

OPUS2

Fishmongers' Hall Inquests

Day 19

May 10, 2021

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1 Monday, 10 May 2021
 2 (10.04 am)
 3 (In the presence of the jury)
 4 JUDGE LUCRAFT: Good morning, everyone. Very nice to see
 5 you all. I hope you had a restful weekend, ready for
 6 the week ahead.
 7 Mr Hough.
 8 MR HOUGH: Today's first witness is Sonia Flynn.
 9 MRS SONIA FLYNN (sworn)
 10 JUDGE LUCRAFT: Good morning. Please do sit or stand,
 11 whichever you would feel more comfortable doing. The
 12 microphone on that desk will help to amplify what it is
 13 you have to say.
 14 Documents will appear either on the small screen in
 15 front of you, or if it's easier they will be on the
 16 larger screens too.
 17 A. Thank you.
 18 Questions by MR HOUGH QC
 19 MR HOUGH: Would you please give your full name for the
 20 court record.
 21 A. Mrs Sonia Flynn.
 22 Q. Mrs Flynn, you understand that I'm asking you questions
 23 first on behalf of the Coroner and you may then have
 24 some questions from other lawyers.
 25 What is your current post?

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1 A. I am chief probation officer for Her
 2 Majesty's Prison and Probation Service, England and
 3 Wales.
 4 Q. Have you held that post since September 2016?
 5 A. The role of -- the title "Chief probation officer" was
 6 afforded to me in 2018. Before that I was executive
 7 director for the National Probation Service, but largely
 8 the roles and responsibilities have been the same since
 9 2016.
 10 Q. Prior to that, have you held a series of management
 11 posts in the Prison and Probation Service?
 12 A. I have. I joined the Probation Service in 1988 as
 13 a young graduate probation officer in south London.
 14 I have occupied a range of roles, both in community and
 15 in prison, and became a senior manager in probation in
 16 2008.
 17 Q. May I first ask you about the organisation of the
 18 National Probation Service, and for this may we please
 19 have on screen {WS5061/73}. Is the service divided into
 20 geographical areas which we see on this coloured plan?
 21 A. It would have been divided into those coloured areas in
 22 2018, that's correct, but the geography and the
 23 organisation of the service is currently changing as we
 24 approach unification of the Probation Service on 25 June
 25 this year. So currently in England and Wales there are

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1 now 11 regions -- you can see there are only six on that
 2 map, and Wales, so there are significant changes
 3 currently in flight.
 4 Q. Does this map show the organisation at the time we're
 5 concerned with --
 6 A. It does, yes.
 7 Q. -- at the time Usman Khan was under the management of
 8 the service?
 9 A. Yes, it does.
 10 Q. May we please go to page 76 of the same document. Can
 11 we see, if we look at the whole page please, a more
 12 detailed map of the Midlands region. I think we can see
 13 in the middle, slightly to the left, is Stafford?
 14 A. Yes, I can see, yes.
 15 Q. We have heard that Usman Khan, on release from prison,
 16 was placed in Staitheford House approved premises run by
 17 the service in Stafford; is that right?
 18 A. That's correct.
 19 Q. As the jury have heard, Khan received a determinate
 20 sentence after he had made his appeal, meaning he was
 21 entitled to be released halfway through his term, so
 22 after eight years, without needing to satisfy a Parole
 23 Board of his progress; you're aware of that, I think?
 24 A. I am aware of that.
 25 Q. And he was subject to five years' extended licence, so

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1 the licence period for which conditions would be
 2 monitored by the service, as well as a 30-year
 3 notification period under part 4 of the
 4 Counter-Terrorism Act 2008?
 5 A. That's correct.
 6 Q. Is it right that an offender in his situation is
 7 assigned to a regional team comprising a senior
 8 probation officer, an offender manager working in the
 9 community, and while in prison an offender supervisor
 10 based in the prison?
 11 A. Yes, those would have been the arrangements in 2018 and
 12 2019.
 13 Q. So in Usman Khan's case, Ms Boulton was his offender
 14 supervisor in the prison, Mr Bromley was his offender
 15 manager based in the community from 2012 to 2017, and
 16 then in 2017, Mr Skelton took over from Mr Bromley as
 17 Mr Bromley was promoted to senior probation officer?
 18 A. That's correct.
 19 Q. Now, just to complete the cast of characters for our
 20 purposes, was Mr Byford, Nigel Byford, from whom the
 21 jury will hear later this week, the head of public
 22 protection in the service for the West Midlands
 23 division?
 24 A. Yes.
 25 Q. And did he, in that capacity, chair MAPPA meetings?

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1 A. Yes.
 2 Q. Now, since Usman Khan was sentenced I think changes have
 3 been made to offender management in custody for men in
 4 closed prisons?
 5 A. That's correct, yes.
 6 Q. In a sentence or two, can you explain the nature of the
 7 changes?
 8 A. The changes commenced, or the design and the preparation
 9 from 2016, they became fully operational in the male
 10 closed estate from October 2019. Effectively, the
 11 changes have moved responsibility for offender
 12 management for long-serving prisoners from community to
 13 custody, so we have significantly more probation
 14 officers in the long-term estate than we had previously.
 15 So if you take HMP Whitemoor, for example, in 2018 there
 16 were four probation officers for a population of
 17 approximately 450. There was no requirement for
 18 a senior probation officer either to be part of the
 19 governor's team or to be responsible for the quality of
 20 the offender management.
 21 The situation we have now, post the changes
 22 in October 2019, is there's now a team of eight in
 23 HMP Whitemoor, six of those are qualified probation
 24 officers, and two are specially trained prison officers
 25 who hold the role of offender management, so there was

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1 a team of eight. They have designated caseloads, so
 2 they are responsible for the oversight of the OASys risk
 3 assessment. They are resourced to have -- although it's
 4 not a hard target, they are resourced to have
 5 approximately 12 meetings a year with each prisoner on
 6 their caseload, so one hour 12 times a year, to inform
 7 their risk assessments, and obviously having a senior
 8 probation officer in the prison now means that you've
 9 got on-the-ground oversight of the work that they're
 10 doing.
 11 The increase in the number of probation officers in
 12 the prison is also designed to improve and enhance the
 13 relationship with the prison officers on the wing, so
 14 that they, acting as keyworker, can give more timely
 15 information about prisoner behaviour, and it improves
 16 the relationship between the probation officer and
 17 security in terms of having more ready access through to
 18 security systems.
 19 So it's fundamentally changed our relationship
 20 between the probation officer and the prison in the
 21 long-term estate because, as has previously been heard,
 22 the probation officer responsible would have been in the
 23 community, could have been hundreds of miles away,
 24 wouldn't have had daily or ready access to the prison
 25 staff who were with the prisoner every day.

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1 So the new offender management model, as I say,
 2 arose out of a significant investment in the way that
 3 prisons deliver offender management, a big increase in
 4 the number of prison officers and, as I say, from the
 5 data I've given you about HMP Whitemoor, shows the
 6 change of emphasis.
 7 Q. So whereas in our case, the management of Usman Khan
 8 from a probation point of view while he was in custody
 9 was fragmented between Mr Skelton and before him
 10 Mr Bromley, who did the OASys assessments and so on, and
 11 Ms Boulton, who was based in the prison and getting
 12 information from the wing staff and so on, now that
 13 would be a united function?
 14 A. It would be a united function, and there have been
 15 changes to our IT systems, which are important, so that
 16 the probation staff in the community can now look at
 17 prison records. They wouldn't have been able to in
 18 Jo -- Jo Boulton would have had to have sent information
 19 by email to Mr Skelton. Under the new system,
 20 Mr Skelton could now look at prison records, and
 21 Jo Boulton could look at probation records. They're
 22 not -- they're systems which are now joined and not
 23 standalone.
 24 Q. Now, is it right, going back to the position in
 25 2018/2019, and indeed, throughout recent years, is it

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1 right that the Probation Service has operated to
 2 a series of governing policy and procedural documents?
 3 A. That's correct. Prison Service instructions --
 4 Probation Service instructions, sorry.
 5 Q. Now, in relation to extremist offenders, is it right
 6 that the service worked to a Prison Service Instruction,
 7 13/2016, managing and reporting on extremist behaviour
 8 in custody?
 9 A. That's correct.
 10 Q. If we see that on screen, {DC6678/1}, please. That,
 11 I think, is the document, PSI 13/2016. If we go to
 12 {DC6678/3}, can we see that it covers such topics as
 13 extremist behaviours in prison, the case management
 14 system Pathfinder, proscribed or banned groups, and
 15 contains a series of annexed documents to assist those
 16 operating it?
 17 A. Yes.
 18 Q. Has that governing document been replaced in March 2019
 19 with a document called "Managing extremism among
 20 offenders in custody"?
 21 A. That's correct.
 22 Q. Covering, broadly speaking, the same range of topics?
 23 A. Yes.
 24 Q. We can take that down, please.
 25 Turning to roles and responsibilities, first of all,

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1 the role of senior probation officer , which for Mr Khan
 2 in 2017 to 2019 was Mr Bromley. Does the SPO, or would
 3 the SPO in the time we're concerned with, manage both
 4 offender managers and offender supervisors in a team?
 5 A. They would — the senior probation officer, so
 6 Phil Bromley, would have been managing the probation
 7 staff in his team in the community.
 8 Q. But would that person have any management oversight over
 9 the offender supervisor , who might be looking after the
 10 person in prison?
 11 A. No.
 12 Q. Would the senior probation officer , so Mr Bromley in our
 13 case, also liaise with somebody operating as the
 14 probation counter—terrorism lead, Lois Gell in our case,
 15 and the team under that person?
 16 A. Yes, there would have been an expectation that he would
 17 ensure that they were offering proper support to his
 18 team, because that's the job they're tasked to do, and
 19 giving that advice on this specialist area.
 20 Q. And in terms of management, would the senior probation
 21 officer manage the offender managers by regular team
 22 meetings of the whole team, as well as regular
 23 supervision meetings with each offender manager?
 24 A. Yes.
 25 Q. Turning to the role of offender manager, in simple

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1 terms, is the offender manager the person with primary
 2 direct responsibility for managing the offender in the
 3 community?
 4 A. Yes, they have the authorisation to take certain actions
 5 relating to enforcement, et cetera. However, there are
 6 very clear principles in public protection arrangements
 7 around joint responsibility and checks that have to be
 8 made before an officer proceeds.
 9 So a senior probation officer , for example, is
 10 required to sign off the offender manager's OASys when
 11 they are high or a very high risk of harm. So whilst
 12 ultimately they do take responsibility for enforcement
 13 action and other decisions, there are checks and
 14 balances around the way in which they operate to ensure
 15 they're both being supported properly and that they're
 16 following due process and they're seeking advice and
 17 counsel in the important decisions they make.
 18 Q. We've heard from Mr Skelton that each offender manager
 19 will have their own caseload of offenders and that may
 20 include a range of high risk type offenders, sex,
 21 violent, or TACT offenders.
 22 For a TACT offender, is it right that an offender
 23 manager would be assigned while the person was still in
 24 prison, some time after sentence?
 25 A. They would be assigned after the — at the point of

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1 sentence?
 2 Q. Yes.
 3 A. Yes, everyone's allocated an offender manager
 4 post—sentence.
 5 Q. Yes. Not a trick question, some of the questions are
 6 obvious, just to somebody in your position.
 7 A. Okay.
 8 Q. And is an offender manager, on being assigned, expected
 9 to inform him or herself about the offender by
 10 communicating both with the offender supervisor in
 11 prison and with the offender themselves?
 12 A. Yes, under the old system they — once the case had been
 13 allocated to them, they also would have been aware of
 14 the risk level assigned at the point of sentence and the
 15 tier , so the senior probation officer , when allocating
 16 the case to an offender manager, would make them aware,
 17 you know, this is a very high risk individual , and there
 18 are rules about who we can assign work to, so only
 19 a qualified probation officer can have high and a very
 20 high risk of harm offender allocated to them. We have
 21 other grades in the Probation Service, probation service
 22 officer —
 23 Q. We'll come to that distinction a little later .
 24 A. Oh, sorry. Okay.
 25 Q. You have said that the offender manager will be told

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1 about the risk of the individual on assignment; how
 2 would that risk have originally been determined, at what
 3 point?
 4 A. Well, if there's been a pre—sentence report in court,
 5 which there wasn't in the case of Usman Khan, but if
 6 there had been a report, then there would have been
 7 an OASys by the report author. So information follows
 8 the offender from court to the commencement of sentence,
 9 so either custody or community supervision, and then the
 10 records received from court would be updated into your
 11 first start custody, start community OASys, collating
 12 other available information from other agencies if
 13 required.
 14 Q. Now, still staying with the position as it was before
 15 the changes of late 2019, would the offender manager
 16 prepare a series of documents in turn, a post—sentence
 17 report, annual, or roughly annual OASys assessments, and
 18 a sentence plan?
 19 A. That's correct, informed by the offender supervisor , who
 20 would have been located in the prison.
 21 Q. Would the offender manager also attend periodic planning
 22 boards organised and chaired by the offender supervisor?
 23 A. That's correct.
 24 Q. And would the offender manager record their involvement
 25 and their communications by making entries on the Delius

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1 system?
 2 A. That's correct.
 3 Q. Meanwhile, again in the period that we're concerned
 4 with, would the offender supervisor have responsibility
 5 in the custodial setting for keeping apprised of the
 6 offender's circumstances, progress and risk on a regular
 7 basis?
 8 A. That's correct.
 9 Q. As we've heard, would they receive information from the
 10 security and counter-terrorism departments of the prison
 11 but without themselves having direct access to
 12 intelligence reports?
 13 A. Yes, they would be attending Pathfinder meetings in the
 14 prison, re-cat boards, so in effect, they're
 15 representing the Probation Service in the prison and
 16 receiving information.
 17 Q. And again, that's Ms Boulton's role in our case?
 18 A. That's correct.
 19 Q. Next, some questions about training, please. First of
 20 all, you were telling us, before I cut you off slightly,
 21 about the different grades of probation staff. Is it
 22 right that you have probation services officers, who are
 23 at the lower level?
 24 A. Mm-hm.
 25 Q. And full probation officers who are at the higher level?

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1 A. That's -- yes.
 2 Q. Is it the case that all probation services officers,
 3 probation officers, and senior probation officers are
 4 subject to some common requirements for continued
 5 professional training?
 6 A. Yes, there's the mandated training.
 7 Q. Covering, for example, safeguarding and domestic abuse?
 8 A. That's correct.
 9 Q. Are probation services officers and probation officers
 10 also subject to their own set of common training
 11 requirements?
 12 A. Yes.
 13 Q. Looking at probation services officers first of all,
 14 page 5 of your witness statement, may we have on screen
 15 {WS5061/5}. If we look at the bottom of the page, we
 16 can see you list -- you begin a list of a number of
 17 mandatory courses for the lower level of officer, PSO,
 18 and then over the page to {WS5061/6} we see you set out
 19 further courses, including, for example, risk assessment
 20 planning and management, managing violence and
 21 aggression?
 22 A. Mm-hm.
 23 Q. And then if we go down the page, do you set out here
 24 a series of additional courses which probation officers
 25 need to have taken on top of those which probation

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1 services officers have to have taken?
 2 A. Yes, yes. That's correct.
 3 Q. And we can see that for probation officers, they include
 4 training in OASys assessments and training in the
 5 production of reports of various kinds?
 6 A. Mm-hm.
 7 Q. So someone in Mr Skelton's position would have had all
 8 of that training?
 9 A. You would expect so.
 10 Q. Do you have any reason to think he didn't?
 11 A. I would expect that he would have had all the mandatory
 12 training.
 13 Q. We can take that off screen now.
 14 May I ask you about training specific to terrorist
 15 offenders. Is it right that all Probation Service staff
 16 are required to undertake a workshop to raise awareness
 17 of the Prevent strategy every three years?
 18 A. That's correct.
 19 Q. And Prevent strategy, of course, is the government's
 20 strategy to divert people from extremism?
 21 A. Yes.
 22 Q. Is there also available further online training on
 23 understanding and addressing extremism in prison and
 24 probation in two parts?
 25 A. That's correct.

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1 Q. Is that recommended for staff who deal with terrorist
 2 offenders?
 3 A. Yes, that is absolutely recommended.
 4 Q. In addition, do probation counter-terrorism teams
 5 provide briefings to their non-specialist staff --
 6 A. That's correct.
 7 Q. -- their colleagues? And that would cover, for example,
 8 the legislative provisions, forms of ideology and so on?
 9 A. Yes.
 10 Q. Now, we've heard that some staff also had specific
 11 training in ERG assessments and in the Healthy Identity
 12 Intervention process. Those were optional courses,
 13 I think.
 14 A. Yes, I think it's got to be recognised that the number
 15 of TACT and TACT-related offenders proportionate to the
 16 entire caseload is very small, so you wouldn't want to
 17 be training everyone to do something that there will be
 18 a very limited opportunity for them to do that work.
 19 I mean -- so the training in those specialist areas is
 20 targeted at those who are going to have oversight of
 21 TACT offenders, and certainly in some parts of the
 22 country, London, for example, Greater Manchester at that
 23 time, we had dedicated officers to do that work because
 24 the frequency was higher in those parts of the country.
 25 Q. Was that not possible, for example, in the Midlands

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1 region, with which we are concerned?
 2 A. I think generally the numbers had been very, very low,
 3 if not — it hadn't been presented to them to actually
 4 receive one of these types of offenders in the
 5 community, but clearly in those parts of the country
 6 like London, where we have a longer history, then we had
 7 dedicated officers and a senior probation officer, and
 8 an assistant chief officer who took all the London
 9 cases, and the same for Greater Manchester.
 10 Q. Now, in terms of the length of the courses, is it right
 11 that the course for ERG assessments was a two-day
 12 course, and the course for the HII process was
 13 a four-day course?
 14 A. That's correct.
 15 Q. May we move on to risk assessment and first of all, the
 16 OASys tool. Now, the jury have heard about assessments
 17 of risk of serious harm. Is the definition of serious
 18 harm an event which is life-threatening or traumatic and
 19 from which recovery, either physical or psychological,
 20 can be expected to be difficult or impossible?
 21 A. That's correct.
 22 Q. If we put on screen {DC5652/30}, we will see the
 23 different levels of serious harm risk at the bottom of
 24 the page, please. So we see there the first two
 25 categories are low risk and medium risk, I won't take

1 you through those because we haven't been looking at
 2 those in great detail.
 3 But over the page {DC5652/31}:
 4 "High risk ... identifiable indicators of risk of
 5 serious harm. The potential event could happen at any
 6 time and the impact would be serious."
 7 Then:
 8 "Very high risk ... there is an imminent risk of
 9 serious harm. The potential event is more likely than
 10 not to happen imminently and the impact would be
 11 serious."
 12 And is it right that these risk categories are used
 13 for all types of offenders and are, as it were, the
 14 bread and butter of risk assessment in the Probation
 15 Service?
 16 A. Yes, that's correct.
 17 Q. We can take that off screen.
 18 Are the objectives of the OASys assessment not just
 19 to assess the likelihood of re-offending and the risk of
 20 serious harm, but also in practical terms to assist in
 21 the management of the offender?
 22 A. Yes, the categorisation of risk should identify the most
 23 suitable staff to supervise the individual and the
 24 allocation of resource. We give more time to the
 25 supervision of high risk and very high risk of harm

1 offenders than we would to lower-end offenders. There's
 2 also an expectation about different levels of approval
 3 and oversight from managers according to the risk
 4 categorisation, so they are absolutely hardwired into
 5 the way that we work.
 6 But in and of themselves, they need to be understood
 7 in terms of what sits behind that big banner of very
 8 high and high risk of harm. What are the indicators
 9 that could show that someone is either, you know, either
 10 in a higher risk situation or what risks are showing
 11 that those are diminishing, so it's not a static
 12 process, it needs to be watched constantly and the
 13 indicators which sit behind the warning signs.
 14 Q. But is this right, as Mr Skelton told us: that
 15 a probation officer carrying out an assessment will take
 16 an overview of the risk that they think is realistically
 17 present rather than just following a numerical approach
 18 and getting to a risk level that they don't actually
 19 think is realistic?
 20 A. Yes, so there will be certain fixed indicators in the
 21 OASys that lead you through, combined with your own
 22 professional judgment, which determines "I assess this
 23 person as very high/high risk of harm", but they
 24 wouldn't be doing that in isolation because a senior
 25 probation officer has to have some oversight of that

1 calculation and the way they've arrived at that.
 2 Q. As indicated by the sign-off?
 3 A. Yes.
 4 Q. Now, we know that in the case of Usman Khan, the OASys
 5 was carried out about once a year during the time in
 6 custody and that it was updated very shortly before
 7 release into the community. Is that a standard pattern,
 8 or was it?
 9 A. Yes, it's a requirement Start Licence OASys as soon as
 10 someone returns to the community.
 11 Q. Is there also a requirement for continued, or was there,
 12 in the time we're concerned with, a requirement for
 13 continued regular OASys assessment in the community?
 14 A. Yes, so there are fixed periods when they have to be
 15 reviewed, but importantly, they should also be reviewed
 16 when there has been a change of circumstance, where
 17 there are issues which need to be updated because things
 18 about the offender have changed.
 19 Q. Is it right also that there was specific guidance in
 20 place for OASys assessments on TACT offenders?
 21 A. That's correct, yes.
 22 Q. We can see it on screen, {DC7447/1}. We see this is the
 23 version updated in April 2018. If we go to {DC7447/18},
 24 please, and if we go towards the — yes, we've got the
 25 right part on screen. Is it right that the guidance

1 makes special points about the risk of serious harm
 2 assessment for such offenders?
 3 A. It does.
 4 Q. And then if we go to the bottom of the page, can we see
 5 that the last heading is "General conditions when
 6 completing risk assessment", and then over the page
 7 {DC7447/19}, do we see some specific bullet points,
 8 including at number 3:
 9 "Extremist offenders can have a well-rehearsed
 10 script in relation to their offending and may not be
 11 open or candid about their thinking, associations and
 12 affiliations . They may also have been advised by
 13 extremist associates how to respond to professionals."
 14 So the guidance specifically points out that when
 15 dealing with such offenders there is a need to guard
 16 against manipulation?
 17 A. It does, yes.
 18 Q. We can take that off screen now, and let me ask you
 19 about the ERG process. Now, the jury have heard that
 20 the extremism risk guidance process is a set of
 21 professional guidelines for assessing the risk posed,
 22 used to inform risk management.
 23 Now, just so we understand which way round is right,
 24 does the ERG inform the OASys or the other way round?
 25 A. My understanding is the ERG informs OASys.

21

1 Q. Now, we looked at the detail of some ERG assessments
 2 with a psychologist last week. Is it right, as we've
 3 heard, that ERG assessments can only be performed by
 4 either a psychologist trained in them, or a prison
 5 officer -- sorry, a probation officer with ERG training?
 6 A. That's correct, yes.
 7 Q. Now, in Usman Khan's case, an ERG was required on him
 8 within 12 months of his sentence, and in other
 9 circumstances; is that right?
 10 A. That's correct.
 11 Q. Did they include when he completed the Healthy Identity
 12 initiative , and if he was ever under consideration for
 13 downgrade from category A?
 14 A. Yes.
 15 Q. In fact, I think he was subject to additional ERGs as
 16 well as those required under those rules, but he didn't
 17 engage with the early ones?
 18 A. No.
 19 Q. Now, is it right that since the attack there has been
 20 a change of procedures in that an ERG must be performed
 21 within six months of actual or potential release?
 22 A. That's correct. There have been other changes as well.
 23 Q. Well, I'll ask you about those in a moment.
 24 In this case the ERG prepared by the psychologist in
 25 prison was certainly a much more detailed document than

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1 that which was prepared in a relatively advanced draft
 2 by Mr Skelton in late 2019, and it certainly showed
 3 a lot more critical analysis of the accounts given by
 4 Usman Khan; are you aware of that?
 5 A. I am aware of that.
 6 Q. Now, the psychologist last week gave evidence that she
 7 was better able to understand the process of assessment
 8 and undertake that because of her training and
 9 experience as a forensic psychologist. From your
 10 perspective, at the apex of the service, would you agree
 11 that there's a benefit of that experience in undertaking
 12 an ERG?
 13 A. I would agree with that. I would also agree that
 14 I think the ERG process can be enhanced if it's more
 15 objective in the sense that it's not undertaken by the
 16 person who is having the day-to-day contact, so that you
 17 get more of a -- more pairs of eyes, I suppose, on the
 18 individual, rather than one person making the judgments,
 19 particularly as you have referenced in the previous
 20 guidance the people that we supervise can be deceitful,
 21 they can set out to manipulate, so having more pairs of
 22 eyes on a deceitful and manipulative person is better
 23 risk management.
 24 Q. Now, without criticism of Mr Skelton, because he was
 25 following the rules as they then stood, are there

23

1 therefore two disadvantages of having the risk
 2 assessment prepared in the way that it was prepared
 3 under the ERG in late 2019: first of all, that it was
 4 prepared by the offender's own offender manager who
 5 didn't have that distance that you spoke about, and;
 6 secondly, it was prepared by somebody who had attended
 7 a two-day course and didn't have the benefit of many
 8 years of training as a psychologist?
 9 A. I would agree with that, and I make that comment with
 10 absolutely no, as you have just said, apportioning of
 11 blame to Mr Skelton in the way that he conducted the ERG
 12 in 2019. He wasn't -- he didn't have readily available
 13 to him some of the support that certainly our dedicated
 14 teams potentially in London and Greater Manchester would
 15 have had available at that time or, indeed, the
 16 psychological support which is now available in the
 17 community which was introduced actually this year, in
 18 2021.
 19 Q. Let me get to that now. What are the significant
 20 changes that have taken place since late 2019 which
 21 would have affected someone in Mr Skelton's position or,
 22 rather, someone in Mr Khan's position being subject to
 23 an ERG assessment in late 2019?
 24 A. Following the absolutely tragic events at
 25 Fishmongers' Hall, we have conducted many -- there have

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1 been a number of reviews conducted to learn from those
 2 events. So -- and each of those reviews, our own
 3 serious further offence review, the serious MAPPA --
 4 serious case review and the Jonathan Hall review all
 5 concluded that actually we needed to have more resource
 6 available, so that we had a -- we had probation officers
 7 who had sufficient time to work collaboratively with
 8 other partners in the management of these particular
 9 offenders.

10 So we've introduced five national security hubs
 11 around the country. They are -- they have been staffed
 12 with probation officers who have been specially selected
 13 to go through higher security vetting. They're working
 14 together as teams, because it's not just about training,
 15 I think when you work with other specialists, you
 16 develop your knowledge and understanding because you're
 17 sharing ideas all the time between yourselves as
 18 officers in terms of how best to manage somebody, and
 19 each of those new five teams has a dedicated forensic
 20 psychologist, who is on hand to give that more objective
 21 overview of the work being undertaken.

22 So things have changed very significantly since --
 23 during -- both in 2020, as we stood up those new teams,
 24 and now as they become fully operational in 2021.

25 Q. So is it right that if somebody like Mr Khan was

25

1 released into a region which hadn't had many terrorist
 2 offenders up until that point released, they would now
 3 be managed by an offender manager from one of the
 4 specialist hubs?
 5 A. Absolutely.
 6 Q. With psychological support?
 7 A. Yes.
 8 Q. And so an ERG assessment would be carried out by
 9 a person with specialist skills and specialist
 10 experience with a psychologist's support?
 11 A. Absolutely, but importantly they would have more time.
 12 You heard that Ken Skelton had a caseload of about 40.
 13 Phil Bromley was supervising somewhere -- I think up to
 14 about 12 probation officers. The new national security
 15 hubs put a cap, so that the probation officer can
 16 supervise no more than -- between 10-15. The senior
 17 probation officer is then having oversight as well of
 18 a much reduced caseload, with additional resource, so
 19 that you can undertake, importantly, those
 20 multidisciplinary conversations to ensure that you've
 21 got more than one pair of eyes on the individual.
 22 Q. Is there any other way that that requirement of distance
 23 for the ERG assessor is built into the new procedures?
 24 A. As -- under new procedures it is not the offender
 25 manager who completes the ERG. The offender manager is

26

1 responsible for the OASys, supported by the forensic
 2 psychologist. The counter-terrorism probation officers
 3 who, as you know, are one step removed, will be doing
 4 the ERGs under the new system but, again, supported by a
 5 forensic psychologist.

6 Q. And will, under the new system, the counter-terrorism
 7 probation officers who are involved with the ERG, have
 8 prior experience --

9 A. Yes.

10 Q. -- of terrorist offenders which, of course, Mr Johal
 11 didn't?

12 A. Yes, and they will be one step removed. So you put the
 13 two things together, the ERG, which is very important in
 14 forming the OASys, and understanding how the warning
 15 signs in the ERG will then be managed on a day-to-day
 16 basis, with more time to manage them.

17 Q. May I move on, then, to MAPPA.

18 A. Yes.

19 Q. The other set of procedures which is intended to ensure
 20 risk assessment and risk management. Simplifying
 21 greatly, under the Criminal Justice Act 2003, were MAPPA
 22 introduced as a set of procedures laying down
 23 a statutory requirement for police, probation and prison
 24 services to work with other agencies in assessing and
 25 managing the risks posed by certain types of offender?

27

1 A. That's correct.

2 Q. And may we look, please, at {DC6511/44}. We can see
 3 from the MAPPA guidance that there were three categories
 4 of offender subject to MAPPA: registered sexual
 5 offenders; violent offenders or other sexual offenders,
 6 and; other dangerous offenders. Those three categories;
 7 yes?

8 A. Yes.

9 Q. And then if we go down to {DC6511/45} at the bottom of
 10 the page, you see that category 3 offenders were defined
 11 as offenders whose offence indicates that the person may
 12 be capable of causing serious harm to the public and
 13 requires multi-agency management at level 2 or 3?

14 A. Yes.

15 Q. So is it right that Usman Khan was in that category?

16 A. It is, correct.

17 Q. And is it right, as that category suggests, that MAPPA
 18 management can be at one of three levels?

19 A. Yes.

20 Q. If we go to {DC6511/50}, please, we can see level 1
 21 doesn't require formal multi-agency meetings.

22 A. Mm-hm.

23 Q. Level 2 does require such meetings. If we go down the
 24 page. And generally involves the offender being
 25 assessed as posing a high or very high risk of serious

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1 harm. Then level 3 requires:
 2 " ... senior representation from the Responsible
 3 Authority and Duty—to—Cooperate agencies?
 4 A. Yes.
 5 Q. Is it right that Usman Khan was managed at level 3?
 6 A. That's correct.
 7 Q. If we go to {DC6511/13} of the same document, and these
 8 are points which have been addressed to a certain extent
 9 by questioning from Mr Beer last week, but is it right
 10 that for MAPPA purposes, the "Responsible Agency" is
 11 a term which means police, Prison Service and probation?
 12 A. Yes, they're the core membership.
 13 Q. And then the lead agency, if we go down the page,
 14 depends on the type of case, but for an offender over 18
 15 on licence in the community, the lead agency is the
 16 Probation Service?
 17 A. That's correct.
 18 Q. And is it right that the duty—to—cooperate agencies are
 19 other agencies as required and may include housing,
 20 social services, and so on?
 21 A. That's correct.
 22 Q. And then {DC6511/122}, please, is it right that the
 23 MAPPA guidance has specific requirements for terrorist
 24 offenders?
 25 A. That's correct.

1 Q. {DC6511/124}, paragraph 24.14, the upper part of the
 2 page, can we see that there's a requirement for the
 3 MAPPA agencies to meet six months before release in
 4 a level 2 or 3 case?
 5 A. Mm—hm.
 6 Q. And then down to paragraph 24.18, we see that there are
 7 requirements for information—sharing, including for the
 8 police to liaise and share information with the offender
 9 manager?
 10 A. Mm—hm.
 11 Q. Mr Skelton in our case.
 12 Then {DC6511/125}, paragraph 24.26, if we go down
 13 the page, do we see that the guidance stresses the
 14 importance of information—sharing between agencies in
 15 advance of MAPPA meetings? And at paragraph 24.28,
 16 a requirement for the chair and the coordinator of the
 17 MAPPA meeting to discuss any management issues for the
 18 offender in advance of the meeting?
 19 Is it right also, that as the jury have heard,
 20 before each meeting for an offender in custody,
 21 a MAPPA F form is produced by the offender supervisor,
 22 or was at the material time —
 23 A. Yes.
 24 Q. — setting out information including from the security
 25 department?

1 A. Mm—hm.
 2 Q. We can take the guidance off screen now.
 3 Now, in Khan's case, he was considered by MAPPA
 4 agencies around every six weeks in the course of a set
 5 of MAPPA meetings governing offenders in the
 6 West Midlands area, held over a two—day period —
 7 A. Mm—hm.
 8 Q. — periodically. Is it right that each of these
 9 meetings was chaired by Mr Byford, who you've confirmed
 10 was the head of public protection for the National
 11 Probation Service in that area?
 12 A. That's correct.
 13 Q. Was there any requirement in the MAPPA guidance for the
 14 chair of the meeting to come from any particular agency?
 15 A. The chairs can only be police or probation for MAPPA,
 16 and normally the lead, that reference you made to who is
 17 the lead agencies, would normally determine who the
 18 chair would be, so either a senior probation manager or
 19 a senior police officer.
 20 Q. Does it ever happen that there are co—chairs for MAPPA
 21 meetings?
 22 A. It's not required, but I mean there are examples of
 23 that, but I think — I mean, certainly from the reviews
 24 that have been conducted, I think we're being encouraged
 25 to think about that more in terms of the way that the

1 chairing is completed.
 2 Q. I think it's right that in some parts of the country,
 3 a MAPPA meeting relating to a serious terrorist offender
 4 will be co—chaired by both a probation services
 5 professional and also by a senior counter—terrorism
 6 police officer?
 7 A. Yes, well certainly under the new proceedings, and
 8 certainly that probably would have been best practice in
 9 those areas that had greater experience of managing TACT
 10 offenders.
 11 Q. And is it right that that's a good idea because the
 12 counter—terrorist police officer can bring to the
 13 meeting the experience of investigating terrorist
 14 offenders and can ensure that that is — that's fed into
 15 the management decisions?
 16 A. Yes, because that's the purpose of them being there;
 17 that they're bringing their expertise of that particular
 18 area, and ensuring that everyone's familiar with the
 19 intelligence that needs to be applied to the risk, to
 20 the risk management.
 21 Q. May we see a sample of a MAPPA agenda, {DC7173/1},
 22 again, we looked at some examples of these last week.
 23 This is a sample agenda for the last MAPPA meeting which
 24 concerned Usman Khan, and we can see, I think, that the
 25 meeting lasted 45 minutes, or was scheduled to, between

1 11.05 and 11.50, as part of a set of meetings concerning
 2 offenders in the area?
 3 A. Yes.
 4 Q. With attendance prescribed or specified from the
 5 offender manager, senior probation officers and officers
 6 of Staffordshire Police?
 7 A. Mm—hm.
 8 Q. Would that be a standard form for a MAPPA meeting of
 9 this kind in terms of length and attendance?
 10 A. I might have expected a meeting to be a bit longer for
 11 a MAPPA level 3, but this was a case that had been
 12 running for some time, so people are starting to carry
 13 the history of the case in their mind.
 14 There is a requirement under the document that you
 15 just showed, the MAPPA guidance on working with TACT
 16 offenders, that the MAPPA chair should have a pre—meet,
 17 ensure there is a pre—meet so that they can be party,
 18 maybe to intelligence that the wider group might not be
 19 party to.
 20 So it doesn't indicate on that agenda whether that
 21 pre—meet was evident between 11.05 and 11.50.
 22 Q. A pre—meet with whom?
 23 A. If you go back to the MAPPA guidance.
 24 Q. It is {DC6511/125}.
 25 A. One of the requirements for information—sharing.

1 Q. The information—sharing provisions were, I think, on
 2 {DC6511/124}, the previous page?
 3 A. There's a paragraph in there where it actually —
 4 Q. I think 82 might help, I'm being told, the bottom half
 5 of the page {DC6511/82}. Page 82, please, the bottom
 6 half of the page. I'll ask you just now whether this is
 7 the section you're thinking of?
 8 JUDGE LUCRAFT: The second bullet point?
 9 MR HOUGH: Yes.
 10 A. Yes:
 11 "The need for a pre—meeting, led by the MAPPA
 12 meeting chair, to discuss ..."
 13 Yes.
 14 Q. With whom would the pre—meeting take place?
 15 A. Well, certainly with members of counter—terrorism
 16 police.
 17 Q. Is there any other point you want to make about the
 18 pre—meeting and what function it served?
 19 A. Well, the pre—meeting — obviously there's real
 20 sensitivities around these cases in terms of
 21 intelligence, intelligence of national security. It was
 22 one of the things that was really brought out through
 23 the review that Jonathan Hall completed about how you
 24 get better information exchanged from the intelligence
 25 services, MI5, counter—terrorism, and other agencies, so

1 probation and your kind of general police.
 2 There was provision, as I say, for some
 3 intelligence —sharing in a more closed environment, but
 4 I think what the new arrangements will certainly develop
 5 is closer sharing of information, not just to senior
 6 managers but to those actually doing the supervision.
 7 So it's a complex area, but there was provision at
 8 that time for there to be a more closed session within
 9 the MAPPA briefing in terms of matters of — from
 10 counter security.
 11 Q. So let me take this in stages: all members of the MAPPA
 12 meeting would have received the MAPPA F form —
 13 A. Yes.
 14 Q. — information—sharing form when the offender was in
 15 custody, which would pass on, in an appropriate form,
 16 intelligence derived ultimately from the security
 17 department of the prison?
 18 A. Yes.
 19 Q. After the offender had left custody, intelligence would
 20 be provided in the course of the meeting by
 21 counter—terrorism police where appropriate?
 22 A. Yes.
 23 Q. But in addition, intelligence which couldn't be provided
 24 to the entire meeting might be provided in that
 25 pre—meeting between the chair and counter—terrorism

1 police?
 2 A. That's correct.
 3 Q. Now, after each meeting, is it right that minutes will
 4 be produced in the standard MAPPA B form?
 5 A. Yes.
 6 Q. And that there were requirements, as we have seen in
 7 guidance, which I don't propose to put on screen right
 8 now, for those minutes to be circulated to all
 9 participants?
 10 A. Yes.
 11 Q. With the facility for participants to say that the
 12 minutes missed something?
 13 A. Yes, that's correct.
 14 Q. And is it right that there was a requirement in the
 15 guidance for the records in the minute to demonstrate
 16 defensible decision—making?
 17 A. That's correct, yes.
 18 Q. Finally on MAPPA, is it right that in addition to those
 19 people who were prescribed for attendance at given MAPPA
 20 meetings, which we saw on the agenda, there would also
 21 be others attending who were standing participants to
 22 all the MAPPA meetings that day, or many of them?
 23 A. Yes, and again, going back to that guidance that we just
 24 had on screen, it does lay out the kind of additional
 25 people that you would invite to a TACT MAPPA that you

1 wouldn't invite, for example, to your kind of -- to,
 2 say, a violent offender or a sex offender. So it does
 3 give the chair direction to invite others to that
 4 meeting. And, I mean, the chair has a lot of scope in
 5 terms of deciding who should be at MAPPA meetings to
 6 inform the discussions, and so everyone's kept well
 7 informed.
 8 Q. So with a TACT offender you would expect police officers
 9 from counter-terrorism with responsibility for that
 10 offender to be present?
 11 A. Absolutely.
 12 Q. Next, Pathfinder, please. May we put on screen
 13 {DC7445/14}. Now, this is a section of the Detailed
 14 Guidance on Managing Extremism Amongst Offenders in the
 15 Community, the policy which was introduced in early
 16 2019, after PSI 13/2016. Can we see it defines
 17 Pathfinder as a structured process for managing
 18 extremism offenders across HMPPS?
 19 A. Mm--hm.
 20 Q. And is it right that Pathfinder involves in the prison
 21 context, first of all, regular case management meetings
 22 between offender management units and probation
 23 counter-terrorism teams?
 24 A. That's correct.
 25 Q. Now, we've looked at a number of Pathfinder records from

1 meetings during Khan's time in prison. After
 2 an offender has left custody, is it right that MAPPA
 3 becomes the main forum for managing the offender?
 4 A. Yes, so MAPPA trumps Pathfinder, yes.
 5 Q. And finally in the context of risk assessment, and
 6 procedures in this regard, may I ask you a couple of
 7 questions about a system called Visor.
 8 A. Mm--hm.
 9 Q. Is that a database which holds details of violent and
 10 sex offenders which can be accessed and used by a range
 11 of agencies?
 12 A. Yes, so it's a Home Office system that can be accessed
 13 by both prison and probation.
 14 Q. Now, we shall hear that officers from the Prevent Team
 15 in Staffordshire Police used the system a fair amount in
 16 this case to record their interactions with Usman Khan.
 17 Is it right that probation officers mainly used the
 18 Delius system rather than using the Visor system?
 19 A. Yes, they would have predominantly used Delius, but they
 20 would have had access to Visor. I have to say the
 21 system is a bit clunky and is currently being
 22 significantly upgraded so it would have been clunky in
 23 2018 and 2019.
 24 Q. Although is this right: one advantage of Visor is that
 25 it could be accessed by a range of agencies, whereas

1 Delius could only be accessed by probation services?
 2 A. Yes, so I guess it's a kind of crossroads of information
 3 from police, prison, probation.
 4 Q. And the difficulty, of course, of making all your
 5 entries on Delius is that an officer from
 6 Staffordshire Police can't just immediately access them?
 7 A. That's correct, yes.
 8 Q. We can take the document off screen that we have on
 9 screen at the moment.
 10 Supervision in the community at the relevant time
 11 was, I think, subject to a tiering system which you
 12 mentioned earlier?
 13 A. Mm.
 14 Q. If we put on screen {WS5061/47}, can we see here part of
 15 the National Probation Service operating model which
 16 gives us the tiers for community supervision of
 17 offenders?
 18 A. Yes.
 19 Q. Can we see that within that model, risk of serious harm,
 20 and looking at the column on the right, that there is
 21 a requirement in the case of MAPPA level 2 and 3
 22 offenders for them to be managed by a probation officer,
 23 not the lower grade of probation services officer?
 24 A. That's correct, yes.
 25 Q. Now, is it right that an offender manager, managing

1 somebody in the community, has a range of
 2 responsibilities, including the assessments that we've
 3 seen, working with MAPPA, and also assisting with
 4 matters such as housing and employment, which Mr Skelton
 5 told us about?
 6 A. That's correct, yes.
 7 Q. That's all a standard set of responsibilities?
 8 A. Yes.
 9 Q. And is it also right that, as with Mr Skelton, it is
 10 standard for an offender manager to meet regularly with
 11 the offender to provide management and support, and then
 12 to write up those meetings in Delius?
 13 A. That's correct, and the different tiers will also have
 14 rules within them in terms of frequency of contact and
 15 type of contact. So for the highest risk, for example,
 16 there's a requirement that home visits are conducted.
 17 Although it is unusual that there were so many home
 18 visits conducted by Mr Skelton from the point at which
 19 Usman Khan left the approved premises. So yes, the
 20 tiers have rules baked into them in terms of frequency
 21 of contact.
 22 Q. Because, as we can see from the tiering model,
 23 Usman Khan was a MAPPA level 3, he was a tier A and
 24 subject to the highest level of requirements?
 25 A. Yes, so you would expect as a minimum weekly contact, if

1 not more, in the early months of supervision, with joint
 2 home visits, but ideally joint home visits with the
 3 police. Obviously Usman Khan was a very potentially
 4 dangerous and violent man, he had been violent to staff
 5 in prison, so it was -- as was identified in one of the
 6 reviews, he did visit Usman Khan a lot at home on his
 7 own.
 8 Q. Were you surprised about that?
 9 A. I was surprised, yes. I can understand potentially why
 10 he did it, I can see the rationale because, I mean,
 11 clearly he wanted to make sure that he was settled in
 12 his new home, probably wanted to observe what kind of
 13 items he might have had in the house, things which may
 14 have caused alarm or not, but I think those types of
 15 home visit are better conducted jointly with the police.
 16 I also think that he put -- he could potentially have
 17 put himself at risk by going on his own to his house.
 18 The advantage, also, of seeing people in the office
 19 is you are testing them. You are saying: it's your
 20 licence, you must come to the probation office once,
 21 twice a week. If you are always visiting the individual
 22 at home, you are not testing them to the same degree,
 23 which could give a slightly warped version of how
 24 compliant and engaged they were.
 25 So the pattern of -- the type of -- it isn't just

1 about frequency, the type of contact is also important
 2 too.
 3 Q. Of course, the advantage of seeing somebody in their
 4 home is that you can see a little context of how they're
 5 living --
 6 A. Oh, absolutely.
 7 Q. -- and what they have there?
 8 A. Absolutely. But the advantage also of seeing someone in
 9 the probation office is you are interviewing them in
 10 an environment where we have panic buttons, there are
 11 staff around, so if you want to have a difficult
 12 conversation with an offender and prod them a bit in
 13 terms of getting underneath some of the deceit or the
 14 differences in account in the way they wish to portray
 15 themselves, better to do that in a probation office than
 16 on your own in their home.
 17 Q. And just to be clear, it's your view, is it, based on
 18 that answer, that it is part of an offender manager's
 19 function to test an offender of this kind by trying to
 20 understand the distinctions between their presentation
 21 and objective truth?
 22 A. Absolutely. I mean, the warning signs were clear and
 23 documented in the ERG. The role of a probation officer,
 24 yes, is to access or to support individuals in terms of
 25 rehabilitation, but they're also there to test them, and

1 part of that test is about making sure that they comply
 2 with their licence, and put some effort into it.
 3 Q. Turning to licence, now we can take that document off
 4 screen, we've heard that offenders on licence are
 5 subject to conditions, and those conditions are,
 6 I think, subject to guidance from the National Offender
 7 Management Service?
 8 A. That's correct.
 9 Q. Is it right that there would be some standard conditions
 10 applicable to all, such as being of good behaviour? And
 11 that additional conditions may also be set, with some
 12 specific to TACT offenders?
 13 A. Yes.
 14 Q. Is it also right that in a case such as Usman Khan's,
 15 the conditions would be the subject of consultation with
 16 MAPPA, as they were here, before they were finally
 17 decided?
 18 A. That's correct, yes.
 19 Q. Is the responsibility for changing conditions that of
 20 the Probation Service but in the case of someone like
 21 Mr Khan, with MAPPA approval?
 22 A. That's correct, yes.
 23 Q. Now, we also know that under his licence conditions,
 24 Khan was subject to GPS tagging with electronic
 25 monitoring that Ms Gell put in place, and reports that

1 followed from that. Is it right that the police would
 2 then act in the event of any breach of the tag?
 3 A. That's correct, yes. It's for the probation officer to
 4 instigate the recall, it's for the police to arrest them
 5 once the recall warrant has been released.
 6 Q. Next, please, approved premises. Is it right that the
 7 Probation Service has the responsibility for about 100
 8 approved premises across the country?
 9 A. That's correct, yes.
 10 Q. Which are themselves the subject of a manual --
 11 A. That's correct, yes.
 12 Q. -- governing of all aspects of life?
 13 A. Yes.
 14 Q. Is it right that each approved premises sends
 15 a representative to the MAPPA meetings?
 16 A. Yes.
 17 Q. As Ms West, I think, attended the meetings in the case
 18 of Khan?
 19 A. She did, yes.
 20 Q. We've heard about keyworkers at approved premises, who
 21 assisted Usman Khan with accommodation, education and
 22 employment. Is that a standard part of an approved
 23 premises?
 24 A. That's very standard. They are helping them to adjust
 25 from long-term custody back into the community, so

1 they're helping with very practical things, but also
 2 keeping a watching brief in terms of any behaviours in
 3 the AP that might be a cause for concern, so that that
 4 can be reported back to the offender manager.
 5 Q. So while an offender is in an approved premises, the
 6 offender manager has the advantage of that kind of
 7 report back?
 8 A. Yes. So they will be -- you know, they will be saying,
 9 you know, if there were behaviours which are a worry, ie
 10 they are being argumentative with other residents or
 11 they're sitting alone a lot on their own in their room
 12 or they're not keeping themselves clean and tidy, or
 13 they're not following the activities that have been set
 14 for them, those would be the sorts of things. Or that
 15 they're overheard having an inappropriate conversation
 16 with another resident. Those are the sorts of things
 17 you would expect to be reported back to the offender
 18 manager.
 19 Q. In addition, is another benefit of an offender being at
 20 approved premises that they are required to undertake,
 21 I think, six hours of purposeful activity each week?
 22 A. That is correct, and those are the sorts of things you
 23 heard the keyworker talk about when she gave evidence.
 24 Q. May I now turn to the MAPPA serious case review which
 25 you mentioned earlier. After this attack was a serious

1 case review undertaken concerning MAPPA procedures?
 2 A. That's correct.
 3 Q. We can put it on screen, it's {DC6378/1} and if we go to
 4 {DC6378/22}, I think we'll see the terms of reference at
 5 the top of the page. Did those include, in summary, to
 6 consider whether the MAPPA procedures had effectively
 7 been applied to consider joint working and to determine
 8 lessons to be learned?
 9 A. Yes, that's the purpose of a serious case review.
 10 Q. Then {DC6378/17}, please, we see the conclusions.
 11 Top half of the page. Paragraph 7.1, did the
 12 reviewer conclude that MAPPA arrangements had been
 13 conscientiously applied although the Visor system had
 14 not been fully used, and is that a reference to, as we
 15 discussed, the fact that some agencies, including
 16 probation officers, hadn't been using the Visor system?
 17 A. Yes.
 18 Q. Then paragraph 7.2, do we see the reviewer remarked that
 19 some key staff in the National Probation Service and
 20 Staffordshire Police had been asked to take on new and
 21 demanding responsibilities for which they hadn't been
 22 fully prepared, although management supervision had been
 23 good? Taking the coding out of it, was that in essence
 24 in the Probation Service a reference to Mr Skelton and,
 25 to an extent, Mr Johal?

1 A. Yes, that's who that references.
 2 Q. And did the review go on to recommend continuous risk
 3 assessment, including the use of psychologists?
 4 A. It did.
 5 Q. Has that been addressed by the changes that you have
 6 described to us already?
 7 A. Completely, yes.
 8 Q. Then can we see nevertheless that the reviewer supported
 9 the decision--making in the case as being carefully
 10 considered and well based?
 11 A. I can see that, yes.
 12 Q. But then under "Learning Points", down the page,
 13 paragraph 7.4, do we see that the reviewer comments
 14 that:
 15 "There is no reliable risk assessment tool for TACT
 16 offenders."
 17 And that work was a priority to supplement or
 18 replace the ERG, that system?
 19 A. I -- yes, I see that.
 20 Q. I'll ask a couple of questions about these in a moment.
 21 Then paragraph 7.5 raises a question about asking
 22 generalist probation officers rather than specialists to
 23 complete ERGs.
 24 Then over the page to {DC6378/18}, we can see that
 25 there are various recommendations about MAPPA procedures

1 and documents, which I don't need to go to individually.
 2 Then {DC6378/19}, various aspects of good practice,
 3 including attention and support given to Mr Khan at
 4 Whitemoor, willingness of offender managers to take on
 5 the unfamiliar case, and their commitment to Mr Khan,
 6 the frequency and organisation of the MAPPA meetings,
 7 the availability of specialist CT advice, the engagement
 8 of the AP staff, and the effective relationships between
 9 the MAPPA parties. So those were positives which the
 10 reviewer found.
 11 Now, just some questions, please, about these
 12 points. Based on what you have told us already, do you
 13 agree with the concern expressed about a generalist
 14 offender manager having carried out an ERG on such
 15 a complex and high risk offender without longer
 16 experience and more extensive training?
 17 A. I agree with that, and also having more opportunity to
 18 sit with other members of the MAPPA to carefully
 19 consider and exchange information about him. And the
 20 time that Phil Bromley was able to sit down, which
 21 I think was fairly limited, to actually check out with
 22 Ken Skelton how he was, what decisions he was making,
 23 like the decision for home visits after he left the
 24 approved premises. This isn't just about the ERG, the
 25 ERG is one bit of it, I think it's about the whole

1 package in terms of how all the people who were tasked
 2 around Usman Khan came together to share information
 3 from the mentors, to the police, to Ken himself.
 4 Q. And given the changes that have been made, would you
 5 accept that for a character like Usman Khan with his
 6 background, it was necessary, really, to have
 7 a specialist offender manager with psychological support
 8 and more time than Mr Skelton and Mr Bromley were able
 9 to dedicate to him?
 10 A. Yes, I do.
 11 Q. We have also seen that in this case Mr Skelton gave
 12 permissions under licence conditions, including,
 13 significantly, the permissions for Khan to go to
 14 a station on 29 November, and to attend a gathering at
 15 Fishmongers' Hall. We have also seen that those
 16 permissions were not recorded in Delius or, indeed,
 17 anywhere else; is that acceptable practice, to give the
 18 permissions without recording them anywhere?
 19 A. I would have expected, as was identified in our own
 20 internal review, the serious further offence review,
 21 that there would have been a -- Mr Skelton and others
 22 would have been tasked to sit down and review the
 23 request together, looking at things like location.
 24 A lot of the communication between Ken Skelton and
 25 Sergeant --

1 Q. Forsyth.
 2 A. -- Forsyth, is by email, and also where are they drawing
 3 on -- you know, the information, for example, that was
 4 coming from the mentors and others, how was that being
 5 kind of pieced together on a week-by-week basis?
 6 So I think our own internal review certainly felt
 7 that the decision to travel to London should have been
 8 subject to some sort of one-off risk assessment by the
 9 individuals who were tasked to have oversight of him,
 10 Ken Skelton and Sergeant Forsyth, and potentially CT
 11 police as well, and obviously that never happened.
 12 Q. Now, giving a permission under a licence condition is
 13 a significant step, isn't it?
 14 A. Yes.
 15 Q. Was there a requirement for Mr Skelton to document such
 16 a step being taken?
 17 A. He would have been expected to record his rationale for
 18 that, yes: I've spoken to so on, I've met, I've
 19 considered this.
 20 Q. Now, Mr Skelton had views about what permissions might
 21 require MAPPAs approval but there seemed to be no formal
 22 guidance, certainly that he could identify, saying that
 23 certain sorts of permissions required MAPPAs approval and
 24 certain didn't. Would it be a good idea to have such
 25 guidance?

1 A. You can't give guidance to everything, but yes,
 2 improvements to things which need to be escalated back
 3 would certainly be -- would have been helpful in this
 4 case and for the future. But you also need
 5 professionals who understand and can make professional
 6 judgments when they recognise that something is of
 7 significance, that they need to talk to someone else
 8 about it and not just carry it themselves.
 9 Q. One of the difficulties that we've faced here, or we may
 10 face as we see other witnesses, is that Mr Skelton
 11 thought he was bringing a decision to approve the London
 12 visit to MAPPAs, and was receiving MAPPAs approval, but
 13 there is no documented decision of MAPPAs to approve
 14 that. Just before you answer, how do you think we can
 15 get to a situation where a decision of that kind, if it
 16 is necessary from MAPPAs, is fully considered and
 17 documented at the time?
 18 A. Well, I think it's the role of the MAPPAs chair and the
 19 other senior officials at the MAPPAs meeting to set out
 20 the parameters, and things that they expect from all the
 21 professionals in terms of items that should be returned
 22 back for their consideration. So it shouldn't just
 23 always be the onus on the more junior staff; it's on the
 24 more senior staff to exercise their leadership in giving
 25 direction to the more junior staff about things that

1 need to be returned back for their consideration.
 2 Q. If it transpires that what happened in this case was
 3 that Mr Skelton informed the MAPPAs meeting of the London
 4 visit, received no objection, and took that as approval
 5 but without any detailed discussion of risks, and any
 6 formal decision, in your view was that acceptable?
 7 A. No, I accept the findings of our own internal review;
 8 that there should have been some form of assessment of
 9 risk to really understand what event he was being
 10 invited to, what was its purpose, were there any other
 11 indicators at that time to say that he didn't -- he
 12 shouldn't -- he wasn't deserving to attend an event of
 13 that kind, and that was the finding of our own internal
 14 review.
 15 Although our own internal review did conclude that
 16 even if there had been some form of risk assessment
 17 meeting with the interested parties, such was the
 18 overwhelming perception that Learning Together was
 19 a kind of hope factor in Usman Khan's life, that review
 20 concluded they probably would have allowed him to travel
 21 anyway, but the fact is, we'll never know because that
 22 event -- that meeting didn't happen.
 23 Q. And of course if that discussion had happened in the
 24 context of these MAPPAs meetings, it would have had to
 25 involve discussion and input from police officers with

1 counter—terrorism experience?
 2 A. Absolutely. They were represented on the MAPPA level 3;
 3 the whole purpose of convening MAPPA is everyone plays
 4 their full part.
 5 MR HOUGH: Sir, I've only got about five more minutes left
 6 with Mrs Flynn. I suggest that we have those
 7 five minutes and then take the break, if that's
 8 convenient.
 9 JUDGE LUCRAFT: Yes, one question I just want to ask
 10 Mr Hough, and it may follow on from questions you have
 11 just asked, which is about the recording of MAPPA
 12 meetings.
 13 Has any thought been given to recording, as in
 14 making a digital recording, rather like we're doing with
 15 this Inquest hearing, of what is said in the course of
 16 those meetings, rather than relying upon a minute—taker
 17 and then minutes being produced?
 18 A. Well, certainly the Probation Service, along with
 19 everyone else, has had to work very differently during
 20 this pandemic, and we have got a group working at the
 21 moment looking at how we apply the learning and
 22 recording like this into some of our core business I can
 23 certainly take that away and...
 24 MR HOUGH: May we now turn finally to the serious offence
 25 review, {DC6198/1}. Now, is this the internal review

1 that you were mentioning?
 2 A. Yes, this is it.
 3 Q. And is such a review required when a supervised offender
 4 commits one of a series of specified serious offences?
 5 A. That's correct.
 6 Q. If we go to {DC6198/26} we'll see the overall
 7 conclusions. If we look at the top of the page, can we
 8 see that the overall conclusion was that this was
 9 a well—managed case and that the reviewer goes on to
 10 note the compliance of Mr Bromley and Mr Skelton with
 11 the procedures which operated at the time; is that
 12 right?
 13 A. That's correct, yes.
 14 Q. Then {DC6198/27}, please, we see the issues identified.
 15 The bottom of the page. So first issue, that the OASys
 16 assessments could have been of a higher quality, and the
 17 findings of the ERG assessment could more meaningfully
 18 have informed the OASys assessment and so on; yes?
 19 A. Mm—hm.
 20 Q. 7.13, the ERG was — the final ERG was undertaken by the
 21 community offender manager — that's Mr Skelton — and
 22 that he did not have sufficient time in his diary to
 23 complete that sort of a process within a reasonable
 24 time; is that right?
 25 A. That's correct, yes.

1 Q. And then staffing shortages are described at paragraph
 2 7.14; yes?
 3 A. Yes, I recognise that.
 4 Q. And then next page, please {DC6198/28}. There is
 5 further discussion of capacity for professionals, and
 6 then at paragraph 7.17, do we see the reviewer concluded
 7 that the DDP mentors had not done much to help Khan
 8 integrate into the community?
 9 A. Yes, I recognise that.
 10 Q. And paragraph 7.18 down the page, can we see that the
 11 reviewer found that it would have been helpful to do
 12 more with a view to obtaining employment for Usman Khan?
 13 A. That's correct.
 14 Q. Of course, a difficult task in relation to those with
 15 terrorist offences.
 16 A. Mm—hm.
 17 Q. Then paragraph 7.19, the conclusion is expressed that:
 18 "... consideration needed to be given to adapting
 19 the focus of MAPPA and the structure of meetings and
 20 minutes for this cohort of offenders so that the ERG 22
 21 ... domains remain central to the risk assessment
 22 summary..."
 23 In layman's terms, what was that conclusion pointing
 24 out?
 25 A. That central to the MAPPA's focus should have been

1 monitoring those warning signs within the ERG; that
 2 there should have been explicit reference to them, and
 3 updates from the different agencies about their
 4 assessment of those warning signs. So one of them
 5 I remember is about his boredom, but they're not
 6 explicitly referenced. I think there's about eight of
 7 them, isn't there, within the — so that should have
 8 been more of a central focus for the MAPPA chair and the
 9 way that he would have invited comment and observation
 10 during the process of the meetings.
 11 Q. Then paragraph 7.20 right at the bottom of the page
 12 refers to a different appetite for risk between
 13 counter—terrorism police and those who are working with
 14 Khan on a weekly basis, so PS Forsyth and his team and
 15 Mr Skelton.
 16 Is it common, in your experience, for there to be
 17 that difference in appetite for risk between hardened
 18 counter—terrorism police officers and those responsible
 19 for integrating an offender into the community?
 20 A. Yes, because they've got a wider experience of this
 21 particular group; and probably more attuned to the sort
 22 of devious behaviour that they've observed. And
 23 certainly when you look at the arrangements in London,
 24 for example, I mean, their counter—terrorism police are
 25 far more engaged with the specialist probation officers

1 in London at that time than I have observed in this
 2 case.
 3 So Ken Skelton didn't seem to have really benefited
 4 on a day-to-day basis in terms of the -- their ability,
 5 I guess, to be more challenging around assumptions about
 6 what he may or may not have been doing.
 7 Q. So you can take this off screen now. So drawing the
 8 threads together of what you've told us, I think you've
 9 accepted that in the case of Usman Khan, the offender
 10 manager dealing with him, Mr Skelton, and the CTPO,
 11 Mr Johal, didn't have enough experience in dealing with
 12 TACT offenders?
 13 A. I don't believe they do, that was accepted in our own
 14 review, but nor did they have access, I think, to some
 15 of the very helpful support they could have got from
 16 other parties at the MAPPA, particularly the
 17 counter-terrorism police. Their breadth of experience
 18 and no-nonsense approach may well have helped.
 19 Q. They also, certainly Mr Skelton, did not have sufficient
 20 time to dedicate to this individual?
 21 A. I don't believe he had sufficient time, which is why,
 22 with the additional money we have had made available to
 23 HMPPS, about 12 million, that we have invested that to
 24 give probation officers more time with these very
 25 difficult individuals, and it's not just about the time

1 they spend with them, it's about the time they spend
 2 with other partners, because if partner arrangements are
 3 to mean anything, you would expect to see the
 4 disciplines working together on the ground, not just at
 5 partnership meetings; that, you know, they're working
 6 around the individual.
 7 Q. Mr Skelton needed that sort of support from hard-nosed
 8 counter-terrorist officers in order to develop the
 9 scepticism that these sorts of potentially manipulative
 10 offenders require?
 11 A. Yes, and being psychologically informed. I mean, one of
 12 the risks that we face is that our staff can themselves
 13 become groomed, they can become manipulated, and not --
 14 begin to not see the risk, the very dangerous violent
 15 individual in front of them, which is why I referenced
 16 to you earlier that I thought Ken Skelton -- and, again,
 17 I mean this in no way to apportion any sort of blame, he
 18 was doing what he was doing, but his decisions to visit
 19 Mr Khan at home on his own, I'm not sure a police
 20 officer would have done that.
 21 So I think it's just having those checks and
 22 balances all the time. Yes, rehabilitation is
 23 important, he knew the importance of trying to get him
 24 into employment, getting him settled in his
 25 accommodation, but don't lose sight of the individual

1 and what they're potentially capable of, because one of
 2 the kind of core cornerstones, I guess, of probation
 3 officer training is that past behaviour is the best
 4 predictor of future behaviour.
 5 Q. And finally, in specific reference to the London visit,
 6 that was a visit authorised formally by Mr Skelton after
 7 reporting it to the MAPPA meeting, but with no
 8 documented discussion of risk with the specialist
 9 counter-terrorism officers, something you don't think
 10 was acceptable?
 11 A. That should have been a multi-agency decision. It
 12 should not have been left with a lone probation officer.
 13 That's the purpose of MAPPA.
 14 MR HOUGH: Thank you very much. Those are all my questions.
 15 Would that be a convenient moment for our break?
 16 JUDGE LUCRAFT: It will. Mrs Flynn, we're going to take our
 17 mid-morning break now, about 15 minutes.
 18 A. Thank you.
 19 JUDGE LUCRAFT: Thank you.
 20 (In the absence of the jury)
 21 I'll rise.
 22 (11.42 am)
 23 (A short break)
 24 (12.04 pm)
 25 (In the presence of the jury)

1 JUDGE LUCRAFT: Mr Pitchers.
 2 Questions by MR PITCHERS QC
 3 MR PITCHERS: Mrs Flynn, I'm Henry Pitchers, I ask questions
 4 on behalf of the family of Saskia Jones.
 5 A. Thank you.
 6 Q. Just some general observations, if I may, first. Would
 7 you agree that the management of terrorist offenders in
 8 the community poses particular challenges for the
 9 Probation Service?
 10 A. It certainly, I believe, posed a challenge pre the
 11 additional investment that we've received, which is why
 12 we received the additional monies: it was in recognition
 13 that there needed to be an increased number of probation
 14 officers specially trained nationally, not just places
 15 like London, and that they would have a closer working
 16 relationship with counter-terrorism police officers.
 17 Q. And just so we understand, it may seem obvious, but what
 18 is it about terrorist offenders that pose those
 19 particular challenges, in the community in particular?
 20 A. I think it's the level of general deception, I think
 21 it's the potential outcome when things do go wrong, and
 22 the potential demand for that flow of information
 23 between a bigger group of agencies than perhaps you
 24 would normally have if you were supervising a convicted
 25 sex offender or someone convicted of violent behaviour.

1 Q. And would you agree that there is, if you like,
 2 a heightened need for effective risk assessment?
 3 A. Completely. Yes.
 4 Q. And the purpose of effective risk assessment is to try
 5 and bring about effective offender management?
 6 A. Correct, yes.
 7 Q. I just want to ask a few questions about the OASys
 8 system, and if we could have up, please, {WS5061/9} and
 9 it's paragraph 31. This is taken from your witness
 10 statement where you introduce us to OASys, and again,
 11 I suggest it's worth just pausing to understand what the
 12 system is designed to achieve, and do you stand by the
 13 bullet points that you have in your witness statement as
 14 to what the system is intended to achieve?
 15 A. Yes, that's what it's designed to do.
 16 Q. So it's designed to help to assess how likely
 17 an offender is to reoffend?
 18 A. Mm—hm.
 19 Q. To identify and classify offending—related needs; assess
 20 risk of serious harm, risk to the individual and other
 21 risks; inform the development of a plan to manage the
 22 risk of harm presented by the offender; to link the
 23 assessment to the supervision or sentence plan; indicate
 24 the need for further specialist assessments and to
 25 measure change during the period of

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1 supervision/sentence?
 2 A. Yes.
 3 Q. And if we look, please, at paragraph 32, which is
 4 {WS5061/10}, and again the point you make here is the
 5 OASys system is integral to the work of the probation
 6 officers?
 7 A. Mm—hm.
 8 Q. That's certainly how it's intended to operate, isn't it?
 9 A. Yes, that's correct.
 10 Q. And as I said before, it's intended to inform
 11 decision—making?
 12 A. Absolutely, yes.
 13 Q. And also you have mentioned paragraphs 33 and 34, the
 14 need to ensure that it's up—to—date?
 15 A. Yes.
 16 Q. So you would agree, wouldn't you, that an OASys risk
 17 assessment, it's not just a form—filling exercise?
 18 A. No, it should be guiding the practitioner's thinking.
 19 Q. And am I right that completing an OASys risk assessment,
 20 that the structure that that brings should assist the
 21 probation officer in getting to the right result?
 22 A. Absolutely, and if they do that in collaboration with
 23 others, then they'll get feedback as well.
 24 Q. And one benefit of having that structure is that it
 25 should help to ensure that the assessment of risk isn't

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1 impressionistic or instinctive?
 2 A. Yes, and you've got evidence to support your thinking.
 3 Q. And, again, using that structured approach should help
 4 to ensure that the assessment is rigorous and critical.
 5 A. Mm—hm.
 6 Q. Not just based upon the offender's own self—reporting?
 7 A. Absolutely.
 8 Q. And for obvious reasons, it's particularly important
 9 that it's got right with terrorist offenders in the
 10 community?
 11 A. Correct, yes.
 12 Q. So if there is considered a need to review the OASys
 13 risk assessment and perhaps change the categorisation of
 14 risk, am I right that that should only be done after the
 15 probation officer has gone through the process?
 16 A. Yes.
 17 Q. So the process should lead the result?
 18 A. Yes, it's — you build the evidence, you reflect on the
 19 evidence, then you arrive at a conclusion.
 20 Q. Yes. And are you familiar in this case that there was,
 21 in around May 2019, a decision taken by Mr Skelton with
 22 Mr Bromley to downgrade the risk from very high to high
 23 risk of serious harm?
 24 A. I am aware of that.
 25 Q. Would you agree that that downgrading should have

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1 happened, if it was to happen at all, only after
 2 an updated OASys risk assessment was carried out?
 3 A. Yes, the process is you must update your OASys to
 4 provide the evidence of any change in risk, so you can
 5 evidence that.
 6 Q. Would you expect a change in the assessment of risk in
 7 this sort of case to be fed back into the next MAPP
 8 meeting?
 9 A. Yes. Well, MAPP is required to review the risk
 10 classification each time, so yes.
 11 Q. So that should give MAPP an opportunity to approve or
 12 to challenge the —
 13 A. Yes.
 14 Q. — decision?
 15 Moving on to the ERG, I take it from your evidence
 16 earlier that you have had the opportunity to read
 17 Dr Cechaviciute's April 2018 ERG assessment?
 18 A. I have, yes.
 19 Q. And you have obviously also been able to read, let's
 20 call it the final draft that Mr Skelton produced
 21 in November 2019.
 22 A. Mm—hm.
 23 Q. And, again, this isn't just a form—filling exercise: the
 24 ERG should feed directly into the OASys risk assessment;
 25 yes?

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1 A. Yes. Yes.
 2 Q. And in that sense, it should be feeding into and leading
 3 and steering decision-making?
 4 A. Yes, well it's making the practitioner review
 5 behaviours, things people have said, whether there's
 6 anything in the way that someone is engaging that links
 7 to those warning signs. So that kind of -- one of the
 8 warning signs is "them and us": was there anything in
 9 his manner either with the mentors that were available
 10 until the end of September or, indeed, his engagement
 11 with people around the AP that would give some
 12 indication that any of that "them and us" was present.
 13 It doesn't have to be kind of huge kind of events, it
 14 can sometimes be a small conversation which just gives
 15 you that, you know, you can see that that's still there.
 16 Q. It can give an insight?
 17 A. Yes, give you an insight.
 18 Q. Yes. And I'm going to suggest -- this is
 19 a non-exhaustive list -- four key features that one
 20 would expect to see in an effective ERG, and I just want
 21 to see if you agree with those that I've identified.
 22 So the first is it's not based upon impressions and
 23 self-reporting of the offender?
 24 A. No, you have cast your net, you have gathered all of the
 25 available evidence from people who have had contact with

1 him since the last one was completed.
 2 Q. And secondly, if the offender is minimising or excusing
 3 his offending behaviour, that should be regarded as
 4 a red flag, as a concerning feature?
 5 A. Yes, or -- yes.
 6 Q. And thirdly, that the absence of evidence, perhaps
 7 particularly in relation to intent, should not be taken
 8 as evidence of absence -- apologies for the cliché?
 9 A. No, but I agree.
 10 Q. And fourthly, that an effective ERG will draw deeply on
 11 a wide range of sources of evidence?
 12 A. Yes, I mean the whole purpose of the mentoring was to
 13 get up quite close to him in an informal way and to have
 14 those small observations of how, for example, he might
 15 have been behaving when he was away from the probation
 16 officer or the police, so you had a cast of people who
 17 could have fed into that ERG?
 18 Q. Yes. And was your assessment, as chief probation
 19 officer, that Dr Cechaviciute's report met all of those
 20 four requirements and some?
 21 A. Yes, she did a very, very comprehensive assessment with
 22 a very detailed evidence base.
 23 Q. And, again, I'm not asking you to be critical of
 24 Mr Skelton, we've talked about the context in which he
 25 came to do his job, but would you agree that the same

1 couldn't be said of the draft that Mr Skelton produced?
 2 A. It didn't have the same depth of analysis. He didn't
 3 have the time. It wasn't due to be completed until
 4 the December, so he had tried to start it early, to his
 5 credit, to give himself sufficient time, but even so,
 6 the time to maybe sit down with CT police officers, the
 7 time to sit down with the mentors, with the -- and
 8 really chew over some of the things that were going on,
 9 he didn't have that time.
 10 Q. No.
 11 A. And any form is only as good as what you can put into
 12 it.
 13 Q. Yes. And as you've already identified, there were
 14 pressures of workload on him -- not his fault.
 15 A. Mm.
 16 Q. He didn't have that psychological resource available to
 17 him, did he, either?
 18 A. No, he had no direct access at that time to a forensic
 19 psychologist. Yes.
 20 Q. And he also, as the offender manager, had obviously been
 21 working to try and build, appropriately, relations with
 22 Khan and to try and begin that process of
 23 rehabilitation?
 24 A. Yes. I mean, he was clearly really determined to try
 25 and address some of the issues he thought would make

1 a difference, like employment.
 2 Q. Yes.
 3 A. Even to the point that I'm sure he regrets it now, but
 4 I mean, his letter to Timpson's. It looks misguided,
 5 but I think it was part of him really trying really hard
 6 to get this guy some stability in his life.
 7 Q. I mean, would it be fair to say that it appeared to be
 8 his predominant focus, certainly by November 2019, was
 9 to get Usman Khan some employment?
 10 A. Yes, that felt -- it felt very heavily focused on that,
 11 and I think that comes back to, perhaps, some of the
 12 imbalance in the way the ERG was being formulated,
 13 because if you're not giving due consideration to some
 14 of those other behaviours, your focus becomes more on
 15 one single item when it should be on a range of items,
 16 actually.
 17 Q. One other feature that perhaps also will have not helped
 18 Mr Skelton is this, I would suggest: this was his first
 19 ERG --
 20 A. Mm.
 21 Q. -- report, but it would seem to be several years since
 22 he had done the training?
 23 A. Yes.
 24 Q. It's asking a lot, isn't it, of a probation officer to
 25 do the training four or five years earlier but not

1 actually write a report?
 2 A. I agree.
 3 Q. And have no refresher training in between?
 4 A. Yes, which is why I contrasted some of the context in
 5 which he was working maybe with some other specialist
 6 officers around at the time. I think it was a big ask
 7 of him.
 8 Q. So, as I say, putting to one side any personal and
 9 professional criticism of Mr Skelton, do you agree that
 10 the results, the product of what he produced, was not of
 11 the quality that the public should expect?
 12 A. It certainly could have been improved in terms of the
 13 evidence base. He may still have arrived at the same --
 14 some of the same conclusions, but if you haven't got
 15 your kind of back story to that, it makes it look quite
 16 thin, whereas the forensic psychologist, you have a real
 17 sense of the depth of analysis she'd completed to get to
 18 those results.
 19 Q. So are you able to reassure Saskia Jones' family that in
 20 future the ERG reports which are produced for terrorist
 21 offenders in the community will be of a higher quality
 22 than that which Mr Skelton drafted?
 23 A. If they were here, I would give them my personal
 24 commitment that that would be the case.
 25 Q. They're watching.

1 A. Yes, well, I do give them my personal commitment.
 2 Clearly the resource that was available to
 3 Kenneth Skelton was not sufficient for him to do the
 4 same quality of report as a forensic psychologist. So
 5 yes, the new arrangements that I described earlier are
 6 now in place and will produce a higher quality risk
 7 assessment and oversight.
 8 Q. Yes. Which should feed into higher quality
 9 decision-making as well?
 10 A. Absolutely, and with better multi-agency working, so
 11 that you're not operating on your own; you're working as
 12 part of a team around an individual.
 13 Q. And just moving on now to decision-making, and obviously
 14 specifically the question about Usman Khan attending the
 15 Fishmongers' Hall event on 29 November. My sense from
 16 your evidence earlier is that you would agree with
 17 Mr Skelton, who described a decision it as of that
 18 magnitude, is the way that he put it in his evidence, he
 19 scored it 10 out of 10 on a subjective analogue scale.
 20 So do you agree this was a significant decision to make
 21 about Khan at that time?
 22 A. It was -- yes, it was a significant -- I mean, if you --
 23 if we remind ourselves, he had requirements on his
 24 licence not to enter train stations. I mean we were
 25 going to -- or Ken and others were going to have to

1 give -- you know, relax those requirements on his
 2 licence for one day. They were put there for a reason.
 3 So it was a significant decision to relax those licence
 4 requirements for one day.
 5 Q. And as you very helpfully said earlier, it actually
 6 required it's own--off risk assessment, it was
 7 sufficiently serious?
 8 A. I believe so. That was the conclusion of our internal
 9 review and I support that.
 10 Q. If we try and think about what that risk assessment
 11 might have covered, presumably it would have touched on
 12 the benefits of Khan attending, if there were any?
 13 A. Yes, there would have -- what would be the consequence
 14 of telling him he couldn't go, would that aggravate the
 15 risk? There is a potential of that, of course. What
 16 would be -- what are the benefits of him actually
 17 attending, based on what the professionals understood he
 18 had gained from his previous visit, and looking more
 19 closely at things like who was in attendance,
 20 arrangements for, you know, all the things that I think
 21 you would expect a group of professionals to cover off?
 22 Q. So yes, so looking at the risks associated with him
 23 attending, it would presumably include proper
 24 consideration as to the location?
 25 A. Yes, the location.

1 Q. And just so we're clear, the proximity, the very close
 2 proximity to London Bridge, unfortunately the iconic
 3 status of that should have been a consideration for
 4 those making decisions?
 5 A. Yes, because one of the steps we actually took
 6 post-Fishmongers' Hall is we added additional licence
 7 conditions to every TACT offender in the country who was
 8 under our supervision at that point not to go to kind of
 9 iconic places in recognition that that hadn't been
 10 identified in this case. I mean, we took that action to
 11 reduce the immediate risk, and obviously have kept that
 12 under review since that was taken, so, yes.
 13 Q. And a competent risk assessment of that sort would
 14 consider that the nature of the event, by which I mean
 15 the number of attendees --
 16 A. The number of attendees, was there anyone there who
 17 might be considered a potential target because of their
 18 status?
 19 Q. So if they had a public profile, for instance?
 20 A. If they had a public profile, the length of time he
 21 could have been there, what arrangements. I mean, even
 22 to visit a library in London you would normally have to
 23 have your bag checked these days, or a museum, so, yes,
 24 all those things. I mean, and I think the advantage of
 25 having the Security Service involved in that review,

1 they would absolutely bring that focus on kind of
 2 security and the possibility of, which is why it should
 3 have been done as a joint assessment.
 4 Q. So the consideration should also be, as you have said,
 5 as to the security arrangements that were going to be in
 6 place on the day?
 7 A. If it had been done as a multi-agency risk assessment,
 8 then police and specialist police would have brought
 9 more of their security eye to it.
 10 Q. Yes.
 11 A. I mean, you know, the police, that's part of their job
 12 in the way that they manage, you know, football events
 13 or, you know, whatever it is, they have an eye to kind
 14 of security and public safety.
 15 Q. And, of course, they could have liaised with The
 16 Fishmongers' Company or with Learning Together, who were
 17 organising the event?
 18 A. They could well have done, yes.
 19 Q. And satisfied themselves that security checks at the
 20 door were sufficient?
 21 A. Absolutely, yes.
 22 Q. And, again, it's may be obvious, but it's not just
 23 a question of whether or not Khan should be allowed to
 24 go or not go: the risk assessment might also have
 25 considered precautionary steps that could be implemented

1 if it was felt appropriate for him to attend?
 2 A. Yes, in terms of, as you've heard, having him
 3 accompanied by a police officer or met by a police
 4 officer. Yes, there were other things that could have
 5 been done.
 6 Q. Yes. And as I understood your evidence before, you
 7 acknowledge it's difficult for you to predict what
 8 decision would have been made if that process had been
 9 followed?
 10 A. Sadly I can't turn clocks back. I mean, my colleague
 11 who undertook the internal review felt there was such
 12 a strong feeling about the benefits of
 13 Learning Together, the outcome may have been the same,
 14 but who knows, if a counter-terrorist police officer had
 15 been part of that group and just said: no, this looks
 16 too risky in terms of the location, the amount of people
 17 who were there, the fact that I don't think we could be
 18 beside his -- you know, physically next to him for the
 19 duration of the time, it may have been a different
 20 outcome.
 21 Q. Yes.
 22 A. But tragically we'll never know.
 23 Q. And of course, it's not just a question of whether he
 24 would have been allowed to go or not go, it is whether
 25 if he was allowed to go, other steps would have been

1 taken that might otherwise have prevented this attack
 2 and might otherwise have saved Saskia's life?
 3 A. Yes. Mm--hm.
 4 MR PITCHERS: Thank you, sir, those are all the questions
 5 I have.
 6 JUDGE LUCRAFT: Thank you, Mr Pitchers.
 7 Mr Armstrong.
 8 Questions by MR ARMSTRONG
 9 MR ARMSTRONG: Thank you, sir. Thank you, Mrs Flynn.
 10 My name is Nick Armstrong and I ask questions on behalf
 11 of Jack Merritt's family.
 12 A. Thank you.
 13 Q. I've heard all you have said, and my clients who are
 14 also watching remotely have heard all you have said
 15 about the changes that have been made and the reflection
 16 that has taken place, and I'm grateful on their behalf
 17 for that.
 18 A. Thank you.
 19 Q. I just want to push around some of the areas of those
 20 changes and deal with a couple of points of detail,
 21 because I'm just going to suggest to you that it's not
 22 just about systems, it's also about the operation of
 23 those systems and the decisions that are taken within
 24 it, and I'm going to suggest to you that quite a lot of
 25 what happened here was about decisions taken within

1 an existing sensible, in some respects, system rather
 2 than the system, you see?
 3 A. Mm--hm.
 4 Q. It's not just systemic, it's also operational.
 5 Just to give you a couple of examples of that: you
 6 know, don't you, particularly in these very anxious
 7 contexts, the importance of recording notes and
 8 recording decisions taken?
 9 A. Mm--hm, yes, I do, yes.
 10 Q. That's not just so you can create an evidence trail of
 11 what has happened: it's because it creates a discipline
 12 of decision-making: prompting, make sure relevant
 13 matters are taken into account, make sure evidence has
 14 been taken into account and that that process has been
 15 gone through?
 16 A. Yes, that's correct.
 17 Q. One of the things that we were looking at with
 18 Mr Skelton, but also with Mr Johal and with Ms Gell, is
 19 there's, around the ERG, for example, there are no
 20 entries in the Delius at all that record when the ERG
 21 interviews with Mr Khan took place. Putting it gently,
 22 that's not great, is it?
 23 A. That's not great, and that would be reflective, I think,
 24 of a very overworked, busy probation officer trying to
 25 juggle many plates, doing what he needed to do, but not

1 then recording in a way that's required.
 2 Q. Throughout sort of 2019, we have one entry, I think, in
 3 Delius from Mr Johal, referring to the end process of
 4 the ERG and him looking at it, but not the interview,
 5 and we have two entries from Ms Gell and they're both
 6 about: there's not going to be any mentors anymore,
 7 that's it.
 8 A. Mm.
 9 Q. That's not great. I can see from your expression?
 10 A. I'm completely agreeing with you. I can't disagree.
 11 Q. Because if I say to you that, essentially, similar rules
 12 apply as apply in the medical profession, which is if
 13 you don't write it down, it didn't happen, similar rules
 14 should apply?
 15 A. Mm—hm. The same rules apply, I mean, yes, you can ask
 16 someone verbally, but you should have a really clear
 17 audit trail regarding your decisions and — yes,
 18 regarding your decisions.
 19 Q. And still staying with the ERG, I completely see that
 20 it's better with a forensic psychology input and
 21 I completely see that it's better if you have distance?
 22 A. Mm—hm.
 23 Q. But, even at the time, even without both of those
 24 things, in a — particularly in a case of this kind, it
 25 was a year from his release in December up through

1 to November, so 11 months, nearly a year, with no
 2 completed ERG, and no amended OASys, and that was clear
 3 on the systems at the time that that was bad?
 4 A. Mm. Yes, I mean, that decision to defer the OASys until
 5 the ERG was completed was a missed opportunity, because
 6 clearly his circumstances had changed. That's quite
 7 a significant step to leave the AP.
 8 Q. Yes.
 9 A. And also to consider his own actions and the response
 10 from others to the police in respect of how they would
 11 manage him now he was in a less secure environment. But
 12 you didn't have that collective discussion around that,
 13 and obviously I think if that had been completed at that
 14 time, you would have got a better informed ERG as well.
 15 Q. Yes.
 16 A. But he started — I mean, the requirement at that time
 17 was that the ERG would be done 12 months after — so he
 18 started it in the summer to get it finished on its
 19 deadline. Obviously we've changed the review for that
 20 now.
 21 Q. But he was asked for it in July.
 22 A. Well, the deadline was December, as I understand it. He
 23 started that document in July to get it ready
 24 for December. That was my understanding. But what
 25 happened, because he had two big assessment to do, the

1 ERG and the OASys, the decision was to defer the OASys
 2 until the ERG was done, and that was a missed
 3 opportunity. That should have been done when he left
 4 the AP.
 5 Q. Yes. Because in a case like this, as we can see, where
 6 the case is something like this, particularly when
 7 you've got somebody who might be deceptive, that this
 8 isn't a case that is measured by reference to him
 9 turning up on time; this is about finding out what's
 10 going on in his head, which requires structured
 11 decision—making and detail and care?
 12 A. Yes, and lots of quite detailed and precise
 13 conversations about what is going on in his head.
 14 Q. Yes.
 15 A. Because obviously the other change that has now come in
 16 has been the introduction of polygraph tests for TACT
 17 offenders. We have been using them for many years with
 18 sex offenders. We can never completely get inside
 19 someone's head, but techniques like polygraph would
 20 certainly have helped, I think, Ken Skelton and others
 21 back in 2019 in terms of some of his thinking.
 22 Q. Yes. Now, I'm — what I just want to suggest to you
 23 about the ERG is this: firstly, I mean many of those
 24 questioning have put lots of criticisms of the ERG at
 25 various stages, including to Mr Skelton and Mr Johal.

1 Firstly, the answer that was given to that is this
 2 wasn't — this was still a draft. Now, Mr Skelton
 3 accepted from me that it must have been close to a final
 4 draft, otherwise he wouldn't have been asking Mr Johal
 5 to comment on it, but can I also just show you this, can
 6 I show you the MAPPAs minutes from 14 November, which is
 7 {DC6417/4}, please. And I think it's the penultimate
 8 paragraphs in the bottom half of this page. You see
 9 there under "Probation — Ken Skelton", third line:
 10 "The ERG has been completed, it just requires the
 11 final sign off from Sumeet Johal..."
 12 So this appears to have been near as it can be to
 13 the final draft, and yet as I've put a couple of times,
 14 and others have put, you have things like no textual
 15 section on one of the engagement factors at all, on
 16 status, which was a key one, nothing on stages of
 17 change, despite the attention given it by leva
 18 Cechaviciute, scores that might be static nevertheless
 19 reduced, and above all, no record anywhere of any of the
 20 documents that have been considered, no notes of
 21 interviews, no reference to whether he has read or not
 22 the mentor reports, watched the Learning Together video.
 23 We just can't see it at all.
 24 Now, the point I'm putting about this is, yes, you
 25 can do more and you can have more time and more

1 attention, but this is a long way short, even with that,
 2 of what the ERG should have been.
 3 A. And I think that is reflective of your observation about
 4 time and other professional support that he had sitting
 5 around him. I mean all with the benefit of hindsight
 6 now. I mean, the issue of status, clearly those mentors
 7 had observed him talking about status.
 8 Q. Yes.
 9 A. But you don't get a sense of how that translated back to
 10 Ken in terms of informing his thinking. So we'll never
 11 see the finished document, but if that was the
 12 near-finished document, then the MAPPA chair may well
 13 have been saying: I'm not sure this is a good enough
 14 document for you to be submitting. But we'll never
 15 know.
 16 Q. And, of course, without wishing to be very mean, this is
 17 in the context of a very anxious case. I mean, you
 18 know -- you've been a probation officer a long time --
 19 the -- not just category A, but high risk category A,
 20 coming straight out into the community with ERGs behind
 21 them that say "be worried", but still the ball gets
 22 dropped to that extent in that context. It's pretty
 23 bad?
 24 A. I think -- yes, he did his best in very difficult
 25 circumstances.

1 Q. Sure.
 2 A. I mean, the decision that I spoke about earlier for him
 3 to visit Usman Khan at home on his own, that shows to me
 4 an officer who's so kind of anxious about the issues,
 5 but the only thing he has at his disposal is himself, so
 6 he's prepared to take that risk to visit him alone at
 7 home alone. Those checks should have been -- you know,
 8 in terms of both the line manager and oversight and the
 9 multi-disciplinary working shouldn't have allowed that
 10 to happen.
 11 Q. Yes. And I just want to ask you about the help that he
 12 might have been entitled to ask for elsewhere, because
 13 I completely see doing this on his own as
 14 a Staffordshire probation officer on a first or second
 15 case is difficult, and he could see also, yes, you've
 16 got somebody coming out from high risk category A, but
 17 there's this momentum, this success story, somebody has
 18 sprinkled the Learning Together fairy dust over this and
 19 that makes it all the more important to exercise some
 20 rigour to see through that?
 21 A. Well, yes, I mean, in the absence of anything else, he
 22 knows one of the warning signs, employment, but the
 23 likelihood of getting Usman Khan into any sort of
 24 mainstream employment was probably zero, which is why
 25 we've now set up a -- there's a new scheme running at

1 the moment to try and get more bespoke employment
 2 opportunities for this group, because you're not going
 3 to achieve it through a mainstream approach.
 4 Q. No, if you get a flat no from Timpson's, you're really
 5 struggling.
 6 A. Maybe.
 7 Q. But can I just put this as well: MAPPA support for the
 8 probation officer is obviously key, and all the more so
 9 when you've got a probation officer on his first TACT
 10 case or his first ERG, you accept that?
 11 A. Mm--hm.
 12 Q. And also we're going to hear from Prevent, and they are
 13 on their second ever case, and they are community
 14 officers, and Prevent are not the same as Special Branch
 15 or counter-terrorism police?
 16 A. Yes.
 17 Q. So you've got the people who are primarily here, don't
 18 you, managing this case on the ground being Ken and
 19 Calum who are both coming at this with limited
 20 experience?
 21 A. Yes.
 22 Q. So they are entitled, aren't they, and they need
 23 support, they need the grown-ups in the room, don't
 24 they?
 25 A. Yes.

1 Q. Now, can I just ask you about that, then, because we've
 2 got counter-terrorist police, senior probation chairing
 3 MAPPA, and we've got MI5 in the room for some of these.
 4 You would want them to be pulling up Ken and Calum and
 5 saying: you might be handling somebody who is a lot more
 6 serious than your usual here, keep your eyes open?
 7 A. Mm--hm.
 8 Q. Yes?
 9 A. Yes.
 10 Q. You do want that? And in that context, can I just ask
 11 you a question about MI5. I think you will know --
 12 Mr Hough took you to the list of people who were under
 13 a duty of cooperation -- I don't think there is any
 14 dispute about this -- the duty of cooperation which
 15 applies doesn't apply to MI5, they're not on the list in
 16 the guidance?
 17 A. No.
 18 Q. But I don't think there's any dispute about this either:
 19 they have a general duty to protect and will exercise it
 20 and will therefore want to help?
 21 A. Yes.
 22 Q. We'll ask others about this. And would you agree,
 23 then -- my learned friend Mr Hough put some questions
 24 about the Jonathan Hall report, we can go to this if we
 25 need to, but information needs to be shared, including

1 sensitive information where it can be.
 2 A. Mm—hm.
 3 Q. That may require a culture shift?
 4 A. Yes, and that's the work that's currently being
 5 undertaken in direct response to the Jonathan Hall
 6 recommendations.
 7 Q. And the — and can I ask you about this, because you
 8 were talking with my learned friend, again, about the
 9 pre-meeting and the facility that that gave for doing
 10 work where you can't air it all in the main meeting?
 11 A. Mm, yes, that's correct.
 12 Q. And that's sort of the basis for the Jonathan Hall
 13 recommendation for a core group, isn't it?
 14 A. Yes, so that you have a higher vetted level who can
 15 share more freely —
 16 Q. Yes.
 17 A. — in terms of thinking about how intelligence should
 18 then impact on operational decisions and engagement.
 19 Q. And so the jury understands this, this is
 20 a recommendation of thought that is being given to
 21 having a core group that manage risk, that are all
 22 security—cleared and so can have that conversation
 23 freely?
 24 A. Yes.
 25 Q. But at the time, the route to that was the pre-meet?

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1 A. Yes.
 2 Q. Now can I just go back to the guidance on this because
 3 there's another part of it I don't think we went to
 4 I want to look at, this is {DC6511/125}, and this is
 5 24.28, is what I'm looking for. This is a description
 6 of the ... so here we have:
 7 "Before the MAPP meeting, the Chair and the MAPPA
 8 Coordinator should meet to discuss any specific issues
 9 that relate to the management of the offender, the
 10 disclosure of information, and any other issues that may
 11 need to be agreed before the main meeting."
 12 So this is precisely teeing up what you are talking
 13 about?
 14 A. Yes.
 15 Q. "This pre-meeting may also include members of
 16 counter-terrorist policing and, where appropriate, the
 17 SPO in the Extremist and Critical Public Protection
 18 Casework Section ... as well as other special branches
 19 of the police including the National Domestic Extremism
 20 Unit. The purpose of the ... meeting is to ensure that
 21 the Chair is fully briefed and is aware of all
 22 significant issues, and that levels of intelligence or
 23 information-sharing can be agreed."
 24 Now, there's actually nothing stopping anybody doing
 25 that, it can be probation can tee that up —

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1 A. Yes.
 2 Q. — prison can tee that up, counter-terrorist police —
 3 A. Yes.
 4 Q. — or MI5 can tee it up, yes?
 5 A. Yes, mm—hm.
 6 Q. And particularly you would think, and I can only ask you
 7 about this in your perspective from probation, but in
 8 context where you have an outstanding MI5 investigation
 9 and his risk level has gone up from P4 to P3, you might
 10 be expecting something like this to happen?
 11 A. I would be expecting something like that to happen.
 12 Q. And I'm getting from your tone and the firmness of your
 13 response that you really think that should have
 14 happened?
 15 A. I would really think that would happen.
 16 Q. Yes, because if not this case, then which?
 17 A. Well, yes.
 18 Q. Can I just show you what in fact seems to happen, which
 19 is Mr Byford, the chair of the meeting's witness
 20 statement, can I have {WS5051/6}. We will hear from
 21 Mr Byford later in the week. Can we go to paragraph 16
 22 of your witness statement — of his witness statement,
 23 sorry. He says he, as the senior probation officer
 24 chairing this, and that's regarded as a good thing
 25 because of his seniority :

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1 "I had Counter-Terrorist Check ('CTC') clearance but
 2 I was yet to contain Security Check Clearance which
 3 I now have."
 4 So he is — I think is that two levels into the four
 5 levels?
 6 A. Yes.
 7 Q. But he's not at even second level, still less DV
 8 clearance; I think that's right?
 9 A. Mm—hm.
 10 Q. So there are four levels of security check and he is at
 11 level 3 at the moment; is that what that means?
 12 A. Yes, SC, isn't it, before — yes.
 13 Q. Yes.
 14 JUDGE LUCRAFT: I think he's at level 2, isn't he, because
 15 he goes to level 3.
 16 MR ARMSTRONG: Is that right? I don't know the answer to
 17 this.
 18 JUDGE LUCRAFT: I was really just following from your
 19 initial question, Mr Armstrong.
 20 MR ARMSTRONG: Yes, he's going up to level —
 21 JUDGE LUCRAFT: He's going up to level 2.
 22 MR ARMSTRONG: Yes, he's going up to level 2, that's right,
 23 but he's not at this stage at this point, exactly right.
 24 I think that's right:
 25 "The police were represented at the MAPPA meetings

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1 by both [West Midlands Counter–Terrorist Unit] and
 2 Special Branch officers. The Security Service was also
 3 represented. Due to the close working relationships
 4 that existed, information would be exchanged. On
 5 occasions, CT police may ask for a conversation outside
 6 of the panel meeting to discuss sensitive information.”
 7 A. Mm–hm.
 8 Q. That’s what he’s talking about, the pre–meet?
 9 A. Yes.
 10 Q. ”The MAPPA Coordinator was also cleared to SC level. At
 11 meetings, I would ask about any other risk information
 12 on the case that the MAPPA panel needed to be aware of.
 13 I do not believe that this was an issue in the case of
 14 Usman Khan.”
 15 Now, I’ll ask you about this, but this looks like ,
 16 at the moment, and I’m asking what you think about this
 17 if this is the case, that there wasn’t a pre–meet at any
 18 stage on any of the MAPPA meetings?
 19 A. There may not have been a pre–meet, but it looks like
 20 there was that:
 21 ”CT police may ask for a conversation outside of the
 22 panel meeting to discuss sensitive information.”
 23 Q. But it hasn’t happened, that’s what he’s saying:
 24 ”I do not believe that this was an issue in the case
 25 of Usman Khan.”

1 They can ask for it, but he doesn’t remember it
 2 happening in this case.
 3 A. No.
 4 Q. And you must be surprised by that? If that’s the
 5 position.
 6 A. If that’s the position, yes.
 7 Q. Because this is a heavy case with lots of interest in
 8 it?
 9 A. Yes, and those specialist police were invited for
 10 a purpose, not just, you know, not just to kind of
 11 observe the process, they were part of it, and held
 12 a joint responsibility with ourselves to ensure that all
 13 available information was shared.
 14 Q. Because this stuff is hard and it requires all of the
 15 grown–ups in the room --
 16 A. Yes.
 17 Q. -- all of the checks and balances, and all of the -- be
 18 taken back to the fact that your perspective on this
 19 might not be the right perspective on this --
 20 A. Absolutely, yes.
 21 Q. -- all of the time, and you can’t, and this is true of
 22 the security services as well, just sit in the corner
 23 perhaps pretending to be somebody else that seems to be
 24 going on, mining information; you need to contribute?
 25 A. Yes, if you show up to the meeting, then you’re there

1 for a purpose in terms of that collective responsibility
 2 around the individual.
 3 MR ARMSTRONG: Indeed. Thank you very much, Mrs Flynn,
 4 I have no further questions.
 5 A. Thank you.
 6 JUDGE LUCRAFT: Mr Boyle.
 7 Questions by MR BOYLE QC
 8 MR BOYLE: Good.
 9 Good afternoon, Mrs Flynn, I ask questions on behalf
 10 of Staffordshire Police generally. I just have a few
 11 questions to ask you about MAPPA.
 12 A. Yes, okay.
 13 Q. Can I ask us to have on screen, please, {DC7517/16}. We
 14 can see, looking at the top of this document, that it is
 15 an email from Jodie Myers sent to a number of people
 16 including Mr Bromley, Mr Skelton and others; do you see
 17 that?
 18 A. Mm–hm, I see that.
 19 Q. And it is dated Wednesday, January 31, 2018, and it
 20 says:
 21 ”Good morning,
 22 ”Hope you are well.”
 23 And then this:
 24 ”I understand that we will be hosting two of your
 25 subjects from MAPPA meetings in preparation for their

1 release. Part of my role is to set the agenda and send
 2 out invitations .”
 3 Do you see that?
 4 A. Mm–hm.
 5 Q. And then underneath that we can see the name of Mr Khan
 6 in the large paragraph in the centre of the page; yes?
 7 A. Mm–hm.
 8 Q. It talks about listing the first MAPPA meeting from
 9 27 June onwards, so that’s about six months before we
 10 know he was going to be released?
 11 A. Yes.
 12 Q. And then providing the dates for further MAPPA meetings
 13 to take place thereafter --
 14 A. Mm–hm.
 15 Q. -- in the latter part of 2018, yes. And if we look at
 16 the bottom part of the page, please, we can see it says:
 17 ”Regards, Jodie.”
 18 And it’s PC Jodie Myers who is from the
 19 Counter–Terrorism Unit at West Midlands Police; do you
 20 see that?
 21 A. Yes.
 22 Q. So from January 2018 there is an indication that the
 23 Counter–Terrorism Unit from West Midlands Police are
 24 going to be hosting the MAPPA meetings in relation to
 25 Mr Khan, yes?

1 A. Mm—hm. Mm—hm.
 2 Q. And when you mentioned in your evidence to my learned
 3 friend Mr Hough about there being standing participants
 4 to MAPPA meetings, it's obvious from this, isn't it,
 5 that the West Midlands Counter—Terrorism Unit were going
 6 to be one of those standing participants; do you agree?
 7 A. They indicate that from the invitation.
 8 Q. Yes, they've indicated that they were going to be
 9 hosting the meetings; yes?
 10 A. Mm.
 11 Q. Can we then look, please, at {DC7179/1}, and this is
 12 just one example of one of the agenda in relation to
 13 Mr Khan, and we can see, as we scroll across the row
 14 which is highlighted in grey, where it refers to time,
 15 location, offender manager, senior probation officer, it
 16 says "Other agency"; do you see that?
 17 A. Mm—hm.
 18 Q. And presumably that will be other agency, ie in addition
 19 to those who would be the standing participants at these
 20 meetings; is that right?
 21 A. Yes.
 22 Q. Yes. So, in other words, the host wouldn't necessarily
 23 need to send an invitation to itself, bearing in mind
 24 that it was going to be attending in any event; correct?
 25 A. Yes.

1 Q. So one can't read into this document, because it refers
 2 to other agencies, including, for example, Mr Forsyth
 3 and Mr Powell, that the West Midlands Counter—Terrorism
 4 Unit didn't have any role to play in this particular
 5 case, can we?
 6 A. They would have had a role to play, but I guess —
 7 I mean, their attendance at the meeting would have been
 8 important so —
 9 Q. Yes. And so can we then look, please, at the minutes,
 10 again, just one example of one meeting and in fact it's
 11 this particular meeting in May, {DC6413/3} and can we
 12 just look at the middle part of the page, please. Thank
 13 you very much. And at the top part of that extract we
 14 can see:
 15 "Which agencies are involved in the case and require
 16 attendance at panel?"
 17 Do you see that?
 18 A. Mm—hm.
 19 Q. And underneath it says: West Midlands Police
 20 Counter—Terrorism Unit, National Probation Service and
 21 prison.
 22 A. Yes.
 23 Q. So does that reflect your own understanding of standing
 24 attendees at this particular meeting?
 25 A. Yes, and it reflects the MAPPA guidance as well on MAPPA

1 meetings with TACT, terrorist offenders, that there
 2 needs to be a different cast list, so yes, it does.
 3 Q. And then underneath that we can see "Agency
 4 representatives in attendance", DCI Ainsley Cobbett from
 5 the West Midlands Police CTU, DI Gareth Williams,
 6 Nolan Rose, and then a host of other individuals from
 7 different agencies?
 8 A. Yes.
 9 Q. And we know that by May of 2019 there was an ongoing
 10 counter—terrorism investigation in relation to Mr Khan.
 11 Particularly at these MAPPA meetings you would have
 12 expected those who were responsible for that ongoing
 13 investigation to play an active and robust role during
 14 the course of the MAPPA discussions?
 15 A. I would have expected that, yes.
 16 MR BOYLE: Those are all my questions, thank you very much.
 17 A. Thank you.
 18 Questions by MR BEER QC
 19 JUDGE LUCRAFT: Mr Beer.
 20 MR BEER: Thank you, sir, I ask questions on behalf of West
 21 Midlands Police, my name is Jason Beer.
 22 As the chief probation officer giving evidence about
 23 TACT offenders, their assessment and management, you are
 24 familiar, I think, with the law and the guidance in this
 25 area?

1 A. I'm familiar with the complexities of it, yes, in terms
 2 of ownership of intelligence.
 3 Q. I wasn't asking about ownership of intelligence?
 4 A. Oh right, sorry.
 5 Q. Just about the general arrangements —
 6 A. Yes, yes.
 7 Q. — of the management of TACT offenders.
 8 A. Yes.
 9 Q. Including by the Probation Service.
 10 A. Yes.
 11 Q. Can we look at paragraph 41 of your witness statement,
 12 please, which you made in these proceedings, which is
 13 {WS5061/12}. It will come up on the screen for you,
 14 Mrs Flynn. If we can enlarge 41, please, and then the
 15 last three sentences are the ones I'm concerned with.
 16 Can you see it says, and I'll read them out for those
 17 that can't see the screen:
 18 "Beyond the probation period, police can impose
 19 Counter—Terrorism Act 2008 (Part 4) notification[s]...
 20 on an individual's location for up to 30 years. These
 21 are set by the Court at the point of sentence and are
 22 triggered on release from prison. They are managed by
 23 the police post licence."
 24 That's your understanding, is it?
 25 A. Yes, because he was subject to part 4 as well as licence

1 supervision .
 2 Q. It was just the part of this which says that the police
 3 impose the notification requirements. Is that your
 4 understanding? That the police impose them?
 5 A. If that's technically not correct, then that's an error.
 6 Q. How familiar are you with this stuff?
 7 A. With part 4?
 8 Q. Yes.
 9 A. I would say reasonably familiar .
 10 Q. Did you know that in fact it's the law that imposes the
 11 notification requirements, ie the Counter-Terrorism Act
 12 itself , not the police? Or didn't you know that?
 13 A. I did know that, but I think that it's clumsy drafting
 14 because it's the period on licence which is the focus
 15 for probation and the period on the part 4 extends way
 16 beyond that, which is the responsibility of the police .
 17 Q. So it's the law that imposes the notification
 18 requirements?
 19 A. Yes, but it's the responsibility of the police once the
 20 licence supervision has concluded to ensure compliance
 21 with that. That's my understanding.
 22 Q. Yes, and then you say: The police impose the
 23 notification requirements on an individual's location .
 24 Was it your understanding that the police could
 25 impose a requirement as to where an individual lived, ie

1 on an individual's location?
 2 A. I believe so. It's very similar to the sex offender
 3 legislation in terms of approvals around where people
 4 can and cannot live.
 5 Q. So your understanding was that there was a power in the
 6 police to order where a person lives?
 7 A. After the licence period has ended.
 8 Q. As opposed to the law being that they must notify the
 9 police of where they live? You see the difference
 10 between the two?
 11 A. Yes, it's exactly the same in the sex offender
 12 legislation , but if the police don't approve it, then...
 13 Q. Where did you get this understanding from?
 14 A. What, part 4?
 15 Q. It allowed the police to tell a person "You must live
 16 here"?
 17 A. Just my understanding of part 4 legislation , and how it
 18 extends beyond the period of licence .
 19 Q. And where did you get that understanding from?
 20 A. From my engagement with the national -- I line--manage
 21 now -- I mean, I have had a long association with
 22 operational staff who specialise in this area, so
 23 I line--manage those specialists, so a lot of my
 24 information comes directly from them.
 25 Q. Have you ever managed a TACT offender?

1 A. No, I'm too advanced in my career.
 2 Q. Too senior?
 3 A. Yes, but there's lots of -- I'm too advanced in my
 4 career. I joined the service in the 1980s and crime
 5 changes over time, and I have a duty as a senior leader
 6 while I'm not doing the hands--on supervision but to keep
 7 myself fully informed.
 8 Q. You carry on in the next sentence to say:
 9 "These are set by the Court at the point of
 10 sentence..."
 11 Are you saying there that the notification
 12 requirements are set by the court which passes sentence?
 13 A. It's my understanding, yes, that the part 4 is set at
 14 the point -- because the judge has -- it's about the
 15 sentencing and the definition of terrorism offences,
 16 where they are TACT or TACT--related, which relates to
 17 the judge's comments at the point of sentencing, which
 18 would then determine whether part 4 would apply or not.
 19 So those comments of the sentencing judge at the point
 20 of sentencing these kind of individuals are really
 21 important.
 22 Q. Would you agree or disagree with this: that the court
 23 sets the length of the notification requirement rather
 24 than the notification requirements themselves?
 25 A. Well, yes, that's my understanding.

1 Q. Why did you say that these are set by the court, ie the
 2 notification requirements are set by the court?
 3 A. Well, they are linked to the sentence that's imposed by
 4 the judge. I mean, if that's -- the length of time is
 5 determined by the sentencing judge.
 6 Q. How much familiarity, hands--on with this stuff have you
 7 actually got?
 8 A. Well, enough that I've been given responsibility
 9 nationally to have oversight of the national security
 10 division .
 11 Q. Would you agree that, in fact, what relevantly regulated
 12 where Khan did or didn't live was a term in his licence
 13 managed by the Probation Service, not by the part 4
 14 notifications ?
 15 A. Yes, and he had an extended period of licence, so
 16 I'm very familiar with the fact that it would have been
 17 for the MAPPA to approve where he lived.
 18 Q. So it was the Probation Service licence that managed
 19 where he lived rather than the part 4 notifications ;
 20 agreed?
 21 A. Absolutely agree, yes.
 22 Q. Can we turn, please, to paragraph 58 of your witness
 23 statement, which is {WS5061/17}, please. Thank you.
 24 And it's the last couple of sentences, or the last
 25 couple of lines . You say:

1 "Responsibility for changing licence conditions sits
 2 with [the National Probation Service]."
 3 A. That's correct.
 4 Q. "In cases managed at level 2 or 3, [the National
 5 Probation Service] would not vary conditions without
 6 seeking input ... from all relevant agencies and
 7 discussing at a MAPPA meeting."
 8 Is that correct?
 9 A. That's correct, yes. That could all be done in fast
 10 time, but that's correct. These are important
 11 decisions.
 12 Q. And in the conditions that you mention there, ie that
 13 they oughtn't to be varied without seeking input from
 14 relevant agencies and discussion at a MAPPA meeting, you
 15 would include curfews, would you? They shouldn't be
 16 changed without discussion with all relevant agencies,
 17 including at a MAPPA meeting?
 18 A. I would expect there to be -- yes, with the core group
 19 who were supervising the individual, yes, I would expect
 20 there to be a discussion about that before those changes
 21 were made.
 22 Q. And so you wouldn't expect a probation officer to -- or
 23 the offender manager to change the curfew without it
 24 having been approved by MAPPA?
 25 A. I think with a level 3, given the -- you know, even the

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1 smallest of changes should be subject to scrutiny, so
 2 I would expect some oversight by MAPPA.
 3 Q. Thank you. You referred on a number of occasions when
 4 you were being asked questions by Mr Hough earlier to
 5 an internal review having been conducted by the
 6 Probation Service?
 7 A. That's correct.
 8 Q. Are you referring to the serious case review or the
 9 serious further offence review: both, or neither?
 10 A. I've been referring to both during the morning.
 11 I apologise if I haven't made it clear which one
 12 I'm referring to --
 13 Q. No, that's all right.
 14 A. -- but I have referred to both of them.
 15 Q. And so when you're referring to an internal review
 16 having concluded something, you're referring to either
 17 of those things, not to something else?
 18 A. No, not to something else. The only other review I've
 19 referred to is Jonathan Hall's review.
 20 Q. Yes.
 21 A. But I think I have made that clear.
 22 Q. Yes, you have called it the Hall review, or
 23 Jonathan Hall's review.
 24 Could we have, please, {DC6378/17}.
 25 JUDGE LUCRAFT: I'm just looking at the clock, Mr Beer.

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1 MR BEER: I'm so sorry.
 2 JUDGE LUCRAFT: I don't want to interrupt your flow, but
 3 I suspect the answer might be to come back to this at
 4 2 o'clock, might it not?
 5 MR BEER: Yes, it's, by my watch, 2.05 and my stomach has
 6 rumbled once already.
 7 JUDGE LUCRAFT: Yes, well I was just conscious, it's not as
 8 if you were coming to the end of the questions you are
 9 likely to ask, I don't think.
 10 MR BEER: No, it's about 5-7 minutes.
 11 JUDGE LUCRAFT: Right.
 12 MR BEER: So after lunch, sir.
 13 JUDGE LUCRAFT: Well, I think because we're going to look at
 14 this document we might all just take a break there, now
 15 that I've interrupted everyone's train of thought.
 16 We'll come back at 2 o'clock.
 17 MR BEER: Thank you, sir.
 18 A. Thank you.
 19 (In the absence of the jury)
 20 MR HOUGH: Sir, we always expected Mrs Flynn to be the
 21 longest of today's witnesses and there has certainly not
 22 been any inefficiency in asking her questions, but
 23 I will ask Mr Moss to collect some time estimates for
 24 our next two witnesses just in order to decide which one
 25 we should call first.

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1 JUDGE LUCRAFT: Yes.
 2 MR HOUGH: I'm reasonably confident the two will be
 3 concluded today, but just in case.
 4 JUDGE LUCRAFT: Thank you very much. I'll rise.
 5 (1.05 pm)
 6 (The short adjournment)
 7 (2.00 pm)
 8 JUDGE LUCRAFT: Mr Beer.
 9 MR BEER: Thank you, sir.
 10 Mrs Flynn, good afternoon. I was asking you
 11 questions about the two reviews of this case that have
 12 been conducted: the serious case review and the serious
 13 further offence review, and you confirmed that it was
 14 those two documents you were referring to when earlier
 15 in your evidence you referred to a review, or
 16 an internal review; is that right?
 17 A. That's correct, and I have also referenced the
 18 Jonathan Hall review as well on occasions --
 19 Q. Yes.
 20 A. -- but those are the two internal reviews.
 21 Q. Yes, and those two internal reviews, they are your main
 22 sources when giving evidence today; is that right? You
 23 haven't gone through and read the hundreds and thousands
 24 of underlying pages of material?
 25 A. I've read other documents beyond those two.

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1 Q. Yes.
 2 A. Yes, they were amongst the many documents I've read.
 3 Q. And is it right that the National Probation Service
 4 accepted the findings and conclusions of those two
 5 reviews?
 6 A. Yes, that's correct, yes.
 7 Q. Can we just look at each of them, please, so far as they
 8 concern the issue of attendance at Fishmongers' Hall.
 9 Could we start, please, with {DC6378/17}, please, and
 10 can we highlight, please, paragraph 7.3. Thank you.
 11 Now, I think Mr Hough showed you the first sentence.
 12 I just want to read on a little bit. The first sentence
 13 was:
 14 "Decision taking at all stages of this case was
 15 carefully considered and well based. The reviewer finds
 16 no criticism should attach to MAPPAs or to any individual
 17 for the decision to allow Mr Khan to attend the
 18 [Learning Together] event in London. His engagement in
 19 this education programme had for some time been one [of]
 20 the few 'protective' and positive factors in his
 21 rehabilitation. It is inexplicable to the reviewer that
 22 those who so tragically he attacked were those who had
 23 offered so much to him, and offered perhaps his only
 24 route from his isolated and radicalised mindset."
 25 That's a conclusion that the Probation Service

1 agrees with; is that right?
 2 A. We agree with that conclusion --
 3 Q. Yes.
 4 A. -- and with the other findings in the report, yes.
 5 Q. And then if we can look at the serious further offence
 6 review, please, which is {DC6198/24}, and can we
 7 highlight paragraph 6.27, please. Thank you. I don't
 8 think we've looked at this yet. I'll read it out, I am
 9 afraid:
 10 "Overall, we are supportive of the decisions made in
 11 relation to [Khan's] involvement with [Cambridge
 12 University Learning Together programme]. The approach
 13 undertaken was staged in nature with each visit
 14 providing [Khan] with a greater level of freedom and
 15 trust. At the MAPPAs level 3 meeting in November 2019,
 16 the GPS monitoring data was reviewed and presented no
 17 cause for concern. This, coupled with [Khan's]
 18 consistently positive behaviour over the course of
 19 11 months, made the unaccompanied visit to the event at
 20 Fishmongers' Hall a reasonable next step. The only
 21 possible omission was that MAPPAs did not discuss the
 22 exact location of the proposed event and make a possible
 23 connection that Fishmongers' Hall was adjacent to
 24 London Bridge which could be a site of significance for
 25 TACT offenders, given previous acts of terrorism

1 committed in the vicinity. However, we may never know
 2 if this location had actual significance for [Khan],
 3 which is something we may never know. It is also likely
 4 that even if the exact location had been known that
 5 permission would still have been given for all of the
 6 evidence based and proportionate reasons outlined
 7 above."
 8 That's a conclusion that the Probation Service
 9 accepted and agreed with; is that right?
 10 A. Yes, and I've referenced that earlier in relation to the
 11 questions I was asked about the requirement for a risk
 12 assessment, yes.
 13 Q. Well, you said earlier today that the Probation
 14 Service's internal review found that there was
 15 insufficient attention paid to the risks of attending
 16 the event. That's not the conclusion of either of these
 17 reviews, is it?
 18 A. That's the overall review, but if you look into
 19 a different paragraph of this review, it does say -- if
 20 you look at this, it does say that there should have
 21 been attention given to the detail of the event, and
 22 there potentially should have been a risk assessment,
 23 which is in an earlier paragraph.
 24 Q. The first document that I showed you supports the
 25 decision allowing him to attend without qualification,

1 doesn't it?
 2 A. Yes, but there is reference in the serious further
 3 offence review to the fact that MAPPAs would have
 4 benefited from having a proper risk assessment.
 5 Q. What it says is that possibly discussion ought to have
 6 occurred in relation to the location but it was likely
 7 that even if it had, permission still would have been
 8 granted, doesn't it?
 9 A. Well, I said that, we will never know because they
 10 didn't give that due consideration as a group, but yes.
 11 Q. Well, you said earlier today on that point of detail
 12 that if consideration had been given to that issue, ie
 13 the location, at one point you said it probably would
 14 have been the same; another point you said it might have
 15 been the same, but we would never know.
 16 A. Well, yes.
 17 Q. You will see this comes to the conclusion that it's
 18 likely that if it had, permission would still have been
 19 given, doesn't it? So do you disagree with that?
 20 A. "Likely". We just will never know because they didn't
 21 take that step. The author of this report has used
 22 "likely", I have used other words.
 23 Q. So that was I asked earlier whether the Probation
 24 Service had accepted the conclusions and findings of
 25 these reports. You want to qualify it?

1 A. I think we have accepted the conclusions and findings of
2 these reports. That's not to say that we don't keep --
3 continue to learn from the information and keep it under
4 review.
5 Q. I know you have been at pains to emphasise today that
6 you don't criticise any individuals --
7 A. Mm--hm.
8 Q. -- preferring instead to refer to experience, training,
9 resources and workload, but can I ask you, you wouldn't
10 regard it as acceptable practice if the offender manager
11 had decided that Mr Khan could attend the event in
12 London before MAPPA had even met, would you?
13 A. No. I mean, there were particular points where the
14 offender manager should have informed MAPPA of
15 significant events.
16 Q. But you wouldn't regard it as acceptable practice that
17 if the decision that the offender manager had reached
18 that he could attend the event in London had been
19 communicated to Cambridge University before MAPPA had
20 met to consider the issue, would you?
21 A. My understanding was, Ken Skelton gave a sort of
22 provisional answer to Learning Together, but clearly
23 understood that before that final decision could be
24 made, he would have to reference MAPPA. He was clearly
25 positive about the whole affair. I don't think there's

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1 any -- as my understanding.
2 Q. You wouldn't regard it as acceptable practice if he had
3 reached that view himself, communicated it to Cambridge,
4 and then --
5 A. If he had --
6 Q. -- and then mentioned the attendance as a matter of fact
7 at the next MAPPA meeting in relation to something that
8 was going to occur in three months' time, would you?
9 A. No, I don't think it would be acceptable, but
10 Ken Skelton has always been clear that he believed he
11 had MAPPA approval.
12 Q. I know that's what he said, that he believed he did.
13 I'm asking you if the evidence shows him reaching a view
14 himself, communicating it to Cambridge, and then
15 mentioning the fact of the meeting, the fact of the
16 event, amongst many other things in a MAPPA meeting, and
17 not asking for a decision; you wouldn't regard that as
18 acceptable?
19 A. I regard it as not acceptable that MAPPA didn't -- there
20 wasn't a sufficient enough description of the
21 conversation when Ken Skelton presented the proposal of
22 Usman Khan travelling to London.
23 Q. Do you know he presented it as a proposed trip to London
24 and, if so, on the basis of what do you come to that
25 view?

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1 A. On the basis of the MAPPA minutes that I've read, on the
2 basis of the other documents within my witness -- and
3 the other documents I've read for the purpose of this
4 hearing.
5 Q. Lastly, please, you were shown some minutes by Mr Boyle
6 of a meeting, a MAPPA meeting, and an agenda for a MAPPA
7 meeting and an email sending out the agenda; do you
8 remember?
9 A. Yes, I do.
10 Q. Would you agree that there's a difference between those
11 responsible for sending out the agenda on the one hand
12 and those listed on the agenda on the other as required
13 attendees in terms of their status and importance at the
14 meeting?
15 A. Yes, there are differences in terms of seniority and
16 those people who absolutely must attend, and those where
17 there is greater option from the chair for them not to
18 attend.
19 Q. Yes, put it this way: if you are listed on the agenda as
20 a required attendee, you know firstly that you're
21 attending on behalf of your organisation; agreed?
22 A. Agreed.
23 Q. And, secondly, that you are therefore responsible before
24 the meeting for collecting together any information or
25 intelligence that could conceivably be relevant for the

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1 MAPPA meeting?
2 A. Yes, you should be prepared for the meeting, yes.
3 Q. And that's the significance of being listed as
4 a required attendee?
5 A. Yes, that you're expected to attend prepared for the
6 discussion.
7 MR BEER: Yes, thank you very much, Ms Flynn.
8 A. Thank you.
9 JUDGE LUCRAFT: It doesn't look, Mr Hough, as if there are
10 any other questions from...
11 Further questions by MR HOUGH QC
12 MR HOUGH: Just a very small or short point from me.
13 Just before you leave, Mrs Flynn, you will recall
14 you were asked by Mr Beer just a few minutes ago about
15 some conclusions expressed in the serious case review
16 and the serious further offence review about whether if
17 an improved approach had been taken to risk assessment,
18 or if all issues had been addressed, the London event
19 would still have been approved; do you remember those
20 questions?
21 A. Yes, I do remember those questions.
22 Q. Now, you will also recall that one of those reports made
23 a reference to a difference in risk appetite between
24 different professionals. Is it, in your experience,
25 right and standard for professionals with different risk

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1 appetites to discuss their views of a decision in the
 2 course of MAPPA meetings?
 3 A. That's the purpose of the MAPPA meeting, so that there
 4 is that transparency around why the decisions have been
 5 made, so you need to understand people's views, yes.
 6 Q. Are you able to say, with all your knowledge, what
 7 decision would have been made about the London meeting
 8 if there had been a fully informed MAPPA discussion with
 9 all the risks taken into account and people with
 10 different attitudes to risk discussing it?
 11 A. I can't with absolute — I can't turn clocks back.
 12 I think it would have been a better discussion, I think
 13 things around the size of the audience may have impacted
 14 the final decision. I don't know, I just know that step
 15 wasn't taken, so I can't with certainty answer your
 16 question.
 17 Q. Those reports did not express a view on whether a more
 18 informed and extensive discussion might have led to any
 19 risk mitigation measures, did they?
 20 A. No.
 21 Q. The passages which Mr Beer showed you. Are you able to
 22 say, looking back, whether a fully informed discussion
 23 of the risks of the London visit would have led to any
 24 such measures being taken?
 25 A. Well, from a police — from a security point of view

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1 there may have been a question back to the organisers
 2 about kind of basic things we take for granted, like bag
 3 searches coming into buildings, given that the event was
 4 obviously inviting, you know, people who were serving
 5 their sentence as well on temporary release. There
 6 might have been some basic questions like that asked,
 7 but we'll never know.
 8 Q. Will we simply also never know whether anyone might have
 9 suggested or discussed the possibility of Khan being
 10 accompanied or met en route?
 11 A. That may well have been the outcome of that discussion.
 12 It may have been felt that, you know, given the size of
 13 the event, that it was too risky to allow him to be
 14 unaccompanied. It might have, you know, prompted some
 15 inappropriate behaviour, and it was felt that —
 16 inappropriate, I mean in terms of rude behaviour, you
 17 know, just rude behaviour, because he had been observed
 18 by the mentors as actually being quite abrasive and not
 19 particularly helpful in some of his engagement with the
 20 employment. So just on that level they may have felt:
 21 no, this doesn't feel right.
 22 MR HOUGH: Thank you very much, those are all my questions.
 23 JUDGE LUCRAFT: Thank you very much indeed, Mrs Flynn, for
 24 coming to assist us. Thank you.
 25 A. Thank you.

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1 MR HOUGH: Sir, the next witness is Liz Young.
 2 JUDGE LUCRAFT: Thank you.
 3 Mr Hough, we're slightly changing topic. In a sense
 4 we're going back over something we touched on last week
 5 but, of course, we're trying to fit in, first of all,
 6 witnesses when they're available, but also to make sure
 7 that we get through people as quickly as we can.
 8 MR HOUGH: Yes, as the jury will hear, Ms Young was a work
 9 coach at a Jobcentre who worked with Usman Khan on
 10 employment matters, and then after her evidence we will
 11 revert to another senior prison and probation services
 12 witness.
 13 MS ELIZABETH YOUNG (sworn)
 14 JUDGE LUCRAFT: Good afternoon.
 15 A. Hello.
 16 JUDGE LUCRAFT: If you are happy to do so, please feel free
 17 to remove your mask whilst giving evidence. It's
 18 a matter for you whether you wish to sit or stand?
 19 A. I would like to sit.
 20 JUDGE LUCRAFT: Please do. There is a microphone on that
 21 desk which will help to amplify your voice.
 22 A. Okay.
 23 JUDGE LUCRAFT: It may be you are asked to look at some
 24 documents. They will appear either on the small screen
 25 or on the larger screen if that is easier to look at.

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1 A. Okay.
 2 Questions by MR HOUGH QC
 3 MR HOUGH: Would you please give your full name for the
 4 court record.
 5 A. Elizabeth Mary Young.
 6 Q. Ms Young, you understand I'm asking you questions first
 7 on behalf of the Coroner, you may then be asked some
 8 questions by other lawyers?
 9 A. Yes, I do.
 10 Q. In 2019, were you working at a work coach at the
 11 Stafford Jobcentre?
 12 A. I was.
 13 Q. In that capacity did you work with Usman Khan in
 14 an effort to help find him work?
 15 A. I did.
 16 Q. Did you first meet Usman Khan in January of 2019, so
 17 shortly after his release from custody?
 18 A. Yes.
 19 Q. Was that in the context of an initial interview at the
 20 Jobcentre which was to act as the starting point for his
 21 search for work?
 22 A. Yes.
 23 Q. When you first dealt with him, were you aware that he
 24 had a terrorist conviction?
 25 A. I was.

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1 Q. How did you discover that?
 2 A. There was a note on his Universal Credit account and
 3 we'd had MAPPA instructions.
 4 Q. However, did you have any details of the nature of his
 5 conviction?
 6 A. No, I just knew there were terrorist offences.
 7 Q. In the weeks that followed, did you meet him initially
 8 every week at the Jobcentre?
 9 A. I did.
 10 Q. What were his career aspirations over that period?
 11 A. When I first spoke to him, he did say that he'd worked
 12 in selling mobile phones, but his aspiration was to
 13 become a youth worker, to work with people of his faith,
 14 men of his faith, to stop them going the same way that
 15 he did. He wanted to help the Metropolitan Police.
 16 Q. Did he, however, consider other career options in the
 17 weeks and months that followed?
 18 A. He did, yes.
 19 Q. In your view, from dealing with him, was he being
 20 realistic in dealing with those job applications?
 21 A. Well...
 22 Q. Was he applying for things that were realistic and
 23 taking a realistic view of his prospects of success?
 24 A. Well, he was -- he had the idea of doing the youth work
 25 at first and that tailed off, and that's when

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1 I suggested doing the CSCS card, the builder's labourer
 2 card.
 3 Q. Is it right that you suggested that in around spring
 4 2019?
 5 A. Yes.
 6 Q. Mr Khan getting a Construction Skills card as a prelude
 7 to starting looking for construction jobs?
 8 A. Yes.
 9 Q. Did he readily agree with that?
 10 A. Very much so.
 11 Q. And did he, for that purpose, obtain funding from
 12 a company called Ixion, which worked under contract with
 13 the Probation Service?
 14 A. Yes.
 15 Q. And did he proceed to get his CSCS card in around,
 16 I think, June of 2019?
 17 A. He did.
 18 Q. Did that lead on to anything?
 19 A. Yes, he went to -- he had an offer of a job.
 20 Q. And where was that?
 21 A. It was -- I think it was -- they said it was going to be
 22 in Stafford. It was done through Julia Nix when he met
 23 her at a prison somewhere, I'm a bit sketchy on the
 24 details, but I was told to contact a Scottish gentleman
 25 about this job, and Usman Khan was told by this man that

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1 he'd got him a job to start as a builder's labourer.
 2 Q. However, did that job in the event fall through?
 3 A. It did, because it wasn't Stafford where he was living,
 4 it was Stafford Park in Telford, which is 26 plus miles
 5 away, so he had no way of getting there.
 6 Q. Initially, so up to the summer of 2019, did you think he
 7 was positive about his approach to looking for work,
 8 upbeat?
 9 A. He was never particularly either way about anything. He
 10 was -- he just complied with whatever I suggested.
 11 I think he was quite limited in his ability to look for
 12 work due to his MAPPA -- the restrictions on the
 13 computer.
 14 Q. In around August or September 2019, did you notice any
 15 change in his attitude or approach?
 16 A. Was that -- can I just look at my statement?
 17 Q. Yes, of course.
 18 A. Sorry.
 19 Q. It's at the bottom of page 2 of your statement, you say:
 20 "Around August or September 2019, I saw Usman going
 21 from his normal attitude of not being bothered about
 22 things to being really quite down."
 23 A. That -- yes, he was. And it's because -- well, he was
 24 coming to the end of his time at the bail hostel, they
 25 have a certain amount of time there, then they usually

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1 rehouse or they go back with family or whatever, but he
 2 hadn't got anywhere to go, and he told me that the bail
 3 hostel had been kind to him and let him stay there after
 4 they were supposed to, and he was living in a -- like
 5 a store cupboard sort of thing with no windows, and they
 6 were letting him sleep there, and he was struggling to
 7 get somewhere to live.
 8 Q. So he was unhappy about that. Did you help him in his
 9 search for accommodation?
 10 A. I did. I tried to ask the borough council, but they --
 11 and I spoke to a housing officer there, but because he
 12 wasn't from the borough, they wouldn't help him. So
 13 then I contacted several letting agencies for him. He
 14 asked me if I would do this because he struggled -- he
 15 said he struggled with English and he couldn't put it as
 16 well as I did, so I helped him, but I did try and
 17 encourage him to do it for himself, which he did.
 18 Q. In the event, did you hear from him in September 2019
 19 that he had found a flat?
 20 A. Yes.
 21 Q. After he moved out of the bail hostel into his own flat,
 22 did you see him around once a fortnight in the period
 23 from September to November 2019?
 24 A. I did.
 25 Q. Over that period, did he have a concern about difficulty

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1 in pursuing his search for work because of problems with
 2 accessing the internet?
 3 A. Yes.
 4 Q. Why was that, as far as you could see?
 5 A. As far as I knew from Khan, he could only go on the
 6 computer twice a week with someone from London to come
 7 up and look at it with him, and then he wasn't allowed
 8 to delete any messages off his phone, or anything like
 9 that, so it got full , so I don't know quite what
 10 happened, it seemed as though he said his inbox got
 11 full , so he wasn't receiving all these job applications ,
 12 because he gave me the impression that he was trying to
 13 apply for the labouring jobs, but he was stuck with
 14 internet access and getting his text messages back.
 15 Q. So he had two impediments or problems about finding
 16 work --
 17 A. Yes.
 18 Q. -- one, that he wasn't getting internet access --
 19 A. Yes.
 20 Q. -- two, that his phone message bank was filling up?
 21 A. That's what he told me.
 22 Q. And he couldn't delete it because of reasons associated
 23 with his conditions?
 24 A. Correct.
 25 Q. Did you continue to help him with a search for work,

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1 including getting some help from an advisor from
 2 an organisation called Building Better Opportunities?
 3 A. Yes, I wanted to get help for him from Building Better
 4 Opportunities, and Rob said that he would help him, so
 5 I referred it back to Ken, who I presume was his
 6 probation officer , we sent it through that way, and
 7 I never heard anything back, so he didn't get any
 8 support from Building Better Opportunities.
 9 Q. So we know by the end of November 2019, Usman Khan had
 10 not found a job --
 11 A. No.
 12 Q. -- which he could start. Was your last meeting with him
 13 on Tuesday, 26 November 2019?
 14 A. Yes.
 15 Q. At that meeting, how did he come across?
 16 A. He seemed quite upbeat, really. He'd been offered
 17 a plastering course by Ixion that he said he was looking
 18 forward to starting in January, and he was -- he was
 19 fine .
 20 Q. Did you notice anything about his physical appearance
 21 that was striking on that occasion?
 22 A. His hand. On his left hand he'd got a bandage. On his
 23 left hand it went from there (indicates) right up his
 24 arm. I asked him what he'd done, and he said it was
 25 from doing too many push ups.

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1 Q. Overall, looking back over the various meetings you had
 2 with him, if you were asked to do a character sketch of
 3 him, in a sentence or two, how would you have described
 4 him?
 5 A. Completely compliant, he just complied with everything
 6 I wanted him to do, and he never particularly showed any
 7 emotion apart from when he hadn't got anywhere to live
 8 and he was agitated then and he kept visiting me then,
 9 but I would describe him as just that, just flat , no --
 10 he was always on time and polite.
 11 MR HOUGH: Thank you very much. Those are all my questions.
 12 A. Thank you.
 13 MR HOUGH: I'll just look to see whether anyone else has any
 14 questions.
 15 No. Thank you very much for your evidence,
 16 Ms Young.
 17 A. Thank you.
 18 JUDGE LUCRAFT: Thank you very much indeed, Ms Young.
 19 MR HOUGH: Sir, the next witness is Richard Vince.
 20 MR RICHARD VINCE (sworn)
 21 JUDGE LUCRAFT: Good afternoon, Mr Vince. If you are happy
 22 to do so, please feel free to remove your mask whilst
 23 giving evidence; if you want to keep it on that's
 24 equally fine .
 25 A. Thank you.

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1 JUDGE LUCRAFT: And sit or stand, whichever you prefer?
 2 A. I'll sit , if I may.
 3 Questions by MR HOUGH QC
 4 MR HOUGH: Would you please give your full name for the
 5 court?
 6 A. Richard Wayne Vince.
 7 Q. Mr Vince, you understand I'm asking you questions first
 8 on behalf of the Coroner and then you will have some
 9 questions from other lawyers?
 10 A. I do.
 11 Q. What is your current post?
 12 A. I'm the executive director for the long-term and high
 13 security estates in Her Majesty's Prison
 14 and Probation Service.
 15 Q. Summarising it, what are the responsibilities of that
 16 post?
 17 A. I'm responsible for the operational delivery of all
 18 long-term and high security prisons, consisting of 13
 19 public sector prisons. We also work closely with three
 20 contracted prisons, six of those are high security
 21 prisons, the remainder are category B training prisons,
 22 and we also have one young offender institution as well .
 23 Q. Do you also have a role overseeing a headquarters group
 24 supporting the management and policy of long-term high
 25 security and category A prisons?

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1 A. I do, yes, sorry, there's a long-term high security
 2 prisons group and, as you say, they are responsible for
 3 all policy around long-term and high security prisons,
 4 but also the policy on category A prisoners and the
 5 application of the category A processes.
 6 Q. In addition have you in recent times been wearing
 7 an additional hat as director for security, order and
 8 counter-terrorism?
 9 A. I have been, yes.
 10 Q. Looking briefly back at your previous career, did you
 11 join the Prison Service in 1993?
 12 A. I did, yes.
 13 Q. And did you rise through the Prison Service, serving as
 14 the governing governor of HMPs Preston and Manchester?
 15 A. I did, yes.
 16 Q. However, did you ever have any direct personal
 17 involvement with Usman Khan?
 18 A. No, I didn't, no.
 19 Q. The jury has heard that the government has a general
 20 counter-terrorism strategy called Contest which contains
 21 a number of strands, including Prevent, moving people
 22 away from extremism, and Pursue, which includes, amongst
 23 other things, investigating and tackling extremism.
 24 Is the Prison Service engaged with that strategy and
 25 does it contribute to the government's strategic

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1 approach?
 2 A. We do. Our primary responsibilities are in the areas of
 3 Prevent, although we do engage in some Pursue work. Our
 4 responsibilities are predominantly safeguarding, so
 5 preventing prisoners entering into terrorism or
 6 propagating terrorism literature and propaganda, but
 7 also in disengagement and rehabilitation for those that
 8 are already engaged in terrorism or have been convicted
 9 of terrorism offences.
 10 Q. And in that regard, are you subject, like many other
 11 public authorities, to a specific statutory Prevent duty
 12 to have due regard to the need to prevent people from
 13 being drawn into terrorism?
 14 A. We are, yes.
 15 Q. Is it right that there are a number of prison Prevent
 16 leads across the service who seek to give effect to that
 17 duty?
 18 A. There are, yes.
 19 Q. What, in broad terms, are their jobs? What do they do?
 20 A. They will make links between the individual prisons and
 21 the regional counter-terrorism leads. They'll provide
 22 predominantly, certainly outside of the high security
 23 prisons, the coordination of the end-to-end case
 24 management provision, which is called Pathfinder, and
 25 they'll also be more aware and trained in the

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1 responsibilities, so they will provide advice as well.
 2 Q. Next, please, training, and in particular
 3 counter-terrorism training. Is it right that from early
 4 2017, the service developed a training product called
 5 Aspect(?), which provides an introduction to extremism
 6 in prisons?
 7 A. It does, yes.
 8 Q. That, I think, was initially delivered to new staff?
 9 A. Yes.
 10 Q. But has, in more recent times, been rolled out to
 11 previous recruited staff?
 12 A. It has, yes.
 13 Q. In a sentence or two, what does that generalised
 14 training cover?
 15 A. There is probably three elements to it, the first is
 16 raising awareness of the theological, ideological and
 17 psychological aspects of extremism and terrorism. The
 18 second is supporting staff to be able to identify,
 19 challenge and report those types of behaviours, and the
 20 third is to give staff the knowledge and confidence to
 21 tackle behaviours that would run against British values.
 22 Q. We have also heard that at high security prisons there
 23 would often be a counter-terrorism department?
 24 A. There would.
 25 Q. As well as a general security department?

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1 A. There is, yes.
 2 Q. Are the members of these departments subject to
 3 additional, more specialist training, including in
 4 extremism?
 5 A. They are, yes.
 6 Q. May I now ask you about something called JEXU?
 7 A. Yes.
 8 Q. Which I'm not sure the jury have heard about, certainly
 9 not in any detail. Is it right that in the spring of
 10 2017, the prison and Probation Service introduced a new
 11 model for counter-terrorism work in prison and probation
 12 with the establishment of the Joint Extremism Unit or
 13 JEXU?
 14 A. It is, yes.
 15 Q. Is that joint between the Home Office and the Prison and
 16 Probation Service?
 17 A. It is, yes.
 18 Q. Was the Pathfinder case management system developed at
 19 around the same time?
 20 A. It was, yes.
 21 Q. JEXU, I think, has the role of developing policies and
 22 procedures for extremist offenders; is that right?
 23 A. It does, yes.
 24 Q. What sort of policies and procedures?
 25 A. So JEXU is the coordinating point for all CT-related

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1 activity across prisons and probation. As you say, they
 2 develop the strategy and policy for extremism, and they
 3 also produce tools and products, such as ERG. They
 4 developed the HII programme in conjunction with our
 5 services, and they also deployed a network of CT
 6 specialists across prisons and probation to assist
 7 prisons and probation units with tackling --
 8 counter-terrorism.

9 Q. Would that be people like Mr Machin and his team of
 10 analysts?
 11 A. Within the high security estate, yes.

12 Q. We mentioned Pathfinder a moment ago. The jury have
 13 heard that that's a process for identifying and managing
 14 both extremist offenders and those vulnerable to
 15 extremism?
 16 A. Yes.

17 Q. And they've heard that this involves regular case
 18 management meetings with counter-terrorism specialists
 19 from prison, probation, police and other partners,
 20 including the psychology department; is that right?
 21 A. Yes.

22 Q. What, in a nutshell, is the purpose of those regular
 23 case management meetings?
 24 A. It's to assess individuals and put management plans in
 25 place to manage the risk that they present and look to

1 reduce that risk. It provides an end-to-end provision,
 2 so it's from the point of reception into prison through
 3 to point of end of supervision on licence, so it draws
 4 the whole of prisons and probation together.

5 Q. And does that system effectively sit alongside the
 6 ordinary probation work of the offender supervisor with
 7 the offender?
 8 A. They're complementary to each other, so the Pathfinder
 9 system would feed into OASys and NOMIS and in this case
 10 MAPPA.

11 Q. Is it also a forum for intelligence to be shared and the
 12 learning from that intelligence to be shared between the
 13 security department, who will have access to it all, and
 14 other departments?
 15 A. Yes.

16 Q. Risk assessments next. The jury have heard about the
 17 three different forms of risk assessment that can be
 18 used with offenders: the OASys system, that, I think, is
 19 available for all offenders?
 20 A. It is.

21 Q. The ERG system specifically for extremist offenders?
 22 A. Yes.

23 Q. And MAPPA processes for various kinds of dangerous
 24 offenders?
 25 A. Yes.

1 Q. Now, in custody, in 2019 certainly, before changes we
 2 heard about from Mrs Flynn this morning, were ERG
 3 assessments usually performed by psychologists?
 4 A. Yes.

5 Q. By contrast, as we know, in the community they would, at
 6 least sometimes, be prepared by probation officers who
 7 had had training in the tool?
 8 A. Yes.

9 Q. The jury have also heard that the MAPPA procedures
 10 require cooperation between the responsible authority,
 11 which includes the prison as well as probation and
 12 police, and the various duty to cooperate agencies, and
 13 that MAPPA meetings will begin a short time before the
 14 offender is released from prison?
 15 A. Six to eight months before, yes.

16 Q. Yes. So, in brief, we have these three different types
 17 of risk assessment available to the Prison Service.
 18 A. Yes.

19 Q. Are there any other principal forms of risk assessment
 20 available for dangerous and extremist offenders?
 21 A. I think the category A review process would formulate
 22 risk assessments as well. Some of the other information
 23 that would inform risk assessment would be the
 24 post-course assessments where prisoners have been
 25 through high-intensity psychological programmes or

1 interventions.

2 Q. Now, we shall come to the category A process a little
 3 later. We have heard also that through the MAPPA
 4 process licence conditions are considered and ultimately
 5 set, and we've heard that licence conditions were --
 6 there were some licence conditions applicable to all
 7 offenders leaving custody and some additional conditions
 8 that would be available for others.

9 May we put on the screen, please, {DC6510/1}. Do we
 10 see here the National Offender Management Service
 11 guidance or policy document on licence conditions?
 12 A. I do, yes.

13 Q. Then {DC6510/7}, if we look in the upper part of the
 14 page, can we see there are standard conditions which
 15 must be included in a licence, which we see under
 16 paragraph 2.3, such as being of good behaviour and not
 17 committing any offence?
 18 A. Yes.

19 Q. Then down the page to paragraph 2.5, please, we see that
 20 additional licence conditions can be set, including as
 21 to residence, disclosure of information, curfews, and
 22 freedom of movement and so on?
 23 A. Yes.

24 Q. Then if we go to {DC6510/29}, please, do we see that the
 25 guidance contains a series of specific additional

1 licence conditions for extremist offenders?
 2 A. Yes.
 3 Q. Which may be used in addition to those in the previous
 4 annex?
 5 A. Yes.
 6 Q. So is it right that when preparing licence conditions
 7 for someone such as Usman Khan, and having them approved
 8 while he was still in prison, the licence conditions
 9 would be set through a combination of standard and
 10 bespoke by reference to this guidance?
 11 A. Yes.
 12 Q. Thank you very much. We can take that down from the
 13 screen.
 14 Now, we have heard that on the day of his release,
 15 Khan was escorted by police from prison, was given
 16 details of his licence conditions, was given details of
 17 his part 4 notification requirements, and was taken to
 18 his approved premises. Is this all quite a standard
 19 process?
 20 A. Yes.
 21 Q. Turning to PSIs, the jury heard about these with
 22 Mrs Flynn earlier today. First of all, are prisons
 23 subject to statutory rules, the Prison Rules 1999, which
 24 govern a wide range of matters such as medical
 25 attention, education, communications, searches, all that

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1 sort of thing?
 2 A. They are, they derive from the 1952 Act.
 3 Q. So there's the enabling Act --
 4 A. Yes.
 5 Q. -- and then there's the 1999 rules?
 6 A. Yes.
 7 Q. And then sitting under the prison rules are the many
 8 different guidance documents which tell you and your
 9 colleagues how to give effect to the rules?
 10 A. They do, they contain statutory, mandatory requirements,
 11 and they also provide guidance to ensure that
 12 consistency in delivery across the prison estate,
 13 including contracted prisons.
 14 Q. If we put on screen, please, a section of your witness
 15 statement, {WS5067/11}. If we look at the upper part of
 16 the page, can we see in this part of your statement you
 17 identify a series of Prison Service Instructions
 18 relevant to the management of Khan in prison, including
 19 guidance about the Pathfinder process, extremist
 20 offenders, categorisation of prisoners, interception of
 21 communications, prison visits and IEPs?
 22 A. Yes.
 23 Q. We can take that off screen at the moment.
 24 NOMIS records. We've heard of and seen some
 25 examples of NOMIS records. Is it right that every

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1 prisoner has a NOMIS record?
 2 A. It is. It's the central database for all prisoner
 3 records.
 4 Q. And is that a central national database?
 5 A. It is, yes.
 6 Q. Is it a database on which a wide range of trained staff
 7 can make entries?
 8 A. They can, there's a facility for case notes, so any
 9 member of staff with access to the NOMIS system will be
 10 able to make entries in there as they are either
 11 required to or see fit to do.
 12 Q. We can bring up Khan's NOMIS record, {DC5336/1}, and
 13 this is the first page of the record which, printed out,
 14 runs to about 200 pages.
 15 If we go to {DC5336/2}, please, can we see if we go
 16 to the third entry down that there's an entry for
 17 negative behaviour, Khan being less than compliant with
 18 a female prison officer?
 19 A. Yes.
 20 Q. And then further down the page {DC5336/2}, right at the
 21 bottom, an example of positive behaviour, completing
 22 an Islamic studies course?
 23 A. Yes.
 24 Q. So the NOMIS record will contain a wide range of case
 25 notes identifying different kinds of behaviour.

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1 A. Yes.
 2 Q. Will there also be, for any given offender, a personal
 3 officer who will put in regular notes about their
 4 interactions with the offender?
 5 A. Yes, sorry, Khan would have had a personal officer up
 6 until 2019, and it changed over to being keyworker under
 7 the changes I think Mrs Flynn would have outlined.
 8 Q. Can I now ask you about prison intelligence. Is it
 9 right that prison intelligence is recorded in
 10 intelligence reports?
 11 A. It is, yes.
 12 Q. Up to 2013, did they take the form of security
 13 information reports on paper?
 14 A. They did, it was a paper-based system, yes.
 15 Q. And were those paper-based reports held at each separate
 16 prison?
 17 A. They were, yes.
 18 Q. Did they follow the offender with them?
 19 A. They did, yes.
 20 Q. From 2013 was the system digitised?
 21 A. It was, it became the Mercury system.
 22 Q. Does the Mercury Intelligence record operate as
 23 a national record system across the Prison Service,
 24 holding all intelligence reports?
 25 A. It does, yes.

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1 Q. The jury have seen many references to it, but if we
 2 bring it up, {DC6503/1}, can we see that a prisoner
 3 profile can be printed out from the Mercury record,
 4 running to, in Khan's case, a little over 2,000 pages?
 5 A. Yes.
 6 Q. If we keep that on the screen, we'll look at an entry
 7 from it. You've told us that in high security prisons
 8 there will often be a Counter-Terrorism Unit analysing
 9 the information from these reports, and Mr Machin has
 10 told us how that happened at Whitemoor. Who can make
 11 reports which find their way onto the MIR system?
 12 A. Any member of staff with access to the internet will be
 13 able to get one. There is a link that enables you to
 14 make entries to Mercury.
 15 Q. Mr Machin explained that his analysts, the analysts
 16 working under him, would review these reports on a daily
 17 basis?
 18 A. Yes.
 19 Q. And report back to him. Is that standard?
 20 A. Sorry, I didn't --
 21 Q. Is that a standard --
 22 A. It is, yes.
 23 Q. May we look at an example of the record, page 121,
 24 please. If we look at the bottom of the page
 25 {DC6503/121}. We see first of all that the report has

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1 a URN, or a unique reference number; what does that
 2 indicate?
 3 A. It's a number given to each piece of information so that
 4 it can be tracked and linked across the intelligence
 5 system.
 6 Q. We see the details of the date created, and over the
 7 page the time created. We then see an evaluation code,
 8 I'll ask you about that a little later, but it's blacked
 9 out. Then if we go down the page we see there's
 10 reference to the prison, the location, and then the date
 11 and time of the event; yes?
 12 A. Yes. Sorry.
 13 Q. Then next page, please. {DC6503/123} now, can we see
 14 first of all under "Report text" that this is a record
 15 which has been carried over from a security and
 16 information report, so does that tell us that this was
 17 originally a paper report which has been inputted into
 18 the Mercury system?
 19 A. Yes.
 20 Q. And we see the text telling us that a search of Khan's
 21 cell showed that he had personal information about
 22 a governor?
 23 A. He did, yes.
 24 Q. Then if we go down the page, we can see that somebody
 25 has given it a security threat impact. Who would give

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1 it that impact reference?
 2 A. Either the CM or the band 7, which is an operational
 3 manager grade in charge of the security department.
 4 Q. So the CM would be the manager immediately below
 5 Mr Machin?
 6 A. Yes.
 7 Q. And then over the page, please {DC6503/124} there are
 8 entries for various forms of reference that can be
 9 added, including to incentives and earned privileges,
 10 and ACCT, which is a self-harm procedure?
 11 A. Yes.
 12 Q. And then down the page, we can see intelligence
 13 assessment, threat priority, category code, and
 14 supporting intelligence. What do those sections aim to
 15 achieve?
 16 A. They would provide guidance on the handling of that
 17 piece of intelligence.
 18 Q. And under "Supporting intelligence", might the analyst
 19 add some information which provides context for the
 20 specific event?
 21 A. Yes, and that is where you might see additional URN
 22 numbers showing to make that link.
 23 Q. Now, I said we would come back to the evaluation code
 24 that was blacked out. May we look at a part of your
 25 witness statement, {WS5067/13}. Is each piece of

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1 intelligence given an evaluation consisting of three
 2 parts: a letter, a number, and a number?
 3 A. Yes.
 4 Q. Sometimes known, I think, as the 5 by 5, or 5 by 5 by 5
 5 system?
 6 A. It is, yes.
 7 Q. Do we see that the first part, the letter, goes from A
 8 to E, A being always reliable, D being unreliable, and E
 9 being untested?
 10 A. Yes.
 11 Q. And then the first number, the intelligence evaluation,
 12 1 being known to be true without reservation, and then 5
 13 suspected to be false or malicious?
 14 A. Yes.
 15 Q. And then down the page, the final number indicating
 16 which parties the intelligence may be shared with,
 17 designating a number of different types of agency?
 18 A. Yes.
 19 Q. Is it the counter-terrorism analyst who would give this
 20 code in the case of a TACT offender?
 21 A. It is, yes.
 22 Q. We can take that off screen now.
 23 Is it right that where the code suggests that it is
 24 possible, MIR entries may be shared with other outside
 25 agencies?

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1 A. It is, yes.
 2 Q. May they also be shared internally with prison staff?
 3 A. Yes, either in full or what we would call "Gisted" to
 4 protect sources.
 5 Q. Who decides how much can be shared?
 6 A. That would sit within the security department, so for
 7 counter-terrorism, the counter-terrorism lead within the
 8 prison, and they can take advice from regional or PPLs
 9 as well.
 10 Q. Are there any procedures or rules for that, or is it
 11 a matter of experience and judgment?
 12 A. It's predominantly a matter of experience and judgment.
 13 Q. Since 2018, are the Mercury records also used in
 14 preparing something called a local tactical assessment?
 15 A. They are.
 16 Q. What's the function of that?
 17 A. It's to inform the tactical response to intelligence
 18 within the prison, but also to inform the national
 19 tactical response feeding up through the regional teams
 20 into JEXU.
 21 Q. And within the prison, for example, may it be important
 22 to assess the formation of gangs and how to break them
 23 up?
 24 A. Yes, exactly. Yes.
 25 Q. Turning, then, to management of terrorism offenders,

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1 when a person arrives at a prison, is it standard
 2 practice for reception to access the Police National
 3 Computer and obtain details of that person's previous
 4 offences?
 5 A. It is, yes, that would be done on first reception, yes.
 6 Q. That, therefore, will tell reception a certain amount
 7 about somebody's previous offending and whether they
 8 count as an extremist?
 9 A. Yes.
 10 Q. Will the police also sometimes provide further specific
 11 intelligence about an individual?
 12 A. They can do, to supplement Mercury, but of course we
 13 would also have access to the NOMIS notes as well, and
 14 the OASys.
 15 Q. So if we put on screen {DC6503/20}, this is an entry
 16 early on in the Mercury Intelligence record, which gives
 17 details of features emerging from Khan's trial. How
 18 would this sort of information feed into the Mercury
 19 system? How would those responsible for the system
 20 discover that sort of detail about what had been said at
 21 trial?
 22 A. I think this is taken from the Mercury system, isn't it?
 23 Q. This is from the Mercury system, absolutely. But --
 24 JUDGE LUCRAFT: How would it get there?
 25 MR HOUGH: How would it get there?

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1 A. Oh I see, I'm sorry, yes.
 2 So it would come through the Police National
 3 Computer and the offender supervisor would also
 4 undertake a detailed assessment of the individual which
 5 would pick up on court comments and the judge's comments
 6 in relation to the trial as well. It would come
 7 together in the OASys and inform both that and the
 8 Mercury system.
 9 Q. Thank you very much.
 10 Turning to the role of the counter-terrorism
 11 department -- we can take that document off screen
 12 now -- when a prisoner arrives at a prison and that
 13 person is within the purview of the counter-terrorism
 14 department, will that department review something called
 15 a security file?
 16 A. They will, yes.
 17 Q. And what will that contain?
 18 A. It would contain all the information relevant from the
 19 police, from the courts, any other prison where that
 20 person was held on remand, and it would be supplemented
 21 by NOMIS as well. So it's all things relating to
 22 security and intelligence.
 23 Q. So from the start of a prisoner's time in custody if
 24 they're an extremist, the counter-terrorism department
 25 ought to have a good understanding of their convictions

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1 and their offending history?
 2 A. Yes.
 3 Q. At the same time, will the offender supervisor be
 4 expected to carry out an even more detailed review of
 5 the offender's file, with a view to understanding their
 6 background and how to manage them?
 7 A. They would. That would be done in slower time because
 8 it's a more detailed piece of work. So there would be
 9 the preliminary assessment on reception based on
 10 information supplied and then there would be a slower
 11 time more detailed assessment of the individual.
 12 Q. While the individual was in the prison, is it right that
 13 you will have the counter-terrorism staff maintaining
 14 contact with the offender supervisor and the wing staff,
 15 and discussing the offender at the regular Pathfinder
 16 meetings?
 17 A. If they were subject to Pathfinder, yes. We would also
 18 link -- we have what we would call embedded CT police
 19 officers within high security prisons as well, so they
 20 would liaise with them to make sure that we had all of
 21 the external intelligence that was relevant to the
 22 individual.
 23 Q. Yes, I was going to ask you about that role. The CTPIO,
 24 I think is the abbreviation --
 25 A. Yes, it is.

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1 Q. -- the counter--terrorism police intelligence officer?
 2 A. Prison intelligence officer .
 3 Q. Prison intelligence officer . A police officer with what
 4 sort of background?
 5 A. Their background would be counter--terrorism policing.
 6 Q. What would it be the function of that person to do?
 7 A. They're to act as the liaison between ourselves, the
 8 police, counter--terrorism policing and other law
 9 enforcement agencies.
 10 Q. And does that liaison operate in one way, feeding
 11 information into the prison, or in two ways, also
 12 feeding information back to the police?
 13 A. It 's two--way. We will quite often gather intelligence
 14 in prisons that is of interest to the police.
 15 Q. Either because they might want to use it in
 16 investigating others?
 17 A. Yes.
 18 Q. Or because sometimes they may need to investigate what
 19 people are doing in prison?
 20 A. Yes, or crimes committed in prison. It goes to the
 21 Pursue element of the Contest strategy as mentioned
 22 earlier .
 23 Q. May we now turn to incentives and earned privileges, and
 24 may we put on screen {DC6613/9}. Now we're going to
 25 look at an extract of PSI 30/2013 which provide for

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1 different levels of incentives and earned privileges .
 2 Can we see that there are four levels: basic level?
 3 A. Yes.
 4 Q. For those who have demonstrated poor behaviour?
 5 A. Yes.
 6 Q. Down the page, please. Entry level, which is the
 7 initial or default level on admission?
 8 A. I believe entry level has now been removed.
 9 Q. I see. {DC6613/10}. If we go further down the page,
 10 please, standard level --
 11 A. Yes.
 12 Q. -- defined as for those who have demonstrated -- who
 13 have successfully completed the entry level requirements
 14 and those who are considered to be meeting
 15 rehabilitation expectations?
 16 A. Yes.
 17 Q. And then {DC6613/11}, enhanced level for those who have
 18 demonstrated for a minimum of three months a full
 19 commitment to rehabilitation?
 20 A. Yes.
 21 Q. Then if we go to {DC6613/17}, please, paragraph 9.5, so
 22 the bottom half of the page, is it right that IEP levels
 23 determine things like additional visits , pay, access to
 24 TV, own clothes, cash and so on?
 25 A. They do.

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1 Q. Is it also right that reviews of a prisoner 's IEP level
 2 are documented?
 3 A. They are.
 4 Q. So that, for example, in 2015, Khan was downgraded due
 5 to his contribution to a bullying gang, and that was
 6 documented at the time?
 7 A. Yes.
 8 Q. We can take that off screen now.
 9 Now, the jury have heard a little about Usman Khan
 10 receiving visits while he was in prison. Are prison
 11 visits governed by a procedure which controls things
 12 like who visits, behaviour at visits and controls on
 13 visits ?
 14 A. They are, in Usman Khan's visits they would have been
 15 supplemented by category A procedures as well.
 16 Q. And is it right that in regard that category A prisoners
 17 are subject to registration of visits under an approved
 18 visitors scheme?
 19 A. They are, yes.
 20 Q. Can you explain that in a sentence or two?
 21 A. They would make an application to have up to 20 approved
 22 visitors . In the case of those convicted of TACT
 23 offences, those visitors would have to be cleared by the
 24 police before being added to their list to ensure that
 25 they were appropriate and not subjects of concern.

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1 Q. Communications next, please. Is there another PSI,
 2 49/2011, governing prisoners' use of mail and
 3 telephones?
 4 A. There is, yes.
 5 Q. And in particular, is it commonplace or standard for
 6 prisoners to have a set of permitted telephone numbers
 7 which they can access using their PIN phones?
 8 A. There is, yes.
 9 Q. What are the numbers of calls that -- or, rather,
 10 numbers which prisoners can have access to?
 11 A. They're separated into those that are social calls ,
 12 where they can clear up to 20 numbers, and then numbers
 13 that are legally privileged , so legal representatives ,
 14 Members of Parliament, et cetera.
 15 Q. Is there another specific PSI governing interception of
 16 communications and what can be intercepted?
 17 A. There is.
 18 Q. And yet another PSI governing the management of
 19 extremists which contains a section on communications?
 20 A. There is, yes.
 21 Q. Does that require governors to put in place procedures
 22 for identifying contacts of concern?
 23 A. It does, yes.
 24 Q. So, for example, somebody outside the prison might be
 25 a contact of concern if they are being contacted by

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1 a number of extremists in the prison?
 2 A. Yes, and the PSI sets out the range of options available
 3 to governors to intercept and stop those communications.
 4 Q. As you say, that may involve terminating communication,
 5 that may involve, I think, preventing more visits with
 6 that contact?
 7 A. Yes.
 8 Q. Or it may in extreme cases even apply across the prison
 9 estate to that contact?
 10 A. It does, it operates over three levels, beginning with
 11 local and moving to national.
 12 Q. For category A prisoners, are there special procedures
 13 for approval of telephone numbers?
 14 A. There are.
 15 Q. And for approving visitors?
 16 A. Yes.
 17 Q. Do those procedures require governor approval?
 18 A. They do, yes.
 19 Q. Is it also right that for TACT offenders and, indeed,
 20 for category A high risk offenders, all their incoming
 21 and outgoing correspondence is read as a matter of
 22 course?
 23 A. Yes.
 24 Q. Categorisation, then, you've told us that you have
 25 a particular role in overseeing the category A system?

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1 A. Yes.
 2 Q. May we first of all look at the different categories,
 3 and put on screen, please, {DC6594}. This is the
 4 PSI 40/2011 which governs categorisations?
 5 A. Yes.
 6 Q. If we go to {DC6594/6}, please, and go to the middle of
 7 the page, can we see that prisoners, adult male
 8 prisoners are divided into four categories, depending on
 9 how dangerous they are, in particular, how dangerous
 10 they would be if they escaped or otherwise got out?
 11 A. Their level of risk to the public, the State and the
 12 police, yes.
 13 Q. Category A being prisoners whose escape would be highly
 14 dangerous to the public or the police or the security of
 15 the State and for whom the aim must be to make escape
 16 impossible?
 17 A. Yes.
 18 Q. Where and by whom is the decision on categorisation
 19 made?
 20 A. There are varying levels of decision—making but
 21 ultimately decisions on who goes into category A is made
 22 by me.
 23 Q. Is that in your capacity heading up the Category A Team?
 24 A. As the director for high security, yes.
 25 Q. In the case of TACT offenders, terrorism offenders, are

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1 all referred to the Category A Team but not all made
 2 category A?
 3 A. The referral is mandatory, but the Category A Team will
 4 take an additional view on whether they meet the
 5 criteria.
 6 Q. Are category A prisoners subject to a further
 7 categorisation reflecting the risk that they will
 8 escape?
 9 A. Yes, so the decision on category A is based on the risk
 10 to the public. The decision on escape risk is based on
 11 an assessment of their ability to escape, and they can
 12 be held in standard, high or exceptional.
 13 Q. If we put on the screen, please, {DC6595/5}. We're
 14 looking here at another PSI. If we go to the bottom,
 15 right to the bottom of the page, this is PSI 08/2013,
 16 and it sets out the escape risk classification at
 17 paragraph 2.6.
 18 A. Yes.
 19 Q. "Standard Escape Risk", and then over the page "High
 20 Escape Risk" or "Exceptional Escape Risk".
 21 Do we see high escape risk is defined as including
 22 the presence of one or more factors which suggest that
 23 the prisoner may pose a raised escape risk, including
 24 such things as access to finances, position in
 25 an organised crime group, links to terrorist network,

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1 length of time to serve, that sort of thing.
 2 A. Yes.
 3 Q. So that's what the high risk reflects: it doesn't mean
 4 that the person is more dangerous than the standard
 5 cat A, but rather that they present a higher risk of
 6 escape?
 7 A. There's only one type of cat A, that denotes risk to the
 8 public. The categorisations you're looking at denote
 9 risk of escape.
 10 Q. Now, I think you're aware that questions were raised
 11 before the start of this Inquest about the number of
 12 category A prisoners and the number of category A high
 13 risk prisoners in the estate at certain times?
 14 A. Yes.
 15 Q. And can you confirm the following figures: on
 16 19 December 2018, which was the last check of figures
 17 before Khan's release, there were 945 category A
 18 prisoners in the estate, and 70 of those fell into
 19 category A high risk?
 20 A. Yes.
 21 Q. Can you also confirm that on 14 April 2021, so just
 22 around the start of these Inquests, the figures were
 23 1,016 category A prisoners in the estate and 65
 24 category A high risk?
 25 A. Yes.

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1 Q. And roughly how many prisoners were there in the estate
 2 on those occasions?
 3 A. So I think around 14 April the numbers were lower
 4 because of Covid, so probably around 88,000. I think in
 5 2018, I'm really not sure, I am afraid.
 6 Q. I'm sure we can check if necessary.
 7 A. We could.
 8 Q. But that gives us a flavour of the prisoner numbers?
 9 JUDGE LUCRAFT: Did I hear right, 88,000 is what you're
 10 saying April this year.
 11 A. 78,000.
 12 JUDGE LUCRAFT: 78. And it would have been 85 or
 13 thereabouts --
 14 A. I would have expected about 85, 86, but I couldn't say
 15 with any degree of certainty, so I would want to verify
 16 that.
 17 MR HOUGH: Would it be unusual for a person to be released
 18 as a category A high risk prisoner?
 19 A. Yes.
 20 Q. Why is that?
 21 A. The norm is for prisoners coming into the long-term high
 22 security estate to move through the different
 23 categories, down to category D, hopefully, and out from
 24 an open prison. It is unusual to be released from
 25 a high security prison. More usual -- well, more common

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1 in our long-term prison but certainly not within the
 2 high security estate.
 3 Q. And, just to be clear, that's because you would expect
 4 some progress with a prisoner?
 5 A. Yes, so if you look at 2018, there were 27 category A
 6 releases, 15 of those were conditional release or
 7 parole, 5 were not guilty, I think, there were some
 8 extraditions and one received bail, so the numbers are
 9 traditionally low.
 10 Q. And, just to be clear, those numbers aren't just low
 11 because some prisoners in the most serious category will
 12 need to satisfy a Parole Board, because of the nature of
 13 their sentence --
 14 A. Yes.
 15 Q. -- they're low because you simply expect people to come
 16 down through the categories as a result of progress?
 17 A. Either that or, as you say, to go through the parole
 18 system, yes.
 19 Q. Does it follow that if somebody is released as
 20 category A high risk, criminal justice professionals
 21 would know that that person had had little or no
 22 substantial progress and would need to factor that into
 23 their concerns in the community?
 24 A. Yes, I mean, if somebody is still cat A, then they've
 25 shown no measurable significant reduction in risk from

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1 the point at which they were made cat A.
 2 Q. And in terms of the practical effects in prison of
 3 category A status, does that affect the type of prison
 4 the person will be in?
 5 A. It does, yes.
 6 Q. Whether they will share a cell?
 7 A. They won't share cells, no.
 8 Q. And some of the rules governing visits and
 9 correspondence?
 10 A. Very much so.
 11 Q. As regards high risk status, does that status affect how
 12 closely a person is monitored in prison?
 13 A. It does, yes.
 14 Q. We've heard about people carrying around a small book
 15 with them --
 16 A. Yes.
 17 Q. -- or a small book going around with somebody which
 18 effectively allows for their movements to be monitored?
 19 A. Yes.
 20 Q. Next, adjudications, please.
 21 JUDGE LUCRAFT: Mr Hough, I'm just going to pause you there.
 22 I think we might just take a break.
 23 MR HOUGH: Yes, I'm coming towards -- close to the end of my
 24 questioning, but I agree it would be sensible.
 25 JUDGE LUCRAFT: It's got quite warm in this room this

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1 afternoon, probably for the first time. It's rather
 2 nice to have the warmth in a way, but we might just see
 3 whether we can just cool the temperature a little, if
 4 that's not too difficult to do.
 5 We're just going to take a break there and we will
 6 sit again in about 10 minutes' time.
 7 A. Yes, sir.
 8 (In the absence of the jury)
 9 I'll rise.
 10 (3.20 pm)
 11 (A short break)
 12 (3.29 pm)
 13 (In the absence of the jury)
 14 JUDGE LUCRAFT: Mr Hough, I think it's cooled down a little
 15 bit in here and I think we have found more supplies of
 16 water so we can keep people fresh and alert.
 17 I think, as I understand it, we probably won't
 18 finish you this afternoon, Mr Vince. It's going to take
 19 us longer than the time we've got, but you are fine to
 20 be here in the morning?
 21 A. I am, yes.
 22 MR HOUGH: I think according to the estimates we have had,
 23 Mr Vince will only just go into tomorrow, but he will go
 24 into tomorrow.
 25 (In the presence of the jury)

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1 MR HOUGH: Mr Vince, I was going to ask you about
 2 adjudications, because the jury have heard about those.
 3 Is this right: an adjudication isn't just a negative
 4 determination by some member of wing staff; it's the
 5 result of a formal procedure in which an adjudicator
 6 determines beyond reasonable doubt that there has been
 7 some breach of prison rules?
 8 A. They are, they're a formalised process, yes.
 9 Q. They may lead, is this right, to loss of privileges,
 10 deductions from earnings, or in extreme cases, days
 11 added to a sentence?
 12 A. Days can be added by an independent adjudicator
 13 appointed by the Lord Chancellor, so operational
 14 managers won't be able to give additional days.
 15 Q. But more serious disciplinary infractions amounting to
 16 criminal offences may be reported to the police and
 17 subject to police action?
 18 A. Indeed.
 19 Q. Next, Managing Challenging Behaviour Strategy. Is this
 20 a framework for the case management of prisoners whose
 21 behaviour is dangerous, disruptive, or otherwise
 22 difficult to manage?
 23 A. Yes.
 24 Q. I think this has now been replaced by other procedures
 25 but was in force for much of the time Khan was in

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1 prison?
 2 A. It was, yes.
 3 Q. We've heard that he was managed by MCBS at Woodhill in
 4 Manchester. Did both of those prisons have small units
 5 where MCBS prisoners would be housed?
 6 A. They did, yes.
 7 Q. The jury have also heard about Khan sometimes being
 8 locally managed MCBS and sometimes centrally managed
 9 MCBS. What's the difference between the two?
 10 A. So with locally managed there would have been an MCBS
 11 case management team who would have made decisions about
 12 his case management and fed that into the central case
 13 management team. When he became a central case then he
 14 would have moved to a specialist unit where he would
 15 have received far greater support, supervision and
 16 intervention.
 17 Q. So when we heard about him being centrally managed on
 18 MCBS, that would suggest a higher level of concern and
 19 disruption?
 20 A. It's stepping up the level of concern, yes.
 21 Q. Next, Learning Together, please. We know
 22 Learning Together was a programme for prisoners to study
 23 alongside Cambridge University students in prison. You,
 24 I think, were aware of the programme?
 25 A. I was, yes.

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1 Q. Ms Butler has told us that this, like other educational
 2 activities, was subject to a risk assessment whereby the
 3 type and the location of the activity in the prison were
 4 considered and giving a risk rating, which was low in
 5 the case of Learning Together at Whitemoor --
 6 A. Yes.
 7 Q. -- you understand that? And prisoners applying to join
 8 that programme would only be permitted if their risk
 9 rating which they were given was appropriate having
 10 regard to the risk of the activity?
 11 A. Yes.
 12 Q. The jury have also heard that Learning Together was
 13 first of all introduced at HMP Grendon, and then later
 14 rolled out to Whitemoor in late 2016 or early 2017, and
 15 Warren Hill perhaps around 2017?
 16 A. Yes.
 17 Q. Were you aware at the time of Learning Together being
 18 introduced successively to those prisons?
 19 A. Yes, I was, yes.
 20 Q. What were you told about it?
 21 A. We'd implemented Learning Together, had similar
 22 arrangements at Full Sutton and Frankland, which are
 23 both high security prisons, so I was aware of the aims
 24 of Learning Together more broadly, and I was aware that
 25 it was being implemented at Whitemoor.

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1 Q. The programmes at Full Sutton and the other prison you
 2 mentioned weren't, I think, run by the Cambridge
 3 University team, were they?
 4 A. No, they weren't, and neither were they at Frankland.
 5 I think they were non-high security prisoners that were
 6 engaged as well. This was operating with a number of
 7 universities. We have a long history of working with
 8 universities within both prisons and probation.
 9 Q. Is it right that Learning Together was commended in
 10 a report of Dame Sally Coates on prison education in May
 11 2016?
 12 A. I understand that from my prep for this Inquest, yes.
 13 Q. And following that, was the programme the subject of
 14 an Innovation Grant from the Prison Service from 2018,
 15 which totalled a little over £200,000?
 16 A. It was, yes.
 17 Q. As far as you're aware, was there any formal assessment
 18 by the Prison Service at a national level of the
 19 Learning Together programme outside the framework of the
 20 grant process?
 21 A. No, there wasn't. There wouldn't be a process for
 22 looking at activities across the organisation; that
 23 would be within the gift of governors to develop
 24 suitable interventions. The research element would go
 25 through the necessary HMPPS ethics and research

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1 committees to be approved though.
 2 Q. So did discussion of Learning Together and its rollout
 3 form a subject that you contributed to in your capacity
 4 at all?
 5 A. Not that I recall, no.
 6 Q. Next, moving on to changes which have been made in
 7 recent years of relevance to us. Since 2017 has the
 8 Joint Extremism Unit, JEXU, carried out a number of
 9 actions, including developing specialist staff in
 10 counter-terrorism at prisons and extending
 11 counter-terrorism training?
 12 A. It has, yes.
 13 Q. May I finally ask you about changes since the
 14 Fishmongers' Hall attack. First of all, has the
 15 government introduced legislation, the Terrorist
 16 Offenders (Restriction of Early Release) Act, which ends
 17 automatic release for all those convicted of terrorist
 18 offences?
 19 A. Yes. And subsequently the Counter-Terrorism Sentencing
 20 Bill received royal assent in April. The
 21 recommendations from that legislation are now being
 22 implemented as well.
 23 Q. Yes. I was going to say.
 24 A. Sorry.
 25 Q. The effect of the first piece of legislation is that

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1 someone in Khan's position would have to satisfy
 2 a Parole Board in order to be released?
 3 A. Unless in exceptional circumstances, yes.
 4 Q. In his case, being a category A high risk prisoner with
 5 a high risk or a very high risk of serious harm attached
 6 to him by the OASys assessment, do you think he would
 7 have satisfied a Parole Board?
 8 A. Obviously I can't say with certainty, but I mean, in my
 9 professional judgment, no.
 10 Q. The second statutory change you were referring to was
 11 the Counter-Terrorism and Sentencing Act 2021. Does
 12 that Act end release at the halfway point for serious
 13 TACT offenders so they will, in fact, serve their whole
 14 term?
 15 A. Yes.
 16 Q. So that would have meant a longer sentence, a longer
 17 standard sentence for someone like Khan?
 18 A. A longer determinate(?) sentence, yes.
 19 Q. And thirdly, will a further bill, the Police, Crime and
 20 Sentencing Bill, provide a new power for the Secretary
 21 of State for Justice to prevent the early release of
 22 other offenders posing a danger to the public?
 23 A. Yes, it broadens the definition that could be applied by
 24 judges for acts that fall within extremism or terrorism.
 25 Q. And, finally, is there to be or has there been since the

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1 Fishmongers' Hall attack, increased investment in the
 2 counter-terrorism capacity in the Prison Service as well
 3 as, as we heard, the Probation Service?
 4 A. Significantly so. So Sonia Flynn would have described
 5 the £100 million that was there for OMiC. In 2021 we
 6 received £12 million to fund a real step-change in how
 7 we address counter-terrorism, for 2021/2022, that's
 8 £30 million, and we also received £100 million of
 9 investment in security improvements whilst not directly
 10 contributing to CT, indirectly very much supports the
 11 work that we do around CT.
 12 MR HOUGH: Thank you very much. Those are all my questions.
 13 A. Thank you.
 14 JUDGE LUCRAFT: Mr Armstrong.
 15 Questions by MR ARMSTRONG
 16 MR ARMSTRONG: Thank you, Mr Vince. My name is
 17 Nick Armstrong and I ask questions on behalf of the
 18 family of Jack Merritt.
 19 Can I just --- there's actually two subjects I want
 20 to ask you about and one is very short. Can I just
 21 slightly unpick the numbers that you talked about on
 22 category A releases?
 23 A. Yes.
 24 Q. You said, I think, to my learned friend Mr Hough that
 25 there were 27 cat A releases in 2018.

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1 A. Yes.
 2 Q. Five of whom were not guilty?
 3 A. Yes.
 4 Q. So they were people who were found not to have done what
 5 they were in for in the first place?
 6 A. Absolutely.
 7 Q. A couple of extradition?
 8 A. Yes, and one bail. There were 15 releases that would
 9 have, for want of a better phrase, been at conditional
 10 release date or based on parole, so 15 releases into the
 11 community.
 12 Q. Can I just ask you about the 15. That incorporates
 13 people who go via the Parole Board, people who are
 14 released automatically, like Khan.
 15 A. Yes.
 16 Q. And that would also include recall cases? So some of
 17 the Parole Board releases would have been people who
 18 come back into prison but are reallocated to category A?
 19 A. Yes.
 20 Q. And then are found not to have done what they were
 21 recalled for?
 22 A. Yes, that would fall within the parole releases I think.
 23 Q. How many were high risk cat As?
 24 A. None to the best of my knowledge.
 25 Q. So Khan is the only one?

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1 A. Yes.
 2 Q. Thank you. I'm going to ask you questions about
 3 Learning Together, essentially. You are the director of
 4 the high security estate?
 5 A. I am.
 6 Q. How much time do you spend at Whitemoor? Or in 2018 how
 7 much time would you be spending there?
 8 A. In 2018 I would visit prisons probably three times
 9 a year. I also had a deputy director working to me who
 10 would visit the prisons as well.
 11 Q. And just tell me who that was in this case?
 12 A. In 2017 it was Ed Cornmell.
 13 Q. Okay. Now, in your time at Whitemoor, visiting
 14 Whitemoor, have you ever seen a Learning Together
 15 programme?
 16 A. Yes.
 17 Q. You had seen one?
 18 A. Yes.
 19 Q. What had you seen?
 20 A. I had attended the Learning Together workshop, I wanted
 21 to satisfy myself about the physical layout and
 22 conditions, et cetera. I met some prisoners and
 23 participants, but that was in a bit of a sort of a false
 24 environment. It was because I was there so it was kind
 25 of a bit of a sort of meet—and—greet.

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1 Q. And can you give us a date when this takes place?
 2 A. No, I can't, I'm sorry, no.
 3 Q. Now, what I'm interested in is this: we know that
 4 Learning Together starts in 2014 and has its first
 5 course in 2015 and we know it's in Whitemoor by the end
 6 of 2016?
 7 A. Yes.
 8 Q. One of the issues that Jack's family have wanted to
 9 explore is the evaluation that takes place.
 10 A. Yes.
 11 Q. Now, the only evaluation that seems to take place, there
 12 is published evaluation, academic evaluation on
 13 questionnaire studies —
 14 A. Yes.
 15 Q. — but that's not published until 2020, so that's not
 16 available. We were told by Dr Armstrong that there had
 17 been earlier qualitative research, which means
 18 interviewing?
 19 A. Yes.
 20 Q. We've not seen much of that, but there doesn't seem to
 21 be anything on — all of that is about the response that
 22 prisoners have to the programme —
 23 A. Yes.
 24 Q. — not about the risks of exposing the prisoners to that
 25 programme?

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1 A. Yes.
 2 Q. Have you seen any evaluation of that?
 3 A. No, I haven't, no.
 4 Q. So it follows from that that some of the issues that
 5 we've been exploring on things like how risky or
 6 otherwise it is to take relatively unreformed men and
 7 then feed and amplify status—seeking by asking research
 8 interviews and saying: are you feeling better you're now
 9 on this programme? And they say: yes, and they rather
 10 like having people coming along and taking their
 11 interest seriously.
 12 A. Yes.
 13 Q. None of that has been evaluated, to your knowledge?
 14 A. No.
 15 Q. There's nothing looking at, for example, the creation of
 16 unrealistic expectations, particularly in somebody like
 17 Khan's case, who is about to be released?
 18 A. No, not that I'm aware of.
 19 Q. You talked to my learned friend Mr Hough about
 20 programmes in Full Sutton and Frankland?
 21 A. Yes.
 22 Q. I think they are run by an organisation called
 23 Inside—Out?
 24 A. Yes, that's my understanding, yes.
 25 Q. Inside—Out, I think, I'm just asking you, has a complete

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1 ban on post—course contact between students?
 2 A. I am afraid I can't answer that, I don't know.
 3 Q. That looks like a relevant question to ask. If
 4 Learning Together is doing something very different to
 5 Inside—Out and looking at a slightly more boundary—free
 6 approach to these things, but you're not aware of any
 7 evaluation of why they were taking a different approach
 8 to Inside—Out?
 9 A. It's a very reasonable question, I accept that, I'm just
 10 unable to answer that, I am afraid.
 11 Q. Okay. My clients, I think would like me to say, that
 12 they, of course, and their son Jack, very strongly
 13 supported Learning Together and the results that he was
 14 seeing, but they also wanted to see it being properly
 15 safeguarded.
 16 A. Yes.
 17 Q. Would you accept that there are very real concerns in
 18 this case that this got rolled out from Grendon and
 19 Warren Hill to the high security estate without that
 20 kind of evaluation? Asking the questions that we're
 21 talking about?
 22 A. Yes. I think those are legitimate concerns based on
 23 what we now know. I think that the introduction of
 24 Learning Together at Whitemoor in my view remains
 25 appropriate for that population. It was a very

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1 supervised, structured activity, and whilst, you know,
 2 I completely understand the point that the family make,
 3 we do know that activities such as education and others,
 4 where there is more empirical evidence to support how
 5 beneficial those can be, would, in my view, make it
 6 appropriate for Whitemoor at that time, but I do
 7 understand the point about the absence of research
 8 supporting that.
 9 Q. Well, can I approach this in two ways: first of all, you
 10 are talking there, I think, about: it's fine to do this
 11 in the high security environment?
 12 A. Yes.
 13 Q. Once you are in, and we have seen the evidence about
 14 this, once you are in a room that has several CCTVs and
 15 a podium and alarm bells, that's fine --
 16 A. Yes.
 17 Q. -- but you can see also, can't you, that with somebody
 18 like Khan, you are setting him up within a year or less
 19 of him being released?
 20 A. I think there are a number of variables, if I may,
 21 I don't wish to give long answers. I think in the case
 22 of Khan, our window of opportunity to seek to engage
 23 with him and reduce his risk was quite small relative to
 24 the long-term high security estate he was quite lightly
 25 sentenced.

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1 I think that he had engaged with education
 2 successfully up until that point, it felt like
 3 a sensible or realistic option to put him onto further
 4 education. I understand the issue about status.
 5 I don't believe that -- well, I think first of all
 6 anybody studying with a world class university is likely
 7 to take prestige and status from that, you know,
 8 undoubtedly. I don't believe that the Learning Together
 9 organisation conferred or indicated or created
 10 an expectation that he would get qualifications from
 11 that.
 12 The final point I would make on that is that status
 13 is a variable within the social dynamic of prisons. It
 14 is very common and not limited to that that people would
 15 take from activities.
 16 Q. You say in your witness statement, can I just bring it
 17 up, can I just look at {WS5067/26}, paragraph 82.
 18 JUDGE LUCRAFT: It's page 26.
 19 MR ARMSTRONG: Thank you, sir.
 20 Paragraph 82 here on Learning Together, Mr Vince,
 21 I want to see if I understand this right:
 22 "Learning Together... was classified as a Learning
 23 and Skills Function, under the general umbrella of
 24 activities and interventions offered in prison, which
 25 include external workshops."

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1 Now, does that classification as a learning and
 2 skills function similar to an external workshop, I mean,
 3 this is a programme; does that mean it doesn't get
 4 subject to correctional services advice and
 5 accreditation panel, it doesn't go the way an offending
 6 behaviour programme goes?
 7 A. No, it wouldn't, no, but the research element would go
 8 through the ethical and clearance processes for HMPPS.
 9 Q. Have you seen the material on the -- research material
 10 on that research element?
 11 A. No, I haven't.
 12 Q. No, we haven't either, so that's why I'm asking about
 13 it. This was repeatedly said in evidence about
 14 Dr Ludlow in particular to be an educational
 15 programme --
 16 A. Yes.
 17 Q. -- rather than a rehabilitative programme. Education
 18 would normally be covered by Ofsted; this isn't
 19 Ofsted, is it?
 20 A. No, it's not.
 21 Q. Whitemoor has an education provider, I think, Milton
 22 Keynes College?
 23 A. It does, yes.
 24 Q. Do they have any involvement in Learning Together or
 25 evaluating --

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1 A. Not to my knowledge, no.
 2 Q. All of the matters that we're talking about, I mean,
 3 this is HMP Whitemoor, this is one of the most secure
 4 prisons that we have in the country.
 5 A. Yes.
 6 Q. Housing some of the most dangerous people in the
 7 country.
 8 A. Yes.
 9 Q. Don't we want to be very closely evaluating anything
 10 that happens in HMP Whitemoor?
 11 A. Yes, and I think that's done through the head of
 12 learning and skills and the security department.
 13 I should also say that we had a long partnership
 14 with Cambridge University over a number of years, as we
 15 have with many universities. I think there was
 16 an element of being aware of the credibility and the
 17 detail within which they work and us having
 18 a long-standing working relationship with them that
 19 probably informed some of the decisions as well.
 20 Q. Do you remember having a conversation with
 21 William Styles about the programme and whether it was
 22 appropriate for Whitemoor?
 23 A. William Styles had advised me, or Ed Cornwell at the
 24 time, the deputy director, had advised me that they were
 25 implementing Learning Together at Whitemoor. That

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1 didn't necessarily cause me to look at that in more
 2 detail, it was something that as an organisation we were
 3 used to doing and would be within the gift of the
 4 governor to establish.
 5 Q. So that's for him, that decision?
 6 A. Yes, I mean, that's not to suggest that I have no
 7 responsibility, that's not what I'm saying.
 8 Q. No, sure.
 9 A. But there is a fair bit of latitude for governors to
 10 develop interventions within their prisons or to develop
 11 regimes.
 12 Q. Do you have a conversation with Jamie Bennett about
 13 this? I ask about that name because he was the governor
 14 at Grendon when it started, he then went onto Long
 15 Lartin, which is part of your high security --
 16 A. Yes.
 17 Q. Do you remember having a conversation with him about
 18 whether this was a good idea?
 19 A. No, I didn't, no. I should say at the outset that
 20 I knew Dr Bennett very, very well. I had visited
 21 Grendon and as part of the work that I was doing with
 22 the long-term high security estate I had a keen interest
 23 in how Grendon developed its regimes because of the
 24 similarities in populations that you have heard about.
 25 Q. But Learning Together has as part of its mission

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1 statement -- and I know prisons focus on security within
 2 the prison wall --
 3 A. Yes.
 4 Q. -- but Learning Together has as part of its mission
 5 statement that it is interested in supporting beyond the
 6 prison wall?
 7 A. Yes.
 8 Q. And it says that completely openly, and it uses as its
 9 paradigm, it says: That's because that's what we do in
 10 universities, the university student support after you
 11 graduate is the paradigm. But these are not, and
 12 certainly Usman Khan, is absolutely not a university
 13 student paradigm by any means?
 14 A. No.
 15 Q. Nor is there the obvious benefit here of a particular
 16 qualification, it's just some sense of: you gain from
 17 the relationship, you gain from the support, you gain
 18 from the association. That's a lot of risks to be
 19 taking without any evaluation, isn't it?
 20 A. I think that we will engage in quite a few activities
 21 across the prison where there is not necessarily
 22 an evidence base that they're going to reduce
 23 re-offending. With long sentenced men, particularly
 24 where we're trying to get them to disengage from violent
 25 and disruptive behaviour, simply the act of going and

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1 engaging with people can be very beneficial, so not all
 2 our activities will be supported by evidence. Where
 3 they are we would look to get them accredited.
 4 Q. The support here was quite high, it's £214,000 worth of
 5 support?
 6 A. Yes.
 7 Q. Can I just put that witness statement back up at
 8 page 81, {WS5607/81}, these were the agreed outputs for
 9 the £214,000:
 10 "Offenders can access an imaginative and
 11 wide-ranging curriculum, which covers a range of subject
 12 areas and academic ability.
 13 "Offenders' interest in and commitment to the
 14 learning process is sustained.
 15 "There are improved rates of retention/completion in
 16 prisoner education."
 17 Those are pretty generalised gains for nearly a
 18 quarter of a million pounds?
 19 A. Yes. I think with hindsight I probably took from the
 20 grant being awarded that there had perhaps been more of
 21 a process of evaluation and clearance than is now
 22 apparent.
 23 Q. Can I just ask you about this, because the concern
 24 really is back to the fact that this man is about to be
 25 released.

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1 A. Yes.
 2 Q. And he's about to be released and have all the contact
 3 with the individuals within Learning Together outside
 4 the high security estate. Can I just show you, in case
 5 you haven't seen it, what Governor Styles said about
 6 this. Can I have {DC6719/72}. This is wording that he
 7 accepts is his. It was an application for an award of
 8 money, and if you go to the second page, this is a quote
 9 from him that he wrote -- sorry, it's the second half of
 10 that page that I went to, 72, the bottom half. Thank
 11 you. So:
 12 "In their work in a High Security prison, the Course
 13 Directors for Learning Together, Drs Amy Ludlow and
 14 Ruth Armstrong, have focused their efforts on partnering
 15 with the establishment to deliver an inclusive learning
 16 environment that brings together students from inside
 17 and outside the prison walls ..."
 18 And I just want to show you this:
 19 "However, the unusual circumstances of the imminent
 20 release of a high risk offender [that's Khan] have
 21 presented opportunities to reflect upon engagements that
 22 have contributed towards enabling students to prepare to
 23 go out into the community and make positive
 24 contributions to it. The testimonials below from
 25 an individual Learning Together student who will shortly

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1 be released and his offender supervisor highlight that
2 one of the strongest contributors in this individual's
3 transformation has been his engagement with the
4 Learning Together programme."

5 Then there's a quote from somebody we assume is
6 Jo Boulton, then there's a quote, not completed, from
7 Usman Khan.

8 Now, this looks like -- the concern of the family
9 is -- rather than saying this is a high risk category A
10 prison going out and we should be very worried about
11 that, this is saying: isn't this brilliant?

12 A. Yes.

13 Q. And it's also used words like "transformation"?

14 A. Yes.

15 Q. Which we say contributes -- starts a ball rolling that
16 finishes up with Ken Skelton regarding him as a success
17 story and writing his emails eventually a year later to
18 Timpson's, and we know how all of it ends.

19 I mean, you must look at that and go: this was not
20 a great idea, this was the opposite of hard-headed,
21 risk-orientated caution.

22 A. In this particular case, yes, and I think, to use
23 a phrase that Jonathan Hall QC used in his MAPPA review,
24 there can be an optimism bias, you know, people dedicate
25 their lives to trying to change other people's lives and

1 protect the public, and that may be what's here. I mean
2 I certainly, through the category A review process, did
3 not regard Usman Khan to be transformed, but, you know,
4 I can equally see how his desisting from the very
5 disruptive behaviour we had seen and engaging with his
6 programme could -- could -- and I'm not suggesting this
7 here, Mr Styles and others would answer for their own
8 assessments -- could create an optimism bias, and we
9 have checks and balances in place for that.

10 Q. Thank you, that's the last thing I wanted to ask about.

11 JUDGE LUCRAFT: Just before you move on, can I ask one
12 thing, Mr Armstrong, just picking up on one thing that
13 you said in answer in fact to the question. The phrase
14 that I picked up on, you spoke about there being
15 a fairly short window that you had Usman Khan for.

16 A. Yes.

17 JUDGE LUCRAFT: And we've heard eight years, and it was
18 really just, if you could put that in context, it may
19 just help us. The time you've normally got somebody in
20 cat A would be what, just by comparison?

21 A. I don't think there's a norm, but eight years -- I mean,
22 a 16-year determinate sentence is really -- you know,
23 eight years in custody I generally would expect to see
24 people serving indeterminate sentences, you know, sort
25 of 20-30 years. But can I just say I make no comment on

1 sentencing policy, that is pure based on my
2 observations.

3 JUDGE LUCRAFT: No, it is really just so that I could put
4 that into context as to when you were talking about
5 a short time window, you have made it fairly clear that
6 eight years is by comparison with someone who may be in
7 the estate for 25 years, 20 years?

8 A. Yes, I mean, you know, average sentence lengths have
9 grown hugely over the last decades. So, you know,
10 a 16-year determinate sentence with eight years in
11 custody, a proportion of which was spent simply trying
12 to contain and bring down his levels of behaviour, left
13 a short window of opportunity to intervene in his actual
14 risks, I think is the point that I was conveying.

15 MR ARMSTRONG: Yes. I mean I see the point, I'll put it to
16 you this way that he's coming out anyway?

17 A. Yes.

18 Q. You've got no choice in that?

19 A. Yes.

20 Q. It's hugely tricky because he has done pretty much all
21 of his adult life at high security category A?

22 A. Yes.

23 Q. But you need to do something and at the moment this
24 looks like it is producing something?

25 A. There were some early tentative indications that it

1 could have produced something, but looking back on his
2 record, his HII engagement was poor.

3 Q. As was his TSP?

4 A. Well, his TSP was probably more successful, but it's not
5 a programme that is going to change engrained
6 ideological thought processes, it's a contributory part
7 to an overall package of interventions.

8 My kind of assessment on it was that he had engaged
9 successfully with education. That seemed to be, for
10 want of a better phrase, the hook that we could possibly
11 start to engage him and get him to disengage with the
12 terrorist narrative, as it tends to be called, but that
13 was in its very early stages, you know, we would need to
14 see a long period of consolidation, but that period, to
15 see that consolidation and see if there was genuine,
16 ingrained change, was too short.

17 Q. Yes.

18 A. But I think it was an incredibly fine judgment that the
19 establishment had to make between saying: do we simply
20 accept that he's going out and that he goes out as he
21 is, or do we, you know, for want of a better phrase, if
22 I may, throw everything at him to try, you know, and
23 engage him constructively on something.

24 Q. I see that, but the criticism then becomes this: try it,
25 see some behavioural change from him, although it's

1 behavioural change from a pretty bad starting point, so
 2 it's — he's not behaving well, he's just behaving less
 3 badly, but what you must do is give very, very serious
 4 warnings to the people who are going to manage him,
 5 including Learning Together, with whom Governor Styles
 6 and others and the regime has a relationship?
 7 A. Yes, and I think, you know, keeping him in category A is
 8 about as loud and clear as it can be —
 9 Q. Yes.
 10 A. — that, you know, he remains very risky and should be
 11 treated accordingly.
 12 Q. Can I just ask you about this, just the final point
 13 about — because this is about checks and balances and
 14 we heard from Sonia Flynn this morning and she was
 15 talking about optimism bias and she was talking about
 16 the reforms, and she said: we are not going to have
 17 offender managers doing the ERGs because you get too
 18 close.
 19 A. Yes.
 20 Q. And I just wanted to ask you about this: one of the
 21 issues here is, when you've got an organisation like
 22 Learning Together who have this new programme which is
 23 producing for people like John Crilly and Steve Gallant,
 24 it's producing interesting and rewarding results, it's
 25 possible to get excited about that programme, and it

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1 might be that the prison, the hard-headed prison needs
 2 to say: no, rein it in. The face that you have Governor
 3 Styles and Gina Butler doing their master's degree and
 4 spending time away from the prison estate and going to
 5 Cambridge and doing that, is that suggesting there's too
 6 much closeness here? Are we eroding some of those
 7 boundaries?
 8 A. I've thought about that. No, I don't think we are.
 9 I think it's not surprising that they both did the
 10 Cambridge course, because that's the programme that's
 11 available to a limited number of senior people across
 12 prisons and probation. I understand the point, I don't
 13 necessarily agree with it. I haven't seen anything that
 14 would suggest that there's a sort of quid pro quo or
 15 an overreliance on Cambridge. I think Cambridge
 16 University has a long history of working with the Prison
 17 Service, and the long-term high security estate actually
 18 and particularly at Whitemoor, and so do many
 19 organisations and they too provide training. I think
 20 Will Styles is a very experienced and competent
 21 governor. I don't believe that either he or anybody
 22 else was in thrall to Cambridge University.
 23 Q. I mean, this isn't about Cambridge University generally,
 24 it's about the Learning Together programme?
 25 A. Sure.

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1 Q. Just one last thing. We know that Learning Together is
 2 paused for the moment.
 3 A. Yes.
 4 Q. What's the Prison Service's aim or strategy with it?
 5 A. I think we would certainly want to understand the
 6 outcome of this Inquest. We would want to implement the
 7 further changes that we've been significantly funded to
 8 implement, and, you know, just kind of take stock and
 9 make sure that we're satisfied that it's appropriate to
 10 continue.
 11 MR ARMSTRONG: Thank you very much, Mr Vince, I have no
 12 further questions.
 13 JUDGE LUCRAFT: Thank you.
 14 Questions by MR RULE
 15 MR RULE: Mr Vince, my name is Philip Rule and I ask
 16 questions on behalf of the family of Saskia Jones.
 17 A. Hello.
 18 Q. You have mentioned in your witness statement the analogy
 19 or comparison between the functions of the Category A
 20 Team inside the prison —
 21 A. Yes.
 22 Q. — and the MAPPA organisation that the jury have been
 23 hearing about this morning with Sonia Flynn in relation
 24 to risk management?
 25 A. Yes.

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1 Q. Both of those organisations or the structures, schemes,
 2 are trying to deal with some of the most dangerous
 3 offenders that are both in the prison system and in the
 4 community?
 5 A. Yes.
 6 Q. And the aim of both is to focus on how to reduce and
 7 manage that risk?
 8 A. Yes.
 9 Q. The context, of course, is different in the sense that
 10 the Category A Team look at that risk contained in the
 11 custodial environment in ensuring there's no escape?
 12 A. The Category A Team look at the risk of escape and the
 13 risk to the public if somebody was unlawfully at large.
 14 That's what guides their risk assessment and my
 15 decisions.
 16 Q. Indeed. So the focus is to try and keep that danger
 17 contained in a high security prison without an escape?
 18 A. Yes, and to reduce it, of course.
 19 Q. Yes. And MAPPA, to quote from your witness statement,
 20 paragraph 71, is considering what measures are required
 21 to manage and reduce the risk to the public safety when
 22 the offender is in the community?
 23 A. Yes.
 24 Q. So there's a comparison between objectives, isn't there?
 25 A. There is a comparison between objectives, yes.

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1 Q. Yes. I'm not trying to catch you out because I'm using
 2 your witness statement.
 3 A. No, no, that's fine. I was just simply thinking.
 4 Q. So the category A decision-making, the jury have heard
 5 some examples, they've seen some of the examples, and
 6 I know you will be familiar with them in this case?
 7 A. Yes.
 8 Q. Just by way of overview, we had a five-year review of
 9 category A. Now, that happened in February,
 10 15 February 2017 in Mr Khan's case?
 11 A. Yes.
 12 Q. The significance of that you can help us with is that
 13 not only is it taken by one of the officials in the
 14 Category A Team?
 15 A. Yes.
 16 Q. But each five-year review has to go up to a higher level
 17 and in this case, the deputy director of high security
 18 would have looked at the matter himself?
 19 A. It's actually me, sorry.
 20 Q. A change of title?
 21 A. I used to be called a deputy director and then things
 22 changed and now -- so references to DDC are in effect
 23 me.
 24 Q. Yes, so the DDC decision on the five-year review in
 25 February was you?

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1 A. Yes.
 2 Q. And I thought as much until your answer earlier, but
 3 I think you were thinking about governorship of
 4 Manchester and Khan not being when you were there?
 5 A. Yes.
 6 Q. So you did have some involvement in the sense you took
 7 a decision in February 2017, but thereafter, it goes
 8 back to the annual reviews or reviews if there's
 9 a significant change?
 10 A. Yes.
 11 Q. And those are done in Mr Khan's case by the Category A
 12 Team. In July of 2017 his high escape risk
 13 classification and in December 2017, his Category A
 14 Team, again, category A maintained?
 15 A. Yes.
 16 Q. And the jury are familiar with the reasons for those
 17 decisions and the high risk decision again ERC
 18 in August 2018?
 19 A. They would still come to me, they would be authorised by
 20 me.
 21 Q. The escape risk classifications are authorised by you?
 22 A. Both.
 23 Q. And that's because -- that's not for every category
 24 A prisoner, because some are at the standard level, it's
 25 the high risks that need to be reviewed regularly?

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1 A. Yes.
 2 Q. And the exceptional risks that need to be reviewed
 3 regularly?
 4 A. Exceptional?
 5 Q. Exceptional.
 6 A. Yes, I'm sorry.
 7 Q. And they are reviewed very quickly and they are a very
 8 small number, they are usually back down to high?
 9 A. That's a whole different process, yes.
 10 Q. Now, within that process, I just want to make
 11 an overarching point which I think we don't need to look
 12 at the documentation in relation to, I'll use your
 13 familiarity. The review process involves different
 14 departments in informing your decision-making or the
 15 Category A Team's decision-making?
 16 A. Yes.
 17 Q. The dossier is created including a forensic psychologist
 18 as well as Offender Manager Unit, that's the offender
 19 supervisor --
 20 A. Yes.
 21 Q. -- and security department? You have all three coming
 22 to give information that helps that decision-making?
 23 A. Alongside that would be reports from wing staff, from
 24 workshop instructors, teachers, the dossiers are very
 25 wide.

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1 Q. And a key part, I think you'll agree, is the forensic
 2 psychology reports?
 3 A. It's one key part.
 4 Q. Security is another key part?
 5 A. There are several key parts, yes.
 6 Q. And the question that is asked when you're making the
 7 decision or your team is making the decision, and the
 8 question asked of the psychologists and of others, is
 9 whether there's a demonstration of a convincing nature
 10 for a reduction of risk that's significant?
 11 A. Demonstrable reduction in risk. Significantly
 12 demonstrable reduction in risk.
 13 Q. Yes, and convincing evidence is a word that I'm taking
 14 from the PSI --
 15 A. Yes, absolutely, yes.
 16 Q. So the approach is a cautious one, is it not? Because
 17 of the objective, because of the risks you're dealing
 18 with, the dangers you're dealing with?
 19 A. Oh, yes, yes.
 20 Q. And the rigour with which you conduct these assessments
 21 includes, for example, the ability to have an oral
 22 hearing?
 23 A. Under certain circumstances, yes.
 24 Q. It can be where fairness requires of it, it can be where
 25 it helps you in making the decision?

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1 A. There are some cases where myself and the category A
 2 review team, I won't come to a decision. I need to sit
 3 down with the individual and they'll have legal
 4 representation and independent reports, et cetera, that
 5 can be done, yes.
 6 Q. Thank you. I'm not suggesting that's standard process
 7 but it is part of the process, isn't it?
 8 A. No, we agreed -- the Supreme Court agreed certain
 9 circumstances where it could happen, yes.
 10 Q. Yes. And so since the policy, the PSI was amended in
 11 2016, there has been an express recognition, although
 12 before that we can go back to case law from Williams and
 13 others which are all about the -- there were cases of
 14 oral hearings anyway?
 15 A. Yes, they were very rarely used and then subject to
 16 legal challenge criteria for their use were set by the
 17 Supreme Court and then there's been a much bigger uptake
 18 in -- or I've done many more oral hearings.
 19 Q. The reason that I am raising this with you about the
 20 oral hearings is just so we have an idea of the rigour
 21 and the opportunities for assessment of risk that exist
 22 in the category A structure and we can later compare
 23 that to the MAPPA structure.
 24 A. Mm--hm.
 25 Q. In your category A structure, you have the ability to

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1 actually ask difficult questions of the prisoner himself
 2 because the oral hearing can have the prisoner actually
 3 in front of you, can't it?
 4 A. Oh yes, yes.
 5 Q. And it can also have a psychologist asked to explain
 6 their report, their findings, their assessment directly?
 7 A. Yes. I, as part of my panel, I have a highly
 8 experienced forensic psychologist who advises me on all
 9 things psychology.
 10 Q. Thank you very much. And the approach that is taken,
 11 certainly, is that it is not enough if a prisoner is
 12 simply staying out of trouble, if they keep their nose
 13 clean; that's not convincing evidence of reducing their
 14 risk, is it?
 15 A. No.
 16 Q. Now, you've noted in your statement there are specific
 17 challenges to dealing with TACT offenders, terrorist
 18 offenders, both in prison and whilst on release?
 19 A. Yes.
 20 Q. And you've touched on some of that in relation to
 21 ideology and other matters.
 22 Now, so far as risk assessments are concerned,
 23 you're familiar, aren't you, with psychologists
 24 providing risk assessments in your work and the variety
 25 of different structured tools that they use on

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1 a day--to--day basis?
 2 A. I am, yes.
 3 Q. ERG is one example, isn't it?
 4 A. It is one, yes.
 5 Q. And they have a multitude, I'm not going to list them
 6 off with you, a multitude of others that they use to
 7 assess in detail the psychology and the offending risks
 8 of the different offenders that you have in the system?
 9 A. Yes, sorry, I hope I'm not being pedantic just to make
 10 the point that the ERG is structured professional
 11 guidance and some of the tools that we use are
 12 specifically about assessment and will, for example,
 13 give a numerical score. There is a fine distinction
 14 between the two, if I may.
 15 Q. Yes, so some are personality disorder oriented, and
 16 they'll score whether somebody meets a criteria for
 17 a diagnosis, et cetera, but we're not talking about
 18 those specifically, but just wanted the general point
 19 that psychologists are doing a lot of structured
 20 assessment of risks; that's your experience?
 21 A. Yes.
 22 Q. And they have a role which is described in the custodial
 23 management review, which I'll come back to in more
 24 detail, but you know the document that I'm speaking
 25 about. I think that was finalised in March 2021, so

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1 quite a recent document uploaded to the system?
 2 A. Yes, yes, I do.
 3 Q. So speaking of that, at paragraph 125, it talks about
 4 the role of psychologists in Pathfinder are considered
 5 by the group to be integral:
 6 "... able to provide a different perspective on
 7 issues and an alternative view on the support
 8 an offender may require."
 9 You agree with that?
 10 A. Yes.
 11 Q. And your experience of them.
 12 The MAPPA system, so far as it was in operation in
 13 2018 and 2019, did not involve psychologists on the
 14 panel, did it?
 15 A. Psychologists could be invited to the panel at the
 16 request of the panel chair.
 17 Q. It did not have them on the panel as part of the --
 18 A. There wasn't a statutory requirement for them to be on
 19 the panel, but it would not be -- from my knowledge it
 20 would not be unusual for them to be invited.
 21 Q. All right. So your evidence is that they could have
 22 been invited, even in 2018?
 23 A. Yes.
 24 Q. Yes. And would that have been someone who could
 25 explain, for example, an ERG assessment, and give detail

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1 about that?
 2 A. To the MAPPA panel?
 3 Q. Yes.
 4 A. Yes, they could, although my experience is that the
 5 detail in the ERGs will often speak for itself , but
 6 there was the option there, of course, yes, to invite
 7 somebody to attend.
 8 Q. All right. Have you seen in relation to preparing for
 9 this case the MAPPA serious case review?
 10 A. I have, yes.
 11 Q. Thank you. Could I ask for document {DC6378/18},
 12 please. And paragraph 7.17, lower on the page, please.
 13 This is part of the concluding recommendations at 7.17:
 14 "If MAPPA retains the responsibility for the
 15 assessment of risk associated with serious TACT
 16 offenders, it should routinely have access to input from
 17 behavioural scientists or forensic psychologists to help
 18 interpret the effectiveness of the risk management plan
 19 adopted for offenders."
 20 You would agree with that recommendation?
 21 A. Yes.
 22 Q. Thank you. In addition, the psychologists who undertake
 23 ERGs in the system, you're familiar, do not have direct
 24 involvement with treatment or management of the
 25 individual who is being subjected to that assessment.

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1 A. They would be separate, yes.
 2 Q. They would be independent?
 3 A. Yes. Well, independent, I mean, as much as you can be
 4 within a prison , but they wouldn't have had direct
 5 involvement with the individual.
 6 Q. Thank you. And have I understood the evidence correctly
 7 that it is always a psychologist inside a prison like
 8 Whitemoor who conducts the ERGs?
 9 A. To the best of my knowledge, yes. Sorry, I'm trying to
 10 think of the cat C prisons. I'm very confident that
 11 remains the case as well.
 12 Q. All right , so all the way through the system, but
 13 certainly the high security estate?
 14 A. To the best of my knowledge as I'm sat here now.
 15 Q. Thank you. Now, you have mentioned in your very long
 16 witness statement a document, PSI 06/2013, which is
 17 Registration and Management of Critical Public
 18 Protection Cases, which is {DC6614/4}, please. Now,
 19 just if you can very briefly explain to us the Critical
 20 public protection cases, are those cases to which some
 21 additional resources can be allocated and to which they
 22 raise additional concerns that mean that that should be
 23 reported in centrally , really?
 24 A. Yes.
 25 Q. And there are criteria . That won't be a large number of

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1 cases. It has certain criteria ; is that correct?
 2 A. It does. It -- the team was established in response to
 3 serious further offences that were committed, yes.
 4 Q. Thank you. So we can see from the date of the document,
 5 it being a 2013 PSI, number 6 of that year, that it's
 6 been in force since around 2013?
 7 A. Yes.
 8 Q. And on this page we'll see that the cases that meet it,
 9 if we can go, in fact, to the bottom of the page, 2.1,
 10 over the page, please {DC6614/5}. Sorry, {DC6614/6}:
 11 "Cases should be considered for referral ... where
 12 the following criteria are met.
 13 "... managed at MAPPA Level 3..."
 14 Which we know Khan's was:
 15 "In almost all cases [the second bullet point], the
 16 offender is assessed as presenting a very high risk of
 17 serious harm."
 18 That means that the imminence of an offence is
 19 imminent, or is can simply be high profile with a lot of
 20 media interest. So if we discount high profile back at
 21 the time Mr Khan is released, we would be focused on the
 22 second bullet point as to whether he is at very high
 23 risk of serious harm and therefore considered
 24 potentially for Critical Public Protection Case
 25 attention.

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1 Could I ask you then, and there are other references
 2 in the report, in the PSI, but essentially I want to
 3 focus on the very high risk element which is present in
 4 that passage and in others. If we look, then, at
 5 {DC6406/8}, please, and towards the bottom of the page,
 6 please, we have:
 7 "16. MAPPA Risk Management decision and Plan
 8 "Agreed Level of risk of serious harm."
 9 The options are there, and then "high" has been
 10 recorded on the MAPPA document, and we have seen this on
 11 more than one MAPPA document.
 12 A. Mm.
 13 Q. "Does [it] require ongoing management at level 2/3."
 14 It's:
 15 "Level 3 due to the senior management oversight
 16 required and high-profile natures of the case."
 17 Then the fourth point is:
 18 "Does this case require CPPC Registration? No."
 19 And that is the Critical public protection case
 20 consideration.
 21 A. Mm-hm. Sorry: yes.
 22 Q. Now, if it's recorded the level of risk of serious harm
 23 at high rather than very high, that would discount
 24 registration of the case under the PSI, wouldn't it?
 25 A. Yes.

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1 Q. Now, you have mentioned polygraph, or, sorry, polygraph
 2 has been mentioned today, I don't think by you, although
 3 it's in your witness statement --
 4 A. Yes.
 5 Q. -- because it's one of the matters which has been
 6 subject to change since events.
 7 Can I ask that we look at {DC6513/11}, please. We
 8 can see the title there, "Polygraph testing", 2.10, it's
 9 a means of not predicting offending but a useful means
 10 of gathering information relevant to assessing risk.
 11 A. Is this Jonathan Hall QC's report?
 12 Q. It is, sorry.
 13 A. Yes, yes.
 14 Q. I should have -- I didn't -- I'm sorry, I meant to
 15 identify it for you.
 16 A. Yes.
 17 Q. You're absolutely right, you recognise it, and
 18 Jonathan Hall was an independent reviewer of terrorism
 19 legislation and systems providing a review into the
 20 MAPPa functioning --
 21 A. Yes.
 22 Q. -- directly as a result of the Fishmongers' Hall
 23 incident and another that then followed.
 24 So the recognition there is that polygraph testing
 25 had been in use, piloted in 2009, in use since 2014

1 across the country with detailed guidance in place, but
 2 only being used for sex offenders, and that accords with
 3 your understanding, doesn't it, of polygraph use in the
 4 system?
 5 A. Yes.
 6 Q. Now, although it would require the change of process to
 7 allow the use of polygraphs for TACT offenders, which is
 8 now happening, or going to happen --
 9 A. I think it requires legislation.
 10 Q. Yes, and that legislation is being laid and the
 11 government has said it wishes to do that.
 12 A. Yes.
 13 Q. Taking the government's response, which was given by
 14 a letter on 9 December, which I'm sure you've seen,
 15 which is the response of the two ministers, they
 16 recognise that the recommendation there be a power to
 17 make polygraph testing mandatory for terrorist offenders
 18 on licence -- as you know, polygraph testing has been
 19 a very valuable additional tool to manage the risk
 20 presented by sexual offenders -- and the bill -- the
 21 Counter-Terrorism and Sentencing Bill, as it was -- will
 22 enable polygraph testing to be used as a licence
 23 condition for terrorist offenders assessed as high risk.
 24 A. Yes.
 25 Q. Yes. And it's been successful, hasn't it, with sex

1 offenders, and it had been for many years prior to this
 2 atrocity?
 3 A. I am afraid I couldn't answer that. I don't know what
 4 the measure of success would be. I know it's used.
 5 I am afraid I couldn't say professionally that it's been
 6 successful, however you might gauge that.
 7 Q. All you can take, then, is that the ministers and the
 8 department have reviewed the recommendations of
 9 Mr Hall QC and they have adopted, accepted, and
 10 expressed the value of polygraph testing in their
 11 letter?
 12 A. Yes.
 13 Q. Now, it's right that nothing prevented the use of
 14 polygraph testing in 2018 had it been thought fit to
 15 bring forward legislation to expand the use?
 16 MS LEEK: Sir, I'm not sure that this is a question for this
 17 witness.
 18 JUDGE LUCRAFT: Well, to some extent, Mr Rule, if it's not
 19 in force, it couldn't have been used. Had it been in
 20 force, it might have been used. Do we need to have the
 21 answer from this witness about that?
 22 MR RULE: No, sir, I recognise it requires the legislation,
 23 the question is when the government chooses to bring the
 24 legislation forward and therefore discharge the risks
 25 that were recognised.

1 JUDGE LUCRAFT: That's not really a question that --
 2 Mr Vince can probably help us on many things, but
 3 I suspect one of the things he can't help us on is what
 4 the government of the day might have decided to do.
 5 He's there to implement what the government tell him is
 6 the stated policy.
 7 MR RULE: Yes, I'm happy to withdraw the question, sir.
 8 Now, location in prison -- sir, I don't know at what
 9 point you would wish me to stop, I can do another topic
 10 which would probably take us a few minutes.
 11 JUDGE LUCRAFT: Well, I suspect if we've paused that might
 12 be a time for us to draw stumps for the day, Mr Rule,
 13 and we'll look forward to seeing Mr Vince tomorrow
 14 morning.
 15 A. Thank you.
 16 JUDGE LUCRAFT: Mr Vince, I know you must be a very busy
 17 man, you'll appreciate these particular parts of the
 18 Inquest are very important --
 19 A. Of course, yes.
 20 JUDGE LUCRAFT: -- and we will cover the points, but
 21 I'm fairly confident that we won't detain you for too
 22 long tomorrow morning. We will start again at
 23 10 o'clock in the morning and I hope certainly you will
 24 be away before 11.00 if I have anything to do with it.
 25 A. Thank you, sir.

1 JUDGE LUCRAFT: We'll meet again tomorrow morning. Thank
2 you.

3 (In the absence of the jury)

4 MR HOUGH: Sir, in fact, based on estimates we've had, we
5 should detain Mr Vince for no longer than 10 minutes
6 tomorrow morning.

7 JUDGE LUCRAFT: Right. Well, that -- then again, I'm sorry
8 you're coming back for a very short time in the morning,
9 Mr Vince, but we'll see you again tomorrow morning.

10 I'll rise.

11 (4.27 pm)

12 (The court adjourned until 10.00 am on
13 Tuesday, 11 May 2021)

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