

Witness Name: Martin Hewitt

Statement No.: 2

Exhibits:

Dated: 09.04.2025

UK COVID-19 INQUIRY

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

I, 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 7 dated 13 August 2024, in order to assist the Chair of the UK Covid-19 Inquiry (**the 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 Stephens. 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.

4. I have previously provided a witness statement to the Inquiry on behalf of the NPCC in response to a Rule 9 request for Module 2. The statement was dated 29 June 2023 and is available on Relativity as **[MH-7/01, INQ000216925]**. In accordance with the Inquiry's direction to the NPCC, I have reproduced the relevant sections of my previous statement in this document.
5. A number of my policing colleagues have also provided witness statements on behalf of the NPCC in response to Rule 9 requests issued in other modules of this Inquiry, including:
 - (i) Module 1: Witness Statement of Owen Weatherill dated 14 April 2023 **(Exhibit MH-7/02 [INQ000148415])**;
 - (ii) Module 2A: Witness Statement of Alan Speirs dated 31 August 2023 **(Exhibit MH-7/03 [INQ000257360])**;
 - (iii) Module 2C: Witness Statement of Alan Todd dated 31 October 2023 **(Exhibit MH-7/04 [INQ000339575])**.
6. The above statements are of general application and the matters which they address have direct relevance to issues within the scope of Module 7, including test, trace and isolation (**TTI**). For the avoidance of doubt, those matters are within the knowledge and remit of the original statement makers and have been reproduced herein in accordance with directions from the Inquiry team.

Background

Civil Contingencies Act 2004

7. In addressing this topic, I have relied upon the provision of information contained in the statement of Owen Weatherill for Module 1 of the Inquiry:
 - a. The CCA and the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (**the Regulations**) apply to the whole of the UK.
 - b. "Emergency" is defined in the CCA as including an event or situation which threatens serious damage to human welfare in a place in the UK. This is

an event or situation which, amongst other things, involves, causes or may cause loss of human life, human illness or injury or disruption of services relating to health.

- c. Part 1 of the CCA establishes the statutory framework for local civil protection arrangements in the UK and the roles and responsibilities of local responders, and sets out the circumstances in which those duties arise.
- d. The Act divides local responders into two categories and imposes specific duties on each category.
- e. Category 1 responders are the organisations considered to be at the core of the response to most emergencies, for example emergency services, local authorities and NHS bodies. Home Office police forces in England and Wales, PSNI, Police Scotland and BTP are all Category 1 responders. The NPCC is not itself a Category 1 or Category 2 responder under the CCA, but it has strong established stakeholder links, in particular to Category 1 emergency services responders, and support forces in their roles within the LRFs.
- f. Where the CCA applies, Category 1 responders which are also police forces are required to undertake the following:
 - (i) Risk assessment: assess the risk of emergencies occurring and use this to inform contingency planning.
 - (ii) Emergency planning: put in place plans to respond to an emergency, exercise them to ensure they are effective and offer training to staff who may become involved in emergency response.
 - (iii) Business continuity management: put in place business continuity plans to ensure they can continue to exercise critical functions in the event of an emergency.
 - (iv) Communicating with the public: put in place arrangements to make information available to the public about civil protection

matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.

- (v) Information sharing: share information with other local responders to enhance coordination.
 - (vi) Cooperation: cooperate with other local responders to enhance coordination and efficiency.
- g. Category 2 responders are 'cooperating bodies' which are less likely to work at the heart of planning but will be involved in incidents that affect their sector, for example utility companies, transport companies and the Health and Safety Executive (**HSE**). No police body is a Category 2 responder. Whilst Category 2 responders are subject to a lesser set of duties under the CCA, they must cooperate and share relevant information with other Category 1 and 2 responders to ensure integration within the wider emergency planning framework.
- h. The Regulations establish the scope of the duties imposed under the Act and specify the manner in which they are to be performed. For example, the Regulations establish LRFs in England and Wales, and Local Resilience Partnerships (**LRPs**) in Scotland.
- i. The legislative framework is supported by guidance on part 1 of the CCA which was published by the Cabinet Office (**the Emergency Preparedness Guidance**).
- j. In addition to the legislative and related policy framework, the Joint Emergency Service Interoperability Programme (**JESIP**) Joint Doctrine provides responders with guidance and principles on actions to be taken when responding to multi-agency incidents. The stated aim of the Doctrine is "to provide a framework of common models and principles which when applied consistently will improve interoperability between organisations across all levels of command".

- k. JESIP evolved from the Joint Emergency Services Interoperability Programme which was established in 2012. The work of the programme was consolidated during 2015 across first line responder organisations, retaining the same acronym. JESIP can be applied to any type of multi-agency incident and forms an element of MAGIC training. A Joint Interoperability Board meets quarterly. The Board, which used to be chaired by a NPCC lead, is now chaired by the national JESIP Senior Responsible Officer, Chief Constable Ben-Julian Harrington (Essex Police). The NPCC lead for JESIP, ACC Christian Bunt (Thames Valley Police) also attends these meetings. The Board seeks to ensure that blue light agencies work effectively together. The PCCJESIP materials, documents, and guidance are accessible via an APP to both first responders and the public as part of a driver towards wider delivery and accessibility.
- l. JESIP sets out the following joint working principles which should inform multi-agency response:
- (i) co-location;
 - (ii) communication;
 - (iii) coordination;
 - (iv) joint understanding of risk; and
 - (v) shared situational awareness.
- m. JESIP did not introduce any new duties on responders, but set out the expectations of good practice which build on and complement statutory duties under the CCA and associated regulations and guidance.
- n. Each police force must have the capability to discharge its duties under the CCA. Further, the Strategic Policing Requirement (**SPR**), which applies to police forces in England and Wales, includes civil emergencies as a threat which requires a national policing response. The National Policing Requirement (**NPR**), the police service's response to the SPR, includes a requirement for forces to plan and prepare for civil emergencies to fulfil their force's contribution to the national capacity in response, to have the

capability of meeting the NPR, to be able to deliver an integrated response consistent across all forces and partners and connect resources effectively across force boundaries through national and regional arrangements and with key partners, particularly when planning for and responding to civil emergencies.

- o. Accordingly, all police forces have emergency planning departments (sometimes referred to as 'contingency' planning departments) which normally sit within the operations department and will have a relationship with the LRF secretariat and with counterparts within other Category 1 responders. The departments are responsible for contingency planning, business continuity and events planning. Whilst each force's emergency planning department is structured differently, depending on the priority functions in the relevant area, the functions within the department incorporate those set out in the CCA and the Emergency Planning Guidance.
- p. Category 1 responders are under a duty to cooperate with each other to maintain a Community Risk Register (**CRR**). The CRR provides an agreed position on the risks affecting a local area and on the planning and resourcing priorities required to prepare for those risks. Amongst other things, it enables each Category 1 responder to be fully informed of the risks of emergency in its area and identify collectively the local plans and capabilities required. The CRR also enables LRFs and relevant Category 1 responders to undertake proportionate planning to support preparedness according to the priorities identified in their area. CRRs are shared between LRFs with whom a boundary is shared and with DLUHC's (the Department of Health and Social Care and the Cabinet Office, now the Ministry of Housing, Communities and Local Government, "MHCLG") Resilience and Emergencies Division (**RED**).
- q. Relevant sources underpinning local planning include:
 - (i) The National Security Risk Assessment (**NSRA**) (formerly known as the National Risk Assessment). This is a detailed cross-

government assessment of the risks facing the UK as a whole, based on the likelihood and impact of reasonable worst-case scenarios. It is produced by the Cabinet Office. Previously, the NSRA was a classified document which was shared with police forces, and LRF access to the risks came through its local force. Whilst the NSRA is now marked 'official sensitive' and so is more widely available within LRFs, it is still not made available to the public. LRFs use the information in the NSRA to identify risks that may be relevant to their local area;

- (ii) The National Risk Register (**NRR**). This was first published in 2008 as part of the National Security Strategy. It is the public-facing version of the NSRA, which sets out the government's assessment of the likelihood and potential impact of the risks facing the UK as a whole;
- (iii) The Local Risk Assessment Guidance (**LRA**G), produced by the Cabinet Office, which provides central guidance on the likelihood of some potential disruptive risks;
- (iv) The National Resilience Planning Assumptions (**NRPA**s). The NRPA's are also produced by the Cabinet Office. They are founded on reasonable worst case scenarios and provide information on generic consequences common to most risk scenarios and their maximum plausible scale, duration and magnitude, without disclosing the sensitive information on the causes of such consequences. The information provided through the NRPA's are critical to informing LRFs. NRPA's give national and sometimes multi-LRF planning figures. LRFs will use or adapt the information and figures to assess the impact of each risk on their local area.

- r. For police forces, there are two primary aspects to contingency planning. The first is planning for civil emergencies as required by the CCA, which is generally done through LRFs. Where a multi-agency response is required, then, notwithstanding the overarching LRF plan, the police (as is the case with other relevant agencies) will usually also develop their own plan which supports the LRF plan. The second is planning in relation to events or

locations which is unlikely to involve a multi-agency approach and which is generally undertaken by forces alone.

- s. All of the policing regions in the UK currently have a Regional Business Continuity forum which is attended by the respective force's Business Continuity Coordinator. Regional Forums aim to hold meetings every three to four months and ideally prior to the National Business Continuity Forum meetings. The Chair or representative of each Regional Forum attends the National Forum meetings and provide updates to the group. Regional Forums report to the NPCC lead for Business Continuity, who chairs the National Forum.
- t. Police forces discharge the cooperation and information-sharing duties imposed by the CCA and the Regulations in three ways:
 - (i) Within their own organisation, by ensuring that all divisions with functions to be employed in an emergency are prepared to cooperate and share information with one other internally, as well as with external stakeholders;
 - (ii) Directly with other organisations, through meetings, visits, phone calls, correspondence, e-mails and exercises. Such contact takes place on a day-to-day basis and often takes the form of one-on-one liaison work; and
 - (iii) Through managed arrangements with other organisations, which include the LRFs as the principal form of multi-agency cooperation. LRF meetings at a strategic level are required to take place at least once every 6 months. Each LRF has a single point of contact, such as a police communications duty officer, who is able to contact all core LRF members to establish a Strategic Coordinating Group (**SCG**) to respond to an emergency within one hour during office hours and within two hours outside of office hours.
- u. In turn, LRFs have mechanisms and processes in place for cross-boundary working and relationship building. Until the abolition of the regional

government offices in 2011, Regional Resilience Forums provided a uniform system for LRF collaboration within regions. These regional forums have been replaced with more flexible structures for multi-LRF working, which are not mandated under civil protection legislation or guidance. Current multi-LRF groupings may cover certain geographical areas and/or be thematic. Examples include LRF Chair Conferences, which took place twice a year until March 2019 and were hosted jointly by the Resilience Directorate and DLUHC (under its previous departmental name). Further, RED has allocated Resilience Advisers to each LRF, whose role is to facilitate cross-locality working and the co-operation and sharing of information between organisations, the central government and LRFs.

- v. Calls between LRF Chairs take place on a regular (usually monthly) basis. The format is now remote meetings held using an online platform. The calls are hosted by DLUHC, now MHCLG.
- w. In addition, police forces have access to ResilienceDirect, which is a private, secure, web-based and user-driven platform delivered by the Cabinet Office's Resilience Directorate. to which all LRFs and Government Departments have varying degrees of access. The platform allows real-time information sharing and thereby facilitates multi-agency planning and collaboration during the preparation, response and recovery phases of an event or emergency. ResilienceDirect was introduced in approximately 2016 to replace its predecessor, Resilience Extranet.
- x. Each Government Department (including DLUHC, now MHCLG) and each LRF has its own dedicated area on the ResilienceDirect platform. Typically, this is a 'landing page' which contains folders or links to subpages or areas organised by subject matter.
- y. There are some limitations on the use of the platform. For example, organisations, including the police, do not access the material on ResilienceDirect through a single corporate account. Instead, there are individuals within each organisation with an account who can access

material relevant to their own activities. As a result, not every individual with access to ResilienceDirect has access to every area or folder/page on the platform. To gain access, users would need to apply to the Government Department or LRF with ownership of that area of the platform. Further, documents can only be uploaded by those with the requisite permissions and cannot be edited via the platform.

Local Resilience Forums

8. In addressing this topic, I have relied upon the provision of information contained in the statement of Owen Weatherill for Module 1 of the Inquiry:
 - a. LRFs provide a vital local 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 coordinate an effective response.
 - b. LRF members know one another well, having worked, trained and exercised together, which develops mutual trust. During Brexit, LRFs also created multi-agency intelligence cells (**MAICs**) to support the decision-making of the SCGs, which were considered to be a success. LRFs have an essential role to play in the ongoing resilience of the UK, although there are inevitably variations in the quality and capability of LRFs across the country as a result of inconsistent funding arrangements and differences in individual personnel.
 - c. With the exception of London (where a single LRF covers both the Metropolitan and City of London police areas), the boundaries of the LRFs correspond to those of the police areas in England and Wales. A total of 42 LRFs have been established in England and Wales.
 - d. The role of an LRF is to act as a coordinating group for responder organisations engaged in preparedness for emergencies at the police force area level. In practice, this translates as:

- (i) Providing a local forum for local issues;
 - (ii) Helping coordinate risk assessment by producing a CRR, 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 CCA; and
 - (iv) Determining a procedure for the formation of a SCG.
- e. LRFs do not have powers to direct members to act in a particular way or to represent them legally. LRFs 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.
- f. LRFs are led by a Chair. The role of the Chair extends to representing the LRF at meetings with other levels, including with the devolved nations and the central government. They cannot require members to take any action and do not have directive powers over participating organisations. Chairs are chosen by the local membership, changing regularly depending on the individual circumstances of the LRF. LRFs are regularly chaired by a senior police officer, partly because LRF and police area boundaries are largely identical. Senior fire officers and local authority officials are also regular Chairs. The criteria include the need for the Chair to be able to speak with authority about the LRF area and strategic civil protection issues.
- g. The work of the LRFs is supported by MHCLG RED in England, and the emergencies branch of the Welsh Government in Wales. In addition, there are Lead Government Departments (**LGDs**) for each of the Category 1 and 2 responders which represent them in the UK and issue guidance in relation to their functions. The Welsh Government acts as an LGD for Welsh LRFs.
- h. The Resilience Directorate is responsible for the CCA and local resilience policy and in that capacity it coordinates the resilience work of LGDs. The

Resilience Directorate and LGDs report to a Cabinet sub-committee on Threats, Hazards and Resilience and Contingencies, which itself reports to a Cabinet committee, the National Security Council.

- i. A typical LRF comprises a Chief Officer Group, a General Working Group, Task and Finish Groups and various Sub-Groups.
- j. The Chief Officer Group conducts strategic discussions and is composed of senior representatives from Category 1 responder organisations (for example, a (deputy) chief executive from the local authority or a (deputy) chief constable from the local police force). The Chief Officer Group meets at least once every six months and all papers for discussion are copied to all Category 1 and 2 responders in the relevant LRF area and any standing members which are not Category 1 or 2 responders, such as voluntary sector and military representatives. Local responders are also invited to submit agenda items in advance of the Chief Officer Group meetings.
- k. The General Working Group is a permanent group that supports the Chief Officer Group by bringing issues to its attention and ensuring its decisions are implemented, such as training and exercise programmes. It is composed of officers from the organisations represented on the Chief Officer Group and/or additional responder organisations. Meetings are held regularly to prepare for meetings of the Chief Officer Group and implement its decisions.
- l. Below the General Working Group in the LRF structure are Task and Finish Groups and Sub-Groups, which are established as needed with the approval of the Chief Officer Group by reference to the priorities set out in the CRR to support the General Working Group and provide an opportunity for organisations which do not attend the main LRF meetings to make a contribution.
- m. Some of the groups are permanent, such as the Risk Sub-Group (which coordinates the production of the CRR). Others are temporary, such as the

Task and Finish Groups, which are tasked with delivering a defined outcome.

- n. Each LRF has a secretariat responsible for ensuring that the LRF performs effectively. It includes a secretary and, where possible, a coordinator or manager. Any member can fulfil these roles. The secretariat's tasks depend on the level of funding available to them. Funding is provided by LRF members, on a voluntary basis. Historically there has been no central funding, reflecting the pre-pandemic expectation of LRFs: namely, to deal with local, occasionally regional, issues on a short term basis. Some additional funding was made available by the government during the preparations for a no-deal Brexit and during the Covid-19 pandemic, and the NPCC understands some additional funding is to be made available in the near future.
- o. Key tasks of the secretariat include:
 - (i) Fixing the date of the Chief Officer Group meetings;
 - (ii) Agreeing the agenda and attendance with the LRF members;
 - (iii) Organising the production of papers and presentations;
 - (iv) Circulating papers to all Category 1 and 2 responders in the LRF area;
 - (v) Briefing the chair;
 - (vi) Taking the minutes and following up the matters arising and action points;
 - (vii) Disseminating the minutes to all Category 1 and 2 responders in the LRF area and other LRF members; and
 - (viii) Ensuring that meetings of the General Working Group, Sub-Groups and Task and Finish Groups are effectively organised and recorded, and that relevant issues from these groups are brought to the attention of the Chief Officer Group.
- p. The following additional tasks may be undertaken by the secretariat where there is a coordinator or manager (and in the absence of one, these are undertaken by the LRF Chief Officer Group and the General Working Group):

- (i) Tracking progress in carrying out the LRF's decisions, including competent delivery of its programme, which may include the CRR, developing multi-agency plans and running multi-agency exercises;
 - (ii) Preparing and delivering from time to time a strategic assessment on the capability and readiness of local responders, acting together, to respond; and
 - (iii) Acting as a focal point for the dissemination of documents containing policy initiatives and requests from other levels of government.
- q. The Chief Officer Group of the LRF meets at least once every six months and more frequently by agreement. The frequency of the meetings of the General Working Group and the Sub-Groups is set by the LRF.
- r. So far as reasonably practicable, each Category 1 responder and each Category 2 responder invited must attend all Chief Officer Group meetings or be effectively represented at them by a representative from the same sector. The police do not ask other organisations to represent them at the LRF.
- s. LRF meetings are typically attended by local government and central government representatives. Local government is represented by the local authorities, which are Category 1 responders, while the central government is represented by MHCLG RED in England and the Welsh Government in Wales.
- t. As LGDs, MHCLG RED and the Welsh Government are expected to be standing members of the LRFs in their area. This representative function is carried out by Government Liaison Officers (**GLOs**), employees of MHCLG, whose role is to attend LRF meetings, provide a two-way conduit between government and the LRFs, offer advice, and encourage cross-boundary working and the sharing of good practice. GLOs have often covered multiple LRFs, though more typically each LRF is now assigned a GLO, drawn from employees of MHCLG. The NPCC does not have direct links

to the GLO network; it communicates with MHCLG through its representative attendance at civil contingencies portfolio meetings.

- u. Prior to the Covid-19 pandemic, there were a number of additional points of communication between government departments and the framework of LRFs. These enabled the government to engage with and provide support to LRFs in the context of resilience and emergency preparedness. They included:

- (i) LRF Chairs' conferences. These were hosted biannually by Resilience Directorate and DLUHC (under its previous departmental names). The last conference was held in March 2019. The civil contingencies portfolio lead from the NPCC was usually represented. The conferences provided a valuable opportunity for key issues affecting LRF participants to be raised at a national level, and the hosts were able to connect directly with LRF Chairs and gain insight into the state of LRF preparedness. These conferences were discontinued due to Covid-19 restrictions; and
- (ii) The National Capabilities Survey (**NCS**), later (from 2014) the Resilience Capabilities Survey (**RCS**). This was a voluntary survey conducted by Resilience Directorate on a biennial basis from 2006 onwards to obtain an overview of the national resilience picture in England and Wales. It collected data on planning, response and recovery plans and responders' experiences of emergencies. Survey responses were collated and summary information disseminated in the form of 'Highlight Reports' or 'Gateway Bulletins'. The survey was conducted at LRF level, with responses invited from individual responders. The NPCC itself was not a participant in this work.

- 9. There are no material differences for how LRFs operate in relation to the specific issue of TTI and/or additional matters falling within the scope of Module 7.

The NPCC's role, function and responsibilities

10. 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.
11. 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**).
12. 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 (**Exhibit MH-2/01 [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."

13. 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.
14. 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.
15. 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.
16. 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.
17. The NPCC is led by a full-time Chair who is chosen by the organisation's membership. I chaired the NPCC between March 2019 and April 2023.
18. The Chair is supported by two part-time elected Vice Chairs (currently Chief Constables Jeremy Vaughan of South Wales Police, and Rachel Swann from Derbyshire Police) 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).

19. 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.

20. 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.

21. 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...”

22. 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."

23. 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.

24. 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.

25. 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.
26. 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.
27. Quality assurance of the NPCC is undertaken by an independent Assurance Board and the Performance Sub-Committee.

NPoCC

28. 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.
29. NPoCC was led by Assistant Chief Constable Owen Weatherill as National Mobilisation Coordinator (**NMC**) between 1 July 2019 and 1 September 2023. The NMC is appointed by and reports directly to the Chair of the NPCC. He was 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 the NMC. ACC Weatherill was also the portfolio lead for Civil Contingencies which sits within the NPCC Coordination Committee between March 2021 and 1 September 2023.
30. 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.

31. 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

32. 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.
33. 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.
34. 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...”

35. 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. 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.

Liaison between NPCC and Devolved Administrations

36. The primary stakeholders for the NPCC are its constituent police forces, including Police Scotland and PSNI. Throughout the pandemic, the NPCC remained in communication with forces to identify and address challenges and policing matters.
37. 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.
38. 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.

39. 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.
40. 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.
41. 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.

Police Scotland

42. In addressing this topic, I have relied upon the provision of information contained in the statement of Alan Speirs for Module 2A of the Inquiry:
 - a. The NPCC shared guidance, policies and briefings with Police Scotland. The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement. This aligned with the usual practice of Police Scotland and the NPCC prior to the pandemic.
 - b. For example, during the pandemic the NPCC produced guidance setting out the 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance; Exhibit MH-7/05 [INQ000099936]**).

Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three 'Es' had been undertaken. The 'Four Es' guidance was produced in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.

- c. The 'Four Es' guidance was adopted by Police Scotland from 27 March 2020. The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent. This remained the approach of the organisation throughout the pandemic.
- d. Aside from the 'Four Es' guidance, other briefings were shared routinely within Police Scotland and with the NPCC. There were two broad categories of briefings, relating to: i) government guidance; and ii) internal Police Scotland information.
- e. The former was produced by the Scottish Government to accompany the introduction of new regulations or legislation. It was ordinarily received in completed format for implementation. On occasion, Police Scotland were given advance notice by way of embargoed information of proposed changes to law, in order to allow sufficient time to prepare internally and assess any potential impact.
- f. The second category included documents produced within Police Scotland to assist staff and officers in undertaking their roles safely within the context of the pandemic. Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers Division regularly to discuss the potential impact of legislation.
- g. Aside from matters related to enforcement, a broad range of briefings were produced by departments within Police Scotland. For example, the Health and Safety department and the People and Development department produced information about social distancing, hygiene and working from home, which was disseminated to staff.

- h. Other than the 'Four Es' guidance, material which was shared by the NPCC was not adopted wholesale within Scotland. This was because of differences in the regulations and the approach taken by the Scottish Government. Instead, Police Scotland generally drafted its own documents and guidance, or made amendments to NPCC material to ensure it was tailored to the context of policing in Scotland.
- i. Nonetheless, Police Scotland maintained positive contact and cooperation with the NPCC throughout the pandemic through the Single Point of Contact (**SPOC**) for Police Scotland. The primary method of information sharing between the NPCC and Police Scotland was a digital platform called "ChiefsNet". A support officer for the executive team of Police Scotland was expected to access ChiefsNet on a daily basis to review documentation that had been uploaded and disseminate relevant information to the most appropriate department within Police Scotland. If necessary, the material would then be shared with officers through the organisation's ordinary procedures. All members received Daily Submissions, which highlighted incidents of note, crime trends or other concerns relevant to forces throughout the UK. Information was also shared with the NPCC via email circulation lists.

PSNI

- 43. In addressing this topic, I have relied upon the provision of information contained in the statement of Alan Todd for Module 2C of the Inquiry:
 - a. The role of the NPCC in relation to PSNI during the Covid-19 pandemic was coordinating and representative, in that it acted as a conduit for information sharing between forces and had some engagement with Whitehall on behalf of policing interests.
 - b. Assistant Chief Constable Owen Weatherill, held weekly telephone calls with regional Gold Commanders. On that call operational updates would be provided

from each of the PSNI regions. This was a valuable opportunity to share learning and plan initiatives.

- c. There were regular meetings between the NPCC Chair and Regional Representatives at Chief Constable level. These meetings were regularly attended by ACC Alan Todd on behalf of PSNI.
- d. NPCC shared guidance and briefings produced by the College of Policing with PSNI. These were useful documents and assisted the PSNI with drafting their own operational guidance applicable to the Regulations in Northern Ireland.
- e. Throughout the pandemic the PSNI adopted the NPCC's 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance'**). Enforcement being the last resort. The Four Es guidance was a key resource in respect of ensuring a consistent approach to policing.

Guidance

- 44. It is important to emphasise that the NPCC played no direct role in the enforcement of Covid-19 Regulations. As an organization, it has no operational command or directive powers in respect of individual officers or forces. It issued only one instance of "guidance" during the pandemic (namely the 'Four Es' guidance on the approach to be taken to enforcement (**Exhibit MH-7/05 [INQ000099936]**).
- 45. The NPCC worked with the College of Policing to produce and disseminate this guidance, as well as briefings on the application of the Regulations. 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.
- 46. The key guidance for achieving compliance with Covid legislation and regulations was the 'Four Es' approach: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance**) (**Exhibit MH-7/02 [INQ000148415]**). Enforcement, whether through the

issue of a Fixed Penalty Notice or otherwise, was the last resort after the first three 'Es' had been undertaken.

47. 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.
48. 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.
49. '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.
50. 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.
51. 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.

52. 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.
53. Examples of the advice and support given to forces on the implementation of the Regulations are provided in the attached appendix (MH-7/23).

Guidance issued on contact with Covid positive person

54. Officers were bound by the same rules as the rest of the UK population and were required to follow the law and applicable Government guidance for the areas where they lived and worked.
55. The only topic in relation to which I recall some discussion of potential departure from the prevailing guidance was the use of the NHS App and concerns regarding security. The NHS App raised concerns about the accuracy of data from an early stage. Notifications were based on proximity to the phone of a person rather than the person themselves and it was recognized that the phone number associated with a test may not have belonged to the person who tested positive. The proximity threshold could be triggered where no actual contact had occurred, for example, where there were persons in neighbouring flats. The NHS App was therefore only a possible indicator that a person may have been in contact with a person who had tested positive.
56. From a policing perspective, there were concerns that mandated use of the app by its staff had the potential to generate erroneous notifications and increase absence through false positives.
57. This question was referred to the Independent Ethics Committee (IEC) and the decision was taken that no exemption should be made for police officers (see for example **Exhibit MH-7/07 [INQ000099806]**). This was because, notwithstanding

the concerns, the view was taken by the NPCC that the NHS App had potential to prevent some infections and was therefore likely to entail some positive benefits. At the national level, the NPCC's approach was that it was a matter for forces and staff members to determine use of the NHS App, in light of their individual circumstances.

58. To the best of my knowledge, the NPCC did not draft definitive guidance on the meaning of the phrase "reasonable excuse". The term originated from the Government rather than policing and it was addressed/included within Government guidance, which was not written by the NPCC. While the potential ambiguity of the phrase presented some challenges for enforcement, my understanding is that it was intended to encompass the broad range of potential factual scenarios which might arise in a manner which avoided excluding or harming persons in carer roles, persons with vulnerabilities, or other groups with particular needs.

Role and function of ACRO Criminal Records Office and College of Policing

ACRO

59. 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.
60. 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.
61. 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

62. 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.
63. 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.
64. 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.
65. 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.

66. Further information in relation to the designation of ACRO as a competent authority in relation to FPNs can be provided by ACRO if required.
67. 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.
68. 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.

The College of Policing

69. The role of the College of Policing and its relationship with the NPCC is addressed above. The College of Policing did not play a role in relation to the issuance or processing of Fixed Penalty Notices. The NPCC has no additional information to disclose on these matters for the topic of TTI and the role of both ACRO and the College of Policing was the same in respect of TTI as for other matters of enforcement.

70. ACRO was responsible for drafting proformas and letters regarding the issuance of Fixed Penalty Notices. The NPCC does not hold a list or schedule of the proformas and/or letters which were drafted.
71. The underlying documents were not amended every time the Regulations changed, but were updated as needed when the changes to the Regulations required amendments to the material. Where regulatory changes had no impact on the underlying documents, amendments were not required. At least 30 different versions of the proforma documentation were produced as the regulations changed, including to amend the reference number or code for the relevant underlying section of the regulatory framework. A range of formats were created to suit the systems used by different forces (for example, a digital version was produced for forces which utilised the "Pronto" software framework for the management of evidence). Versions were also produced in different languages, as required by specific forces.
72. The Inquiry has asked the NPCC to provide details of internal checks undertaken by ACRO. I note that ACRO is a separate body from the NPCC, although it is a partner organization with whom the NPCC shares a close working relationship. I am not able to speak on behalf of ACRO and I am therefore limited in my ability to explain the internal processes of that organization.
73. To the best of my understanding, a broad range of checks were undertaken by ACRO to ensure that FPNs met requirements before issuance. The checks would have included matters ranging from the identification of typographical errors, to checking threshold matters such as the age of the recipient, to ensuring that the recorded information corresponded to the offence in question. If an FPN did not meet the requisite conditions, it was referred back to the relevant force.
74. The 'Four Es' Guidance was of central importance to policing during the pandemic. The Four Es guidance was the sole example of guidance produced by the NPCC during the Covid-19 pandemic. It had general application to enforcement, including in relation to TTI matters, but no other guidance was produced by the NPCC.

75. In relation to how the NPCC contributed to or advised on public messaging, prior to the pandemic, planning for public massaging was done through the LRF. When the UK entered the pandemic phase public messaging became about compliance with the Regulations and enforcement. Advice on messaging was given to Chief Constables through the ChiefsNet platform. Forces then made their own operational decisions on how best to communicate this to the communities they policed.
76. 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.
77. In summary, wherever possible the NPCC and its constituent forces worked with stakeholders, including the Government, partner organisations and NGOs, to ensure that public messaging was clear and, where possible, tailored to the relevant audience.
78. One example of accessible briefings being disseminated to those with protected characteristics is the work Police Scotland undertook with partner organisations and stakeholders such as Deaf Action, Deaf Scotland, Deafblind Scotland et al. I have been informed of the detail of this work through the statement of Alan Speirs for Module 2A. I understand that it was intended to address challenges such as those faced by persons reliant on lip-reading as a result of the widespread use of face coverings. Police Scotland sought to address this through a number of workstreams, including by procuring IIR masks with clear panels to facilitate communications with officers.

Challenges with enforcing Regulations

79. The dynamic pace of changes to the Regulations required considerable work from the NPCC in order to ensure that briefings and communications remained accurate

and accessible for recipients. This included staff on the front line, as the NPCC and its constituent forces needed to ensure that officers had a clear understanding of the relevant Regulations at all times.

80. 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.
81. 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 5th 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.
82. 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 23rd March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into effect at midnight on 26th March 2020. It became an offence to leave home without a reasonable excuse.
83. 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.

84. 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.
85. 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.
86. 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 3rd 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.
87. 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.

88. The impact of the speed and frequency with which policy and guidance affecting enforcement being amended was also felt in the Devolved Nations.

Regulation change - Police Scotland

89. In relation to this issue, I am reliant on the evidence provided by Alan Speirs in his statement provided for Module 2A:
 - a. One example of the very fast turnaround time for the introduction of policy amendments affecting enforcement and policing relates to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 18) Regulations 2021, which, *inter alia*, imposed restrictions on places of worship. Due to the complexities of these changes, there were challenges in providing Police Scotland with advance notice of the proposed amendments.
 - b. The amendments were then subject to further emergency amendments in the hour before they came into force, following the outcome of a judicial review by another party. In those circumstances, Police Scotland had limited time to amend and circulate internal briefings to frontline officers. While this was an extraordinary example involving late judicial intervention, it is illustrative of the challenges faced in relation to the implementation and enforcement of regulations during the pandemic.
 - c. Aside from the challenges posed by short timescales, there were some occasions where questions arose regarding the interpretation of the Regulations. For example, on 28 August 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) (Amendment No 13) Regulations 2020 came into force, making it an offence for any person to attend a party of 6 or more persons within a private dwelling. The provisions gave relevant persons the power to force entry to a premises where such a party was

taking place in certain circumstances. However, in practice officers were unable to establish the number of persons within a dwelling without entering it, so this power could not be used. Police Scotland liaised with the Scottish Government to highlight the practical implications and seek amendment to the legislation. Following this dialogue, on 2 November 2020 the regulations were amended again to remedy the issue and empower relevant persons to force entry if they reasonably suspected that a gathering consisting of more than six persons was taking place.

- d. The short timescales and occasional confusion regarding the interpretation of the regulations reflected the difficult circumstances of the pandemic and the need to respond to evolving data. Although the rapid changes were sometimes challenging, in general Police Scotland worked well with the Scottish Government. There were frequent meetings and a continuing dialogue by email and phone, so that issues could be raised promptly and addressed as needed.

Regulation change - PSNI

90. In relation to this issue, I am reliant on the evidence provided by Alan Todd in his statement provided for Module 2C:

- a. In Northern Ireland, where regulations were continually amended rather than consolidated, this made PSNI's task of producing 'Practical Peeler' guidance for officers particularly challenging as it was not always immediately obvious what aspect of the regulations had changed. Until the new Regulations were laid before the Assembly we could never be certain of exactly what would change, how and when. For example, during the drafting process, the wearing of face coverings on public transport changed from mandatory to advisory and then to mandatory with a two-week run in period.
- b. Chief Constable Byrne expressed concerns in a letter to the Health Minister, regarding the impact the pace of change to the Regulations was having on public confidence in the police. He requested a greater level of consultation with PSNI before making further changes to the Regulations.

- c. The Chief Constable's concerns in respect of public confidence were borne out of concerns around public confusion around the Regulations. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' report into the PSNI's handling of the Bobby Storey report funeral on 30 June 2020 [INQ000272750] made a finding that the Regulations in force at the time of the funeral were confusing and conflicting. This is a finding with which the PSNI agrees. Not just at the time of the funeral but throughout the period of the Covid-19 restrictions there was a lot of public confusion, hence the request for clarity from the Department of Health.

91. In relation to the issue of TTI, the same general principles applied.

Keeping police forces up to date with the change to regulations

- 92. This was done through the same means as all force communications. 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.
- 93. 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.

94. 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.

95. In relation to the issue of TTI, the same general principles applied.

Police role in relation to TTI

96. In England, Owen Weatherill attended a number of meetings in late 2020 and early 2021 to obtain clarity on the role of policing in relation to TTI. Meetings included:
- (i) On 19/10/2020, he met with Border Force to discuss the role of policing in relation to persons self-isolating after entering the UK;
 - (ii) On 9/11/2020, he met with the Police Federation and other key stakeholders to discuss the implementation of the NHS Covid app;
 - (iii) On 9/01/2021, he met with the Home Office to discuss testing and isolation requirements for arrivals from South Africa, with a follow-up meeting on 2/02/2021;
 - (iv) On 15, 19 and 27/01/2021, he met with officials from the Home Office and Border Force to discuss testing and isolation requirements for persons arriving into the UK as police initially provided a physical presence at quarantine hotels and played a part in tracing absconders from quarantine hotels;
 - (v) On 4, 13 and 14/02/2021, he met with the Home Office to discuss the transition to use of private security for managing quarantine hotels.

97. In addition, Owen Weatherill attended meetings in relation to the sharing of information from the Department of Health and Social Care (**DHSC**) where the primary focus was around domestic TTI. A recurring issue was the absence of reliable data from DHSC, such that it was not able to prove to a legal standard that a positive test was attributable to an identified individual. In addition to this creating difficulties for enforcement of breaches of conventional TTI Regulations, the unreliability of data was a significant obstacle to enforcement of quarantine requirements which was communicated to DHSC on a number of occasions.
98. The position maintained by policing throughout this process was that Fixed Penalty Notices would not be issued in either situation, unless the officers were able to have confidence in end-to-end verification of identity between the individual alleged to be acting in contravention of the Regulations and the positive test.
99. The issue of unreliable DHSC data on TTI breaches led to the creation of a draft Memorandum of Understanding (**MOU**) with DHSC. I understand that the plan on the part of DHSC was for the data to be driven and informed by the notification and subsequent isolation requirement from the NHS app.
100. However, the MOU was ultimately not used in practice due to ongoing problems with the quality of the data. The issue was linked to evidence chain integrity. For example, in order for an FPN to be considered, officers needed to be able to prove that the person to whom the ticket would be issued was the same person who had tested positive and then failed to isolate. At the time, DHSC records were not capable of proving these matters to an evidential standard.
101. By April 2021, a different process had been developed with reliance on private security to manage quarantine hotels. Police continued to play a very limited role related to providing support for tracing absconders.
102. Where there were apparent discrepancies between the Regulations and other messaging from the Government, this is something which was raised and addressed through existing communications channels (see above). With the passage of time, I cannot now recall every instance where concerns were raised by the NPCC or our

partner organisations. From an NPCC perspective, if any apparent inconsistencies persisted, our consistent approach was to ensure that NPCC briefings reflected the underlying legislation rather than the guidance and had been approved by internal legal teams prior to dissemination. At all times, we sought to ensure that officers on the ground were acting in accordance with the law.

103. Despite the challenges posed, these channels of communication and the strength of the relationships between myself, my colleagues and our partner organisations ensured that we were able to remain up to date as Regulations changed. The enormous number of briefings and communications which have been disclosed to the Inquiry is the result of considerable hard work and dedication by staff within the NPCC and its constituent forces in extraordinarily challenging circumstances.

Ethics

104. 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.
105. 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.
106. This was the background to the Independent Ethics Committee ("**the Committee**"), whose Terms of Reference were issued on 17th June 2020 and whose first meeting took place on 1st July 2020.
107. 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.

108. As is clear from the Terms of Reference (**Exhibit MH-7/13 [INQ000099939]**), 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.

109. 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.

110. 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.

111. 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.
112. 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.
113. 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.
114. 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.

115. 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.
116. 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*

117. 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.

118. For example, the first issue considered by the Committee at its first meeting, on 1st 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.

119. 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).

120. 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.

121. 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.
122. All minutes of the IEC held by the NPCC have been provided to the Inquiry. The NPCC is not in a position to determine which of those documents may be of relevance to the Inquiry in relation to Module 7.

Fixed Penalty Notices and the Single Justice Procedure

123. The Single Justice Procedure (**SJP**) was a mechanism implemented in April 2015 to streamline the processing of a large volume of non-imprisonable offences. It was applied to the Covid-19 Regulations following a decision of the Attorney General. However, the use of the SJP is limited to defendants who are over the age of 18 and therefore for those under 18, police had very limited options on this as a method of enforcement. In most cases, officers relied upon the first 3 E's, or discussing non-compliance with parents/guardians. In some extreme cases, officers may have resorted to using other powers due to other offences being committed, however the NPCC do not have any data on this, and could not secure it if asked.
124. The alternative to the use of the SJP in those circumstances would have been the implementation of full Magistrates Court proceedings commenced through charge and requisition. The risk of adopting this alternative was the creation of substantial backlogs, given the closure of many courts during the pandemic, and an increased risk of transmission resulting from introducing large numbers of in-person hearings.
125. The role of the NPCC was to work within the enforcement framework to ensure that policing was sufficiently briefed on the regulations and process to give effect to the decision-making of Government regarding enforcement. It is important to clarify that

the NPCC did not have the power to determine the level of fines or the structure and/or wording of the Regulations. The NPCC did not determine whether or how Fixed Penalty Notices should be used as part of the regulatory framework in the UK. Questions regarding those matters are better directed to the relevant Government department.

126. Once decisions on enforcement had been taken by Government, the NPCC and its constituent police forces worked together to implement the resulting Regulations and guidance. The outcome was a single overarching mechanism for managing Fixed Penalty Notices, which had previously been handled within regional areas, for example, by relevant Local Authorities. The use of a national mechanism meant that there was one central repository of data which could be used as a resource to identify trends in behaviour and to facilitate operating in a way which was responsive to the changing demands of the pandemic.
127. In this capacity, the NPCC considered the possibility of regional variation in the issuance of Fixed Penalty Notices at different stages during the pandemic. Understanding the effect of and reasons for differences between force areas was one of the primary reasons why the NPCC commissioned independent reports on the issuance of Fixed Penalty Notices. Those reports have been provided to the Inquiry and were the subject of detailed consideration and evidential analysis in Module 2. The reports were published and have been shared with forces in order to inform their work.
128. To an extent, regional variation is the natural result of identifiable differences between geographical areas and populations. This is something which was communicated anecdotally with the NPCC by its members during the course of the pandemic. For example, areas which had smaller and more sparse populations were generally likely to have lower rates of breaches related to social distancing. Areas known as "beauty spots" or tourist destinations had a higher likelihood of Fixed Penalty Notices being issued to persons travelling from other areas.

129. Throughout the pandemic, the NPCC sought to ensure consistency of enforcement by working with the College of Policing to share briefings and other information with forces, providing regular updates as the Regulations developed.
130. ACRO played a role in the coordination of payments of Fixed Penalty Notices 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.
131. 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.
132. 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.

133. 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.
134. 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.
135. 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.
136. There were multiple stages of review and appeal for each Fixed Penalty Notice. Prior to the formal issuance of a Fixed Penalty Notice by ACRO, recipients were able to make representations contesting the matter to the officer or the relevant force. A force reviewing a Notice issued by an officer could decide not to progress the matter to ACRO. Once the Fixed Penalty Notice was sent to ACRO, it was reviewed and, where appropriate, remitted to the originating force for cancellation. (I note that ACRO itself was not responsible for making decisions to cancel Fixed Penalty Notices and was required to return any which did not meet requirements to the relevant force.) Following the issuance of a Fixed Penalty Notice, the recipient was able to make a formal appeal. If no appeal was made and the fine was not paid, it would be referred to court, where the recipient was afforded a further opportunity to contest the matter. All Fixed Penalty Notices issued were accompanied by a letter

from ACRO explaining how to commence an appeal and containing details about information processing and the legal framework, with links to Government guidance and the sentencing guidelines.

Request for enforcement data

137. All data held by the NPCC in relation to the enforcement of Fixed Penalty Notices has previously been disclosed to the Inquiry. There is no new or disaggregated data which is available to be provided in respect of Module 7. The NPCC does not hold information in relation to the police cost of prosecutions in relation to TTI matters.
138. The Inquiry has been provided with both the raw data and also expert interpretation and analysis by independent academics, in the form of at least six reports published in relation to the use of Fixed Penalty Notices. The reports are available online as open-source material and have also been disclosed to the Inquiry in previous modules.
139. The total number of Fixed Penalty Notices issued in relation to TTI was very small. Between 28 September 2020 and the revocation of the regulations on 24 February 2022, only 184 Fixed Penalty Notices were processed in England under the Self-isolation Regulations. In Wales, only 84 were issued.¹
140. Following receipt of the Rule 9 in this module, the NPCC has sought an update from ACRO regarding the number of Fixed Penalty Notices that remain unpaid pending a decision on prosecution. The NPCC has no further information to share in relation to this update at the time of writing.
141. I have been asked to set out the value of fines for breaches of the Covid-19 pandemic Regulations in tabular format. The following is reproduced from the report of Professor Susan McVie (**Exhibit MH-7/014 [INQ000187993]**) at page 18:

Country	Legislation	First Penalty	Further Penalties
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¹ Available online at: <<https://news.npcc.police.uk/releases/update-on-coronavirus-fpns-issued-by-forces-in-england-and-wales-and-the-payment-of-fpns>>.

England	Regulation 10	£60 reduced to £30 if paid in 14 days	Doubling each time to a £960 maximum
Wales	Regulation 13	£60 reduced to £30 if paid in 14 days	£120 maximum
Scotland	Regulation 9	£60 reduced to £30 if paid in 28 days	Doubling each time to a £960 maximum
Northern Ireland	Regulation 9	£60 reduced to £30 if paid in 14 days	Doubling each time to a £960 maximum

142. The value of the fines changed over time. According to Professor McVie, in May 2020 the minimum fine value in England increased from £60 to £100 (reducing to £50 if paid within 14 days) and the upper limit for fines increased from £960 to £3,200. In September 2020, the minimum fine value in England increased again, to £200, (reducing to £100 if paid within 14 days) and the maximum value increased to £6,400. In Wales, the value of a first fine remained at £60 throughout the pandemic; however in May 2020, the maximum fine value increased from £120 to £1960. In Scotland, the maximum fine value was reduced to £480 under guidance from the Lord Advocate.

143. The NPCC is not aware of any issues caused by the difference in fine values. Information was able to be tailored to different jurisdictions as appropriate.

Inequalities and lesson learning

144. The NPCC did not undertake an independent Equality Impact Assessment of the enforcement mechanism because it was not the body responsible for determining the system to be utilised for the purposes of enforcement. The NPCC was solely operating within a framework determined by the Government, which held

responsibility for undertaking an assessment of the potential impact of its decision-making.

145. The NPCC did commission and facilitate independent assessment of its own decision-making throughout the pandemic, both through the IEC and through external expert review of the issuance of Fixed Penalty Notices. The NPCC has provided numerous reports to the Inquiry which address the issue of how patterns of enforcement varied across different groups in the population, including **Exhibit MH-7/20 [INQ000099940]**, **Exhibit MH-7/14 [INQ000187993]** and **Exhibit MH-7/21 [INQ000237005]**. These reports have been extensively considered in previous modules and have been the subject of detailed oral evidence from witnesses in Inquiry hearings, including one of the authors, Professor Susan McVie. At this stage, the NPCC is not in a position to summarise the work of the Inquiry undertaken in previous modules or the conclusions reached by the Inquiry team.
146. The increased risk which lockdown posed to vulnerable victims was recognised by the NPCC at an early stage and work to support victims of offending continued throughout the pandemic. For example, the NPCC had a dedicated group responsible for considering and responding to the increased risks of domestic abuse during the Covid-19 pandemic. Together with the College of Policing, external academic specialists and other partner organisations, the NPCC produced targeted external messaging and resources to support victims of domestic abuse and child sexual abuse, published research reports and data, provided updates to forces and held knowledge sharing events.
147. All lesson-learning exercises and reports in relation to the Covid-19 pandemic which are held by the NPCC have been provided to the Inquiry. There are no further documents to disclose in relation to Module 7 and the NPCC has no specific information to provide on this topic in relation to Module 7.
148. The NPCC provided relevant documentation to the Inquiry in 2023/early 2024, including the following key documents:
 - (i) Organisational Learning Priorities (**Exhibit MH-7/10 [INQ000216923]**);

- (ii) Organisational Learning in Policing during Covid-19 (**Exhibit MH-7/ 11 [INQ000099937]**);
- (iii) Hydra Foundation Debriefing (**Exhibit MH-7/12 [INQ000099938]**);
- (iv) Covid-19 and Future Threats: a Law Enforcement Delphi Study (**Exhibit MH-7/13 [INQ000099939]**);
- (v) Policing the Pandemic (**Exhibit MH-7/20 [INQ000099940]**);
- (vi) Policing the Pandemic in England and Wales (**Exhibit MH-7/14 [INQ000187993]**).

149. The need to identify, capture, and reflect on both short and longer-term learning and implications of the policing of Covid-19 was recognised and actioned 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.

150. 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 7th July 2020.

151. 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.

152. 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.

153. 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.
154. 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.
155. 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.
156. 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.

157. 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' 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'.
158. 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.
159. 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].
160. 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 5th 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.

161. 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.
162. 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, resulting in a final report of 18 November 2020 identifying strengths, weaknesses and areas for improvement (**Exhibit MH-7/10 [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 (**Exhibit MH-7/11 [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 (**Exhibit MH-7/12 [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 (**Exhibit MH-7/11 [INQ000099937]**).

- (v) 'Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups' (**Exhibit MH-7/12 [INQ000099938]**).

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 27th March 2020 and 25th 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" (**Exhibit MH-7/20 [INQ000099940]**).

Following the completion of the First Report an additional report was commissioned to reflect a significantly longer period: 27th March 2020 – 31st 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. The Second Report was commissioned by Operation Talla through ACC Weatherill. This was done because:

- The issuance of FPNs by police forces under the coronavirus regulations was ongoing;
- 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;
- The provision of analysis regarding specific policing areas was helpful to assist forces in responding appropriately to local trends;
- Updated analysis was needed to reflect changes in regulations and restrictions over time;
- 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).

163. 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.
164. 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.
165. 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.

166. 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 10th 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.

167. 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.

168. 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.
169. 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.
170. 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.
171. 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.
172. 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.

173. 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.
174. The NPCC does not seek to put forward any further recommendations to the Inquiry in relation to TTI, as its involvement with TTI was very limited. It did not determine the structure or function of the regulatory framework, it did not create policy and it did not itself have enforcement powers or directive power, but was limited to sharing information, acting as a liaison and supporting police officers and forces during the challenging circumstances of the pandemic.
175. The primary involvement of the police in relation to matters within the scope of Module 7 was the practical issuance of Fixed Penalty Notices for TTI breaches, but this role covered only a very small proportion of the policing work undertaken during the pandemic. The total number of Fixed Penalty Notices issued in relation to the issue of TTI was so small that it is difficult to draw conclusions of statistical significance from the data: in relation to self-isolation, there were a total of 186 Fixed Penalty Notices issued in England, within a total population of approximately 56 million people.
176. Given the very small statistical sample available, it is difficult to make an assessment of the efficacy of enforcement. The Inquiry may wish to consider whether the enforcement measures chosen by the Government measurably improved compliance by members of the public. The NPCC is not able to comment, as this is a matter for expert academic analysis.

Statement of Truth

OFFICIAL

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: Personal Data

Dated: 09th Apr 2025 .

