -- one of the first three stages  
7 there.

8 We did at some times seek to try to find that, but  
9 we weren't going to impose a bureaucratic burden and try  
10 to find that out. But that is really -- I think that's  
11 a really important point for the Inquiry to understand,  
12 and particularly thinking for any future -- any future  
13 pandemic response in the country, we, I think, need  
14 a more sophisticated sense of thinking what we say -- or  
15 what we mean when we say the word "enforcement".

16 **Q.** Yes. One of the ways you put it in your witness  
17 statement is to say that success was regarded as the  
18 ability to secure maximum compliance without the need to  
19 resort to --

20 **A.** Precisely. Precisely that, yeah.

21 **Q.** Again, in terms of thinking to the future, you say that  
22 these "Four Es", that this guidance stayed the course,  
23 as it were, it wasn't changed during the pandemic. Can  
24 we take it, therefore, that you regard this as being  
25 a success and something that could be copied in future?

30

1 **A.** Yes.

2 **Q.** -- and, beyond that, there may have been different  
3 practices, different police forces or different police  
4 stations?

5 **A.** Yes, I think that's absolutely right, there will always  
6 be that officer discretion, and I don't think it's  
7 particularly controversial to say that. Obviously I'm  
8 sure at times some officers didn't get, you know, didn't  
9 get that right. But we were -- everyone was very clear.  
10 And of course, again, I think another really important  
11 point about policing, policing is always undertaken in  
12 its particular context, and that context will be  
13 different in different parts of the country, or even  
14 different parts within individual police force areas.  
15 It will be different as the pandemic progressed and we  
16 saw the different levels of regulation, the sort of --  
17 the local regulations. It will be different again, as  
18 we saw, those areas -- because some areas stayed within  
19 a lockdown arrangement for much longer than others, so  
20 one has to accept that there will have been a degree of  
21 lockdown fatigue in those areas, which is inevitably  
22 going to alter the interaction that happens between that  
23 member of the public and that police officer.

24 So we live with that all the time, but I think it --  
25 particularly focused in unusual regulations like this.

32

1 Q. One of the reasons I asked you about that sort of  
2 divergence, if you like --  
3 A. Yes.  
4 Q. -- is that we'll come to look at the statistics which,  
5 in the way of statistics, are very sort of black and  
6 white.  
7 A. Yes.  
8 Q. I want to ask you whether, when we do look at those, we  
9 really do need to bear in mind that there may have been  
10 quite considerable difference in practice in the country  
11 or not. You've explained that your aim was to achieve  
12 a level of consistency across the country.  
13 A. Yeah.  
14 Q. Can you help us with whether at different stages of the  
15 pandemic perhaps you felt that you weren't -- you really  
16 weren't achieving that and different forces within the  
17 country seemed to be having a very different approach to  
18 this sort of escalation through these Es or not?  
19 A. Yeah, I'm not sure I would, I'm not sure I would  
20 characterise it as not achieving it. I think what  
21 I would say, there were -- undoubtedly at different  
22 times during the pandemic different forces were faced  
23 with a different, with a different challenge.  
24 So perhaps, if I can give one illustration, in the  
25 early part of the pandemic and the data that you -- that

33

1 theory of -- this concept of othering. And in terms of  
2 people's preparedness to comply, it is eroded when  
3 I think that the other person over there is having  
4 an easier time than me.  
5 And this particularly became relevant when we  
6 started to get local lockdowns and in some places where  
7 you would have, literally on opposite sides of the road,  
8 different regulations for people. But I think that  
9 became quite a feature -- if you talk about those beauty  
10 spot areas, where people were saying, "We are doing  
11 this, we are not moving, we are staying local, and these  
12 people are coming in and potentially putting us at  
13 risk", and that puts a pressure on policing, and I think  
14 those pressures were being responded to.  
15 So I think it was less that we weren't getting the  
16 message but whatever the message has to be dealt with in  
17 the individual and specific context at that moment in  
18 time in a particular place.  
19 LADY HALLETT: Can you slow down a bit, Mr Hewitt.  
20 A. I beg your pardon.  
21 LADY HALLETT: Don't worry, (unclear).  
22 MR O'CONNOR: Mr Hewitt, I'm going to move on and focus on  
23 the question of the challenges in providing effective  
24 guidance in relation to --  
25 A. Yeah.

35

1 we will come on to later referred to very high levels of  
2 enforcement in areas that might be described as kind of  
3 beauty spot areas, so in Cumbria, in the Lake District,  
4 in North Yorkshire, down in the southwest, and that was  
5 a phenomenon that was at the point where people could go  
6 out to do some exercise, people were travelling in some  
7 cases hundreds of miles to go to another part of the  
8 country, to a nice -- to a beautiful part of the country  
9 to undertake that.  
10 So that is what it is, and we can, I guess, talk  
11 about the lack of specificity in some of the  
12 regulations. But if you put yourself into the place of  
13 the chief constable in Cumbria, and I'll use Cumbria as  
14 an example, the chief constable there has a community  
15 that is attempting to comply and to protect themselves,  
16 and are quite rightly getting quite angry about the fact  
17 that what they are seeing is lots of people from other  
18 parts of the country coming into those communities when  
19 they are -- they are abiding by all the rules. That  
20 presents a real pressure in to that chief constable,  
21 because, as I've said before, however long the pandemic  
22 was going to go on, we were going to still carry on  
23 policing after that pandemic, and that really came to  
24 a -- it kind of came to some of the behavioural science  
25 that we got involved in early on, and particularly this

34

1 Q. -- the regulations, given the way in which they  
2 developed.  
3 LADY HALLETT: Just before you do that, Mr O'Connor, I'm  
4 sorry to interrupt.  
5 You said earlier, Mr Hewitt, that the regulations  
6 were drafted by the Department of Health and Social  
7 Care; do you know whether any police officers were  
8 consulted, given the problems you've said with trying to  
9 enforce regulations that -- some of them I've never even  
10 heard of, the ability to enforce a test. I'd be  
11 surprised if that was used at all, was it? You said  
12 "limited", but I wonder if there is any example.  
13 A. I doubt there -- I didn't know any specifically, but  
14 I doubt it very much, my Lady.  
15 LADY HALLETT: But we all know, those of us who have been  
16 involved in the criminal justice system, that  
17 regulations, Acts that create offences with penal  
18 consequences have to be clear.  
19 A. Correct.  
20 LADY HALLETT: So did anybody consult your organisation or,  
21 I don't know, judges or lawyers as to the content of  
22 these regulations or the Act?  
23 A. My Lady, in relation to judges and lawyers, I can't  
24 answer.  
25 LADY HALLETT: Obviously.

36

1 **A.** There were a limited number of occasions where meetings  
2 were being held to make decisions where I was able to be  
3 present to give a police -- what would the implications  
4 be from a policing perspective. In the vast majority of  
5 cases where there was any discussion going on in central  
6 government, we were feeding that vicariously through the  
7 Home Office.

8 And I have to say the relationship that my team had  
9 with the Home Office team was exceptionally good, and  
10 they absolutely understood the challenges that we were  
11 facing, and they were often our advocate.

12 **LADY HALLETT:** They were used to it.

13 **A.** And they were used to it. And they understood that.  
14 And I have to say, on a number of occasions where I  
15 wasn't able to be at the meetings, I was absolutely  
16 assured subsequently that the Home Secretary at the time  
17 had very strongly pressed the position that the position  
18 was -- you know, the policing implications. And  
19 I think, really importantly as well, not just the  
20 policing implications for dealing with this particular  
21 regulation, but the policing implications more broadly  
22 for how we police our communities, because the rest of  
23 policing was still going on to one extent or another.

24 So I think it certainly was one of our frustrations  
25 that we were not able to be in at an earlier stage to

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1 **A.** How on earth one forms a reasonable ground to suggest  
2 that somebody has or may be affected with a virus that  
3 you can't see seems to me to be quite a challenge in  
4 a practical sense.

5 **LADY HALLETT:** Sorry, I interrupted, Mr O'Connor, but  
6 I think that it is something we need to go into, about  
7 whether, if we have another pandemic, or when we have  
8 another pandemic, you have on the books ready to go  
9 legislation that is better than this.

10 **MR O'CONNOR:** My Lady.

11 Can I, Mr Hewitt, take you back to the first  
12 question you were asked by my Lady, about consultation,  
13 and perhaps just take us out of the pandemic situation  
14 for just a moment.

15 In normal times, were a government department  
16 proposing a piece of secondary legislation,  
17 a regulation, which one could see the police would be  
18 involved in enforcing, would you expect there to be  
19 consultation? Perhaps that would be one of the  
20 functions of the NPCC, to engage and be involved in  
21 discussions about the drafting of a regulation such as  
22 that?

23 **A.** Yes, that definitely would be the case and that is the  
24 case in normal circumstances, and that would work again  
25 through the Home Office, so the teams in the Home Office

39

1 suggest -- there were times where we did get the  
2 opportunity, but I would argue if this happened again  
3 and there was clearly going to have to be an enforcement  
4 aspect to that, getting those people in that ultimately  
5 would have the primary responsibility for that to be  
6 discussing how this thing moves forward would seem to me  
7 to make sense.

8 **LADY HALLETT:** I for one would certainly agree.

9 As I say, going back to -- I think it's the previous  
10 page -- the power to direct a test, (a) is an  
11 extraordinary power to --

12 **A.** Correct.

13 **LADY HALLETT:** I shouldn't be one to criticise our elected  
14 representatives, but it is, I mean -- and I can't see  
15 the purpose. I see an awful lot, as you said, of  
16 uncertainties, reasonable grounds, whether it was  
17 impractical, having to have a public health officer, and  
18 there are so many reasons why that is a bad piece of  
19 legislation.

20 **A.** Yes.

21 **LADY HALLETT:** Sorry, again, I shouldn't criticise, but I am  
22 going to.

23 **A.** But, my Lady, to just view that from a very -- from  
24 a very practical policing point of view --

25 **LADY HALLETT:** That's what I'm thinking of --

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1 that would be -- the Home Office officials that would be  
2 working on any legislative proposal would be working  
3 with the respective -- the respective people within  
4 NPCC. And perhaps -- I know we didn't, if I may, not  
5 cover all of NPCC, but whilst I was the chair, and had  
6 a small team around me, the way that the NPCC operates  
7 is that all the areas, the key areas of policing will  
8 have a lead person, who will be an existing chief  
9 constable, so he or she will do their job but they will  
10 be the lead for a particular issue, and they would have  
11 people working with them, and we would be intimately  
12 engaged with the teams within the Home Office that  
13 were ...

14 Now, of course in the coronavirus scenario that was  
15 all happening at a rapid speed, but I still think the  
16 lack of an ability for us directly to be able to give  
17 an input around the -- quite frankly just the sheer  
18 practical achievement, would certainly be something that  
19 I would suggest is helpful going forward.

20 **Q.** Yes.

21 If we can look at page 20 of your witness statement,  
22 paragraph 81, it's there that you really identify this  
23 issue and you say that sometimes the notice period that  
24 you had of regulations being changed was only a few  
25 hours, therefore, perhaps obviously, no opportunity to

40

1 engage at all in how that regulation might be drafted?  
 2 **A.** No.  
 3 **Q.** And of course, as you've already mentioned, these are  
 4 not normal times, and there might be very good reasons  
 5 to need to change regulations quickly. But with your  
 6 experience over the pandemic, do you think that more  
 7 could have been done to arrange systems so that police  
 8 input could have been more effectively or simply  
 9 provided in the drafting and the thinking behind --  
 10 **A.** Yeah.  
 11 **Q.** -- these regulations?  
 12 **A.** I think more should have been done, and I think I would  
 13 extend that also to actually more Home Office  
 14 involvement directly as well, because my recollection  
 15 was that on occasion where legislation or regulations  
 16 would emerge, even the Home Office team seemed quite  
 17 surprised.  
 18 And -- and we put it there in hours -- perhaps the  
 19 best example, there was a regulation that was going to  
 20 change at one minute past midnight on a particular day,  
 21 and we received the signed off regulation, signed off by  
 22 the Secretary of State for Health and Social Care,  
 23 at 11.45, so we had precisely 16 minutes. The process  
 24 that we then undertook, not in that instance, but in all  
 25 instances when the regulation, the signed off regulation

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1 **Q.** So that's one category of challenge, which is simply the  
 2 lack of earlier involvement from your teams and then the  
 3 timing, similar point, the fact that --  
 4 **A.** Yeah.  
 5 **Q.** -- if you hadn't had involvement you might even not have  
 6 had notice of it and the timing issues with providing  
 7 the guidance.  
 8 If we move on in your statement to paragraph 82, you  
 9 there describe a different sort of challenge, which is  
 10 about the substance of the regulations. In fact, in the  
 11 first sentence there, perhaps you identify two different  
 12 similar points. One is a difficulty where the  
 13 regulations lack clarity or specificity in themselves,  
 14 and secondly, or possibly additionally in some cases,  
 15 where the guidance issued by the government about the  
 16 regulation or government messaging is inconsistent with  
 17 or goes beyond what the --  
 18 **A.** Yes.  
 19 **Q.** -- regulation actually says.  
 20 In paragraphs 83 through to 85, you provide us with  
 21 a sort of a worked example of some of these problems as  
 22 they emerged, in fact in relation to one of those very  
 23 early regulations, one of the ones we saw on that  
 24 document, the regulation which, as it were, provided the  
 25 legal backbone to the first lockdown, the regulation

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1 arrived, we would then look at that, and particularly  
 2 the team that were working with us from the College of  
 3 Policing would work through, work through to provide the  
 4 operational briefing documents that we would then send  
 5 out. Those documents had to be translated into Welsh  
 6 for Wales and we would then share those documents. But  
 7 in that particular example where we had 16 minutes,  
 8 I was -- had a conversation and then was very clear with  
 9 the Home Secretary at the time that we would not be  
 10 enforcing that regulation on that day and it was going  
 11 to take us probably, and I can't remember how long it  
 12 did, but probably 24 or 36 hours to actually get us to  
 13 a place where I was confident that police officers out  
 14 there knew what they needed to do.

15 And of course the challenge that then came with  
 16 that, of course, a new regulation comes and you -- at  
 17 one minute past midnight and you would then get to  
 18 7 o'clock the next morning and the round of people  
 19 spinning round the TV and radio studios would be talking  
 20 about this, and I would be then having to go and respond  
 21 and, at times, make it very clear that we weren't --  
 22 that will not be getting enforced immediately, because  
 23 it was unfair to put the officers in a position where  
 24 they didn't understand precisely what they were supposed  
 25 to be doing.

42

1 making it unlawful to leave your home without  
 2 a reasonable excuse --  
 3 **A.** Yes.  
 4 **Q.** -- in March 2020.  
 5 If we go on to paragraph 84, there you address the  
 6 issue of what a reasonable excuse might be, and really  
 7 the first point you make is that the regulations  
 8 themselves contained lists of reasonable excuses but  
 9 they weren't the same in the different countries of  
 10 the UK. Obviously a problem for you?  
 11 **A.** That was a problem. I think even further than the fact  
 12 that they weren't necessarily in -- the same in the  
 13 different countries, but even just the lack there, as  
 14 I kind of point to there, any specifics, it just left  
 15 a great deal for an individual -- so on the first point,  
 16 confusing for an individual to understand what he or she  
 17 was in fact able to do, but also then created -- and  
 18 this point here about the lack of any specifics on how  
 19 far you could travel to go and have your exercise takes  
 20 me back to the example I gave earlier about the beauty  
 21 spots.  
 22 **Q.** So vagueness in the regulation, an added layer of  
 23 confusion relating to the fact that specified reasonable  
 24 excuses were different amongst the different nations --  
 25 **A.** Yes.

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1 Q. -- of the UK?

2 Then if we look at paragraph 85, an extra problem,  
3 which is the government guidance said something  
4 different again. Presumably part of the problem there  
5 was that the government guidance may not come at the  
6 same time as the regulation, it may develop over time --

7 A. Yes.

8 Q. -- which might be a challenge if you'd already,  
9 I suppose, published those documents that we were  
10 looking at?

11 A. Very much so. And one of the real challenges for us was  
12 that the language used -- and I do understand how  
13 challenging it was, but I referred a moment earlier to  
14 the sort of morning media round, and on any given day  
15 there would be a duty minister who would do the rounds  
16 to talk about where the situation was in those, and on  
17 many occasions they would -- in answer to questions --  
18 and I -- you know, I understand how challenging those  
19 scenarios can be, but in answer to questions they would  
20 refer to guidance as if it was regulation or vice versa,  
21 and that then would throw a whole degree of confusion  
22 out, not just in the public, and -- and on a number of  
23 occasions I then found myself going and doing the  
24 sort of lunchtime media to try to say, "No, in fact  
25 that's not -- that's not illegal, that's the guidance

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1 with the -- as it were, to try to sort of co-ordinate  
2 between the devolved nations and London and try to  
3 discourage unnecessary variation amongst the  
4 regulations?

5 A. It -- it was not our position to be -- to be trying to  
6 influence, directly influence the regulations. Through  
7 the -- through the chief constable in Northern Ireland,  
8 the chief constable in Scotland and the four chief  
9 constables in Wales, they were all obviously working  
10 very closely with their devolved administrations and  
11 were in a position to influence in -- in the way that  
12 they influenced in those jurisdictions.

13 I do think, kind of referring back to my Lady's  
14 question earlier, I think there was probably closer  
15 police involvement in Scotland, Northern Ireland and in  
16 Wales. But it wasn't my position to try to directly  
17 influence there, it was really through those chief  
18 constables with their own -- with their own devolved  
19 administrations raising the issues that they felt  
20 were -- but it was a source of frustration to policing  
21 throughout that you had that difference.

22 Clearly, you know, Northern Ireland, their primary  
23 border issue was with differences with the Republic. We  
24 had relatively limited challenges with Scotland because  
25 of the nature of the geography. With Wales there were

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1 says you should".

2 So I do understand how challenging it was, and it  
3 did change quite regularly, but it was incredibly  
4 unhelpful -- well, (a) I think unhelpful for members of  
5 the public to understand, because the vast majority of  
6 members of the public, it seemed to me, did not want to  
7 breach the regulations, did not want to be putting  
8 themselves in jeopardy, but it was incredibly confusing  
9 to understand. And then, of course, it takes you back  
10 into that othering point where people were saying,  
11 "Well, wait a minute, everyone seems to be now doing  
12 that so it's probably okay for me to do that", and that  
13 was really difficult.

14 Q. Just if I may, going back to the point about the  
15 different reasonable excuses specified in the  
16 regulations and those excuses being differently  
17 specified amongst --

18 A. Yes.

19 Q. -- the different countries --

20 A. Yes.

21 Q. -- of the UK --

22 A. Yes.

23 Q. -- we've mentioned a couple of times that the NPCC was a  
24 UK body. You've mentioned your liaison with the London  
25 government. Did you -- were you able to take any steps

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1 more challenges with different regulations, different  
2 sides of what is essentially an invisible border, and  
3 that was very challenging I think for particularly  
4 a number of the Welsh forces and the English forces,  
5 where you had -- where you had different regulations  
6 either side of a road.

7 Q. Yes.

8 I want to move our discussion on a little. We've  
9 talked about the confusion caused by either unclear  
10 regulations or --

11 A. Yeah.

12 Q. -- inconsistent guidance from the government, and you  
13 have made the point that you believed that most people  
14 wanted to comply, but they needed to be told what  
15 compliance meant.

16 A. Yes.

17 Q. Perhaps it's obvious, but help us with this: the  
18 confusion in the regulations and the guidance, was one  
19 of its consequences an impact on compliance itself?

20 A. Oh, I think definitely. It's two things, really. The  
21 first is people genuinely at times didn't understand  
22 where they particularly -- in their particular  
23 circumstances, where they fitted. And I think what it  
24 then also did, when people felt others -- because when  
25 we first went into the lockdown in March, it was such

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1 an enormous thing, and we can all remember just how  
2 empty everywhere was, but of course over a period of  
3 time that sort of certainty and that determination  
4 inevitably weakens to some extent, and then once you  
5 start having all the changes and people are a little  
6 confused about the changes, then I think it inevitably  
7 starts to erode -- erode people's commitment.  
8 And it really is that sense of, "Well, why are we,  
9 me, my household, whoever, complying when we can clearly  
10 see that other people aren't?"

11 **Q.** Yes, and just shifting focus, did it also have an effect  
12 on the morale of the police force?

13 **A.** It was -- I was incredibly impressed with the morale  
14 that was maintained throughout the pandemic by the  
15 police service. These officers were out there doing  
16 what they were doing in the face of the -- in the face  
17 of the virus all the time, and got on with that, and we  
18 worked incredibly hard to provide them with the right  
19 protection and so on.

20 But nonetheless, it was difficult for their morale  
21 because the more interactions with the public became  
22 more antagonistic, because people were either just fed  
23 up with the regulations or they were fed up that they  
24 didn't feel that everyone else was following the  
25 regulations, that then inevitably saps away at the

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1 it says:

2 "Mr Apter said: 'Given the fact that there have been  
3 more than 60 rule changes introduced during the  
4 pandemic, it comes as no surprise whatsoever that only  
5 10 per cent of police officers who responded to our  
6 survey said they found the Covid-19 rule changes to be  
7 clear.'"

8 So that was the small group who had actually  
9 positively said they thought it was clear.

10 Sorry, I meant to mention the paragraph above that  
11 as well, sorry, where another finding of this survey was  
12 that less than a quarter felt that the strategy, the  
13 "Four Es" that we've looked at, was effective when  
14 enforcing their powers, the inference being that because  
15 they are in fact so difficult to explain and to  
16 encourage people to use.

17 Then finally the paragraph below the one we looked  
18 at, Mr Apter saying:

19 "We have been saying from the beginning, clear  
20 guidance on what people can and can't do is needed;  
21 otherwise people will inadvertently fall foul of the law  
22 or take advantage of the mixed messages."

23 A great deal of consistency between what you have  
24 been telling us this morning and what Mr Apter has  
25 reported there?

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1 morale of the officers, who are, you know, just trying  
2 to do their job in pretty difficult circumstances.

3 **Q.** I'd like to show you briefly, if I can, a newspaper  
4 article from February 2021, so the middle of the  
5 pandemic. Yes. If we could go to the second page,  
6 please.

7 I know you're familiar with this article, Mr Hewitt.

8 **A.** Yes, I am, yeah.

9 **Q.** It's a report of a survey, we can see from the top line,  
10 of nearly 12,500 frontline officers, a survey conducted  
11 by the Police Federation.

12 **A.** Mm.

13 **Q.** Perhaps the key finding at least that this report  
14 conveys is in the second paragraph there, which was that  
15 more than seven in ten of those 12,500 officers who had  
16 been asked had said that they were unclear and the  
17 remainder did not agree or disagree with the question of  
18 whether the Covid regulations themselves had been clear  
19 and easy to apply.

20 We see in the paragraph below a man called Mr Apter,  
21 the chair of the Police Federation, saying that  
22 ministers needed to avoid the same mistakes and mixed  
23 messages when agreeing future rules.

24 If we can scroll down a bit, we can see, yes, just  
25 coming on the page now, another quote from him which is,

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1 **A.** Yes. I mean, I could argue statistically with some of  
2 the way it was reported, but the fact of the matter,  
3 there was no doubt. And this was at a point, and it  
4 comes in one of the sections that was highlighted there,  
5 this was at the point where there was going to be the  
6 easing and this concept of "Super Saturday", because  
7 police officers, being police officers and practical,  
8 were kind of recognising where this was likely to go, at  
9 the point where you were suddenly going to open up  
10 nighttime economy. One of the -- perhaps it's the wrong  
11 word, but one of the pluses from the beginning was that  
12 the nighttime economy, which is a real challenge for  
13 policing, was obviously shut down.

14 So I think it expressed some of that frustration but  
15 it fairly expressed the challenge that officers on the  
16 ground were finding in -- in how do you go and explain  
17 things which were incredibly complex and not very  
18 specific at times.

19 **Q.** We've already touched on the fact that this Inquiry has  
20 to power to make recommendations for the future. We've  
21 talked, first of all, about the value, the importance of  
22 a maximum degree of prior consultation with the police.  
23 Would you agree that's something that is worth  
24 considering?

25 **A.** Definitely, I think it is, yeah.

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1 **Q.** Does it follow from what we have been discussing about  
 2 clarity of regulations and confusion, with tension  
 3 between regulations and guidance, that those are matters  
 4 that also should be considered in any future pandemic,  
 5 trying to keep regulations as simple as possible and  
 6 avoiding conflicting guidance?  
 7 **A.** Absolutely. And I genuinely do understand the challenge  
 8 that was presented and I understand and we have all seen  
 9 the challenge and the debates that were going on between  
 10 the -- you know, the health requirements and the  
 11 economic requirements and, in some sense, the political  
 12 requirements, and I do get that, but I think there has  
 13 to be a greater degree of a systematic process to arrive  
 14 at changes.  
 15 Of course the virus changed over time and we all  
 16 understand that that would happen, but really trying to  
 17 anticipate and trying to get to very clear guidance as  
 18 early as possible and for as long as possible staying  
 19 with that guidance. Because once it started to change  
 20 and then once it was really changing quite rapidly and  
 21 you were getting tiers and you were getting localised,  
 22 it became incredibly difficult for even a perfectly  
 23 law-abiding and committed citizen to understand  
 24 precisely what that meant for them, you know, in their  
 25 own personal circumstances.

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1 a different set of regulations.  
 2 I think -- the extent to which that can be minimised  
 3 I think would definitely allow -- most importantly,  
 4 allow people to understand it and therefore comply more  
 5 effectively, but from a selfish policing point of view  
 6 would make it much more straightaway to be able to  
 7 undertake the policing role.

8 **MR O'CONNOR:** Yes.  
 9 My Lady, I was about to move on to another topic.

10 **LADY HALLETT:** Certainly. You're all right to continue,  
 11 Mr Hewitt? We take a break.

12 **THE WITNESS:** At your discretion, my Lady.

13 **LADY HALLETT:** Thank you. I shall return in 15 minutes.

14 (11.14 am)

(A short break)

16 (11.29 am)

17 **LADY HALLETT:** Mr O'Connor.

18 **MR O'CONNOR:** Mr Hewitt, I'm going to stick for the moment  
 19 with the issue of regulations and the police's role in  
 20 enforcing them, but I want to move to asking you some  
 21 particular questions about particular sort of areas in  
 22 which regulations operated.

23 First of all, the question of protests and outside  
 24 gatherings, and then I'll ask you some questions about  
 25 that and about how regulations applied to children.

55

1 **Q.** Yes, and that last point you made was one I was going to  
 2 raise. You mentioned earlier this point about different  
 3 sets of regulations being in force in really quite  
 4 a small area.  
 5 **A.** Yes.  
 6 **Q.** I think it's mentioned in your statement that at one  
 7 point in Greater Manchester there might have been four  
 8 or five different sets of regulations, different  
 9 regulations --  
 10 **A.** Yes.  
 11 **Q.** -- in force at the same time. We have heard some  
 12 evidence about tiering in the last day or so, and does  
 13 it follow from your angle on this that trying to keep  
 14 sort of bespoke sets of regulations within relatively  
 15 small areas to a minimum, if they have to be there at  
 16 all, is something we should think about for the future?  
 17 **A.** I definitely think that. And the other really important  
 18 point is that we talk about these things as if there are  
 19 tangible boundaries that bound a particular -- as you  
 20 say, within the Greater Manchester area there were  
 21 a number -- I think particularly about the first local  
 22 lockdown, which was in Leicester, and there is no --  
 23 there was no tangible boundary that -- this particular  
 24 part, and so you end up in the scenario where literally  
 25 people on opposite sides of the same road can be in

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1 So taking protests first, could we look, please, at  
 2 paragraphs 87 and 88 of your witness statement.

3 Thank you very much.

4 Mr Hewitt, the point you make at this stage of your  
 5 witness statement, first of all, is that at the outset  
 6 protest activity was not one of those identified  
 7 reasonable excuses for being outside the house, but that  
 8 changed, and that -- later in the pandemic that was  
 9 added as a reasonable excuse. Is that right so right?

10 **A.** That is correct.

11 **Q.** But you explain towards the end of paragraph 87 that it  
 12 wasn't the case simply that the regulations said you can  
 13 be outside as long as you're attending a protest, it was  
 14 more complicated than that, and in fact it was only  
 15 a reasonable excuse to be attending a protest if it was  
 16 a protest which -- and we can see the italics:

17 "... '... would satisfy the requirements of  
 18 regulation 3 of the Management of Health and Safety at  
 19 Work Regulations ... whether or not the gathering  
 20 organiser is subject to those Regulations' ..."

21 I think going on to paragraph 88 you make two  
 22 points, which I'll ask you to expand on. Firstly, that  
 23 to the police officer on the ground that is a very  
 24 complicated test to apply when, after all, all he or she  
 25 is trying to understand is whether someone is entitled

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1 to be out of the house or not.

2 **A.** Yeah.

3 **Q.** And secondly, perhaps given its complexity, this would  
4 have been just the sort of regulation that you might  
5 want to have been involved in drafting, and you weren't.

6 Could you expand on those points for us, please?

7 **A.** So, yes, I would agree with that. I mean, the context  
8 is policing protest is in any situation a challenging  
9 exercise, in terms of managing the rights of people to  
10 protest, the risks involved in that, and the various  
11 responsibilities. Trying to do that in -- against the  
12 backdrop of a pandemic where there are other  
13 restrictions was even further more challenging.

14 And then the italicised section at the end there,  
15 this fell to the police, it fell to the police to  
16 satisfy these requirements from the Health and Safety at  
17 Work Regulations, which we pushed back quite strongly  
18 that we had neither the skills nor, quite frankly, the  
19 capacity to be -- to be making that sort of -- that  
20 sort of decision.

21 **Q.** As I'm sure we can all remember, you make the point  
22 protest is a particularly sensitive and delicate issue  
23 for policing anyway --

24 **A.** It is.

25 **Q.** -- and we can remember there were various episodes

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1 **Q.** I want to ask you about a WhatsApp, I'm not going to  
2 bring it up on screen, but we'll hear more about it  
3 later, but on that day, that evening in March 2021,  
4 which was the evening of the Sarah Everard vigil, there  
5 was an exchange between a number of people who worked in  
6 Downing Street, including Boris Johnson and some of his  
7 advisers, about the developing events. During those  
8 exchanges, Lord Frost, who was at that stage a minister  
9 of state at the Cabinet Office, observed, and I'm  
10 quoting:

11 "Truth is the rules on outside gatherings are close  
12 to unenforceable and are evidently being widely ignored  
13 in all kinds of contexts now."

14 That from a government minister. Does that reflect  
15 your experience?

16 **A.** The -- dealing with the protest, whether it was in 2020  
17 or subsequently in 2021, was one of the really key  
18 challenges that the police service had to face. As  
19 I think I've said or alluded to certainly a number of  
20 times, whilst we were having to do what we were having  
21 to do to support the Covid response, we equally had to  
22 see all of that against the backdrop of our broader  
23 policing responsibilities and the fact that we would  
24 be -- carry on policing.

25 You mentioned earlier about the morale of officers.

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1 during the pandemic when this became a very difficult  
2 issue for the police.

3 **A.** Very. So really the beginning for that was after the  
4 awful murder of George Floyd in America and then the  
5 subsequent -- the subsequent worldwide abhorrence and  
6 response to that, then we started to have to deal with  
7 the issue of Black Lives Matter protests taking place  
8 across the whole -- across the whole country, and that  
9 really became the sort of crux of the challenges of  
10 working -- working both within the confines of the  
11 pandemic, working with the protests themselves and  
12 working with the government in respect of those.

13 **Q.** Yes. Another of the moments during the pandemic when  
14 protest became an issue was in the wake of the murder of  
15 Sarah Everard --

16 **A.** Yes.

17 **Q.** -- and I'm sure we'll all recall the events, the vigil  
18 and the protest that was associated with it --

19 **A.** Yes.

20 **Q.** -- in March 2021. So looking here, that was some time  
21 after these regulations that we're just --

22 **A.** It was.

23 **Q.** -- looking at had been implemented, but were they still  
24 in force at that time, do you recall?

25 **A.** To my knowledge, they were still in force, yes.

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1 It's important for people to understand how that felt  
2 for police officers when we are in a pandemic where we  
3 are talking about the requirement for people to remain  
4 distanced and then our being told to go and police  
5 a protest. So we did an enormous amount of work with  
6 scientists and others, to really try and understand the  
7 safety implications both for the protestors and for the  
8 police officers.

9 I remember one particular meeting where we had  
10 a number of the scientists -- Professor Van-Tam chaired  
11 the meeting to talk about some of the behavioural but  
12 particularly the epidemiological elements around the  
13 virus, and the strong point that came through was that  
14 when you are outside and in the open air, the risks of  
15 transmission were much reduced, but we -- and I say  
16 "we", me at the centre, but reality, the individual  
17 forces, because they ultimately held the operational  
18 responsibility -- were having to make the decisions  
19 about how they would police individual demonstrations of  
20 whichever -- or individual protests of whichever sort.  
21 And those were really challenging for them to do, and  
22 particularly with their own staff as well, in that  
23 environment.

24 And so it became a great challenge -- it became  
25 a great challenge because of the political imperatives

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1 around some of the -- some of the protest and the  
 2 activities that took place, and I think throughout there  
 3 was -- there was a confusion around where the competing  
 4 legislations -- well, which of the competing  
 5 legislations took priority.

6 **Q.** You used the word "confusion", the word, as we've heard,  
 7 that Lord Frost used or words was "close to  
 8 unenforceable".

9 **A.** Yeah.

10 **Q.** Now, clearly, during the pandemic, you had a job to do  
 11 and you got on with it in public, but did you use words  
 12 like that behind closed doors, either about the  
 13 regulations relating to outside gatherings or other  
 14 gatherings?

15 **A.** I used very strong words behind closed doors in  
 16 discussion with Home Office and with the Home Secretary  
 17 at the time in relation to the situation. And equally  
 18 it is important to remember -- and if we take the Black  
 19 Lives Matter protests in 2020, the overwhelming majority  
 20 of those were entirely peaceful, entirely peaceful  
 21 protests where the police played a role that was  
 22 required to maintain -- maintain safety, and in most of  
 23 the cases the people who were participating themselves  
 24 were being sensible as well. So -- but we were having  
 25 really very strong conversations about what the

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1 that early stage of the pandemic or later, around  
 2 whether this rule prevented children from leaving their  
 3 house to go and play, or for that matter prevented  
 4 parents from leaving their house to supervise their  
 5 children who were playing?

6 **A.** Yeah, I mean, I think there was a lack of clarity, and,  
 7 you know, we've rehearsed that a number of times  
 8 already, but I think particularly in this instance.  
 9 It's important to be really very clear. As I said,  
 10 earlier, a lot of people equate enforcement with fixed  
 11 penalty notices, and there was no -- we could not and  
 12 would not give a fixed penalty notice to anyone that was  
 13 under the age of 18, so that was not in play at all.

14 But where I reflect around -- and it was, I guess,  
 15 about more broadly about considering the impact of  
 16 whatever the regulation was on different individuals,  
 17 and one of the sort of points that I made on a number of  
 18 occasions was: lockdown is not lockdown to everybody.  
 19 Lockdown if you live in a three-bedroom house with  
 20 a garden is one experience, where you have the access to  
 21 open space quite legitimately whatever the rules, you  
 22 have space to spread. Lockdown if you are a single  
 23 parent in a small flat on the ninth floor of a block of  
 24 flats is a very different experience. And I've seen  
 25 a number of the commentaries that have come in from

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1 expectation was, because again, I guess to reflect, if  
 2 you like, Lord Frost's comment in, I guess, the  
 3 perception of the public, the public would be looking  
 4 and saying, "The regulation says we can't do this, and  
 5 then over here there's a large number of people doing  
 6 precisely that".

7 So I do, I get the point that he was making in that,  
 8 and we were having very strong conversations about our  
 9 role in those particular circumstances.

10 **Q.** Yes.

11 Let me move on, Mr Hewitt, and ask you about the way  
 12 in which the regulations touched the lives of children.

13 First of all, we'll recall when we looked at that  
 14 document an hour or so ago the reference to the fact  
 15 that the various different regulations did apply to  
 16 children.

17 **A.** Yes.

18 **Q.** And we will also recall discussing that sort of central  
 19 regulation prohibiting people from leaving their homes  
 20 without reasonable excuse, which came in in March 2020,  
 21 and then came back at various points --

22 **A.** Yeah.

23 **Q.** -- during the pandemic to enforce lockdowns.

24 **A.** Yes.

25 **Q.** Do you think that there was a lack of clarity, either at

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1 people talking about how they were with their children  
 2 and they were then either moved on or told that they  
 3 couldn't be where they could be. And, yeah, that --  
 4 there is no doubt that was a real challenge.

5 I'm very confident that the police officers were  
 6 trying to do their best, and, as I say, this did not end  
 7 up into a penalty area, but I think that clarity about  
 8 what could be allowed for children -- because the  
 9 concept of going out to have your daily exercise is  
 10 a very different thing if you're 4 and 5 years old, it's  
 11 not going for a run or going for a walk.

12 So, again, that was not helpful, and again one of  
 13 the challenges that puts -- that puts the police  
 14 officers that were on the ground in a very invidious  
 15 position, where they're asking and encouraging, and  
 16 I suspect in almost all cases that encouragement would  
 17 lead to the parents kind of complying, but that was  
 18 a very challenging scenario for police officers.

19 **Q.** You're obviously right to say that police officers  
 20 weren't issuing fixed penalty notices to children, but,  
 21 as you say, the consequence or at least the probable  
 22 consequence of these regulations may have been that  
 23 police officers would stop children playing, tell them  
 24 to go back inside, tell their parents to go back inside?

25 **A.** Undoubtedly.

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1 Q. Was there guidance to that effect?  
 2 A. Not specifically. I mean, again it's back to the  
 3 guidance that we gave and to the "Four Es" approach, and  
 4 it was about explaining, it was about encouraging.  
 5 But I -- you know, you can only assume that that must  
 6 have felt incredibly uncomfortable for the officers, but  
 7 the challenge that they had was this -- this was about  
 8 achieving compliance and it's really difficult when you  
 9 start -- how many exceptions do you start taking  
 10 a decision -- and I'm sure there will be many occasions  
 11 where they did make an exception and we never found out  
 12 or no one ever found out about that, but the kind of  
 13 stories that you -- you -- that I've seen, where people  
 14 were moved on from being by a river or in a park. It  
 15 was just a very challenging position for them to be in.  
 16 Q. There is, of course, a broader question about whether  
 17 the regulations should have applied to children at all,  
 18 and the Inquiry has heard evidence that in Scotland --  
 19 A. Scotland.  
 20 Q. -- from July, I think it was, in 2020, children under 12  
 21 were exempted. That obviously wasn't a decision for  
 22 you, but was it something that you discussed with,  
 23 for example, the Home Office?  
 24 A. We had all discussions around all the various aspects,  
 25 I mean, it's important -- I either met or spoke with the

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1 Q. You state there that during the pandemic -- in fact it  
 2 was at an early stage of the pandemic, was it not?  
 3 A. Very.  
 4 Q. The report we're talking about was published in  
 5 July 2020.  
 6 A. Correct.  
 7 Q. I'm not sure I know exactly when it was commissioned,  
 8 presumably sort of June --  
 9 A. Before that, yeah.  
 10 Q. Yes. We see then you're describing a report and  
 11 analysing the fixed penalty notices that had been  
 12 issued, in a relatively short period of two months  
 13 between towards the end of March and the end of May of  
 14 that year, and you indicate that the research was  
 15 undertaken by someone called Mr Flatly and Ms Currenti  
 16 from the Government Statistical Service --  
 17 A. Yes.  
 18 Q. -- and peer reviewed and so on.  
 19 Before we bring the report up and have a look at it,  
 20 what was it that prompted the NPCC to commission this  
 21 report by these independent people?  
 22 A. So particularly -- and I think where the findings that  
 23 are particularly stark in both the reports is in  
 24 relation to race and race disproportionality.  
 25 I -- you know, I started working on the pandemic

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1 Home Secretary pretty much every day for the first year  
 2 of the Inquiry(sic) in one way or another, and we would  
 3 constantly, through the various meetings that we all  
 4 had, be discussing those issues, and I would -- was  
 5 aware, clearly, for the change that took place in  
 6 Scotland. But certainly didn't -- didn't push, I didn't  
 7 feel at any point really that it was my position to be  
 8 pushing and suggesting. We would have the discussions  
 9 and then obviously the Home Secretary would be involved  
 10 in whichever discussions she was involved in at -- in  
 11 the centre.  
 12 Q. Yes. Let me move on, Mr Hewitt, and I want to move on  
 13 to the question of the disproportionate impact in terms  
 14 of fixed penalty notices on some groups within society.  
 15 A. Yeah.  
 16 Q. For these purposes can we look at page 29 of your  
 17 witness statement, please. Just by way of introduction,  
 18 there were two reports that --  
 19 A. There were.  
 20 Q. -- were commissioned, weren't there, and we're going to  
 21 briefly look at both of them.  
 22 A. Mm-hm.  
 23 Q. The passage that we see on the screen now is introducing  
 24 the first of those two reports, is it not?  
 25 A. Yes, it is.

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1 with sort of 20 years at least of policing experience of  
 2 dealing with the challenges of the police relationship  
 3 with minority communities and some of the  
 4 disproportionality that exists therein, and so as soon  
 5 as the pandemic started and at the point where it was  
 6 very obvious that we were going to be into a space of  
 7 very unusual regulations, it was clear to me that there  
 8 was going to be an issue in terms of how the policing of  
 9 that was done in a fair way across all communities and  
 10 particularly those communities where the relationship  
 11 with policing was more challenged. So that was the  
 12 reason.  
 13 There were a number of things that we did. The  
 14 first one was to very quickly initiate this first review  
 15 that looked, for that two-month period at the very  
 16 outset, to give us the picture so that we were then able  
 17 to feed that back to the police forces, so they  
 18 understood precisely what was going on in their own  
 19 individual areas. And also importantly, one of the  
 20 other things that we did at that stage was the creation  
 21 of an independent ethics committee to work alongside us.  
 22 I was -- it was very clear that we were going to have to  
 23 be going into territories that were highly unusual and  
 24 some of those were going to have quite significant  
 25 ethical challenges. So we pulled together a group, it

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1 was chaired by the Bishop of Manchester, and that group  
2 met for over a year on a monthly basis picking up the  
3 challenges that we presented to them, and they also did  
4 a further one later in 2021. But that was the first  
5 subject that we took to that group, was the issue around  
6 disproportionality in the issuing of the fixed penalty  
7 notices, so it was something that was very much in our  
8 minds at the outset.

9 **Q.** Is it fair to say, as well as all of those things, that  
10 there had been some criticism of the NPCC about the way  
11 in which the very, very early statistics relating to  
12 disproportionate impact were presented publicly?

13 **A.** Yes, and I would -- I would challenge some of that  
14 challenge, in the -- on the basis that I think people  
15 need to understand how difficult it was to set up this  
16 system. There was no national system for using fixed  
17 penalty notices, we had to create a system from scratch  
18 in about 36 hours that allowed us to collate all that  
19 information.

20 And I think the piece that you're referring to was  
21 talking particularly from 27 March through to about  
22 mid-April, which was the first sort of four, five --  
23 three, four weeks of the pandemic, and at that stage we  
24 were -- we were running to catch up or to keep up, quite  
25 frankly, in terms of not the work that we were doing

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1 23 July. That was shared with all chief constables, it  
2 was on the NPCC website and it was public. And then we  
3 subsequently commissioned the longer --

4 **Q.** Yes.

5 **A.** -- report latterly, because these issues were of great  
6 concern.

7 **Q.** Yes, all right. Thank you, Mr Hewitt.

8 I'm not going to get into that very early debate,  
9 because of course it was superseded by this report, and  
10 as you fairly say that debate really only took place  
11 because, from the outset of the pandemic, you did  
12 release the figures.

13 **A.** Yes.

14 **Q.** And let's look, then, at the first report, which is  
15 document INQ000099940, please, and if we can look at  
16 page 3 of it.

17 I just want to pick up on a couple of points. First  
18 of all, we can see from the first paragraph there is  
19 that date range there, so a relatively limited --

20 **A.** Yeah.

21 **Q.** -- time period, just two months or so.

22 And it's also -- if we can look at the whole page,  
23 and pick up the first bullet point at the bottom, the  
24 authors of the report note that during that two-month  
25 period the number of fixed penalty notices issued was

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1 necessarily but certainly the data to support and  
2 understand the work that we were doing.

3 So we were doing that, but I adopted a position from  
4 the very beginning of transparency about the fixed  
5 penalty notices that we issued. We produced the data  
6 that we produced, and on a monthly basis I held  
7 a conference call, and then it became a Teams call, the  
8 Crime Reporters Association, which is all of the  
9 reporters from both broadcast and print media who look  
10 after crime and policing and some of the Home Affairs,  
11 I met with them every single month and we went through,  
12 in detail, all of the statistics of the operation that  
13 we were running.

14 At the beginning they were very interested in how  
15 many police officers are sick and this, that and the  
16 other, but then we very quickly got into the fixed  
17 penalty notices and particularly any issues of  
18 disproportionality, either by the person who had been  
19 given the ticket, where that was -- you know, not very  
20 often age, but a little bit of gender, definitely race,  
21 but also the disproportionality between different police  
22 force areas.

23 So we were transparent throughout the process, and  
24 we produced this first report -- or the first report was  
25 produced and -- as you say, I think it was 22 or

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1 relatively low?

2 **A.** Yes.

3 **Q.** And we will come to see that later in the pandemic the  
4 number of notices rose quite dramatically?

5 **A.** They did, yes.

6 **Q.** So for both those reasons this first report was dealing  
7 with a fairly small sample?

8 **A.** It was, indeed, yeah.

9 **Q.** But with that acknowledged, it's right to say, isn't it,  
10 that the report did demonstrate a disparity in terms of  
11 sort of ethnic group --

12 **A.** Yes.

13 **Q.** -- of those who were receiving fixed penalty notices.

14 If we can look at the bottom bullet point on this  
15 same page, please, what this analysis showed was that  
16 for Asian and black people, which is sort of pulled out  
17 of the general BAME statistic, they were 1.8 times more  
18 likely to receive a notice than white people. That's  
19 the --

20 **A.** Yes.

21 **Q.** -- sort of headline statistic, is it not?

22 **A.** That is correct.

23 **Q.** And if we can now just go back towards the top of the  
24 page -- in fact, before we do that, that statistic  
25 itself must have prompted some concern for you?

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1 A. It -- absolutely it did. And, as I say, it -- it really  
 2 reinforced the concern that we had in the outset -- at  
 3 the outset, which is why we commissioned the piece of  
 4 work --

5 Q. And just to interrupt you, there are at least two  
 6 concerns. One is obviously any form of --

7 A. Disproportionate --

8 Q. -- disproportionate impact is something that will mean  
 9 you want to understand more --

10 A. Definitely.

11 Q. -- and understand whether something is going wrong here,  
 12 but secondly, any impression of disproportionate impact  
 13 is something that may well undermine public confidence  
 14 in this very enforcement process that you're trying to  
 15 sustain?

16 A. Yeah, entirely. And as importantly, public confidence  
 17 in policing per se, which was one of the ...

18 But the key point when we got that report was to  
 19 ensure that that was shared immediately with the police  
 20 forces, because, as I said before, ultimately it was the  
 21 police forces in their own area that were out and doing  
 22 the enforcement.

23 As the report goes on to say, there was quite  
 24 a disparity between different police areas, so what we  
 25 did at that stage was the report was shared with every

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1 Q. Just pausing there, Mr Hewitt. I think it's important  
 2 that we're clear about the limits of your --

3 A. Yes.

4 Q. -- capacity here.

5 A. Yeah.

6 Q. You've commissioned the report, and you're quite right  
 7 to say that a thorough reading of the report gives you  
 8 much more sort of -- a much richer picture --

9 A. It does.

10 Q. -- than that simple headline 1.8 figure --

11 A. Yes.

12 Q. -- and that can be helpful to the different forces that  
 13 you sent it to. But did you have a role that went  
 14 beyond alerting police forces to a problem, for example  
 15 did you require them to respond to you or to update you  
 16 with what they were doing, or was that a job for someone  
 17 else?

18 A. No, the forces were always -- always responding. The  
 19 process that I was running was a very regular gold group  
 20 with -- with a range of different groups. There were  
 21 a number of groups that I was chairing on a weekly  
 22 basis, looking at specific issues as well.

23 I referred earlier to the chief officers that would  
 24 be the lead for particular issues within policing. That  
 25 was another group that I would engage with, so that

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1 force individually in the first instance to ensure that  
 2 they recognised the statistics that were there and that  
 3 that was a reflection of their activity, and then, in  
 4 the second instance, for them to address those issues  
 5 themselves.

6 And very clearly for every -- we touched on it very  
 7 briefly at the beginning. I created Operation Talla at  
 8 the centre, but there was a replica of Operation Talla  
 9 in every single police force, where they had a gold  
 10 commander, a silver commander, and a structure in terms  
 11 of how they were going to manage pandemic policing in  
 12 their area. Every one of those was obviously looking at  
 13 these issues themselves and in their own context, and  
 14 the really important point was that it got out there,  
 15 and they were then able to look and understand: why is  
 16 this happening here? Is there something about the  
 17 geography, is there something about the nature of their  
 18 communities, is there something about the relationship  
 19 they have with their communities, that was causing the  
 20 differential? Because whilst you've highlighted the  
 21 differential, you know, the 1.8 there, actually in the  
 22 body of the report it makes it very clear that that was  
 23 incredibly different --

24 Q. Yes.

25 A. -- in different force areas --

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1 wherever there was an issue that we felt needed that  
 2 very specific focus, and obviously the issues of,  
 3 you know, race and equality were key, one of those key  
 4 groups, all of that work would be happening and the  
 5 forces would be feeding back in. Below my level, the  
 6 silver group that was operating and meeting on a daily  
 7 basis would be talking about these very issues.

8 Q. Yes.

9 A. Because of course the other point is that they were  
 10 finding their way -- you know, quite a lot of the media  
 11 reporting that would emerge would particularly -- every  
 12 time, every month when I gave the statistics, the media  
 13 reporting would pick up obviously on any of the -- any  
 14 of the outlying -- any of the outlying figures within  
 15 the statistics.

16 Q. I want to just ask you about a couple of paragraphs  
 17 here. First of all, if we can look at the third  
 18 paragraph down, starting "disproportionality", we will  
 19 recall of course this is an arm's length report, it  
 20 states:

21 "Disproportionality could legitimately result from  
 22 the fair application of the regulations when sub-groups  
 23 differ in their observance of the regulations or from  
 24 an uneven enforcement by the police of the regulations  
 25 across different sub-groups ..."

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- 1 **A.** Yeah.
- 2 **Q.** That is a very bold explanation or statement of possible  
3 causes of disproportionate impact. But can we take it  
4 that you would not have been, and your fellow officers  
5 would not have been complacent about this: the second  
6 possibility of an uneven enforcement pattern is  
7 something that you needed to get to the bottom of, or  
8 was it?
- 9 **A.** And absolutely did. I mean, no complacency whatsoever.  
10 And that was really why I'd started making the comment  
11 about my experience. These issues are live and real at  
12 all times with police leaders, you know, regardless of  
13 the pandemic. So they were very clear that that was  
14 an issue that needed to be addressed.
- 15 There were -- there were legitimate reasons why some  
16 of the disproportionality would occur because of the  
17 nature of the regulations. Some of the examples I gave  
18 about people travelling from one area to another area --  
19 there will have been -- and as the -- and I accept it's  
20 not in this particular report, but when we -- you know,  
21 in the subsequent report, as regulations changed and  
22 some -- what became some of the flash points for people  
23 who weren't following the regulations, again added to  
24 this.
- 25 **Q.** Yes.

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- 1 Stop and Search. The latest published official  
2 statistics on Stop and Search showed, for example, the  
3 disparity rate for all BAME people was 4.3 ..."
- 4 **A.** Yeah.
- 5 **Q.** The context is hugely different, isn't it?
- 6 **A.** The context is different, I accept that, but I think --  
7 I suspect the reason that the statisticians wanted to  
8 put this into the report was they had the same  
9 recognition, as I've stated myself, that this is  
10 an issue that policing lives with all the time.
- 11 Stop and search is, if you like, the iconic issue in  
12 terms of disproportionality, so I suspect that's why  
13 they wanted to find a reference point for something that  
14 was entirely novel in the sense of fixed penalty notices  
15 for Covid.
- 16 **Q.** There wouldn't be a suggestion that, for example, as  
17 long as one kept the disparity rates below stop and  
18 search, it wasn't something to be too worried about?
- 19 **A.** Well, those were the words of the government  
20 statisticians, but I would never accept that, the point  
21 that you've just made, and we would never and we did not  
22 accept that -- you know, there was a line here. The  
23 objective was, as best we could, with all the -- all the  
24 issues with the regulations, we could enforce the  
25 regulations fairly across the population.

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- 1 **A.** But there was never a point where there was a disregard  
2 of the potential that some of this could be bias on the  
3 parts of the officers that were doing what they were  
4 doing.
- 5 **Q.** Can I ask you about another paragraph which is on the  
6 next page.
- 7 **LADY HALLETT:** Mr O'Connor, this is quite a level of  
8 detail -- it's a very important issue, of course it is,  
9 and there will be a time when I'm going to address this  
10 in a great more detail, but I'm just wondering about  
11 this level of detail for this module.
- 12 **MR O'CONNOR:** My Lady, I have only a few more questions on  
13 this topic and I will go briefly to the second report  
14 and then --
- 15 **LADY HALLETT:** I think we need to move on, I'm afraid.
- 16 **MR O'CONNOR:** Yes.
- 17 Well, let me, if I may, just ask you one more  
18 question about this report --
- 19 **A.** Yes.
- 20 **Q.** -- then I'll take you to the other one briefly.  
21 It's at the top of the page. It follows from the  
22 bullet point we were just looking at about the  
23 1.8 figure. It says:  
24 "While the context is very different, these  
25 disparity rates are lower than for the police power of

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- 1 **Q.** Just finally, then, if we can complete the story by  
2 looking at the second report --
- 3 **A.** Yes.
- 4 **Q.** -- which is ... thank you.
- 5 If we can go to page 12, this is in the executive  
6 summary, the figures here probably -- precisely because  
7 the data is much richer, are a little bit more --
- 8 **A.** It is.
- 9 **Q.** -- complicated, but in summary, we look sort of three or  
10 four boxes or three or four bullet points down. Do we  
11 see that in fact the disparity rates in this report over  
12 a much longer period, a period of over a year --
- 13 **A.** Yeah.
- 14 **Q.** -- including the same period at the beginning as had  
15 been covered by the first report, are in fact more  
16 pronounced and so, for example, we're looking at figures  
17 in the region of sort of 2.8, 3.2 and so on?
- 18 **A.** Yeah.
- 19 **Q.** As opposed to the 1.8 that we'd been looking at before?
- 20 **A.** Yeah.
- 21 **Q.** You've said that in between the times of these two  
22 reports you had been taking steps, you had been  
23 discussing with local police forces, trying to improve  
24 the position.
- 25 **A.** Yeah.

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1 **Q.** It looks in fact as though the position had got worse?  
 2 **A.** Well, I think there's a number of factors there really.  
 3 So first off, you've got a much longer period of time  
 4 that's been looked at. You've also got a much  
 5 broader -- if you think back to that first period, that  
 6 first two-month period, pretty much everyone was indoors  
 7 and it was incredibly quiet. When you move forward you  
 8 get the different range of -- you get the different  
 9 range of regulations being in place, some of which  
 10 actually put you into particularly challenging areas.  
 11 I think particularly the period where we were seeing  
 12 large numbers of illegal music events and parties, this  
 13 is aligned again with the fatigue that I guess everybody  
 14 was feeling and particularly younger people were  
 15 feeling. So we've started to see a real incidence,  
 16 particularly in the big urban areas, of the kind of  
 17 music parties and large numbers of people deliberately  
 18 breaching all of the regulations.  
 19 You also see, and I -- you know, if we mapped across  
 20 the locations where you ended up with local lockdowns,  
 21 the locations where you ended up with higher tier  
 22 regulations remaining in place for longer periods of  
 23 time, I think often you would look at those and then  
 24 look at the ethnic breakdown of those groups as well.  
 25 So that is immediately putting minority ethnic groups

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1 anticipate where likely problems and challenges will  
 2 come, particularly around people moving, you know,  
 3 moving in different places around the country.  
 4 And the other place, my Lady, that I would suggest  
 5 the Inquiry wants to look is that work that is ongoing,  
 6 and has now been ongoing for over three years in the  
 7 Police Race Action Plan, will be producing changes and  
 8 recommendations that will be very relevant to any  
 9 policing -- you know, particularly policing minority  
 10 communities in any pandemic in the future. So I would  
 11 certainly suggest a link across to that work that's  
 12 being undertaken.  
 13 **MR O'CONNOR:** Yes. Thank you very much, Mr Hewitt.  
 14 My Lady, those are all the questions I had. There  
 15 are some questions --

16 **LADY HALLETT:** There are.  
 17 Mr Thomas.

#### Questions from PROFESSOR THOMAS KC

19 **PROFESSOR THOMAS:** Assistant Commissioner Hewitt,  
 20 I represent FEHMO, the Federation of Ethnic Minority  
 21 Healthcare Organisations.

22 Now, I've only got a handful of questions for you,  
 23 and I won't take up too much of your time, but can  
 24 I just start with a little bit of context for my  
 25 questions.

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1 directly in contact with the police enforcing  
 2 regulations.  
 3 So I think all of those factors come together. None  
 4 of that is to suggest any complacency or acceptance of  
 5 the disproportionality. The really important point was  
 6 to have a really thorough academic review, and that  
 7 review sits there now and is part of the Police Race  
 8 Action Plan that I started in 2020, not related directly  
 9 to Covid, that still goes on today. So that report is  
 10 there. So -- but I accept the figures, clearly.

11 **Q.** Just finally, then, we've spoken about lessons that can  
 12 be learnt for future pandemics in the context of the  
 13 clarity of regulations and consultation and so on. In  
 14 this context, disparities, no doubt one lesson would be  
 15 that precisely this sort of transparency about the  
 16 statistics, and the need to keep them under constant  
 17 review is something that you would recommend. Are there  
 18 any, briefly if you will, particular points that emerge  
 19 from this process relating to disparities that you would  
 20 advance as something that we can learn for the future?

21 **A.** So I think the point about transparency, the police and  
 22 whoever is undertaking any enforcement activity, there  
 23 needs to be absolute transparency about that.

24 I would -- having been through the experience once,  
 25 I would hope that there would be the ability to

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1 We can agree on this, can't we, that these were  
 2 unprecedented challenges posed by Covid and the pandemic  
 3 and that police officers and police forces were having  
 4 to grapple with a multitude of issues including the  
 5 enforcement of public health regulations; we can agree  
 6 on that?

7 **A.** We can agree on that.

8 **Q.** Yes. And we can also agree that police agencies play  
 9 a crucial role in ensuring compliance with these  
 10 regulations, often implementing strategies to maintain  
 11 social order and public safety?

12 **A.** Correct.

13 **Q.** Yes. And you would accept, would you not, that this has  
 14 to be done in a fair and transparent way without  
 15 discriminating against certain groups in society?

16 **A.** I agree.

17 **Q.** Yes. However, the pandemic response highlighted  
 18 disparities in the enforcement of Covid-19 regulations,  
 19 especially affecting minority ethnic communities?

20 **A.** That's correct, that's what I've just said to  
 21 Mr O'Connor.

22 **Q.** Yes. Concerns arose regarding those ethical  
 23 implications, these disparities, prompting oversight  
 24 bodies and committees such as the independent ethics  
 25 committee to address these concerns and guide

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1 enforcement agencies in their responses.

2 So it is in this context that FEHMO seeks to shed  
3 a little light on the strategies employed by the law  
4 enforcement agencies, especially the National Police  
5 Chiefs' Council, NPCC, in addressing these ethical  
6 implications.

7 Now, the independent ethics committee played  
8 a pivotal role during the pandemic, providing valuable  
9 guidance, did it not, on addressing these ethical  
10 implications --

11 **A.** A number of implications, yes.

12 **Q.** Now, it's imperative to understand how the committee  
13 specifically contributed to addressing any disparities  
14 in the enforcement of the Covid-19 regulations,  
15 particularly among ethnic minority communities. So here  
16 are my questions.

17 Number one, how did the independent ethics committee  
18 actively contribute to addressing the ethical  
19 implications arising from disparities in policing and  
20 enforcing Covid-19 regulations, specifically concerning  
21 ethnic minority communities?

22 **A.** So, the way the process worked, we anticipated from the  
23 outset that there would be a number of challenges when  
24 we were in, as you described, this kind of novel  
25 situation. So we needed a group that were able to

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1 pretty much just as they came into existence, so that  
2 started that initial conversation, and then they were  
3 aware that we commissioned the second piece of work as  
4 well.

5 Whatever came out of their meetings, which were  
6 fully minuted, would then feed into our structures, and  
7 would be shared and pushed out in the way that we were  
8 pushing out all of the information about how we did what  
9 we did. And then where that also went, and I haven't  
10 mentioned it thus far at all, is we set up a number of  
11 knowledge-sharing, learning processes throughout the  
12 whole pandemic, very early on we created a specific  
13 piece of work to learning the lessons going forward.

14 So all of the outcomes from the ethics committee and  
15 all the other work that was going on would feed into  
16 those as well, which would find its way out into forces,  
17 either in terms of information or in terms of how to  
18 undertake the following activities, whatever they may  
19 be, in a Covid background.

20 So it was a -- it was a very live and continuous  
21 process, and we were very fortunate that the people that  
22 we had on that committee were, you know, strong,  
23 independent-minded people, and that was really the whole  
24 purpose of setting it up, to give us that completely  
25 external challenge from the -- in a sense, the kind of

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1 provide a very independent and a very diverse -- in my  
2 statement I think it lists the members of that group,  
3 an incredibly diverse challenge into me and those that  
4 were taking the very difficult decisions that we needed  
5 to take as we went through.

6 We would pose questions -- they met monthly. From  
7 July 2020 they met every month through till July 2021,  
8 and they did one exceptional meeting in December of  
9 2021, and those groups would have a free ranging  
10 challenging discussion about not only what we were --  
11 often what we were raising were questions of "We are now  
12 facing this challenge and we are thinking we might go  
13 this way, that way, what do you think?" So they would  
14 be able to challenge that. They would then feed in  
15 their views.

16 On the point of race disparity and the FPNs, to my  
17 recollection that came back on four occasions. It was  
18 the -- on the first occasion it was the subject we  
19 wanted to talk about. And I'm pretty sure it came back  
20 at least three or four occasions subsequently because  
21 the ethics committee themselves wanted to come back and  
22 kind of challenge and test where were we, what was  
23 happening.

24 They were obviously aware that we had commissioned  
25 the first report and we reported on the first report

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1 bubble that we were in, trying to do what we were doing  
2 and working with government.

3 **Q.** Thank you.

4 You may have touched upon my second question but I'm  
5 going to ask it in any event, just to see if there is  
6 anything you wish to add.

7 Can you provide details about specific measures or  
8 initiatives undertaken by the NPCC to engage with and  
9 involve representatives from minority ethnic communities  
10 and organisations with the aim of addressing their  
11 concerns and building trust during the enforcement of  
12 the Covid-19 regulations?

13 **A.** So, the reality is that where that was happening --  
14 where that was happening primarily at my level was  
15 working -- and one of the groups that I worked through  
16 very much at the national level was through the National  
17 Black Police Association, so NBPA not only, obviously,  
18 represents black officers within policing but it also  
19 has incredible links externally. So I worked with them  
20 at that national level.

21 What we were -- what I was requiring and what was  
22 happening at every individual force level, as you'll be  
23 aware, in every individual police force they will have  
24 a range of mechanisms through which they communicate and  
25 work with minority communities, a whole range of boards

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1 and groups that they -- so they were doing that, because  
 2 the reality, as I said, in answer to one of  
 3 Mr O'Connor's questions, that this was happening on the  
 4 ground in a police force area, which I obviously  
 5 couldn't control.

6 So we were doing all of that.

7 And just let me refer again to the Police Race  
 8 Action Plan which I've referred to, and I think it is  
 9 important in the context of your questions. The murder  
 10 that happened in America created what we all saw and  
 11 understood, and I then very quickly that June pulled  
 12 together all of the chief constables from across the  
 13 country and we had two half-day sessions where we not  
 14 only looked at the issues from our perspective but we  
 15 also had a large number of our -- every chief constable  
 16 brought three or four black members of staff into those  
 17 meetings -- they were virtual obviously -- into those  
 18 meetings to express their views about where we were in  
 19 terms of our relations with the black community,  
 20 particularly the black -- the African Caribbean  
 21 community particularly, and out of that emerged the  
 22 Police Race Action Plan, which -- which has worked  
 23 through and still goes on today.

24 So those are some of the really -- the practical  
 25 things that happened as a result of the disparities that

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1 tools, platforms to access this information? Moreover,  
 2 how were they encouraged to stay up to date with  
 3 legislative changes related to the Covid regulations,  
 4 particularly concerning the nuances in the law and the  
 5 regulations?

6 **A.** So there was an entire array of communication processes  
 7 that went on. Everything that came out from the centre  
 8 went to every force, went to the Operation Talla in  
 9 every force. Police officers were getting -- any  
 10 updated briefing that was required would happen at the  
 11 beginning of their shift. By that stage, in 2020, most  
 12 police officers had some form of mobile capability  
 13 whether it was a mobile phone, an iPad or whatever, and  
 14 so all of that, all of the information that we were  
 15 provided -- were providing, should I say, was provided  
 16 directly to those systems as well. So everybody had  
 17 access to that information. There were websites on the  
 18 College of Policing with all the information,  
 19 a Covid hub where you could access all the information,  
 20 and it was being put through the normal briefing  
 21 processes for officers.

22 **Q.** Finally, did the NPCC or police forces conduct any  
 23 comprehensive evaluation or assessments to determine the  
 24 effectiveness of the "Four Es" approach, briefing  
 25 materials and influencing public compliance with the

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1 we were identifying.

2 **LADY HALLETT:** Mr Hewitt, I'm afraid Mr Thomas has limited  
 3 time so if you could make your answers a little bit  
 4 shorter --

5 **A.** I apologise.

6 **LADY HALLETT:** -- I'm sure he'd be very grateful.

7 **PROFESSOR THOMAS:** I'm grateful, my Lady.

8 I've only got three questions left. Let me see if  
 9 I can get to them.

10 Was there any training or guidance provided to  
 11 officers on how to ensure proportionate and  
 12 non-discriminatory enforcement of the Covid-19  
 13 regulations, especially when interacting with ethnic  
 14 minority individuals?

15 **A.** Not specifically, because that responsibility exists in  
 16 all of their policing activity, so in that sense there  
 17 was nothing specific that was around Covid.

18 **Q.** Even after the disproportionality became apparent?

19 **A.** It -- there was always the absolute acceptance and,  
 20 quite frankly, the legal requirement that they undertook  
 21 their actions in -- under the Equalities Act, so there  
 22 was no -- there was no additional guidance, which is  
 23 your question.

24 **Q.** Let me move on.

25 How were police officers equipped with resources,  
 90

1 Covid regulations especially within minority ethnic  
 2 community? If not, why not? And if it did, please  
 3 explain how.

4 **A.** I am not aware of a specific piece of research that  
 5 looked at the "Four Es" as a model. Clearly you will  
 6 have seen in the second report on disproportionality  
 7 they focus on that, but I'm not aware -- there may well  
 8 have been, but I'm not aware of a piece of academic work  
 9 to understand whether they were -- it was an effective  
 10 mechanism.

11 **PROFESSOR THOMAS:** My Lady, those are the questions I ask.

12 **LADY HALLETT:** Thank you, Mr Thomas.

13 Ms Davies.

#### 14 Questions from MS DAVIES KC

15 **MS DAVIES:** Thank you, my Lady.

16 Mr Hewitt, I represent Southall Black Sisters and  
 17 Solace Women's Aid, who, as you know, are part of the  
 18 violence against women and girls sector.

19 **A.** Yes.

20 **Q.** So my questions are on domestic abuse.

21 **A.** Yes.

22 **Q.** If I can take you to your witness statement, page 24,  
 23 which is INQ000216925, page 24, paragraph 109. Do you  
 24 have it?

25 **A.** We're not ... page ...

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1 Q. 109 has come up.  
 2 A. Okay, yeah, I've got 109 there. It's not on 24, but ...  
 3 Q. You tell us that:  
 4 "The COVID-19 restrictions meant that those crimes  
 5 that occurred in the home and online appeared to  
 6 increase. Early reports from China and Italy, who  
 7 imposed lock down early on, indicated a significant  
 8 increase in domestic abuse (DA) cases."  
 9 A. Yeah.  
 10 Q. So you were aware that there could be an increase in  
 11 domestic abuse as a result of, shall we say, social  
 12 isolation, even before lockdown?  
 13 A. We were very aware of that in the outset in terms of our  
 14 preparation, both for domestic abuse and also, for that  
 15 matter, for child abuse as well, where it was clear we  
 16 were going to end up in a situation where people were  
 17 confined. And if that place was the place where some of  
 18 those offences were taking place and the vulnerability  
 19 existed, then clearly we were aware of that from very  
 20 early on. In advance, quite frankly.  
 21 Q. And you were aware of that because of the reports coming  
 22 from other countries, and also it's kind of obvious?  
 23 A. It was self -- you know, from my professional  
 24 experience, it was self-evident that we were going to  
 25 end up in some sort of lockdown and that that lockdown

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1 "These meetings identified significant changes in  
 2 the number and nature of demand ..."  
 3 That's once lockdown starts.  
 4 "... and as a direct result ..."  
 5 Of those significant changes and of your meetings,  
 6 presumably; yes?  
 7 A. Yes, so not just the college but also, as I say, the  
 8 leads for domestic abuse were -- were meeting and trying  
 9 to work through, and I was working then with the  
 10 Home Office and -- and, I have to say, the  
 11 Home Secretary at the time was very, very engaged with  
 12 the issue of the threat around particularly domestic  
 13 abuse and child abuse but particularly domestic abuse as  
 14 well.  
 15 Q. And we're about to hear from her, in fact --  
 16 A. I suspect you will.  
 17 Q. -- yes.  
 18 "... as a direct result, the government carried out  
 19 publicity campaigns to highlight [domestic abuse] risks  
 20 and encouraged victims to report."  
 21 So that's your point.  
 22 Helpful on publicity campaigns, can you tell us if  
 23 there was also any guidance published by the college for  
 24 potential victims of domestic abuse?  
 25 A. There was -- there was repeated guidance -- as I've

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1 was going to put vulnerable people at a higher risk.  
 2 Q. Yes. You told us this morning that you brought,  
 3 I think, the chief constables together --  
 4 A. Yes.  
 5 Q. -- to start planning in very early March, so would it be  
 6 fair to say that in very early March, when you are  
 7 planning, one of the things that you're thinking about  
 8 is the possible increase in domestic abuse?  
 9 A. And -- absolutely. And I've referred a number of times  
 10 to the individual leads that the NPCC have, and so in  
 11 this -- in these two instances the assistant  
 12 commissioner, Louisa Rolfe, from the Met, was the lead  
 13 for domestic abuse, and then chief constable, as was  
 14 then, Simon Bailey, was the lead for child abuse, and we  
 15 were engaging very closely with both of them, who were  
 16 then engaging with all of their structures and all the  
 17 other groups and organisations that they worked in  
 18 within those sectors to start talking and thinking about  
 19 how we were going to find a way to properly protect  
 20 people in an environment that we feared was going to  
 21 come.  
 22 Q. If we can go to the next paragraph in your witness  
 23 statement, I don't know if we still have that page up,  
 24 paragraph 110, you tell us that the college regularly  
 25 met with the domestic abuse charity sector:

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1 said, we had a number of mechanisms through which we  
 2 were sharing information, because if -- you will  
 3 obviously recall at the time there was a lot of media  
 4 coverage about concerns, a lot of the support  
 5 organisations and charities were publicly talking about  
 6 the increase in people coming and speaking to them.  
 7 So we produced a range of guidance about how best  
 8 you can deliver services in a Covid environment, how you  
 9 can work with all of the other agencies that are there  
 10 to provide services to protect people, and then even  
 11 into the really practical of how do you go and -- how do  
 12 you go and deal with an issue when you actually turn up  
 13 at the house. Because quite clearly there were going to  
 14 be occasions where we needed to go and intervene in the  
 15 way that we ordinarily would do, and we needed to equip  
 16 officers to understand how you did that in a Covid  
 17 environment, because what we clearly didn't want to be  
 18 doing was going and actually spreading the infection and  
 19 so on.  
 20 So it was very complex but there were repeated  
 21 throughout the period new pieces of information and  
 22 guidance.  
 23 We created the learning process that I described and  
 24 part of that was sharing good practice, so where we  
 25 found somewhere where they had worked up a really good

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1 way of operating with other agencies, we then made sure  
2 that that was shared with other police forces, so that  
3 we were trying to do the best that we could do in the  
4 circumstances that we had.

5 **Q.** That's helpful, thank you.

6 Was there any guidance for potential victims of  
7 domestic abuse so that they could find out quickly  
8 whether or not, for example, they would be within the  
9 regulations to leave home?

10 **A.** That --

11 **Q.** Was there any guidance to the public?

12 **A.** Yes. That guidance did come out -- it did come out, and  
13 I think I recall in the first -- in the very first set  
14 of regulations that one of the -- one of the exceptions  
15 was if it was staying indoors, if it -- unless it was  
16 unsafe to do so. So that came --

17 **Q.** Mm, so risk of harm?

18 **A.** The risk of harm point.

19 Where we would often, and where we did, but in  
20 ordinary circumstances, would try to mediate is  
21 through -- through support groups, through the  
22 charities, through those people that are -- that are  
23 clearly engaged, but we would be feeding through them  
24 but also giving our own messages.

25 And throughout the pandemic I did three of the  
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1 **THE WITNESS:** Thank you, my Lady.

2 **(The witness withdrew)**

3 **MR KEITH:** My Lady, the next witness is Dame Priti Patel, if  
4 she could be sworn, thank you.

5 **DAME PRITI PATEL (affirmed)**

6 **Questions from LEAD COUNSEL TO THE INQUIRY**

7 **MR KEITH:** Could you commence your evidence, please, by  
8 giving us your full name?

9 **A.** Yes, my name is Priti Patel.

10 **Q.** Dame Priti, thank you for the provision of your witness  
11 statement, we needn't go through it in detail, or even  
12 look at the declaration.

13 You were good enough and those who advise you were  
14 good enough to also provide the Inquiry with detailed  
15 witness statements from Patricia Hayes, the former  
16 Home Office second permanent secretary, called the  
17 Home Office Module 2 core statement, and also  
18 a statement from the former director general of the  
19 Border Force, Paul Lincoln, as well as a timeline, so  
20 thank you for all those documents.

21 I want to ask you first, please, about your career.  
22 You were, I think, between July 2014 and May 2015 the  
23 Exchequer Secretary to the Treasury. Between May 2015  
24 and July 2016 you were minister of state for employment.  
25 From July 2016 to December 2017, Secretary of State for  
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1 podium briefings at Downing Street and I'm pretty  
2 certain to say in every one of those three one of the  
3 things that I said was making it very clear that anybody  
4 who felt unsafe was to -- was to take action to make  
5 themselves safe and to come to the police.

6 **Q.** You talk about guidance to colleagues and police  
7 officers, that's actually at paragraph 79 of your  
8 statement, which is page 17 of it.

9 I don't know if we can have that up?

10 And you give us -- do we have it?

11 Paragraph 79. I don't think that's page 17 --

12 **A.** Yes, 79 there.

13 **Q.** Ah. You talk about the guidance in some detail:

14 "Responding to domestic abuse;

15 "Referral support for victims ..."

16 So again that's for police officers.

17 Was that guidance drawn up with domestic abuse  
18 charities, stakeholders and so on?

19 **A.** Yes, everything that we draw up in that arena through  
20 our leaders, the people who lead thematically for that,  
21 is done in conjunction with those, with those groups.

22 **MS DAVIES:** Thank you very much.

23 Thank you, my Lady.

24 **LADY HALLETT:** Thank you, Ms Davies.

25 Thank you very much indeed for your help, Mr Hewitt.  
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1 International Development. And then, for our purposes  
2 the most relevant feature of your career, you were  
3 Secretary of State for the Home Department from  
4 24 July 2019 until 6 September 2022.

5 **A.** That's correct.

6 **Q.** And therefore you were Home Secretary during the entire  
7 currency of the crisis.

8 The responsibilities of the Home Secretary are set  
9 out in your witness statement at paragraph 13. May we  
10 please have that up.

11 It will appear on the screen in front of you,  
12 Dame Priti, in a moment.

13 The Home Secretary has responsibility, of course,  
14 overall responsibility for all Home Office business, and  
15 therefore you had overall responsibility for the  
16 Home Office response to Covid-19.

17 We can see there the wide range of functions for  
18 which the Home Office is responsible. I don't suppose  
19 those are all its functions, but they are the main  
20 functions, are they not?

21 **A.** They are predominantly the functions of the -- and  
22 responsibility of the Home Secretary, and clearly there  
23 is much more, including national security, it touches on  
24 there, but many other elements that are cross --  
25 cross-government effectively.  
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1 Q. It is, of course, the lead government department for  
2 immigration, passports, drugs policy, crime, fire,  
3 counter-terrorism --

4 A. That's correct.

5 Q. -- and police. So to a very large extent the  
6 Home Office is responsible for not operational matters  
7 necessarily, but the overall enforcement or compliance  
8 with criminal legislation, with, bluntly, obeying the  
9 law?

10 A. So, absolutely. I would also describe the Home Office  
11 as an operational department primarily because  
12 functions, whether they're at the border, with Border  
13 Force, but also within our visa system, are very much  
14 based on processes, so operational, passports,  
15 et cetera.

16 And then, as I've just touched upon, working across  
17 government departments, yes on criminal justice matters  
18 with the MoJ, the Attorney General, but even, as we'll  
19 come to discuss later on, other government departments  
20 on vulnerabilities, for example, on accommodation,  
21 a whole range of areas which do feature throughout this  
22 whole period of the pandemic.

23 Q. Indeed.

24 If we look down the list, we can see at (ii):

25 "Reducing and preventing crime ... ensuring people  
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1 minister, but my incredible officials, actually, we had  
2 a very strong team, and you would have seen that through  
3 the cross-referencing with Tricia Hayes' witness  
4 statement. We had a very significant team, a crime  
5 prevention fire group as they were called, CPFG, that  
6 would work across government, through the Cabinet Office  
7 and then with the Department of Health and Social Care,  
8 primarily because the police, as I'm sure you've  
9 discussed this morning, had to operationalise many of  
10 the regulations, and at the same time there was a lot of  
11 guidance that was produced for police forces to then  
12 help them with regulations.

13 Q. Bluntly, the Home Office and the police forces and chief  
14 constables worked together very closely indeed. Chief  
15 constables and the NPCC and police forces would come to  
16 the Home Office and say, "We need guidance in relation  
17 to these regulations. What do they mean? What is the  
18 process by which these regulations are being drawn up?"  
19 And presumably the Home Office acted as an interface  
20 with the DHSC to say, "This is the position"?

21 A. So absolutely on the interface point. I think some  
22 context may be helpful in terms of our overall way of  
23 working. Our CPFG group, my officials at the time,  
24 myself as Home Secretary, my policing minister, we had  
25 set up a very cheer structure of working with the  
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1 feel safe in their homes ..."

2 And at (vii):

3 "Securing the UK border and controlling  
4 immigration."

5 A. That's right.

6 Q. Putting aside the UK border issue, for which the  
7 Home Office had a direct operational role and  
8 an enforcement role, and just focusing on the reduction  
9 and prevention of crime, it is obvious that during the  
10 pandemic, during the coronavirus crisis, a large number  
11 of regulations were drawn up in order to be able to  
12 regulate the behaviour of the population and to provide  
13 sanction for breaches of the law relating to their  
14 conduct.

15 The Home Office plainly played a role in the  
16 drafting or the promulgation of those regulations. It  
17 was aware that this process was going on. But who or  
18 which department actually drafted the coronavirus health  
19 protection restriction regulations and the like?

20 A. So those regulations were solely the domain of the  
21 Department for Health and Social Care, and that -- that  
22 was the case throughout the pandemic. And interestingly  
23 enough, even just speaking about the responsibilities of  
24 the Home Secretary, from a policing perspective, we were  
25 the people, myself as Home Secretary, my policing  
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1 police, so I would suggest, and in fact it's very  
2 obvious, we had a very close partnership working  
3 relationship with the police, we would hold regular  
4 meetings, in fact they then became Zoom calls. I would  
5 speak to the police near enough every single day: we'd  
6 have operational calls with the police twice a week,  
7 with different chief constables, with the National  
8 Police Chiefs' Council, the police commissioner, the  
9 National Crime Agency, every single aspect of law  
10 enforcement that would sit under our umbrella. And we  
11 would effectively work together -- I would listen to  
12 representations, concerns, all based around the  
13 practicalities of enforcement.

14 But we were learning all the time, because one of  
15 the key features of this particular period, although  
16 there was no business as usual per se, policing still  
17 had to carry on, policing changed but there was still  
18 law enforcement operations taking place.

19 I'm not sure if the Inquiry is aware, but we had one  
20 of the largest law enforcement operations in the history  
21 of this country take place during the pandemic and that  
22 was called Operation Venetic, and I think to this day  
23 there are still prosecutions of known individuals taking  
24 place. So there was a vast array of policing activity  
25 going on and I feel that the Home Office led a very  
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1 significant but actually a structured way of working  
2 with law enforcement. And by law enforcement I mean our  
3 police and our agencies, our security agencies were part  
4 of that as well.

5 **Q.** We will come back to the issue of public health policing  
6 in a moment, but in reality, if concerns were raised  
7 with the Home Office about the drafting of the  
8 regulations or their effectiveness or the degree of  
9 complexity or confusion to which they gave rise, giving  
10 then rise to issues about enforcement, was the job of  
11 actually drafting those regulations within the role of  
12 the Home Office? Was it within your gift to be able to  
13 change the regulations, to propose different drafts, or  
14 was the drafting itself exclusively within the DHSC?

15 **A.** So the drafting was not within the Home Office. It was  
16 very much within the Department of Health and  
17 Social Care. Our interface across government was very  
18 much in terms of effectively being an advocate. We're  
19 practical people in the Home Office, our role was very  
20 much to bring to light the practical realities of  
21 what -- the direction of travel -- in fact, you know,  
22 certain stages throughout the pandemic, what was working  
23 and what was not working around enforcement and the  
24 application of regulations from policing. And on that  
25 basis, from day one -- I've said this publicly many

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1 dealing here in the main with secondary legislation, the  
2 statutory instruments, the DHSC would have had more of  
3 a role in the drafting than perhaps would have been the  
4 case with primary legislation, which, as you, if I may  
5 say so, correctly observe is within the role of  
6 Parliamentary Counsel?

7 **A.** I would say so, yes.

8 **Q.** All right.

9 Now coming back to paragraph 13 and (vii), "Securing  
10 the UK border and controlling immigration", the  
11 Home Office role is greater in this sphere, is it not,  
12 because in relation to the border, the Home Office is  
13 directly concerned with the operationalisation and  
14 enforcement of health measures at the UK border?

15 **A.** So on that basis of course the Home Office is  
16 responsible, as outlined here, in the point on securing  
17 the UK border and controlling immigration, through the  
18 policy levers that the Home Office has.

19 When it comes to health measures at the border  
20 of course that is a piece, effectively, or an aspect, of  
21 border measures, not border control but border measures,  
22 that also is the responsibility -- it crosses over into  
23 the public health territory, with the Department of  
24 Health and Social Care. And that's an important  
25 distinction because we do not hold the legislative

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1 times -- we'd asked the police to almost do the  
2 impossible, and we were there to effectively bring --  
3 give them the voice that was needed across government.

4 **Q.** It's obviously the case that there was a vast amount of  
5 communication, and a great deal of paperwork generated  
6 in this interface as to how the regulations should be  
7 drafted, whether they were appropriate, whether they  
8 could be improved and so on.

9 Do you happen to know whether or not it was DHSC  
10 officials or advisers who actually drew up the secondary  
11 legislation or whether or not they would have had  
12 recourse to Parliamentary Counsel? Who produced the  
13 wording in the regulations?

14 **A.** So I -- I'm going to make quite a wide assumption here,  
15 having been involved in drafting legislation myself and  
16 having gone through the legislative processes before  
17 I even came to the Commons, that Parliamentary Counsel  
18 would have had a role, there's no doubt about that, but  
19 central to all of this the Cabinet Office would have  
20 been pivotal in terms of setting up the environment for  
21 drafting the legislations, also going through some of  
22 the clearance processes, but ultimately the department  
23 which would hold the pen would be the Department for  
24 Health and Social Care.

25 **Q.** Do you happen to know whether or not, because we're

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1 levers around the public health measures.

2 **Q.** And is that why, as is well known, the DHSC is  
3 responsible for port health measures? To what extent do  
4 airports fall within ports? Is the DHSC responsible for  
5 public health measures in airports as well as ports?  
6 Are airports ports?

7 **A.** So effectively, and this is down to my recollection and  
8 understanding at the time, Department of Health and  
9 Social Care, that is correct, were responsible for port  
10 health measures, and in fact they stood up port health  
11 officials at, I'm pretty certain, maritime ports and  
12 airports. Because of course you have to have that  
13 differentiation between the port health individuals and  
14 Border Force. Border Force have very clear  
15 responsibilities, whether it's at maritime ports or in  
16 airports but more broadly at the border.

17 **Q.** And of course in the mix as well there is the Border  
18 Agency, which practically, of course, carries out border  
19 duties on the border. Is that within the political  
20 control of the Home Office, or is that an entirely  
21 independent agency?

22 **A.** So Border Force, and clearly the head of Border Force at  
23 the time was Paul Lincoln, would absolutely be part of  
24 the Home Office and responsible, accountable, working  
25 with myself and our ministers, and our BICS team and

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1 Border Force team within the Home Office.  
 2 **Q.** In terms of the overarching requirement to draw up and  
 3 draft regulations in terms of the operationalisation of  
 4 those regulations and in terms of the enforcement of  
 5 regulations, you must have reflected that this was  
 6 a particularly complicated framework?  
 7 **A.** So, very candidly, I mean, I do recall some of those  
 8 discussions and I do also recall what a fraught period  
 9 that was within government at that time. We're speaking  
 10 now very much about the first quarter, the early -- in  
 11 fact the first month of the pandemic effectively,  
 12 January 2020, and of course with all of that there were  
 13 a range of border measures that were discussed, I'm sure  
 14 you've touched on them already within this Inquiry, but  
 15 we had a clear role, effectively, of helping and  
 16 supporting the repatriation of UK citizens from abroad  
 17 during the month of January 2020, that was clearly a key  
 18 thing --

19 **Q.** I'm going to come to some specific measures in a moment,  
 20 Dame Priti, if I may.

21 Can I ask you, before we look at those, though,  
 22 about the overarching approach to borders.

23 Border control is undoubtedly a divisive issue.  
 24 It's politically quite a sensitive issue. In the  
 25 framework of the coronavirus crisis it was not just

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1 permanent secretary at the time, others were in active  
 2 discussions around what this meant in terms of public  
 3 health, what it meant in terms of our day-to-day  
 4 operations within government, for example. I mean,  
 5 I went on and I think it may be touched on in one of the  
 6 witness statements to look at our resilience plans,  
 7 for example, what would be business as usual for our  
 8 department.

9 Bear in mind the political context of the time,  
 10 January 2020, we'd just had an election in 2019, I was  
 11 due to actually implement legislation around  
 12 immigration, so ending free movement, the Immigration  
 13 Bill we were working on through that period.

14 So, you know, there were live discussions. You  
 15 could argue in some quarters they were political,  
 16 absolutely they were political for obvious reasons,  
 17 while at the same time we were having practical  
 18 discussions every single day with officials and  
 19 ministers, certainly within my department, and officials  
 20 were having cross-government discussions, around some of  
 21 the implications, the health situations we're seeing and  
 22 where this could eventually go.

23 **Q.** May I just pause you there.

24 In light of what was obviously a very complex  
 25 scenario, with competing considerations, some public

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1 a political issue but very much a public health matter  
 2 as well. We're going to see in a moment how the  
 3 Home Office receive advice from NERVTAG and SAGE and  
 4 from your own Chief Scientific Adviser within the  
 5 Home Office as to what could be done about borders.

6 So I want to ask you: to what extent were decisions  
 7 concerning borders and restrictions and closures or  
 8 whatever they may be driven by political considerations  
 9 as opposed to pure public health matters?

10 **A.** So, I don't think there's a straightforward answer to  
 11 that at all, because there were live discussions across  
 12 government during that period. As I've just mentioned,  
 13 it was a fraught time, the world was changing quite  
 14 rapidly, we could see some countries doing different  
 15 things while at the same time we all witnessed very  
 16 terrible scenes on our TVs, you know, of the impact of  
 17 coronavirus around the world in certain countries.

18 Our hands, I think, were effectively forced, really,  
 19 because of Wuhan, what was happening in China, and that  
 20 led to a series of measures, they're documented in some  
 21 of the evidence statements that have been provided,  
 22 around borders, visas, et cetera, so there were a range  
 23 of discussions, and I can absolutely categorically  
 24 state -- at an official level across government in  
 25 particular -- so I had one official, Paul Lincoln,

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1 health, some political, some immigration, obviously the  
 2 critical issue of applying public health restrictions  
 3 whilst maintaining a critical flow of supplies and trade  
 4 and food and medicines and critical goods, was it the  
 5 case that in the Home Office, as with other government  
 6 departments, you had to start your assessment of how all  
 7 these competing considerations could be brought together  
 8 and resolved from scratch? There was no guide or, to  
 9 use an inappropriate expression, a playbook for how, in  
 10 the face of an oncoming viral pandemic, decisions could  
 11 or should be taken about what to do about borders. You  
 12 had to really start from the beginning and see where you  
 13 went?

14 **A.** I can understand why externally that may be the view and  
 15 the perception, but there had been work that was  
 16 undertaken by previous governments, and I'd not been in  
 17 those discussions, around what to do if there was  
 18 an influenza pandemic, for example, I think Ebola has  
 19 been touched on as another example, and there had  
 20 been -- and I am aware of this because I was involved in  
 21 a conversation in January involving one of my officials  
 22 at the time -- work had been taken, undertaken in the  
 23 past. So we can't just say that, you know, fast forward  
 24 to the pandemic, it was just a blank sheet of paper.

25 There were processes in terms of understanding what

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1 could and couldn't be done.

2 I think within the context of the coronavirus  
3 pandemic, which was different for lots of reasons that  
4 you are discussing in this Inquiry, there were measures  
5 that were simply not available to us in terms of health  
6 measures, identification of coronavirus at the border,  
7 for example. I remember having one of those discussions  
8 with Professor John Aston at the time in the Home  
9 Office.

10 **Q.** Just pause there, was he the Home Office Chief  
11 Scientific Adviser?

12 **A.** That's correct, yes.

13 **Q.** Nevertheless, Dame Priti, although there may have been  
14 processes in place, and plainly it would be absurd to  
15 imagine there were no processes at all in place for  
16 determining how to deal with borders, at least within  
17 the Home Office, in the face of any sort of crisis,  
18 there were no sophisticated or developed plans setting  
19 out, perhaps by way of a step-by-step process, "This is  
20 what you do to borders in terms of screening, or  
21 restrictions, or quarantine or closure, in the event  
22 that there is a viral pandemic or epidemic identified  
23 offshore, in Europe or the rest of the world, and  
24 a clear indication that it's coming". You had to  
25 effectively sit down and work out step by step what you

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1 has a significant practical impact?

2 **A.** That is correct.

3 **Q.** All right.

4 At paragraph 33, you make plain that following the  
5 World Health Organisation's announcement of a novel  
6 coronavirus on 9 January, as you've mentioned, Border  
7 Force officials began providing passenger data for  
8 routes specified. What was the purpose of that? How  
9 did that help in the defence of the realm in relation to  
10 the oncoming virus?

11 **A.** So, it was self-evident at this stage, increasingly,  
12 that there were hotspots, known hotspots, particular  
13 countries, around the world, where coronavirus was  
14 clearly a major problem, and of course that information  
15 was really pivotal to the Department of Health, Public  
16 Health England in particular, in anticipation of  
17 potential other measures, but also people travelling  
18 back to the United Kingdom, in terms of community  
19 transmission, for example, and that became quite a topic  
20 of conversation, certainly throughout January but in  
21 February and in March, clearly from a scientific  
22 perspective, with regard to that reproduction value,  
23 the R value, and also what that would mean in terms of  
24 public health measures domestically, and then of course  
25 the whole challenge that the Department of Health had,

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1 should do?

2 **A.** I think that's fair, I do think that's fair. And that's  
3 a process of iteration where we're constantly asking  
4 questions. As I said, we're a practical department, so  
5 on that basis, constantly asking challenging questions,  
6 a lot of it around technical capability as well as the  
7 powers that we may have within the immigration sphere  
8 and the border sphere and powers that we may not have.

9 **Q.** Indeed.

10 Your witness statement at paragraph 28 makes plain  
11 that on 10 January the Home Office provided  
12 route-specific passenger data to Public Health England,  
13 and on 3 February you paused the processing of visa  
14 applications from any individual who had travelled  
15 through or been resident in Wuhan or the Hubei Province.

16 And that hold on processing was extended to another  
17 country, and then of course everything was swept away by  
18 the impact of the lockdown.

19 Could you just make plain, though, that the efficacy  
20 of that second measure, the pausing of the processing of  
21 visa applications, had a direct impact on the number of  
22 persons who could then enter the United Kingdom from  
23 that region? You don't need to stop people at the  
24 border to stop them coming to the United Kingdom, you  
25 can pause the processing of visa applications and that

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1 which was managing the capacity within the NHS.

2 **Q.** Was it the position, Dame Priti, that throughout the  
3 crisis the Home Office was guided in relation to  
4 decisions in relation to the United Kingdom border by  
5 advice from NERVTAG, then SAGE, and of course your own  
6 departmental officials, in particular the Chief  
7 Scientific Adviser, Professor Aston, whom you've  
8 mentioned?

9 **A.** That's absolutely correct.

10 **Q.** In paragraph 34, and in particular 35, do you therefore  
11 make plain that decisions as to whether or not screening  
12 measures could be put in place, for example temperature  
13 checks, decisions as to whether or not there could be  
14 any sort of proportionate or percentage reduction in the  
15 number of passages through the borders, travellers  
16 through the borders, and ultimately questions about  
17 closure or quarantine, were all significantly guided by  
18 the scientific advice: would it work?

19 **A.** That's correct.

20 **Q.** Were you placed in a position, in effect, of being  
21 informed that screening, temperature checks, seeing  
22 whether people were displaying symptoms, was practically  
23 ineffective because symptoms can be suppressed and  
24 screens aren't effective, a significant closure of the  
25 border would be unlikely to delay the onset of the virus

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1 significantly, and would be extremely difficult, and  
 2 would have terrible ramifications in terms of the  
 3 passage of people and trade, and there was no real  
 4 question ever of being able to shut the borders  
 5 completely and having in place a quarantine system  
 6 because the practicalities of that had never been worked  
 7 out?

8 **A.** So, that's absolutely correct, and all the evidence and  
 9 the documents that have been supplied to the Inquiry  
 10 show that very clearly, and the advice that I received,  
 11 and I think was shared widely across government at the  
 12 time, showed that it would have a minimal impact in  
 13 terms of preventing the spread of the virus, in terms of  
 14 community transmission.

15 And importantly, I also recall receiving in advice  
 16 to me that it would not actually even assist the NHS in  
 17 terms of preparations, the time that they would need in  
 18 terms of coping around the number of people that were  
 19 coming into the NHS.

20 And I think there are a couple of other important  
 21 points to make around the documentation and the evidence  
 22 and the advice that's that was being provided.

23 The advice is one aspect of this, but actually  
 24 coming back to the practicalities of trying to put in  
 25 technical measures to, I think the term was used, heat

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1 food supplies, all sorts of things. So we had a lot of  
 2 intensive work across government taking place very  
 3 specifically in that area.

4 **Q.** Just before the break, just drawing the threads of the  
 5 advice that the Home Office received together, your  
 6 statement makes plain that at a relatively early stage,  
 7 in fact on 3 February, the Home Office had received  
 8 advice, I think ultimately from SPI-M-O, to the effect  
 9 that there may -- and I emphasise "may", because it  
 10 wasn't in fact until later in February that this was  
 11 confirmed, but that there may already be sustained  
 12 community transmission in the United Kingdom. So  
 13 obviously that had a direct impact on the sense or  
 14 efficacy of putting into place border arrangements?

15 **A.** And that really summed up the situation, and the  
 16 evidence was there, and I think even in terms of  
 17 community transmission, but the number of people that  
 18 were clearly falling ill was demonstrating that impact  
 19 within the NHS.

20 And even -- well, I know we'll come on to that --

21 **Q.** That, I think if I may interrupt, was at a later stage.  
 22 There wasn't really an impact to the NHS at that stage?

23 **A.** Not at that stage but that's effectively what the  
 24 information was alluding to, that clearly community  
 25 transmission was starting to pick up, and therefore all

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1 test people that were coming through the border,  
 2 government did not have that capability. And that  
 3 became self-evident very early on. I was picking up  
 4 conversations and information from particularly  
 5 Cabinet Office, through some of the meetings that we  
 6 were involved in then, that they did not have the  
 7 technical capability.

8 Then of course there would be this murky about, who  
 9 would have responsibility for what, and would you then  
 10 bring in public health officials. Is it going to work?  
 11 How much information can you actually operationalise at  
 12 the border and would that be practical?

13 Then of course I was heavily involved in -- this  
 14 would be of no great surprise, I was heavily involved in  
 15 the discussions around critical supplies, so even  
 16 speaking to counterparts in Europe, for example, our  
 17 French colleagues, and my colleagues within Border  
 18 Force, so that would have been Paul Lincoln's team in  
 19 particular, they'd be speaking to their opposite numbers  
 20 in France, primarily because we could see pressures in  
 21 France at their border and all sorts of restrictions  
 22 that they were encountering that could actually have  
 23 a pretty devastating impact upon critical goods and  
 24 supplies coming into the United Kingdom, and of course  
 25 that would have ramifications whether it was in the NHS,

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1 the subsequent -- any measures at the border would  
 2 simply not have made a difference at that stage.

3 **Q.** Then moving forward to the time of the lockdown,  
 4 23 March, did the Home Office receive from SAGE advice  
 5 that, by that stage, closing the borders completely or  
 6 perhaps with a quarantine system to back it up would  
 7 have a negligible impact on the spread of the virus  
 8 because the number of people coming in through an open  
 9 border at the end of March would only comprise a tiny  
 10 proportion of the overall number of people in the  
 11 United Kingdom who were already infected?

12 **A.** And -- yes, and on that basis as well people had started  
 13 to reduce their travel. So we saw internationally other  
 14 countries were bringing in their own travel  
 15 restrictions, so that in its own right was working  
 16 through the system at that particular time.

17 **Q.** So finally on this topic of borders, the position that  
 18 the Home Office and the government confronted or had to  
 19 face in February/March 2020 was that there was  
 20 a distinct absence of practical capable to be able to  
 21 restrict the infection through the border, and secondly  
 22 there was no sophisticated or effective system already  
 23 thought about, drawn up, and ready to be put into place  
 24 when the virus emerged?

25 **A.** I think that's absolutely correct, and with that no

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1 technical capability and I think the capability,  
2 technical skills, there are things that we'll come on to  
3 later, passenger locator form was one example of that,  
4 but at that stage the skills and capability certainly  
5 weren't there.

6 **MR KEITH:** My Lady, is that a convenient moment?

7 **LADY HALLETT:** Certainly it is.

8 I'm sorry, I think you were warned that you may have  
9 to go -- I'm so sorry about it. I shall return, because  
10 we have been overrunning -- another apology, a slightly  
11 shorter lunch -- at 1.50.

12 **MR KEITH:** Thank you.

13 (1.00 pm)

14 (The short adjournment)

15 (1.50 pm)

16 **MR KEITH:** Dame Priti, I'd like to turn now, please, to the  
17 subject of hidden harms.

18 You have very helpfully in your statement set out  
19 a number of ways in which you personally have campaigned  
20 for the victims of crime and abuse, including those  
21 persons who are the victims of domestic and child abuse,  
22 and other vulnerable groups.

23 This Inquiry and this module in particular is  
24 concerned only with the core political and  
25 administrative decision-making, and therefore

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1 deal of work already under way around vulnerabilities  
2 and domestic abuse.

3 **Q.** I'm sorry to interrupt. That is given and the Inquiry  
4 understands that. Of course there was a developed and  
5 sophisticated system in place already, no doubt under  
6 the governance of the Home Office, to deal with the  
7 victims of abuse, and the Domestic Abuse Bill is  
8 well known.

9 But the lockdown decisions --

10 **A.** Sure.

11 **Q.** -- were of course of a very different order and the  
12 impacts were likely to be very considerable and without  
13 the experience of the United Kingdom. So I really want  
14 you to focus, please, on when that thinking was done  
15 about: what shall we do about the victims of hidden  
16 harms in the context of the ready decision-making which  
17 we now understand is going to take place?

18 **A.** So that was in March. I mean, that was in and around  
19 the time of lockdown.

20 And the reason why I tried to contextualise not the  
21 Domestic Abuse Bill, but this does apply to children as  
22 well, there was work taking place within the department,  
23 so there was some county lines work, all sorts of things  
24 going on, with police and law enforcement but also with  
25 education. That's partly down to my role as

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1 of course -- and this is the paradigm -- the decisions  
2 to lock down, and therefore the Inquiry is concerned  
3 specifically with the topic of: to what extent were the  
4 needs and the position of victims of abuse considered in  
5 the decision-making when those momentous decisions were  
6 taken?

7 The starting point appears to be, and it's at  
8 paragraph 76 of your statement, that there was no  
9 pre-existing plan, within the Home Office at any rate,  
10 to protect vulnerable people who might be required to  
11 stay at home in the event of a lockdown.

12 That of course was because there had been very  
13 little, if any, thinking about the practicalities of  
14 a lockdown at all.

15 So was the Home Office obliged to consider this  
16 issue at speed, at pace, and, if so, when was the main  
17 body of work done on the potential impact of a lockdown  
18 decision and the impact on vulnerable groups and, in  
19 particular, victims of hidden harms? When was that  
20 thinking done?

21 **A.** So, I think it's fair actually to give -- give a lot of  
22 credit to the Home Office in this entire area, even  
23 before the pandemic, primarily because, prior to myself  
24 becoming Home Secretary, we were due to implement and  
25 bring in the Domestic Abuse Bill, so there was a great

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1 Home Secretary not just throughout the pandemic but  
2 prior to lockdown.

3 So we were agile, we were able to work at pace and  
4 we were able to start working across the sector with  
5 partners as soon as we were effectively locking down.

6 That was -- the lockdown I think on 23 March, when  
7 that came, obviously changed engagement dynamic,  
8 concentrated on how people would be affected, but just  
9 in that run-up to lockdown I think it could have been  
10 even around possibly 18 March, around that time, I had  
11 already started to have discussions around vulnerable  
12 people, vulnerable groups, as I said, within the  
13 Home Office. And that is within the Home Office, this  
14 isn't just across government but within the Home Office.  
15 Primarily because, you go back to my roles and  
16 responsibilities, that's the nature of the work of the  
17 Home Secretary and the work of the Home Office: we're  
18 constantly thinking about vulnerable people, impacts  
19 through legislation and many other things that we were  
20 undertaking anyway. And I had some specific programmes,  
21 that I'm sure we'll come on to, where we were already  
22 funding work around vulnerable people where we then  
23 sort of went to grow that funding pool and then started  
24 to reallocate resources.

25 **Q.** And briefly, the work that it became understood would be

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1 necessary, was that the drawing up of policy documents,  
 2 guidance, was it the drafting of communication  
 3 materials, so telling people what their positions were,  
 4 what their rights were, what they could do to protect  
 5 themselves and what they would need to do in the event  
 6 of abuse, was it the making available of resource,  
 7 money, or was it, lastly, legislative proposals or  
 8 a combination of all? If you can just briefly --  
 9 **A.** So it's a combination of all, an absolute combination of  
 10 all. Legislative proposals already under way.  
 11 So first and foremost, convening, the power to  
 12 convene, so convening groups, so partners within the  
 13 sector, refuges, for example, charitable organisations  
 14 and groups. Effectively frontline organisations. And  
 15 not working in isolation but making them part of that  
 16 dialogue, working with them, understanding their needs,  
 17 but also understanding from a communications perspective  
 18 where they needed help and support and how we could use  
 19 the machinery of government to then communicate messages  
 20 into lockdown, you know, throughout lockdown,  
 21 particularly to vulnerable people, as to where they  
 22 could access help and support. And there's a policing  
 23 element to this as well that we --  
 24 **Q.** We will come back to that. All right.  
 25 You mentioned a few moments ago that on 18 March,

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1 So these were important -- important discussions to  
 2 have at the time.  
 3 **Q.** And the context for that discussion, Dame Priti, was it,  
 4 that initially the consideration had been given to those  
 5 who might be vulnerable only in the context of clinical  
 6 considerations, so maybe those with health conditions,  
 7 or the elderly, in addition, or perhaps pregnant women,  
 8 and it became clear, didn't it, that any sensible scheme  
 9 for dealing with and meeting the needs of vulnerable  
 10 people would have to be widened, it couldn't be limited  
 11 to those essentially clinical or age-related or  
 12 pregnancy-related considerations?  
 13 **A.** That's absolutely right, and I think it was quite  
 14 telling at that particular stage of the pandemic, so  
 15 March 2020, that very much was the focus, it was on the  
 16 clinical side, the health side of things, and then  
 17 obviously the iterations came afterwards, once lockdown  
 18 had taken place, and then we could see the impact more  
 19 broadly across society.  
 20 **Q.** That debate about, firstly, the meaning of vulnerable  
 21 people, and secondly, also, the debate about the  
 22 definition of key workers which followed on very quickly  
 23 thereafter, in the context of both those terminological  
 24 debates, was specific consideration given to whether or  
 25 not the victims of domestic or child abuse should be

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1 you had by that stage, and of course that's before the  
 2 lockdown, already begun to argue the cause of the  
 3 victims of hidden harms. Was that in the context of  
 4 a Cabinet committee where you'd engage directly in  
 5 a debate as to the definition of vulnerable people and  
 6 you were calling I think for a wider definition to be  
 7 given in order that the impact upon such groups could be  
 8 more widely considered and taken account of?  
 9 **A.** That is correct.  
 10 **Q.** What Cabinet committee was that? Can you recall?  
 11 **A.** I cannot tell you the actual title of that  
 12 Cabinet committee, because so many of our committees  
 13 morphed into Covid-Os, Ss, MIGs and different  
 14 structures, but I think it's important to reflect at  
 15 that time, the 18th, if my memory serves me correct,  
 16 schools closed on the 20th and so the reason why I was  
 17 pressing for that was to ensure that obviously the  
 18 children of key workers, vulnerable people, could  
 19 effectively, you know, still receive access to education  
 20 and all those types of things. Because definition of  
 21 vulnerability from my perspective, as Home Secretary and  
 22 in the Home Office, was very broad. That would also  
 23 include frontline workers in refuges, for example,  
 24 different definitions of individuals that are providing  
 25 support services.

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1 brought within those terminologies?  
 2 **A.** I can't recall at that particular time, I cannot recall  
 3 whether or not it was, but I do know that in terms of  
 4 pressing for a wider definition of vulnerabilities and  
 5 vulnerable people, I do know children came into it.  
 6 And the reason, as I've already touched on, is  
 7 partly because of the work that I was pressing across  
 8 government -- I'm not sure my colleagues in government  
 9 thanked me at the time -- particularly around children,  
 10 county lines, missing children. It's a major part of  
 11 our work in the Home Office. And we knew that,  
 12 you know, sometimes the safety net just isn't there in  
 13 the way in which it needs to be within the state and the  
 14 safety net misses categories of individuals. So that  
 15 was very much front and centre of my concern at the  
 16 time.  
 17 **Q.** Now, chronologically, there was, of course, the reading  
 18 of the Domestic Abuse Bill, which I think was on  
 19 3 March 2020 and the reason why I interrupted earlier  
 20 was that was a Bill which of course had been conceived  
 21 long before --  
 22 **A.** Some time before.  
 23 **Q.** -- the lockdown --  
 24 **A.** Yeah.  
 25 **Q.** -- came to pass, and of course long before the

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1 coronavirus became apparent. Was that Domestic Abuse  
2 Bill signed into law straight away or did it take time  
3 until it came into effect?

4 **A.** Of course, so many challenges obviously even throughout  
5 a pandemic is still continuing: the work of government,  
6 legislation -- I mentioned earlier on the immigration  
7 Bill that we brought forward as part of leaving the EU.  
8 The Domestic Abuse Act, as it now is, Bill at the time,  
9 second reading in March, meant it had to go through the  
10 full stages of Parliament, so second reading, committee  
11 stage, all the discussions, working with third parties,  
12 that takes time. So that was certainly, throughout  
13 2020, pretty much -- that was just one of the many  
14 pieces of legislation that we had going through  
15 Parliament.

16 But I think, if I may, it is important to just  
17 reflect, because it was a live piece of legislation, it  
18 naturally facilitated and enabled so much more dialogue  
19 to take place with stakeholders, partners, you know, the  
20 people that we would work with effectively within the  
21 domestic abuse wider family and community, and that  
22 clearly helped to shape, inform -- I can definitely say  
23 helped to shape, inform a lot of the pandemic response.

24 **Q.** However, the reality was, wasn't it, that that Bill was  
25 not signed into law until 29 April 2021, and therefore  
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1 charities only a relatively small proportion was for  
2 domestic abuse charities:  
3 "... £15 [million] ... to Ministry of Justice for  
4 Police and Crime Commissioners to allocate to domestic  
5 abuse charities, £10 [million] ... to [MHCLG] for  
6 domestic abuse accommodation ... and £2 [million] for  
7 the Home Office to allocate [itself towards domestic  
8 abuse charities]."

9 So that was an overarching sum for all charities  
10 or --

11 **A.** That's right.

12 **Q.** -- a significant part of charities --

13 **A.** During the pandemic.

14 **Q.** At (ii) we can see a re-prioritisation of the  
15 Home Office funding to address Covid-19-related threats  
16 for victims of child sexual abuse and exploitation.

17 Changes, 6 April, to the scheme for support for  
18 modern slavery victims.

19 More money in funding in the Home Office  
20 on 11 April.

21 The important "You Are Not Alone" campaign on  
22 11 April. What was that?

23 **A.** So this was a public awareness, it was a communications  
24 campaign, effectively, and it was effectively launched  
25 at a Downing Street press conference on 11 April,  
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1 it could bring no support at all, or succour, to the  
2 victims of hidden harm during the first, second or third  
3 national lockdowns. It didn't come into law until they  
4 had all been and gone.

5 **A.** So, if I may, I would effectively question that, because  
6 of the level of support that was put in place throughout  
7 the pandemic for hidden harms and vulnerable people.  
8 The Domestic Abuse Act --

9 **Q.** Can I interrupt you, please, Dame Priti, I do apologise.  
10 Quite so, but my question was that that Act could  
11 provide no support. I'm about to ask you questions  
12 about the other means by which support was proffered.  
13 But that Act could have no practical application until  
14 it passed into law, could it?

15 **A.** So the Act was under development, or the Bill at the  
16 time, so the Act itself could not.

17 **Q.** However, in your statement, and if we could perhaps  
18 bring up in quick succession the subparagraphs of  
19 paragraph 79.

20 79(i), you refer to:

21 "... Additional funding for frontline charities  
22 including those supporting domestic abuse victims."

23 I think I'm right in saying that a footnote that you  
24 provide later in your statement, footnote 54, makes  
25 plain, however, that of that £750 million for frontline  
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1 I think on the platform with me was Martin Hewitt  
2 actually, from National Police Chiefs' Council, where we  
3 specifically focused that press conference on hidden  
4 harms.

5 But specific to the "You Are Not Alone" campaign, it  
6 was part of the messaging around domestic abuse, that  
7 should you need help and support as a vulnerable person  
8 subject to domestic abuse, then (a) you are not alone  
9 and that there are ways and means in which you can seek  
10 help and support.

11 So in relation to earlier questions, you know, a lot  
12 of communications work clearly, funding allocated for  
13 this, but also working with our third parties such as  
14 the national hotline for domestic abuse, in anticipation  
15 of an inevitable surge. Once you've launched your  
16 campaign, of course, it would then go into that  
17 helpline.

18 **Q.** I think that that press conference, it was indeed on  
19 11 April, you spoke together with Mr Hewitt on the  
20 emerging crime picture --

21 **A.** That's right.

22 **Q.** -- and as part of that exploration, you directly  
23 addressed the issue of domestic and child abuse.

24 I think you -- or at least the Home Office had  
25 liaised in advance of that press conference with  
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1 a number of charitable organisations involved in that  
2 sector, so Women's Aid, Refuge and so on?  
3 **A.** That's right, and also organisations such as Barnardo's,  
4 NPCC, all those that specialise in children and care.  
5 One other point to make, if I may, just about that  
6 press conference I think we also spoke about online  
7 harms. We had seen a surge once the schools had closed,  
8 and this is obviously through our wider networks and the  
9 National Crime Agency, a very significant increase in  
10 the appalling practice of online harm and abuse towards  
11 children.

12 **Q.** All right.

13 Picking up the thread from paragraph 79 we can see  
14 the additional funding of 2 May, a letter to technology  
15 industry partners on 7 May, the Hidden Harms summit,  
16 which was an important event in this chronology, on  
17 21 May. And then if we could go to paragraph 84, you  
18 raised at Cabinet in the summer of 2020 the issue of  
19 what plans were in place for the provision of free  
20 school meal volunteers(sic) and what plans the  
21 Department for Education had for addressing the widening  
22 attainment gap. And a briefing in advance of a Covid-O  
23 meeting in June recorded your concerns about the mental  
24 health impact on children as well as your support for  
25 a variety of charitable organisations as well as

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1 **A.** That's correct.

2 **Q.** How important was that strategy in the general scheme of  
3 things?

4 **A.** I think it was pivotal, absolutely crucial to all our  
5 work. Not just in the Home Office, but all forms of  
6 child sexual abuse online, the wider system, the  
7 criminal justice system, which we've not even touched on  
8 in terms of how that part of the system was working  
9 during the pandemic, but hidden harms and therefore our  
10 relationship and partnership working with third parties,  
11 including technology companies.

12 Throughout the pandemic it is fair to say that I had  
13 some very forthright discussions with technology  
14 companies about their own responsibilities to  
15 data sharing, closing down platforms that effectively  
16 promoted and facilitated and enabled all sorts of  
17 terrible things on the web that could also compel and  
18 entice children to be on those sites, while at the same  
19 time working with third party agencies. And a point to  
20 make, throughout this pandemic period I remember having  
21 a specific discussion with technology companies, I think  
22 the National Crime Agency were involved as well, because  
23 we saw a surge in activity online, almost the  
24 inevitability of lockdown -- with that, of course,  
25 perpetrators are spending more time online, the dark web

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1 vulnerable children in that context.

2 In October, paragraph 73, you appointed an adviser,  
3 Nimco Ali. What was that appointment concerned with?

4 **A.** So her appointment was specifically linked to the  
5 department's wider work on violence against women and  
6 girls, a very significant strand and pillar of the  
7 department's work on safeguarding. We have a minister  
8 for safeguarding, so very significant area. And  
9 of course that spoke to everything to do with tackling  
10 violence against women and girls, forced marriages, FGM,  
11 domestic abuse, domestic violence, coercive behaviour.  
12 So having her as a professional, a health professional  
13 that's worked in the sector, but also an individual,  
14 a professional that at the same time understands not  
15 just the issues but the organisations, third party  
16 groups and organisations, that we as a department could  
17 effectively work with and partner with in developing  
18 a wider strategy.

19 **Q.** In November, the Home Office announced further funding  
20 for the victims of rape and domestic abuse. We can see  
21 that in December 2020 the "You Are Not Alone" campaign  
22 was relaunched, and then in January 2021, and again  
23 I just want to ask you for your views on this, was  
24 a national strategy to protect children announced,  
25 I think on 22 January? Paragraph 74.

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1 in particular is a dreadful place for just terrible  
2 activity, but we found that some of the third party  
3 organisations that we would work with, for example the  
4 Internet Watch Foundation, and others, they themselves  
5 were affected by the pandemic, so they were not in the  
6 office. Many of their people and professionals that  
7 would monitor images, that could then go to law  
8 enforcement, they were suffering from Covid. So there  
9 were all sorts of wider practical considerations that we  
10 had to consider working with law enforcement and working  
11 with these partners as to how we could tackle this wider  
12 scourge in society, and this strategy was really part of  
13 all that.

14 **Q.** In March 2022 the Home Office launched a new Tackling  
15 Domestic Abuse Plan, and by that stage, Dame Priti, it  
16 was obvious, was it not, that to a significant extent  
17 and despite all the work that had been done, the impact  
18 of the lockdowns and the social restrictions which had  
19 been placed on the country from time to time, had meant  
20 that online child abuse and recourse to abuse helplines  
21 and so on and so forth had continued to increase.

22 So the question then arises: to what extent do you  
23 assess that all this valuable work and the steps that  
24 the Home Office and you personally took were able to  
25 reverse or to reduce the terrible scourge, the vice of

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1 this criminality which you had identified as requiring  
 2 steps to be taken to address?  
 3 **A.** The steps that we undertook, I would absolutely stand  
 4 by, they were the right steps to deploy, the measures,  
 5 resourcing throughout the pandemic. Even during the  
 6 early stages of the pandemic, we knew -- and when I say  
 7 "we" I refer to law enforcement, stakeholders,  
 8 organisations, practitioners -- we knew that when we  
 9 would come out of lockdown there would be a surge in  
 10 demand, people seeking help and support, and I guess one  
 11 of the very significant challenges that I had as  
 12 Home Secretary, and it's part of the reason why these  
 13 strategies came about, is the need for resourcing: to  
 14 resource what comes next. Never just think it's all  
 15 about the present, we have to plan for the future, and  
 16 meet future demand. And re-prioritising funding,  
 17 I did -- I think I did re-prioritise pretty much most of  
 18 our departmental budget throughout 2020 into 2021, very  
 19 much to meet immediate needs but then also to make the  
 20 case to the Treasury for future needs.

21 So it's all hand in hand effectively, but we did  
 22 know, we knew that there would be a surge. And these  
 23 issues, they're always there, they're always there.  
 24 It's a case of how do we as a government effectively put  
 25 the right support structures in and, where we possibly

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1 Prime Minister's announcements?  
 2 **A.** So these were all discussions that were taking place.  
 3 I think it's fair to say for the first lockdown, that  
 4 incredibly shocking moment when the Prime Minister  
 5 announced that we are heading into lockdown, the  
 6 messaging there was very clear about stay at home and  
 7 all the measures there.  
 8 But in answer to your question, absolutely,  
 9 certainly from my perspective. And we had a policy  
 10 adviser, the Prime Minister had his own private  
 11 secretary for Home Affairs, a great lady called  
 12 Hannah Young, we would work directly with her to make  
 13 the case constantly, not just about exemptions but  
 14 actually the significance of domestic abuse,  
 15 vulnerability, to ensure that featured obviously in the  
 16 discussions that the Prime Minister was involved in but  
 17 also decision-makings and potentially the communications  
 18 that would follow from there.  
 19 **Q.** Finally, was any consideration given by the Home Office  
 20 to affording victims of domestic abuse an open and clear  
 21 permissible legal route by which they could leave the  
 22 location of the abuse and stay with friends or family?  
 23 **A.** Yes. There were endless discussions about this within  
 24 the department. And I think in terms of public  
 25 communications, I know you've touched on the

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1 can, the right mitigations in as well to prevent further  
 2 abuse.  
 3 **Q.** So are you saying that there was a formalised process by  
 4 which, as time went on, the Home Office was able to  
 5 review the outcome of the plans and the procedures it  
 6 had put in place, and the support, in order to be able  
 7 to calibrate, or recalibrate better, future work?  
 8 **A.** That's how we functioned in the Home Office, absolutely.  
 9 **Q.** Just two final aspects on this topic.  
 10 One of the core participant groups has made this  
 11 point and makes this point and asks that it be  
 12 addressed. The Prime Minister's address to the nation  
 13 on 23 March did not refer to domestic abuse as  
 14 a permitted reason to leave home. His announcement on  
 15 31 October did refer to the need to escape injury or  
 16 harm. There was no reference in his 5 November  
 17 statement to escaping injury or harm, and in  
 18 December 2020 and January there were various references  
 19 to permitted exemptions but, again, not to the  
 20 possibility of victims of abuse being able to escape  
 21 that injury or harm.

22 Did the Home Office engage at all with Number 10 or  
 23 the Cabinet Office in relation to whether or not there  
 24 was a case for mentioning such exemptions or permitted  
 25 departures from the legislation for the purposes of the

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1 Prime Minister's previous statements, there were  
 2 communications that took place publicly about, if you as  
 3 an individual are vulnerable or subject to harm, you can  
 4 leave. At no stage did we say you cannot leave.  
 5 **Q.** Was it necessary to provide for a legal exemption in the  
 6 regulatory structure for such a departure, or was  
 7 guidance and the declaration of an appropriate message  
 8 sufficient?  
 9 **A.** So, if we come back to -- we'll come on policing later  
 10 on, and there's some policing examples here too,  
 11 guidance and messaging were absolutely crucial.  
 12 And if I may just use a police example, throughout  
 13 even the early stages, and this was during lockdown,  
 14 during my policing calls we would speak very clearly  
 15 each day about domestic abuse. And in fact  
 16 Lucy Rolfe (sic), who is a very senior officer in the  
 17 Metropolitan Police, she was a dedicated officer working  
 18 on domestic abuse and would feed back to myself and to  
 19 the department regularly on the domestic abuse  
 20 landscape. Yes in London but, more broadly as well,  
 21 through the National Police Chiefs' Council.  
 22 And we know for a fact during the pandemic when  
 23 officers -- during lockdown I should say, when officers  
 24 were out and about practising the "Four Es", there are  
 25 examples of police forces around the country that would

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1 check on specific households where they had known that  
2 there were issues of domestic abuse.

3 So if I may, to your point, communication was  
4 critical, guidance, but also the professionalism of  
5 those individuals that were working in the community at  
6 the time, absolutely paramount.

7 **Q.** All right.

8 The legislation and the regulations. I don't know  
9 whether you heard the evidence from Martin Hewitt  
10 concerning the complexity of the regulations that were  
11 drafted, promulgated, and, as to the speed with which  
12 they were drawn up, leaving the police with very little  
13 time, if any, to be able to reflect upon what was coming  
14 and to be able to draw up their own guidance as to how  
15 their officers should approach such matters.

16 In general terms, do you assess that the Home Office  
17 was sufficiently consulted in a proper and timely  
18 manner, in advance of regulations being laid?

19 **A.** So, so much moved so quickly during that period,  
20 a proper and timely manner would, you know, be generous  
21 in some -- on some days effectively. But I spent most  
22 of my time actually working with and speaking to  
23 Martin Hewitt, National Police Chiefs' Council and  
24 colleagues within policing and colleagues within our own  
25 department. We would anticipate regulatory changes

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1 **Q.** I'm so sorry to interrupt, Dame Priti, the system by  
2 which line departments and Parliamentary Counsel draw up  
3 regulations and they're debated in the heart of  
4 government, and perhaps circulated through an  
5 overarching Cabinet Office system, we know not, is  
6 well known.

7 Why was the system not varied or recalibrated over  
8 these many months, in fact years, to allow better time  
9 for the Home Office and the police to be able to be  
10 consulted on the next set of regulations?

11 The contents of the regulations may well have  
12 changed over time and did, and there were very complex  
13 issues about the contents. But the process by which  
14 they were drafted, dreamt of and then delivered appears  
15 to have been significantly flawed throughout.

16 **A.** So the drafting, the delivery, sits with the Department  
17 of Health and Social Care. I mean, the Home Office was  
18 very much, as I've said, our -- we were there to  
19 actually explain potentially what would work, what  
20 wouldn't work, and there was a lot that didn't work, but  
21 I can't account for the system itself in terms of its  
22 lack of interoperability and the inflexibility of the  
23 Cabinet Office and the Department of Health and Social  
24 Care during --

25 **Q.** Forgive me.

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1 coming, and -- I may have said earlier on today as  
2 well -- our role was to basically be advocates for  
3 policing on the practicalities.

4 So, you know, we were never engaged on line by line,  
5 never really part of that discussion. Things changed  
6 later on, but so much of this decision-making, the  
7 thought processes, the holding of the pen was very much  
8 with the Department of Health and Social Care, and then  
9 obviously the interface with the Cabinet Office.

10 **Q.** I'm not going to read out all the regulations, they are  
11 extraordinarily complex, and they range from  
12 (Coronavirus, Restrictions) (England) Regulations,  
13 numbers 1, 2, 3, all tier regulations, amendment  
14 regulations. There was a proliferation, an impenetrable  
15 thicket of regulations.

16 Why, over the course of the whole pandemic, was the  
17 system not properly regulated to allow the Home Office  
18 and the police more time to see what was coming? It  
19 appears that even at the end of the pandemic regulations  
20 were being laid at short notice and without a full  
21 consultation process.

22 **A.** So I think there's quite a bit to effectively think  
23 about from the first set of regulations to perhaps even  
24 when the regulations disappeared, and that's down to the  
25 context of various stages of the pandemic. So --

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1 **A.** -- at the time.

2 **Q.** The Home Secretary is an important beast in the jungle.  
3 When the DHSC presented at the eleventh hour another set  
4 of regulations, you must have screamed at them and said,  
5 "You cannot do this again, this is unacceptable, these  
6 are matters of criminal law, they are matters regulating  
7 the behaviour of the populace" --

8 **A.** And we did.

9 **Q.** -- "give us more time"?

10 **A.** And we did.

11 **Q.** And what happened?

12 **A.** So they would proceed. So the Department of Health and  
13 Social Care would say "We need these regulatory changes"  
14 and they would go ahead with it, and our department, so  
15 the teams that we worked with, and then worked -- we had  
16 Operation Talla that was led by Martin Hewitt, or led by  
17 the National Police Chiefs' Council, we would support  
18 them in literally translating this into the guidance  
19 that would then be drafted, more often than not  
20 overnight ready for the new teams of officers that would  
21 come on to duty in the morning, and then their morning  
22 team and operational calls would then walk their  
23 officers through. I mean, it was suboptimal at every  
24 single level.

25 But let's not forget, policing practices throughout

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1 the pandemic -- and it was our objective collectively,  
 2 I say this, within policing -- was to at least be  
 3 consistent where we could.  
 4 So I'm sure Martin Hewitt spoke about the "Four Es"  
 5 earlier on, the methodology behind that, so we wanted  
 6 consistency, absolutely wanted consistency and of course  
 7 when you have local lockdowns coming in and the  
 8 regulations are changing in one part of the country, it  
 9 makes the life of police officers very difficult --  
 10 **Q.** Can I pause you there. I hadn't asked you about  
 11 enforcement, and I wasn't asking you about generality of  
 12 enforcement across the country. The question was  
 13 directed at the system by which these regulations were  
 14 presented and produced.  
 15 Would you accept that there was throughout a high  
 16 degree of confusion surrounding the meaning of the broad  
 17 thrust of these regulations, they were complex, they  
 18 were difficult to understand, and that led to both  
 19 confusion on the part of the public as to how they could  
 20 regulate their behaviour and confusion on the part of  
 21 the police as to how they might be enforced? It's  
 22 a general proposition?  
 23 **A.** So I would agree. I completely -- I would agree.  
 24 **Q.** Would you advocate, therefore, for a significantly  
 25 better system in the future for the production,

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1 And respecting operational independence. We're  
 2 policed by consent in our country.  
 3 Every police force led by a chief constable,  
 4 reporting in to, during the pandemic that is,  
 5 Operation Talla, giving feedback.  
 6 Those were the mechanisms by which we had our  
 7 engagement, dialogue and discussions.  
 8 **Q.** To what extent is the Home Secretary or the Home Office  
 9 able to issue a general declaratory call for greater  
 10 enforcement or less enforcement or enforcement of and  
 11 prosecution of -- or investigation and prosecution of  
 12 the more egregious offending as opposed to a lighter  
 13 touch? To what extent can the Home Secretary delve into  
 14 those murky waters?  
 15 **A.** So the Home Secretary can ask questions, clearly, around  
 16 some of the operational activity that's taking place.  
 17 I did that all the time. And not just throughout -- not  
 18 just on coronavirus, there were other activities taking  
 19 place in policing throughout the pandemic. That is,  
 20 partly holding them to account, asking them, around  
 21 operational work, what is actually going on and taking  
 22 place. But specifically around the pandemic, and  
 23 "egregious breaches" is a phrase obviously that has been  
 24 used and was familiar throughout the pandemic as well,  
 25 the police have to exercise their professional

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1 promulgation and bringing into force of regulations in  
 2 a public health crisis?  
 3 **A.** I think there would need to be a different system  
 4 completely. Totally different system.  
 5 **Q.** Coming now to enforcement, could you just explain the  
 6 interface between the Home Office and the police.  
 7 Martin Hewitt has explained already that operational  
 8 matters are of course exclusively within the reach of  
 9 individual police forces, they are responsible for the  
 10 enforcement of law. What is the position of the  
 11 Home Office at that generic level?  
 12 Is it to ensure that the police forces have the  
 13 resources and the wherewithal to be able to enforce the  
 14 law operationally or does the Home Office take a view  
 15 and have a stance on to what degree the law should be  
 16 enforced?  
 17 **A.** So it's very much the former, and it is absolutely  
 18 working alongside the police. Particularly in  
 19 a pandemic, when they're being asked to do, you know,  
 20 unprecedented things effectively around policing.  
 21 To give them support, often guide them as well, if  
 22 that's required.  
 23 Resourcing was a constant feature of our  
 24 conversations and, as I said, I spoke about  
 25 re-prioritisation of resourcing.

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1 judgement, and when it comes to egregious breaches, the  
 2 police were very clear about the approach that they were  
 3 taking throughout the pandemic: it was about engaging,  
 4 explaining -- going through the "Four Es" process. The  
 5 enforcement piece was only in last resort. When they  
 6 felt that there was potentially an egregious breach or  
 7 something serious that may have happened, that's not for  
 8 a Home Secretary to second-guess what that act would be,  
 9 because law enforcement and our police officers are the  
 10 ones that are there to look after public safety and  
 11 enforce the law, they're the ones that make the  
 12 judgement, effectively, in terms of when to apply that.  
 13 **Q.** Did you formally call on the Cabinet or the  
 14 Prime Minister at any stage to take a particular  
 15 position on the level of enforcement? So did you  
 16 formally call for only egregious breaches to be enforced  
 17 or to be prosecuted or investigated? Did you call for  
 18 a lighter touch, formally, to your colleagues in  
 19 government?  
 20 **A.** So I -- throughout the pandemic, I felt that I spent  
 21 a great deal of time reminding my colleagues of the role  
 22 of policing, and the "Four Es" in particular, and also  
 23 operational independence, and that we as politicians are  
 24 not there to dictate directly to the police as to when  
 25 to arrest people, enforce the law. Very clearly.

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1 Secondly, I had reminded many colleagues, including  
2 my colleagues in Downing Street, but across government  
3 as well, in unprecedented times we have asked the police  
4 to do unprecedented things as well, in terms of law  
5 enforcement, and the roles and responsibilities that  
6 they were taking were very much based on public health  
7 and public safety and public protection.

8 **Q.** But did you nevertheless take a position on the degree  
9 to which the police should be, to use the vernacular,  
10 coming down hard? Did the Home Office intervene in the  
11 debate, effectively one of operationalisation, and say  
12 "We think the police should enforce in a harder way,  
13 there should be tougher sanctions", or "We think the  
14 police should only prosecute the most serious  
15 offending"?

16 **A.** Not in a general sense. If there were dreadful acts  
17 that were taking place, then clearly that's not for the  
18 Home Secretary to dictate, there have to be specific  
19 examples of egregious breaches.

20 **Q.** I ask because in your statement you say:  
21 "Throughout the Pandemic my advice to the  
22 Prime Minister and Cabinet was that the police would  
23 focus enforcement activity only on egregious  
24 breaches ..."

25 So I ask again: to what extent did you, the  
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1 comments of the Prime Minister -- there we are,  
2 thank you.

3 "I agree with the openings but [and then in capital  
4 letters] the OVERRIDING MESSAGE should be about tougher  
5 enforcement and [in capital letters] BIGGER FINES."

6 Putting aside the crushing irony, prospectively, of  
7 this observation, to what extent, Dame Priti, did you  
8 directly debate with the Prime Minister the putting into  
9 practice of such a course?

10 **A.** So, we -- we absolutely had discussions, not -- I wasn't  
11 involved in this particular discussion and meeting --  
12 around enforcement, and fines, the fines spectrum  
13 altered throughout the pandemic, which is another  
14 subject in itself around FPNs. But, I mean, this was  
15 August 2020, reopenings, I suspect there were concerns  
16 about what would happen, people going back out,  
17 behaviours.

18 I do know as well we had incidences involving UMEs,  
19 unlicensed music events, that would become a magnet for  
20 other factors, drugs and other nefarious activities.

21 So, again, I would not direct the police, but I would,  
22 through the policing calls that we had, re-state and  
23 reiterate the need to ensure that the law is being  
24 upheld, enforced. It's not a case about, you know, go  
25 out there and get bigger fines or things of that nature,  
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1 Home Secretary, and the Home Office, take a position on  
2 the degree to which these regulations were in practice  
3 being enforced?

4 **A.** The enforcement of the regulations and the  
5 practicalities of those enforcements again were very  
6 much down to the circumstances that the police  
7 themselves were dealing with. So egregious breaches,  
8 that's -- that is a term. Just to give an example, if  
9 I may --

10 **Q.** I'm going to invite you not to --

11 **A.** Okay.

12 **Q.** -- if you'll forgive me, Dame Priti, because you have  
13 made the point and I don't think we need an example to  
14 make good that proposition.

15 Could you a quick look, please, at INQ000137249.

16 This is a document to the Prime Minister dated  
17 13 August 2020 from Imran Shafi, from whom the Inquiry  
18 has heard. It's a document concerning the proposed  
19 reopenings on 15 August. It says in the last paragraph:

20 "We will need to handle the Health Secretary if you  
21 do agree to open as he is likely to continue to want  
22 a more cautious approach (as do Chris and Patrick)."

23 I'm not going to ask you about what was meant by  
24 handling the Health Secretary, but if we could just  
25 scroll through, please, the document to the handwritten  
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1 but again upholding the law in the right way. And our  
2 police officers who are on the ground, they're the ones  
3 to judge effectively the steps that need to be taken in  
4 certain cases.

5 **Q.** But the system from 15 August in fact provided for a new  
6 flat fine of £10,000, it was a flat fine introduced  
7 around this time and of course reflective of the  
8 direction, if we may call it the direction, from  
9 Downing Street.

10 Did you, on behalf of the Home Office, believe --  
11 and this isn't an operational question, the police may  
12 or may not investigate and prosecute and impose the  
13 fine, or have the courts impose the fine, but did you  
14 think that a new flat fine of £10,000 was proportionate?

15 **A.** It was very high. It was -- it was just --

16 **Q.** Was it proportionate in light of the civil libertarian  
17 issues, the public health context and the fact that  
18 these fines were being produced and imposed for breaches  
19 of social movements?

20 **A.** The answer is no.

21 **Q.** Did the Home Office push back and say, "Our view is this  
22 £10,000 flat fine is disproportionate, you just can't do  
23 this"?

24 **A.** And it was the Home Office in that collective sense, so  
25 myself, my officials, again talking to policing  
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1 colleagues at the time.

2 **Q.** Thank you very much.

3 The right to protest. There is an obvious balance,  
4 and it must be a balance which you must have sought day  
5 in day out to navigate as Home Secretary, between the  
6 individual freedom to protest, the right to protest in  
7 fact, and the governmental public health obligation to  
8 ensure that freedom of movement is curtailed to prevent  
9 the spread of the infection and, ultimately, death.

10 Do you assess that through the particularity of the  
11 regulations and the operational activities of the  
12 police, that balance was correctly struck, with  
13 particular reference, of course, to the Black Lives  
14 Matters protests in June 2020 and the Sarah Everard  
15 vigil in March 2021?

16 **A.** Yeah. So, two different periods in the pandemic, for  
17 a start. If I recall rightly, and I was involved in  
18 a lot of the operational calls around that time,  
19 throughout the pandemic, around protests, I think  
20 between May 2020 and then perhaps March 2021 we had had  
21 something like 65 protests take place across the  
22 country. And specific to Black Lives Matter, I think  
23 there was one -- there was one weekend, I remember being  
24 literally -- working at my desk, involved in policing  
25 calls, I think there were 200 Black Lives Matter

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1 in Whitehall where it turned particularly violent, and  
2 police officers were injured and assaulted, I think  
3 a bicycle was thrown at mounted police. I then remember  
4 going to visit the family of officers.

5 So striking the balance, difficult. I think at the  
6 time it felt very uncomfortable, which is why  
7 operationally so many of us came together to ensure that  
8 the police were resourced. They were engaging with  
9 a lot of the organisers of the movements as well.

10 I recall throughout that time, and I think in  
11 particular with regards to the Black Lives Matter  
12 protests, and it may be the one that took place on  
13 13 June -- it may be, I'm not saying it is -- even  
14 telegraphing, communicating publicly, you know, "Please  
15 be respectful if you're protesting, because there's  
16 a pandemic, there is a health pandemic taking place,  
17 and, you know, we are restricting people's movements  
18 because of public health considerations".

19 **Q.** Precisely, if I may say so. The regulations at that  
20 time, I think from a certain amount of research, the  
21 Health Protection (Coronavirus, Restrictions) amendment  
22 regulations in general terms prohibited outdoor  
23 gatherings of more than six. I therefore want to ask  
24 you about the discomfort to which you have just  
25 referred, because in a tweet on 6 June you tweeted:

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1 protests across the country, involving 100,000 people.

2 So a few things to say here. I think it's important  
3 to reflect around the right to protest, freedom of  
4 expression, and the decisions that the police make in  
5 particular to allow and enable protests to go ahead.

6 **Q.** Forgive me, those are the limbs in that balancing  
7 exercise that I've already identified and you've agreed  
8 are the appropriate legs in that balance.

9 What was your view on whether or not -- across the  
10 general approach throughout the pandemic to the exercise  
11 of that balance, do you think that balance was correctly  
12 struck in the eventuality or not?

13 **A.** So, reflecting back, I do. At the time it probably felt  
14 uncomfortable, where -- quite frankly, where we had  
15 lockdowns, for example, and people's movements were  
16 being restricted and the public discourse would be: why  
17 are these protests happening?

18 Of course those are difficult challenges, it feels  
19 uncomfortable. And then the role of the police is  
20 clearly to facilitate, enable those expressions of free  
21 speech and expressions that the public felt strongly  
22 about -- I mean, Black Lives Matter in particular -- in  
23 a peaceful and respectful way.

24 My recollection is that the majority of those  
25 protests were peaceful. We had one particular protest

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1 "Protests must be peaceful and in accordance with  
2 social distancing rules."

3 Which rather tended to imply that it was possible to  
4 have a protest in accordance with social distancing  
5 rules, which in fact wasn't possible because you can't  
6 protest meaningfully with more(sic) than six people.

7 Then in a Telegraph op-ed on 8 June, you said any  
8 large gatherings of people are unlawful. So from the  
9 standpoint of a potential protester, you do appear there  
10 to be speaking with two voices.

11 **A.** There's inconsistency there.

12 **Q.** There is.

13 **A.** Yes, I can see that.

14 I do also recall, though, through the discussions  
15 that took place, and this is very specific to Black  
16 Lives Matters, and possibly the team with  
17 the Metropolitan Police, because the main protest took  
18 place in London, they in particular were focusing on the  
19 need to social distance throughout that protest.

20 **Q.** The position was reached, was it not, as we saw in the  
21 WhatsApp from Lord Frost -- and we'll just have it put  
22 up, INQ000236372, page 86.

23 This is a WhatsApp communication in the specific  
24 context of the Sarah Everard vigil, I think on 13 March.  
25 Yes. So the High Court ruled on the lawfulness of

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1 the Metropolitan Police's declaration that the vigil  
2 would be unlawful, and it did so on 12 and 13 March, and  
3 then the protest took place in the evening of 13 March,  
4 notwithstanding that High Court ruling, and of course  
5 the police then arrested, as we know, to large numbers  
6 of people's distress -- the arrests of the persons who  
7 had attended.

8 This WhatsApp group reflects a recognition on the  
9 part of politicians and advisers in Downing Street and  
10 the Cabinet Office that the truth is that those rules on  
11 outside gatherings were close to being unenforceable,  
12 and other of these WhatsApp contributions make plain  
13 that the government was in a very difficult position,  
14 and they call in fact for you to give an interview or to  
15 tweet yourself your views as to the protests and the  
16 arrests.

17 Was it generally recognised, both at the heart of  
18 government in Downing Street and the Cabinet Office, as  
19 well as the Home Office, that these rules were indeed  
20 practically unenforceable?

21 **A.** Well, within the Home Office, yes, absolutely. And this  
22 is clearly within the context of the vigil that took  
23 place to remember Sarah Everard. This was a very  
24 emotional time and a difficult time --

25 **Q.** The Inquiry recalls that.

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1 earlier, would show that black people were, in your  
2 words, roughly three times as likely to be issued with  
3 a fixed penalty notice than white people compared to the  
4 resident population.

5 Two questions, please.

6 Firstly, would you agree that the disproportionate  
7 imposition of fixed penalty notices on people of black  
8 and minority ethnic backgrounds did undermine public  
9 confidence in that scheme?

10 **A.** I'm not sure at the timing, because we had mixed  
11 evidence throughout, in the early days we had very  
12 limited evidence, so if you could just remind me as to  
13 the --

14 **Q.** This data was in June 2020 and it showed clearly that  
15 black people were roughly three times as likely to be  
16 issued with a fixed penalty notice.

17 **A.** That was the Met?

18 **Q.** So this is the data -- yes, the data that had become  
19 apparent and was very clear by June.

20 It's a basic proposition: would you agree that that  
21 data, when it became apparent, did undermine public  
22 confidence in the operation --

23 **A.** It raised concerns, absolutely.

24 **Q.** Secondly, did the Home Office itself, mindful of course  
25 of your remit --

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1 **A.** So there was no doubt, and I'd been involved with  
2 discussions with the commissioner of  
3 the Metropolitan Police in the run-up to this particular  
4 vigil, around the sensitivities of this particular  
5 vigil, plus the legal action that was taking place, and  
6 it was -- it was self-evident, people were going to come  
7 out. It was a very, very fraught and emotional time and  
8 people wished to express their grief, and rightly so.  
9 I think I had also publicly suggested that people may  
10 come forward and find other ways of showing that  
11 expression of grief.

12 But to this particular WhatsApp, it absolutely  
13 speaks to the wider challenges, not just with this vigil  
14 but the wider challenges.

15 Specific to this vigil, I was dismayed with what  
16 I saw. I saw the news that night and I -- I saw the  
17 news and just felt that that was totally inappropriate  
18 policing. And so inevitably I had to raise that with  
19 the commissioner of the Metropolitan Police, and then  
20 a lot of other work took place thereafter.

21 **Q.** Thank you.

22 Finally, racial disproportionality.

23 Your statement makes plain that you were informed by  
24 the Metropolitan Police Service that in June 2020 data  
25 which they had collated, and we heard evidence on this

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1 **A.** Yes.

2 **Q.** -- take any steps in relation to the ongoing development  
3 of the regulatory and criminal scheme, to take account  
4 of this data?

5 **A.** So throughout, I think we were very conscientious. I in  
6 particular was very conscientious about public  
7 confidence in policing. And yes, within the widest  
8 sense but also through the pandemic, we'd asked the  
9 police to police something that had never been policed  
10 before, and therefore there would be knock-on  
11 ramifications in terms of the public trust and  
12 confidence. We've just touched on the Sarah Everard  
13 tragedy, that really demonstrated -- took a real knock  
14 for public confidence in policing.

15 So throughout the pandemic, partly because if there  
16 are concerns of this nature around public confidence in  
17 policing, that could spill over into public order issues  
18 and challenges and problems. So there are a range of  
19 considerations and discussions that were taking place  
20 throughout.

21 **MR KEITH:** Thank you very much.

22 My Lady, I've no further questions. There are some  
23 Rule 10s.

24 **LADY HALLETT:** There are some Rule 10s.

25 Ms Davies -- oh, you can go first? Very well,

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1 Mr Thomas first.

2 **Questions from PROFESSOR THOMAS KC**

3 **PROFESSOR THOMAS:** Thank you.

4 Dame Priti, I represent FEHMO, the Federation of  
5 Ethnic Minority Healthcare Organisations. I have three  
6 areas of questions for you, and I won't take up much of  
7 your time. First, some very brief context.

8 Can we agree on the following: can we agree that as  
9 Covid-19, the pandemic, swept across the UK, the  
10 responsibility for formulating and implementing  
11 regulations to protect public health fell on key  
12 government agencies, including the Home Office, to  
13 advise on shape and enforce these regulations; can we  
14 agree on that?

15 **A.** Yes.

16 **Q.** Secondly, can we also agree that central to this effort  
17 was a delicate balance between safeguarding public  
18 health and upholding individual rights, and ensuring  
19 equitable application of rules, particularly within  
20 diverse community and ethnic communities; can we agree  
21 on that?

22 **A.** Yes.

23 **Q.** You see, against -- amidst that backdrop, FEHMO  
24 recognises the critical role of the Home Office led by  
25 you, Dame Priti, the then Home Secretary. So just in

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1 machinery of government, to reflect upon the wider  
2 impacts across society, communities, particular ethnic  
3 groups.

4 **Q.** Okay.

5 How did the Home Office assess the practicalities of  
6 enforcing the Covid regulations, particularly with  
7 regard to the police's ability to implement them  
8 effectively and fairly?

9 **A.** So if I may just touch on my earlier comments in  
10 reflection as well. The key for the police throughout  
11 the pandemic, and this cuts across the entire country,  
12 all our police forces, through the operational  
13 structures of the National Police Chiefs' Council,  
14 Operation Talla was attempting to be consistent. And  
15 it's fair to say we found that deeply challenging, found  
16 it challenging in certain parts of the country, through  
17 different regulations, whether it's through national  
18 lockdowns or local lockdowns. We wanted to have  
19 consistency, and that's why the principle of the  
20 "Four Es" I think was probably the most consistent  
21 aspect actually of policing.

22 **Q.** Can I just jump in there, what methodologies or  
23 assessments did the Home Office use to ensure that there  
24 was that consistency?

25 **A.** So that is very much -- in terms of you specifically

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1 terms of just trying to unravel some of the  
2 decision-making process, let me turn to my questions.

3 Firstly, what specific criteria and considerations  
4 were taken into account by the Home Office when advising  
5 on the proportionality and impact of Covid-19  
6 regulations?

7 **A.** In terms of on the communities?

8 **Q.** Yes.

9 **A.** There were extensive discussions, across the board,  
10 I have to say, not just on the regulations, but,  
11 you know, on vaccines and also sorts of things.

12 I've just touched on, in my conclusive statement,  
13 before we moved into your question, the whole -- there's  
14 a balance here in terms of literally public  
15 confidence -- from a Home Office perspective, law  
16 enforcement in particular, regulations. The most  
17 visible aspect throughout the pandemic of the  
18 Home Office equities was policing, policing in the  
19 community, through the regulations, but the visible  
20 manifestation effectively through police officers in the  
21 community. So that ongoing dialogue was constantly  
22 taking place. In the sense, as well, that challenge  
23 back to us from -- what is practical, what was working,  
24 what wasn't working, and then, to your earlier point,  
25 doing the advocacy within government, the wider

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1 asked about methodologies, we were having operational  
2 calls with our police virtually every day, then several  
3 times a week, and it's that feedback mechanism which  
4 matters, because there is no one size fits all, at all,  
5 in terms of policing in different parts of the country,  
6 particularly where we're at the stage where we had local  
7 lockdowns and some communities were more affected or  
8 there were certain communities where there was a greater  
9 policing presence. So it would be very much based upon  
10 the period of certain regulations, what was going on in  
11 different parts of the country. But effectively the  
12 guidance would come from National Police Chiefs' Council  
13 and then go out to police forces and it would be down to  
14 local forces to operationalise that.

15 **Q.** Dame Priti, we heard just a moment ago, just before the  
16 lunch, that the impact of some of the  
17 disproportionalities were getting worse, not better, the  
18 stats were showing that it was impacting particularly on  
19 black communities, it was getting worse as the pandemic  
20 went on. Did that concern you?

21 **A.** I was concerned throughout the pandemic.

22 **Q.** And what did you do about those concerns?

23 **A.** So, through policing, again through policing, who are  
24 operationally independent, to ensure that they were  
25 engaging and explaining in the way in which the

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1 "Four Es" specifically outlined, obviously enforcement  
 2 was the last -- the last aspect of -- effectively in  
 3 a fine, moving to that level.  
 4 I do, however, think it is important to note that we  
 5 now have more data, particularly towards the end of the  
 6 pandemic, and if I may, you may be referring to one  
 7 particular document which is from Edinburgh University,  
 8 which actually collates the whole ethnic profile of  
 9 FPNs, and it shows throughout the pandemic a range of  
 10 data but also throughout the pandemic I think the  
 11 figures in particular reflect the extent of public  
 12 frustration around lockdowns much later in the pandemic,  
 13 and I think if memory serves me right there is  
 14 a particular table in that Edinburgh University report  
 15 that highlights something like over 120,000 FPNs being  
 16 issued across England and Wales but there is a point in  
 17 the document as well that also goes to say that within  
 18 ethnic minority communities they had the highest number  
 19 of their fines cancelled.  
 20 **Q.** Dame Priti, two things. Firstly, there was  
 21 a significant amount of data during the pandemic, not  
 22 just at the end; would you accept that?  
 23 **A.** Yes, I do, and a lot of that data came from National  
 24 Police Chiefs' Council and the policing operations,  
 25 primarily because we wanted the police to be transparent

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1 UK effectively, across all our police forces, do not  
 2 break down and policing by consent does not break down.  
 3 **PROFESSOR THOMAS:** My Lady, those are the questions I ask.

4 **LADY HALLETT:** Thank you, Mr Thomas.

5 Ms Mitchell, I think you've got a short question or  
 6 two, and then we'll go to Ms Davies.

7 **Questions from MS MITCHELL KC**

8 **MS MITCHELL:** I'm obliged, my Lady, I do indeed.

9 I appear as instructed by Aamer Anwar & Company on  
 10 behalf of the Scottish Covid Bereaved.

11 As Home Secretary during the pandemic, I'd like to  
 12 ask you about borders during that time, specifically  
 13 between Scotland and England, and England and Wales.

14 My question is this: did you have discussions with  
 15 anyone about the possibility of banning travel between  
 16 Scotland and England or England and Wales during that  
 17 time?

18 **A.** So I do recall discussions, particularly through the  
 19 Cabinet Office, there were Cabinet committees,  
 20 specifically focused on the devolved administrations,  
 21 and policing within the devolved administrations, and in  
 22 fact I've already, my Lady, touched on the policing  
 23 calls that I led within the department.

24 We would also have our police constables from Wales,  
 25 from Scotland, representatives as well, join those

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1 throughout in terms of their work on what was going on,  
 2 FPNs, but also the community impact. We police by  
 3 consent in our country and that is through community  
 4 engagement at the grassroots.

5 **Q.** Let me turn to my last question. Could you provide  
 6 examples of regulations where the Home Office raised  
 7 concerns about potential breakdown in policing by  
 8 consent, and how those concerns were addressed?

9 So I'll repeat the question: can you provide any  
 10 examples of regulations where the Home Office raised  
 11 concerns about the potential breakdown in policing by  
 12 consent, and how those concerns were addressed?

13 **A.** So I specifically, and this was at the outset of the  
 14 pandemic, I was very concerned about public order  
 15 issues, and there is extensive work and documentation  
 16 within the Home Office around what could lead to the  
 17 breakdown of policing by consent, effectively. So that  
 18 was very much in the early stages, I would say March and  
 19 April 2020. I was involved in a number of discussions,  
 20 and at the time that may have -- I cannot categorically  
 21 say -- that may have gone on to, you know, shape the  
 22 direction of travel. But there were active discussions  
 23 within my department involving myself, involving my  
 24 officials, around how do we effectively preserve,  
 25 safeguard, make sure that our policing operations in the

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1 calls. They were -- absolutely vital that we heard from  
 2 them in terms of pandemic response from the police in  
 3 the devolved administrations, and also to hear directly,  
 4 in terms of whether it was the Scottish Government or  
 5 the Welsh Government, any particular areas of policy  
 6 changes that were being advocated there.

7 So our discussions were constant. And with that,  
 8 of course, with our opposite numbers within the devolved  
 9 administrations, and then, of course, my colleagues  
 10 across other government departments, the Prime Minister  
 11 himself, and then, through the Cabinet Office,  
 12 respectfully with leaders in the devolved  
 13 administrations, those calls and conversations were  
 14 taking place constantly.

15 **Q.** And what were the nature of those discussions? What  
 16 were the topics that were being asked about?

17 **A.** So they were very practical, it's fair to say. I can  
 18 only really relay on the ones that involved Home Office  
 19 areas, and specifically you've mentioned the borders, so  
 20 naturally that would sit with some of the policing  
 21 colleagues that I would speak to, my opposite numbers.  
 22 And particularly on borders, wasn't just about road  
 23 borders and land borders, obviously we would have Border  
 24 Force teams in Scotland and in Wales, later on  
 25 throughout the pandemic we then brought in -- people

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1 will recall -- travel corridors, for example. We had  
 2 regulations that would enable people to travel or not to  
 3 travel, we brought in passenger locator forms. We would  
 4 have to work together throughout the pandemic to  
 5 operationalise many of these elements of, you know,  
 6 a form of border measures, not quite border controls,  
 7 but -- and all that data would then come back to us, go  
 8 to the Department of Health, go to the devolved  
 9 administrations, really as part of the wider governance  
 10 that was taking place throughout the pandemic.

11 **Q.** Your response has been to identify "we did this and we  
 12 did that" as a group, as the Home Office.

13 **A.** Yes.

14 **Q.** Did you specifically deal with anyone in Scotland?

15 **A.** So, yes, I did. I have had -- I had calls, I know, and  
 16 I can't remember specifically when, but I know that I --  
 17 I think I probably spoke to Humza Yousaf at some stage.  
 18 I think it was quite early on, actually, during the  
 19 pandemic. There are various issues, practical issues  
 20 that would effectively mean, you know, let's pick up the  
 21 phone, let's just have conversations, sharing  
 22 information.

23 So I can't be more specific than that, but there  
 24 was -- there was active dialogue throughout, and that's  
 25 the nature of government and governance, effectively we  
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1 COBR you are requesting that the definition of  
 2 key workers be expanded to exclude -- include volunteers  
 3 and workers in domestic abuse refuges. I'm going to  
 4 key workers later on in my questions. But that's what  
 5 you're saying at that point, you're not saying "and  
 6 there are all these other measures to take in relation  
 7 to a rise in domestic abuse", you're just concentrating  
 8 on --

9 **A.** On 18 March --

10 **Q.** On 18 March.

11 **A.** -- you're specifically saying?

12 COBR meetings are very specific in the areas.

13 **Q.** Mm.

14 **A.** So it was very much focused, if memory serves me right,  
 15 on vulnerability, definitions of vulnerability, and just  
 16 the -- the definitions --

17 **Q.** Yes, you say that in your --

18 **A.** -- question earlier on --

19 **Q.** That's part of your statement.

20 **A.** -- not specific measures, not to the extent as we went  
 21 on to, for example funding allocations and the type of  
 22 initiatives that we set up.

23 **Q.** So I can take you through the chronology as we've pieced  
 24 it together from the documents. The announcement of the  
 25 national lockdown, as we all know, is on the evening of  
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1 have to work together through a crisis, learn from each  
 2 other, but also find ways to engage and support each  
 3 other.

4 **MS MITCHELL:** Thank you, my Lady, those are my questions.

5 **LADY HALLETT:** Thank you very much, Ms Mitchell.

6 Ms Davies.

7 **Questions from MS DAVIES KC**

8 **MS DAVIES:** Dame Priti, I ask questions on behalf of  
 9 Southall Black Sisters and Solace Women's Aid who, as  
 10 you know, are part of the violence against women and  
 11 girls --

12 **A.** That's right, yes.

13 **Q.** -- sector, so I'm going to be concentrating on domestic  
 14 abuse, part of your hidden harms agenda, but that part  
 15 of it.

16 And I want to start with the well documented and, as  
 17 you've referred to, the rise in domestic abuse during  
 18 social isolation and then lockdown, and I want to look  
 19 at the early period of the pandemic.

20 You gave evidence earlier in response to a question  
 21 from Mr Keith that you started, and I'm going to be  
 22 paraphrasing here, but essentially grappling with the  
 23 issue around 18 March. Do you remember saying that?

24 **A.** Yes.

25 **Q.** Yes, and we see in your statement that on 18 March at  
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1 23 March, in fact the Prime Minister's address to the  
 2 nation you've talked about it a minute ago, there was  
 3 some social isolation in the week before that, from  
 4 16 March, and at COBR on 23 March there is a reference  
 5 to domestic abuse. But we first see something concrete  
 6 in a memo to you and to the minister for safeguarding on  
 7 26 March, so three days after national lockdown, and  
 8 that's a Home Office memo and it's proposing various  
 9 matters to do with funding and communications and so  
 10 forth.

11 After that, you do write in the Mail on Sunday on  
 12 29 March, and on 11 April you launch the "You Are Not  
 13 Alone" campaign.

14 My question to you is this: if it's the case that  
 15 the Home Office starts grappling with the issue of the  
 16 rise in domestic abuse as a result of lockdown on  
 17 26 March, isn't that far too late?

18 **A.** I don't think that's accurate, if I may say so, and  
 19 I touched on this earlier on. There is -- I know for  
 20 a fact I'd asked for all sorts of analysis, gap analysis  
 21 I commissioned within the department. There was a lot  
 22 of work taking place. We have a whole team, you'll be  
 23 familiar with the directorate, within the Home Office  
 24 specifically working on these issues. So it's  
 25 an iteration primarily because we are -- we were, I say,  
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1 again collectively, the department, our ministers,  
2 engaging with third parties, domestic abuse  
3 commissioner. These are live and active conversations.  
4 So I appreciate in documentations, departmental  
5 submissions, they're date-specific, but throughout our  
6 time we are having live discussions, picking up  
7 information, the feedback from policing calls as  
8 I touched on earlier on, none of this work is done in  
9 isolation.

10 **Q.** Could I ask for INQ00005274 to come on the screen,  
11 please.

12 Do you have it?

13 **A.** No.

14 **Q.** No.

15 (Pause)

16 **LADY HALLETT:** Can you read from it, Ms Davies?

17 **MS DAVIES:** I will read from it.

18 This is the memo I referred to a moment ago, 26  
19 March. It's to yourself from Victoria Atkins, the  
20 minister for safeguarding. It is -- without annexes, it  
21 is seven pages, and then there are two annexes, and it  
22 starts, it's headed:

23 "Update on Violence against Women and Girls in  
24 COVID-19.

25 "Issue:

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1 courts system earlier on as well and what that would  
2 mean for domestic violence protection orders, some of  
3 the practical things, so I cannot definitively say that  
4 this was the first time something was documented, there  
5 was a documented piece of work on violence against women  
6 and girls specific to the pandemic, primarily because  
7 I do know my colleagues and I were working constantly on  
8 these issues and, as I touched on earlier on, we started  
9 as soon as we could.

10 **Q.** Will you take it from me that this seems to be the same  
11 time that it's documented?

12 **A.** Well, we're referring to this particular submission --

13 **Q.** Yes. That's --

14 **A.** But there could be other informal documents within the  
15 Home Office --

16 **Q.** Clearly. We've gone through everything that's been  
17 disclosed.

18 **A.** Fine.

19 **Q.** Thank you.

20 The police, we heard evidence this morning from  
21 Mr Hewitt, they were planning by very early in March for  
22 the consequences of a lockdown, including a rise in  
23 domestic abuse. Very early in March he said, so that's  
24 earlier than 18 March, which is when you raised  
25 key workers, earlier than 26 March, which is that memo?

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1 "Government response to the potential impact of  
2 COVID-19 on crimes involving Violence Against Women and  
3 Girls (VAWG).

4 "Timing:

5 "Pressing. A speedy response will allow us to  
6 implement the plans below as quickly as possible."

7 And it starts:

8 "[Home Office], MHCLG and MOJ are working  
9 together" --

10 **LADY HALLETT:** It's come up on screen, Ms Davies.

11 **MS DAVIES:** I'm very grateful, thank you.

12 So you can now read it for yourself, Dame Priti.

13 So my suggestion to you is this is certainly the  
14 first time that we see anything that relates to the  
15 Home Office starting to get a grip with the inevitable  
16 rise of domestic abuse as a result of social isolation  
17 and lockdown?

18 **A.** So this is one submission, it's dated 26 March, as  
19 you've rightly pointed out to. These discussions --  
20 I mean, we touched on the Domestic Abuse Act going  
21 though at the time. That Act, along with these issues,  
22 involved the same departments that are referenced here,  
23 MHCLG, as it was at the time, the MoJ, there were  
24 discussions, certainly from policing, and I do recall  
25 this, about the impact on the pandemic lockdown on the

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1 **A.** So we would be speaking together early on in March  
2 anyway, so we were having police operational calls  
3 before the lockdown. So we -- we had a system in the  
4 Home Office, and this does come back to my point that  
5 these discussions were taking place before this  
6 submission that we have here in front of us on 26 March.

7 There is a lot of work taking place in the  
8 Home Office, I can tell you now, throughout January,  
9 February but also early March. And I'm not -- I can't  
10 specifically say when we first started off our  
11 operational policing calls but they would have been  
12 before this period.

13 **Q.** I don't know if you've read the statement of  
14 Ms Rebecca Goshawk for Solace Women's Aid? It was in  
15 your bundle.

16 **A.** I have.

17 **Q.** Yes. She refers to a very alarming statistic, which is  
18 that the calls to their advice line, Solace Women's Aid,  
19 in March, prior to lockdown, went up by an extraordinary  
20 117%, so there were women, primarily women -- domestic  
21 abuse obviously affects men and women, but primarily  
22 women -- who were anticipating domestic abuse as  
23 a result of lockdown and seeking help.

24 My suggestion to you, Dame Priti, is that certainly  
25 in terms of documentation the first time we see the

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1 Home Office grappling with the issue is three days into  
2 national lockdown, 26 March?  
3 **A.** So I would come back to my earlier point on this as  
4 well, I touched on this in my previous remarks, we were  
5 working with -- I presume these calls were predominantly  
6 in London or were they nationwide? -- we were working  
7 with Louisa Rolfe at the Metropolitan Police and within  
8 our policing call frameworks as well early on in  
9 anticipation, as I said, even -- lockdown, post  
10 lockdown, the surges that would come within helplines,  
11 and also the inevitability of the consequences of  
12 domestic abuse, violence, vulnerabilities.

13 So I would absolutely say particularly with policing  
14 colleagues, and that's predominantly where our equities  
15 were at the time in the run-up to lockdown, there were  
16 a range of discussions taking place within the Home  
17 Office and with policing colleagues.

18 **Q.** All right.

19 Let me move on to my next topic, and that's victims  
20 subject to domestic abuse who also are subject to a no  
21 recourse to public funds condition. And, again, I think  
22 you will have been given notice as a result of the  
23 information in the evidence pack that this was a topic  
24 that was likely to come up.

25 **LADY HALLETT:** I didn't realise that the question that

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1 And the Home Office took a -- didn't just ignore  
2 that, there was a positive decision not to suspend the  
3 condition, wasn't there?

4 **A.** So the Home Office did not ignore those requests at all.  
5 I think categorically I should just put that on the  
6 record. There is plenty of evidence actually across  
7 government, it is not just solely a Home Office  
8 decision, around the policy of no recourse to public  
9 funds. The prospect of destitution crosses over into  
10 the territory of accommodation and homelessness, which  
11 was the area of MHCLG.

12 I would need to check, my Lady, but I think there  
13 was a legal case involving MHG -- MHCLG at the time,  
14 around no recourse to public funds, and certainly there  
15 were discussions across government that were taking  
16 place. This policy area also cuts across DWP, would be  
17 familiar with that as well.

18 Then my final point to make on this, it would  
19 specifically address the issue of concerns around  
20 funding and support for those that did not have access  
21 to public funds, that the coronavirus financial  
22 measures, including help and support, but it's mainly  
23 support if -- I should say, around accommodation, which  
24 is not a Home Office decision, but also NHS, access to  
25 health and healthcare, without having any personal data

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1 I have allowed includes a reference to Parliamentary  
2 debate; if you could exclude that part.

3 **MS DAVIES:** I was intending to exclude it, thank you,  
4 my Lady.

5 So women who were subject to domestic abuse are  
6 clearly trapped as a result of the domestic abuse and  
7 they need to leave, come lockdown they are also trapped  
8 as a result of lockdown, we know that the regulations  
9 allow them to leave but there are all sorts of issues  
10 about whether they know that, where they can go and so  
11 forth, so lockdown traps people.

12 If you also have no recourse to public funds and you  
13 are dependent financially on your abuser, then you are  
14 destitute if you leave as a result of abuse. So those  
15 women were, as it were, subject to a triple threat,  
16 a triple trap.

17 You were lobbied extensively -- and when I say you  
18 I mean the Home Office and you as Home Secretary --  
19 extensively by violence against women and girls sector,  
20 by the Mayor of London, by Liberty, by a number of  
21 organisations to suspend the no recourse to public funds  
22 condition during the pandemic, so that, for our cases,  
23 women who were subject to domestic abuse and had that  
24 condition hanging over them would find it easier to  
25 leave because they would not be facing destitution.

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1 being shared or transferred over to the Home Office,  
2 because this does move into the area of immigration and  
3 immigration enforcement, if you do not have a legal  
4 right to be in the country and you've got a case going  
5 through the courts and things of that nature, that there  
6 would be protections in place and support in place. And  
7 in particular, may have to check the record, but MHCLG  
8 themselves had put funds aside particularly around  
9 accommodation provision for migrant women and working  
10 with refugees. I may have to check the record on that,  
11 but that was my recollection of the work that took place  
12 in response to the requests at the time.

13 **Q.** I'm going to move on to funding in just one moment, but  
14 just to follow that up, the easing, as it were, in  
15 relation to housing and homelessness assistance was in  
16 a letter call that's become known as Everyone In from  
17 the MHCLG, which meant that local authorities would  
18 house rough sleepers regardless of their immigration  
19 status.

20 This was a different call, it was a call for those  
21 people who had no recourse to public funds as part of  
22 their leave to remain, so they're lawfully in the  
23 country but with that condition on them, for that to be  
24 suspended during the pandemic so that women who were  
25 subject to domestic abuse could leave, would be able to

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1 access public funds and would not have to go through the  
2 appalling additional trauma of sleeping rough in order  
3 to be picked up through that Everyone In initiative.

4 Wouldn't that have been the humanitarian thing to  
5 do --

6 **A.** So I --

7 **Q.** -- to suspend --

8 **A.** I can't --

9 **Q.** -- the whole condition?

10 **A.** So, well, we could get into a wider debate about the  
11 implications of suspending that condition, because there  
12 are then legal implications. If you suspend a condition  
13 for a period of time, if you then reinstate those  
14 conditions, it then takes -- and I do recall reading  
15 advice at the time, some of the legal challenges just  
16 around suspending -- it may seem straightforward to  
17 organisations lobbying for that change, but I do  
18 specifically recall receiving advice at that time saying  
19 that it would be legally challenging to then go back and  
20 restate. And I appreciate, the organisation you're  
21 representing, the position that you take around no  
22 recourse to public funds, but obviously that condition  
23 exists for a reason.

24 You've asked specifically around accommodation and  
25 housing provision. My understanding at the time was

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1 Then (iv), 11 April, that's the same day as the "You  
2 Are Not Alone" campaign, and the Home Office announces  
3 an additional £2 million for the domestic abuse  
4 helpline, so that's concrete money, that's allocated and  
5 announced that day, it goes out very quickly; yes?

6 **A.** That's correct, yes.

7 **Q.** Then we come to 2 May, and that's £76 million for  
8 a number of different groups, and when we break it down  
9 the -- it's in your footnote 54 -- the amount to  
10 domestic abuse groups is 25 -- £27 million, I'm so  
11 sorry, £15 million for Ministry of Justice --

12 **A.** That's right.

13 **Q.** -- £10 million for MHCLG, another £2 million from the  
14 Home Office; and that's the allocation from the original  
15 money of the £750 million on 8 April.

16 **A.** That's right.

17 **Q.** It's not additional to that, is it?

18 **A.** That's right.

19 **Q.** No, so if we look at the £750 million on 8 April, it's  
20 £27 million plus the additional £2 million from the  
21 Home Office that comes to domestic abuse?

22 **A.** That's correct.

23 **Q.** The money doesn't actually start to get allocated and  
24 reach the recipients until after 19 June. You may not  
25 recall that exact date, but does that sound right to

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1 that MHCLG in particular were providing funding, so  
2 that -- it's not just the Everyone In policy, which  
3 clearly I do recall that existed there for good and  
4 proper reasons, because homelessness -- there we have to  
5 protect people that were homeless, but specific funding  
6 for refuges so that they could provide that provision  
7 that was deemed to be so essential and that was raised  
8 at the time.

9 **Q.** Can I move on to funding.

10 **LADY HALLETT:** I'm afraid it's going to have to be the last  
11 area, I'm afraid, sorry. I should have taken a break  
12 ages ago, I'm sorry.

13 **MS DAVIES:** I'm grateful, and I'm aware of the stenographer.

14 Last topic, funding, and it's page 20 of your  
15 witness statement. You were asked about this by  
16 Mr Keith. Is it coming up?

17 **A.** No, not yet.

18 **Q.** I'm hoping it's coming up.

19 **A.** We're getting there.

20 **Q.** I'm grateful, page 20, paragraph 79, it's the list of  
21 funding, you'll recall that.

22 So 8 April, £750 million additional funding for  
23 a number of things including domestic abuse, and that's  
24 not actually allocated on 8 April, that takes time to  
25 allocate. That's right, isn't it?

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1 you?

2 **A.** So I do recall -- I recall a few things actually. It  
3 took time to do the allocations and, my Lady, I can't  
4 remember why, but I think there could have been some  
5 Treasury processes around that which could be why.

6 Secondly, I think we may have had -- we'll have to  
7 go and check the record -- a system where organisations,  
8 including organisations such as Southall Black Sisters  
9 and Solace Aid, could then apply directly to the  
10 Home Office. That might've taken time, that could be  
11 why the money was not allocated. But we'd have to check  
12 the record as to what the processes were around that,  
13 because having an allocation of funds from the Treasury  
14 does not automatically mean they go out immediately,  
15 there are various organisations we were speaking to.

16 And just one final point to make about the money:  
17 I had been in touch with, for example, it could have  
18 been Women's Aid, who specifically wrote to me at my  
19 request where I'd asked them for a breakdown of the type  
20 of funding that they needed and what that would be used  
21 for. So understanding how this money could be allocated  
22 resourcefully, to provide the direct and additional help  
23 that was really needed, was certainly part of the  
24 process that we were undertaking at the time.

25 **Q.** So two questions -- and they are my last two

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1 questions -- arise from that under this topic.  
 2 Could we have up on the screen INQ000280173, please.  
 3 I'm hoping that that comes up quickly. That is a letter  
 4 sent to the Government Legal Department by those who  
 5 instruct me, in fact Public Interest Law Centre on  
 6 behalf of Southall Black Sisters, and it's addressed  
 7 specifically to the Ministry of Housing, Communities and  
 8 Local Government, but I imagine it probably crossed the  
 9 Home Office desk as well, and that's dated 27 April.

10 And it's a lengthy letter, it's over 34 pages, but  
 11 it is in effect a threat of legal action. It's  
 12 a pre-action protocol letter of claim in respect of the  
 13 government failing to provide that emergency funding for  
 14 the domestic abuse charities. That's 27 April.

15 It's right, isn't it, that the £27 million that  
 16 we've just looked at was allocated on 2 May. Was it  
 17 allocated as a result of that threat of legal action?

18 **A.** I -- I can't -- I don't think I could give a categorical  
 19 answer to that because, my Lady, I know the work that  
 20 took place within my department, I cannot speak for  
 21 other government departments such as MHCLG, it's  
 22 referenced in this pre-action protocol. My government  
 23 department, my officials and our safeguarding minister  
 24 worked diligently with many of the third party  
 25 organisations, the frontline organisations. I think

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1 money doesn't come out to providers until after mid-June  
 2 2020, when the key times were March, April, May? Isn't  
 3 that too late?

4 **A.** So we were working with all the providers and  
 5 organisations throughout that period, and I know  
 6 officials in the department were looking at all sorts of  
 7 support mechanisms, solutions. We wanted to be part of  
 8 the solution to what was a national challenge, so this  
 9 for us -- if we could fast-track resources, of course  
 10 we'd be at the front of the queue to do that, but we  
 11 were working alongside our partners and then trying to  
 12 give them the financial support in the right way. And  
 13 additional support, I should add, laptops being one  
 14 example, doing working across government departments  
 15 being another, particularly with the MoJ. This focuses  
 16 on MHCLG and working with the Ministry of Justice on how  
 17 they could provide support as well.

18 We -- the MoJ --

19 **LADY HALLETT:** I think we've got the message.

20 **A.** They had their own silver group, so we were pretty --  
 21 pretty engaged on this.

22 **MS DAVIES:** Thank you, Dame Priti.

23 Thank you, my Lady.

24 **LADY HALLETT:** Thank you very much, Ms Davies.

25 Thank you very much, Dame Priti.

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1 I mentioned Women's Aid, Refuge, the domestic abuse  
 2 national helpline. I may have visited some of them at  
 3 the time.

4 For us, and for me in particular as Home Secretary,  
 5 we needed to understand what the pressures were, where  
 6 the money was needed, how we could actually allocate the  
 7 resources that we had -- these are significant  
 8 resources -- resources allocated in the best possible  
 9 way.

10 And just one final point to make as well: because of  
 11 lockdown, many of these organisations, they didn't have  
 12 their offices up and running in the way in which we see  
 13 now and today. We had gone into partnership with  
 14 Fujitsu, for example, to provide laptops and all sorts  
 15 of equipment to help many of these organisations assist  
 16 victims of domestic abuse, vulnerable people, while they  
 17 were working from home and doing all sorts of things.

18 So there was a panoply of activity taking place so,  
 19 if I may, in response to your question about this actual  
 20 pre-action protocol, I can't categorically say that this  
 21 is what prompted the allocation of resources. Certainly  
 22 for this department, within my own department we had  
 23 a lot of work under way anyway.

24 **Q.** What it comes down to, though, Dame Priti, doesn't it,  
 25 is -- for all the reasons you've just explained -- the

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1 **THE WITNESS:** Thank you.

2 **LADY HALLETT:** Thank you for your patience, staying here all  
 3 this afternoon.

4 **(The witness withdrew)**

5 **LADY HALLETT:** I think we are going to have one more  
 6 witness, and so we will take a break now, and I shall  
 7 return at 25 to 4. And I am finishing at 4.30 at the  
 8 latest this evening, just so everyone knows.

9 **(3.25 pm)**

10 **(A short break)**

11 **(3.35 pm)**

12 **MR KEATING:** My Lady.

13 **LADY HALLETT:** Mr Keating.

14 **MR KEATING:** Could I call Jun Pang, please.

15 **MS JUN PANG (affirmed)**

16 **Questions from COUNSEL TO THE INQUIRY**

17 **LADY HALLETT:** I'm sorry you have been kept waiting for so  
 18 long and not even knowing whether we'd reach you or not,  
 19 but anyway we have, so thank you for your patience.

20 **MR KEATING:** Could I echo that comment and also thank you  
 21 for attending today and assisting the Inquiry with its  
 22 investigations.

23 We've got two statements, I'm not going to invite  
 24 you to bring them up on the screen at the moment but  
 25 there's a statement from Sam Grant, your colleague and

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1 the advocacy director at Liberty, and that statement is  
 2 dated 4 August, and within that 23-page statement he  
 3 provides 37 exhibits. And he is unable to attend today,  
 4 so you have kindly stepped in to adopt his statement and  
 5 you have given a statement yourself to say that you have  
 6 considered his material and you are able to speak on  
 7 behalf of Liberty, the organisation from which you both  
 8 work from, in relation to those matters.

9 So thank you in relation to that, and as to who you  
 10 work for and what you do, I've touched upon it: you are  
 11 a policy and campaigns officer at the National Council  
 12 for Civil Liberties, also known as Liberty for short,  
 13 and Liberty is a long-standing, respected independent  
 14 organisation which deals with civil liberty matters,  
 15 and, as Mr Grant describes it, it's a human rights  
 16 organisation that campaigns for every individual in the  
 17 UK to be treated fairly with dignity and respect.

18 Is that a fair summary --

19 **A.** Yes.

20 **Q.** -- of Liberty? Thank you.

21 Within the team you're in, the focus is on policy,  
 22 public campaigning, parliamentary advocacy and policy  
 23 research, and the statements that have been provided on  
 24 behalf of Liberty set out in chronological order the  
 25 considerable work Liberty did during the pandemic in

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1 worrying to us.

2 **Q.** One feature of the evidence is the observations made by  
 3 Liberty regarding the sunset clause in relation to that  
 4 Bill which became the Act. Perhaps you could set out  
 5 what those concerns were and what a sunset clause is?

6 **A.** Yes, absolutely.

7 So essentially a sunset clause is when the  
 8 legislation would cease to be in operation, and at the  
 9 time when the Bill was published one of the most  
 10 significant things that we noticed was that there was  
 11 a two-year sunset clause, which we felt was  
 12 unprecedented and was a real bar to effective scrutiny,  
 13 and at the time we recommended that the Bill be amended  
 14 to implement a three-month sunset clause instead.

15 Now, as I mentioned already, the Bill was first  
 16 debated on 24 March 2020 and by 25 March, the next day,  
 17 it had passed all its stages with scarcely any amendment  
 18 and received Royal Assent, or in other words passed.

19 Parliamentarians did secure a six-monthly debate on  
 20 the Act, and that was one of the amendments that were  
 21 made, but we felt that even with that addition it was  
 22 not enough to ensure that the Act could be adequately  
 23 scrutinised.

24 **Q.** I'll move on to the vehicle which brought in the  
 25 lockdown, which was actually regulations which were

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1 relation to policy documents and advocating in relation  
 2 to the UK Government legislation and regulations, and  
 3 highlighting issues that emerged.

4 What I would like to do today is that -- your  
 5 statement and the statement of Liberty is quite  
 6 wide-ranging, because the legislation was quite  
 7 wide-ranging, dealing with a huge amount of areas.

8 Those areas are going to be dealt with in a number  
 9 of different modules, so I'm going to focus on some  
 10 narrow issues with you today and have your assistance.

11 At the genesis of the legislation was the  
 12 Coronavirus Bill, which became the Act, and that's  
 13 something that Liberty touch upon in their statement,  
 14 describing it as extraordinary in the sense of its  
 15 breadth and extent of powers it gave the government and  
 16 the speed it progressed on to the statute books.

17 Is that a fair description of the Act, or the Bill  
 18 which then became the Act?

19 **A.** Yes. I think that from start to finish when the  
 20 Coronavirus Bill was first published, at more than  
 21 300 pages, spanning areas including new extraordinary  
 22 detention powers, border closure powers, easements on  
 23 social care and other care provision, the wide range of  
 24 areas it covered and the little amount of time it was  
 25 allowed to be scrutinised by Parliament was extremely

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1 brought through via the Public Health (Control of  
 2 Disease) Act 1984, and that was done by way of  
 3 a statutory instrument, the Health Protection  
 4 (Coronavirus, Restrictions) Regulations.

5 That's something again which is touched upon in the  
 6 documentation prepared by Liberty, that there was  
 7 concerns expressed that such a significant piece of --  
 8 such a significant matter was dealt with by way of  
 9 a statutory instrument; is that right?

10 **A.** Yes. I think statutory instruments or secondary  
 11 legislation in general is much less -- it has a lot less  
 12 scrutiny than primary legislation, which has to be  
 13 scrutinised by both Houses of Parliament, whereas  
 14 statutory instruments are made by a minister, can only  
 15 be -- can't be amended by Parliament, can only be,  
 16 you know -- it's kind of an all or nothing approach, and  
 17 we felt that given the breadth of the -- and the  
 18 severity of the restrictions that were being proposed  
 19 and introduced, that secondary legislation, especially  
 20 the urgent procedure that was being relied on by  
 21 government in the Public Health Act, was inappropriate.

22 **Q.** The counterargument would be this is an unprecedented  
 23 public emergency, the greatest threat in a hundred years  
 24 to the health of the country, and this was what had to  
 25 be done in the time available. What would you say to

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1 that?  
 2 **A.** I think that it was absolutely obviously a moment of  
 3 crisis, and government rightly was -- needed to act to  
 4 protect human life, but I would say that -- and we said  
 5 at the time -- there were other ways that the government  
 6 could have legislated. For example, we flagged the  
 7 Civil Contingencies Act which was passed in 2004, and  
 8 the purpose of that Act was precisely to make provision  
 9 for, you know, civil contingencies or, in other words,  
 10 emergency situations where rapid decision-making would  
 11 need to take place.

12 I think it's really vital that, you know, rapid  
 13 decision-making in an emergency context does not obscure  
 14 the need for effective parliamentary scrutiny, which is  
 15 integral to our democracy and also ensures that  
 16 decision-making is transparent and accountable and  
 17 responsive to the needs of people who it's going to  
 18 affect. And we recommended that the regulations at the  
 19 very minimum be used -- be made under the CCA instead of  
 20 the Public Health Act because it had safeguards,  
 21 for example, greater Parliamentary scrutiny, regulations  
 22 which lapsed within seven days if they were not debated  
 23 and approved by Parliament, and other measures like  
 24 that, which the regulations as they were didn't.

25 **Q.** We've heard evidence already regarding the Civil  
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1 guidance, what the police were doing in practice, what  
 2 was in the regulations, which led people to be  
 3 incredibly confused about what was happening, and also  
 4 for quite egregious kind of incorrect enforcement to  
 5 occur.

6 **Q.** Could I stick with the term "confusion" and quote  
 7 Dame Priti Patel, who agreed that the regulations  
 8 themselves were confusing. Perhaps we can touch upon  
 9 a specific area as to regulations.

10 Regulations: as we've heard already, there was  
 11 numerous regulations between March through the summer,  
 12 and then I want to pick up on one area which is the  
 13 tiers and the regulations in relation to that.

14 Perhaps I could summarise what's set out in  
 15 Mr Grant's statement at paragraph 33. We know on  
 16 12 October the Prime Minister announced a tier scheme of  
 17 alert levels, Tier 1, Tier 2, Tier 3, and in relation to  
 18 a briefing prepared by Liberty around that time --  
 19 perhaps we could bring that up, that's INQ000130683, and  
 20 it may be it's an illustration of the documentation  
 21 Liberty were preparing at the time. This is probably  
 22 a short document, but these briefings were being  
 23 prepared, sent out to a number of different  
 24 stakeholders, or to parliamentarians, and in relation to  
 25 this we can see in paragraph 1 is that there was concern

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1 Contingencies Act, and I'm not going to -- in this  
 2 module and at an earlier module -- so I'm not going to  
 3 trouble you any more about that.

4 I'm going to move on now to an issue which we've  
 5 heard evidence about today, which is the lack clarity  
 6 between legislation, regulations and guidance.

7 In relation to that point, it's fair to say that  
 8 Liberty was highlighting from the outset the issue  
 9 between guidance and actually the difference between  
 10 what the regulations say, that there was a contrast and  
 11 it led to confusion?

12 **A.** Yes, absolutely. I think that in circumstances like  
 13 this, in a public health emergency, what is really vital  
 14 for government is to ensure that its communications are  
 15 clear, and also clear about the difference between what  
 16 is effectively best practice guidance and what is  
 17 actually the letter of the law, and what is unlawful and  
 18 lawful activity, because this is important for  
 19 individuals to be able to know what behaviour is lawful  
 20 and unlawful, but also for the police to be able to know  
 21 what the limits are of their enforcement powers. And  
 22 I think what we saw, and as you may have heard --  
 23 for example in the matter of, early on, the number of  
 24 times a person could go out for exercise -- there was  
 25 confusion between all of these different government

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1 regarding it being convoluted and confusing.

2 It talks about that the regulations -- the idea was  
 3 in fact to try to simplify and clarify the impenetrable  
 4 web of laws currently in force across England, which the  
 5 submission is that they were vast and complex. But  
 6 these regulations which were brought in for tiers ran to  
 7 over 36,000 words and nearly 90 pages, and that they  
 8 established intricate exceptions. And it's easier to  
 9 see in front of us, but as illustrations for Tier 2  
 10 regulations, there are 17 distinct and lengthy  
 11 exemptions to the prohibition on indoor gatherings of  
 12 two or more people, and 16 exemptions to the prohibition  
 13 on participating in a gathering of more than six people  
 14 outdoors, and a lack of clarity as regards the precise  
 15 contours of the law is a recipe for uneven enforcement  
 16 and police action.

17 It's a granular example, but that even when there  
 18 was greater efforts to make clarity to the regulations,  
 19 the concerns of Liberty was that that wasn't happening,  
 20 the confusion was still continuing; is that right?

21 **A.** Yes, and I think again going back to the public  
 22 communications point, this was -- here we're talking  
 23 about the regulations as they were in the law.

24 **Q.** Yes.

25 **A.** The way they're translated into the public

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1 communications about what was and wasn't allowed add  
2 another layer of complexity, and then of course what was  
3 happening in practice and what the police were doing,  
4 and also understood themselves to be doing, also  
5 differed. And I think this just almost got worse  
6 throughout the pandemic, as there were more and more  
7 laws, more changes to laws that people had to keep up  
8 with in order to know whether very everyday activities  
9 were allowed or permitted to do.

10 **Q.** As a fair summary, and we've dealt with it in a high  
11 level way, but there was a number of regulations and  
12 each one of those regulations was subject to multiple  
13 amendments; and, from your perspective, was it easy to  
14 be able to keep up with those changes so that you could  
15 advise regarding whether it was proportionate or the  
16 drawbacks of those measures?

17 **A.** I think, in honesty, it was quite difficult an exercise  
18 and that's as, you know, people whose job in day in and  
19 day out is to scrutinise legislation. And to be candid,  
20 if I weren't in this job and were just, you know,  
21 a person trying to keep up with -- trying to understand  
22 the situation as it was, it would be incredibly  
23 confusing, and I think this was really exacerbated by  
24 the fact that Parliament was incredibly sidelined.  
25 For example, the first lockdown regulations, Parliament

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1 people was too broadly defined, could capture a huge  
2 part of the population at any given moment --

3 **LADY HALLETT:** Pandemic; all of us.

4 **MR KEATING:** Absolutely. I think the question, my Lady,  
5 was: well, was this actually ever used and utilised, and  
6 a view initially expressed this morning -- I hope I'm  
7 not misstating it -- was that it wasn't utilised.

8 But in fact your work shows that it was utilised,  
9 and concerns were expressed about the applications of  
10 schedule 21, and there was prosecutions in relation to  
11 it, the exercise of fixed penalty notices in relation to  
12 it, and those concerns led to the Crown Prosecution  
13 Service having to review penalties; isn't that correct?

14 **A.** Yes.

15 **Q.** It was a long summary, and thank you very much for  
16 confirming that. In your evidence, you have mentioned  
17 the number of penalties which were reviewed, and we also  
18 have the benefit of other evidence which has provided  
19 an up-to-date figure. So perhaps through you we can  
20 adduce the more up-to-date evidence, if that's okay.

21 **A.** Yeah.

22 **Q.** That is the statement of Gregor McGill, who is the  
23 director of legal services at the Crown Prosecution  
24 Service, and we're grateful for the Crown Prosecution  
25 Service providing this statement.

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1 only debated them on 4 May, which was about a month  
2 after they had come into force and actually been,  
3 you know, in operation. And by that time the  
4 regulations had actually been amended, and part of the  
5 benefit of robust parliamentary scrutiny is that these  
6 issues can be aired in a public forum, there can be  
7 discussion and debate, and also understanding of the  
8 practical effect and that can kind of trickle out into  
9 the wider public consciousness; but in this case we just  
10 had an incredibly confusing environment in which,  
11 you know, we were trying to influence and understand how  
12 these laws could be potentially made more proportionate  
13 or, you know, the next set of laws could be more  
14 proportionate.

15 **Q.** Let's look at an example, and this is an area which  
16 I think my Lady has commented upon this morning, which  
17 was section 51 and schedule 21 of the Coronavirus Act,  
18 and this relates to the powers in relation to dealing  
19 with potentially infectious persons, where they can be  
20 required to undertake a screening. That's something  
21 which was touched upon in the material prepared by  
22 Liberty, and I'm going to summarise and perhaps give  
23 an illustration.

24 There was concerns expressed by Liberty, was there  
25 not, that the definition of potentially infectious

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1 We see here at paragraph 148 is that they had  
2 started to do monthly reviews, and they did monthly  
3 reviews after Liberty and other organisations had raised  
4 concerns about penalties which had been imposed, and as  
5 a result of that -- so if we can just actually scroll  
6 out -- there is a graph in page 31, from recollection,  
7 a table which might make this a little bit easier.  
8 There we are.

9 If we look at the top table, in relation to this  
10 wider review which was done in relation to, first, the  
11 schedule 21 Coronavirus Act, we see that there was  
12 a total of 311 cases charged and there was a 100% fail  
13 record because every one of those cases was incorrectly  
14 charged. So that's pretty unimpressive in terms of  
15 a statistic.

16 At the same time they looked at the wider  
17 regulations at that time, and this is further back, so  
18 it's looking back, a retrospective assessment. Of the  
19 2,607 cases charged under the regulations, there still  
20 was a significant error rate, and that was 532.

21 That accords with the concerns which were being  
22 expressed to your organisation at the time; isn't that  
23 correct?

24 I'm just going to utilise some of the matters which  
25 Mr McGill helpfully sets out in his statement, and we

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1 could perhaps go back to paragraph 149 where he sets out  
2 the errors in relation to this review undertaken by the  
3 Crown Prosecution Service.

4 It says that the errors included offending in  
5 England, charge under Welsh regulations or vice versa,  
6 evidential issues such as the charging of homeless  
7 people being outside without a reasonable excuse.

8 Pausing there, that was another feature which  
9 Liberty advocated significantly upon, wasn't it, the  
10 interests of homeless people and the reasonable excuse  
11 aspects?

12 Offences charged, as we just touched upon, under  
13 section 51, schedule 21, and where there was no evidence  
14 that the defendant was potentially infectious, and it  
15 says, as we've just seen, every case was charged under  
16 error.

17 And offences, lastly, prosecuted under the wrong  
18 iteration of the regulations, using repealed  
19 regulations, a feature of the churn of regulations which  
20 took place.

21 So we talked about confusion, confusion in guidance,  
22 confusion in the regulations, and here we have utter  
23 confusion in the actual prosecution of these matters,  
24 and it led to the Crown Prosecution Service having to  
25 have cases brought back at the Magistrates Court and  
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1 were investigated, and it was borne out that there was  
2 difficulties which were addressed.

3 Let me move on now, please, to -- we've got two or  
4 three more areas I'd like your assistance with, I'm very  
5 grateful -- another area we have touched upon is the  
6 right to protest. I'm not sure if you heard some of the  
7 evidence this morning and this afternoon in relation to  
8 that.

9 Two points in relation to this is that there was --  
10 in your view, was there clarity as to the position as to  
11 the right to protest under the statutory or regulatory  
12 framework during the pandemic?

13 **A.** No. I think that the legal status of protest throughout  
14 the pandemic was incredibly unclear. I think that  
15 legislation often either provided -- failed to provide  
16 an explicit exemption for the right to protest or it --  
17 and then sometimes it provided that exemption under  
18 certain circumstances, for example that it would be  
19 social distanced, there would be risk assessments taking  
20 place. But this really fluctuated through the different  
21 phases of the pandemic, and I guess from our point of  
22 view the practical effect of this is that individuals  
23 seeking to exercise their fundamental rights didn't  
24 actually know for sure whether they could, and also  
25 obviously the other side of that is that the police

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1 charges to be withdrawn.

2 I should mention, by way of completeness -- and we  
3 have the evidence, in due course, of the Crown  
4 Prosecution Service uploaded -- that a number of these  
5 charging decisions were, the majority were police, were  
6 decisions made by the police, and this is where the  
7 Crown Prosecution Service largely was seeking to correct  
8 something which had taken place by other bodies.

9 Is that a fair summary?

10 **A.** Yes, I think it is.

11 I just wanted to also flag a concern as well, which  
12 is that this is -- these statistics are ones that we  
13 followed throughout the pandemic, and they are -- they  
14 do come from the CPS review, but of course a lot of  
15 cases, as the CPS statement says at paragraph 153, says  
16 that it doesn't include cases which were finalised using  
17 the Single Justice Procedure, and so the actual picture  
18 of cases and the fact that people weren't able to,  
19 for example, explain if they had a reasonable excuse in  
20 those circumstances, means that the incidence of  
21 potentially incorrect or -- charging decisions could be  
22 much broader than even what is already demonstrated in  
23 this.

24 **Q.** But it's a recognition of the work Liberty did, these  
25 are areas which you raised at the time, concerns, they  
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1 didn't understand their responsibilities to facilitate  
2 the right to protest which --

3 **Q.** We've heard from the police perspective how there was  
4 huge challenges on the police in the application of the  
5 framework which they were operating underneath.

6 Looking forward, from your perspective, if there was  
7 another pandemic, what is the proportionate solution to  
8 balance restrictions on movement if there was to be  
9 a pandemic on one hand, and also those human rights, the  
10 right to protest?

11 **A.** I think that, more broadly, human rights and the  
12 exercise of fundamental rights like the right to protest  
13 needs to not be seen as contradictory or opposite to  
14 protecting public health, but actually really essential  
15 to ensuring that decisions are scrutinised and including  
16 to ensure that government is accountable in making these  
17 decisions. And so it can't be that, for example, as we  
18 saw in the pandemic, that there is lack of clarity about  
19 whether an exercise of the right to freedom of  
20 expression and free assembly is -- it needs to be clear  
21 that it's exempt in certain circumstances, including,  
22 you know, whether it's social distanced and risk  
23 assessment takes place.

24 **LADY HALLETT:** I'm sorry to interrupt.

25 To test that: yes, the right to protest, freedom of  
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1 assembly, I totally and utterly agree that they are  
2 fundamental rights in many ways, but the rest of us had  
3 fundamental rights that had enormous restrictions,  
4 people couldn't be with their dying loved one, they  
5 couldn't meet their family.

6 So if there are those other restrictions on  
7 fundamental rights, why should the right to protest be  
8 treated differently?

9 **A.** Thank you, my Lady, for the question. I think that --  
10 I think that -- I don't think it's a question of --  
11 I think the government actually answered this question  
12 somewhat when they did allow for a protest exemption to  
13 happen under certain circumstances where protection of  
14 public health was a consideration, and that was kind of  
15 built into the exception.

16 I think that it's our position, and it was our  
17 position, that you could have an exercise of these  
18 rights that still upheld the need to protect public  
19 health, just as these other restrictions on gatherings,  
20 on visiting loved ones were also designed for that  
21 purpose.

22 I think in the circumstances of the pandemic, as  
23 they were, especially given the lack of scrutiny that  
24 was allowed for legislation even by elected legislators,  
25 the lack of that possibility made it even more important

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1 within the criminal justice system. We knew that --  
2 well, we could -- we predicted, rightly it emerged, that  
3 an overwhelming focus on enforcement of compliance --  
4 rather than, for example, trying to encourage compliance  
5 through effective public health messaging and other  
6 tactics like that -- would replicate and echo similar  
7 patterns that we see in other elements of the criminal  
8 justice system. And Liberty Investigates our  
9 investigative journalism unit, found that, for example,  
10 people of colour were 54% more likely to be fined than  
11 white people, and that was from May 2020.

12 **Q.** Yes, and in relation to that work, which -- the material  
13 has been exhibited and we have that material, which  
14 we're grateful for -- a letter was sent to the  
15 Health Secretary, who was responsible as the legislative  
16 lead department, on 29 May 2020, highlighting these  
17 issues.

18 I'm going to summarise, if I may, that the concern  
19 was that it risked reducing trust at a time where there  
20 was a need to have that trust to sustain compliance with  
21 the regulations. In relation to that correspondence,  
22 did you receive any response from the Health Secretary  
23 when you highlighted this disparity and raised concerns?

24 **A.** Not according to our records.

25 **Q.** Data was one matter I wanted to ask you, when dealing

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1 in a way for people to be able to continue to make their  
2 voices heard, because democracy, our democratic system  
3 had almost taken a pause or a back seat when  
4 the executive was making laws at such speed and with  
5 such little accountability.

6 **LADY HALLETT:** Thank you.

7 **MR KEATING:** Thank you.

8 Penultimate area I'd like your assistance upon, and  
9 again it's something which has fed through the work of  
10 the Inquiry today in relation to disparities in  
11 enforcement. We have had evidence from Martin Hewitt  
12 this morning; the reports I know you've seen as well in  
13 relation to the disproportionate impact upon ethnic  
14 minority groups in relation to the enforcement of fines,  
15 fixed penalty notices.

16 So with that background, we don't need to re-trace  
17 all the steps, but I just wanted to draw out from you  
18 the sort of catalyst for this work.

19 It's right, isn't it, that your organisation,  
20 together with The Guardian, raised this issue in May --  
21 is that correct -- in 2020, regarding the concern from  
22 the first set of figures that there was  
23 a disproportionate impact on ethnic minority groups?

24 **A.** Yes, and this was informed by our long-standing work  
25 demonstrating the existing racial disproportionality

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1 with enforcement, throughout Liberty was asking for  
2 disaggregated data, so data which would show the  
3 breakdown of fines per ethnic group; isn't that correct?

4 **A.** Yes.

5 **Q.** A feature throughout the pandemic.

6 **A.** Yes.

7 **Q.** Was that data which was provided to you?

8 **A.** I think initially when colleagues did their stories with  
9 The Guardian, for example, those were the data then was  
10 obtained through FOI requests, freedom of information  
11 requests.

12 **Q.** Yes.

13 **A.** I think afterwards the NPCC did publish data, but at the  
14 time we felt that this was sometimes delayed and not --  
15 yeah, not timely, and it should have been something that  
16 was less of an afterthought and something that was  
17 proactive, given the risks of disproportionality.

18 **Q.** Was it something you had to push for?

19 **A.** We repeatedly made recommendations and suggestions, and  
20 I think we had to push for a while for that to be  
21 established practice.

22 **Q.** Final area, and I'm going to deal with it briefly but  
23 not to -- not at the expense of recognising how  
24 important an area it is, and we have had evidence about  
25 it again today, rightly, in relation to domestic abuse.

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1 Again, this is one of the other limbs of the work of  
2 Liberty from the outset, was it not, was raising  
3 concerns regarding how the legislation and the  
4 regulations were going to impact those who were at risk  
5 of domestic abuse; is that right?

6 **A.** Yes.

7 **Q.** What was, in terms of the high level summary, the  
8 concerns of Liberty about the interests of those who  
9 were at risk of domestic abuse?

10 **A.** From early on, we echoed a lot of domestic abuse  
11 organisations' call for the regulations to exempt those  
12 who were fleeing harm, and that obviously includes  
13 people, survivors and victims of domestic abuse.  
14 I think we felt that at the time the exemption within  
15 the regulations was still not broad enough --

16 **Q.** Could I trouble you on that one --

17 **A.** Yes, sure.

18 **Q.** -- just to test that. One view, I'm not suggesting it's  
19 my view, but one view is that: the fact that someone  
20 would have a reasonable excuse, that would be sufficient  
21 if they needed to leave their home. Did Liberty  
22 consider that was sufficient, that reasonable excuse  
23 aspect?

24 **A.** I don't think that it was enough. I think that that was  
25 only one element of the regulations. There were other  
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1 I've just got a couple of questions for you, which  
2 I would like you to help us with. I represent FEHMO,  
3 the Federation of Ethnic Minority Healthcare  
4 Organisations.

5 Can you just tell us, please, what were the key  
6 concerns that Liberty highlighted in their submissions  
7 to the Department of Health and Social Care regarding  
8 the negative impact on black, Asian and minority ethnic  
9 communities and healthcare workers, migrants, Gypsy,  
10 Roma, traveller communities in the context of potential  
11 measures? So what were the key concerns?

12 **A.** Absolutely, and thank you for your question. I think  
13 it's best summarised by the phrase "over-policed and  
14 under-protected". I think, as I've mentioned in previous  
15 evidence, because of existing -- because of what we  
16 already know about the disproportionate policing of  
17 black, Asian and minority ethnic people, as well as  
18 Gypsy and traveller people and other racialised groups,  
19 we were incredibly concerned -- and unfortunately  
20 vindicated in these concerns -- that any extension or  
21 expansion of enforcement in relation to what was really  
22 a public health emergency would disproportionately  
23 affect particular communities over others, and that  
24 obviously in and of itself this creates unfairness, but  
25 also it endangers, you know, the public health objective  
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1 regulations, for example prohibiting public gatherings,  
2 that, for example, if ... in the case of certain people  
3 who may gather to seek support or other issues like  
4 that, they may not have been exempt from that.

5 I think other concerns we had about, in particular,  
6 migrant victims and survivors of domestic abuse, is that  
7 the lack of, for example, a data sharing firewall  
8 between the Home Office and other public services meant  
9 that these particular victims and survivors might not  
10 feel safe trying to seek support. And that's obviously  
11 an enduring issue, but during the pandemic continued to  
12 be something that was quite a significant worry.

13 **Q.** So there was concern that there was a group, a hidden,  
14 invisible group of people who were unable to utilise the  
15 law to seek support?

16 **A.** Mm-hmm.

17 **MR KEATING:** Okay.

18 I'm very grateful for your attendance today and your  
19 assistance.

20 They're all the questions I have, my Lady, and,  
21 my Lady, I think you've given permission to Mr Thomas  
22 King's Counsel.

23 **LADY HALLETT:** Mr Thomas.

24 **Questions from PROFESSOR THOMAS KC**

25 **PROFESSOR THOMAS:** Good afternoon, Ms Pang.  
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1 of having a response that should protect everyone, and  
2 not only -- well, and shouldn't target particular people  
3 or communities.

4 I think in terms of the underprotected element, we  
5 also worked with specialists in grassroots and other  
6 organisations to highlight the fact of insufficient  
7 social welfare, housing, other kinds of provision,  
8 rights provision, the impact of easements, for example,  
9 and the intersectional -- the intersection of that with  
10 race and ethnicity and how that might mean that certain  
11 communities might be suffering a double or triple effect  
12 of the pandemic.

13 **Q.** Can I just jump in. What you predicted came to pass,  
14 what Liberty predicted came to pass?

15 **A.** Yes.

16 **Q.** Final question: you mentioned writing a letter to the  
17 Secretary of State for Health or his department. Did  
18 the government respond to Liberty's submissions and  
19 concerns regarding these potential measures, and were  
20 there any policy changes or actions taken in response?

21 **A.** As far as I know, we didn't receive a response, and --

22 **Q.** Nothing?

23 **A.** No. We received occasional responses on particular  
24 areas, for example on easements, but that was  
25 essentially all the interaction we had.  
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1 **Q.** Yes, but specifically in relation to the submissions  
 2 that you brought to the government's attention, any  
 3 substantive response to those submissions?  
 4 **A.** By and large, no.  
 5 **PROFESSOR THOMAS:** My Lady, that's all I ask.  
 6 **LADY HALLETT:** Thank you very much, Mr Thomas.  
 7 Thank you very much, Ms Pang, I'm very grateful to  
 8 you.  
 9 And just so that you know -- I'm sure you do  
 10 appreciate it, but -- I've got the written statement  
 11 that you've adopted from Mr Grant, and obviously I'll  
 12 take into account very much all the other matters that  
 13 you raised here. So don't worry if you haven't had the  
 14 chance to say it this afternoon, I will be taking it  
 15 into account, and the question of easements is quite  
 16 an interesting one as well. So don't worry, I will be  
 17 taking them all into account.  
 18 **THE WITNESS:** Thank you.  
 19 **LADY HALLETT:** Thank you for your help.  
 20 **(The witness withdrew)**  
 21 **LADY HALLETT:** That's it, I think, for this week.  
 22 **MR KEATING:** It is.  
 23 **LADY HALLETT:** Next week I think we're giving everybody  
 24 an opportunity to get up to speed with all the documents  
 25 that have been disclosed so that we can start the next  
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1 phase of these hearings.  
 2 So we shall return on Monday 20 November at 10.30.  
 3 **MR KEATING:** Thank you, my Lady.  
 4 **LADY HALLETT:** Thank you all.  
 5 **(4.15 pm)**  
 6 **(The hearing adjourned until 10.30 am**  
 7 **on Monday, 20 November 2023)**  
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	<b>1</b> <b>1.00 pm [1]</b> 121/13 <b>1.50 [1]</b> 121/11 <b>1.50 pm [1]</b> 121/15 <b>1.8 [4]</b> 72/17 74/21 75/10 80/19 <b>1.8 figure [1]</b> 78/23 <b>10 [3]</b> 14/8 131/5 138/22 <b>10 January [1]</b> 114/11 <b>10 million [1]</b> 183/13 <b>10 per cent [1]</b> 51/5 <b>10,000 [3]</b> 152/6 152/14 152/22 <b>10.00 am [1]</b> 1/2 <b>10.30 [1]</b> 214/2 <b>10.30 am [1]</b> 214/6	<b>2</b> <b>2 May [3]</b> 133/14 183/7 185/16 <b>2 metres [1]</b> 10/23	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25
	<b>1</b> <b>1.00 pm [1]</b> 121/13 <b>1.50 [1]</b> 121/11 <b>1.50 pm [1]</b> 121/15 <b>1.8 [4]</b> 72/17 74/21 75/10 80/19 <b>1.8 figure [1]</b> 78/23 <b>10 [3]</b> 14/8 131/5 138/22 <b>10 January [1]</b> 114/11 <b>10 million [1]</b> 183/13 <b>10 per cent [1]</b> 51/5 <b>10,000 [3]</b> 152/6 152/14 152/22 <b>10.00 am [1]</b> 1/2 <b>10.30 [1]</b> 214/2 <b>10.30 am [1]</b> 214/6	<b>2</b> <b>2 May [3]</b> 133/14 183/7 185/16 <b>2 metres [1]</b> 10/23	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25
	<b>1</b> <b>1.00 pm [1]</b> 121/13 <b>1.50 [1]</b> 121/11 <b>1.50 pm [1]</b> 121/15 <b>1.8 [4]</b> 72/17 74/21 75/10 80/19 <b>1.8 figure [1]</b> 78/23 <b>10 [3]</b> 14/8 131/5 138/22 <b>10 January [1]</b> 114/11 <b>10 million [1]</b> 183/13 <b>10 per cent [1]</b> 51/5 <b>10,000 [3]</b> 152/6 152/14 152/22 <b>10.00 am [1]</b> 1/2 <b>10.30 [1]</b> 214/2 <b>10.30 am [1]</b> 214/6	<b>2</b> <b>2 May [3]</b> 133/14 183/7 185/16 <b>2 metres [1]</b> 10/23	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25	<b>7</b> <b>7 May [1]</b> 133/15 <b>7 o'clock [1]</b> 42/18 <b>73 [1]</b> 134/2 <b>74 [1]</b> 134/25

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