

COVID-19 INQUIRY: MODULE 2B

OPENING SUBMISSIONS ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

Introduction

1. The National Police Chiefs' Council (**the NPCC**) is a national co-ordinating body representing all UK police forces. No individual police force or police officer is a Core Participant in the Inquiry, but the NPCC has provided consistent representation for policing in Modules 2, 2A, 2B and 2C.
2. In Module 2, the Inquiry heard evidence from Martin Hewitt, who was the Chair of the NPCC throughout the Covid-19 pandemic. As part of that Module, a detailed explanation of the functions and purpose of the NPCC and College of Policing was provided to the Inquiry, together with information about the national policing response to the pandemic - Operation Talla. That information is directly relevant to policing in England and Wales. It remains available to the Inquiry, but is not repeated here.
3. An additional witness statement has been produced by the NPCC for Module 2B [INQ000362239]. This statement was provided by Deputy Chief Constable Nigel Harrison, who was responsible for the co-ordination of the All Wales operational response by the four Welsh police forces to the Covid-19 pandemic from 18 February 2020.
4. The Inquiry's List of Issues for Module 2B refers to the sub-issue of the enforcement of Covid-19 regulations, the only policing matter within the List,

and the NPCC acknowledges the limited scope of its involvement at these hearings. Unlike in Module 2, no police witness will be called to give live evidence in the Module 2B hearings. The main focus of these hearings will be on high level government decision-making. The NPCC continues to offer its assistance to the Chair and support the work of the Inquiry in relation to this issue.

5. Whilst policing issues within the scope of this Module are limited to the enforcement of Covid-19 regulations, at all stages of the pandemic the role of the NPCC encompassed a much broader range of work. In Wales as in the United Kingdom generally, for example, normal policing activity including the prevention and detection of crime had to be maintained throughout 2020 and 2021, despite the challenging conditions.

Policing during the pandemic

6. Operation Talla within Wales was fully engaged with the NPCC throughout the pandemic. The Welsh police services were represented at the weekly Operational Talla meetings. A command structure was established in Wales, designed to ensure consistency of approach within Wales so far as possible, and to allow for rapid channelling of information and updates provided by Operation Talla. This command structure consisted of an All Wales Gold command, with a Gold representative in each of the four Welsh police forces, and at least one Silver representative in each force.
7. The NPCC acted as a representative organisation and held a coordination role, taking responsibility for information sharing between forces and

representing policing interests to the UK Government. The NPCC played no role in the enforcement of Covid-19 regulations in Wales and it holds no operational directive powers in relation to any police force in Wales or England, or in relation to any individual police officer within those forces.

8. The NPCC played an important role in sharing guidance and briefings with forces, including the key guidance in relation to the 'Four Es', which remained unchanged throughout the pandemic and which required officers to move through a four-stage approach in interactions with members of the public: Engage, Explain, Encourage, Enforce.
9. The 'Four Es' guidance did not include details of how, when or at what stage or speed to move from one step to the next. Those questions, as is the case with policing generally, are for individual officers on the front line. Retaining scope for officers to make individual judgments regarding necessity and proportionality is critical to the model of policing by consent. This kind of decision-making is a standard element of training and is regularly utilised by frontline officers, for example, in relation to the use of force. Allowing officers to assess a situation and apply the guidance in a stepped approach ensures that the immeasurably broad range of possible scenarios which officers may encounter can be addressed within a single framework.
10. This is particularly important in a public health context, where compliance with restrictions reduces transmission and optimises the safety of the public. The measure of success in relation to this aspect of pandemic policing was compliance rather than enforcement, as Martin Hewitt explained in his evidence during the Module 2 hearings (at Transcript of Module 2, Day 21, page 78). The number of Fixed Penalty Notices (**FPNs**) issued to members of the public cannot be an appropriate metric by which to assess the efficacy of

enforcement measures, as it necessarily excludes the majority of police interactions with the public, examining only the final 'E'.

11. From mid-May 2020, a process of consultation was adopted prior to the issue of Wales-specific guidance by the College of Policing. This involved officials from both the Welsh Government and Police Liaison Unit, and was a process which ensured consistency in Wales specific guidance. It also ensured that that a single version of guidance existed which could be translated into the Welsh language as required by the Welsh Language Standards. This was consistent with the manner in which the Welsh Government sought to and did liaise with the four Welsh police forces in relation to proposed regulatory changes.

Relationship with the Welsh Government

12. As the Inquiry will be aware, and unlike the position in Scotland, criminal justice and policing are not devolved to the Welsh Government and remain reserved to the UK. The Welsh Government does have the power to legislate for offences in relation to devolved matters in Wales, and this includes public health regulations. As Professor Wincott has observed in his draft Report (at paragraph 197), 'notwithstanding the non-devolution of policing, overall the relationship between the Welsh Government and the police services in Wales seems to have been relatively good ...', a proposition with which the NPCC concurs.

13. There were a range of mechanisms through which the Welsh Government sought to and did liaise with the Welsh police forces, with a view to imparting and sharing information and understanding the practical

operational perspective and experience of the police. These included the 'Birdtable' meetings, held very regularly during the early months of the pandemic, which were designed by the Welsh Government to draw together key partners and share information as timeously as possible with them. Those partners included the police, who attended through the Police Liaison Unit, the Welsh Ambulance Service the Fire and Rescue Service, and the military. In addition, there were regular formal meetings between Welsh Ministers and officials, police leaders – normally at Chief Constable level – and leaders and chief executives of local authorities.

Conclusion

- 14.** The challenges of the Covid-19 pandemic demanded exceptional dedication and perseverance from policing. Senior officers worked around the clock to respond to the crisis, maintain critical levels of policing service and adapt to evolving legislation. Those police officers working on the front line put their lives at risk every day to keep the public safe.