

COVID-19 INQUIRY: MODULE 2

CLOSING SUBMISSIONS OF THE NATIONAL POLICE CHIEFS' COUNCIL

Introduction

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

Legal Framework, Governance and Constitution

2. As set out in greater detail in its opening submissions dated 25 September 2023 and at paragraphs 4 to 21 of the witness statement of former Assistant Commissioner Martin Hewitt served on its behalf [INQ000216925/2-6], the NPCC is the successor to the Association of Chief Police Officers and has various co-ordinating functions, including the co-ordination of national police activity and the implementation of national standards and guidance for policing as set by the College of Policing (**the College**), the professional body for policing in England and Wales. The NPCC is led by a full-time Chair (who was Mr Hewitt during the Covid-19 pandemic), while the Chief Constables' Council (**the Council**), which is made up of the Chief Constable or a chief officer representative of each member organisation, is its main decision-making body.
3. It is important to reiterate that the chief officers of each force retain their operational power and independence and may derogate from the Council's decisions. It follows that the NPCC cannot direct police forces to operate in a particular manner, as confirmed by Mr Hewitt's oral evidence [21/7/21 – 21/8/5].

The impact of the pandemic on policing

4. The police were one of the key front-line organisations during the pandemic. As explained by Mr Hewitt, the impact of the pandemic on policing was twofold:

- a. First, it was clear that the pandemic in the UK required a dedicated police response. The national co-ordination of that response was known as “Operation Talla” [INQ000216925/8; para 31]. It covered just about every area of policing activity, deployed considerable and wide-ranging resources of the NPCC, and is discussed in greater detail in the following section.
 - b. Secondly, it was also clear that normal policing activity (“business as usual policing”), including the prevention and detection of crime, would have to carry on in parallel with Operation Talla and would continue after the end of the pandemic, whenever that was [21/9/18-25]. It was therefore vital that the relationship of trust and confidence with the public which underpins the UK policing model - policing by consent - had, so far as possible in the exceptional conditions of the pandemic, to be maintained.
5. The fundamental question for UK policing was how to strike a balance between public health policing (in the context of Operation Talla) and normal policing activity. At the same time, both the enforcement of Covid-19 restrictions and business as usual policing faced unprecedented challenges.
6. First, there was the impact of the virus itself. Officers had to discharge both their usual duties and their newly acquired public health duties without knowing how long the pandemic would last, what the impact of infections and isolation would be on police resources, and how the safety and welfare of individual police officers and members of staff, as well as the people they came into contact with, could be effectively ensured [INQ000216925/8; para 31]. During his oral evidence, Mr Hewitt succinctly made the point that “*you can’t police at 2 metres distance*” [21/10/22-23].
7. Secondly, pursuant to their public health duties, the police were expected to interfere with people’s lives and freedom of movement in a way that neither the police nor the public had ever experienced before. In his oral evidence, Mr Hewitt described seeing at the start of the pandemic the policing measures implemented in other countries where the virus had spread ahead of the UK and thinking that such measures had not been seen since the Second World War [21/13/14-24].
8. Finally, in contrast to other critical incidents with which the police had dealt in the past, it was clear that the pandemic was going to affect the entirety of the UK and engage

every department of the government [21/14/18 – 21/15/6]. In Dame Priti Patel's words, the police had been asked "to almost do the impossible" [21/106/1-2].

Operation Talla

9. Operation Talla was established in the early stages of the pandemic, in March 2020, to provide support to forces, facilitate internal communication between forces as well as external communication between the police service and the government, and to capture and share learning for policing and partners. It is important to understand that the range of Operation Talla's work during the pandemic was considerable and encompassed far more, in terms of the co-ordination of the national policing effort, than simply the enforcement of the Covid-19 Regulations [INQ000216925/12; para 44].
10. The six primary strategic objectives of Operation Talla were [INQ000216925/9; para 36]:
 - (i) Save life and safeguard the vulnerable where possible;
 - (ii) Identify and where possible mitigate the primary pressures which will otherwise inhibit our ability to deliver (i) above;
 - (iii) Safeguard the health and well-being of our staff;
 - (iv) Provide support to other agencies where appropriate and proportionate – having regard to threat harm and risk and resource availability;
 - (v) Planning for recovery phase from the outset – to enable the earliest possible return to normality;
 - (vi) Co-ordinate communications activity across policing and government on priority issues to retain confidence of key audiences and deliver the six strategic aims.
11. Operation Talla was run at national level, with Mr Hewitt as Gold Commander and former Assistant Chief Constable Owen Weatherill as Silver Commander [INQ000216925/10; para 37]. In addition to the national command structure, each force had its own leadership for its local Covid-19 response [INQ000216925/9; para 35]. Operation Talla was further supported by the leaders of the twelve co-ordination committees of the NPCC, who were responsible for their respective policing areas [INQ000216925/5; para 17 and INQ000216925/10; para 39]. Finally, a National Silver Thematic Leads Group, which met every day, was formed to provide tactical direction and support to Mr Weatherill and covered a wide range of matters including Resources/Capability; Welfare/Wellbeing; Equipment/PPE; Strategic Communications

and Stakeholder Management; Community Impact/Tension; Service Delivery and Policy/Legislation and Recovery and Reform [INQ000216925/10-11; para 40].

12. An important function of Operation Talla was the production and dissemination of operational briefings and guidance for police forces in England and Wales in conjunction with the College during the course of the pandemic. Police Scotland and the Police Service of Northern Ireland, who had devolved responsibilities for policing, in turn used this material to produce their own briefings and guidance [INQ000216925/11; para 43]. Operation Talla was however not concerned with the operational command for policing, which remained the responsibility of individual forces [INQ000216925/9; para 33].
13. Finally, Operation Talla played an important role in the development of a national PPE supply chain for UK police forces by establishing an effective national procurement hub, which resulted in uninterrupted supplies of PPE to 51 police forces, with robust quality assurance processes, no incidence of fraud in procurement and early consistent satisfaction expressed by the Police Federation [INQ000216925/33; para 125]. Operation Talla ceased sourcing and procuring PPE products in August 2020, when the Department of Health and Social Care (**DHSC**) began to supply items of PPE free-of-charge to Operation Talla [INQ000216925/33; para 126].
14. Operation Talla is still in existence, albeit in a scaled down form, but its focus is now on Recovery and Reform work [INQ000216925/9; para 32].

The NPCC and the enforcement of Covid-19 Regulations

15. From the NPCC's perspective, the Inquiry's focus in this Module is on issues relating to the enforcement of the Covid-19 Regulations. These enforcement issues are explored in the following sections by reference to the relevant written and oral evidence generated for the purposes of this Module. That material is very limited in amount, reflecting the minor place of these topics in the Inquiry's List of Issues for Module 2 (see sub-issue 6b.ii.) and the fact that only one day of evidence was directed to them. It is also striking that during the course of the other CPs' oral closing submissions, there was no reference to, still less any criticism of, the police.
16. One of the many areas with which Operation Talla was concerned was the specific policing role in helping the country respond to Covid-19 by ensuring compliance with

any restrictions imposed on the general public and dealing with the day-to-day impact of the pandemic on communities [21/9/18-25]. The relevant restrictions were found in the Coronavirus Act 2020 (**the 2020 Act**) and the related Covid-19 Regulations and required the police to engage in public health policing, of which forces had no previous experience. To complicate matters further, the law was not binary and required officers to exercise a great deal of discretion [21/26/1-11].

17. As explained above, due to the operational independence of individual police forces, the NPCC played no direct role on the ground in the enforcement of Covid-19 Regulations [INQ000216925/12; para 45].

18. It is also important to remember that the police were not the only body responsible for enforcing the Covid-19 Regulations. Enforcement, in this context, was about achieving compliance with regulations that were enacted to protect the population and there was a concerted effort on the part of various entities, including Trading Standards, local authorities and businesses, to achieve compliance [21/27/2-14].

General approach to enforcement: policing by consent and the 4 Es

19. Operational briefings were produced by the NPCC and the College in response to Covid-19 legislation, regulations or amendments thereto, as and when shared by the relevant government department (see, for example, “Policing the pandemic: the Act, the Regulations and guidance” [INQ000099972]). They were intended to provide a user-friendly representation of the relevant material and were drafted so that they could be used in presentations at daily police briefings [INQ000216925/16; para 67]. The aim was to ensure consistency against the backdrop of different Covid-19 Regulations in different countries [21/20/14-17]. The documents could be accessed as hard copy documents or on electronic devices [INQ000216925/16; para 67]. As explained by Mr Hewitt in his oral evidence, an enormous effort went into the production of the Covid-19 operational briefings and guidance [21/19/22-23].

20. Throughout the pandemic, the NPCC remained in very close contact with forces and force leaders to identify and address challenges and policing issues. Communication took various forms, as set out in greater detail in Mr Hewitt’s witness statement, at paragraphs 71 to 78 [INQ0000216925/17-19].

21. The 'Four Es' approach (Engage, Explain, Encourage, Enforce) was adopted by the police in order to achieve compliance with Covid-19 legislation and Regulations [INQ000099936]. The Four Es guidance was issued in March 2020, remained unchanged throughout the pandemic and was regularly referred to in operational briefings and public statements [INQ000216925/15; para 62]. It was published on the College website, on social media platforms and was widely shared via police channels and in the media [INQ000216925/16; para 64].
22. It bears repeating that in the UK, policing is undertaken by consent, meaning that the authority of the police derives from the consent and co-operation of the general public. As confirmed by Dame Priti Patel at paragraph 89 of her statement [INQ000279975/24], policing by consent is an important principle, which the police upheld throughout the pandemic through the Four Es approach.
23. As highlighted by Dame Priti Patel at paragraph 92 of her statement [INQ000279975/25], despite some media reports focusing on specific examples of non-compliance, the Four Es approach was successful and the great majority of issues relating to public non-compliance with Covid-19 Regulations were resolved without formal action. Mr Hewitt recommends that this approach be adopted in future to ensure compliance with any safety regulations [21/30/21 – 21/31/1-11].
24. Under the Four Es approach, enforcement (for example, through the issuance of a Fixed Penalty Notice (**FPN**)) was an action of last resort, which could only be considered once officers had engaged with people, explained any risks to them and encouraged them to comply voluntarily [INQ000216925/15; para 60].
25. This Four Es approach was flexible and allowed individual officers to retain their discretion [INQ000216925/15; para 63], which was important because policing is always undertaken in its particular context, which is different in different parts of the country or even different parts of the same individual police force area [21/32/10-14]. By way of example, there were higher levels of enforcement in the beauty spots of the UK, such as Cumbria, because people from other parts of the country travelled to those places to undertake the physical exercise permitted under the Covid-19 Regulations. This behaviour understandably angered the local communities, who were abiding by the rules and trying to protect themselves [21/34/1-23].

26. As explained in the guidance [INQ000099936], this approach is based on evidence that people are more likely to comply after a police encounter if they feel they have been treated fairly. And this was precisely the object of the exercise and the proper metric of success from a policing perspective: compliance [21/29/10-16]. Compliance, or lack thereof, had a direct impact on transmission rates. It follows that any attempt to assess the police response to the pandemic solely by reference to the number of FPNs issued is to focus disproportionately on the final stage of the Four Es process. The overwhelming majority of police contact and achievement in securing compliance lay with the first three Es [21/29/24 – 21/30/7]. This point should be taken into account in any future pandemic response, according to Mr Hewitt [21/30/10-15].

Enforcement of Covid-19 Regulations: demonstrations

27. In the context of the Covid-19 restrictions on movement and gathering, protest activity was not an “exempt” activity until July 2020, when the Covid-19 Regulations were amended to permit political gatherings under certain conditions, which included the completion of a risk assessment. 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 [INQ000216925/21; paras 87-88].

28. As a result, the policing of protests, which is a delicate exercise to begin with due to the requirement to have regard to competing rights and the need to maintain the relationship of trust and confidence with the public, became even more challenging [21/57/7-13]. Further, given the speed at which new Covid-19 Regulations were enacted (see the evolution of the restrictions on gathering and protest at paragraph 104 of Dame Priti Patel’s statement [INQ000279975/28-29]), it was not always clear which ones applied at a given point in time [21/61/2-5]. On one occasion, Lord Frost, then minister of state at the Cabinet Office, described the rules on outside gatherings as “*close to unenforceable*” [21/59/11-12].

29. The NPCC was particularly concerned about the impact that the policing of demonstrations against the backdrop of a pandemic may have on the morale of police officers. This concern led the NPCC to do a considerable amount of work, including engagement with scientists, such as Professor Van-Tam, to try and understand the safety implications for protestors and police officers.

30. A number of protests were held during the pandemic [INQ000279975/27; para 102], including:

- a. Anti-lockdown protests between May 2020 and March 2021;
- b. Extinction Rebellion protests between May and September 2020;
- c. Black Lives Matter protests in June 2020;
- d. Colston Statue protests in June 2020;
- e. HS2 protests in February 2021; and
- f. Kill the Bill protests from March 2021 until the summer of 2021.

31. As noted by Mr Hewitt, the majority of the protests were peaceful and most participants behaved in a reasonable manner, with the role of the police in such cases being limited to maintaining the peaceful character of the protest [21/61/19-24]. There were isolated examples of violence directed at the police: 35 officers were injured on one occasion [INQ000279975/30; para 110]. However, despite the risks to their lives, the police sought at all times to uphold the fundamental democratic right to protest [INQ000279975/30; para 110].

32. There was criticism of the Metropolitan Police in the case of the Sarah Everard vigil (see Dame Priti Patel's comments [21/158/15-18] and Sam Grant's statement [INQ000233734/14; para 42]). As previously mentioned, individual forces, including the Metropolitan Police, retained operational responsibility for protests throughout the pandemic and decided how to police individual protests [21/60/1-23].

Enforcement of Covid-19 Regulations: children

33. The opening submissions for this Module on behalf of Just for Kids Law, Save the Children Fund and the Children's Rights Alliance for England dated 25 September 2023 state at paragraph 46 that parks and playgrounds were heavily policed during the pandemic, which led to unnecessary arrests, fines and convictions for children and young people, and at paragraph 62, that children were often targeted by the police.

34. The Covid-19 Regulations, which the police were required to enforce, applied to children [21/62/15-17] and this was highlighted in the NPCC operational briefings (see "Policing the pandemic: the Act, the Regulations and guidance" [INQ000099972]). It is however important to note that the police could not, and did not, issue FPNs to minors

[21/63/11-13]. What enforcement entailed in this context was asking children who were outside in breach of the Covid-19 Regulations to go back home [21/64/21-25].

35. Enforcement was especially challenging due to the lack of clarity of the Covid-19 Regulations as to the kind of activities which were allowed for children (who are more likely to engage in play than to go for a run as a form of daily exercise), which put police officers on the ground in a very invidious position [21/64/7-15]. However, the police followed the Four Es approach at all times, focusing on explaining the rules and encouraging compliance [21/65/2-4]. There was also a scenario infographic headed “Under 18s” which was circulated on social media and directly to forces [INQ000216925/18; para 77].

36. In the light of the operational independence of police forces, the NPCC cannot comment on individual cases. However, children were certainly not targeted and it is likely that many exceptions were in fact made by police officers [21/65/10-11]. The NPCC also raised the specific issues arising from the application of the Covid-19 Regulations to children with the then Home Secretary, Dame Priti Patel, but was not in a position to push for any legislative changes [21/65/1 – 21/66/11].

Enforcement of Covid-19 Regulations: domestic abuse victims

37. In her statement on behalf of Solace Women’s Aid, Rebecca Goshawk expresses some criticism of individual police action in domestic abuse cases, after noting that some victims had positive experiences with the police [INQ000280726/28-29; paras 96-99]. Similar criticism is made by Hannana Siddiqui by reference to individual cases in her statement on behalf of Southall Black Sisters [INQ000282336/34; para 97]. Given the operational independence of police forces, the NPCC cannot comment on individual cases. However, it can set out the work it undertook in this area.

38. The NPCC was aware from the outset that the pandemic would require social isolation, which would in turn put vulnerable people, including victims of domestic and child abuse, at a higher risk of violence, and took this factor into account when it started planning for the pandemic in March 2020 [21/93/13 – 21/94/9]. The NPCC engaged very closely with AC Louisa Rolfe and CC Simon Bailey, the leads for domestic abuse and child abuse respectively, so as to determine how the protection of these vulnerable groups of people could practically be best delivered in the event that they were required to stay at home [21/94/9-21].

39. After lockdown was imposed in the UK, the leads, together with the College [21/95/7-9], met with the domestic abuse charity sector on a regular basis. As a result of their work, the impact of the lockdown on domestic abuse was better understood and the government launched a national publicity campaign aimed at raising awareness and encouraging victims to report incidents to the police. This national campaign was accompanied by local campaigns with the same aim carried out by individual forces [INQ000216925/26; paras 109-110].
40. At paragraph 96 of her statement on behalf of Solace Women's Aid, Rebecca Goshawk points out that the steps taken by police forces and the Home Office to communicate that the police would prioritise domestic abuse call outs and make arrests diminished the perpetrators' sense of impunity [INQ000280726/28].
41. In addition, the College was involved in the Home Office 'Domestic Homicides and Victim Suicides During Covid-19 Pandemic' report, which was the first of its kind in England and Wales to look at the impact of the pandemic on domestic homicides and suicides following domestic abuse, learn lessons and prevent future deaths occurring. Thanks to the involvement of the police, homicides in a domestic setting were included within the research [INQ000216925/26; para 111].
42. Further, the NPCC, in conjunction with the College, published a range of guidance on the topic of domestic abuse explaining how the police could work with other agencies concerned with this issue and how individual officers could intervene on the ground in an effective way while minimising the risk of spreading the virus [21/95/22 – 21/96/22]. This guidance included "Responding to domestic abuse", "Referral support for victims", "Guidance for telephone first response to domestic abuse", "Domestic abuse decision making framework", and "Serial potentially dangerous stalking perpetrators" [INQ000216925/19; para 79]. There were examples of police forces around the country that checked on specific households with known issues of domestic abuse [21/140/22 – 21/141/2]. And just like in other areas, good practices adopted by a particular force were shared with other forces [21/96/23 – 21/97/4].
43. Finally, guidance directed at potential victims of domestic abuse was also available early on, bringing their attention to the fact that they did not have to stay indoors if it was unsafe to do so [21/97/6-18]. This message was also conveyed by Mr Hewitt at

each one of the three podium briefings he held at Downing Street during the pandemic [21/97/25 – 21/98/5].

Enforcement of Covid-19 Regulations: charging decisions

44. In his witness statement, which sets out statistics on charging errors under the 2020 Act and the Covid-19 Regulations in the context of a wholesale review of cases, Gregor McGill reproduces a table indicating that the majority of charging decisions were made by the police [INQ000188838/31], suggesting that the Crown Prosecution Service (**the CPS**) was largely seeking to correct decisions taken by the police (see Jun Pang's oral evidence [21/202/2-10]). This misrepresents the position for the following reasons.
45. First, the statistics set out in the table are based on internal CPS data [INQ000188838/29; para 146]. The official statistics are held by the Ministry of Justice.
46. Second, charging decisions were made by the police predominantly when the defendant was in custody for a substantive, unrelated, offence such as theft or assaulting emergency workers. However, only offences under the 2020 Act were immediately evident on the disposal outcome on the custody system.
47. Third, the charging errors were essentially technical errors as the defendant, in each case, was charged for leaving their house without reasonable excuse under the 2020 Act. However, this was in fact a breach of the Covid-19 Regulations, which required an out-of-court disposal, through the issuance of an FPN.
48. Finally, in many of these cases, the CPS would have been consulted to authorise certain charges and would have been aware of the schedule of all proposed charges. There are examples where CPS advised to charge under the 2020 Act, which was incorrect, instead of advising to issue an FPN under the Covid-19 Regulations.
49. These errors were made in the first weeks following the introduction of the Covid-19 Regulations and were identified when the first few cases were heard at Court. The cases were reviewed and discontinued, and the offence wording on the Police National Legal Database was changed to highlight the difference between the 2020 Act and the Covid-19 Regulations and assist officers. Both officers and prosecutors received additional guidance and training on the law.

Enforcement of Covid-19 Regulations: relationship with the government

50. Just like police forces are operationally independent from the NPCC, they are also independent from the government, which is responsible (through the Home Office) for the overall enforcement of criminal legislation as opposed to operational matters, as confirmed by Dame Priti Patel in her statement [INQ000279975/25; paras 93 and 101] and oral evidence [21/101/5-9].
51. The role of the Home Office vis-à-vis the police is to work alongside them and ensure that forces have the resources to be able to enforce the law, especially when they are asked to work in unprecedented conditions. What it does not do is direct the police to act in a certain way [21/146/12-25], although it can discuss with the police the operational activity that is taking place [21/147/15-16].
52. The NPCC had a very strong relationship with the Home Office during the pandemic [21/17/6-8] and communication took various forms [INQ000216925/23; para 95-98]:
- a. The Home Office had a standing position for representation at the Operation Talla Gold group.
 - b. Mr Weatherill was in daily contact with the Home Office, through telephone calls and emails, including in relation to the issue of enforcement.
 - c. Messrs Hewitt and Weatherill regularly attended Police Operation Briefings, which were meetings with key stakeholders, including the then Home Secretary Dame Priti Patel, in relation to policing matters.
53. The NPCC was not in direct contact with DHSC, who were responsible for drafting the Covid-19 Regulations [21/17/2-3], until September 2020, when the police obtained access to some of the data held by DHSC, which was of relevance to the tier system introduced by the government, and were able to take part in DHSC meetings.
54. It has been suggested that there was a lack of clarity as to the relationship between the government and the police during the pandemic (see the witness statement of Dominic Cummings at paragraph 472 [INQ000273872/94]). There was no lack of clarity so far as the police were concerned. The police service retained its operational independence from the government at all times. It was not influenced by the position taken by the government on particular issues [21/149/20 – 21/150/7]. When confronted

with potential breaches of the Covid-19 Regulations, the police exercised their professional judgment, in accordance with the 4 Es approach [21/147/25 – 21/148/12].

Enforcement of Covid-19 Regulations: communication of changes to the NPCC

55. Throughout the pandemic, decision-makers in government found themselves having to address the many unprecedented challenges presented to the conduct of private and public life and of governmental administration by the pandemic.
56. The 2020 Act was the primary legislation introduced by the government in response to the pandemic. Although it gave the police the power to direct people to be tested for Covid-19 and to enforce medical directions (in consultation with a public health officer), the police only exercised it in a very limited way due to the wording of the relevant provisions, which were open to interpretation, making it difficult for officers to use this power confidently on the ground [21/21/17-24].
57. The Covid-19 Regulations were the secondary legislation. They could be enforced by the police and initially included the requirement to remain at home, not to gather in public, and to close non-essential businesses [21/22/8-21 and INQ000099972].
58. The legal framework represented by the Covid-19 Regulations underwent frequent changes through the introduction of new or amended regulations. As noted above, the kind of public health policing which was required of forces and officers during the pandemic was in itself novel. The many shifts in the legislative regime inevitably added to the difficulties faced by UK policing in this new territory.
59. Of the major issues encountered by the NPCC in this area, the first concerned the frequency and timing of changes. The operational guidance published by the NPCC and the College had to be revised to reflect the frequent regulatory changes, with the result that updating the guidance was a continuous and never-ending process. The introduction of tiers and local lockdowns, which meant that there were sometimes different rules within an individual police force area, complicated the process even further [21/22/24 – 21/23/22].
60. Moreover, notice received of imminent changes to regulations was often very short, particularly during the first 3-4 months of the pandemic. This might be as little as a few hours, with limited, if any, opportunity for discussion or consultation. On at least one

occasion, the NPCC was first made aware of the existence of proposed new restrictions via social media [INQ000216925/20; para 81]. By contrast, in normal circumstances, the NPCC was consulted and involved in discussions with the government about the drafting of regulations that the police had to enforce [21/39/15 – 21/40/4].

61. The result of this was that, inevitably, there were many occasions on which there was a time lag between the coming into force of new regulations and the availability of operational briefings on them. This meant, in turn, that enforcement of them was correspondingly delayed [INQ000216925/20; para 81]. By way of example, on one occasion, the NPCC received a Covid-19 regulation signed off by the then Secretary of State for Health and Social Care 16 minutes before it was due to come into force. The NPCC refused to enforce the regulation in the first 24-36 hours so that it could have sufficient time to prepare the necessary operational briefings with the College and avoid a situation where police officers did not understand what they were supposed to do [21/41/18 – 21/42/25].
62. The difficulties faced by the police are recognised by Dame Priti Patel, who describes the frequency and timing of changes to the Covid-19 Regulations as “unhelpful for policing” [INQ000279975/26; para 95] and the overall process of enacting regulatory changes as “suboptimal at every single level” [21/144/12-24].
63. One of Mr Hewitt’s recommendations for the future is that more should be done to give the police the possibility to provide input on the drafting of any regulations requiring their involvement [21/40/14-19]. In addition, the Home Office should have a greater direct involvement in the process [21/41/12-17].
64. The second major issue encountered by the NPCC concerned the occasions on which government-issued guidance was inconsistent with or went beyond what the legislation itself provided [INQ000216925/20; para 82].
65. A significant example of this related to the restrictions in respect of free movement during lockdowns. Following the announcement by the Prime Minister of the first national lockdown on 23 March 2020, the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 came into effect at midnight on 26 March 2020. It became an offence to leave home without reasonable excuse [INQ000216925/20; para 83].

66. These regulations included a long but non-exhaustive list of reasonable excuses for a person to leave the place where they lived, including “to take exercise either alone or with other members of their household”. The regulations did not limit the number of times a person could leave their home per day, nor how far they could travel, nor the length of time they could spend outside. Individuals could leave home multiple times and for any period of time, provided that they had a reasonable excuse [INQ000216925/20; para 84]. The list of reasonable excuses was not the same in the different countries of the UK, which was an additional source of frustration to policing [21/47/20-21].
67. However, government guidance initially set out a limited range of circumstances capable of amounting to a reasonable excuse: “shopping for basic necessities; one form of exercise per day; a medical need or as necessary to avoid the risk of injury or harm; travelling for work purposes”. No clarification was provided in either this guidance or in the regulations as to what might amount to a basic necessity [INQ000216925/20; para 85]. The government-issued guidance was not issued at the same time as the regulations and developed over time, which represented a further challenge for the NPCC, who had already published the relevant operational briefings [21/45/4-11].
68. Discrepancies between regulations and government guidance heightened the risk of the public misunderstanding the nature of the restrictions and heightened the risk of police officers misunderstanding the extent of their powers and obligations. There is, of course, a fundamental point at the heart of this. Police officers have an obligation to enforce the law but no obligation, or power, to enforce government guidance [INQ000216925/20; para 86]. This point is underscored in the NPCC operational briefings (see “Policing the pandemic: the Act, the Regulations and guidance” [INQ000099972]).
69. As far as the understanding of the general public was concerned, in Mr Hewitt’s view, the vast majority of the population did not want to breach the law but found it very confusing [21/46/2-9]. There was also frustration at the lack of compliance by other people [21/49/3-10]. The distinction between guidance and regulations was not always properly conveyed by ministers who, during the morning media rounds devoted to the pandemic, referred to guidance as if it was a regulation (and vice versa), prompting Mr Hewitt to subsequently clarify the position to the media [21/45/11-25]. The public’s frustration led to increasingly antagonistic interactions with the police but, despite that,

in Mr Hewitt's view, officers maintained their morale throughout the pandemic and persevered with their hard work [21/49/13-25].

70. The discrepancies between government guidance and regulations reinforced the need for clear NPCC operational briefings to forces. In addition, of course, the NPCC had to raise discrepancies of this kind with government while working under great time pressure [INQ000216925/21; para 86].

71. Mr Hewitt recommends that, in the future, the process of issuing government guidance should be more systematic, the guidance should be issued as early as possible and it should remain in place for as long as possible [21/53/7-25]. In addition, bespoke sets of regulations within relatively small areas should be kept to a minimum, to avoid confusion among the population and facilitate the role of the police [21/54/11 – 21/55/7].

Other policing activity during the pandemic: Local Resilience Forums

72. As explained at paragraph 76 of Mr Weatherill's statement for Module 1 [INQ000148415/18], the role of a Local Resilience Forum (**LRF**) is to act as a co-ordinating group for responder organisations concerned with emergencies at the police force area level. In practice, this translates as:

- (i) Providing a local forum for local issues;
- (ii) Helping co-ordinate risk assessment by producing a Community Risk Register, which allows the development of a consistent understanding of the hazards and threats across the LRF area;
- (iii) Facilitating Category 1 and 2 responders in the delivery of their duties under the Civil Contingencies Act 2004; and
- (iv) Determining a procedure for the formation of a Strategic Co-ordinating Group to respond to an emergency.

73. It follows from their duty to assist Category 1 and 2 responders that, in addition to their role in preparedness, LRFs play a key role in the delivery and implementation of government policy decisions during an emergency response. However, LRFs do not have powers to direct members to act in a particular way and are not themselves operational bodies as they have no functional responsibilities or resources to deliver

during an emergency. Instead, the Category 1 and 2 responders which are members of the LRF hold principal responsibility for delivery [INQ000148415/18; para 77].

74. LRFs provide a vital forum for key partners, creating a group which understands the local dynamic and is able to adapt civil contingency plans to suit the relevant issues and challenges. At the same time, LRFs are large enough to co-ordinate an effective response to an emergency [INQ000148415/17-18; para 73]. The strength of LRFs lies in the fact that members know one another well, having worked, trained and exercised together, which develops mutual trust [INQ000148415/18; para 74]. The important co-ordination role of LRFs was however not clearly understood within central government during the pandemic response.

75. The C-19 National Foresight Group, was a cross-government, multi-agency group established in March 2020 to focus on foresight and issues relating to Covid-19. The group was chaired by a senior police officer and brought together stakeholders and academia. Through this group, three interim operational reviews (**IORs**) were produced to provide a real-time reflection from front-line strategic leaders in the midst of the Covid-19 response [INQ000148415/29-30; para 123]. These reviews were conducted with delegates from LRFs, government departments, strategic responders and other key stakeholders [INQ000075380/7]. Their work resulted in the publication of a report titled 'Managing the First 230 Days' in January 2021, which makes the following observations [INQ000075380/28]:

"[The] Covid-19 pandemic brought unique demands that required an effective and wide-ranging response across civic mechanisms, most of which are organisations and partnerships, which had to co-ordinate and pivot to cover these demands. The LRFs are the main body who have adapted and flexed to accommodate this request in the evidence from the IORs. Within IOR 1, 2 and 3 the evidence highlighted that activities needed co-ordination and oversight, and the Local Resilience Forums (LRFs) filled these roles, assuming these new roles and responsibilities within the context of both existing and new structures throughout the pandemic. The agility and flexibility of organisations and partnerships to adapt and flex, extending their remit to respond to these demands, were mostly met through the local co-ordination, support and effective operations of LRF.

Through the pandemic so far, as ministerial and government department expectations grew of what the LRFs could deliver, so the LRF role changed in its scope, breadth

and definition. The LRF partnerships responded, in their view, quickly and innovatively, changing how they operated and how their structures were paced. They adapted their remits and obligations to absorb and address these new demands.”

76. Despite the key role played by LRFs throughout the Covid-19 response, they have received very little focus in this Module. Michael Gove’s statement briefly mentions the importance of engaging with LRFs and the police at paragraph 83 b. [INQ000259848/45], and the importance of collaboration with LRFs is similarly highlighted in passing at paragraph 142 ii. of Andy Burnham’s statement [INQ000216991/41]. There are two lead government departments for LRFs – the Department for Levelling Up, Housing and Communities, and the Resilience Directorate. Neither is a Core Participant in this Module.

77. Further, during the course of his oral evidence, Matt Hancock suggested that LRFs were responsible for PPE supply to care homes during the pandemic but that not enough work was being done through them, which resulted in DHSC stepping in [30/31/18-24; 30/33/19 – 30/34/1]. This assertion is incorrect. LRFs stepped in to receive and distribute PPE, in particular to care homes, at a time when there were significant issues with the supply of PPE, prior to DHSC implementing an effective supply mechanism. However, PPE provision was not their responsibility as they are not operational bodies – it was the local authorities’.

Learning and Reflection: general

78. The need to identify, capture and reflect on both short and longer-term learning in relation to the policing of the pandemic was recognised by the Operation Talla team, in the early stages. It was understood that, regardless of the progress and duration of the pandemic (as to which there was no certainty), it would be necessary to harvest as much by way of data, information, understanding and learning as possible, to the benefit of the continuing policing effort and with an eye on future pandemics or other national emergencies [INQ000216925/25; para 103].

79. A Board was established and first met in July 2020 to support, direct and review the delivery of this Recovery Learning and Reform Programme. Members of the Board came from the NPCC and the College but also from the Home Office, the National Crime Agency, the Independent Office of Police Conduct, the Association of Police

and Crime Commissioners, His Majesty's Inspectorate of Constabularies, Fire and Rescue Service and Counter Terrorism Policing [INQ000216925/25; para 104].

80. The programme had the following aims:

- (i) Supporting the identification and sharing of learning and knowledge in near real-time to inform ongoing decision-making and planning.
- (ii) Developing an objective, evidence-based understanding of the long-term impact and implications of Covid-19 on and for policing.
- (iii) Shaping the NPCC's processes for dealing with major incidents which require national co-ordination.

81. Details of the main features of the programme are given at paragraphs 103 to 145 of Mr Hewitt's statement [INQ0000216925/25-39]. The following aspects are highlighted.

82. The College played a major part in the programme and worked throughout the pandemic to ensure that learning and effective practice was shared. It worked with forces to gather examples of Covid-related operational practice and tactics and shared this information through a variety of channels. As the pandemic affected different regions of the country at different rates and intensities, a key aim was to identify and share emerging good practice learning, so that it could quickly be applied across England and Wales [INQ0000216925/25; para 106].

83. The College developed a Covid restrictions web page (later restructured as the Covid-19 Hub), as a reference guide, so that officers and staff could get the information they needed speedily and easily. Advice was grouped to reflect potential scenarios which front line officers could encounter on the street. The page was updated daily [INQ0000216925/25-26; paras 107-108].

84. Starting in early May 2020, the College and the NPCC hosted online knowledge sharing events (**KSEs**) which generally took place twice a week. They provided a means of capturing more information and creating a regular way for forces to engage with and question each other's experiences and share learning. Each session dealt with a discrete topic and was supported by written summaries and reference material. KSEs are now permanent [INQ0000216925/27-28; para 114].

85. In addition, during 2020 and 2021, focused learning and consultation events were held and independent reports commissioned, so that wider learning themes and priorities might be drawn from the pandemic policing experience [INQ0000216925/28; para 116].
86. An example was the work commissioned from experts on the question of enforcement: see Mr Hewitt's statement at paragraph 116 v. to paragraph 118 [INQ0000216925/29-31].
87. The background to this was the ground-breaking work done during the pandemic by ACRO Criminal Records Office (**ACRO**). ACRO played a central role in the co-ordination of payments of FPNs under the Covid-19 Regulations [INQ0000216925/13; para 50].
88. Ordinarily, FPNs are processed by police forces, with payments transferred to the courts directly. However, the Covid-19 Regulations stipulated that fine payments should be received by the local authority where the offence took place. ACRO agreed to assume a central management role in the administration of FPNs [INQ0000216925/13; para 50]. The system was created from scratch in a short period of time [21/69/16-19].
89. Although the initial decision to issue an FPN remained the responsibility of officers on the ground and local forces, ACRO worked closely with the College and Operation Talla to create standardised wordings and proformas for the issuance of FPNs. The officer issuing would send the proforma into ACRO. Once ACRO's checks had been undertaken, it would issue the FPN and receive on behalf of the government and the local authorities funds paid in response [INQ0000216925/13-14; paras 51-53].
90. ACRO maintained data relating to the issuance of FPNs and provided reports to Operation Talla on a regular basis, to show enforcement activity. Overall, the data helped to provide a picture of compliance in different areas over time, which, in turn, helped to inform senior police and government officials' communication strategies, as well as decisions on the ongoing police response [INQ0000216925/14; paras 55-56].
91. For the sake of transparency [21/70/3-5], the NPCC published regular statistics throughout the pandemic on how many FPNs were issued by forces under the Covid-

19 Regulations. This was possible because of the centralisation of the administrative process via ACRO [INQ0000216925/29; para 116 v.].

92. On a monthly basis, Mr Hewitt held a conference or Teams call with the Crime Reporters Association, which includes all the reporters from broadcast and print media who cover crime and policing, and went through the statistics of Operation Talla with them, in detail [21/70/5-13].
93. In addition, the NPCC commissioned expert analysis of FPNs issued by forces. The first analysis (**the First Report**) focused on the early stages of the regulatory regime (covering the period from 27 March to 25 May 2020) and was published on 27 July 2020 on the NPCC's website. This work was undertaken by officials from the Government Statistical Service and peer reviewed by the College and an independent academic. The NPCC's aim in commissioning the report (which is at INQ000099940) was to understand, as far as practicable, the extent to which there was disproportionality in the issuance of FPNs by age, sex or race [INQ0000216925/29; para 116 v.] and to feed that information back to police forces, so that they had a better understanding of the situation in their own area [21/68/13-19].
94. The First Report dealt with a relatively small sample of FPNs (at a rate of 3 per 10,000 resident population in England and Wales) and showed that people from an Asian or black ethnic background were 1.8 times more likely to receive a fine than white people. However, what it also showed was that the disparity rate varied considerably from one police force area to another, with rates being generally higher in areas attracting tourists, such as beauty spots [INQ000099940/3-4].
95. There have been accusations of racial bias directed at the police (see Sam Grant's statement [INQ000233734/7-8; paras 21-25] and Jun Pang's oral evidence [21/207/8-11 and 21/211/12-23]). Although it was not possible to conclude, on the basis of the First Report, whether there was any bias on the part of the officers, this was never ignored by the NPCC as a potential explanation [21/78/1-4]. The objective was always to enforce the Covid-19 Regulations in accordance with the Equalities Act 2010 [21/90/19-23].
96. Upon receipt of the First Report, the NPCC shared it immediately with the police forces [21/73/18-22], which were very responsive [21/75/18]. Police forces have a range of mechanisms through which they communicate and work with minority communities

[21/88/21-25]. These mechanisms are in addition to the NPCC's work at the national level with the National Black Police Association, which represents black officers and has strong external links [21/88/13-22]. Further, the NPCC has a Police Race Action Plan, which was established following the murder of George Floyd in 2020 and is still ongoing [21/89/7-23].

97. Following the publication of the First Report, a second report was commissioned by Operation Talla from academics (led by Professor Susan McVie) based at Edinburgh and Stirling Universities (**the Second Report**, see INQ0000187993). Although their work was limited in scope to certain categories of FPNs, their independent analysis covered a significantly longer period: from 27 March 2020 to 31 May 2021 [INQ0000216925/30; para 116 vi.].

98. This report was commissioned at a time when FPNs were still being issued by police forces. The NPCC considered it was necessary to determine whether the matters identified in the First Report in relation to disproportionality were continuing over a longer period of analysis and later in the pandemic and, if so, to what extent. It was believed that the provision of analysis regarding specific policing areas would be helpful to assist forces in responding appropriately to local trends. Moreover, the updated analysis would reflect changes in regulation and restrictions over time. Finally, it was felt that ongoing scrutiny was important on the grounds of transparency and to ensure progress [INQ0000216925/30; para 116 vi.].

99. The Second Report showed that in England and Wales people from a non-white ethnic background were between 2.1 and 3.5 times more likely to receive a fine than white people (with the caveat that the total number of FPNs issued to people from an ethnic minority background in Wales was very small in absolute terms) [INQ0000187993/12].

100. Again, it was not possible to conclude, on the basis of the Second Report, whether there was any bias on the part of the officers. A large portion of the period covered by the Second Report coincided with the reopening of society and was marked by a large number of illegal music events and parties, particularly in large urban areas, and a fatigue felt by the population, especially young people [21/81/11-18]. Further, the locations affected by local lockdowns for longer periods of time tended to be more ethnically diverse, with the result that minority ethnic groups were more likely to come into contact with the police in those areas [21/81/19 – 21/82/2].

101. The Second Report fulfilled the NPCC's objective to conduct a very thorough academic review of the distribution of FPNs and is now part of the Police Race Action Plan, the work of which continues today [21/82/3-10]. Further, as with any other work undertaken by or on behalf of the NPCC, any insights gained from the Second Report were included in the KSEs and found their way out to police forces [21/87/9-19].
102. As to the future, Mr Hewitt recommends that the police, as well any other bodies involved in enforcement, continue to be transparent about their enforcement activity and to anticipate the areas where challenges are likely to arise. He notes that the Police Race Action Plan will be producing concrete recommendations that will be of great relevance to policing in a future pandemic [21/82/21 – 21/83/12].

Learning and Reflection: the Ethics Committee

103. Within weeks of the start of Operation Talla, it was clear that the unprecedented nature of the policing task was giving rise, and would continue to give rise, to ethical issues and dilemmas which were also unprecedented [INQ0000216925/34; para 128].
104. Although the Operation Talla leadership and the leadership of individual forces were able to benefit from their discussions of problems as they arose (via the daily and weekly meetings and operational briefings) and so to draw on a vast collective body of knowledge and experience of policing, it was decided that the Operation would benefit from the independent advice and support of individuals with a wider range of work and life experiences [INQ0000216925/34; para 129].
105. This led to the formation of the Ethics Committee by Operation Talla in June 2020, which was chaired by the Bishop of Manchester, the Right Reverend David Walker [INQ0000216925/34; paras 130-131]. The Committee's terms of reference (set out in full at paragraph 140 of Mr Hewitt's statement [INQ0000216925/37]) made clear that its role was to provide advice and support on ethical issues relating to Covid-19, via Operation Talla, to police forces in England and Wales and thereby to enhance trust and confidence in the governance and actions of the police service [INQ0000216925/35; para 132].
106. The plan was for the Committee to meet monthly for a year, starting in July 2020, although an extraordinary meeting took place in December 2021, with a large

attendance, in order to consider the then pressing question of possible mandatory vaccinations for the police service [INQ0000216925/35; para 133].

107. The Committee's role was advisory. It had no power to make decisions, nor to direct Operation Talla or force leadership. Rather, as it was put in its terms of reference, it acted as a "critical friend" and provided "constructive feedback on the challenges that Covid-19 has resulted in for the Police Service". It considered general issues and high-level policy questions, rather than individual or specific operational decisions [INQ0000216925/36; para 137]. The Committee's meetings were fully minuted and the information coming out of them was shared with the NPCC's structures and reached the police forces through the NPCC's knowledge-sharing processes [21/87/5-19].

108. The First Report was the first issue considered by the independent Ethics Committee and the issue of race disparity and FPNs generally was considered again on at least three or four occasions subsequently [21/86/16-23]. The Committee was also aware that the NPCC had commissioned the Second Report [21/87/2-4].

109. Further details relating to the Ethics Committee's work can be found in paragraphs 128 to 144 of Mr Hewitt's statement [INQ0000216925/34-38], but, in summary, the Committee provided Operation Talla and force leaders with a regular opportunity to obtain a sense check on policing approaches and with thoughtful, considered and independent guidance on some of the complex ethical and other issues thrown up by the difficult enforcement and other policing challenges facing officers in their communities [INQ0000216925/38-39; para 145].

Conclusion

110. The pandemic posed a wide range of challenges in every aspect of public and private life in the UK. Meeting these challenges required and received an exceptional response from the police, who were one of the key front-line organisations during the pandemic. For the duration of the health emergency presented by the pandemic, flexibility and resilience were required throughout the police service, as it adapted to the novel responsibilities conferred on it and sought to keep the public safe.

10 January 2024

