

Crown Prosecution Service - Constitutional Correspondence

From:

Ethical Approach UK

To:

- (1) Crown Prosecution Service
- (2) His Majesty's Courts and Tribunals Service
- (3) His Majesty's Inspectorate of Constabulary and Fire and Rescue Service
- (4) The Home Office
- (5) Ministry of Justice
- (6) South Wales Police
- (7) National Police Chiefs' Council
- (8) House of Commons Public Administration and Constitutional Affairs Committee
- (9) Solicitors Regulation Authority

Cc: Ian Clayton, Ethical Approach UK

Date: 27 January 2026 at 00:06

Dear Sir or Madam

Re: Formal Notice of Expired Response Period and Publication of Correspondence

I write further to my previous correspondence and the reminder issued on 19 January 2026, in which a clear and reasonable timeframe for response was provided.

No substantive response has been received from any addressee within that advised period.

In the circumstances and given the constitutional and public-interest issues raised, it is now necessary to proceed on the reasonable basis that no response is forthcoming.

Accordingly, the response window is now considered closed.

The correspondence, together with supporting materials, will now be published in the public domain in order to preserve an accurate and complete evidential record and to ensure transparency in matters concerning public administration and statutory accountability.

For the avoidance of doubt, the absence of substantive response within the specified timeframe will stand on the public record as a non-response.

Should any communication be received after this point, it will not alter that position but will be published alongside the existing material so that the record remains complete and contemporaneous.

Yours faithfully

Ian Clayton

Lead Investigator

Ethical Approach UK

From:

Ethical Approach UK

To:

Crown Prosecution Service

Date:

26 January 2026 at 12:59

Dear Sir or Madam

Re: Clarification - Constitutional correspondence (not FOI) and response deadline

Thank you for your reply.

For clarity, my correspondence of 26 December 2025 was not a request made under the Freedom of Information Act 2000.

No recorded information or documentation was sought.

Instead, the email raised a series of constitutional and governance questions concerning the CPS's embedded role within Operation Talla and the safeguards said to preserve prosecutorial independence.

These questions sought clarification of institutional position and constitutional principle, rather than disclosure of held information and therefore do not fall within the scope or purpose of the FOI regime.

Accordingly, referral to the FOI process does not address the substance of the matters raised.

As previously advised in my reminder correspondence of 19 January 2026, a clear and reasonable timeframe for a substantive response was provided. Close of business today constitutes the stated closing point for that response.

In the absence of a substantive reply addressing the constitutional issues identified, the position will be recorded as a non-response and the correspondence will be placed on the public record in the interests of transparency and constitutional accountability, as previously notified.

Should any substantive response be received after that point, it will be published alongside the existing material so that the record remains complete and contemporaneous.

Yours faithfully

Ian Clayton

Lead Investigator

Ethical Approach UK

From:

Crown Prosecution Service

To:

Ethical Approach UK

Date:

26 January 2026 at 11:52

Dear Mr Clayton,

Thank you for contacting the Crown Prosecution Service (CPS).

In response to your enquiry, please note, that you can submit a Freedom of Information (FOI) request to our Information Access Team (IAT). They can be contacted at IAT@cps.gov.uk

I have also provided a link to our website regarding FOI that you may find helpful. <https://www.cps.gov.uk/publication/freedom-information>

Yours sincerely,

Enquiries

Crown Prosecution Service

102 Petty France, London, SW1H 9EA

Enquiries@cps.gov.uk | @cpsuk

From:

Ethical Approach UK

To:

Crown Prosecution Service

Date:

19 January 2026 at 06:22

Dear Sir or Madam

I write further to my correspondence sent to you in December 2025, a copy of which is attached.

To date, no substantive response has been received.

Given the constitutional seriousness of the matters raised , including issues of policing governance, prosecutorial independence, judicial visibility, disclosure integrity and the operation of national coordination frameworks during Operation Talla, continued institutional silence is itself a matter of public significance.

I therefore write to give formal notice of the following.

If a fully substantive response is not received by close of business on Monday 26 January 2026, Ethical Approach UK will proceed on the basis that institutional silence constitutes the response and will record and rely upon that position accordingly.

No extension of time will be assumed or granted in the absence of an express request accompanied by a clear explanation.

For the avoidance of doubt, this correspondence is not adversarial. It is directed to ensuring constitutional clarity, accuracy of the public record and public confidence in the integrity of the justice system. However, silence cannot be treated as neutral where the matters raised go to the heart of governance, accountability and the rule of law.

This follow-up is sent in the public interest and will be retained as part of the ongoing evidential and documentary record.

Yours faithfully

Ian Clayton

Lead Investigator

Ethical Approach UK

From:

Ethical Approach UK

To:

Crown Prosecution Service

Date:

26 December 2025 at 11:26

Dear Sir or Madam

**Re: Constitutional clarity request - CPS involvement in
Operation Talla**

I write further to my correspondence with the Crown Prosecution Service in August 2025 and to evidence which has subsequently come to my attention, which was placed into the public domain through the CPS's witness statement to the UK Covid-19 Public Inquiry.

Please note: A PDF file relating to the August 2025 correspondence with you is attached, for your convenience of reference.

As you will be aware, that statement confirms that during the Covid period the CPS, including senior legal leadership, was embedded within Operation Talla as part of a multi-agency framework involving the Home Office, the NPCC, the NPoCC, the College of Policing and Metropolitan Police legal services.

It further confirms that CPS representatives participated in informal networks reviewing draft regulations and contributing to the development of nationally consistent operational guidance.

This disclosure provides important constitutional context which was not available at the time of my August correspondence with you.

In August 2025, the CPS explained that it was unable to consider material provided directly to it and that its role was confined to considering evidence supplied by investigators if and when the police decided to investigate. That position was presented as reflecting the proper constitutional boundaries of prosecutorial independence.

In light of the CPS's own subsequent evidence to the Inquiry, I now respectfully seek constitutional clarification

on the following matters, in the public interest and in support of maintaining public confidence in the justice system:

- How the CPS reconciles its embedded role within Operation Talla - including participation in multi-agency legal and policy coordination, with its position that it cannot even consider material raising concerns about police handling of evidence unless the police themselves choose to supply it.
- What safeguards the CPS considers necessary to preserve prosecutorial independence where allegations concern potential statutory breaches by police forces operating within a national framework to which the CPS itself contributed.
- How the CPS ensures that CPIA-related risks, including alleged suppression or non-recording of material at source, can be identified and addressed where the ordinary police-to-prosecutor referral pathway may itself be implicated.

These questions are not posed adversarially. They arise from a genuine concern for constitutional integrity, the

appearance as well as the reality of prosecutorial independence and the need for public confidence that allegations of serious wrongdoing are capable of reaching independent judicial scrutiny.

Given the importance of these issues, I would be grateful for a substantive response addressing the constitutional position, rather than a purely procedural restatement.

This correspondence is sent in the public interest and will be retained as part of the ongoing record concerning Operation Talla and its wider implications for the criminal justice system.

Yours faithfully

Ian Clayton
Lead Investigator
Ethical Approach UK

Attachment: *Email correspondence - August 2025 (PDF)*

From:
Ethical Approach UK

To:
Crown Prosecution Service

Date:
22 August 2025, at 18:26

Dear Sir / Madam,

I acknowledge receipt of your correspondence dated 22 August 2025.

You state that the Crown Prosecution Service “is unable to consider the material contained within the link” I provided, and that the CPS can only consider material where the police “decide to investigate” and then choose to supply it.

This position is troubling for a number of reasons.

1. Prosecutorial Independence Reduced to Dependence

The CPS has a constitutional obligation to act as an independent prosecuting authority. Yet the stance

expressed in your letter reduces that independence to dependence on police willingness.

Surely independence is not about restricting prosecutorial sight of evidence to a single, limited source, particularly when that very source (the police) is itself the subject of allegations of statutory breaches.

The absurdity is plain: it is rather like allowing the burglar who has stolen a television from your home to decide whether his actions are worthy of investigation, whether he should be charged and whether he should then refer himself for prosecution.

2. CPIA Duties Operate Independently of “Crime Recording”

The Criminal Procedure and Investigations Act 1996 (CPIA) imposes strict statutory duties on investigators to retain and disclose all relevant material. These duties arise by operation of law, not at the whim of whether police choose to record something as a “crime.”

Where investigators unlawfully withhold material, whether by downgrading reports into “incidents” or by blanket refusal to acknowledge submissions, the integrity of the entire evidential chain is compromised.

The CPS cannot plausibly argue that it has no role where police CPIA duties are in question. On the contrary, your prosecutorial independence is itself undermined if you accept blindness to potential breaches at source.

3. Notice of Potential Breaches

The CPS has now been placed on notice that material exists raising serious concerns about Metropolitan Police handling of evidence and possible statutory breaches under CPIA.

A refusal even to look at such material does not insulate the CPS. It risks drawing the CPS into the very chain of accountability being questioned and exposes the Service to the charge of complicity by omission.

4. Public Interest and Constitutional Safeguards

The issues here go beyond operational judgments. They engage the public's confidence in the justice system and the constitutional safeguard of prosecutorial independence.

If the CPS knowingly allows itself to remain blind to CPIA breaches by investigators, it is not merely the police whose conduct is under question - it is the credibility of the prosecutorial system itself.

Request for Clarification

I therefore request that the CPS confirm:

- How it proposes to ensure its prosecutorial independence is not undermined where investigators may unlawfully suppress evidence at source;

and

- What steps it will take, now being on notice, to prevent further contamination of the prosecutorial process by potential CPIA breaches.

In the absence of a substantive response, this correspondence will be retained as part of the ongoing record of systemic failures of both investigative and prosecutorial bodies to uphold statutory and constitutional duties.

Yours faithfully,

Ian Clayton

Lead Investigator
Ethical Approach UK

**On 22 Aug 2025, at 11:56,
Crown Prosecution Service
wrote:**

Dear Mr Clayton,

We acknowledge receipt of your email dated 16 August 2025 at 11:57. As we have explained previously, the role of the Crown Prosecution Service (CPS) is to consider evidence obtained by investigators with statutory powers of investigation. Consequently, we are unable to consider the material contained within the link you have supplied. If the police decide to investigate the matters you have raised they can provide the CPS with such material as they consider relevant.

Thank you for contacting the CPS.

Yours sincerely,

**Enquiries
Crown Prosecution Service
102 Petty France, London, SW1H 9EA**

From: Ethical Approach UK

To: Crown Prosecution Service

Sent: 16 August 2025 11:57

Subject: External Email - Transparency Submission: Evidence Pack Concerning Metropolitan Police Service and Statutory Breaches

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Dear Sir / Madam

Subject: Transparency Submission: Evidence Pack Concerning Metropolitan Police Service and Statutory Breaches

I am submitting to the CPS an Evidence Pack which sets out apparent breaches of statutory duties by the Metropolitan Police Service (MPS) in its handling of criminal allegations linked to the COVID-19 period.

The evidence raises concerns under the Criminal Procedure and Investigations Act 1996 (CPIA) and indicates possible failures in disclosure to the courts.

While I recognise that the CPS cannot direct the police to investigate, I believe it is vital that you are placed on notice of this material, given your prosecutorial role and responsibility to assess evidence where cases are referred.

This submission is made as a transparency measure and to ensure consistency across oversight and prosecutorial authorities.



Evidence Pack:

https://ethicalapproach.co.uk/Criminal_Allegation_Report_mps_npcc_talla_etc_Edn1.pdf

Yours faithfully

Ian Clayton

Lead Investigator
Ethical Approach UK