

Funding the Future

Article URL

Published: January 12, 2026, 7:06 pm

As I noted on this blog in 2020 and 2021, the management of the Covid epidemic was a tale of unmitigated disaster in the UK.

It was not just the failure to prepare that began with Osborne and Cameron's disastrous austerity and continued under the equally disastrous healthcare policies of Jeremy Hunt in his unusually long period in charge of policy on that issue. It was also the fact that Boris Johnson was not in any sense fit for office at any time, and most especially when this crisis emerged, and that he surrounded himself with colleagues of even less ability, from Matt Hancock to (lest we forget it), Rishi Sunak.

The choices that these criminals (I use the word because I think they are criminally responsible for deaths) were reckless. The consequences have been seen and measured in tens of thousands of deaths.

Many were ordinary people not protected when we failed to lock down soon enough.

Tens of thousands more died when hospitals were cleared of elderly people who had Covid into care homes, which then led to the infection of thousands more, many of whom died when they could and should have been protected.

And then there was the straightforward political choice to follow the maxims of the far-right Great Barrington Declaration, which utterly bizarrely suggested that the way to manage a deadly virus was to let it spread far and wide and create herd immunity without considering the cost in terms of the number of lives lost on the way. Rishi Sunak was the greatest exponent of that thinking. We got 'eat out to help out' as a result: it too cost thousands of lives.

And now we have the Covid inquiry that is about to start. Its Chair, Lady Hallett, is taking her brief very seriously. And it is wide-ranging. This list is [just from the start of the issues to be addressed](#):

Aim 1. Examine the COVID-19 response and the impact of the pandemic in England, Wales, Scotland and Northern Ireland, and produce a factual narrative account, including:

a) The public health response across the whole of the UK, including

- * preparedness and resilience;
 - * how decisions were made, communicated, recorded, and implemented;
 - * decision-making between the governments of the UK;
 - * the roles of, and collaboration between, central government, devolved administrations, regional and local authorities, and the voluntary and community sector;
 - * the availability and use of data, research and expert evidence;
 - * legislative and regulatory control and enforcement;
 - * shielding and the protection of the clinically vulnerable;
 - * the use of lockdowns and other 'non-pharmaceutical' interventions such as social distancing and the use of face coverings;
 - * testing and contact tracing, and isolation;
- There is a lot more that follows. The list was prepared by the government. The Inquiry is being regulated under the terms of the [**Inquiries Act 2005**](#).

Today we will see the most exceptional situation develop. Lady Hallett has used her powers under section 21 of the Inquiries Act, which says:

21 Powers of chairman to require production of evidence etc

(1)The chairman of an inquiry may by notice require a person to attend at a time and place stated in the notice—

(a)to give evidence;

(b)to produce any documents in his custody or under his control that relate to a matter in question at the inquiry;

(c)to produce any other thing in his custody or under his control for inspection, examination or testing by or on behalf of the inquiry panel.

(2)The chairman may by notice require a person, within such period as appears to the inquiry panel to be reasonable—

(a)to provide evidence to the inquiry panel in the form of a written statement;

(b)to provide any documents in his custody or under his control that relate to a matter in question at the inquiry;

(c)to produce any other thing in his custody or under his control for inspection, examination or testing by or on behalf of the inquiry panel.

Her request is for all the unredacted documentation relating to ministerial decisions

made relating to Covid. That is, of course, a mountain of information. It includes all their WhatsApp messages, emails, notebooks, minutes and other data. And she wants it, without exception.

Ministers are horrified, even though given the terms of reference of the inquiry the request hardly seems surprising. It is strongly suspected that they will appeal. Section 21 provides them with the means to do so. It says:

(3) A notice under subsection (1) or (2) must—

(a) explain the possible consequences of not complying with the notice;

(b) indicate what the recipient of the notice should do if he wishes to make a claim within subsection (4).

What amuses me is section 4:

(4) A claim by a person that—

(a) he is unable to comply with a notice under this section, or

(b) it is not reasonable in all the circumstances to require him to comply with such a notice,

is to be determined by the chairman of the inquiry, who may revoke or vary the notice on that ground.

The applicant, judge, jury and executioner in this case is Lady Hallett.

The penalty she may impose if she decides she wants material and is refused it is an unlimited fine and up to two years in prison.

Most lawyers on Twitter seem to think the government has no chance of winning a judicial review on this issue: after all, they would effectively be bringing an appeal against their own decision to grant these power over these papers so why should a court stand in Lady Hallett's way?

That they are contemplating this says one of four things.

The first is that they really are stupid enough to think that their objection might succeed.

The second is that the matters that these papers will disclose are truly damning of them, and some of them might anyway be heading to spend time at His Majesty's pleasure.

Third, it could be both these things.

And fourth, more cynically, ministers think that they (and the right-wing media) can use this for another populist attack on 'woke judges' that can be used to intensify division in society which, they think, will rebound in the government's favour.

Most at risk are very clearly Johnson, Sunak, Matt Hancock and then health minister Helen Whately, who apparently objected to the transfer of the elderly from hospitals to care homes but then oversaw it. Oliver Dowden is now in the firing line for being at the Cabinet Office, which is refusing the data.

Lady Hallett has to win this case. Those under investigation in an inquiry cannot then decide what is admissible evidence. Nor, in my opinion, can they claim a human rights defence of privacy: they were undertaking a job as holders of public office. But more important than these legal principles is the fact that Tory neglect in public office has to be exposed and those responsible made accountable. We cannot see such negligence again, most especially when it cost so many lives.