

FAO: Rt Hon Yvette Cooper
The Home Office
2 Marsham Street
London SW1P 4D
3 September 2024

Dear Home Secretary,

In the Undercover Policing Inquiry – request for urgent meeting

We write on behalf of all Non-Police, Non-State Core Participants (NPSCPs) in the Undercover Policing Inquiry (UCPI) to the Home Office, in the Home Office's capacity as the sponsor of the UCPI.

The NPSCPs and their lawyers (RLRs) are deeply concerned that the arbitrarily proposed end date by which time the final report is due to be delivered, December 2026, is contributing to a crisis within the Inquiry.

The Inquiry has been plunged into crisis as we approach the second phase of the Tranche 2 hearings, which are due to commence on 30 September 2024.

The NPSCPs are still waiting for disclosure to be published in relation to some of the most significant deployments in the whole Inquiry, including HN10 Bob Lambert, an undercover officer who fathered a child and is alleged to have participated in serious crimes resulting in miscarriages of justice.

The Home Office will be aware that the Home Secretary, Theresa May, announced that there would be a public inquiry into undercover policing in 2015.

The Inquiry was established in light of the shocking revelations of police spying on grieving families of victims of racist or police violence, police officers deceiving women into intimate relationships and even fathering children while undercover and other allegations including serious miscarriages of justice. The Inquiry was formally opened in 2017.

In June 2023, an interim report was published which found that the Special Demonstration Squad should have been disbanded.

Please see extracts from paragraphs 27 and 28 of the Tranche 1 Interim report:

'The great majority of deployments by the SDS in this period did not satisfy either criterion. The principal, stated purpose of the SDS was to assist uniformed police to control public order in London. Long-term deployments into left-wing and anarchist groups did make a real contribution to achieving this end, even though this was or could have been achieved to a significant extent by other, less intrusive, means. The question is whether or not the end justified the means set out above. I have come to the firm conclusion that, for a unit of a police force, it did not; and that had the use of these means been publicly known at the time, the SDS would have been brought to a rapid end'.¹

1 <https://www.ucpi.org.uk/wp-content/uploads/2023/06/Undercover-Policing-Inquiry-Tranche-1-Interim-Report.pdf>

We do not intend to repeat the history of the Inquiry in detail.

There were significant delays in the early stages of the Inquiry, when many former undercover officers sought anonymity over their real and/or cover names. It now transpires that some of these officers should not have even applied for or maintained their anonymity. HN78, who gave evidence in Tranche 2 Phase 1, for example, gave media interviews, wrote a book and currently publishes podcasts under a pseudonym, and has placed his identity in the public domain.

The NPSCPs are aware that the Tranche 3 hearings will commence in April 2025 (having been pushed back from February 2025), with the Tranche 4 hearings currently due to commence in November 2025.

The Inquiry has now also confirmed that Tranche 5 and Module Three are scheduled to take place in March 2026. As indicated above, the Inquiry is due to publish its final report by December 2026.

The Inquiry Legal Team acknowledges the difficulties faced and indeed, this was one of the main reasons that Tranche 2 was split into 2 phases. In a letter dated 17 May 2024, the Inquiry confirmed that it ‘recognises the acute pressure that core participants are under to allow adequate preparation time for these hearings’.

We do not seek to criticise members of the Inquiry Legal team who have also been placed in a difficult position.

In addition, during one of the remote hearings at the start of Tranche 2 Phase 1, the Chair commented:

‘On my own behalf, I acknowledge that there have great burdens placed on non-state core participants who have attempted, frequently successfully, to participate in the workings of the Inquiry. I acknowledge the difficulties they face, no system dealing with the vast quantity of material that my inquiry has to deal with can ever be perfect and can ever satisfy everybody. I ask those that you represent and all non-state core participants to bear with us while I, with the assistance of the Inquiry team, am attempting to get to the truth about what happened. I am determined to do it. The processes that have been put in place are those that seemed to me and to the Inquiry team to be the most likely to enable me to do that. Given that it is a human activity, the end result can never be perfect and the means by which it is arrived at can never be perfect. All I can ask is for patience. Please bear with me. I acknowledge the worth of the input of non-state core participants. I ask them for patience in allowing me to put it to good effect. I am sorry about that rather lengthy statement by me, but I thought in the light of what you said I should say it.’²

The NPSCPs have raised concerns on a number of occasions that the compressed timetable and, in particular, the punishing deadlines to consider disclosure and respond to 9 questions, are placing a considerable burden on core participants (CPs). It is, furthermore, compounding the trauma of many.

Disclosure to individual CPs has been repeatedly substantially delayed. The NPSCPs have not been provided any clear explanation as to why this disclosure has been repeatedly delayed and how the Inquiry will address this inherent unfairness.

2 <https://www.ucpi.org.uk/wp-content/uploads/2024/07/3-July-2024.pdf> (Pages 181-182)

There is a disparity in the preparation time between the state and non-state parties and the NPSCPs consider that it is the responsibility of the Home Office to ensure that the Inquiry is properly resourced and that it is also conducted fairly. The currently imposed arbitrary hearing dates and proposed final date for publication of the final report are causing chaos and unfairness.

By way of example, one team was given under 3 weeks to review significant volumes of disclosure, prepare, and submit a witness statement on behalf of a bereaved family, while another team was given effectively 10 working hours to respond to the Inquiry on important privacy issues in relation to one of their clients.

On 16 August 2024, the NPSCPs were shocked to receive a decision of the Chair confirming that a unilateral decision had been made to dispense with a panel to assist the Chair with making recommendations about the future of undercover policing.

The undated note (attached), emphasises that it was the current Home Secretary's predecessors who 'firmly requested' that the Inquiry's final report 'must be published no later than December 2026'. The Inquiry acknowledges that the timetable is 'challenging' but 'one which must be met in order to comply with [the Chair's] commitment to the Home Secretary.'

It is quite clearly the previous administration who imposed an end date which is now impacting all preparatory work and decisions being made.

It is furthermore deeply concerning that the Inquiry is starting to make unilateral decisions without the input of CPs, having previously indicated that CPs would be invited to make submissions on any decisions to dispense with a panel at vital stage within the Inquiry.

This position is only likely to deteriorate in Tranches 3 and 4, when the volume of disclosure will be greater.

There is a real risk that the Inquiry will not be able to get to the truth and considerable public funds will have been wasted in the process.

The NPSCPs ask for an urgent meeting with you, as Home Secretary, and members of the Inquiry Legal Team, to explore ways of progressing the Inquiry, so that the Inquiry can meet its Terms of Reference whilst ensuring that the NPSCPs are treated fairly.

This meeting is needed because the NPSCPs are concerned that the Inquiry is at crisis point and that the result of this is that a significant burden is being placed on many of those who have already suffered significantly at the hands of the state.

In light of the extremely tight deadlines and the fact that the next set of hearings are due to commence in less than a month, we ask that this meeting is scheduled as a matter of urgency.

Please respond by 5pm on 18 September 2024.

Yours sincerely,

Lydia Dagostino (on behalf of the NPSCPs' RLRs who have expressed a view)

Kellys Solicitors