

IN THE UNDERCOVER POLICING INQUIRY

BEFORE SIR JOHN MITTING

IN THE MATTER OF:

THE PUBLIC INQUIRY INTO UNDERCOVER POLICING

---

SUBMISSIONS on CONSULTATION

---

1. On 16 July 2026 the Home Secretary, Shabana Mahmood, launched a consultation on the future of the UCPI, regarding Tranches 4 and 5, and Module 3. The Government is concerned as to the length of time taken and cost of the public inquiry.
2. The Government is right to have such concerns. No investigation or inquiry should last as long as this one, and there is a close correlation between length and cost. Quite apart from the imperative to use public funds appropriately, efficient process delivers swifter justice to those affected, reduces the stress on them and witnesses and expedites change.
3. I represent a significant number of CPs in the UCPI including elected political figures, police monitoring groups, anti-racist, environmental, anti-war, animal rights and political activists. I have represented bereaved families and those affected by disasters and scandals in other inquiries and investigations, including: the second Hillsborough inquests, and the Grenfell, Manchester Arena, Covid, Southport, Grainger, and Sonny Lodge Inquiries. I have appeared and advised on similar processes internationally. I led the team which drafted the original 'Hillsborough Law' (the Public Authority (Accountability) Bill 2017), and I am a director of the Hillsborough Law Now campaign which has assisted the Government in getting the current iteration (the Public Office (Accountability) Bill 2026) to its current legislative stage. I have led all of the discussions with the former and new PM, Ministers and officials in that regard.

## *Discussion*

4. The consultation seeks to elicit views on what factors and outcomes are important to CPs and stakeholders, and how should future progress be achieved.
5. The consultation acknowledged the three central purposes of the process: fact-finding to establish the truth, accountability for failures, and recommendations to ensure so far as is possible that nothing similar can recur. These are the same in virtually all such investigations and inquiries.
6. Those three central tenets are inseparable. It is not possible to properly identify failure and thereby accountability without establishing the full facts. It is not possible to learn lessons and make recommendations for the future without a definitive official determination of the facts and where responsibility for failures lies. A successful investigation or inquiry requires full disclosure and effective participation by all who have sufficient interest. UCPI was established as a statutory inquiry given that the public concern raised by the issues which lie behind it plainly met the necessary criteria. Establishing a statutory inquiry meant that it had relevant powers to require production of all relevant material, compel witnesses, hear evidence on oath, and deal with restricted material in closed processes.
7. It is a common misconception that a statutory inquiry is necessarily more expensive than a non-statutory investigative process. The length and cost of a process is a function of its subject matter and scope, but also of the way in which it is undertaken. For example, the Covid Inquiry was always going to be costly in comparison to the Grainger Inquiry (a fatal police shooting) because the former related to multiple systems across society, whereas the latter related to a single incident.
8. In terms of the way in which an inquiry is undertaken, the Inquiries Act 2005 is widely drawn, and gives considerable latitude to the chair as to process. In comparison to non-statutory investigations the 2005 Act provides considerable powers, but no additional burdens which would not naturally apply to any process of this type and importance. There would be no advantage whatsoever in bringing the statutory inquiry to an end and dealing with the remaining sections through some other process, either in terms of length or cost.
9. The consultation questions note that the Public Office (Accountability) Bill 2026 will bring into law new powers, raising the prospect of instituting a

new non-statutory process. The 2026 Bill had its first reading in the House of Lords on 16 July 2026 and therefore it will not become law for some time, and it may be subject to further amendment. Clause 27 of the current iteration provides that when enacted the Secretary of State will have a broad discretion as to when particular sections will (or will not) be brought into force.

10. The 2026 Bill is landmark legislation. The Government has described it in terms of rewiring the relationship between the state and the people. It is designed to create a culture change in public administration to facilitate swifter and more efficient inquisitorial processes when things go wrong, and to prevent cover-ups and obfuscation. However, just as those affected by scandal and disaster cannot yet rely on its provisions, neither should the state in changing existing arrangements.
11. The relevance of the 2026 Bill does not end there, though. The provisions apply across the board, and will substantially enhance inquiries statutory or otherwise, by providing proactive duties to notify all relevant information and material as soon as reasonably possible. If the Bill is enacted and brought into force during the currency of this Inquiry it will give it powerful new tools to speed up the process and make it more efficient.
12. I note that many of the tools which will be brought in by the new powers have already been used informally or through inherent powers by other inquiries and processes, to considerable effect. By submissions to this Inquiry on process, dated 12 December 2019, NSCPs submitted that position statements and proactive assistance should be required of state bodies: paragraphs 28-49. The Chair did not adopt those submissions. Had those submissions been acted upon it is contended that the Inquiry would have been concluded before now.

### *Conclusion*

13. The fact that UCPI is a statutory inquiry is not responsible for the inordinate delay or cost. The fact that the 2026 Bill may be enacted and brought into force during the life of the Inquiry is to be welcomed, but it would be wholly inappropriate to use it to change the process to one with less powers, and one which would remove the effective participation of non-state participants. It is a nonsense to suggest that a non-statutory

inquiry would deliver the necessary conclusions and recommendations more efficiently.

14. The answer is and always has been to *require* state CPs to fully cooperate with the inquiry at the earliest possible point, proactively provide it with relevant information and materials within expedited timetables, and efficiently deal with legitimate public interest issues. Where that is done, the inquiry process is able to hone the issues which require further investigation and oral evidence, make timely disclosure and obtain the assistance of all CPs including those most affected, leading to an efficient and meaningful outcome.
15. The current statutory inquiry has the best available powers. It is hoped that the 2026 Bill will be enacted and brought into force to add to those during the remaining time of the process. Bringing the inquiry to an end and establishing one with less powers adds nothing to make the process more efficient, but it will undoubtedly reduce the effective participation of those affected by the wrongdoing and failures already identified. The consultation is misconceived and it is incapable of leading to a better outcome. It should be withdrawn.