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Date: 8 November 2021

**URGENT – Letter before claim – response required by no later than 4pm, Monday 22 November 2021**

Dear Sir/Madam

## **Proposed proceedings: The Queen (oao) Centre For Women's Justice -v- The Secretary of State for the Home Department**

We write to request immediate action in this matter, in satisfaction of the following claim.

This is a letter before claim for judicial review. In accordance with the Pre-action Protocol for Judicial Review, please reply within 14 days, i.e. no later than 4pm on Monday 22 November 2021.

Please note that this letter follows (i) our letter of 15 October 2021, including the annexe, and (ii) our letter of 22 October 2021. Both letters are appended here. This letter before claim adopts the points made in those documents and will be relied on in these proceedings.

## **The Claimant**

Centre For Women's Justice (CWJ).

By way of brief background, CWJ is a legal charity founded in 2016 with the aim of holding the State to account and challenging discrimination in the criminal justice system, around male violence against women and girls (MVAWG). CWJ is also a designated body, appointed by the Secretary of State for the Home Department in accordance with s.3 Police Super-complaints (Designation and Procedure) Regulations 2018, to raise issues on behalf of the public about harmful patterns or trends in policing. In

that role, CWJ have filed 2 super-complaints, both concerning aspects of police failures in respect of MVAWG.<sup>1</sup>

### **The Defendant**

The Secretary of State for the Home Department.

### **The Decisions/ Omissions under challenge**

There are two 'decisions' under challenge:

- 1) The Secretary of State's decision, announced on 5 October 2021 ("the first decision"), that the inquiry into police perpetrated violence against women will be:
  - a. Non statutory; and
  - b. Limited in scope to issue arising in respect of Wayne Couzens alone.
  
- 2) The Secretary of State's further refusal / failure to act following requests by CWJ on 15 October 2021 ("the second decision"), namely her refusal / failure to:
  - a. exercise her powers under section 1 of the Inquiries Act 2005 (IA 2005) to initiate a statutory inquiry;
  - b. confirm that the scope of the inquiry will include police perpetrated with the Metropolitan Police Service (MPS) generally (rather than limited to Wayne Couzens alone);
  - c. agree to appointing a panel with at least one person with expertise in MVAWG.

### ***The first decision***

The Secretary of State announced on 5 October at the Conservative Party Conference (both within her Speech at the Conservative Party Conference and by press release circulated to journalists at 12.04pm) that there will be a public inquiry "*into issues raised by the conviction of Wayne Couzens.*"

During the Secretary of State's Speech she stated that:

*"Recent tragic events have exposed unimaginable failures in policing. It is abhorrent that a serving police officer was able to abuse his position of power, authority and trust to commit such a horrific crime.*

*The public have a right to know what systematic failures enabled his continued employment as a police officer. We need answers as to why this was allowed to happen. I can confirm today, there will be an inquiry, to give the independent oversight needed, to ensure something like this can never happen again."*

The subsequent/simultaneous press release, and announcement on the Home Office website, set out the conduct and scope of that proposed public inquiry as follows:

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<sup>1</sup> Namely (1) the police's failure to use protective measures in cases involving violence against women and girls, dated 19 March 2019, and (2) the police's failure to address police perpetrated domestic abuse, dated 9 March 2020.

*“The inquiry will be made up of two parts. The first part will examine Wayne Couzens’ previous behaviour and will establish a definitive account of his conduct leading up to his conviction, as well as any opportunities missed, drawing on the Independent Office for Police Conduct’s (IOPC) investigations, once concluded.*

*The second part will look at any specific issues raised by the first part of the inquiry, which could include wider issues across policing – including vetting practices, professional standards and discipline, and workplace behaviour.*

*Additionally, the Home Secretary will write to the independent police inspectorate HMICFRS to commission a thematic inspection of vetting and counter-corruption procedures in policing across England and Wales – including forces’ ability to detect and deal with misogynistic and predatory behaviour. She has asked for initial findings by the end of 2021, and these will be used to inform the inquiry into Couzens.*

*The inquiry will also draw on the conclusions of current investigations by the IOPC into various allegations and incidents throughout Couzens’ career.*

*Given the need to provide assurance as swiftly as possible, this will be established as a non-statutory inquiry, but can be converted to a statutory inquiry if required.*

*The Chair and Terms of Reference for the inquiry will be confirmed in due course.”*

### **The second decision**

On 15 October 2021 the Secretary of State received correspondence from CWJ which included *inter alia* the following requests:

- a. That the Secretary of State exercise her power under s.1, IA 2005 and confirm that this will be a statutory inquiry;
- b. That the Secretary of State commit to expanding the scope of the inquiry to include, at a minimum, consideration of issues arising from the perpetration of violence against women by officers of the Metropolitan Police service generally (and not limited solely to abuse perpetrated by Wayne Couzens) and ensuring it will address key issues concerning intersectionality, concerning race and disability;
- c. That the Secretary of State confirm that the inquiry will be undertaken by a panel, and that the panel to be appointed will include at least one person with established expertise in the area of MVAWG.

A response was requested within 14 days, by Friday 29 October. A further letter was sent on 22 October setting out the range of support for CWJ’s requests from 18 national organisations working on addressing MVAWG<sup>2</sup>, and reminding the Secretary of State of the 29 October deadline.

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<sup>2</sup> Against Violence and Abuse, End Violence Against Women Coalition, FORWARD, Iranian and Kurdish Women’s Rights Organisation (IKWRO), IRISi, Justice for Gaia Campaign, Karma Nirvana, National Women and Girls Network,

As of 8 November (10 days after the deadline set out, and despite further correspondence chasing a response) no response at all has been received from the Secretary of State. The only correspondence received in the three and a half weeks since the letter was sent were 2 brief emails on 22 October 2021. One was an email from the litigation executive support team at the Treasury Solicitor's office stating all documents had been sent to their own private office and the relevant team at the Government Legal Department and the other was an email from the parliamentary assistant to The Rt Hon Kit Malthouse MP stating the matter had been passed to his Private Office in the Home Office. That the Secretary of State has failed to respond, or even apologise for the delay or indicate a date by which she intends to respond, on these important and urgent issues is of serious concern to CWJ. This also means that there is thus an ongoing failure/ refusal by the Secretary of State to exercise her powers under the IA 2005, in (a) instituting a statutory inquiry, (b) setting the scope for that inquiry to include police perpetrated violence against women within the Metropolitan Police generally, and (c) appointing a panel, including at least one person with expertise in MVAWG.

## Background

The factual background is set out in full in the annexe to our letter of 15 October 2021 and so we do not repeat this detail here. We ask it be read in conjunction with this letter. We note that since 15 October further relevant incidents have been reported in the press, which provide additional relevant background to this claim, and further support the requests in our first letter:

- a. Two MPS police constables have admitted to taking and sharing photographs of the murder scene of Bibaa Henry and Nicole Smallman. These photographs were shared via WhatsApp, including with other police officers. It is understood that misogynistic and degrading language was used within these groups. The women's mother has called for an overhaul of the MPS<sup>3</sup>;
- b. Jaysen Veeren, formerly an internal investigations officer within the professional standards department at the MPS, has publicly outlined significant failures in how the MPS is dealing with serving police officers accused of violence against women, including by allowing them to continue on active duty. Please note that we alluded to the whistleblower in the original annexe, in which we set out that we had been copied into an email by Mr Veeren in an email to the Home Secretary on Saturday, 2 October 2021 at 11:46. The proposed Defendant was thus aware of this issue from that email, which was sent prior to the announcement of the non-statutory public inquiry;
- c. Another serving MPS officer, PC Adam Zaman, has been charged with rape and appeared before Westminster Magistrates Court on 27 October 2021<sup>4</sup>;
- d. On 29 October 2021, another serving MPS officer attached to the specialist operations unit, Francois Olwage, was charged with child sex offences including grooming and attempting to incite girls between 13-15 years old into sexual activity;

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nia, Police Me Too, Rape Crisis England and Wales, Reclaim These Streets, Refuge, Rights of Women, SignHealth, Solace Women's Aid, Southall Black Sisters, and Surviving Economic Abuse.

<sup>3</sup> <https://news.sky.com/story/met-police-officers-plead-guilty-to-misconduct-charge-over-sharing-photos-of-murdered-sisters-bodies-12457721>

<sup>4</sup> <https://www.dailymail.co.uk/news/article-10162045/Met-Police-officer-PC-Adam-Zaman-charged-rape.html>

- e. Further details have been publicised following a further hearing on 2 November 2021 in the case of Neil Corbell, a serving MPS officer in the counter terrorism unit (currently suspended) who pleaded guilty on 13 September 2021 to 19 offences of voyeurism having filmed up to 51 women. He has been sent to the Crown Court for sentencing in part as a result of evidence suggesting he had utilised his position and work as a police officer to secure undercover surveillance equipment<sup>5</sup>.

## The Issues

CWJ intends to challenge the following:

- (a) Non-statutory inquiry: both the Secretary of State's initial decision to institute a non-statutory inquiry, and her subsequent and continuing refusal/ failure to exercise her powers under the IA to put the inquiry on a statutory footing;
- (b) Scope: both the Secretary of State's initial decision concerning the scope of the inquiry (focused upon Wayne Couzens rather than upon police-perpetrated MVAWG), and her subsequent and continuing refusal/ failure to expand the scope, as requested in CWJ's letter of 29 October 2021; and
- (c) Panel: the Secretary of State's failure to agree to appoint a panel, including at least one person with expertise in MVAWG.

In summary, we will submit that the Secretary of State's impugned decisions, and her continuing failure to take the three steps set out above, are irrational and / or unreasonable at common law, and in breach of her obligations under the Human Rights Act 1998 (HRA) and Articles 2, 3 and / or 14 of the European Convention on Human Rights (ECHR). In respect of scope, we also set out below our concern that the Secretary of State is in breach of her obligations under s.149, Equality Act 2010.

We have already provided substantial detail explaining our concerns in respect of the Secretary of State's initial decision-making in our letter of 15 October 2021, upon which we rely in full. We summarise briefly below the legal basis for the claim, under each of the three headings above.

### **a) Non-statutory inquiry**

The starting point is that Parliament has put in place a detailed statutory framework for the institution and conduct of inquiries by a Minister, "*in relation to a case where it appears to [her] that (a) particular events have caused, or are capable of causing, public concern, or (b) there is public concern that particular events may have occurred*" (s.1, IA 2005). It is clear that this is precisely such a scenario, and indeed the Secretary of State's announcement of the proposed inquiry reflected this. Whilst s.1 is a power, not a duty, this is not a situation in which a Minister is refusing to exercise her power to hold an inquiry at all. On the contrary, the Secretary of State is instituting an inquiry, but she is choosing to bypass the legal framework set by Parliament in doing so, and instead commence an ad hoc, non-statutory inquiry. In

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<sup>5</sup> <https://www.mirror.co.uk/news/uk-news/sex-addict-met-police-officer-25359248>

doing so, she is sidestepping what the Explanatory Notes to the IA describe as the “*comprehensive statutory framework for inquiries set up by Ministers to look into matters of public concern.*” There is no rational justification for the Inquiry to be non-statutory. It is wholly unclear why the framework provided for by Parliament (with its associated powers, including for obtaining evidence and compelling witnesses, and protections for victims and other key stakeholders – including the police) should be circumvented.

Indeed, sidestepping Parliament and the statutory framework could in itself give rise to public concern, and there is already evidence indicating that this is the case. We note, by way of example, that concerns about the announced inquiry being non-statutory have been expressed by a wide range of stakeholders, including: the proposed claimant in this matter; the 18 specialist organisations set out in our previous correspondence; three chairs of key Parliamentary committees – the Chairman of the Commons Justice Committee, Sir Bob Neill<sup>6</sup>, the Chair of the Home Affairs Committee, Yvette Cooper MP<sup>7</sup>, and the Chair of the Commons Women and Equalities Committee, Caroline Nokes MP<sup>8</sup>; and that a clear majority of UK adults (60%) support making the inquiry a statutory one, according to recent polling by Savanta ComRes<sup>9</sup>.

Having chosen to hold an inquiry on matters of public concern, there is a heavy onus on the Secretary of State to justify choosing an ad hoc, non-statutory route rather than using the legal framework set by Parliament in primary legislation in 2005. We submit she cannot, and has not, discharged this burden. The reason given by the Home Office for this being a non-statutory inquiry was, purportedly, the need “*to provide assurance as swiftly as possible*”. We submit that there is no rational basis for suggesting that this cannot be achieved by a statutory inquiry. Indeed, the terms of reference could expressly make clear that certain matters must be addressed urgently.

Further, for the avoidance of doubt, as we explained in our (as yet unanswered) correspondence of 15 October 2021, the proper way to ensure that action is taken swiftly to address some of the underlying systemic problems is to immediately implement the recommendations of the HMICFRS’s recent report, ‘Police response to violence against women and girls: final inspection report’ of 17 September 2021. If delay is of real concern to the proposed Defendant, then it is irrational and unreasonable to fail to act on clear recommendations already made.

Further, numerous non-statutory public inquiries have been severely delayed because they did not have the powers available to a statutory inquiry, or the ready-made procedural framework and rules under the IA 2005 and the Inquiry Rules 2006 which enable substantive work to commence without delay. By way of example, the Daniel Morgan panel – set up in 2013 and due to complete work within a year – finally published its report in June 2021, seven years late, and without statutory powers the panel was unable to compel witnesses to testify, nor compel the MPS to disclose documents in a timely manner. Some individuals declined to be interviewed due to fear of reprisals, and the well-established procedural mechanisms for whistleblowers were unavailable to the panel. A statement by the panel noted, “*at times*

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<sup>6</sup> He reportedly stated that if the inquiry was non-statutory, witnesses could mislead it without risking being charged with perjury or misconduct in public office.

<sup>7</sup> She said that there are, “*real concerns that given the nature of this inquiry it will face delays and obstacles if it does not have statutory powers to get to the truth.*”

<sup>8</sup> She emphasised that such a move would show that the Government was “*absolutely committed to women’s safety.*”

<sup>9</sup> 60% in favour of a statutory inquiry; 14% against; 27% don’t know: <https://labourlist.org/2021/10/exclusive-couzens-inquiry-should-be-statutory-60-of-uk-adults-say-in-poll/>

*our contact with the Metropolitan Police resembled police contact with litigants rather than with a body established by the Home Secretary to enquire into a case.”<sup>10</sup>*

There is significant danger that the need for a statutory inquiry will become apparent to the Secretary of State part way through, or even after, the proceedings of a non-statutory one, as has happened in other cases. This will create unnecessary and avoidable delay, complications, and further damage public trust.

Further, a non-statutory inquiry is incapable of meeting the very objectives said to underpin the decision announced on 5 October, as explained in our earlier correspondence. It renders the inquiry not fit for purpose. For this inquiry to be both thorough and capable of restoring public confidence nationally as well as with the MPS area, it must have the legal powers which are only conferred on it should it be a statutory enquiry, in particular the powers to obtain disclosure, compel witnesses, protect whistleblowers, and enable victims and survivors to play a meaningful role.

The suggestion that the inquiry could be converted to a statutory footing at a later stage if necessary is not a reasonable one. The IA 2005 contains key safeguards and processes which are essential at the outset of an inquiry, including requirements of impartiality, selection of a Chair or Panel, and detailed provisions regarding the setting of terms of reference. Commencing on a non-statutory footing, and later moving to a statutory footing, wrongly and unreasonably bypasses these important initial processes.

Regrettably, despite CWJ providing detailed analysis of these serious concerns in our letter of 15 October 2021, the Secretary of State has failed to engage in any way. By her continuing refusal to exercise her power under s.1 IA, she has also disregarded the views of those 18 expert, specialist organisations named in our letter of 22 October 2021. She has both failed to take account of relevant considerations, and she has taken account of irrelevant considerations, in her decision-making. Her reasoning simply does not stack up, and it is irrational and / or unreasonable at common law.

Finally, the decision to initiate a non-statutory inquiry, and the subsequent decision to persist on a non-statutory footing, are not in compliance with the obligations upon the Secretary of State under Articles 2, 3 and/ or 14 ECHR in respect of ensuring an effective investigation into what she has herself framed as “*systemic issues in policing.*” Articles 2 and 3 specifically require that investigations be both prompt and thorough, and that investigatory bodies are given the necessary tools to ensure that they may secure relevant evidence. The ability of the inquiry to achieve these fundamental requirements can only be met if it is afforded the powers and protections envisaged and intended by Parliament under IA 2005.

#### **b) Scope**

In respect of the decisions (initial and ongoing) to limit the scope of the Inquiry to Wayne Couzens alone, we submit that it is unlawful to fail to take into account the myriad background information, which include: the conduct of Wayne Couzens; the further reports of serious criminality, abuse, or predatory behaviour perpetrated by other police officers; and the numerous reports highlighting manifest inadequacies in the MPS’s handling of serious allegations against its officers regarding sexual violence and domestic abuse, when deciding the scope of the inquiry.

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<sup>10</sup> See further the annex to our 15 October 2021 letter.

We further submit that it is unlawful to fail to consider the significant public concern such that it is vital that any public inquiry has the ability to reassure the public that it is capable of uncovering in full the systemic problems so that they can be addressed appropriately. The Secretary of State, in disregarding our earlier correspondence of 15 and 22 October, has disregarded, or given inadequate weight, to the expertise and extent of demand by expert, specialist organisations in MVAWG calling for broadened scope.

At the heart of the current loss of trust in policing is the public revulsion at the extent to which police officers may themselves represent a risk to women. It is therefore vital that abuses of police power and the perpetration of violence against women by police officers is comprehensively addressed, if the inquiry is going to be capable of restoring trust and reassuring women that they can feel safe seeking the help of the police. Public trust in policing cannot begin to be rebuilt unless there is reassurance that robust steps are being taken to ensure that, at the very least, police officers from whom women and girls are entitled to seek protection will not go on to abuse them. If the inquiry successfully deals with what appears to be institutional misogyny in the force overall, then there is hope that this could address the more general fears of women who would like to report such crimes by private citizens, but do not trust the MPS to handle such reports fairly or adequately. It is plain that lessons learned could be applied to all police forces: CWJ's own work, as partially set out in the super-complaint regarding police perpetrated abuse demonstrates that the victims' concerns are not focused on the Metropolitan Police alone and that women across the country have similar fears and suffer from police perpetrated VAWG. A properly instituted and conducted statutory inquiry could therefore reassure the public, nationally, that these issues will be addressed.

By limiting the first part of the inquiry in the manner currently proposed, the Secretary of State risks missing significant other systemic issues that may not have arisen with respect to Couzens, but may have arisen in other cases of police perpetrated violence against women and girls.

Of particular concern to the proposed claimant is that by viewing this matter through the lens of this one incident, another significant issue of concern, namely the worse outcomes in achieving justice for victims of male violence (by police officers and others) if the woman is from a minoritized ethnic group or suffers from a disability, will not be considered or addressed. If the inquiry is to have the intended, laudable, impact of addressing the full systemic problems which allow police officers to commit such crimes, and for the public's faith to be restored by the inquiry itself, these issues cannot be ignored.

The narrow scope, focused upon Wayne Couzens specifically, also fails to discharge the investigative obligation upon the Secretary of State pursuant to Articles 2 and / or 3 ECHR, taken alone or in conjunction with Article 14 ECHR. The investigative obligation triggered in the present case concerns not only a potential breach of the substantive protective obligation in respect of Sarah Everard individually, but rather a potential breach of the broader systems obligations under Articles 2 and 3, in relation to the protection of women from police-perpetrated VAWG. Gender-based violence is internationally recognised as one of the most extreme and pervasive forms of discrimination, severely impairing and nullifying the enforcement of women's rights.<sup>11</sup> At international and regional Council of Europe level, the

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<sup>11</sup> See, e.g., United Nations General Assembly Resolution, Human Rights Council, *Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention*, A/HRC/14/L.9/Rev.1, 16 June 2010; United Nations Declaration on the Elimination of Violence against Women, General Assembly Resolution 48/104, December

systems have pronounced on the strong link between discrimination, violence and ‘due diligence,’ emphasizing that a State’s failure to act with due diligence to protect women from violence constitutes a form of discrimination, and denies women their right to equality before the law.<sup>12</sup> This duty of due diligence is also imposed in international human rights instruments, most notably in the Convention on the Elimination of Violence Against Women (CEDAW), and also the CEDAW Committee’s General Recommendation No. 35. Further, this issue is addressed expressly in Council of Europe (CoE) standards: both the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (2014) and Recommendation Rec (2002) 5 of the Committee of Ministers on the Protection of Women Against Violence make clear the obligation upon member States to “*exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims*”.

We have described in our previous correspondence, and summarized above, a clear suspected pattern of police-perpetrated MVAWG within the MPS. The Secretary of State has already referred to a concern of there being systemic issues to investigate. She has a ready statutory mechanism available to her to ensure such an investigation takes place. However, the narrow scope simply does not tackle the suspected systemic issues, and fails to address issues of intersectionality and the particular vulnerability of women of colour and women with disabilities. No reasonable explanation has been provided for this narrow focus.

Further, CWJ submit that there also appears to be a breach of s.149 of the Equality Act 2010, because the proposed Defendant has failed to have due regard to the fact that the proposed scope is discriminatory (for the reasons set out above), or to the needs specified in s.149(1). She must produce evidence to show she had the necessary due regard and recognises the potential discriminatory impact the proposed scope is likely to have. It is not clear whether she had addressed her mind to whether that is justified and proportionate.

### c) **Panel**

We explained in our letter of 15 October 2021 why we submit that this public inquiry should be conducted by a panel, and the panel must consist of at least one person with expertise in male violence against women and girls. In the absence of any response from the Secretary of State, it is not known whether she has considered this request; failed to consider it; or has considered and rejected it. If she has rejected it, her reasons are unknown, given her failure to respond. We will address any reasons for this refusal once we are made aware of them, but at this stage we simply submit that a failure to appoint a panel and to include a MVAWG expert is irrational and/ or unreasonable, as it would render the inquiry incapable of meet the aims as set out by the proposed Defendant. The inclusion of such an appointee is vital in order to meet the aims of the inquiry, including in particular the need to consider the matters set out under IA 2005. This will ensure (and maintain) the confidence of key stakeholders – including women; ensure that

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20, 1993, A/RES/48/104, February 23, 1994; United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, September 15, 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995); CEDAW Committee, *General Recommendation 19: Violence against Women*, (11<sup>th</sup> Session 1992), U.N. Doc.A/47/38 at 1 (1993).

<sup>12</sup> See e.g. CEDAW Committee, Communication 2/2003, *Ms. A.T. v. Hungary*, 26 January 2005; and *Opuz v. Turkey* (2010) 50 EHRR 28.

relevant issues are thoroughly explored and understood; and allow for matters to be dealt with expeditiously by permitting the Panel to starting from a position of knowledge and understanding.

Further, we note that this aspect in itself underscores CWJ's concern about the non-statutory nature of this inquiry. For a statutory inquiry under the IA 2005, s. 8 sets out specific requirements in respect of the suitability of an inquiry panel, requiring the Minister to *"have regard... to the need to ensure that the inquiry panel (considered as a whole) has the necessary expertise to undertake the inquiry"* (s. 8(1)(a)).

### **Details of action to be taken**

We ask that the proposed Defendant take the following actions:

1. Exercise her power under s.1 IA 2005 and confirm that this will be a statutory inquiry, with it being converted to statutory status forthwith;
2. Confirm she will expand the scope of the inquiry to include, at a minimum, consideration of issues arising from the perpetration of violence against women by officers of the MPS generally (and not limited solely to abuse perpetrated by Wayne Couzens) and that she will ensure it addresses issues of intersectionality (in particular, issues concerning race and disability and MVAWG);
3. Confirm that the Inquiry will be undertaken by a Panel, and that the Panel to be appointed will include at least one person with established expertise in the area of MVAWG.
4. Further, as set out in our initial letter of 15 October 2021, we ask that the proposed Defendant commit to taking immediate steps to address the problem of police treatment of women, in particular to act upon the recommendations in the report of 17 September 2021 from HMICFRS for all police forces. Given her stated wish to avoid delay, and to provide swift public reassurance, we request reasons should she refuse to take this action.

### **Legal Advisers**

Centre for Women's Justice  
Oxford House, Derbyshire Street, Bethnal Green, London, E2 6HG

### **Interested Parties**

We are not aware of any Interested Parties, as this claim concerns the Secretary of State's exercise – or failure to exercise – her statutory powers. Please inform us if you consider there to be any Interested Parties in this matter.

### **Information sought**

We seek the following information:

- a) Confirmation of the date on which the decision to institute a non-statutory inquiry was taken (i.e. the decision announced on 5 October 2021);
- b) Whether the proposed Defendant, the Secretary of State, had any discussions with the MPS Commissioner regarding the decision to hold a non-statutory inquiry only, and/ or regarding the scope of the inquiry, either prior to the announcement of 5 October 2021 or subsequently;
- c) Whether any Impact Assessments (including Equality Impact Assessments or Human Rights Impact Assessments) were undertaken prior to the decision announced on 5 October 2021.

#### **Documents relevant and necessary**

We seek the following material by way of pre-action disclosure:

- 1) Any and all documentation relevant to the first decision (announced on 5 October 2021) and any later decision to refuse to exercise power under s.1 IA 2005 to initiate a statutory inquiry;
- 2) Any documentation indicating the anticipated timing of the IOPC report in relation to Wayne Couzens;
- 3) Any Impact Assessments, Equality Impact Assessments and/or human rights assessments undertaken in respect of the decisions under challenge.

#### **Address for supply and service**

Centre for Women's Justice  
Oxford House  
Derbyshire Street  
Bethnal Green  
London  
E2 6HG

#### **Proposed date of action**

We request that the Defendant satisfy this claim without further delay and respond within 14 days i.e. by **4pm on Monday 22 November 2021.**

In the absence of satisfaction of this claim, the proposed Claimant will lodge a claim for judicial review within the Administrative Court without further notice. At present, given that we have had no proper response to our correspondence, this letter before claim has been sent to all the addresses previous correspondence has been sent. However please set out within your response the precise email address for service of the claim form and grounds.

We look forward to hearing from you in due course.

Yours faithfully

*DDasgupta*

Harriet Wistrich and Debaleena Dasgupta  
Solicitors  
**Centre for Women's Justice**