

Witness Name: Martin Hewitt

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## UK COVID-19 INQUIRY

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### CORPORATE WITNESS STATEMENT ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

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I, Assistant Commissioner Martin Hewitt, will say as follows: -

#### Introduction

1. This is a corporate witness statement on behalf of the National Police Chiefs' Council (**NPCC**). This document has been drafted in response to a Rule 9 request for Module 2 dated 22 November 2022, in order to assist the Chair of the UK Covid-19 Inquiry.
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the NPCC, the National Police Coordination Centre (**NPoCC**), the College of Policing, and ACRO, as well as documentary records.
3. I was the Chair of the NPCC between March 2019 and April 2023, when I was succeeded by Chief Constable Gavin Stephenson. I joined Kent Police in 1993 and subsequently moved to the Metropolitan Police Service in 2005. My previous roles include Assistant Commissioner (Professionalism) and Assistant Commissioner (Frontline Policing). From 2015 – 2019 I was Vice Chair of the NPCC.

## The NPCC's role, function and responsibilities

4. The NPCC is a national coordinating body which represents all UK police forces. It serves to drive best practice in policing and to act as one voice for policing into central government. It replaced the Association of Chief Police Officers (**ACPO**) in 2015.
5. The NPCC represents all UK police forces, including territorial forces in England, Scotland, Wales and Northern Ireland, some British overseas territories, British Transport Police (**BTP**), the Civil Nuclear Constabulary (**CNC**), and the Ministry of Defence Police (**MDP**).
6. The NPCC is underpinned by a legal agreement under Section 22A of the Police Act 1996. The agreement, which is signed by Chief Constables, PCCs and non-Home Office Force equivalents (being representatives of forces other than the territorial forces of England and Wales), declares that the parties will collaborate in the running and funding of the NPCC. The 2017 version of the agreement [**MH/1 – INQ000086562**], which applied during the Covid-19 pandemic, sets out the specific functions of the NPCC at section 7.1:
  - i. “The coordination of national operations, including defining, monitoring and testing force contributions to the Strategic Policing Requirement working with the National Crime Agency where appropriate;
  - ii. The command of counter terrorism operations and delivery of counter terrorist policing through the national network as set out in the Counter Terrorism Collaboration Agreement;
  - iii. The coordination of the national police response to national emergencies and the coordination of the mobilisation of resources across force borders and internationally;
  - iv. The national operational implementation of standards and policy as set by the College of Policing and government;
  - v. To work with the College of Policing, to develop national approaches on criminal justice, value for money, service transformation, information management, performance management and technology; and

- vi. Where appropriate, to work with the College of Policing in order to develop joint national approaches to staff and human resource issues, including misconduct and discipline, in line with the Chief Officers' responsibilities as employers."
- 7. The NPCC has no operational directive powers in relation to forces in the UK. It cannot instruct a force or an individual police officer to take any action or to refrain from acting. Guidance, policy and briefings issued by the NPCC are implemented on a voluntary basis by cooperation and engagement. Operational policing decisions remain the responsibility of force leads and individual officers, including in the context of a national emergency.
- 8. The NPCC is funded by police forces in England, Scotland, Wales and Northern Ireland, Crown Dependencies, as well as some British overseas territories, and from other NPCC member organisations.
- 9. The NPCC is a national coordinating body with representative obligations in respect of Scotland, Wales and Northern Ireland. Policing is a fully devolved matter in both Scotland and Northern Ireland, where responsibility for criminal justice sits with Police Scotland and the Cabinet Secretary for Justice in the Scottish Government and the Police Service of Northern Ireland (**PSNI**) and Minister of Justice for Northern Ireland respectively.
- 10. In Wales, responsibility for criminal justice and policing remains with the UK Government. The four Welsh police forces are funded by both the Welsh Government and the UK Government through the Home Office. The Welsh Government has the power to legislate for offences in relation to devolved matters in Wales, such as public health Regulations.
- 11. The NPCC is led by a full-time Chair who is chosen by the organisation's membership.
- 12. The Chair is supported by two part-time elected Vice Chairs (currently Chief Constables Michelle Skeer and Rachel Swann) and a team of staff within what is called the NPCC 'strategic hub', being the core staff undertaking practical and administrative functions. The hub, which was first created after the Covid-19

pandemic, has five different areas of work: organisational development and change, strategic planning and performance, business support, communications, and providing coordinators for its 12 principal coordination committees (as to which see paragraph 17 below).

13. The primary decision-making forum for the NPCC is the Chief Constables' Council. The Council is made up of Chief Constables (or Commissioner in the Metropolitan Police Service and City of London Police) of the territorial forces of England, Scotland, Wales and Northern Ireland, including the British Transport Police, the MDP Police, the Civil Nuclear Constabulary, Crown Dependencies, the National Crime Agency (**NCA**) and the Chief Executive of the College of Policing.
14. The Council meets at least quarterly to discuss high-level strategic policing issues, such as the implementation of national standards. The Council acts as a representative body for forces to communicate with the NPCC, to raise issues and shape the work of the organisation. It also allows forces to reach agreement on issues of national application to ensure best practice and the adoption of a joined-up approach.
15. The s22A agreement which establishes the governance and structure of the NPCC incorporates the broad commitment of signatories to comply with collective decisions of the Chief Constables' Council. The agreement states that signatories will (at section 8.1.4-5):

“... comply with and assist with any operational requirements or responsibilities of the NPCC in the manner agreed by the Chief Constables' Council [and] subject to clause 8.2 comply with the decisions of the Chief Constables' Council in relation to the NPCC matters...”

16. However, this is not an absolute requirement. As Chief Constables retain operational policing power and responsibility, they are entitled to diverge from the collective decisions of the Council. The NPCC has no enforcement powers to take action where forces deviate from Council decisions, but it works to ensure compliance by cooperation and engagement with individual forces. This is reflected in section 8.2 of the Agreement:



“In the event that a Chief Officer determines that it would not be reasonably practicable to comply with a decision of the Chief Constables’ Council, he/she shall be entitled to derogate from that decision at their own risk. In such circumstances, the relevant Chief Officer shall notify the Chair in writing of the relevant derogation and the reasons for that derogation. This Agreement does not supersede or vary the legal requirements of the office of constable. It is recognised that a Chief Officer remains operationally independent.”

17. The NPCC has twelve coordination committees, each of which is led by a Chief Constable (subject to occasional portfolio vacancies) and supported by a full-time Committee Coordinator. Each committee covers a thematic area and within each committee there are portfolio leads for specific areas of policing. The current coordination committees are:

- i. Crime Operations;
- ii. Criminal Justice;
- iii. Diversity, Equality and Inclusion;
- iv. Finance;
- v. Digital, Data and Technology;
- vi. International;
- vii. Local Policing;
- viii. Performance Management;
- ix. Counter Terrorism;
- x. Prevention;
- xi. Operations;
- xii. Workforce.

18. Within each coordination committee there are a number of portfolio leads who are responsible for specific subject areas within policing. For example, within the Crime Operations committee there are portfolios related to cyber-crime and domestic abuse.

19. The Policing Chief Scientific Advisor (**CSA**) for the NPCC is Professor Paul Taylor. He was selected in January 2021 and started in his role in May 2021, with a direct report to the Chair of the NPCC. There was no Scientific Advisor in place prior to January 2021. It is an advisory role which involves providing independent scientific advice and challenge to the Chair of the NPCC in relation to strategic decision-making, policy and operational decisions.
20. The NPCC is hosted by the Metropolitan Police Service (**MPS**) and based at offices in London, but it is a wholly independent organisation. As part of the hosting arrangement with the MPS, the NPCC has access to financial, HR and legal support.
21. Quality assurance of the NPCC is undertaken by an independent Assurance Board and the Performance Sub-Committee.

### **NPoCC**

22. The National Police Coordination Centre (**NPoCC**) is an operational arm of the NPCC which acts as the central point for mobilisation of mutual aid in policing.
23. NPoCC has been led by Assistant Chief Constable Owen Weatherill as National Mobilisation Coordinator (**NMC**) since 1 July 2019. The NMC is appointed by and reports directly to the Chair of the NPCC. He is supported by a Staff Officer, an operations team, a planning team, an intelligence team and a communications team. A Chief Superintendent leads the daily activity of NPoCC and also acts as Deputy NMC. This position directly reports to ACC Weatherill in his role as NMC. ACC Weatherill is also the current portfolio lead for Civil Contingencies which sits within the NPCC Coordination Committee, having held the portfolio since March 2021.
24. Aside from coordinating the provision of police mutual aid, NPoCC plays a role in facilitating the policing response to pre-planned and dynamic events where a response from multiple forces is required. NPoCC provides a national intelligence function through the Strategic Intelligence and Briefing team (**SIB**). NPoCC also provides a central coordination function for UK policing, supports Chief Officers at

COBR, and regularly represents UK policing at official meetings and meetings at ministerial level related to national events, crises, disorder and civil emergencies.

25. Like the NPCC, NPoCC has no compulsory powers and is not able to direct any officer or force in relation to operational policing. NPoCC has the power to communicate and facilitate the sharing of resources, but it does not have any enforcement mandate. Its work is undertaken through voluntary cooperation and engagement.

### ***College of Policing***

26. The College of Policing (**the College**) is a separate organisation which works closely with the NPCC. The College was established as the professional body for policing in England and Wales on 1 December 2012, replacing the National Policing Improvement Agency. The College is a company limited by guarantee which is owned by the Secretary of State for the Home Department but operates at arms-length from the Home Office.
27. The College is currently led by CEO Andy Marsh, the former Chief Constable of Hampshire and Avon and Somerset, who took over from the interim CEO Deputy Chief Constable (**DCC**) Bernie O'Reilly in September 2021. DCC O'Reilly had taken over from the former CEO, Chief Constable Mike Cunningham.
28. The purpose of the College is to support the fight against crime and protect the public by ensuring professionalism in policing. It has no operational policing role and its areas of responsibility are set out in the Explanatory Notes to the Anti-Social Behaviour, Crime and Policing Act 2014:

“First, the College will have the responsibility for setting standards and developing guidance and policy for policing. Second, it will build and develop the research evidence base for policing. Third, it will support the professional development of police officers and staff. Fourth, it will support the police, other law enforcement agencies and those involved in crime reduction to work together. Fifth, it will identify and develop the ethics and values of the police...”



29. The College's remit is limited to police officers and staff, other police force employees, and volunteers, such as Special Constables in England and Wales. It works alongside experts from other agencies to develop specialist knowledge to ensure College publications, such as Authorised Professional Practice (**APP**) and training, are informed, relevant and based on the best available evidence.
30. The College operates in relation to policing in England and Wales and liaises closely with police services of Northern Ireland and Scotland, seeking to create a collaborative approach (particularly in cross-border operational arrangements, such as for deployment of police firearms teams). However, Police Scotland and the PSNI each have separate internal departments which undertake similar functions to the College of Policing.

#### **The scope and nature of Operation Talla**

31. The Covid-19 pandemic posed a wide range of challenges in every aspect of private and public life. Policing in this country faced many such challenges, as the pandemic affected every part of our work and every part of the service. The police service had to adjust to novel conditions and do what it could to ensure that it was able, so far as possible, to discharge its usual functions and duties, whilst also paying proper regard to its responsibilities for the safety and welfare of its officers and staff. In addition, however, the provisions of the Coronavirus Act 2020 and related Covid-19 Regulations led the police service into public health policing, which was largely uncharted territory. This unprecedented situation called for an unprecedented response. The NPCC recognised that the policing strategy for the pandemic would require a coordinated approach. The NPCC had recent experience of a successful national coordination exercise in respect of candidate security during the campaign period of the December 2019 General Election. Paul Netherton, the Deputy Chief Constable of Devon and Cornwall Police and the lead for Civil Contingencies at the time, set up early meetings with Chief Constables and other senior officers to agree an operational response to the Covid-19 pandemic.



32. Operation Talla was the operational name given to that response. It was established in March 2020, with a formal commencement briefing to all Chiefs on 10 March 2020. Operation Talla is still live, but with reduced resources which are focused on Recovery and Reform work.
33. The purpose of Operation Talla was not to hold operational command for policing, which remained wholly the responsibility of individual forces through the relevant Chief Constable and/or Force Gold Commander. Instead, Operation Talla was formed to provide a national coordination function for policing activity during the pandemic.
34. In order to achieve this, Operation Talla sought to ensure that there was clear communication between forces and to facilitate effective liaison with relevant government departments. Operation Talla was also intended to provide guidance and support for contingency planning and operational responses taken by individual forces and to capture and share learning for policing and partners.
35. Operation Talla was run at a national level and had application for all forces in England, Scotland, Wales and Northern Ireland. Apart from the central NPCC Operation Talla Gold and Silver coordination structure, each force had its own force-specific leadership for its local Covid response. Some also named this Operation Talla, though some forces adopted different operational names.
36. The six primary strategic objectives of Operation Talla were:
- i. Save life and safeguard the vulnerable where possible;
  - ii. Identify and where possible mitigate the primary pressures which will otherwise inhibit our ability to deliver 1 above;
  - iii. Safeguard the health and wellbeing of our staff;
  - iv. Provide support to other agencies where appropriate and proportionate – having regard to threat harm and risk and resource availability;
  - v. Planning for recovery phase from the outset – to enable the earliest possible return to normality;

- vi. Coordinate communications activity across policing and government on priority issues to retain confidence of key audiences and deliver the six strategic aims.
37. Operation Talla was led by me in the role of National Gold. The National Silver was ACC Weatherill, who, as stated above, is also the NMC for NPoCC and took over the portfolio lead for Civil Contingencies from March 2021.
38. The members of the Operation Talla leadership changed over time, but included representation from Neil Pattinson as the Home Office Silver, Chief Constable Mike Cunningham from the College of Policing, Deputy Director Steve Bennett of the NCA and DCC Paul Netherton, who was the NPCC Civil Contingencies Lead prior to March 2021.
39. The twelve leaders of the NPCC coordination committees also played a role in Operation Talla, holding responsibility for the relevant thematic areas at NPCC level.
40. As part of Operation Talla, ACC Weatherill led a National Silver Thematic Leads group (**the Thematic Leads Group**), which assisted in providing tactical direction to the National Silver. The group had identified work strands and was able to consult the corresponding portfolio leads within the NPCC's coordination committees for specific areas of work. The work strands managed by the Thematic Leads Group changed over time, but included:
- i. Resources/Capability – the coordination of national mutual aid, mobilisation and national reporting mechanisms, tracking national police absence levels;
  - ii. Welfare/Wellbeing – ensuring police officers and staff were proactively informed and supported during all phases of Operation Talla;
  - iii. Equipment/PPE – ensuring all police officers and staff were equipped with the necessary equipment/PPE;
  - iv. Strategic Communications and Stakeholder Management – ensuring the UK policing response and command structure communicates effectively with internal and external partners;

- v. Community Impact/Tension – ensuring the state of normality is benchmarked, the developing impact of Covid-19 is understood and appropriate steps are taken with partners to respond to emergent changes;
  - vi. Service Delivery – tracking national trends in reported crime and demands on policing, assessing and reporting on service delivery, and monitoring any changes as a result of Covid-19;
  - vii. Policy/Legislation – ensuring that policing is linked in to government with regard to developing legislation and regulations, has the appropriate legal guidance from police lawyers and the subsequent legal guidance and advice was developed at pace into national guidance issued to forces.
41. The Thematic Leads Group included staff seconded from a number of police forces, the College, NPoCC, and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (**HMICFRS**). The Group engaged in coordination with government departments. The group held an internal daily meeting and hosted a wider meeting on a weekly basis with stakeholder organisations.
42. ACC Weatherill met regularly with regional leads at the chief officer level, enabling a two-way flow of information related to the pandemic and the policing response. This occurred both through regular scheduled meetings and informal contact as required. There was also a separate weekly civil contingencies meeting held by DCC Netherton which included a range of external partners. This was merged with the regional leads meeting in late 2020 for efficiency purposes.
43. Operation Talla worked with the College to produce operational briefings and guidance on Covid-19 legislation and matters arising from the pandemic for police forces in England and Wales, such as PPE. Guidance and operational briefings for Scotland, Northern Ireland, the Crown Dependencies and overseas territories were developed locally due to the devolved responsibilities for policing and differing legislative requirements, but each region drew on the materials disseminated by the NPCC when drafting operational briefings and guidance.

#### **The role, function and responsibilities of the NPCC in the enforcement of Covid-19 Regulations in England**



44. As set out above, the range of Operation Talla's work during the pandemic was considerable and encompassed far more, in terms of the coordination of the national policing effort, than simply the enforcement of Regulations.
45. The NPCC played no direct role in the enforcement of Covid-19 Regulations in England. This reflects the structure and function of the NPCC, which, as I have already noted, does not include operational command or directive powers towards individual officers or forces.
46. While the NPCC worked with the College to produce and disseminate briefings on the practical application and effect of the Regulations, and in this way worked hard and extensively throughout the pandemic to achieve compliance with Covid legislation and regulations, enforcement remained at all times the sole responsibility of individual officers and forces, as well as non-policing organisations such as the Health and Safety Executive and local government. For example, the power to issue a Prohibition Notice was conferred on local authorities as well as police officers. There was an early decision, confirmed through subsequent operational briefings, that the issue of a prohibition notice would be led by local authority officers.

### **Relationship with the ACRO Criminal Records Office**

47. ACRO was founded in 2006 as the ACPO Criminal Records Office following a decision by the then Association of Chief Police Officers (**ACPO**). It is a wholly separate organisation to the NPCC, but the two organisations work closely together. The aim of ACRO was to establish an operationally-focused unit to organise the management of criminal records information and improve the links between criminal records and biometric information. When ACPO was dissolved in 2015/2016, the ACPO Criminal Records Office became ACRO.
48. ACRO is hosted by Hampshire Constabulary under the lead of the Chief Constable. As employees of Hampshire Constabulary, ACRO staff take ultimate direction and control from the Chief Constable. However, ACRO's operational focus is distinct from that of the force.



49. ACRO's operational work is overseen by the ACRO governance board, which is independent of ACRO and is chaired by the Chair of the NPCC. This board comprises stakeholder representatives from government, policing and expert members, as well as representatives from Scotland and Northern Ireland Police.

***The role of ACRO in administering Fixed Penalty Notices***

50. ACRO played a role in the coordination of payments of Fixed Penalty Notices (FPNs) under the Covid Regulations. Outside the context of the Covid-19 Regulations, FPNs are ordinarily processed by the police with payments transferred to the courts directly. However, the Covid-19 Regulations stipulated that fine payments should instead be received by the Local Authority where the offence took place (see, for example, the Health Protection (Coronavirus, Restriction) (England) Regulations 2020 at Regulation 10(2)-(3)). At the time, some police forces did not have administrative systems which could support the transfer of payments to the relevant Local Authority and this created a significant resource burden.
51. ACRO therefore assumed a central management role in the administration of FPNs. The initial proposal regarding FPNs was directed to Hampshire Constabulary only, but it was subsequently expanded to all forces in England. ACRO identified this as an opportunity to coordinate all territorial police forces and the administration of fines, supporting a consistent national approach in administering notices and collecting payments in England under the Covid-19 Regulations. Over time, this was expanded to Welsh Forces. Police Scotland and PSNI remained independent from the process.
52. ACRO worked closely with the College and Operation Talla to create standardised offence wordings and proformas for the issuance of FPNs. These proformas were used by forces in England & Wales to record and submit evidence authorising the issuing of an FPN. ACRO also assisted where forces utilised other systems, such as Pronto, to create and submit evidence. Approximately 30 proformas were developed to meet the requirements of changing Regulations over time. ACRO developed penalty notice letters and additional correspondence templates for

English and Welsh offences (with translations), updating the wording to keep pace with rapidly-changing restrictions.

53. The initial decision to commence the FPN process remained the responsibility of individual forces. Where a FPN proforma was filled in, the relevant officer would review it and send it to ACRO electronically. ACRO conducted internal checks and either referred the matter back to the force or issued the formal FPN notification to the recipient. The organization then acted as the receiving entity for funds paid in response.
54. Further information in relation to the designation of ACRO as a competent authority in relation to FPNs can be provided by ACRO if required.
55. ACRO was responsible for maintaining data related to the issuance of FPNs and for developing data accuracy and rejection processes to improve the quality of information submitted by forces and to ensure the consistency of data recorded.
56. ACRO's analysis team provided reports to Operation Talla on a regular basis to show FPN enforcement activity. The data was not always comprehensive as various forces were working on different timescales for FPNs. For example, some used electronic proformas to refer potential FPNs to ACRO, while others used handwritten proformas. Some forces had internal quality assurance processes which took more time than other forces' processes. In general, the data provided a picture of compliance in different areas over time, which helped to inform senior police and government officials' communication strategies and decisions on the ongoing policing response. Reporting was initially undertaken on a weekly basis, but the frequency reduced as the issuance of FPNs lessened over time.

#### **Guidance and briefings provided to police forces in relation to the Covid Legislation and Regulations**

57. The work of the NPCC through the relevant period was directed at achieving compliance with Covid legislation and regulations whilst recognising, identifying and managing the potential and actual impact of Covid-19 on existing core functions of policing.

58. Essential to this work was the drawing up and effective dissemination of clear and accurate operational briefings to all forces, and through forces to police officers and staff. Whilst these briefings were frequently referred to as 'guidance', this statement makes a distinction in terminology which is important, in part because of the contemporaneous publication of guidance by the government.
59. The process employed by the NPCC and the College of Policing in drafting guidance and issuing operational briefings is described below.

### **Guidance**

60. The key guidance for achieving compliance with Covid legislation and regulations was the 'Four Es' approach: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance**) [MH/2 – INQ000099936]. Enforcement, whether through the issue of a Fixed Penalty Notice or otherwise, was the last resort after the first three 'Es' had been undertaken.
61. The 'Four Es' guidance was developed by a small group of staff from the NPCC following receipt of the first emergent set of Covid-19 regulations. The group worked long hours over a period of 2-3 days in order to develop a consistent approach to policing enforcement which was easy to remember, based on the 'five step appeal process' used by many frontline officers (consisting of: i) simple appeal; ii) reasoned appeal; iii) personal appeal; iv) final appeal; v) action).
62. The 'Four Es' guidance was issued in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic. It was regularly referred to in Covid police briefings. This was the sole example of 'guidance', formally named as such, issued by the NPCC/the College during the pandemic, as it provided guidance on how to approach enforcement of Covid restrictions.
63. The 'Four Es' guidance did not include specific details on how to approach each of the steps or how, when or at what speed to move from one step to the next. Policing recognised that compliance with restrictions optimised public safety. For this reason, success was regarded as the ability to secure maximum compliance with the



regulations without the need to resort to enforcement. This is the aim towards which the 'Four Es' guidance was directed.

64. The 'Four Es' guidance was published on the College website, social media platforms (such as Facebook, Twitter and LinkedIn) and shared via communications leads at individual police forces, then disseminated by e-mail via NPCC Operation Talla to Force Leads, Force Control Rooms, published on ChiefsNet (an intranet based method of information-sharing between Chief Officers and their team), and via the media. The guidance was also used and referred to in the Operation Talla daily police chiefs briefing telephone call.
65. The same approval process for the 'Four Es' guidance was used for operational briefings, as set out below.

### ***Operational Briefings***

66. 'Operational briefings' were produced by the College and the NPCC in response to proposed or finalised legislation, regulations and/or regulation amendments as and when shared by the relevant government department.
67. These briefings were intended to provide a plain English, easy-to-understand representation of the relevant legislation and regulations and were drafted and formatted so that they could be used in presentations for daily police briefings. The documents were designed to be easily accessible; they could be printed by officers or accessed on electronic devices when needed.
68. The usual process for producing and approving operational briefings was as follows. The briefings were written by staff at the College and sent to the College legal team before review by senior management at the College. A draft would then be sent to the Operation Talla legal team for review before sign off at College director level. As a formality, the draft would be shared with the Home Office in England and/or Welsh Government in Wales for 'government review'. I was then responsible for final Operation Talla sign-off, though in reality this function was often delegated to ACC Weatherill.



69. The approval process could take anywhere from several hours to several days - with College staff working long hours, seven days a week, to ensure that briefings were provided to police officers as soon as possible.

### ***Communication with forces***

70. The primary stakeholders for the NPCC are its constituent police forces, including Police Scotland, PSNI, the forces of the Crown Dependencies, and other forces such as the CNC, the BTP and the MOD Police. Throughout the pandemic, the NPCC remained in communication with forces to identify and address challenges and policing matters.
71. Communication was undertaken through formal meetings, electronic communication and information sharing processes. The most common methods of briefing were through the medium of Silver meetings or by individual correspondence with the relevant portfolio leads within the NPCC as specific issues arose. In addition, many matters were linked into Gold meetings and the daily work of Operation Talla.
72. In general, the most immediate granular or time sensitive matters were dealt with on a daily basis with communications through the Silver group, to daily/weekly briefings and/or individual correspondence with portfolio leads, whereas less time-sensitive issues of broader application could be reserved to formal consideration within the Gold group as appropriate.
73. Briefings were also issued to Chief Officers through the ChiefsNet platform on a daily basis. The briefings were short, directed updates on Operation Talla, including matters arising within specific portfolios which had relevance to policing during the Covid-19 pandemic. Chiefs' Operational Briefings, which in respect of issues of specific note might incorporate correspondence commencing "Dear Colleagues", provided information to Chief Constables and other stakeholders regarding important updates, including in relation to changes in regulations and updates from the Independent Ethics Committee. The documents were drafted by personnel from a range of portfolios, depending on their contents.

74. For example, the Chiefs' Operational Briefing dated 9 April 2020 was circulated just before the Easter weekend 2020. It highlights the direction to use the 4Es staged approach, and provides information to Chief Constables and portfolio leads in respect of PPE guidance and public messaging.
75. Once signed off, operational briefings were disseminated in accordance with the process set out above and published on the College website. The operational briefing documents remained on the College website until they were superseded by new or updated briefings to reflect new or amended regulations.
76. Operational briefing documents were often accompanied by infographics and delivered via a wider communications plan, incorporating social media platforms, to inform police officers and the public about new regulations, what they meant and how restrictions would be enforced.
77. Social media and scenario infographics were produced for social media channels including Twitter, Facebook and LinkedIn. These materials were also provided directly to police forces. The scenarios covered subjects including:
- i. Changes to regulations;
  - ii. Coronavirus Act;
  - iii. 'Four Es' guidance;
  - iv. Health conditions requiring exercise – exemptions for specific health conditions/carers;
  - v. Homelessness;
  - vi. Substantive offences;
  - vii. Travel;
  - viii. Under 18s;
  - ix. Bank holidays;
  - x. Large gatherings;
  - xi. Fines.
78. Early in the pandemic, the College published on its website one iteration of CPS guidance. This was not NPCC or College guidance. The document was called: 'What constitutes a reasonable excuse to leave the place where you live' (09.04.2020).

This document was published as there was confusion about what constituted a reasonable excuse to leave one's home, and in anticipation of what was expected to be a warm Easter weekend. As subsequent regulations communicated the matter more clearly, no further CPS guidance was published on the College website during the pandemic.

79. The only other Covid-19 guidance published and disseminated was not directly connected to enforcement of the regulations but contained guidance on carrying out normal policing during a pandemic. This guidance was provided to police forces via a secure internet site (not the College's publicly accessible website). This guidance included:

- i. Responding to domestic abuse;
- ii. Referral support for victims;
- iii. Referral support for perpetrators;
- iv. Guidance for telephone first response to domestic abuse;
- v. Domestic abuse decision making framework;
- vi. Serial potentially dangerous stalking perpetrators;
- vii. Conducting telephone interviews;
- viii. Signatures on witness statements;
- ix. Missing persons;
- x. Breath-testing.

80. When developing guidance or operational briefings incorporating material which required technical or epidemiological expertise, the NPCC liaised with organisations such as the Health and Safety Executive, Public Health England (**PHE**) and the Defence Science and Technology Laboratory. For example, the NPCC provided briefings to forces regarding the standards of PPE required to keep officers safe. In order to achieve this, the NPCC held meetings with expert stakeholders to ensure the briefings reflected best practice. Whether to implement the recommended standards remained a matter for individual forces and ultimately a different approach was taken to PPE by Police Scotland, but the NPCC disseminated briefings and assisted in making available to forces a stock of PPE which met the relevant



requirements as part of its national procurement hub (see below at paragraphs 112-114).

### **Issues arising in respect of guidance and briefings**

81. In practice, notice received of an imminent change was often very short, particularly in the first 3-4 months of the pandemic. The notice period was sometimes measurable in hours, with limited if any opportunity for consultation. On at least one occasion the NPCC became aware of the existence of new proposed restrictions by social media. The result was that there were multiple occasions when there was a time lag between the coming into force of new legislation and the availability and dissemination of briefings, which meant that the commencement of enforcement was on occasion correspondingly delayed.
82. A separate source of difficulty was created where the legislation lacked clarity or specificity, or where government-issued guidance or messaging was inconsistent with or went beyond the legislation enacted. For example, by 5<sup>th</sup> June 2020 in Wales, Scotland and Northern Ireland, secondary legislation made businesses responsible for maintaining a distance of two metres between persons on their premises. This was not a legal requirement in England; it appeared only in government guidance.
83. Another important example is provided by the restrictions in respect of movement of people during lockdowns. Following the announcement by the Prime Minister of the first national lockdown on 23<sup>rd</sup> March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into effect at midnight on 26<sup>th</sup> March 2020. It became an offence to leave home without a reasonable excuse.
84. These regulations provided a lengthy and non-exhaustive list of reasonable excuses for a person to leave the place where they lived, including 'to take exercise either alone or with other members of their household'. The regulations did not limit the number of times a person could leave their home per day, or how far they could travel, or the length of time they could spend outside. Individuals were permitted to leave home multiple times and for any period of time, provided that they had a reasonable excuse. The list of reasonable excuses was different in all four nations



and the governments of each nation made differing amendments to the lists during the first three months of lockdown.

85. By contrast, government guidance – which was similarly repeatedly revised, initially set out a limited number of circumstances capable of amounting to a reasonable excuse: *shopping for basic necessities; one form of exercise per day; a medical need or as necessary to avoid the risk of injury or harm; travelling for work purposes*. No assistance was provided in guidance or Legislation as to what might amount to a basic necessity.
86. Discrepancies between the legislation/regulations and government guidance heightened the risk of i) police officers misunderstanding the extent of their powers and obligations and ii) the public misunderstanding the nature of the restrictions. Police officers have no power to enforce government guidance, as opposed to legislation and regulations. The discrepancies between the two reinforced the need for clear NPCC briefings to police forces. The NPCC also needed to raise discrepancies of this kind with government while working under great time pressure.
87. Protest activity was not initially identified in guidance or legislation as an example of a 'reasonable excuse' for breaching restrictions on either movement or gathering. Following the making of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 on 3<sup>rd</sup> July 2020, gatherings organised by a political body became a recognised exemption from restrictions, subject to the completion by organisers of Covid-19 risk assessments '*which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(14), whether or not the gathering organiser is subject to those Regulations*' and the implementation of measures to manage the risks of transmission.
88. The expertise or capacity of the police to review those assessments was not considered (or not considered in consultation with the NPCC or forces) in advance of the making of the regulations and was an unwelcome additional burden in an operational context which demanded discretion and sensitivity. Issues associated with the policing of protests during the pandemic period received considerable media attention, were the subject of legal challenge and some investigatory work by HMICFRS.

89. Whilst there were important differences between the regulations and guidance for England and for Wales, including in particular in the definitions of essential travel and in the durations of lockdowns, in practice few issues with interpretation or enforcement arose. Examples of the limited issues which did arise are:
- a. A perverse and unintended effect on some households in England, whose closest shopping facilities were in Wales, but who were required to carry out far lengthier journeys in England because of the relative strength of the Welsh restrictions
  - b. The occasional rescinding of a FPN where it was issued under the wrong legislation.
90. It is likely that the lack of issue was attributable to the clarity and robustness of the regulations and guidance for Wales, coupled with an awareness in the police forces, Welsh and English, through whose areas the border runs.

#### **The extent and nature of NPCC liaison with key stakeholders**

91. Throughout the pandemic, engagement and liaison with stakeholders remained a priority for the NPCC to ensure consistency of approach and effective communication in the administration of policing and the response to the introduction of Regulations. As part of this process, the NPCC undertook and received a broad range of briefings in order to remain up to date with information regarding the pandemic and to share relevant material with partner organisations and forces.
92. Individual police forces and Chief Constables are the primary stakeholders for the NPCC. Engagement with forces has been addressed supra at paragraphs 70 - 80.

#### ***Partner organisations***

93. In addition to forces and Chief Constables, the NPCC has key stakeholders which are separate to the organisation but work in close partnership, namely the College and ACRO. Both the College and ACRO had representatives embedded within Operation Talla and were represented in Gold and Silver groups as required. In

relation to ACRO, there was regular dialogue between ACC Weatherill and T/ACC Stuart Murray, including by attendance at Gold meetings, email correspondence and telephone communications. Liaison with the College has been addressed above in relation to the production of operational briefings and guidance.

94. As set out above at paragraphs 48-57, ACRO played a central role in enforcement through its administration of FPN notices, data management and responsibility for the collection of payments for distribution to Local Authorities. The College also played a key role in enforcement through the drafting of operational briefings and guidance related to Covid-19 legislation. The NPCC engaged regularly with both ACRO and the College in relation to these matters following the introduction of the relevant Regulations. Aside from informal channels of communication which were maintained as a dialogue throughout the pandemic, both organisations had personnel embedded in Operation Talla and were represented at Silver and Gold meetings when required.

### ***External stakeholders***

95. The NPCC has working relationships with a number of external stakeholders, such as the Home Office and other government departments. The Home Office had a standing position for representation at the Operation Talla Gold group and attended as matters relevant to their interests arose.
96. ACC Weatherill was in regular communication with the Home Office throughout the pandemic, including in relation to the issue of enforcement. Telephone calls were made and emails sent multiple times a day to senior officials within the Home Office.
97. ACC Weatherill and I regularly attended Police Operational Briefings, which were meetings held between key stakeholders in relation to policing matters. At the height of the pandemic, the meetings were held twice a week, but the frequency decreased over time.
98. The Home Secretary and Policing Minister were regular attendees at the meetings, as was Cressida Dick, who was then Commissioner of the Police of the Metropolis.



Lynne Owens, Director General of the NCA, also attended the Police Operational Briefings as required. After early meetings, an arrangement was introduced for additional police chiefs to attend the Briefings to assist in sharing contextual information regarding the situation outside of London. This was organised on a rotating system to ensure breadth of representation.

99. The meetings were used as a line of communication to brief partners, share challenges and discuss the best approach. For example, where difficulties arose with Regulations and enforcement due to the rapid pace of implementation, this was shared in the Police Operational Briefings. In my experience, the meetings were constructive and enabled us to have a method of sharing concerns with government.
100. Both the Crown Prosecution Service (**CPS**) and Ministry of Justice (**MOJ**) had representation on NPCC portfolios and worked with the portfolio lead for Criminal Justice throughout the pandemic. The NPCC also assisted in facilitating links between partner organisations. For example, when FPNs were introduced the Border Force was not an existing prosecuting authority, so the NPCC liaised with Border Force and connected the organisation with the NPCC's CPS and MOJ contacts.
101. It was rare for the NPCC to have communications with No. 10 Downing Street or the Cabinet Office. On 2 September 2020, ACC Weatherill and I attended a meeting with the Prime Minister and some members of Cabinet in relation to localised lockdowns. Prior to that meeting, the NPCC did not have sight of government data regarding epidemiology and transmission. A request was made for the Department of Health and Social Care (**DHSC**) to include the NPCC in its weekly meetings. This allowed ACC Weatherill to receive updates on transmission data, which assisted Operation Talla in its approach to policing.
102. Part of the Civil Contingencies function of NPoCC is to attend COBR meetings where relevant to policing. ACC Weatherill and I attended a small number of COBR meetings during the pandemic in this capacity.

## **Learning and reflection**

103. The need to identify, capture, and reflect on both short and longer-term learning and implications of the policing of Covid-19 was initiated by Operation Talla in the early stages of the pandemic under the rubric of the Recovery Learning and Reform Programme. Separately, a C-19 Foresight Group was established within the Civil Contingencies Portfolio. This early recognition reflected the NPCC's awareness that, regardless of the progress of the pandemic, it would be necessary to harvest as much by way of data, information, understanding, and learning as possible, and that the sources of such understanding would be manifold, both internal to the police service and external.
104. A Board was established to support, direct and review the delivery of the programme, with core members drawn from the NPCC, the Home Office, the College of Policing, the National Crime Agency, the Independent Office of Police Conduct; the Association of Police and Crime Commissioners; HMICFRS; and Counter Terrorism Policing. The first meeting was held on 7<sup>th</sup> July 2020.
105. The expressed aim of this programme was two-fold:
- i. Supporting the identification and sharing of learning and knowledge in near real-time to inform ongoing decision making and planning.*
  - ii. To develop an objective, evidence based understanding of the long-term impact and implications of Covid-19 on and for policing.*
106. The College worked throughout the pandemic to ensure that learning and effective practice was shared. It worked with forces to gather examples of effective COVID related operational practice and tactics and shared this information through a variety of channels. As the pandemic affected geographic regions at different rates and intensities a key aim was to identify and share early emerging practice and learning so it could be quickly applied across England and Wales.
107. Early in the pandemic the College developed a COVID restrictions web page as a quick reference guide so that officers and staff could get the information they needed quickly and easily. This could be accessed on any mobile device and was structured to give one-click access to the information officers needed when attending COVID

related calls. Advice was grouped to reflect potential scenarios that officers could experience on the street, under four specific headings (persons; groups and gatherings; premises, events and places; and businesses) and included details of the relevant restrictions, offences, and the fixed penalty notice amounts. The webpage was updated daily and included a list of upcoming College events and programmes and their status.

108. Later, the College restructured the web page into the College's 'COVID-19 Hub' providing additional information on:

- i. Understanding the law
- ii. PPE
- iii. Interviewing victims, witnesses, and suspects
- iv. Looking after yourself
- v. College updates

109. The COVID-19 restrictions meant that those crimes that occurred in the home and online appeared to increase. Early reports from China and Italy, who imposed lock down early on, indicated a significant increase in domestic abuse (DA) cases. Once lockdown was introduced in the UK, the College became concerned that there could be a risk of DA incidents rising but incidents not being reported to the police.

110. In response, the College regularly met with the DA charity sector. These meetings identified significant changes in the number and nature of demand and as a direct result, the government carried out publicity campaigns to highlight DA risks and encouraged victims to report. Many forces also carried out local publicity campaigns to encourage reporting.

111. In response to fears of an exponential increase in DA and domestic homicides, the College was involved in the Home Office 'Domestic Homicides and Victim Suicides During Covid-19 Pandemic' [MH/3 INQ000216922] report and acted as a critical reader. The research was the first of its kind in England and Wales to look at the impact of the COVID-19 pandemic on domestic homicides and suicides following domestic abuse, learn lessons and prevent future deaths occurring. Our involvement meant domestic homicides in a domestic setting were included within the research



parameters, and therefore that child homicides were also included, as opposed to homicides falling within the narrower definition of 'domestic abuse'.

112. A number of products were readily accessible to policing via the Knowledge Hub Civil Contingencies Community. These included:

- i. Weekly Practice Briefings: provided swift identification and sharing of emerging practice, tactics and learning, and enabled forces to adopt and adapt early learning through the different stages of the pandemic;
- ii. A 'COVID community of practice' facilitated by the College, offered officers and staff from across policing an opportunity to request and provide advice on COVID related issues as well as acting as a forum for wider discussion on emerging issues.

113. The College's organisational development and peer support team captured and shared emerging practice and learning in the response and recovery phase of the pandemic. The team acted as a central hub - signposting and dealing with requests for information from forces and facilitated networking through knowledge sharing events ['KSEs'].

114. A key new process established in respect of the identification and sharing of knowledge was the holding of KSEs. These were online events, held from 5<sup>th</sup> May 2020, generally twice a week, and from then throughout the relevant period. These were established and hosted for the most part by the College of Policing and otherwise by the NPCC. They provided a means of capturing more information and creating a regular, live way for forces to engage and question one another's experiences and share learning. From this, the KSE evolved to support forces in a more bespoke manner. Each session dealt with a discrete topic and was supported by a written summary and reference material. Topics and practice were presented by officers, practitioners and specialists, and included an all-force question and answer session. Following each session a summary report with supporting materials were made available. Topics included both Covid specific and wider policing matters, reflective of the impact of the disruption across the whole of policing. KSEs were readily available to policing via the Knowledge Hub Civil Contingencies

Community. The success of KSEs in providing a forum for rapid centralised sharing of information and experience was recognised in 2020 by the College of Policing and the NPCC. KSEs are now permanent.

115. The College also created the COVID-19 Ideas Survey to gather ideas and practice from front line practitioners, where some key projects were identified and progressed such as: the GoodSam App - an emergency video responder application adapted to policing.
116. During 2020 and 2021 focussed learning and consultation events were held and independent reports commissioned, intended to extract wider organisational learning themes and priorities. These included:
  - i. In August 2020, an exercise carried out by the College of Policing, working with the NPCC and with individual forces, to identify the top 10 organisational learning priorities in respect of the Covid-19 response, **[MH/4 – INQ000216923]**. This was available to policing via the Knowledge Hub Civil Contingencies Community.
  - ii. 'Organisational learning in policing during Covid-19: Strengths, Barriers, and Areas for Improvement': report published in November 2020, detailed what was working well, the barriers and areas for improvement across UK policing, again available to policing via the Knowledge Hub Civil Contingencies Community **[MH/5 – INQ000099937]**.
  - iii. In April 2021, an online debriefing event held by the Hydra foundation using 10kv – cloud methodology, designed to extract from participants their view on what went well, what solutions had been developed, and what messages they wished to send to senior leaders **[MH/6 – INQ000099938]**.
  - iv. 'Covid-19 and Future Threats: a Law Enforcement Delphi Study', November 2022. UCL was commissioned by the NPCC to complete this study with the following key aims:
    - Systematically assess learned experiences of policing during the disruption to inform future policy

- Contribute towards the readiness of Law Enforcement Agencies to police future disruptions and operate under 'normal' conditions
- Anticipate future crime trends
- Inform policing strategy and policy

The report resulted in a series of recommendations including in relation to themes of community engagement; staff well-being; and activity requiring investment [MH/7 – INQ000099939].

- v. 'Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups' [MH/8 – INQ000099940].

The NPCC published regular statistics throughout the pandemic on how many FPNs were issued by police forces under the coronavirus Regulations. This was made possible through the centralization of part of the FPN process through ACRO (as described above from paragraph 51 onwards) and was reflective of the NPCC drive towards transparency in respect of its work to ensure compliance with the legislation.

During the Covid-19 pandemic, the NPCC commissioned analysis of Fixed Penalty Notices issued by police forces under the Health Protection (Coronavirus, Restrictions) Regulations 2020 between 27<sup>th</sup> March 2020 and 25<sup>th</sup> May 2020 (**the First Report**). The analysis was undertaken by John Flatley and Rosanna Currenti from the Government Statistical Service and was subject to peer review by a researcher from the College of Policing and an independent academic. The analysis relied upon the aforementioned data gathered by ACRO.

The purpose of the First Report was to understand, so far as practicable, the extent to which there was disproportionality in the issuance of FPNs by age, sex or race.



In July 2020, the NPCC shared the First Report with all forces in order to inform and contextualise the use of policing powers moving forward. In addition to sharing the information with forces, on 27 July 2020 the NPCC published the First Report on its website along with the full data set underlying the analysis. Following publication of the First Report, the NPCC continued to publish FPN data obtained from ACRO, as described above at paragraph 57.

vi. “Policing the pandemic in England and Wales: Police use of Fixed Penalty Notices from 27 March 2020 to 31 May 2021” [MH/9 – INQ000187993].

Following the completion of the First Report an additional report was commissioned to reflect a significantly longer period: 27<sup>th</sup> March 2020 – 31<sup>st</sup> May 2021 (**the Second Report**). The Second Report was authored by four academics: Susan McVie, Kath Murray and Victoria Gorton from the University of Edinburgh and Ben Matthews from the University of Stirling.

As of the date of this statement, the Second Report has not yet been published. However, it has been disclosed to the UK Covid-19 Inquiry in advance of publication in order to assist the Chair of the Inquiry.

The Second Report was commissioned by Operation Talla through ACC Weatherill. This was done because:

- i. The issuance of FPNs by police forces under the coronavirus regulations was ongoing;
- ii. The NPCC considered it was necessary to determine whether the matters identified in the First Report in relation to disproportionality were continuing over the longer period of analysis and, if so, to what extent;
- iii. The provision of analysis regarding specific policing areas was helpful to assist forces in responding appropriately to local trends;
- iv. Updated analysis was needed to reflect changes in regulations and restrictions over time;
- v. Ongoing scrutiny was considered important to ensure progress and transparency.

The Second Report is limited in scope to the consideration of certain categories of FPNs. For example, it does not analyse FPNs issued by competent authorities other than police forces in England and Wales. It does not include FPNs issued by the BTP or the MDP. FPNs issued in relation to breaches of face covering regulations and local lockdown rules have also been excluded from analysis because of the difficulty of drawing meaningful comparisons where restrictions in force in different local areas varied significantly over time.

The Second Report should properly be considered in its context, which includes the role of the NPCC in relation to the enforcement of coronavirus regulations (described in paragraph 7 and paragraphs 45 - 47 above), the role of ACRO in administering FPNs (described from paragraph 51 of this statement onwards) and the central importance of the 'Four Es' guidance (described from paragraph 61 onwards).

117. Both the First Report and Second Report include some analysis regarding the enforcement of coronavirus regulations by reference to protected characteristics such as age, sex and race. The NPCC seeks to ensure full compliance with its duties under the Equality Act 2010 (and the equivalent provisions of the Northern Ireland Act 1998) (**Equality Duties**) when exercising its functions. Similarly, as public authorities, territorial forces have overarching Equality Duties with which all officers are expected to comply when exercising policing powers. This was the case prior to the Covid-19 pandemic and remained unchanged throughout the relevant period.
118. The exigencies of the Covid-19 pandemic did not alter officers' or forces' existing Equality Duties. The enforcement of coronavirus regulations was subject to those considerations and obligations, in the same way as any exercise of policing powers outside of the context of a global pandemic. Consequently, it was not necessary to produce new guidance or documentation for officers to amend operational procedures. The Equality Duties were taken into consideration by the NPCC and College of Policing when guidance and operational briefings were drafted, in accordance with relevant staff members' obligations and training.

119. In August 2021, a cross policing system group was established by Operation Talla and NPoCC. The purpose of this group is to draw together the specific and thematic learning points identified through the work of the programme and increasingly available through published academic studies, and begin the process of formulating recommendations. That work is ongoing and will incorporate any recommendations made by the Inquiry. The implementation and assurance in respect of recommendations will be allocated to the relevant portfolio leads within NPCC structures.
120. The Inquiry's attention is drawn to the work of the Police Foundation, an independent policing think tank which, in conjunction with Crest Advisory, carried out a significant research project on UK policing and the Covid-19 pandemic. This project examined *'the strengths and weakness of the current policing model in England and Wales, with a particular focus on policing structures, use of technology, strategic planning and public consent.'* The project's initial report was circulated to all Programme stakeholder through the Board and Regional Recovery Group. The final report was published on 10<sup>th</sup> January 2022. The Recovery Programme has reviewed the recommendations; those relating to policing directly considered within the relevant NPCC portfolios with a view to identifying and progressing any further response.
121. Of note is the recognition of the importance of the strong strategic core provided through the NPCC:

*In areas such as the procurement of PPE, working in partnership with government and issuing consistent guidance to forces around enforcing complex and changing laws, having central coordination through the NPCC and the College of Policing proved extremely valuable. In fact the service would not have been able to operate effectively without it.*

*This raises the question as to why such central coordination is not more routine in other dimensions of policing ... a lack of national workforce planning means that forces have allowed significant skills gaps to develop particularly in the investigation of more complex types of crime ... a lack of centrally collected and analysed individual data poses a risk to a service that does not adequately understand the demand it faces.*



122. The nature and importance of the work of ACRO and the College of Policing in respect of the central coordination function of the NPCC have been described previously in this statement.
123. The handling of the provision of PPE bears specific mention. This was essential to enabling the police service to function through the pandemic, and to the discharge of the service's responsibilities to officers and staff.
124. As part of the UK policing response to Covid-19, stocks and supply chains for PPE for policing via existing force level arrangements were insufficient and failing. Against a backdrop of international world-wide shortages of PPE supply, the challenge was significant, directly impacting staff safety and sickness levels if not addressed. Access to suitable PPE in the required volumes was recognised as a key driver in enabling policing to maintain service delivery capabilities, and thus directly impact public safety, reassurance and confidence. Operation Talla sourced, procured, and quality assured all PPE items moved in to policing until August 2020. These were shipped to the Covid-19 PPE Temporary Distribution Hub, where stock management processes were applied, and staff from NPoCC allocated the distribution of goods across the UK and its overseas police dependencies. The NPoCC staff further provided advice and guidance to forces to help manage stock, understand their PPE demand, and ensure logistic practices were in place that guaranteed relevant PPE to front line officers/staff.
125. A dedicated strand of work to develop a national PPE supply chain for UK police forces was developed and implemented centrally within Operation Talla through the establishment of an effective national procurement hub. The work resulted in uninterrupted supplies of PPE (over 20 million items) to 51 police forces, with robust quality assurance processes resulting in a zero incidence of fraud in procurement and early consistent satisfaction expressed by the Police Federation.
126. At the end of August 2020, the Department of Health and Social Care (**DHSC**) began to supply items of PPE free-of-charge to Operation Talla for processing through the Covid-19 PPE Temporary Distribution Hub and onward transmission to Home Office Police forces. Operation Talla ceased sourcing and procuring PPE products.

127. By September 2021, DHSC developed a supply chain and logistic partner that had been operating across the UK for over six months, successfully delivering PPE from a central point to public sector bodies. This process was mature, had been tested, and was now available to policing throughout the UK, and would meet the level of service previously afforded to police forces from the Covid-19 PPE Temporary Distribution Hub.

### ***Ethics Committee***

128. The day-to-day work of Operation Talla to coordinate and support policing activity during the pandemic has been described above. Within weeks of the start of the Operation, it was clear that the unprecedented nature of the policing task was giving rise, and would continue to give rise, to ethical issues and dilemmas which were also unprecedented.
129. Although the Operation Talla leadership and the leadership of individual forces were able to benefit from their discussions of problems as they arose (via the regular daily and weekly meetings and briefings) and thus to draw on a vast collective body of knowledge and experience of policing, it was decided that the Operation would also benefit from the independent advice and support of individuals with a wider range of work and life experiences.
130. This was the background to the Independent Ethics Committee ("**the Committee**"), whose Terms of Reference were issued on 17<sup>th</sup> June 2020 and whose first meeting took place on 1<sup>st</sup> July 2020.
131. The Bishop of Manchester, The Right Reverend David Walker, agreed to chair the Committee and Mike Stamp, the NPCC Lead for Human Rights and the Director of Legal Services for the Devon & Cornwall & Dorset Police, agreed to act as Vice Chair. The Chair and Vice Chair appointed nine other members, each of whom was independent of both the NPCC and Operation Talla:
- i. Andrew Lockley, the Chair of the South Yorkshire Police Ethics Panel;

- ii. Ben Owusu, the Chair of the Independent Advisory Group for Race for the Metropolitan Police Service;
- iii. Gina Radford, the former Deputy Chief Medical Officer for England;
- iv. Justice Tankebe, a Lecturer in Criminology at the University of Cambridge;
- v. The Venerable Liz Adekunle, the Archdeacon of Hackney;
- vi. Mannie Sheer, an Organisational Development Consultant and Researcher;
- vii. Nazir Afzal, the former Chief Crown Prosecutor for the North West Region;
- viii. Suzanne Shale, the Chair of the London Police Ethics Panel; and
- ix. Lisa-Marie Smith, the Chair of the Association of Police Lawyers.

132. As is clear from the Terms of Reference **[MH/10 – INQ000099941]**, the role of the Committee was to provide advice and support on ethical issues relating to Covid-19, via Operation Talla, to the police forces in England and Wales and thereby to enhance trust and confidence in the governance and actions of the Police Service.
133. The Committee was intended to meet monthly for a period of a year. The last of its regular meetings took place in July 2021, although an extraordinary meeting was called at short notice in December 2021, with a much larger attendance, in order to consider the then pressing question of possible mandatory vaccinations for the Police Service.
134. Operation Talla staff provided administrative and secretarial support to the Committee. Questions or issues for consideration by the Committee at its meetings were put to the Committee, together with any relevant material, by ACC Weatherill's then staff officer, Inspector Pete Healey. Some came direct from the leadership of Operation Talla itself and others came from individual police forces. The Committee would then discuss the points arising at its next meeting.
135. ACC Weatherill attended every meeting, in accordance with the Committee's Terms of Reference, in order to provide contextual updates to the Committee and to facilitate discussions.
136. After discussion, the Committee would give its views or advice on the issues put to it. Sometimes, the Committee asked for more information or decided that the question merited further debate and discussion at its next meeting.



137. The Committee's role was advisory in nature; it had no power to make decisions, nor to direct the Operation Talla or force leadership. Rather, as it was put in the Terms of Reference, it acted as a "critical friend" and provided "constructive feedback on the challenges that Covid-19 has resulted in for the Police Service". It considered general issues and high level policy questions, rather than individual or specific operational decisions.
138. The Committee's discussions and advice were recorded in minutes, drafted by Inspector Pete Healey, reviewed by the Chair and then considered by the Committee at its next meeting. It was ACC Weatherill's responsibility to report the Committee's advice back to the leadership of Operation Talla. In terms of wider dissemination, this was considered on a case by case basis, depending on the nature and urgency of the issue. The Committee's advice would be passed on during Gold and Silver Group meetings, in meetings of the Thematic Leads Group and in the weekly regional leads meetings. On a number of occasions, summaries of the Committee's relevant discussions were produced for distribution to Operation Talla personnel and more widely. Sometimes, the Committee's advice was reflected in one of the many Chiefs' Operational Briefings issued during the pandemic, as explained above at paragraph 74. On significant issues, the Committee's advice shaped the contents of "Dear Colleagues" letters sent out by the Operation Talla leadership or NPCC leads. Finally, there were occasions when the Committee's views shaped public statements or other forms of comment made by the leadership of Operation Talla.
139. At the outset of the Committee's work, it was hoped that the Committee's advice would be made publicly available via the NPCC website. However, given the sensitivity of some of the topics considered and the media and political interest in some aspects of police work during the pandemic, it was decided that the benefits to Operation Talla and to the leadership of individual forces of the Committee's work should not be prejudiced or put at risk by wider dissemination of its deliberations and advice. It was vital that the Committee should feel able to offer frank and independent guidance as the Police Service navigated the many operational challenges posed by the pandemic.

140. Over the course of its year of monthly meetings, the Committee considered a wide range of topics. The Terms of Reference set out its scope in the following terms:

- *Monitoring the use and the impact of the below new Police Powers, and scrutinise how these are being utilised by Forces, ensuring transparency and independent oversight.*
- *How to encourage voluntary public compliance.*
- *How best to enforce Health Protection (Coronavirus Restrictions) (England) Regulations 2020, Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or The Health Protection (Coronavirus International Travel) (England) Regulations 2020.*
- *How to exercise powers to direct members of the public to present for COVID-19 testing and enforce medical directions under the Coronavirus Act 2020.*
- *Acting as a critical friend to provide advice which will help to inform the training for staff in relation to the new powers.*
- *Seek to engage local communities, along with skilled and experienced individuals.*

*The group does so with the aim of:-*

- *Informing the appropriate police action.*
- *Helping the service meet its obligations under the Code of Ethics and the Equality and Human Rights Legislation.*
- *Support Police officers, Staff and Volunteers and the Service generally to act in ways that are necessary, proportionate and non-discriminatory and encourage public trust in the Police*

141. Although this summary of the role of the Committee inevitably reflects the landscape as it was in June 2020, in what was a high-pressure and fast-moving operation in uncharted territory for policing, in broad terms it proved to be a fair summary of the Committee's work in the year that followed, both in terms of the areas in which it gave advice and in the types of assistance and support that it gave to Operation Talla.
142. For example, the first issue considered by the Committee at its first meeting, on 1<sup>st</sup> July 2020, concerned the initial analysis of Fixed Penalty Notice data issued between 27 March and 25 May 2020, undertaken by staff from the Government Statistical Service in their report "Policing the Pandemic" (and referred to in paragraph 106(iv) above), together with questions arising concerning consistency and proportionality in enforcement across police forces. The Committee returned to these and related questions in their August, September and October meetings and again in meetings during 2021, including at the final monthly meeting in July that year.
143. The meeting minutes show the wide range of topics covered by the Committee during its meetings, some of which were considered at a number of meetings. For example, the question of policing protests and large gatherings in light of the Coronavirus Regulations (which featured at the July and September 2020 and March 2021 meetings), the issues concerning the possible imposition of fines of £10,000 for certain breaches of the Regulations (which were discussed at the September and November 2020 meetings) and questions about vaccinations for police officers (which were debated at the November 2020 and January and March 2021 meetings).
144. Sometimes issues of this kind were brought back to the Committee for further discussion at its request, sometimes they re-appeared on the agenda because of developments in the intervening period and the need for further advice and guidance in light of the up to date position.
145. In summary, the Committee provided Operation Talla and force leaders with a regular opportunity to obtain a sense check on policing approaches and thoughtful and considered independent guidance on some of the complex ethical and other



issues thrown up by the difficult enforcement challenges facing officers in their communities.

### **Select Committees**

146. On three occasions, the NPCC was invited to and did attend Parliamentary Select Committees. These were:

- i. **18<sup>th</sup> March 2020:** Home Affairs Committee: Home Office preparedness for Covid 19: <https://committees.parliament.uk/oralevidence/222/default/> [MH/11 – INQ000216993]

#### Witnesses

- I: Lucy Moreton, Corporate Officer, Immigration Services Union.
- II: DCC Paul Netherton, National Police Chiefs' Council Lead for Civil Contingencies, and Deputy Chief Constable, Devon and Cornwall Police; ACC Weatherill, Strategic Lead, National Police Coordination Centre.
- III: Emma Moore, Chief Operating Officer, UK Border Force; Angela Perfect, COVID-19 Incident Gold Commander, UK Border Force.

- ii. **21<sup>st</sup> October 2020:** Home Affairs Committee: Home Office preparedness for Covid 19: <https://committees.parliament.uk/oralevidence/1097/html/> [MH/12 – ]

#### Witnesses

- I: Chief Constable Pam Kelly, Gwent Police, Chief Constable Andy Rhodes, Lancashire Constabulary, Assistant Commissioner Louisa Rolfe, Lead on Domestic Abuse Portfolio, National Police Chiefs' Council, and ACC Weatherill, Operation Talla, National Police Chiefs' Council.
- iii. **24<sup>th</sup> February 2021:** Joint Committee on Human Rights: The government's response to Covid-19: human rights implications of long lockdown: <https://committees.parliament.uk/oralevidence/1756/pdf/> [MH/13 – INQ000216992]

Witnesses

II: ACC Weatherill, Assistant Chief Constable, National Police Coordination Centre; Ben-Julian Harrington, Chief Constable, Essex Police, and Public Order and Safety Lead, National Police Chiefs' Council; John Apter, National Chair, Police Federation of England and Wales.

147. The Inquiry may wish to note, in addition, the Home Affairs Committee: Home Office preparedness for Covid 19 of **6<sup>th</sup> April 2020**:

<https://committees.parliament.uk/oralevidence/267/pdf/> [MH/14 – INQ000052974]

Witnesses

I: Sergeant Simon Kempton, National Lead for Covid-19, Police Federation of England and Wales, and Chief Superintendent Paul Griffiths, Chair, Police Superintendents' Association.

II: Chief Constable Lisa Winward, North Yorkshire Police, Chief Constable Garry Forsyth, Bedfordshire Police, Chief Constable Peter Goodman, Derbyshire Police, and Chief Constable John Robins, West Yorkshire Police.

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Signed:** \_\_\_\_Martin Hewitt\_\_\_\_

**Dated:** \_\_\_\_29 June 2023\_\_\_\_

