



Lorna Hackett
Hackett & Dabbs

Via Email to
Lorna.hackett@hackettdabbs.cjsm.net

Detective Inspector Trevor Normoyle

Central Specialist Crime

**Special Enquiry Team
Room 205-3rd Floor
230-232 Putney Bridge Road
London
SW15 2PD**

Telephone: 0207 230 1256
Email: Trevor.Normoyle@met.police.uk

Date: 8th June 2023

Dear Ms Hackett

RE: Request for investigation of potential offences of 'misconduct in public office

The purpose of me contacting you is in order to provide you with an update in relation to a matter that was first brought to the attention of the Metropolitan Police (MPS) by Dr Tony O'Sullivan and Dr John Puntis on behalf of 'Keep our NHS Public'. This was sent via email to the former Commissioner on 21st December 2021 ('the complaint').

I am the operational head of the Special Enquiry Team (SET); an MPS unit which has responsibility for considering allegations against public officials. The complaint was passed to me for my consideration on 27th May 2022. The complaint included a full copy of the People's Covid Inquiry Report and the Executive Summary.

The complaint asserted that the evidence given to the People's Covid Inquiry (PCI) gave the panel 'reason to be concerned that criminal offences of some gravity had been committed'. The complaint then submitted that the 'prima facie threshold' for both Corporate Manslaughter and Misconduct in Public Office had been crossed in respect of a number of specified individuals and government departments. The precise nature of the allegations, the conduct asserted to constitute the offence, and the specific offence alleged against each was not clearly outlined, other than by way of directing attention to "three major evidential areas"; Pre-Covid, The Onset of Covid and Procurement Process.

The SET conducted an assessment of the complaint to establish whether the material disclosed justified the commencement of a criminal investigation into any individual or organisation.

Misconduct in Public Office

To be able to show that any of the individuals named committed an offence of Misconduct in Public Office, it would have to be proved that they wilfully neglected to perform their duty or wilfully misconducted themselves to such a degree as to amount to an abuse of the public's trust (and there was no reasonable excuse or justification for this). In this context, 'wilful' means that the office holder either knew what their duty required of them and deliberately chose not to perform that duty, or that they were reckless as to the existence or content of that duty and went on to act in such a way that they failed to perform that duty. In any prosecution, the prosecution

would need to prove that the office holder misconducted themselves dishonestly, oppressively or corruptly, rather than as a result of a mistake or error.

On review of the evidence available, both within the PCI Report and publicly available elsewhere (such as the Judgment in *R. (on the application of Good Law Project Ltd) v Secretary of State for Health and Social Care* [2021] EWHC 346 (Admin)) there were insufficient grounds to suggest any alleged neglect or misconduct satisfied the statutory criteria for the offence.

Corporate Manslaughter (contrary to the Corporate Manslaughter and Corporate Homicide Act 2007)

The complaint identified this offence, however, it is noted that the 'Recommendations' within the PCI's Full Report do not include a recommendation to consider offences of Corporate Manslaughter.

Whilst, as outlined above, it is unclear precisely what conduct (and against which individuals/organisations) this allegation is directed, the available material has been reviewed to assess whether the launch of a criminal investigation is required.

The assessment concluded that the evidence does not support commencement of a criminal investigation. The assessment gave due regard to the elements of the offence (which can only be committed by a relevant organisation) and the relevant exclusions within the Act.

In light of the above conclusions, MPS enquiries have determined that, at this time, there are insufficient grounds to justify the commencement of an investigation into the allegations made within the complaint and no further action will be taken. The MPS assessment of the complaint has now concluded and is closed.

It is notable that the PCI was primarily undertaken in response to the delay in establishing an independent public inquiry into the Covid pandemic. As you will know, the UK Covid-19 Inquiry (the Inquiry), chaired by cross-bench peer Baroness Hallett, has now been set up and will begin hearing evidence in June 2023. The Inquiry has been established under the Inquiries Act, meaning that the Chair will have the power to compel the production of documents and call witnesses to give evidence on oath. The Terms of Reference and Modules of the Inquiry indicate that the issues raised in the complaint will fall to be considered. The MPS will review and respond to any relevant Recommendations of the Inquiry, as appropriate.

Yours sincerely

Trevor Normoyle
Detective Inspector
Special Enquiry Team