

OPUS2

Fishmongers' Hall Inquests

Day 23

May 14, 2021

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1 Friday, 14 May 2021
 2 (10.03 am)
 3 (In the presence of the jury)
 4 JUDGE LUCRAFT: Good morning, everyone. Very nice to see
 5 you all.
 6 Mr Hough.
 7 MR HOUGH: Sir, today's first witness, visible to us all, is
 8 Nigel Byford.
 9 MR NIGEL BYFORD (sworn)
 10 JUDGE LUCRAFT: Good morning, Mr Byford. If you are happy
 11 to, please do remove your mask, and either sit or stand,
 12 whichever you would prefer.
 13 A. I'll sit, please, sir.
 14 JUDGE LUCRAFT: Please do. What I'm going to ask is if you
 15 can then bring the microphone close to you, it will help
 16 to amplify your voice so that we can all hear what it is
 17 that you have to say.
 18 There will be documents shown to you which will
 19 appear on the small screen in front of you or if it's
 20 easier, look at the larger screens in court.
 21 A. Okay, thank you.
 22 Questions by MR HOUGH QC
 23 MR HOUGH: Would you please give your full name for the
 24 court?
 25 A. I am Nigel Robert Byford.

1

1 Q. Mr Byford, you appreciate that I am asking you questions
 2 first on behalf of the Coroner and that you may then
 3 receive questions from other lawyers?
 4 A. Thank you.
 5 Q. What is your current occupation?
 6 A. I'm the Head of Public Protection for National Probation
 7 Service in the West Midlands.
 8 Q. When did you take up that post?
 9 A. For the National Probation Service, in 2014, but I had
 10 the same role from around about 2007 in the former
 11 Staffordshire and West Midlands Probation Trust.
 12 Q. Is it right that overall you have worked for around
 13 40 years in the Probation Service?
 14 A. I have, on a range of activities, including work in
 15 prisons and responsibility for the approved premises.
 16 Q. If you were asked to summarise your current role in
 17 a couple of sentences, what would you say?
 18 A. The public protection role covers a range of topics.
 19 I'm currently responsible for our work in prisons in the
 20 West Midlands, our work with victims, the overall
 21 oversight of MAPPA, safeguarding, work with extremism,
 22 serious organised crime, the more risky end of
 23 probation's work.
 24 Q. Relevant to our purposes, did you chair the bulk of, in
 25 fact, I think all but one of, the MAPPA meetings

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1 concerning Usman Khan?
 2 A. Yes, all bar the meeting in March.
 3 Q. A few questions about your role in the MAPPA processes.
 4 Is it right that around a decade ago, a specialist panel
 5 for terrorist offenders was established for MAPPA in the
 6 West Midlands?
 7 A. That's correct, yes. As the number of convicted
 8 extremist offenders began to rise, we -- initially this
 9 was taken forward by the MAPPA coordinator at the time,
 10 had discussions with West Midlands CTU and we set up
 11 a specialist panel. The idea behind that was having the
 12 right people around the table to discuss that particular
 13 type of offender.
 14 Q. Did you chair the panel since its establishment?
 15 A. I have done, yes.
 16 Q. In the early days of the panel, is it right that it
 17 would only take cases from the geographical area covered
 18 by West Midlands Police?
 19 A. Yes. In the early days of the panel, those that were
 20 coming through the system, through the criminal justice
 21 system, were all cases from the West Midlands area,
 22 primarily around Birmingham. But over time we've now
 23 taken cases from Staffordshire and also from -- well,
 24 Coventry, which is obviously part of the West Midlands.
 25 Q. In practice and effect is this right: that the effect of

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1 having this panel was that there would be a single MAPPA
 2 panel convened at intervals to hold meetings on all the
 3 terrorist offenders being managed in the area?
 4 A. Yes. The idea was that we would effectively concentrate
 5 the experience within that particular group. A normal
 6 MAPPA panel would have a standing membership where you
 7 might have people from housing, from children's
 8 services, from a range of other agencies.
 9 In relation to this panel, because of the
 10 sensitivities involved, it was agreed that this would be
 11 primarily probation, police, and any particular agency
 12 that needed to be invited for that meeting. So we
 13 wouldn't have, for example, a standing housing member
 14 there unless housing was under consideration.
 15 Q. Was the idea that there would be a standing membership
 16 in terms of individuals, so Mr X and Mr Y, or that there
 17 will be a standing membership in terms of representation
 18 from a number of specific bodies?
 19 A. I think one of the strengths of the panel has been that
 20 the membership has remained relatively static. I mean,
 21 clearly during that period people will have moved on,
 22 but the people sitting round the panel are consistent,
 23 so providing they haven't moved on for other roles, each
 24 meeting those people would have knowledge of the
 25 individual who had been discussed at the previous

4

1 meeting.

2 Q. Is it right that in the year from April 2018

3 to March 2019, the panel managed 24 offenders?

4 A. That's correct. They would have been at different

5 stages. Some would have been in the community, some

6 would have been in preparation for them being released

7 from custody, and some would have been in the community

8 but they would have been -- may have been recalled

9 because they had breached their particular licence

10 conditions, so it would be that -- that mixture.

11 Q. And for the following year, no doubt with a similar

12 mixture, I think 27 offenders?

13 A. That's correct, yes.

14 Q. MAPPA in overview, then, please. We have heard that

15 MAPPA can be summarised as a set of procedures

16 established under statute for multi-agency cooperation

17 in managing high risk offenders; is that a fair summary,

18 albeit rather simplified?

19 A. I think it is. I think the strength of MAPPA is the

20 involvement of other agencies, and certainly from

21 a probation point of view, there are so many cases

22 nowadays that we need to be working jointly with the

23 police, and those relationships are crucial.

24 Q. Now, the jury have heard that under MAPPA guidance there

25 is a responsible authority which consists of the police,

5

1 the Probation Service and the Prison Service

2 collectively; is that right?

3 A. That is correct. In reality, in terms of the panels,

4 the prison aren't a standing member. It's primarily

5 police and probation are the responsible authorities in

6 terms of how the work is actually delivered.

7 Q. The jury have also heard that a member of the

8 responsible authority will be the lead agency for any

9 given case and that for an adult offender in the

10 community, that will be the Probation Service; is that

11 right?

12 A. That is correct, yes, if they're subject to a community

13 order or if they are subject to a period on licence

14 following release from prison, then probation, holding

15 that licence or that community order, would be the lead

16 agency.

17 At the end of that licence period if there was

18 a notification such as part 4 or sex offender

19 registration, the police would then become the lead

20 agency because they would still have supervisory duties

21 to discharge.

22 Q. Now, is it right that each area will have a MAPPA

23 administrator?

24 A. Yes, the make up of an area would be that it would have

25 a MAPPA coordinator. Working to the MAPPA coordinator

6

1 would be MAPPA administrators. Their role would be to

2 organise the meetings and to take minutes.

3 One of the differences with the specialist panel

4 that we ran, was that -- and this was still the case

5 when Usman Khan was being discussed -- the

6 administration of the meeting was managed by

7 West Midlands Community Counter-Terrorism Unit, so they

8 would organise the invites. Obviously they would

9 consult with us about who should be there, but they

10 would take care of organising those invites, NPS would

11 take the minutes, those would then be passed to

12 West Midlands CTU and they would then distribute those

13 at the following meeting. So there's a slight variation

14 on that work.

15 Q. Let me just address that. You have told us that

16 normally the person designated as MAPPA administrator

17 would be responsible, as the title suggests, for the

18 administration of the meetings?

19 A. Yes.

20 Q. In our case, so the TACT panel in the West Midlands

21 area, from what organisation would the MAPPA

22 administrator come?

23 A. The MAPPA administrator was coming from the National

24 Probation Service, but their role in relation to this

25 panel was to take minutes. If they were to -- if the

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1 MAPPA administrator, for example, in a sex offender

2 case, would administer the whole meeting in terms of

3 invites and take the minutes, in relation to this panel,

4 the way we would set it up was that West Midlands CTU

5 were effectively organising the meeting, and we were

6 providing the minute-taker. So it's a mixture.

7 Q. Now, you referred in your previous answer to a MAPPA

8 coordinator, effectively at a level above the

9 administrator?

10 A. Yes.

11 Q. What would that role involve?

12 A. The MAPPA coordinator has a distinct role to support the

13 MAPPA arrangements, so they work across all the

14 agencies. So effectively although the MAPPA coordinator

15 in the West Midlands is an employee of the National

16 Probation Service, their role is to work across the

17 different agencies, whether that be mental health,

18 police, housing, whatever, and effectively they are

19 facilitating and ensuring that those partner agencies

20 are able to participate, if there are any difficulties.

21 They also provide reports to the management board

22 for MAPPA in relation to a range of performance

23 indicators that we have.

24 Q. In the West Midlands area, was that somebody called

25 Angie Batham of the Probation Service?

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1 A. Yes, Angie Batham is the current MAPPA coordinator and
 2 has been since 2010.
 3 Q. So in terms of personnel, we have the MAPPA coordinator,
 4 Ms Batham, we then have a MAPPA administrator who is a
 5 Probation Service employee, but primarily taking the
 6 minutes?
 7 A. That's correct.
 8 Q. We have somebody from West Midlands Police who sends out
 9 the invitations and organises meetings in that way, and
 10 we have you chairing the meetings?
 11 A. That's correct, yes. The meetings have all taken place,
 12 apart from recent arrangements for Covid, within
 13 probation premises.
 14 Q. Let me now ask you about referrals to MAPPA. We have
 15 heard that an offender such as Usman Khan would have to
 16 be referred to MAPPA management at least six months
 17 before release and that Khan was in fact referred
 18 in February 2018, 10 months before his release from
 19 prison; is that right?
 20 A. That's correct. There's a form, a MAPPA A form that has
 21 to be filled in which contains a range of details, and
 22 that was completed by Mr Skelton.
 23 Q. We'll look at that in a moment, but is it right that you
 24 were in fact notified in advance of Khan's case
 25 in July 2017?

1 A. Yes.
 2 Q. Can we now put the MAPPA A form on screen, {DC6405/1}.
 3 Do we see that this form identifies the category of
 4 offender -- I'll ask you about that a little later --
 5 down the page some offender information, and basic
 6 biographical information. Then {DC6405/2}, details of
 7 offending with the offence history and narrative.
 8 {DC6450/3}, some details about the individual's category
 9 and their period in prison and so on.
 10 Down the page, please. And down the page further to
 11 "Risk assessment". The risk assessment here not filled
 12 in. Why is that? Can you explain that?
 13 A. Sorry, sir, could you repeat that?
 14 Q. Under 5 we see a section for risk assessment. Why is
 15 that not completed?
 16 A. I think the assessment is completed -- the
 17 Risk Matrix 2000 Risk of Reconviction, those blanks,
 18 those are for sexual offenders.
 19 Q. Yes, I see, yes, we see "Complete for all [sex]
 20 offenders", that's right.
 21 Next page, please {DC6405/4}. We can see a section
 22 for "OASys Risk of serious harm", that doesn't seem to
 23 be completed; is there a reason for that?
 24 A. Yes. The section 2 is referring to risk in custody.
 25 Q. I see.

1 A. So that would be the rating if he was in custody at that
 2 point.
 3 Q. Then down the page further, please. "Lead Agency Risk
 4 Assessment Summary", there's a reference to the general
 5 public being at very high risk of serious harm. That
 6 is, of course, consistent with the OASys assessments
 7 prepared by the Probation Service; is that what it
 8 reflects?
 9 A. Yes, it does.
 10 Q. We can take that off screen now.
 11 Now, we have heard that there are three categories
 12 of MAPPA offender. If we put on screen {DC6511/44}
 13 we'll see them identified in the MAPPA guidance.
 14 Category 1 registered sexual offender. Category 2 -- up
 15 the page, back please -- category 2 violent offender or
 16 other sexual offender, category 3, other dangerous
 17 offender.
 18 Is it right that in the referral form and in most of
 19 the MAPPA minutes, Khan was identified as a category 3
 20 MAPPA offender?
 21 A. That's correct, yes.
 22 Q. However, did his offence actually by statute fall into
 23 a category placing it in category 2?
 24 A. Yes. We discovered this error when reviewing the
 25 minutes for this process.

1 Q. Did that error, placing him into category 3 rather than
 2 category 2, affect the management of Khan in any way?
 3 A. No. It would have had no impact whatsoever. It's
 4 a categorisation. It doesn't mean that he would have
 5 been treated any differently if he had been a different
 6 category number.
 7 Q. What, then, is the purpose of the categorisation? Is it
 8 for statistics?
 9 A. It's for statistical purposes. One of the requirements
 10 on a management board is to report on how many sexual
 11 offenders we manage over a year, how many violent
 12 offenders, and suchlike.
 13 Q. And then {DC6511/50}, please, of the same document. Top
 14 of the page. There were, in addition to categories,
 15 levels of offender for management purposes. Was the
 16 management of an offender affected by their level?
 17 A. Yes, in the sense that -- the fact that -- sorry, if
 18 I may start again. In terms of the overall population,
 19 probably around 96% are managed at level 1. The level 2
 20 is when you're saying people need to be sitting round
 21 a panel and discussing this individual, and level 3 is
 22 an escalation of that to more senior managers being
 23 present.
 24 There is also a difference in terms of the frequency
 25 of meetings. So a level 3 meeting would be more

1 frequent than a level 2. For this particular panel,
 2 this panel was meeting every six weeks, the MAPPA
 3 guidance would say that can be up to eight weeks, but we
 4 chose to meet at six.
 5 It might be helpful if I just say that there have
 6 been a few of the TACT offenders that we've managed, who
 7 have been managed at level 2. The way we've done that
 8 is actually they stay with the same panel, it's the
 9 frequency of the meeting which is different, and again,
 10 in the West Midlands, we manage individuals every
 11 12 weeks, whereas the national guidance we talk about
 12 16 weeks.
 13 Q. Thank you very much. We can take that off screen now.
 14 Now, in the case of Usman Khan, on referral you
 15 would obviously have received the MAPPA A form?
 16 A. Yes.
 17 Q. Before the first meeting, you would also have received
 18 a MAPPA F information—sharing form, and we'll look at
 19 that a little later.
 20 A. Sure.
 21 Q. Would you have received, and did you receive in the case
 22 of Usman Khan, any other documents about him?
 23 A. I think in relation to Usman Khan that would have been
 24 a documentation that I received before the first
 25 meeting.

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1 Q. I'm sorry, I didn't catch that?
 2 A. Yes, that would have been the documentation I received
 3 before the first meeting.
 4 Q. So you didn't receive, for example, receive documents
 5 such as the most recent OASys assessment, the ERG report
 6 from April 2018, or category A reports?
 7 A. No, I would not — there wouldn't have been any
 8 category A reports provided. Normally that would be
 9 quite unusual to have that. The information from the
 10 prison is contained within the form F. This form F came
 11 from Whitemoor Prison and Whitemoor Prison also supplied
 12 that separate sheet in terms of a summary of
 13 intelligence.
 14 Q. Based on the MAPPA A form and the MAPPA F form, which we
 15 will look at shortly, you would, therefore, have had
 16 a basic understanding of Khan's offending history?
 17 A. Yes.
 18 Q. Some summary information of how he had behaved in
 19 prison?
 20 A. Yes.
 21 Q. And an indication of the level of risk assessment
 22 attached by the lead agency, probation, in their most
 23 recent OASys assessment?
 24 A. Yes.
 25 Q. Is that a fair summary of the information you would have

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1 had?
 2 A. Yes.
 3 Q. Did you also understand at the outset that Khan would be
 4 managed by Mr Skelton, his offender manager, in the
 5 community?
 6 A. Yes, Mr Skelton was the author of the referral form.
 7 Q. Did you know anything at the start about Mr Skelton's
 8 experience level?
 9 A. Not in great detail. I knew that Mr Skelton and
 10 Mr Bromley had done the earlier training around ERG and
 11 HII. The number of TACT cases within Staffordshire
 12 obviously was very small at that point, so there would
 13 only have been one individual before which I think the
 14 Inquest have heard about, in terms of Mohibur Rahman.
 15 So in terms of previous knowledge, we knew that
 16 Mr Bromley had managed the case and then that had
 17 obviously passed to Mr Skelton, so that would have been
 18 the experience base that they had, supported by the
 19 counter—terrorism probation.
 20 Q. Were you aware that the counter—terrorism probation
 21 officer, Mr Johal, also had very limited experience of
 22 practically dealing with terrorist offender cases?
 23 A. Yes, I knew that he was — and effectively he was a new
 24 member of staff that the unit had taken on, and it may
 25 be — I think it's probably fair to say that because we

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1 have had other cases from Staffordshire, I've also seen
 2 inputs from the individuals that have been managing
 3 Mr Khan in relation to other individuals as well. So
 4 it's not just Mr Khan that they've been involved with,
 5 they have been involved in other cases as well.
 6 Q. Did you understand from the outset that Usman Khan was
 7 subject to part 4 notification requirements and that
 8 those would be managed and monitored by a team of
 9 Staffordshire Prevent officers?
 10 A. Yes, I was aware that he was certainly subject to the
 11 part 4. In relation to how he was managed by
 12 Staffordshire Police, certainly I was aware of
 13 Mr Forsyth's involvement, and then obviously from the
 14 MAPPA minutes you will see that Special Branch were also
 15 invited.
 16 Q. Did you appreciate how much experience Mr Forsyth and
 17 his team had?
 18 A. I am afraid I don't have a huge amount — at that time
 19 I had no knowledge of Mr — Calum's previous experience,
 20 other than I think some involvement with Mohibur Rahman.
 21 I wouldn't have been party to that information, I'm
 22 sorry.
 23 Q. However, given the small number of offenders released
 24 into the Staffordshire area with a TACT notification
 25 requirement, would you have been able to guess or assume

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1 that someone in Mr Forsyth's position wouldn't have much
 2 experience of dealing with such an offender?
 3 A. Yes, yes, I can certainly see that.
 4 Q. Did you have any understanding of Mr Forsyth's
 5 background and whether, for example, his background was
 6 as a general police officer or a police officer with
 7 counter-terrorist investigation experience?
 8 A. No, I would not have known that.
 9 Q. Did you appreciate from the outset that a covert
 10 investigation was going to happen in relation to
 11 Usman Khan involving MI5 and counter-terrorism officers?
 12 A. I was not aware of the -- any active involvement from
 13 MI5 in this case. In relation to Special Branch, again,
 14 not aware of anything particular that they may be doing
 15 in relation to Mr Khan.
 16 Q. So although there were counter-terrorist officers in the
 17 meetings, as we'll see, is it right to say that, at
 18 least at the outset, you didn't appreciate that they
 19 were involved in -- some of them were involved in
 20 an active investigation?
 21 A. I'm aware that obviously they are linked and they're
 22 involved in the management of Mr Khan, but in terms
 23 of -- I'm certainly not aware of any active
 24 investigation that Staffordshire Special Branch may have
 25 been involved in. I think sometimes the terminology,

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1 when they talk about an investigation, I'm not quite
 2 sure, I would interpret that as an active piece of work
 3 rather than just an observation.
 4 Q. Well, what we've heard, what we've heard from Witness A
 5 yesterday, and we'll hear obviously more about this from
 6 the policing side next week, what we heard was that the
 7 Security Service opened with counter-terrorism police
 8 an active priority investigation towards the end of
 9 2018.
 10 A. Yes, that was --
 11 Q. Is that something you were aware of?
 12 A. I was not aware of that.
 13 Q. You said, however, that you expected that Special Branch
 14 would play some part in the management of Usman Khan.
 15 What was your expectation of their involvement in that?
 16 A. My expectation would be that they would be working with
 17 Khan, because the -- I don't think they attended every
 18 meeting, but they were certainly present at a number of
 19 those meetings, contributed to those meetings. So my
 20 working assumption was that there was
 21 a Staffordshire Police response to this case. The
 22 detail of how they managed that, I would not have been
 23 aware of.
 24 Q. Did you have any understanding whether any of the
 25 West Midlands officers in the meetings would be playing

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1 any part in the management of Usman Khan's case?
 2 A. I had a clear understanding that West Midlands CTU had
 3 a regional responsibility and a regional footprint, and
 4 that they had a role in providing advice and support to
 5 other areas, and during -- I can't remember exactly
 6 when, but I became aware that they were also taking over
 7 responsibility for managing the Staffordshire cases that
 8 we were discussing.
 9 Q. Do you recall when that takeover of responsibility for
 10 managing Staffordshire cases took place?
 11 A. I would probably say I had become aware of that probably
 12 from around the summer of 2019, but I am afraid I can't
 13 be more exact than that. That was something that was
 14 just mentioned in a MAPPA meeting.
 15 Q. We may hear from others, we're likely to hear from
 16 others, that that's a process that began in the latter
 17 half of 2019, and that in Usman Khan's case, he hadn't
 18 actually been transferred over to West Midlands Police
 19 before he died; that was due for December 2019.
 20 A. Yes --
 21 Q. Was that something you knew at the time?
 22 A. I'm not entirely sure. I think -- I knew that
 23 West Midlands CTU were taking over the management of
 24 Staffordshire cases, but I can't recall I had an exact
 25 time frame for that.

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1 Q. But, in any event, your understanding was that the
 2 West Midlands counter-terrorist officers in the meeting
 3 had a role of providing advice and support generally?
 4 A. Yes, they've obviously got a range of experience, we've
 5 worked very closely with them and they will contribute
 6 comments and views to these meetings.
 7 Q. May we put on -- may we now turn to the format of MAPPA
 8 meetings, and put on screen, please, a section of the
 9 guidance {DC6511/77}. If we go to the top of the page
 10 we can see that the guidance says that:
 11 "The purpose of level 2 and level 3 MAPPA meetings
 12 [including obviously the kind concerning Khan] is to
 13 share information to support multi-agency risk
 14 assessments, and formulate effective MAPPA Risk
 15 Management Plans... in order to ensure action is taken
 16 to manage the risk of serious harm posed by the
 17 offender."
 18 What would a MAPPA risk management plan be and what
 19 would its purpose be?
 20 A. The MAPPA guidance has changed over the years and the
 21 MAPPA guidance I think that was in place at this time
 22 would say that the risk management plan should mirror
 23 the lead agency risk management plan. So a risk
 24 management plan in MAPPA would fundamentally be what is
 25 outlined within the OASys from the lead agency, and

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1 there may be -- from that discussion there may be some
 2 additional actions that were identified that needed to
 3 be followed up, and obviously a key part of that risk
 4 management plan would be the licence conditions, and the
 5 licence conditions were a key part of how we managed
 6 this group of offenders.
 7 Q. Is it right, then, as we'll see, that the MAPPA minutes
 8 begin with a risk management plan reflecting in
 9 substance the OASys, and then it develops over time
 10 through the meetings and is added to --
 11 A. Yes. Yes.
 12 Q. -- by the contributors?
 13 A. Yes. The important thing, and for me, the absolute
 14 fundamental issue for MAPPA is about people sharing
 15 information, because that's where the opportunity is for
 16 contributions from other agencies: analysis and
 17 challenge.
 18 Q. {DC6511/80}, please, of the guidance. If we look under
 19 "Planning MAPPA meetings", we can see that the guidance
 20 requires invitations to be sent to the right people,
 21 a location to be booked, and copies of the minutes to be
 22 available.
 23 A. Yes.
 24 Q. Would those all be functions of the administration
 25 staff?

1 A. Yes, though the invitations would have been managed from
 2 the West Midlands CTU.
 3 Q. Then {DC6511/81}, please, we see right at the top that:
 4 "Charing MAPPA meetings [according to the guidance]
 5 involves combining the roles of facilitator and leader
 6 ... [ensuring] that the business of the meeting (ie the
 7 identification of risks and the production and
 8 appropriate review of the ... RMP and associated
 9 actions) is conducted in an effective and efficient
 10 manner."
 11 Was that a fair summary of your role?
 12 A. Yes, I would say it is.
 13 Q. And we can see specifically under the guidance a series
 14 of topics, many of them quite formal, to be covered by
 15 the chair.
 16 A. Yes.
 17 Q. And then page 122, please, we see in the guidance that
 18 there's a specific section for terrorism and domestic
 19 extremism; yes? {DC6511/122}.
 20 A. Yes.
 21 Q. And then {DC6511/124}, paragraph 24.18, in the middle of
 22 the page, there is a section specific to
 23 information-sharing for terrorist offenders which
 24 stresses that relevant information must be shared, so
 25 that's making the point that you have emphasised?

1 A. Yes.
 2 Q. Then paragraph {DC6511/125}, paragraph 24.26 to 24.27,
 3 do we see that the guidance says that MAPPA meetings
 4 probably need a different composition of attendees from
 5 usual for terrorist cases given this need for
 6 information-sharing?
 7 A. Yes.
 8 Q. What did this mean in practice?
 9 A. Well, effectively that would be -- because we have set
 10 up this specialist panel in the West Midlands that
 11 effectively meets that requirement. If it was a --
 12 extremist offenders in some areas would be managed with
 13 a normal MAPPA process, so if they were having a MAPPA
 14 panel discussion on a range of offenders and one of
 15 those was an extremist, then I would anticipate in that
 16 area that they might restrict the standing members for
 17 that particular case, depending on what was being
 18 discussed. But for the West Midlands at this time, then
 19 clearly we had already agreed who should be attending
 20 those meetings back from 2010.
 21 Q. If we look down to paragraph 24.28 the guidance says
 22 that:
 23 "Before the MAPP meeting [for such offenders] the
 24 Chair and the... Coordinator should meet to discuss any
 25 specific issues that relate to the management of the

1 offender, the disclosure of information, and any other
 2 issues that may need to be agreed before the main
 3 meeting."
 4 A. Yes.
 5 Q. "[That] pre-meeting may also include members of [CT]
 6 Policing and, where appropriate, the [senior probation
 7 officer] in the Extremist and Critical Public Protection
 8 Casework Section... as well as other special branches of
 9 the police ... the purpose of [that] meeting is to ensure
 10 that the Chair is fully briefed and is aware of all
 11 significant issues, and that levels of intelligence or
 12 information-sharing can be agreed."
 13 Did such pre-meetings take place, in your
 14 experience, prior to meetings of the TACT panel?
 15 A. Yes, on occasions there would be meetings before or
 16 possibly during the lunch break, during a panel day
 17 where CT colleagues may want to share a piece of
 18 information around an individual. There wasn't a need
 19 to have a formal timetabled meeting, because in a sense
 20 we had an ongoing relationship which meant that those
 21 issues could be raised and discussed.
 22 Equally, there would be conversations that may occur
 23 in between meetings so it wasn't linked just to the MAPP
 24 meeting.
 25 For these individuals, if there's a piece of

1 information -- sorry, the important bit I think here is
 2 that if there is information that's arising around one
 3 of these individuals, then it needs to be acted on
 4 straightaway, depending on what it is. So it's not
 5 a case of waiting six weeks to the next meeting, it
 6 would be actions that would need to be taken there and
 7 then, and there have been numerous examples around that,
 8 particularly around issues to do with recalling
 9 individuals where there's information that's come to
 10 light.

11 So I would say that yes, this refers to pre-meetings
 12 which suggests that there should be a timetabled
 13 meeting, but, as I say, we've dealt with that in
 14 a different way and I think that's been effective.
 15 Otherwise we would have a slot on the agenda where
 16 there wouldn't be anything to discuss.

17 Q. Sonia Flynn who gave evidence on Monday indicated that
 18 she felt that these pre-meetings could be particularly
 19 valuable; would you agree that there is a value in
 20 having a slot for any given offender to ensure that
 21 there's a proper exchange of information and discussion
 22 of any issues in advance of the main meeting?

23 A. I don't disagree with Mrs Flynn's statement but I would
 24 say that if there's information that needs to be
 25 discussed, that has happened, and that if it needed to

1 be discussed before that meeting, then that has happened
 2 and that is what I would expect. So in answer to your
 3 question, I don't disagree with her view about
 4 pre-meetings, but I think it's the application of that,
 5 because we're looking for the same outcome, effectively,
 6 which is that there is something that is of concern.
 7 This may particularly come from CT policing, from their
 8 intelligence or whatever, and therefore we need to act
 9 on that.

10 Q. Just let me press you a little more on that?

11 A. Sure.

12 Q. Isn't the value of a timetabled pre-meeting that it
 13 focuses everybody's minds on the need to share
 14 up-to-date information about that particular offender?

15 A. For me, the purpose of the MAPPAs is that's where we're
 16 going to be sharing that information, and I think the
 17 flow of information has been very effective in these
 18 MAPPAs meetings in general. So I don't think we've
 19 missed anything by not having that pre-meeting in the
 20 TACT cases and that's simply because of the way that it
 21 has run over the years and the working relationships
 22 that have been established.

23 Q. Turning to the MAPPAs meetings held about Usman Khan,
 24 we've heard that there were 12 in total, four before his
 25 release from prison, eight afterwards?

1 A. Yes.

2 Q. You have told us that you attended and chaired all
 3 except the meeting in March 2019; is that right?

4 A. That's correct.

5 Q. Looking at the format of the meetings, may we look at
 6 the agenda for that March meeting that you didn't
 7 attend, {DC7170/1} by way of example, and can we see
 8 that, if we look at the entire page, please, on screen,
 9 can we see that typically there would be a series of
 10 meetings in a given day dealing with different
 11 offenders, each lasting 30 or 40 minutes, or perhaps
 12 sometimes longer?

13 A. Yes.

14 Q. And do we see that for each offender, the agenda
 15 identified level and category, risk level, offender
 16 manager, senior probation officers, and individuals from
 17 other agencies?

18 A. Yes.

19 Q. Now, as we'll see when we come to the attendee list for
 20 this meeting, there were people in addition to those
 21 from the -- who are identified on this agenda who
 22 attended the meeting. Why is that?

23 A. These were -- so we are looking at... we've got two
 24 columns here, effectively. So under "Senior probation
 25 officer" you've got Phil Bromley that the jury will have

1 heard from; Jamie-Ann Edwards at that time name was the
 2 head of Staffordshire; Lois Gell, you will be familiar
 3 with; mark White was the MAPPAs coordinator;
 4 Michelle Thompson was also a CT PO, along with Sumeet.
 5 They are coming there because the standing panel has
 6 primarily been West Midlands, but this would be true of
 7 if this was a list for Birmingham cases, then you would
 8 have the individuals named for that case because they
 9 were coming into that meeting.

10 Under "Other agency" clearly you've got Mr Forsyth,
 11 Mr Powell, and others listed there. So they would be
 12 people that in relation to that particular case, that
 13 they needed to be invited to support that individual.

14 So Team 7 may have been managing the case directly
 15 themselves. In a Staffordshire case they've got more of
 16 a partnership role with Staffordshire, so this is really
 17 just identifying that these are additional people coming
 18 to that meeting.

19 Q. So in simple terms, is it right that those listed on the
 20 agenda would be individuals who weren't part of the
 21 standing membership of the TACT panel who were invited
 22 specially for that offender?

23 A. Yes, because principally the standing panel, as I say,
 24 had grown out of a Birmingham cohort, but West Midlands
 25 CTU obviously had expertise, and the whole purpose of

1 this particular MAPPA panel was to capitalise on what
 2 expertise was available.
 3 Q. Then if we look at the attendee list from the actual
 4 meeting minutes, {DC6410/3}. Sorry, for this meeting,
 5 {DC6411/3}. And if we focus in on the attendees, we can
 6 see that in addition to the individuals identified as
 7 being invited specifically, we have various people from
 8 West Midlands Police, including here DCI Ainsley
 9 Cobbett, Jodie Myers, Marc Jerromes.
 10 What were their roles in this meeting?
 11 A. Jodie Myers was there as a serving officer, but she was
 12 also the administrator for the meetings, as we discussed
 13 earlier. And then DCI Cobbett and Mr Skelton were
 14 obviously there from a CT perspective so, again, their
 15 role would be to contribute to those meetings where they
 16 had information or they had a view.
 17 Q. Were they there in the capacity of people dealing
 18 specifically with Usman Khan, or as general members of
 19 the panel, standing members?
 20 A. They would have been there as general members because
 21 the responsibility would have been sitting with
 22 Staffordshire Police for the case at this time, but
 23 I think in my view it's slightly more than I'm just
 24 being a member and sitting there passively; it is a role
 25 where they can, and have frequently offered views and

1 comments on individuals from Staffordshire.
 2 Q. If we look immediately above the list of attendees, we
 3 can see the question:
 4 "Which agencies are involved in the case and require
 5 attendance at panel?"
 6 It says:
 7 "West Midlands Police Counter—Terrorism Unit,
 8 National Probation Service, Prison."
 9 Why was West Midlands Police Counter—Terrorism Unit
 10 named there?
 11 A. I think what I have to say is that the agency that is
 12 not listed there and should be is obviously
 13 Staffordshire Police. West Midlands counter—terrorism,
 14 as I say, as part of the panel should be there, but I am
 15 afraid that is an error on the minutes that
 16 Staffordshire Police are not represented.
 17 Q. Was it right to name West Midlands Police
 18 Counter—Terrorism Unit as one of the agencies required,
 19 given that they weren't at this stage, March 2019,
 20 dealing with the overt management of Usman Khan?
 21 A. Yes, because, as I was saying earlier, because of their
 22 expertise and engagement with these individuals, then
 23 I think they have a key role to play in that panel
 24 meeting. We would not have had a panel meeting without
 25 West Midlands CTU being present.

1 Q. You have told us that you weren't aware of the existence
 2 of an active covert investigation into Usman Khan during
 3 the course of 2019?
 4 A. That's correct.
 5 Q. Does it follow that you didn't know the names of the
 6 senior investigating officer and deputy senior
 7 investigating officer of that investigation?
 8 A. I don't think I did, no.
 9 Q. If I can just check with you, we may well hear that they
 10 were DI Chambers and DS Beattie up to
 11 early November 2019, and then after that DI Williams and
 12 DS Jerromes. Do those names ring any bells in terms of
 13 active role in Usman Khan's case?
 14 A. Certainly DS Jerromes, yes.
 15 Q. What did you think his role was, during the course of
 16 the meetings?
 17 A. Well, his role, I don't think I was aware that he was on
 18 the investigation group that you've outlined.
 19 Mr Jerromes would frequently offer comments and views on
 20 individuals, and his comments were always valued,
 21 really.
 22 Q. Obviously you could have somebody who was a standing
 23 member of the panel with no particular involvement with
 24 a particular offender, who might offer views just
 25 through being helpful.

1 A. Yes.
 2 Q. What did you see Mr Jerromes' role as being?
 3 A. Well, I saw — Mr Jerromes had some very clear views on
 4 individuals in all the TACT panels that we've run, so
 5 yes, he would have contributed to those discussions.
 6 But I think you asked me if I knew he was named as
 7 an investigator, and I don't think I knew that, no.
 8 Q. Now we may hear that the more senior officers from the
 9 Staffordshire Special Branch team who were involved in
 10 the covert investigation were, first of all, DI Powell,
 11 and his role was taken over by DI Hessel, and that
 12 immediately below him was DS Stephenson throughout; was
 13 that something that you were aware of?
 14 A. I was aware that Nicholas Powell was obviously at the
 15 meetings, but I don't think I was aware that there
 16 was — aside from any — my expectation would have been
 17 that Staffordshire Police are managing this case in
 18 a way that they need to manage it, with Mr Forsyth and
 19 Special Branch working together. So in terms of there
 20 being, as you say, an investigation, then I don't think
 21 I was aware that there was an investigation as you've
 22 outlined.
 23 Q. So is this right to summarise it fairly, that at these
 24 panel meetings you had West Midlands Police
 25 Counter—Terrorism Unit who you thought were present to

1 provide general guidance and support in relation to this
 2 offender, like all the other offenders you were seeing
 3 in the panel?
 4 A. Yes.
 5 Q. And that the Staffordshire Police Special Branch
 6 officers who attended meetings in relation to Khan were
 7 seen by you as having a general responsibility for his
 8 case, rather than a specific responsibility in a covert
 9 investigation?
 10 A. They had a specific responsibility for managing him, but
 11 I might be -- in relation to was there an active ongoing
 12 investigation, then I don't think I was aware of that.
 13 Q. Turning, then, to how you approached meetings, and we
 14 can take that document off screen, how would you, as
 15 chair, organise the meeting? What order would you take
 16 things in?
 17 A. The meeting would tend to follow a fairly similar
 18 format. So they would start with introductions, so
 19 people would identify themselves. We would then go on
 20 to the actions from the last meeting. People would
 21 confirm initially whether those actions had been
 22 completed, or if they hadn't been completed, they would
 23 explain why not. We would then move on to an update
 24 from all the people in the panel. So in the early
 25 stages of Mr Khan, when he was in prison, we would start

1 with the prison. When he was in the community we
 2 started with approved premises. So they would provide
 3 an update, and then we would move to Mr Skelton and
 4 Mr Forsyth, and they would provide updates.
 5 In the course of those updates there may be issues
 6 that would be identified. So the updates would be -- we
 7 had people on the panel who are then invited to ask for
 8 any questions or clarifications, then we would then move
 9 on to a more general discussion, and that general
 10 discussion would pick up on any particular points that
 11 had been identified.
 12 So, for example, if something had been said in
 13 relation from a police update that somebody's attitude
 14 or behaviour had been concerning on a visit or there was
 15 some tag data which they needed a further discussion,
 16 then that would happen. So there would then be
 17 a discussion around that.
 18 And then I would sum those discussions up and we
 19 would assign actions to the different parties around the
 20 table for them to take forward. If we wanted the prison
 21 to do something and the prison weren't present, the
 22 action would be assigned to somebody else to ask the
 23 prison to actually do that. That's the general format
 24 of how the meeting would run.
 25 Q. As the chair, what did you see it as your function and

1 responsibility to do?
 2 A. I saw my function to ensure that people were making
 3 contributions. This is not a panel where people are
 4 unwilling or feel intimidated by rank or anything to
 5 offer their views, so I would ask everybody for updates.
 6 It was also my practice to say, having had all those
 7 various updates and information in, I would always ask
 8 the question: is there any other risk information that
 9 needs to be raised today? That's not recorded on the
 10 minutes, but it is a standing question that I would ask,
 11 and if people did, then obviously that would be
 12 recorded.
 13 Q. As regards decisions, was that a matter dealt with by
 14 vote or by consensus?
 15 A. Never by vote. It was by discussion and consensus.
 16 There would be -- occasionally there may be differing
 17 views. I don't think that we have ever had to get to
 18 a point where we record a difference of view in a MAPPA
 19 panel. In this particular panel, for all the TACT
 20 offenders that we've managed, I don't think we've ever
 21 come to that position. So views are raised, discussions
 22 are had, and then there is a consensus made in terms of
 23 what the action should be.
 24 Q. Did you consider it important in the course of these
 25 meetings to identify a clear statement of decisions that

1 mattered?
 2 A. I think -- yes, I think it was important that we had --
 3 that we were clear what those actions were going to be
 4 arising from the meeting.
 5 Q. Were there some types of decision to be taken in the
 6 management of an offender, for example, by their
 7 probation officer, which would call for approval by the
 8 MAPPA panel?
 9 A. Fundamentally the responsibility for how a licence runs
 10 sits with the offender manager, but in the TACT panel,
 11 what we would expect is that we're running it in
 12 conjunction, so it's an overlay for the normal
 13 management structure. As you saw from the panel
 14 earlier -- sorry, from the exhibit earlier on in terms
 15 of attendees at MAPPA, you've got three layers for
 16 probation, so you've got the offender manager, the
 17 senior probation officer, and then the head of probation
 18 for that unit. So all those layers are effectively
 19 coming together in that discussion, and because we had
 20 an agreed course of action within the MAPPA, then that's
 21 normally how we would run it and we wouldn't expect them
 22 to be making decisions outside of that.
 23 Q. By way of example, if an offender manager had to make
 24 a decision about permitting an offender to go to
 25 an airport, or permitting an offender to go to a train

1 station, would you have expected that sort of decision
 2 to be put to the panel?
 3 A. Yes, I would, because obviously the question would be
 4 why are they going to a train station or an airport, and
 5 virtually all of our TACT offenders are being
 6 satellite-tracked, and clearly that would create
 7 an alert if they were to go to an airport or railway
 8 station, because they are monitored through the system.
 9 Q. May we have on screen, please, {DC6414/6}, at the bottom
 10 of the page. We're about to look at the minutes
 11 of July 2019, and at the bottom of the page there is
 12 a discussion about Usman Khan's restriction with regards
 13 to entering a train station. This, I think, in the
 14 context of him travelling by train to work. Then Jason
 15 Leake queries whether the decision could be made outside
 16 of panel. Then the last sentence says this:
 17 "Nigel Byford confirmed that these decisions could
 18 be made outside of the Panel; through joint discussions
 19 between Probation and CTU colleagues."
 20 A. Yes.
 21 Q. First of all, is that something you said, and, secondly,
 22 is it right?
 23 A. It is something I said, and in the context of the
 24 discussion, that was right, because effectively what --
 25 the panel were aware of the framework that we're talking

1 about here in relation to employment, so what we were
 2 basically saying was: this is the purpose, this is what
 3 it's for, there are no objections to this in relation to
 4 the employment, so if there is an opportunity...
 5 So basically what we're doing is saying this doesn't
 6 need to wait six weeks, if there is -- I think this is
 7 relating to employment -- if there's an employment
 8 opportunity that can be secured, then obviously this can
 9 be done.
 10 So it's saying within this framework, within this
 11 purpose, that's what we're -- so it's allowing
 12 a permission, a degree of flexibility, but it's done on
 13 the back of a discussion.
 14 Q. By contrast, would a one-off permission to go to a train
 15 station or airport be something that you would expect to
 16 be taken to the MAPPA panel and the subject of a formal
 17 discussion and decision?
 18 A. Yes, I would. There may be -- potentially there could
 19 be, I suppose, an exception to that if it was a -- maybe
 20 some kind of domestic emergency, if there was a death in
 21 the family or something of that nature, and there was
 22 a need for that.
 23 But I would not expect it to happen without
 24 a conversation with -- say between probation and police.
 25 It would be a very limited -- but I think there would

1 be -- I don't think we've actually had this situation,
 2 so I'm speculating that if there was an emergency
 3 situation, then it would be something of that nature,
 4 but it wouldn't be a kind of blanket: it would need to
 5 be verified, it would need to have been agreed, and to
 6 have happened in that way.
 7 Q. Okay, so we can take that off the screen now. Between
 8 MAPPA meetings, in brief, what was the role of the
 9 chair? What did you do in those intervening six-week
 10 periods?
 11 A. In those intervening periods, there may be emails coming
 12 in on some individuals or some aspects, but the --
 13 I wasn't involved in the direct line management of TACT
 14 offenders outside of the MAPPA meeting, but sometimes --
 15 occasionally I might get an email with a query or
 16 a question, or it might be a concern being raised and
 17 a bit of a discussion, as we've discussed earlier on in
 18 relation to pre-meetings, there might be that type of
 19 communication.
 20 If an out-of-hours situation had occurred in
 21 relation to a -- perhaps a tag tamper, something of that
 22 nature, then obviously I would be informed that that had
 23 happened, and that recall action had been taken. So
 24 there would be a variety of reasons why I might have
 25 some involvement between meetings around particular

1 individuals, but it wouldn't be a closed line management
 2 of that individual.
 3 Q. For example, I think in September 2019, you were told by
 4 email from Lois Gell that Usman Khan's mentor
 5 arrangements had ceased?
 6 A. Yes.
 7 Q. Turning, then, to MAPPA F forms, is it right that when
 8 an offender is in custody and MAPPA meetings are going
 9 on, a MAPPA F information-sharing form would be produced
 10 by the offender supervisor at the prison?
 11 A. Yes, that's the requirement.
 12 Q. If we look at {DC6422/1}, we'll see the MAPPA F form for
 13 the December 2018 meeting, and after initial details,
 14 I think we can see on {DC6422/3} a summary of conduct
 15 and behaviour in custody, and then {DC6422/5}, a summary
 16 of intelligence from the security department.
 17 That's standard material for a MAPPA F form, is it?
 18 A. Yes, MAPPA F forms, they can vary. I think as a panel
 19 we have TACT offenders who have been in a variety of
 20 prisons. Whitemoor Prison, they have their separate CTU
 21 unit, and they have tended to provide quite full
 22 form Fs. On other occasions we may receive a form F and
 23 then have to request some additional information around
 24 intelligence. The intelligence provider may not be
 25 specific enough for an analysis to be made, but in

1 relation to the information from the form Fs from
 2 Whitemoor Prison, I would say that they were quite full.
 3 Q. If we leave this document on screen, please, in the
 4 preceding MAPPA F forms that we've seen, there was
 5 information showing that there was concerning evidence
 6 of Usman Khan's conduct in prison, including violence
 7 and radicalisation of others, although with some
 8 evidence of improvement in recent times?
 9 A. Yes.
 10 Q. That's a fair summary, is it, as far as you can recall?
 11 A. Yes, yes, it is.
 12 Q. If we look back to this December form that we have on
 13 screen, we can see that there is a reference in the form
 14 to Khan having said that he would return to his old
 15 ways, believed to be related to terrorism, when he was
 16 released next year. You presumably received that?
 17 A. Yes.
 18 Q. Did you receive by any other means any intelligence that
 19 he may have said he had aspirations to carry out
 20 an attack?
 21 A. No.
 22 Q. At the bottom of this page, there is reference to this
 23 being low graded intelligence. What did you understand
 24 that to mean?
 25 A. Intelligence is graded in various ways and it's

1 primarily linked to reliability. So it's something that
 2 we would note. It's not to say in any way that we're
 3 ignoring that, and in fact, in another case we've
 4 perhaps attached more significance to a low grade
 5 intelligence report than the prison did, and then sought
 6 to clarify that.
 7 Q. Did you seek to clarify this report?
 8 A. No, I don't think this was, because the information was
 9 coming from the prison was quite detailed.
 10 Q. So far as you can recall, did you and your colleagues on
 11 the MAPPA panel take this intelligence seriously?
 12 A. Of course, yes.
 13 Q. Thank you. We can take that off screen now.
 14 Sensitive information next, please. At the times
 15 we're concerned with, what was your security clearance
 16 level?
 17 A. It was Counter-Terrorism Clearance.
 18 Q. As we've heard, we have Counter-Terrorism Clearance,
 19 then Security Clearance, then Developed Vetted; that's
 20 the order, is it?
 21 A. That's correct.
 22 Q. Have you now received higher clearance?
 23 A. I now have the SC clearance, yes.
 24 Q. Would some of the police officers represented on the
 25 panel have had higher clearance, in some cases up to

1 Developed Vetted or DV?
 2 A. Some of the police staff, yes.
 3 Q. Is it right that some participants, such as those from
 4 the approved premises, might not have any clearance?
 5 A. They would have what we refer to as a Basic Enhanced
 6 clearance.
 7 Q. But that's below CTC?
 8 A. Yes.
 9 Q. In cases such as Usman Khan's, did you find your
 10 clearance level was an impediment to the amount of
 11 information you would receive, or could receive?
 12 A. No, I didn't, because of the nature of the information
 13 that was on occasions coming to me on other cases, and
 14 my involvement in some other panels, which were separate
 15 to these, which were particularly sensitive.
 16 Q. We've heard from other evidence that MI5 officers were
 17 sometimes present at MAPPA meetings; would you be aware
 18 of their presence?
 19 A. Yes, I was informed that MI5 were present. That was
 20 information that was given to me and it was not passed
 21 on to other members around the table.
 22 Q. Would MI5 officers present at the meeting contribute to
 23 the discussion and decision-making in general terms?
 24 A. No, their presence there was primarily to listen, and to
 25 hear information that was being given. For -- sorry,

1 for clear reasons, they would not have identified
 2 themselves in the introduction phase as being from the
 3 Service.
 4 Q. Would these individuals, to your knowledge, contribute
 5 indirectly to decision-making by speaking to the Special
 6 Branch and CTU police?
 7 A. Yes, the clear bridge between MAPPA and the Service is
 8 CT. So I've had occasions to have discussions in the
 9 past with CT, and they may say -- they would often say
 10 to me that they have some information, but they won't
 11 have all the information that the Service may have, but
 12 clearly if there was an operation going on, then the
 13 Service and CTU would be working closely together.
 14 My expectation would clearly be if there was
 15 anything that MI5 had on a case that was of concern,
 16 that that would come through. That's a very clear
 17 expectation on my part.
 18 Q. Would you have expected just intelligence that they had,
 19 or judgments and assessments?
 20 A. I think it would go through the filter of CT, but
 21 whether there was intelligence or a judgment, which
 22 either way then I would have expected it to have come
 23 through CT.
 24 Clearly there will be things that won't be revealed
 25 because it might be in the middle of some kind of

1 operation that they were running, but in relation to the
2 direct management of individuals who are in the
3 community under licensed supervision, then clearly that
4 was the route.

5 There was also an additional route, which was the
6 counter-terrorism probation lead, so that's a senior
7 manager based within the West Midlands CTU, so
8 co-located, working very closely, and on occasions she
9 would pass some information to me to say: this is being
10 discussed, or: this is a concern, so there was that
11 route as well.

12 Q. Moving on to MAPPA minutes, {DC6511/83}, please?

13 MS LEEK: Sir, I hesitate to interrupt, but I wonder if we
14 might take our morning break at this point because there
15 is a matter that I need to raise in the absence of the
16 jury.

17 MR HOUGH: Of course, thank you.

18 JUDGE LUCRAFT: We will take our break there, ladies and
19 gentlemen.

20 We're going to take a break there, Mr Byford,
21 probably about 15 minutes for a comfort break.

22 A. Thank you.

23 (11.17 am)

(A short break)

25 (11.36 am)

1 (In the presence of the jury)

2 MR HOUGH: Mr Byford, I was just going to turn to MAPPA
3 minutes and their form.

4 A. Okay.

5 Q. May we have on the screen {DC6511/83}. This is the
6 section of the MAPPA guidance concerning minutes; is
7 that right?

8 A. That's correct.

9 Q. And can we see that there is a requirement for accurate
10 minutes to be kept, and a requirement also for them to
11 be written in such a way as to allow those not present
12 at a meeting to understand the discussion without prior
13 knowledge of the offender?

14 A. Yes.

15 Q. And also a requirement for the records to demonstrate
16 defensible decision-making?

17 A. Yes.

18 Q. There are specified times for distribution of minutes
19 that we see at 13b.2?

20 A. Yes.

21 Q. And at 13b.3 a statement that:
22 "MAPPA meeting minutes will normally be sent via
23 secure email to those who attended the meeting and to
24 those who were invited but did not attend."

25 Was that the approach taken in relation to minutes

1 from the TACT panel?

2 A. No, in relation to the TACT panel they would have been
3 put on ViSOR, but they were distributed at the next
4 meeting. One of the reasons for that was because we
5 were trying to keep this panel very tight, and there had
6 been some concerns from the centre generally about MAPPA
7 minutes, data loss. So that was the way that we managed
8 the meetings.

9 Q. So if somebody didn't have access to or regularly use
10 ViSOR, then they would get the minutes at the next
11 meeting?

12 A. Yes.

13 JUDGE LUCRAFT: And just help me with this, Mr Byford, when
14 you say put on ViSOR: how soon after the meeting would
15 they be put on ViSOR?

16 A. As soon as they had been completed, would be the normal
17 practice. Sometimes it's difficult to meet the
18 timescale there, but it would be very close to it.

19 JUDGE LUCRAFT: So the timescale that's mentioned in the
20 guidance would be followed, but they go on ViSOR rather
21 than being distributed?

22 A. Yes.

23 MR HOUGH: At each meeting, as well as distributing minutes
24 of the last meeting, would they be confirmed?

25 A. Yes.

1 Q. May we look through a sample set of minutes, {DC6406/1},
2 the first set relating to Usman Khan. Now, the jury
3 have seen minutes of this kind many times, but not their
4 structure explained, so we have section 1 "Meeting
5 details" with the offender name, date of meeting, your
6 name and so on; yes?

7 A. Yes.

8 Q. Then a confidentiality and diversity statement, which is
9 largely a matter of legal formality?

10 A. Yes.

11 Q. At {DC6406/2}, please, section 3 "Offender information",
12 some key offender data about the person concerned;
13 Usman Khan, yes?

14 A. Yes.

15 Q. Section 4, the legal and MAPPA status, so the MAPPA
16 level and category, we addressed those?

17 A. Yes.

18 Q. Section 5, information about the conviction or caution,
19 which largely mirrors the content of the MAPPA B?

20 A. Yes.

21 Q. {DC6406/3}, please, a summary of referral information,
22 which I think is largely the same between all the sets
23 of minutes?

24 A. Yes.

25 Q. Given the — giving the reason for referral, the work

1 done so far, and so on.
 2 Down the page, please, section 7, the attendee list,
 3 we've seen examples of that with a section for
 4 apologies.
 5 {DC6406/4}, please, section 8, "MAPPA risk
 6 management plan review", that's left blank because this
 7 is the first meeting.
 8 A. Yes.
 9 Q. And then down the page:
 10 "Additional information since last meeting".
 11 Do we see here, recorded in section 9, the various
 12 contributions by the individuals minuted as you called
 13 upon them?
 14 A. Yes.
 15 Q. And then over to {DC6406/7}, please, at the top of the
 16 page after the various contributions there's a panel
 17 discussion section?
 18 A. Yes.
 19 Q. Then section 10 "Risk to victims", that doesn't apply
 20 here. Safeguarding for child protection and the like,
 21 doesn't apply here; yes?
 22 A. That's correct.
 23 Q. Down the page, please, section 12, a section on the
 24 Equality Act addressing matters such as the offender's
 25 religion; yes?

1 A. Yes.
 2 Q. And then this: "Risk assessment summary", section 13,
 3 gives the result of the referring agency's risk
 4 assessment, and can we see here that the risk of serious
 5 harm is identified as both high, and under the question
 6 "Who is at risk?", "Very high". Is that
 7 an inconsistency?
 8 A. It's an error in the minutes, yes.
 9 Q. Is it right that the risk of serious harm by ROSH should
 10 have been "Very high"?
 11 A. Yes, that was the understanding of the panel.
 12 Q. Over the page, please, to {DC6406/8}. We see a series
 13 of questions answered which refer to the nature of the
 14 risk and exacerbating factors and mitigating factors.
 15 Are they taken from the OASys assessment?
 16 A. They are, yes, a number of sections reflect what is in
 17 OASys in terms of who is at risk, et cetera.
 18 Q. Then there's a section on disclosure, decisions about
 19 disclosure, we don't need to consider that. Likewise
 20 "Communication, media and press handling", then
 21 section 16 "MAPPA risk management decision and plan".
 22 It says:
 23 "Agreed Level of risk of serious harm (Very
 24 high/High/Medium/Low)..."
 25 And it says "High". Should that have been high or

1 very high?
 2 A. It should have been very high.
 3 Q. Should that have matched the OASys assessment?
 4 A. Yes, this should match with the OASys.
 5 Q. So the risk should have been very high in both places in
 6 section 13, and very high in section 16?
 7 A. Yes, as I say, it's an error and I accept I should have
 8 picked that up when I looked at the minutes.
 9 Q. Now, is it right that from the July 2019 meeting
 10 minutes, the error in section 13 was corrected so that
 11 both entries were "Very high risk", but the entry in
 12 section 16 wasn't?
 13 A. I believe so, yes.
 14 Q. Did that error affect the understanding of any of the
 15 members of the meeting, so far as you're aware, as to
 16 the level of risk?
 17 A. No, I don't think it did at all.
 18 Q. Then if we go to {DC6406/9}, after the various
 19 restrictive factors and so on which you've spoken about,
 20 a series of planned actions are identified, things
 21 people are to do as a result of the discussions?
 22 A. That's correct.
 23 Q. We can take those off screen.
 24 Next, the ViSOR system. You've told us that the
 25 MAPPA minutes would be uploaded to the ViSOR system.

1 Would other MAPPA documents, such as the MAPPA referral
 2 form and the MAPPA Fs similarly be uploaded to that
 3 system?
 4 A. I think the referral form was, and the MAPPA F content
 5 has been transposed into the MAPPA minutes.
 6 Q. So, as we saw, the contents of those forms were
 7 transposed largely into the minutes.
 8 A. Yes.
 9 Q. Has it been appreciated that there are certain problems
 10 with the ViSOR system, first of all, that staff need to
 11 be specially trained and vetted to use ViSOR, and not
 12 all are?
 13 A. That's correct. I mean, ViSOR is a system which
 14 allows — it's a shared database, effectively, between
 15 police, between prison and between probation, and we had
 16 been seeking to improve our use of ViSOR. The
 17 difficulties have been that the initial model for how
 18 ViSOR was used involved some people being trained which
 19 would involve the probation officer having to go to the
 20 senior probation officer to be able to access ViSOR, so
 21 that was quite a clunky arrangement.
 22 There was then a big change and we sought to ensure
 23 that every probation officer would be able to have
 24 access to ViSOR, this was a national position, and since
 25 that time we've been working towards that.

1 The difficulty we have is there was some initial
 2 difficulty with the capacity of ViSOR, that was resolved
 3 through investment, and then we moved to a position
 4 where we needed to get staff vetted, because this is
 5 primarily being used by a police system so it requires
 6 a police level of vetting for use by probation staff.
 7 So, again, across the country, a very large number of
 8 staff have now been vetted and we're now in a position
 9 of waiting for training to become available so there is
 10 a delay in the training.

11 When this is all resolved, then it will be a more
 12 active source of information between the agencies, but
 13 I think it's fair to say that in relation to Mr Khan,
 14 the more important thing than ViSOR would be the level
 15 of communication between probation and police. So
 16 I don't see it as something which was an issue in
 17 relation to this case because the crucial thing was that
 18 people were talking to each other, and the amount of
 19 entries on ViSOR are quite limited.

20 Q. But isn't the one problem with the ViSOR challenges that
 21 existed at the time, namely that Mr Skelton was not
 22 receiving the minutes of previous meetings before the
 23 next meeting, he was only receiving them at the meeting,
 24 obviously with limited time to go through them and check
 25 that they have covered everything?

1 A. That is true, but because of the way that we are
 2 managing this case, Mr Skelton would have had the
 3 actions, he would have been present at the meeting. He
 4 would be clear. People will go away with the actions
 5 and those actions would be confirmed to individuals
 6 afterwards, so I don't think that him not seeing the
 7 minutes was a problem. The information that was in
 8 there is something that he would be very familiar with.
 9 Q. Can I turn, then, to some more detail of Usman Khan's
 10 case. We have seen that it was a common theme of MAPP
 11 minutes that there was discussion at the meetings of
 12 efforts being made by Mr Skelton and others to find
 13 employment for Usman Khan; do you recall that?
 14 A. Yes. Yes, I do.
 15 Q. And do you recall that in that context, after he had
 16 obtained a Construction Skills card, there was
 17 a proposal raised about him undertaking a course in
 18 driving dumper trucks?
 19 A. Yes, I do.
 20 Q. May we go to {DC6063/18}, at the bottom of the page.
 21 This is the -- sorry, that must be a wrong reference.
 22 Just a second. DC6414 -- oh, no, sorry, that was
 23 a correct reference. {DC6063/18}, I'm sorry. Bottom of
 24 the page. This is a Delius entry, 5 July 2019, made by
 25 Mr Skelton.

1 Over the page, please, to {DC6414/19}, refers to
 2 Mr Skelton speaking to the MAPP coordinator discussing
 3 an employment offer, and that entry refers to Mr Leake,
 4 the MAPP coordinator, contacting you, who said that
 5 a particular employment offer had to be put on hold; do
 6 you recall that interaction?

7 A. Yes.
 8 Q. What was the nature of the interaction? Why were you
 9 putting something on hold?
 10 A. Because the -- there was a kind of question around the
 11 nature of this particular employment, and it was agreed
 12 it should come to a meeting for discussion.
 13 Q. Was this the dumper truck employment?
 14 A. Yes.
 15 Q. Then we come to the meeting itself, 11 July, some six
 16 days later, {DC6414/5}, towards the bottom of the page.
 17 We can see that in the last full paragraph, Mr Skelton
 18 is recorded as raising the prospect of Khan doing
 19 a dumper truck course at the end of July, and it's
 20 recorded that that raises some concerns on the part of
 21 panel members because of recent events where vehicles
 22 have been used as weapons. Mr Forsyth makes various
 23 arguments in favour of the course being taken, and then
 24 the panel says that further clarification will be
 25 required.

1 A. That's correct.
 2 Q. That's a fair summary of the discussion, is it?
 3 A. Yes.
 4 Q. As you recall.
 5 Then {DC6415/4}, these are the minutes of the next
 6 meeting on 22 August 2019, bottom of the page, please.
 7 Do we see that the dumper truck subject is raised again
 8 and recorded in the last full paragraph discussing the
 9 details of the trucks involved?
 10 A. Yes.
 11 Q. And then {DC6415/6} at the bottom of the page, under the
 12 panel discussion, the minutes say:
 13 "Nigel Byford raised the issue of [Usman Khan's]
 14 attendance on the Dumper Truck Course. Ken Skelton
 15 confirmed that the Dumper Truck Course had been arranged
 16 through Ixion; as a means of improving [Usman Khan's]
 17 employment."
 18 Then after a mention of Mr Burns from Ixion:
 19 "The machinery [Usman Khan] will --"
 20 Over the page. Actually, Mr Burns wasn't from
 21 Ixion, he was from a construction company:
 22 "... have access to would vary in size and weight;
 23 but could only be driven within the construction site."
 24 Then Ms Cobbett of West Midlands Police raises
 25 concern regarding Usman Khan's access to heavy weight

1 vehicles, there's a query over the particular risk
 2 that's recorded, and in the next paragraph, a full
 3 discussion minuted with concerns being raised about
 4 a convicted terrorist with a child-like mentality in
 5 recent times having access to such a vehicle?
 6 A. Yes.
 7 Q. And does the discussion end with the panel indicating
 8 that it wouldn't approve his attendance on the course at
 9 present, although it might be revisited in the future as
 10 an option?
 11 A. That's correct, and that was accepted by Mr Skelton and
 12 other probation colleagues there.
 13 I think it perhaps demonstrates the tension between
 14 trying to find a kind of rehabilitative course for
 15 an individual and balancing that against the risks. So
 16 in other cases there have quite often been discussions
 17 around employment options and whether they are the right
 18 thing or not. For example, someone who may have
 19 internet restrictions on their licence applying for
 20 a course which may mean that they have access to
 21 a customer database or something of that nature, so all
 22 of those things would be taken into account.
 23 Q. You say that Mr Skelton accepted the decision; is that
 24 what you would have expected, given the interaction
 25 between offender manager and MAPPA?

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1 A. Yes.
 2 Q. We've also seen that these minutes contain a detailed
 3 account of the discussion and the decision with the
 4 risks set out and described. Is that what you would
 5 expect for minutes following such a discussion in
 6 relation to risk, having regard to the guidance about
 7 minutes that we saw?
 8 A. Yes, if we're discussing a particular issue or if we're
 9 discussing, as I say, an employment, or someone --
 10 there's some particular activity that somebody wants to
 11 do, then that would be -- that would come up for
 12 discussion, yes.
 13 Q. And be minuted in this way?
 14 A. Yes, yes.
 15 Q. We can take that off screen now.
 16 Learning Together next, please. Did you become
 17 aware through the meetings of Usman Khan having
 18 a connection with Learning Together, the Cambridge
 19 University programme for educating prisoners alongside
 20 students?
 21 A. Yes, I was aware and understood that from well before he
 22 was released because it came forward in the form F
 23 information.
 24 Q. If we look, please, {DC6411/4}, these are the minutes
 25 for March 2019 -- the March 2019 meeting, and bottom of

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1 the page. Now, I appreciate you weren't at this meeting
 2 but you would have considered the minutes in advance of
 3 the next meeting; is that right?
 4 A. Yes.
 5 Q. And do we see that from the bottom that Khan was invited
 6 to attend the Learning Together event in Cambridge
 7 in March 2019, and that Mr Skelton reported he had
 8 refused as being too soon?
 9 A. Yes.
 10 Q. As far as we can tell, that was refused without specific
 11 referral back to the MAPPA panel; does that accord with
 12 your recollection?
 13 A. Yes, it does. I mean, I think Mr Forsyth was making
 14 a correct call. This was relatively early in his
 15 licence.
 16 Q. This was Mr Skelton, not Mr Forsyth.
 17 A. Sorry, yes, Mr Skelton was doing that.
 18 I think as a general rule, when people are released
 19 obviously they're coming out with a -- for this
 20 particular group, they're coming out with a significant
 21 amount of licence conditions and so there would be
 22 a gradual relaxation over the years, but basically
 23 looking at any indicators that would say there were
 24 problems or there were issues. That's what we've seen
 25 with other people.

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1 JUDGE LUCRAFT: But I think the direction of the question
 2 was very much about this being decided outside MAPPA by
 3 Mr Skelton.
 4 A. Yes, this didn't -- I mean, this was something that
 5 Mr Skelton has made a decision it's not to happen. That
 6 didn't necessarily need to come to MAPPA, if he's made
 7 that call on behalf of the NPS, it's endorsed by his
 8 manager, that's fine. Nobody on the panel is going to
 9 say: well, we think it's a good idea if he does, because
 10 that's a call that's been made by him as the supervising
 11 officer.
 12 MR HOUGH: If he had wanted to make the call the other way,
 13 to permit Khan to attend, would you have expected him to
 14 come to the MAPPA panel?
 15 A. Yes, there would have been a discussion, yes.
 16 Q. Then, likewise, {DC6412/5}, these are the minutes
 17 for April 2019, and towards the bottom of the page,
 18 under CTU, there was an invitation for Usman Khan to
 19 attend a Learning Together event in Whitemoor as part of
 20 the work with Cambridge University, and the minutes
 21 indicate that Khan is being allowed to go to that but
 22 with police officers having offered an escort on the
 23 day?
 24 A. That's correct.
 25 Q. Now, as far as we can see from these minutes, there

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1 isn't a discussion of him being permitted to attend this
 2 event and a decision being recorded; do you recall
 3 whether there was such a discussion and a decision?
 4 A. I think there would have been more discussion than is
 5 actually down in these minutes.
 6 Q. Why, then --- are you able to explain --- was the
 7 discussion and decision not minuted?
 8 A. All I can say is that in my checking of the minutes then
 9 I should have picked that up, but clearly I didn't.
 10 I'm not saying that there was a long and detailed
 11 discussion, I think this was probably seen as a move on
 12 from the previous discussions around him.
 13 Q. It reads from the minutes as though it's presented as
 14 something of a fait accompli; would you agree?
 15 A. Yes.
 16 Q. Do you think it was presented in that way?
 17 A. No. I think it would have been --- it would have been
 18 considered within that meeting, and again, for those
 19 present there would have been an opportunity for them to
 20 have raised any concerns or views around it, and I would
 21 certainly have expected those to have been recorded.
 22 Q. We can take that off screen now.
 23 In the course of autumn 2019, do you recall that
 24 several developments occurred in Usman Khan's case;
 25 first of all that he moved out of the approved premises

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1 into his own flat in late September?
 2 A. Yes.
 3 Q. And do you recall that, as you mentioned in relation to
 4 the email, his mentoring arrangement ended abruptly in
 5 late September?
 6 A. That's correct, yes.
 7 Q. Do you recall it was discussed that the effect of that
 8 was he was unable to access the internet under
 9 supervision in his search for work?
 10 A. Certainly via the mentor, although my understanding was
 11 that he had other engagements, such as the DWP work
 12 coach who could assist him with that.
 13 Q. We also know, it was recorded in the minutes
 14 in October 2019, that he was going to the gym less, not
 15 going to the mosque, and spending a lot of time at home
 16 with computer games and DVDs; do you recall those
 17 discussions?
 18 A. Yes.
 19 Q. If we put on screen {DC6422/6}. Now, this is the
 20 MAPPA F form. Do we see that each of the MAPPA F forms
 21 contained risk factors from the 2018 ERG, which included
 22 lack of purpose, unemployment and lack of focus, and
 23 going through transition. Did you recognise in
 24 autumn 2019 that a number of those risk factors were
 25 present because of those considerations I've identified?

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1 A. Sorry, sir, could you repeat that?
 2 Q. Did you recognise in autumn 2019 that a number of these
 3 risk factors were present because of the move, social
 4 isolation, inability to find work, and so on?
 5 A. Yes, certainly some of those were present.
 6 Q. We can take that off screen now.
 7 We've also heard that from various MAPPA minutes,
 8 including April, May and July 2019, there was discussion
 9 of Khan having unrealistic expectations, presenting as
 10 a teenager, wanting everything handed to him on a plate,
 11 and the risk of his frustration being vented in due
 12 course; do you remember those sorts of discussions about
 13 his character?
 14 A. Yes. They were recorded in the minutes.
 15 Q. What was your view by autumn 2019 of Khan as a person
 16 and the risk he presented?
 17 A. I think Khan was a --- if I put Khan alongside all the
 18 other people that we've managed through the TACT panel,
 19 there is a very significant difference and that is that
 20 he's engaging with a programme that began in prison, and
 21 he's continued to engage with that throughout. We've
 22 not had that with any of the other TACT offenders that
 23 we've had under supervision.
 24 So the involvement with Learning Together is seen by
 25 the panel as very much a kind of protective factor and

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1 something to be supported, and it begins to address some
 2 of the factors that were identified in the ERG. And we
 3 have no indication that --- and we would be looking for
 4 that. If there was any indication, perhaps, in his
 5 dealings with Learning Together, concerns were being
 6 raised in terms of attitude to staff or whatever, then
 7 we would have expected that to --- for us to become aware
 8 of that through Mr Skelton.
 9 So I think as we move to that August period, we have
 10 someone where, yes, there have been some concerns about
 11 some child-like behaviour and other bits through that
 12 time, but not enough, I think, for us to say: this
 13 Learning Together engagement should stop, or that there
 14 were any significant warning signs that we were picking
 15 up.
 16 Clearly he's struggling to find employment. There
 17 is quite a big level of investment to go with that. But
 18 as we move into the autumn, then clearly we're seeing
 19 him --- a key part of that as being his work with
 20 Learning Together. So the panel have a sense all the
 21 way through of Learning Together as being a positive
 22 factor in his life.
 23 It's slightly different to an issue such as the
 24 dumper truck where an issue comes up and there's a need
 25 to debate it because it's new. This is something that

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1 we're kind of -- the panel are cognisant of all the way
 2 through.
 3 Q. But Usman Khan remains, at this time, somebody who is
 4 convicted of very serious terrorist offenders and
 5 remains graded in all the MAPPA forms as presenting
 6 a very high risk of serious harm to the general public?
 7 A. That's correct, but equally, during that period of time
 8 what we would be looking for and what we see with other
 9 TACT offenders would be some element of behaviour that
 10 we would be concerned about, and obviously that there
 11 would be some reaction to. Perhaps by way of a simple
 12 example, there's been mention of Mr Rahman previously.
 13 He was managed through the panel, he was in an approved
 14 premises, the approved premises did a room search and
 15 they found a receipt, as simple as that, and the receipt
 16 was for a USB storage device. On the back of that he
 17 was returned to prison. And that's the kind of level of
 18 detail of surveillance that we would expect to be
 19 happening through the approved premises, and he was in
 20 the approved premises for most of that period.
 21 Again, there was nothing coming back from the
 22 approved premises that was raising any significant
 23 concerns, nothing coming up from room searches or
 24 anything of that nature.
 25 Q. Of course in autumn 2019 that degree of intensive

1 observation of Khan disappears because he is no longer
 2 in the approved premises?
 3 A. Yes.
 4 Q. You, of course, were aware of that?
 5 A. Yes, I was aware of that.
 6 Q. May we turn then to the invitation to the
 7 Learning Together event at Fishmongers' Hall. We've
 8 heard that that was first raised with Mr Skelton on
 9 around 15 August 2019 and communicated to
 10 Sergeant Forsyth on 20 August 2019 before being raised
 11 in a MAPPA meeting on 22 August 2019. Had you heard
 12 about the invitation before the meeting?
 13 A. I don't think I had.
 14 Q. If we look at the minutes, please, for that meeting,
 15 they are at {DC6415/4} at the bottom of the page. The
 16 jury have seen this many times:
 17 "[Usman Khan] continues to have contact with
 18 Cambridge University on an almost weekly basis. He has
 19 applied for a bursary to support his attendance on
 20 a short course beginning next April. The course will
 21 last 1-day and will entail an overnight stay."
 22 {DC6415/35}.
 23 That's about the April course. Then this:
 24 "The University are also hosting another 1-day event
 25 in November -- [Usman Khan] will be invited however will

1 have likely moved on from the approved premises by this
 2 point and will need to source his own means of travel."
 3 Then the minutes go on to discuss housing
 4 arrangements. You can take it from me that there is no
 5 further discussion of the event minuted.
 6 Now, do you have yourself, now, any independent
 7 recollection of the discussion at that meeting?
 8 A. I believe there was some additional discussion. I could
 9 not recall the detail of that. I can certainly recall
 10 us having a discussion around whether there were any
 11 objections that people wanted to raise in relation to
 12 that, that is a clear memory, but I cannot recall any --
 13 that there is a significant amount of additional
 14 discussion that took place. There's
 15 certainly discussion around it, but I think as I was
 16 saying earlier on, this is part of a progression with
 17 Learning Together. Obviously at that point it's raised,
 18 that is August.
 19 Q. Can I just pause you there, just focusing on this.
 20 A. Yes.
 21 Q. Are you able to say, you say that there was some
 22 discussion, are you able to say whether that was
 23 discussion taking 10 seconds, 30 seconds, 5 minutes,
 24 10 minutes?
 25 A. I would imagine -- I would have imagined between -- it's

1 very difficult, to give you an honest answer I'm not
 2 entirely sure. If it had been a long discussion,
 3 I would have expected it to be minuted, even the bit
 4 that I've referred to should have been minuted.
 5 Q. Is it also right that if there was any discussion about
 6 risks, even if only to say these are acceptable risks,
 7 or that they are risks that are balanced by the
 8 positives, that you would expect that to be minuted in
 9 the way that the discussion of the dumper truck was
 10 minuted?
 11 A. Yes, it should have been -- that should have been
 12 minuted.
 13 Q. But can we take it from that that there wasn't
 14 a detailed discussion from a risk perspective at this
 15 meeting?
 16 A. I don't think that there was a detailed discussion in
 17 the way that you're outlining in the meeting, and as
 18 I say, I think this is because this is a continuation of
 19 what's been the situation with him during this time.
 20 Q. Was any discussion or any question raised, so far as you
 21 can recall, about where this event was taking place, who
 22 would be attending, or what would be the security
 23 arrangements?
 24 A. I think -- we know that he was in London. I think that
 25 was the nature of the discussion. I can't recall if the

1 location or the address was given in this meeting, but
 2 it was clear that this event was being held in London,
 3 yes.
 4 Q. Now, I appreciate you say that this was a continuation
 5 of previous meetings, but wasn't it different in this
 6 respect: that this highly dangerous man was being sent
 7 under his own steam to the capital city without any form
 8 of escort, unlike the previous event? Wasn't there that
 9 difference?
 10 A. Yes, and I think what we're -- I mean, obviously this
 11 resulted in hugely tragic consequences. I think at the
 12 time the panel were of the view that because of the fact
 13 that there were no negative indicators that had been
 14 identified since his release, clearly aside from,
 15 obviously, the elements you referred to earlier on, that
 16 this was the next step in relation to his engagement
 17 with Learning Together.
 18 Q. You say that you think that was in the minds of the
 19 panel.
 20 A. Yes.
 21 Q. Are you able to say that anybody articulated that in
 22 those terms at this meeting?
 23 A. I think I would be fairly confident that Mr Skelton,
 24 Mr Forsyth, would have articulated it in that way.
 25 Q. Now, there are two "woulds" in that sentence; are you

1 actually saying that this is what you think ought to
 2 have happened rather than this is what you specifically
 3 recall people saying?
 4 A. Because it's not clearly minuted, I cannot say under
 5 oath that that was definitely said, but my working
 6 assumption would be from previous conversations and
 7 working with Mr Skelton and Mr Forsyth, that there would
 8 have been -- that sort of reference would have been
 9 made.
 10 Q. If Mr Skelton can't recall any discussion of risk and
 11 specific approval of the proposed visit, would you be
 12 able to say that nevertheless there was?
 13 A. No, I'm not saying that there was a detailed discussion,
 14 I'm basically saying that this was part of the
 15 programme, this was part of his engagement with
 16 Learning Together, and this was seen as the next step.
 17 What I would have expected would have been if there
 18 had been any concerns held by anybody around that panel,
 19 that that would have been raised, and I had a confidence
 20 in that panel that, based on working with all the other
 21 people that we've dealt with, that that would have been
 22 raised.
 23 This meeting took place in August, it's two months
 24 before the event, so there is, again, opportunity for
 25 anyone to raise any concern or to say this is not the

1 correct decision to take.
 2 Q. Based on the procedures you've described to us before,
 3 a decision of this kind should have been not just taken
 4 to MAPPA, but the subject of a clear decision and that
 5 decision minuted. On any view that didn't happen, did
 6 it?
 7 A. That -- no, there is not a recorded clear decision on
 8 this particular event.
 9 Q. Now, I can show you the minutes if necessary, but will
 10 you take it from me that the London visit does not
 11 feature in the October 2019 minutes at all?
 12 A. Yes.
 13 Q. Do you have any independent recollection of the visit
 14 being raised and discussed at that meeting?
 15 A. I -- no, I can't recall that.
 16 Q. And then next, {DC6417/5}, towards the bottom of the
 17 page, further down, please, we can see there's
 18 discussion of the London event and the practicalities of
 19 Khan travelling to it. Based on the description in the
 20 minutes, it seems that the event was being presented as
 21 already having been organised and approved. Would you
 22 agree with that inference from these minutes?
 23 A. Yes, because from that August meeting, if there would
 24 have been a concern or a pushback about attendance, then
 25 that would have featured.

1 Q. And so it's fair to say that you don't have any
 2 independent recollection of the visit being discussed
 3 and approved at the November meeting?
 4 A. It was certainly discussed, as recorded through those
 5 minutes, and obviously the discussion about the
 6 logistics is contained there as well, but I think
 7 that's -- that was a conversation that took place.
 8 Q. We can take that off screen now.
 9 So is it fair, in summary, that so far as you can
 10 recall, assisted by the minutes, the visit to
 11 Fishmongers' Hall was raised in the August meeting?
 12 A. Correct.
 13 Q. That nobody objected?
 14 A. Correct.
 15 Q. But you can't recall a positive, clear decision being
 16 made to approve it?
 17 A. I think the difficulty I have is that it's not recorded
 18 on the minutes. My view is that there would have been
 19 an agreement to that visit. That's -- that is what
 20 I believe would have happened there. But, as I say,
 21 I am just being honest with you, and I can't recall that
 22 particular discussion.
 23 Q. You see, the reason I stress that you keep saying
 24 "I would have expected this", or "I would have
 25 anticipated this being discussed and agreed", is that

1 that kind of reconstruction can bring in what we think
 2 ought to have happened; do you understand?
 3 A. I understand that, and I'm trying to avoid with any kind
 4 of hindsight saying what may or may not have happened.
 5 Q. Thank you.
 6 May we finally turn to the MAPPA serious case review
 7 at {DC6738/1}, bring that up on screen.
 8 EPE OPERATOR: My apologies, but that doesn't appear to be
 9 showing.
 10 MR HOUGH: I'm just checking the reference. Ah, {DC6378/1},
 11 my numbers had transposed themselves.
 12 JUDGE LUCRAFT: All the right numbers, just not in the right
 13 order.
 14 MR HOUGH: Then you see the document here, the serious case
 15 review?
 16 A. I do, yes, I'm familiar with this.
 17 Q. {DC6378/8}, please, paragraph 6.10. Now, there's
 18 an issue raised about the MAPPA meetings using a local
 19 variant of the MAPPA B form rather than a national
 20 document, I'm not going to spend time with you on that,
 21 save to this extent: at paragraph 6.11, the reviewer
 22 raises the concern that the ERG assessment is not
 23 specifically addressed on that form, and that the
 24 restating of previous risk assessment levels is
 25 potentially confusing and repetition within the form

1 leads to lack of clarity. That's the repeated reference
 2 to risk?
 3 A. Yes.
 4 Q. Did you, first of all, consider that there was a problem
 5 with the form not referring specifically to the ERG
 6 assessment?
 7 A. Yes. It's a national form and even though there is
 8 a slight variation on the one used in the West Midlands,
 9 it doesn't have the reference to ERG. Obviously one of
 10 the follow-ons from this review has been to incorporate
 11 that, but at this time, the ERG would have been a --
 12 would have been a contributor to the OASys assessment
 13 that was being done by Mr Skelton.
 14 Q. Do you think if the form had referred specifically to
 15 the ERG assessment, that would have caused you to
 16 request and review the ERG assessment?
 17 A. I think the risk factors from the ERG, I think are
 18 contained in the minutes.
 19 Q. Certainly some of them are --
 20 A. Yes.
 21 Q. -- and certainly, as we saw, they're listed in the
 22 MAPPA F form?
 23 A. Yes.
 24 Q. Then {DC6378/9}, please, paragraph 6.17, we can see that
 25 the viewer found the use of ViSOR, the system, fell

1 below expectations because there was little in the
 2 system other than MAPPA minutes and
 3 Staffordshire Prevent reports, and because the offender
 4 manager wasn't regularly using it. That's Mr Skelton.
 5 Were you aware of those problems with ViSOR use at
 6 the time?
 7 A. Yes, I mean, when I was referring to this earlier on,
 8 this isn't just a West Midlands issue, this is
 9 a national issue for the NPS in terms of increasing
 10 ViSOR usage and making more use of it.
 11 Q. At {DC6378/10}, please, paragraph 6.23, the reviewer
 12 says that:
 13 "... a crucial issue [is] it is not clear from the
 14 MAPPA B documents ... that there was a rigorous explicit
 15 discussion at each meeting of the risk that Mr Khan
 16 posed..."
 17 Although, in fairness, at 6.24 it is recorded that:
 18 "... many of the relevant factors were routinely
 19 raised and discussed."
 20 Was there, in your recollection, a rigorous explicit
 21 discussion at each meeting of Khan's risk level at that
 22 time?
 23 A. I think for this group of offenders the issue about risk
 24 is in everybody's mind, and it's part of -- in a sense
 25 it's incorporated within that discussion. What isn't

1 recorded in the minutes is that we kind of formally look
 2 at each bit and say: has it changed from the last
 3 meeting.
 4 What I would expect and what does happen is that in
 5 the updates that would come from either probation or
 6 police, if there is a change, if there is a report of
 7 any nature which indicates that there is a potential
 8 change to that risk, and that risk assessment, then
 9 clearly that's discussed and actions are identified for
 10 it.
 11 Q. And then {DC6378/14}, finally, paragraph 6.49, the
 12 reviewer refers to you as an experienced Probation
 13 Service manager, but recording that your vetting
 14 appeared to be at CTC level, and the reviewer expresses
 15 the judgment that it's unsatisfactory that you did not
 16 have a higher vetting level, and in fact suggesting that
 17 you should have been vetted to DV level.
 18 You've already addressed this to an extent, but
 19 would you accept that it would be preferable for
 20 somebody in your position to have access to all
 21 sensitive material as needed?
 22 A. Yes, I think the expectation would be around the SC
 23 level. Recent changes within the NPS address this in
 24 the sense that there is being created a new division
 25 within NPS where there is DV clearance for the lead. So

1 yes, I accept that that would be helpful.
 2 Clearly having the clearance, it still requires the
 3 agencies concerned to decide what information is passed
 4 on, so it doesn't automatically give people access to
 5 the information but it may make it easier for it to be
 6 passed on.
 7 As I said earlier on, my experience of working
 8 within this panel and with colleagues has been I don't
 9 feel this has been a barrier because of the time that
 10 we've been operating in that way, but I do fully accept
 11 that that is a logical progression, and I don't disagree
 12 with the reviewer's recommendation about the DV
 13 clearance.
 14 MR HOUGH: Thank you very much. Those are all my questions.
 15 JUDGE LUCRAFT: Mr Pitchers.
 16 Questions by MR PITCHERS QC
 17 MR PITCHERS: Yes. Mr Byford, good afternoon.
 18 A. Morning.
 19 Q. I'm Henry Pitchers, asking questions on behalf of the
 20 family of Saskia Jones.
 21 A. Thank you.
 22 Q. Can we have up, please, {DC6409/6} and, yes, the top
 23 half of that page, please. So this is a document that
 24 we've looked at before. It's taken from the MAPPA
 25 meeting of December 2018. Is that right?

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1 A. Yes.
 2 Q. So that's the last MAPPA meeting before Khan was
 3 released from custody.
 4 A. Yes.
 5 Q. And just to set the context, the previous MAPPA minutes
 6 from earlier in 2018, there had been an intelligence
 7 update?
 8 A. Yes.
 9 Q. It evolved through the course of that year --
 10 A. Yes.
 11 Q. -- with updated MAPPA F forms?
 12 A. Yes.
 13 Q. And we see on this section of the minutes that there is
 14 a security update, a summary of intelligence, so
 15 providing an updated picture from late August 2018 to
 16 9 November 2018.
 17 A. Yes.
 18 Q. And we don't need to go through each of the items of
 19 intelligence .
 20 Just so I'm clear, we've heard in the course of this
 21 Inquest, that in fact there were two strands of
 22 particularly significant intelligence . I'm not sure to
 23 what extent you've been engaging in the process and have
 24 heard that evidence?
 25 A. I have seen some, yes.

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1 Q. So you will be familiar with the first strand being
 2 an indication that he was planning to return to his old
 3 ways?
 4 A. Yes.
 5 Q. And the second strand is, the aspiration to actually
 6 carry out an attack?
 7 A. I'm not aware of that.
 8 Q. You weren't aware of it at the time; have you been aware
 9 of it subsequently?
 10 A. I'm aware of it now, yes.
 11 Q. You're aware of it now. And just so we're clear, that
 12 second strand, so the intelligence to the effect that he
 13 was intending to carry out an attack, or had
 14 an aspiration to carry out an attack, that at no stage
 15 was provided to you --
 16 A. No.
 17 Q. -- prior to the events at Fishmongers' Hall?
 18 A. No. I mean, if it had have been -- I think the key
 19 thing really is that if there had been anything, it
 20 wouldn't have been a decision about Fishmongers' Hall,
 21 it would have been a decision to return him to custody.
 22 Q. Well, that's a different point.
 23 A. Yes.
 24 Q. But we're going to come on to look at the decisions
 25 about Fishmongers' Hall.

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1 A. Yes.
 2 Q. But can I take it from that answer that you would have
 3 regarded intelligence of that effect as being of great
 4 significance?
 5 A. Yes.
 6 Q. And you would expect that strand of intelligence, the
 7 aspiration to carry out an attack, to be of great
 8 significance for all the other attendees at the MAPPA
 9 meetings?
 10 A. Yes, because it's obviously something that people would
 11 need to be aware of, they would need to factor it into
 12 their working with him, dealing with him, and the risk
 13 management planning around him.
 14 Q. Would you agree that it's intelligence that is of
 15 a particularly concerning nature that goes beyond that
 16 general indication that he might return to his old ways?
 17 A. Well, what we would need to do is to understand a bit
 18 more around that. Clearly it's concerning and there
 19 would have needed to have been some evaluation of that.
 20 Q. And would you expect at this stage that in general terms
 21 if that strand of intelligence had been available to
 22 you, that it would have had an impact upon decisions
 23 which were made subsequently?
 24 A. It could have. It would have obviously been fed into
 25 the initial thinking around him. Whether it would have

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1 made the big difference later on would have depended on
 2 further examination of that as to -- there are so many
 3 things in that, because I don't know what the source of
 4 that information was, how strong that was.
 5 Q. But if you --
 6 A. But I think --
 7 Q. -- had been made aware there was no reason to distrust
 8 that intelligence --
 9 A. Yes.
 10 Q. -- that would be something you would have take very
 11 seriously?
 12 A. Yes, I mean, any information like that would be taken
 13 seriously, yes.
 14 Q. I mean, in a sense it's hard to think of more concerning
 15 intelligence about a terrorist offender who is being
 16 released back into the community than intelligence that
 17 they have an aspiration to carry out an attack?
 18 A. Yes.
 19 Q. Could we have a look, please, now, at {DC6410/1}, and if
 20 we could just turn through to the next page and the
 21 bottom half, please. So we can see here -- and
 22 I believe it's a feature of all the MAPPA minutes.
 23 A. Yes.
 24 Q. There is a recital as to Khan's offending history?
 25 A. Yes.

1 Q. And obviously that doesn't change --
 2 A. No.
 3 Q. -- it's repeated throughout the minutes?
 4 A. No, it's static.
 5 Q. But as I understand it from reading the minutes, there
 6 is no further recap of intelligence matters, is there?
 7 A. No, I mean obviously within the prison environment,
 8 intelligence is gathered from all sorts of sources. In
 9 the community that's a much more limited --
 10 Q. Yes.
 11 A. -- opportunity.
 12 Q. But it's not that it was relevant in December and it
 13 ceases to be relevant in January, the next month, is it?
 14 A. No, it's part of that overall picture, yes.
 15 Q. So really it would seem that unless there was new
 16 intelligence, there would be no record made or reference
 17 in the minutes to background intelligence on Usman Khan?
 18 A. Yes.
 19 Q. Do you think that's something that, looking back, that
 20 could have been done differently; that there should also
 21 have been some recognition in the minutes of
 22 intelligence that was available?
 23 A. If there was some new intelligence then I would have
 24 expected that to have formed part of a discussion and
 25 a decision about what actions were required on it.

1 Q. But not just new intelligence; the two strands we've
 2 talked about?
 3 A. Yes.
 4 Q. Relevant in December --
 5 A. Yes.
 6 Q. -- 2018, it's relevant in January 2019?
 7 A. Yes.
 8 Q. Relevant in August 2019, isn't it?
 9 A. Yes.
 10 Q. It's relevant in November 2019 as well, isn't it?
 11 A. Yes.
 12 Q. And in terms of discussions as to risk, could we have
 13 up, please, {WS5051/4}, and paragraph 13. And you deal
 14 here, as I understand your statement, with your general
 15 approach to chairing MAPPA meetings?
 16 A. Yes.
 17 Q. You say:
 18 "At the meeting, the Chair invites input from the
 19 attending agencies in turn. Normally, I start with
 20 a review of the actions and outcomes from the last
 21 meeting and then move to input from the prison or
 22 Approved Premises..."
 23 And so on.
 24 A. Yes.
 25 Q. So it's clear from that description that you wouldn't

1 start with any sort of recap about the offender or the
 2 risks that that offender posed?
 3 A. No, because these panels are -- the key people are
 4 there, west Midlands CTU again, it's a static -- so
 5 people are carrying the knowledge of this individual
 6 from one meeting to another, so that's part of that
 7 particular panel, and one of the reasons that it's run
 8 in that way.
 9 Q. Do you not accept there's a danger in assuming that
 10 everybody is carrying with them in their minds
 11 an up-to-date and accurate picture of the risks posed by
 12 a particular offender?
 13 A. I think with this group, people do carry that
 14 information, because they are a concerning group, and
 15 it's interesting that with -- if we can -- I think I've
 16 mentioned we were managing around about 24 people at the
 17 time, so if you put Khan as a kind of comparator with
 18 all the others and how they are being managed and their
 19 behaviours, some of the form F information would be
 20 quite similar to those, and we would see behaviours, we
 21 would have reports or some concerns or whatever, and
 22 then an action would follow on that.
 23 With Mr Khan, we weren't receiving that. So I think
 24 that people around that table would have that knowledge
 25 of him and the risk that he represented, and they would

1 be carrying that, yes.
 2 Q. You don't think there might have been a danger that if
 3 there wasn't something new to update, people might just
 4 lose sight of the risks that were inherent in his
 5 offending behaviour or indicated by those two strands of
 6 intelligence that we heard about?
 7 A. I don't think anybody loses sight of the risk that this
 8 group of individuals present.
 9 Q. Isn't it right that the MAPPa guidance recommends that
 10 there is an updated risk summarised by the chair at the
 11 start of the meeting?
 12 A. Yes, it does.
 13 Q. Yes. So just to be clear, the MAPPa guidance in place
 14 at the time recommended that you did have that
 15 discussion as to risk at the start of every meeting?
 16 A. Yes.
 17 Q. But you didn't?
 18 A. No, it would be: right, let's -- we're now going to move
 19 on to this individual, and we would go from there.
 20 Q. Yes, so we are clear: these MAPPa meetings in that
 21 respect were not carried out in accordance with the
 22 guidance that was in place at the time?
 23 A. Not exactly in relation to that aspect, no.
 24 Q. And do you think that if you had done that, and if you
 25 had reflected on that intelligence, the two strands of

1 intelligence, that that might have led to different
 2 considerations about events such as attending
 3 Learning Together?
 4 A. I honestly don't believe it would have made a difference
 5 because of the way that that panel has operated with
 6 everybody else.
 7 Q. With hindsight, is it your view that the MAPPa minutes
 8 that were completed in relation to Khan were of
 9 an acceptable standard?
 10 A. There are -- clearly there are some gaps in there. The
 11 serious case review was positive about the minutes, but
 12 clearly there are some aspects, there are one or two
 13 errors in there in terms of things like classifications
 14 and whatever.
 15 Q. A pretty fundamental mistake, isn't it, to have errors
 16 about whether he is high risk or very high risk?
 17 A. It is, it shouldn't have happened, but as I was
 18 explaining earlier, that was not making a difference.
 19 It wasn't the case that because on that bit of the MAPPa
 20 minutes it says that this person is high risk or very
 21 high, that the panel then say: okay, that means that
 22 we'll treat him differently.
 23 JUDGE LUCRAFT: Mr Pitchers, can I, in relation to these
 24 meetings, Mr Byford, we've seen the agenda for your
 25 quite busy day. You've got a number of --

1 A. Yes.
 2 JUDGE LUCRAFT: -- difficult people, we all accept that,
 3 that you are dealing with in the course of quite a long
 4 day. What about recording the meeting to help the
 5 minute-taker have a verbatim record from which to digest
 6 what's been discussed, the decisions which have been
 7 made, and the action points? There's quite a lot set
 8 out in that documentation.
 9 A. Yes.
 10 JUDGE LUCRAFT: Has any thought been given to that?
 11 A. It's an issue that has come up, sir, in relation to
 12 recording of MAPPa minutes, and one of the things from
 13 Covid over the last year -- I'm talking in relation to
 14 a national perspective on this, I think -- obviously
 15 with Covid we've been using various other pieces of
 16 technology.
 17 JUDGE LUCRAFT: Yes.
 18 A. And there is a -- I think there's a question to resolve
 19 around recording.
 20 One of the reasons that they aren't recorded is
 21 because of the nature of the conversations and some of
 22 the information that may be discussed, which may not be
 23 recorded in the minutes for sensitive reasons or
 24 whatever.
 25 JUDGE LUCRAFT: Yes, but one can understand that, but simply

1 dealing with the point that Mr Pitchers is probing with
 2 you at the moment about what is absent from these
 3 minutes.
 4 A. Yes.
 5 JUDGE LUCRAFT: If your minute-taker, the person who is
 6 producing the document which goes on to VISOR or is
 7 passed to the attendees, it would be easier to be
 8 accurate, wouldn't it, about discussions, decisions,
 9 action points --
 10 A. Yes.
 11 JUDGE LUCRAFT: -- if that minute-writer could refer back to
 12 a recording?
 13 A. Yes. And I think if we go down the route of recording
 14 minutes, then we would need just to be clear about the
 15 safeguards for how those minutes might be requested in
 16 the future. So there may be a time limit on how long
 17 they were kept for or something of that nature, and
 18 I think that's something that needs to be explored.
 19 JUDGE LUCRAFT: Sorry to interrupt, Mr Pitchers.
 20 MR PITCHERS: Thank you.
 21 Is it fair comment that if one looks at the minutes
 22 as a whole, there's quite a lot of material there that
 23 isn't actually a record of what was said, but is cut and
 24 pasted or carried over from a previous template?
 25 A. Yes, there are chunks in the format which effectively

1 they just carry forward because they don't change.
 2 Q. It's really section 9 where you actually get some
 3 indication as to who said what and what discussions were
 4 had?
 5 A. Yes, that's correct.
 6 Q. And if we look, just briefly by way of example, as
 7 {DC6417/3}, so just as an example as to how errors can
 8 arise by that process, these are the minutes
 9 from November 2019, and we can see, can't we, under
 10 "What inter-agency work has been undertaken so far?"
 11 It says:
 12 "UK is due for release on the 26th December 2018..."
 13 A. Yes.
 14 Q. This is 11 months later and it's still talking about him
 15 being due for release.
 16 A. Yes, I accept that. I think clearly the focus has been
 17 upon the current position, and I accept that that
 18 element is -- should have been updated.
 19 Q. And it's fair to say that's a mistake, I think if we
 20 went back through all of the minutes that precede this
 21 you will see --
 22 A. I understand that.
 23 Q. And on no time when you read through the minutes did you
 24 pick up on that?
 25 A. No, I think this is obviously a summary of referral

1 information that was taken at the time, so yes, it
 2 should have been updated and changed.
 3 Q. And did anybody else who was provided with the minutes
 4 pick up on errors such as this?
 5 A. No.
 6 Q. No. Does it rather suggest that there's parts of the
 7 form that people wouldn't bother reading?
 8 A. There are some parts which are -- I mean, clearly the
 9 referral section is relatively static, so the nature of
 10 the offence, the conviction, the sentencing. Clearly
 11 that's not going to change, so I wouldn't expect people
 12 would look at that.
 13 Q. But if we look at {DC6417/6} of this document, please,
 14 the lower half, in the safeguarding section --
 15 A. Yes.
 16 Q. -- again, as an illustration, it says:
 17 "Ken will get details on the home visit arranged for
 18 the 27th December 2018..."
 19 Again, this is 11 months out of date, isn't it?
 20 A. Well, it's out of date, but basically that's what we
 21 would expect under safeguarding is that if there was
 22 actions or other activity, that would be added on, so we
 23 have a trail of the safeguarding activity.
 24 Q. But it's factually incorrect at that point, isn't
 25 it, November 2019, to be talking about something in that

1 sense?
 2 A. Well, we're not discussing safeguarding at that point.
 3 If he was having contact with someone where we were
 4 identifying certain -- sorry, maybe I'm missing the
 5 point you're making.
 6 Q. Well, I think you probably have -- you have the point,
 7 which is that there are several mistakes that arise from
 8 the form not being updated properly.
 9 Let's look at one that might be consequential. The
 10 bottom there, in relation to Usman Khan's faith and his
 11 religion, it says:
 12 "He regularly attends Friday Prayers..."
 13 A. Yes.
 14 Q. Now, that's not an irrelevant fact, is it, for his
 15 management or assessment of risk?
 16 A. No.
 17 Q. But we know it's completely wrong as at November 2019?
 18 A. As a record of -- that he was attending Friday prayers
 19 and with the imams in the chaplaincy, that bit would be
 20 correct. What I would probably need to ask you to do is
 21 whether there's anything over the page that indicates
 22 he's attending the mosque.
 23 Q. Well, we can check that, but would you accept that in
 24 this respect, that someone reading that section could be
 25 misled in terms of the extent to which Khan was engaging

1 with his religion?
 2 A. Well, potentially they could, but obviously when we're
 3 saying he's engaging well with imams in the chaplaincy,
 4 that's referring to the prison, so I don't think people
 5 would be influenced by that.
 6 Q. One point, if I may, in relation to the categorisation
 7 of risk. We have heard evidence that Mr Skelton and
 8 Mr Bromley themselves had agreed to a downgrade from
 9 very high to high --
 10 A. Yes.
 11 Q. -- in May 2019. Now, that doesn't seem to be recorded
 12 anywhere in the MAPPA minutes that I've considered.
 13 A. Well, I think that -- because the OASys review hadn't
 14 taken place at that point, and therefore, in terms of
 15 what OASys was saying, it was still saying very high.
 16 Q. Yes.
 17 A. But clearly they were in a process of consideration
 18 about reducing that.
 19 Q. Well, they did that in May 2019.
 20 A. Mm.
 21 Q. Would you have expected that to have been reported into
 22 MAPPA for MAPPA's consideration?
 23 A. Yes, I would, and I have tried to reflect on this
 24 because I feel as though at the point we were moving
 25 into the summer of 2019, I feel I knew that we were --

1 that Mr Forsyth was talking about a high risk as opposed
 2 to very high risk .
 3 Q. Sorry, on what basis do you believe that you knew that?
 4 A. Just thinking back about all this event and trying to
 5 recollect , and that's what I ---
 6 Q. Can we be clear: did you have any discussions with
 7 Mr Skelton or Mr Bromley or with anybody else ---
 8 A. No.
 9 Q. --- about them changing the risk assessment?
 10 A. No, I did not have any direct discussion , but
 11 I'm assuming that that was something that had been
 12 mentioned, but I can't tell you exactly where it was
 13 though.
 14 Q. You can't reliably assume that it was mentioned, can
 15 you? You can say that it should have been?
 16 A. I think it was.
 17 Q. Well, you've got no recollection of it?
 18 A. I've not got a definitive recorded recollection of it .
 19 Q. No, you don't have a recollection of it at all , do you?
 20 A. No, I do ---
 21 Q. Right.
 22 A. --- sorry, I was trying to be helpful by saying that
 23 I think I do have a recollection of that being
 24 discussed, but I cannot say to you that that was
 25 a direct conversation with Mr Skelton.

1 Q. So your evidence is you do have a recollection that it
 2 was discussed with you?
 3 A. I think it was --- I think it was raised --- I think it
 4 was probably raised in a discussion within the panel
 5 meeting as part of Ken's update, but it was maybe
 6 something as part of: we're doing ERG or something of
 7 that nature. We were still --- but the --- in reality,
 8 the difference between somebody who is high risk and
 9 very high risk , for the purposes of this group of
 10 offenders, it's not a major difference, we're still very
 11 concerned about them.
 12 Q. Well, of course, high risk is still very concerning.
 13 A. Yes.
 14 Q. But they are different categories, aren't they?
 15 A. Yes.
 16 Q. So --- and it's something that should have been raised at
 17 MAPPa and if it was raised it should have been discussed
 18 and it should have been minuted?
 19 A. Yes. But at that particular point, it hadn't been --- as
 20 I say, the OASys assessment hadn't been completed, and
 21 that's where it would be formally recorded.
 22 Q. Yes, but of course it's relevant if those who are
 23 managing him are, in fact, managing him on a different
 24 risk categorisation than that which is recorded on the
 25 MAPPa minutes?

1 A. I don't think the way he was being managed was
 2 particularly different . I don't --- for instance, we
 3 weren't saying: okay, he's now gone down to high risk,
 4 we can manage him at level 2. We are still maintaining
 5 that six-weekly MAPPa meeting.
 6 Q. And of course the danger of not raising it is that some
 7 of the counter-terrorism specialists who were present
 8 don't have the opportunity to disagree. If they don't
 9 know it's happening, they don't have the opportunity to
 10 challenge it , do they?
 11 A. Well, they don't, but I think the --- they were ---
 12 I think the counter-terrorism, if they had a concern,
 13 that they would be bringing that forward regardless of
 14 whatever that risk level was.
 15 Q. Well, they have many powers, but mind-reading wouldn't
 16 be one of them, would they? So if they hadn't been told
 17 that the offender managers are treating him as high
 18 rather than very high, they're not in a position to
 19 object to that decision , are they?
 20 A. No, they can express a view and we have had a case where
 21 that has been the situation .
 22 Q. What, expressed a view about something they have no
 23 knowledge of?
 24 A. No, you asked if the --- if they could express a view in
 25 relation to a change of risk of harm level, and

1 certainly there has been at least one occasion I can
 2 recall where CT police did raise a concern around the
 3 potential change in the risk level .
 4 Q. Can we move on, please. The decision around Khan's
 5 attendance at the Fishmongers' Hall event, you and
 6 others will be relieved to know that I'm not going to
 7 repeat everything that Mr Hough asked, but I just want
 8 to ask a few questions around that.
 9 Now, Mr Skelton told us that he regarded that as
 10 a 10 out of 10 decision in terms of significance . So it
 11 was a very significant decision , Khan being permitted to
 12 attend?
 13 A. Mm.
 14 Q. You wouldn't disagree with that categorisation, would
 15 you?
 16 A. Would I think any --- I mean, that was Mr Skelton's view
 17 of that decision . I don't disagree with what he's
 18 saying, it was significant , and it --- and obviously
 19 there had to be thought given to that.
 20 Q. Yes. And for there to be effective thought given to it ,
 21 it would be important to be provided with as much
 22 information as was available?
 23 A. Yes.
 24 Q. And would you agree with me that to make an informed
 25 decision about Khan's attendance at Fishmongers' Hall,

1 the panel would need to know the date?
 2 A. Yes.
 3 Q. The location of the event?
 4 A. Certainly the location was known in the sense of London,
 5 but I don't think that the panel discussion in August
 6 specifically referenced Fishmongers' Hall.
 7 Q. I'm not sure -- we can check -- I'm not sure the minutes
 8 do mention London, in fact, do they, in August?
 9 A. I think -- I think they do. Sorry, if they don't
 10 reference London, I think it may be referenced
 11 elsewhere.
 12 Q. Well, by November, yes, perhaps, but at the point the
 13 decision was made, I suggest to you that it would be
 14 important for those involved in the decision to know the
 15 date, the location, and also the scale of the event, how
 16 many people are attending and the nature of the other
 17 attendees?
 18 A. We certainly needed to know the purpose, and I think the
 19 purpose had been explained, it was another Cambridge
 20 event.
 21 Q. Well, the purpose might help you decide whether it might
 22 be beneficial in your view to Khan attending, but the
 23 purpose doesn't help you decide whether there are risks
 24 involved which are acceptable or unacceptable, does it?
 25 A. No, but we had no information that I think would have

1 indicated that there were specific risks attached to
 2 this visit .
 3 Q. Because a proper risk assessment considers potential
 4 benefits but also considers risk?
 5 A. Yes.
 6 Q. Is the reality here that insofar as there is any
 7 consideration by MAPPA, you were just looking at
 8 potential benefits, and there was no consideration to
 9 potential risks?
 10 A. There was clearly a focus on the benefits of him
 11 attending because that was clearly a kind of direction
 12 of travel, and something that we were supporting.
 13 Q. Do you agree that --
 14 A. In terms of making that decision about risk, if there
 15 had been any indications from anywhere that there were
 16 particular concerns around him, then obviously he
 17 probably -- that decision probably wouldn't have been
 18 taken.
 19 Q. I suggest the sense we're getting from your evidence is,
 20 Learning Together was regarded as a good thing for Khan,
 21 therefore him attending a Learning Together event was
 22 also regarded as a good thing?
 23 A. It was seen as a positive event for him because of the
 24 feedback we were getting and the reporting we were
 25 getting was that that was a positive factor in his life ,

1 yes.
 2 Q. But the analysis didn't go any further to consider the
 3 risks of him attending?
 4 A. I don't -- we didn't have a -- as you'll see from the
 5 minutes, there was not a long discussion around whether
 6 he should go or not. There was a discussion which was
 7 around: this is the event, there was a discussion
 8 around: are there any objections to him going to this
 9 event, any concerns, but that was what happened.
 10 Q. Would you agree that proper decision-making around this
 11 event wouldn't just include whether he should go or not,
 12 but would also consider if he was to go, whether
 13 precautionary measures could be taken to help to reduce
 14 or eliminate risk?
 15 A. If we were talking about -- if there was a need for
 16 precautionary measures, he wouldn't have gone, because
 17 there would be precautionary measures on the basis of
 18 there's some concerning information here, or whatever,
 19 but that wasn't -- that wasn't presented.
 20 Q. Because precautionary measures need not be particularly
 21 expensive or intrusive?
 22 A. No.
 23 Q. It could be just checking what the security arrangements
 24 were, couldn't it?
 25 A. It could be, yes.

1 Q. Ensuring that the organisers and the hosts are aware of
 2 who is attending; again, a straightforward,
 3 precautionary measure.
 4 A. Well, I think in terms of who was attending, certainly
 5 Cambridge University would have been providing that
 6 information. I may have misunderstood your question.
 7 MR PITCHERS: I think those are all the questions I have.
 8 A. Okay.
 9 JUDGE LUCRAFT: Right, thank you very much, Mr Pitchers.
 10 Mr Armstrong, I know you'll have some questions to
 11 follow but we'll do those at 2 o'clock and we'll take
 12 our lunch break there. Thank you very much, Mr Byford.
 13 (In the absence of the jury)
 14 I'll rise .
 15 (12.59 pm)
 16 (The short adjournment)
 17 (2.01 pm)
 18 (In the presence of the jury)
 19 JUDGE LUCRAFT: Mr Armstrong.
 20 Questions by MR ARMSTRONG
 21 MR ARMSTRONG: Thank you, sir.
 22 Mr Byford, I'm Nick Armstrong and I ask questions on
 23 behalf of Dave and Anne Merritt, Jack's family.
 24 You don't, as I understand your evidence, you did
 25 not know throughout the period that we are concerned

1 about that there was an active investigation by
 2 counter-terrorism police into Usman Khan?
 3 A. That's absolutely correct.
 4 Q. And it must follow from that that you didn't know that
 5 there was an open priority investigation by MI5 into
 6 Usman Khan?
 7 A. That's correct.
 8 Q. But you do know, and you were told, that they were in
 9 meetings?
 10 A. Yes.
 11 Q. Witness A told us yesterday that they were in less than
 12 half of the meetings. There were 12 MAPPA meetings in
 13 relation to Usman Khan. It looks like, from PII
 14 redactions that we can see, that they were in five
 15 meetings, so they're there around that number of
 16 occasions.
 17 A. Yes.
 18 Q. Now, that does show, doesn't it, a degree of interest,
 19 at the very least, in Usman Khan?
 20 A. Yes.
 21 Q. You don't have the category A reports?
 22 A. No.
 23 Q. At any stage?
 24 A. No.
 25 Q. You didn't have the ERG at any stage?

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1 A. I had the summary of the ERG.
 2 Q. The one that we've seen in the MAPPA F?
 3 A. Yes.
 4 Q. I'll come back to that. But you didn't have the
 5 document itself?
 6 A. No.
 7 Q. And you didn't have, or did you have, the OASys, the
 8 27 December 2018 document?
 9 A. Yes.
 10 Q. You did have that?
 11 A. Yes, I've seen that, yes.
 12 Q. All right. You do know how exceptional it is to have
 13 not just a category A prisoner but a high risk
 14 category A prisoner come straight out into the
 15 community?
 16 A. Yes. Well, I mean, it's not unusual for a high risk
 17 offender to be released from custody, yes.
 18 Q. They had one in 2018.
 19 A. Yes, I'm aware of that.
 20 Q. Out of all the releases they had, they had one
 21 individual do that --
 22 A. Yes.
 23 Q. -- and it was Usman Khan, and he represents only 70
 24 people at his level of risk in the adult male estate, so
 25 he is 0.1% of the most risky individuals --

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1 A. Yes.
 2 Q. -- coming straight out; yes?
 3 A. Yes.
 4 Q. So you do know you are in that kind of exceptional
 5 territory?
 6 A. Yes, I do.
 7 Q. And about the ERG, you have the warning signs that were
 8 summarised in the MAPPA F that giving the 14 warning
 9 points about things like boredom and isolation and
 10 non-employment and all those sorts of matters; yes?
 11 A. Yes.
 12 Q. You also know this, don't you: you know that he has done
 13 courses, because this is in the MAPPA F, he has done the
 14 Healthy Identity Intervention?
 15 A. Yes.
 16 Q. And he has done the TSP?
 17 A. Yes.
 18 Q. But Mr Vince told us, and we'll go to his evidence if
 19 necessary -- you know who Mr Vince is, he is the
 20 director of the high security estate, very senior, he
 21 told us in a very straightforward way that Mr Khan's HII
 22 engagement was poor and that the TSP was more successful
 23 but it's not a programme that is going to change
 24 ingrained ideological thought processes.
 25 A. Yes, I would agree.

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1 Q. It's not an intense programme of the kind --
 2 A. No.
 3 Q. The reason I'm putting all of this to you is you are
 4 a probation officer by training, 40 years in the
 5 Probation Service?
 6 A. Yes.
 7 Q. And it's orthodox, conventional risk assessment stuff
 8 that somebody who comes out at that level without doing
 9 any serious work on these motivational mindset-type
 10 issues, is going to remain very close to the level of
 11 risk he went in with?
 12 A. Yes, and that's why we would begin with a whole set of
 13 licence conditions and whatever and a structure around
 14 him.
 15 Q. But that's why we have the very high risk --
 16 A. Yes.
 17 Q. -- on OASys, and that's why we have the ERG in the terms
 18 that we do.
 19 Now, you also know in that context that particularly
 20 when you have that profile, the non-manifestation of bad
 21 behaviour does not mean that he has reduced his risk?
 22 A. Yes.
 23 Q. It does not mean he has thought seriously or engaged
 24 with his thought patterns or his distorted thinking or
 25 started -- found different ways of status-seeking or

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1 stopped minimising his offences, none of that is shown
 2 by a period of non—bad behaviour?
 3 A. No. What you would look to do would be to bring in as
 4 much information as you could from different people who
 5 were engaged with him to be testing some of those things
 6 out.
 7 Q. It's about testing, and I'll come back to how we can be
 8 confident about any of that in a moment, but my point
 9 really is this: when you've got that kind of profile,
 10 the point of MAPPa is to coordinate the information you
 11 are getting from several places?
 12 A. Yes.
 13 Q. Because you know and I know that the risk with a case —
 14 any case, but particularly an anxious case like this
 15 one, is dropped balls, information not being shared, one
 16 organisation not knowing what another organisation
 17 knows.
 18 A. Yes.
 19 Q. That's absolutely the *raison d'être* of MAPPa; yes?
 20 A. Yes, I agree.
 21 Q. You have said many times in your evidence this morning
 22 phrases like you would have expected your colleagues to
 23 do something?
 24 A. Right. Do you want to —
 25 Q. That's a phrase you use often. You also use phrases

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1 like you would have confidence that your colleagues
 2 would share or do something?
 3 A. Yes.
 4 Q. Don't you yourself, as the chair of MAPPa, knowing what
 5 you know about his risk and the risk of dropped balls,
 6 want yourself to be proactive to check that they are
 7 doing those things?
 8 A. Well, that's why within the MAPPa panel meeting I would
 9 actually — I would ask for information. That's the key
 10 reason for the panel to be there, so if there were — as
 11 I said before, if there were concerns that
 12 an organisation had, the CTU had, or if it was beyond CT
 13 staff, then I would expect that to come in because you
 14 need that to inform the conversation.
 15 Q. But you are using the impression about what you would
 16 expect.
 17 A. Yes.
 18 Q. I'm asking you to be, and I think you agree —
 19 A. Yes.
 20 Q. — you need to be proactive, you need to ensure that
 21 everybody understands each other, you need to get to the
 22 bottom of it?
 23 A. Yes. Yes.
 24 Q. Doesn't that mean you need — I mean, you told my
 25 learned friend Mr Hough that you were weren't clear

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1 about the level of experience of Calum Forsyth or Ken
 2 Skelton. Don't you want to make sure that you know
 3 stuff like that?
 4 A. Well, I guess I'm relying on — the police are putting
 5 forward their staff to that MAPPa panel. I have
 6 a degree of confidence in the police and who they're
 7 asking to be there. In relation to Mr Skelton and
 8 Mr Bromley, they were effectively the, I think probably,
 9 apart from one other individual, the only staff in
 10 Staffordshire probation who had had that previous
 11 experience.
 12 Q. Don't you want to do things like read the ERG? Don't
 13 you want yourself, when you see it summarised, go: this
 14 is one of only two structured risk assessments we've got
 15 done on this man, I need to read it, all of it, not just
 16 the summary?
 17 A. Yes, I think in some other cases — it depends where the
 18 ERG processes — there have been occasions where we
 19 would have the psychologist would come into a MAPPa
 20 meeting and say: I've done this ERG, or it could be
 21 a probation member of staff who said: I have done this
 22 ERG, and they would give a summary.
 23 Q. There have been other cases where you've done that?
 24 A. Where that's happened.
 25 Q. I'll come back to this in a different context, but just

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1 because you have mentioned it, why not do that here, of
 2 all the cases?
 3 A. I think at the — I think at the time that information
 4 was provided through Mr Skelton through the form F and
 5 that information, and that was information we had.
 6 I don't think the psychologist was in the meeting.
 7 Sometimes psychologists join over the phone.
 8 Q. So you just assumed — you relied on Mr Skelton to
 9 provide you that information.
 10 A. That and through Jo Boulton as well from the prison
 11 side.
 12 Q. Both of whom were new to the area, Mr Skelton on his
 13 second ever case, who has never done an ERG himself
 14 before?
 15 A. But he was being supported by the CT probation staff,
 16 that's Mr Johal, and I'm not entirely sure, but I think
 17 there may have been an overlap with a previous CTPO, but
 18 I can't be 100% certain.
 19 Q. But you must have known at least in general terms that
 20 what was happening in Staffordshire at this point was
 21 that they'd got their first three TACT offenders?
 22 A. Yes.
 23 Q. So you must have known this was not an experienced team?
 24 A. I knew that, unlike Birmingham, they hadn't had that
 25 much experience coming through. I'm certainly aware of

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1 that, yes.
 2 Q. I wanted to ask you in this context also about the
 3 pre-meet facility, and Mr Hough pressed you a bit on the
 4 pre-meet facility and went to the guidance and we heard
 5 Sonia Flynn on the importance of this earlier in the
 6 week. Your answer to that is you don't need to do them,
 7 it can be done informally, either in a break, you don't
 8 need to schedule them?
 9 A. I think what I was saying was that we haven't had
 10 a scheduled pre-meeting, but what we have done, there's
 11 been a number of occasions where that information would
 12 be shared with me or there would be a discussion about
 13 some information. That might happen on the day of the
 14 meeting, it may happen in between the meeting because
 15 it's a changing picture.
 16 Q. But let me understand that. Is that just you're having
 17 a break and you hope that somebody will come and tap you
 18 on the shoulder and say: I need to have a word with you?
 19 A. No, the understanding is clear with the West Midlands CT
 20 police, if they have a concern, if they had some
 21 information that couldn't be shared in that open
 22 meeting, that they would bring that to me.
 23 Q. And so your understanding is that they have
 24 an understanding that if they have anything like that
 25 they will come up to you in a break and --

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1 A. I have no doubt about that at all.
 2 Q. It didn't happen at all, as I understand it, in
 3 Mr Khan's case?
 4 A. That's absolutely correct.
 5 Q. Now, just before I get onto the consequences of that,
 6 again, it's a proactivity point. Don't you want to say:
 7 we need to have a pre-meet in a case of this importance,
 8 I need to make sure that all of the people who might
 9 have information to share are at the pre-meet, and
 10 I might need to prompt them to see whether they have any
 11 relevant information, rather than just waiting for them
 12 to tap me on the shoulder in a break.
 13 A. That didn't occur in this particular case. My --
 14 I think what we -- the way this is -- as I say, the way
 15 this has worked in the past is very much it would be for
 16 CT police to identify that they have some information to
 17 pass on.
 18 Q. But it doesn't always work that way. Why not be
 19 proactive, particularly in an anxious case? You're the
 20 chair.
 21 A. I didn't do that in this case.
 22 Q. You see, what we can see in this case is that there were
 23 two significant pieces of intelligence in
 24 November/December 2018?
 25 A. Yes.

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1 Q. And you didn't get one of them, the attack aspiration
 2 intelligence you didn't get.
 3 A. No.
 4 Q. Do you think that the informal way in which you do
 5 pre-meets was a contributing factor to you not getting
 6 it?
 7 A. I don't believe so.
 8 Q. All right. On the other piece of intelligence, which
 9 was the return to the old ways strand, that was said in
 10 these MAPPA minutes to be low grade.
 11 A. Yes.
 12 Q. It wasn't low grade; MI5's intelligence -- MI5 whose
 13 intelligence it was, described it as being unknown
 14 validity. Unknown and low are not the same thing; do
 15 you see?
 16 A. Yes.
 17 Q. Can you help us with how it came to be called "Low" in
 18 the minutes of your meeting?
 19 A. I'm assuming that that would have been a conversation
 20 within that meeting. Do you have the minutes of that
 21 meeting, because I might be able to help you with that?
 22 Q. We can call them up. I haven't got the entry in front
 23 of me but I can come back to it. It says "low grade",
 24 it says "Information low" -- "Intelligence, low grade
 25 material", okay. Now you're assuming that that would

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1 have been said?
 2 A. Yes.
 3 MR HOUGH: I think in fairness to the witness, the
 4 expression of this as low graded intelligence, according
 5 to other evidence that we've had, first came in the
 6 MAPPA security information document, {DC6419/1} which
 7 Ms Boulton, I think, said she had used to populate the
 8 MAPPA F, which then used that phrase.
 9 MR ARMSTRONG: Okay, thank you, I'm grateful for that.
 10 So that's the understanding?
 11 A. That's -- yes.
 12 Q. Do you remember asking anybody, CT police, about the
 13 grading of that material, how that came about, probing
 14 it?
 15 A. No. In conversations with the prison staff -- when
 16 we're talking about pre-release, a conversation about
 17 the prison staff informers(?), there are frequent
 18 conversations about intelligence and the prison will
 19 qualify that by saying: well, this has happened but it's
 20 low grade. CTU will then take that information away,
 21 they may look at it again, we may question that, we may
 22 say what's more detail around that and that's a piece of
 23 work that the West Midlands CTU would take away and do.
 24 Q. We heard Witness A on this intelligence yesterday.
 25 There was a stage where it was thought that there were

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1 two strands, then they had to do a bit of work to find
 2 out that in fact it was two strands but from the same
 3 source, and therefore it became reduced to one strand
 4 that was uncorroborated and unknown. You didn't carry
 5 out an exercise like that?
 6 A. No.
 7 Q. Did you know or check whether MI5 or CT police had
 8 carried out an exercise like that?
 9 A. No, because that would be for them to be doing. The
 10 MAPPA can't -- I can't direct the service to do
 11 something, so if there is information that the police
 12 are holding, then that is their responsibility to pass
 13 that into the MAPPA. The risk assessments are informed
 14 by police intelligence and I think that's contained
 15 within the MAPPA guidance, I think.
 16 Q. But, again, don't you want to say: I'm the chair, this
 17 is important, can I just check I've got everything
 18 I need to have, and that we're sure about the grading?
 19 A. I always ask in meetings if there is any additional risk
 20 information that needs to be shared with the panel.
 21 That's an opportunity for, if there has been an exchange
 22 between the Service and CT or Special Branch, for them
 23 to consider what they could share at that particular
 24 point, but I would expect it to come through
 25 automatically and not require me to ask for it, but it

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1 is a question I ask.
 2 Q. All right. Next topic, the ERG. You know that this is,
 3 as you've already accepted, one of two. It works with
 4 the OASys and it is the structured risk assessment
 5 that's important in a case of this kind.
 6 A. Yes.
 7 Q. You know that the last ERG is in April and the last
 8 OASys was in December 2018. In July 2019, MAPPA asks
 9 for an updated ERG, I don't need to turn it up, but
 10 others have got the reference. In August Mr Skelton
 11 says it will be done for the next meeting. By November
 12 it is still not done. Now, I don't think you ever see
 13 Mr Skelton's draft ERG?
 14 A. No, I've never seen the completed ERG.
 15 Q. Don't you want to be chasing, with a bit more intensity,
 16 why we are now, in November, a year after release or
 17 thereabouts, without either an updated OASys or
 18 an updated ERG?
 19 A. The ERG is -- I think the guidance would say that it
 20 should be done within 12 months, so in a sense,
 21 Mr Skelton started that ERG earlier than he should have
 22 done.
 23 I think in the last MAPPA meetings before this event
 24 I was conscious that the ERG was being worked on and
 25 therefore I asked if there was anything coming off that

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1 ERG that we needed to be considering or aware of in that
 2 meeting.
 3 Q. But that 12 months is for standard cases, not for a case
 4 where -- I mean, an OASys, for example, which in this
 5 case is dependent upon an ERG or requires an ERG to feed
 6 into it, needs to be done if there's a significant
 7 change of circumstances?
 8 A. Yes, and I think --
 9 Q. In this particular case, he has moved out of the
 10 approved premises, he has had -- he has issues with his
 11 mentors, including an abrupt termination, and there are
 12 some developing behavioural concerns, but still no
 13 structured risk assessment?
 14 A. No, I think the reviews have highlighted the fact that
 15 the OASys should have been done at the point of leaving
 16 the approved premises, but they've taking a decision to
 17 consequence that with the ERG.
 18 Q. But aren't you uncomfortable about it, as the chair,
 19 that all these things are happening in a case like this?
 20 A. I would have been uncomfortable if there hadn't been any
 21 assessment being undertaken at all, but I'm conscious
 22 that there was that work being done on the ERG which was
 23 clearly -- the ERG is far more focused on extremist
 24 behaviours than the OASys document is.
 25 Q. I don't want to spend much longer on this, but just to

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1 press you on that: at this point you are being told
 2 in August it will be at the next one.
 3 A. Yes.
 4 Q. You get to the October one and it hasn't happened, you
 5 get to the November one and it hasn't happened, and you
 6 haven't even seen a draft. That doesn't sound like you
 7 are pressing or being very intense in seeking this
 8 document.
 9 A. Sorry, could you just repeat that?
 10 Q. You know that you haven't had one --
 11 A. Yes.
 12 Q. -- you know the deadlines that Mr Skelton has set
 13 himself have not been met; yes?
 14 A. Yes.
 15 Q. And you haven't seen any examples of the work that he
 16 has done. That doesn't sound like a very intense -- it
 17 doesn't sound like you're on his case about this.
 18 A. Right. I think Mr Skelton was in the process of doing
 19 that, he had started it well within time, it wasn't due
 20 until the December. I appreciate what you're saying,
 21 that there may be variants in a case, but that's what
 22 the guidance currently says at that time, so I wasn't
 23 too concerned that he hadn't actually done it.
 24 What I would be more interested in is were there any
 25 indications coming up from that that were different to

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1 the concerns that may have been reported into the MAPPA
 2 meeting.
 3 Q. The point I have about this is that the ERG that
 4 Mr Skelton had in draft, close to final draft, was very
 5 poor. It was 15 pages long and didn't record his
 6 evidence base, et cetera, et cetera, because it was his
 7 first ERG, and one of the things that MAPPA could have
 8 been doing is checking that, check what the reason for
 9 the delay is, check what progress is being made, but you
 10 didn't. Is that because you don't see it as part of
 11 your role?
 12 A. I think the assurance and the work on the ERG is being
 13 done outside of the MAPPA panel. That's being done with
 14 Mr Johal as well.
 15 Q. Okay. Next topic, Learning Together. You were asked
 16 a number of questions about the dumper truck --
 17 A. Yes.
 18 Q. -- permission, and the steps that were taken to check
 19 that, and you were then asked some questions about why
 20 it was different in relation to the attendance at
 21 Fishmongers' Hall, and I'm not going to go back to the
 22 area about what the minutes say or don't say about any
 23 considered decision on the risks associated with that,
 24 but you have said several times, both to Mr Hough and
 25 also to my learned friend Mr Pitchers, that one of the

1 factors you think people had in their mind was that
 2 Learning Together was a good thing --
 3 A. Yes.
 4 Q. -- that it was a protective factor, and that he was
 5 progressing on that programme. You said that: it was
 6 a continuation of the Learning Together programme?
 7 A. Yes.
 8 Q. You also said that in that respect that was how he was
 9 different to other TACT offenders. He was doing this
 10 good thing that they were not doing?
 11 A. I'm saying he was different because that was a facility,
 12 a resource, which I don't -- I'm certain we haven't had
 13 anybody else doing the Cambridge course from prison and
 14 then coming out into the community, it's the
 15 continuation of that.
 16 Q. Yes. I'm interested in your use of the word "programme"
 17 as well, but what you said to Mr Hough was:
 18 "He is engaging with a programme that began in
 19 prison [and has] continued to engage ... not had that
 20 with any of the other TACT offenders ... under
 21 supervision ... "
 22 This was protective and supportive.
 23 A. Yes.
 24 Q. All right? What did you understand that programme to
 25 be?

1 A. Well, it is a programme of work, it is an activity that
 2 he was engaged in. I'm aware that there was some
 3 creative writing with that, he was doing work. So
 4 I'm aware it's not a course in the sense of it's going
 5 to lead to a qualification, but it's an activity which
 6 seemed to provide him with a real sense of purpose and
 7 something that he was responding very positively to.
 8 Q. What do you think he was responding positively to?
 9 A. He was responding to the engagement with Cambridge
 10 University. The panel were informed that he was in
 11 regular contact.
 12 Q. What kind of contact?
 13 A. Well, that would be -- my assumption would be telephone
 14 contact and also -- or primarily telephone contact,
 15 I think.
 16 Q. Right. Because what you are doing is you are saying
 17 that a different approach is being taken to him to other
 18 TACT offenders?
 19 A. Yes.
 20 Q. You are lessening the intensity of your analysis of what
 21 he's doing, because it's Learning Together?
 22 A. Yes.
 23 Q. I just want to check that you know what
 24 Learning Together is.
 25 A. Yes, I mean, I understand the -- I understand the

1 purpose of it and I understand that it's about
 2 supporting people and, as they say, learning together
 3 with students.
 4 Q. So far as this Inquest has heard and can tell, in 2019,
 5 when you are taking these decisions and when MAPPA is
 6 looking at it and taking this approach, the extent of
 7 Mr Khan's engagement with Learning Together and what
 8 he's getting from it and the extent to which it's
 9 a programme is, he does a video for them in March 2019,
 10 he goes to Whitemoor Prison for them in June 2019, and
 11 he speaks regularly on the phone, in particular to
 12 Lisa Ghiggini, and shares badly written poems with her,
 13 as far as we can see. Those actually appear to be poems
 14 and plays that he has actually written in custody.
 15 I just want to show you this.
 16 Can I have Lisa Ghiggini's witness statement up,
 17 please. It's {WS050D/3}.
 18 EPE OPERATOR: Can you repeat the reference, please?
 19 MR ARMSTRONG: Sorry, WS050D and it is page 3. Am I about
 20 to be told that the reference is wrong?
 21 EPE OPERATOR: I'm sorry but that seems to be a wrong
 22 reference. Can I just, if I can pull it up. Sorry
 23 {WS0250D/3}, please. Then the third paragraph here,
 24 Mr Byford, this is Lisa Ghiggini's statement, so she's
 25 in touch with him. Sorry, I need the top half of this.

1 There, the third paragraph there:
 2 "To the best of my knowledge, Usman didn't seem to
 3 be engaging with writing when he was released, which
 4 surprised me as he seemed so passionate about it in
 5 prison."
 6 So what he has done is he has written a couple of
 7 poems and a play, about which we've heard in the
 8 evidence and about which there are grounds to be
 9 concerned, some of what he said in some of those things,
 10 and then stopped writing altogether.
 11 So what he has got is chatting with Lisa Ghiggini on
 12 the phone about whatever these matters are, and going to
 13 two events. In what way is that a programme?
 14 A. Well, clearly I haven't seen this before. My
 15 understanding was that he was engaging with the
 16 Cambridge University programme.
 17 Q. But it's not a programme. It doesn't lead to
 18 a qualification. There's no scheduled events. And you
 19 are taking a different -- when you are weighing in the
 20 balance or trying to or saying you would have weighed
 21 these matters in the balance, there isn't much on this
 22 side of the balance; do you see?
 23 A. Yes.
 24 Q. Also in this context you were asked by Mr Pitchers in
 25 particular about what you knew about the next event that

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1 he's going to. You know he's going to London, but you
 2 don't know where he's going in London.
 3 A. No, not at that time.
 4 Q. I don't want to be facetious about this, but there are
 5 lots of different places in London --
 6 A. Yes.
 7 Q. -- Fishmongers' Hall is not the same as a community
 8 centre in Hounslow, is it?
 9 A. No, I understand that.
 10 Q. You understand the totemic difference between the two of
 11 these?
 12 A. Yes.
 13 Q. Isn't that too something that MAPPAs ought to be nailing
 14 down and getting to the bottom of?
 15 A. I think as I probably said in response to Mr Pitchers,
 16 because there was nothing that was coming to that table
 17 either from Service source, from police source, from
 18 Mr Skelton, then we weren't identifying anything that
 19 was saying this was a concern. In relation to the
 20 location of the event, if somebody had said
 21 Fishmongers' Hall, I would not necessarily -- on
 22 a personal level, I would not necessarily have known
 23 that that meant London Bridge.
 24 Q. Find out. You're the chair.
 25 A. If it had -- I think as the review showed, if we'd have

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1 sat down -- if we rolled the clock back, if we had
 2 actually sat down and said: let's talk about
 3 Fishmongers' Hall, let's talk about the London visit,
 4 unless anybody had presented some additional information
 5 into that meeting, I think the visit would probably
 6 still have gone ahead.
 7 Q. Do you see some force in the criticism I'm putting to
 8 you --
 9 A. Yes, I do.
 10 Q. You do see?
 11 A. Yes.
 12 Q. You need to be more proactive than this. You've got
 13 a very high risk individual, untested at the very least,
 14 certainly untested by anything Learning Together are
 15 doing, off to his first opportunity to do something at
 16 a trophy landmark?
 17 A. I do see that now, yes.
 18 Q. Yes. Can I just move on to a couple of questions about
 19 the MAPPAs serious case review. Mr Hough has asked you
 20 a couple of questions about this as well. I just want
 21 to touch on a couple of paragraphs. Can I have that up
 22 again. I think it was {DC6378/1}, please.
 23 Now, I think the jury understands -- this is one of
 24 the reviews that was done, you are familiar with it,
 25 Mr Hough has taken you to it. This is the MAPPAs serious

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1 case review that's done after the event.
 2 Now, this is a process, this is an investigation
 3 process which is a different process to this one, it
 4 doesn't have the same evidence, it certainly doesn't
 5 have the same kind of questioning and the jury will have
 6 to make up its own mind about things that happened.
 7 A. Yes.
 8 Q. But just to show you a couple of paragraphs from this.
 9 Can I just go to paragraph 6.36, please. This is one of
 10 the paragraphs Mr Hough didn't take you to {DC6478/12},
 11 and this says that:
 12 "The MAPPAs B minutes reveal that throughout 2019 the
 13 regular MAPPAs meetings tracked actions relatively
 14 carefully and discussed issues that arose from those
 15 actions. The reviewer's only observation is that,
 16 partly as a result of the design of the MAPPAs B, it is
 17 not easy to see if at each meeting the observation of
 18 Mr Khan's progress under licence was being tracked
 19 against, in particular, the factors highlighted in the
 20 final custodial ERG and especially to monitor for the
 21 warning signs outlined in that report."
 22 Now, that seems to be saying -- and it says things
 23 elsewhere about this, but that particular paragraph is
 24 saying: you need to track in the MAPPAs against what the
 25 last custodial ERG said.

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1 A. Yes, and I think as was discussed earlier, the MAPPA
 2 meeting format, certainly I think nationally and locally
 3 has been reviewed to incorporate ERG, to make that much
 4 clearer. In the absence of that, then it's being looked
 5 at in terms of the overall reports, updates, and
 6 obviously those ERG elements are contained within the
 7 minutes.
 8 Q. And the point about this being, the expectation of the
 9 reviewer, and I might go slightly further than the
 10 reviewer went in relation to this, but the reviewer,
 11 even that says, it must be right, mustn't it, that if
 12 you are going to track against the ERG, you need to read
 13 the ERG?
 14 A. Yes, we need to -- we need to make sure that the ERG
 15 elements were contained within those MAPPA minutes and
 16 updated in those MAPPA minutes, and so the warning signs
 17 are in those MAPPA minutes.
 18 Q. And can I just -- I mean, I know that the express
 19 reference there is to the warning signs, but that's one
 20 of the things that the ERG says, and there are -- would
 21 you agree it's important, the ERG talks about where
 22 Usman Khan was on the spectrum --
 23 A. Yes.
 24 Q. -- of stages of change; yes? It's one of the sections
 25 that Mr Skelton didn't deal with at all in his draft

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1 ERG, but you would want to know where he was on his
 2 stages of change?
 3 A. Yes. And I ... sorry. I was just going on to say that
 4 within this review, Mr Armstrong makes reference to the
 5 ERG and how some additional work needs to be done on
 6 that, and I think that that is something that is being
 7 taken forward.
 8 Q. Can I just look at paragraph 6.25, please {DC6378/10}.
 9 I don't think Mr Hough went to this paragraph, I think
 10 he went to ones around it:
 11 "The reviewer's question is whether there was
 12 sufficient explicit debate at each meeting about such
 13 conflicting reports and the implications for the risk
 14 assessment. It is recommended that all chairs of MAPPA
 15 meetings are reminded of the importance of explicit and
 16 minuted discussion of risk at every meeting and that the
 17 risk assessment be clearly recorded as updated at each
 18 meeting, taking account of all new relevant
 19 information."
 20 You would accept that?
 21 A. Yes.
 22 Q. Paragraph 7.2, please {DC6378/17}:
 23 "Some key staff both in [National Probation Service]
 24 and Staffordshire Police were asked to take on new and
 25 demanding responsibilities in this case for which they

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1 may not have been fully prepared. Their willingness to
 2 do so and the diligence with which they worked is
 3 commendable. Management supervision and support from
 4 specialist CT NPS staff seems to have been good; but the
 5 complexity of the case, in particularly the motivation
 6 of Mr Khan to reoffend and the triggers to that
 7 reoffending may not have been fully understood by any of
 8 those involved in MAPPA. The reviewer would emphasise
 9 the importance of continually assessing the risk
 10 associated with such a complex and serious offender ...
 11 and using expert resources such as forensic
 12 psychologists and behavioural scientists to assist in
 13 that risk assessment."
 14 That's the point we discussed before and you
 15 recognise and accept that criticism?
 16 A. I think the suggestion about using psychologists,
 17 I think that has a significant value, and again, that's
 18 something in the new arrangements that is going to be
 19 taken forward.
 20 Q. We've seen two evidence of forensic psychology in this
 21 case, we've seen Ieva Cechavičiute and we've seen
 22 Dr Al-Attar and they speak with one voice, they say he
 23 is a very dangerous, unreformed individual?
 24 A. Yes.
 25 Q. Paragraph 7.3 I'll go to, because otherwise somebody

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1 else will:
 2 "Decision taking at all stages of this case was
 3 carefully considered and well based."
 4 Well, I repeat the point about whether they have the
 5 same evidence as the Inquest:
 6 "Reviewer finds no criticism should attach to MAPPA
 7 or to any individual for the decision to allow Mr Khan
 8 to attend the LT event in London."
 9 The point there is, of course, that's about
 10 attendance, not about risk mitigation, and there ought
 11 to have been, oughtn't there, to have been proper full
 12 minuted discussion of those risks against the benefits,
 13 real or otherwise, of Learning Together?
 14 A. Yes, I think as I've accepted, there isn't a detailed
 15 minute but that there was -- there was an opportunity
 16 for people to raise concerns and issues.
 17 MR ARMSTRONG: Thank you very much, Mr Byford. I have no
 18 further questions.
 19 A. Thank you.
 20 JUDGE LUCRAFT: Thank you.
 21 Mr Boyle.
 22 Questions by MR BOYLE QC
 23 MR BOYLE: Good afternoon, sir.
 24 Good afternoon, Mr Byford.
 25 A. Hello, sir.

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1 Q. I ask questions on behalf of Staffordshire Police
 2 generally; another barrister represents the Prevent
 3 officers; all right?
 4 A. Okay.
 5 Q. Can we have on the screen, please, the minutes from
 6 the June 2018 MAPPA meeting, which is {DC6406/2}, and
 7 can we focus on the bottom half of the page, please.
 8 So, Mr Byford, we can see under the heading of
 9 "Conviction/... information", the details of the index
 10 offence here being recorded at the first MAPPA meeting
 11 in relation to Mr Khan.
 12 A. Yes.
 13 Q. And the details of the conviction, it gives the sentence
 14 received and so on, and then the details of the index
 15 offence:
 16 "With intent [to] commit or assist another in [an]
 17 act of terrorism."
 18 Yes?
 19 A. Yes.
 20 Q. And then it goes on to give further information about
 21 the nature and extent of Mr Khan's involvement in that
 22 offence; is that right?
 23 A. Yes.
 24 Q. And in and among it includes the reference to the
 25 Cardiff and London groups, and the plot to cause

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1 an explosion at the London Stock Exchange; yes?
 2 A. Yes.
 3 Q. And then in the last paragraph it says:
 4 "As stated, UK was not specifically involved with
 5 this but clearly his association with these individuals
 6 combined with his own very serious offences is cause for
 7 grave concern and constant investigation and vigilance,
 8 especially when UK is released back into the community."
 9 Yes?
 10 A. Yes.
 11 Q. And if we turn, please, if you wouldn't mind, to
 12 {DC6406/3}, and the reasons for referral in the top half
 13 of the page:
 14 "UK has been convicted of serious offences and had
 15 he gone on to carry out his intentions there would have
 16 potentially been numerous victims..."
 17 Yes?
 18 A. Yes.
 19 Q. So in other words, if he had had his way then, there was
 20 the potential for there to have been numerous victims of
 21 a terrorist attack?
 22 A. I think the -- I think the basis of plea for Khan was
 23 about him setting up a military training camp, but
 24 clearly his association with the others could have led
 25 to the -- sorry, I'm looking for the phrase -- but

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1 certainly, yes, the (inaudible) the victims, yes.
 2 Q. Yes, precisely.
 3 A. I'm not in any way saying that there's no risk.
 4 Q. No, not at all, and nor am I, don't get me wrong.
 5 That's why I took you to the page before about that
 6 association combined with his offence, grave concern and
 7 the need for constant vigilance and investigation?
 8 A. Yes.
 9 Q. But in summary, if he had had his way and not been
 10 convicted, not been caught and imprisoned, if he had had
 11 his way, there was the potential for significant loss of
 12 life as a result of a terrorist attack; do you agree?
 13 A. Yes, through the liaison that was going on between these
 14 different groups.
 15 Q. And then if we can turn through, please, then, to
 16 {DC6406/7} of the same document, and the bottom half of
 17 the page. Thank you very much. Under the heading "Risk
 18 assessment summary", the question is posed "Who is at
 19 risk?" and the answer in your MAPPA is:
 20 "The General Public are at a very high risk of ..."
 21 It says "Seriousness harm", but I'm assuming that is
 22 "Serious harm"?
 23 A. Serious harm, yes.
 24 Q. And then "What is the nature of the risk?" and it says
 25 this:

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1 "Should [Usman Khan] carry out a terrorist act the
 2 consequences would be serious and cause death/suffering
 3 to large numbers of individuals."
 4 Yes?
 5 A. Yes.
 6 Q. So the mindset from June 2018 in terms of MAPPA and what
 7 you were dealing with is summarised here, isn't it: that
 8 if he carries out a terrorist act, the consequences
 9 could be death, suffering, to a large number of
 10 individuals; yes?
 11 A. Yes.
 12 Q. And then the question is posed when is that risk likely
 13 to be the greatest, and it's answered at the top of
 14 {DC6406/8}:
 15 "The risk will be greatest when [Usman Khan] is in
 16 the community..."
 17 Yes?
 18 "... and has the ability to associate with
 19 likeminded individuals and re-establish networks/links."
 20 Yes?
 21 A. Yes, and I think the second part of that is important.
 22 Q. Indeed. Can we then turn to {DC6409/6}, which are the
 23 minutes of the December 2018 MAPPA meeting. The bottom
 24 half of the page, thank you, almost certainly smack-bang
 25 in the middle, as anticipated, yes, so can we have the

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1 middle half of the page. No jokes about top, bottom and
 2 middle halves, please.
 3 So here we have the reference to:
 4 "Khan has said that he will return to his old ways,
 5 believed to be related to terrorism when he is released
 6 next year."
 7 Leave aside the "next year". But the reference
 8 there to "returning to his old ways, believed to be
 9 related to terrorism". The reference there to "related
 10 to terrorism", it will have been in your mind, because
 11 the same passages that I have taken you to appear in
 12 these minutes too, it will have been in your mind that
 13 that could relate to the potential for an act which
 14 could lead to the death of people in the community.
 15 A. Yes, it could have been a range of activities with that,
 16 sir.
 17 Q. That would be one obvious interpretation of everything
 18 that had gone before?
 19 A. Yes.
 20 Q. Can we have, please, then, {DC6410/6}, which are the
 21 minutes of the January 2019 meeting, and can we have the
 22 bottom half of the page, please. Sorry, slightly
 23 further up, if you wouldn't mind. Thank you. Actually,
 24 if you can go slightly further up again. I should have
 25 said the middle half again, shouldn't I?

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1 JUDGE LUCRAFT: Yes.
 2 MR BOYLE: We have a reference to the panel commenting on
 3 how the feedback had been positive. This follows on --
 4 I needn't get the page changed again -- but this follows
 5 on from Mr Forsyth suggesting that the meetings were
 6 going to be, in terms of Prevent, fortnightly.
 7 A. Right.
 8 Q. And then there's an interjection here attributed to
 9 Ainsley, who we know is DCI Ainsley Cobbett.
 10 A. Yes.
 11 Q. "... felt that although Usman is doing well it is still
 12 early days and the panel need to be mindful of his
 13 previous offending."
 14 Yes?
 15 A. Yes.
 16 Q. So there was an interjection from somebody from the
 17 WM CTU reminding the panel of the offending, which of
 18 course you've said it in the minutes which I've just
 19 taken you to, yes?
 20 A. And I would expect that to be in people's minds anyway,
 21 but yes, Ainsley did pick that up.
 22 Q. Two further short points, if you wouldn't mind.
 23 {DC6412/1}, and can we please have {DC6412/2}. And
 24 {DC6412/3}, please. We can expand that. Is it right
 25 that during the course of the meetings, comments that

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1 have been attributed to mentors would have been
 2 discussed and assessed by the MAPPA?
 3 A. Yes, in two ways, because the mentor reports are being
 4 shared, so people around that panel will have seen
 5 those. So yes, any comments from mentors would be
 6 picked up.
 7 Q. So if we can have {DC6412/5} of this document, and we
 8 can see the large paragraph:
 9 "UK has now had a change of mentor, there were some
 10 concerns noted about possible aggressive behaviour
 11 towards the new mentor but no other agency has reported
 12 any similar behaviour. Checks have taken place and...
 13 [he] was unhappy about the mentor..."
 14 And so on, yes?
 15 A. Yes.
 16 Q. So comments would be fed into the MAPPA meetings, both
 17 positive and negative, in relation to the ongoing
 18 engagement with the mentors; yes?
 19 A. Yes, I think you -- the jury may have heard this before,
 20 but I think this was about the mentor was based in
 21 London and was -- kept changing his appointment times,
 22 I think that was probably the basis for --
 23 Q. And as we can see on the screen here, would those
 24 comments in relation to the mentors ordinarily be fed in
 25 to one of the probation representatives on the MAPPA?

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1 A. Yes, and if other people have seen those mentor reports
 2 as well, which I think they did, then it's a shared
 3 piece of information.
 4 The other person that would comment on it would be
 5 the probation counter--terrorism lead who effectively was
 6 the lead for mentors, and she would have had
 7 conversations if need be with the mentor and with the
 8 mentor's managers.
 9 Q. And that very neatly brings me onto the very last point,
 10 and it may be because it was something I misheard --
 11 A. Okay.
 12 Q. -- but the probation counter--terrorism lead, I think you
 13 said in your evidence earlier, was that he or she worked
 14 within the WM CTU; is that right?
 15 A. There are two counter--terrorism probation leads.
 16 I think at the beginning of this case it was
 17 a West Midlands--based lead, and then as the resourcing
 18 for TACT offenders increased, an additional person was
 19 appointed, and she was responsible then for
 20 Staffordshire and East Midlands cases.
 21 Q. Yes, but in relation to the West Midlands, you're not
 22 suggesting that they worked within -- co--located
 23 physically with the West Midlands Counter--Terrorism Unit
 24 from a policing perspective?
 25 A. I'm not sure I can answer that question.

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1 MR BOYLE: Very well. Thank you very much.
 2 Sir, those are all my questions.
 3 JUDGE LUCRAFT: Thank you, Mr Boyle.
 4 Questions by MR BAUMBER
 5 MR BAUMBER: Good afternoon, my name is Kevin Baumber,
 6 I represent Staffs Prevent officers.
 7 A. Okay.
 8 Q. In terms of the MAPPA constitution, the probation, we've
 9 heard evidence, are the Lead Agency, with a capital L,
 10 capital A, as a term of art; is that right?
 11 A. They are the lead agency as defined in the MAPPA
 12 guidance, yes.
 13 Q. There's another phrase you use in your statement. Can
 14 we have {WS5051/4}, please, and paragraph 12. In the
 15 second sentence there you describe that:
 16 "For TACT cases, the key agencies are probation and
 17 the CTU/Special Branch of the police."
 18 Yes?
 19 A. Yes.
 20 Q. Is that key because the essential business of managing
 21 a --- the risk of TACT offenders are those agencies with
 22 the expertise in that type of risk assessment?
 23 A. I think what's missing from that sentence would be to
 24 include Prevent staff within that.
 25 Q. Well, that's what I was going to ask, because you have

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1 probation as one, and then CTU/Special Branch as ---
 2 rather than just police.
 3 A. Yes, apologies, I think that's been --- that's kind of
 4 got lumped together.
 5 Q. The Prevent Team had a representative in the form of
 6 Mr Forsyth in attendance at these meetings, didn't it?
 7 A. Yes.
 8 Q. He wasn't CTU or Special Branch; were you aware of that?
 9 A. Yes, I was aware of that, but Mr Forsyth has been
 10 involved in other cases as well, so effectively my
 11 understanding was that he was carrying a dual role.
 12 Q. When it comes to terror risk decisions, do the
 13 counter-terror experts, are they considered more
 14 important, or does everyone have an even voice? Are
 15 some more equal than others?
 16 A. The way the panel is managed is that it's important that
 17 everyone has a voice, so as I think I said earlier,
 18 there is no hierarchy, and people are encouraged.
 19 Q. Can we have the MAPPA minutes at {DC6417/1}, please.
 20 This is the November 2019 minutes. Can we look at the
 21 bottom of {DC6417/3}. This is the same minutes that
 22 have been looked at quite a lot, where on page 5 the
 23 details of the travel arrangements for Fishmongers'
 24 appear, it's that one, all right?
 25 In terms of the list of representatives, we've seen

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1 examples in minutes, and one was on the screen earlier,
 2 although it wasn't read out expressly, where
 3 Calum Forsyth was sometimes referred to in the minutes
 4 as CTU ---
 5 A. Yes.
 6 Q. --- but we can see from this not always. In this entry,
 7 there's a distinction made between other Staffs police
 8 and the Prevent coordinator, Calum Forsyth. Is that
 9 a distinction that MAPPA understood, namely that Prevent
 10 were distinct from the specialist counter-terror
 11 officers?
 12 A. I think the terminology here will be what the
 13 minute-taker has noted down when people have introduced
 14 themselves to the meeting.
 15 Q. Fine. But what I'm asking you is, was MAPPA aware that
 16 Prevent were distinct from counter-terror officers in
 17 that they had a different background and different
 18 specialisms?
 19 A. I don't think so, I think that we saw Calum's input as
 20 clearly involved in managing the part 4 requirement, and
 21 a part 4 requirement wouldn't normally be managed by
 22 a Prevent officer, is my understanding.
 23 Q. Yes, certainly, but the question is, did you think he
 24 was a counter-terror specialist? Did MAPPA think he was
 25 a counter-terror specialist?

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1 A. I don't think we would have seen him as a specialist,
 2 but certainly as a frontline worker with --- representing
 3 Staffordshire Police, but obviously supported by other
 4 colleagues as well.
 5 Q. In that same list you can see just above those entries,
 6 there are four entries for West Midlands CTU, Chief
 7 Inspector Jo Floyd, Sergeant Marc Jerromes, Jodie Myers,
 8 PC Gail Colley ---
 9 A. Yes.
 10 Q. --- all as members of the CTU. Did you consider those
 11 people as mere passengers or just outside friends rather
 12 than part of the MAPPA management of Usman Khan?
 13 A. No, I do not. I don't see West Midlands CTU in any way
 14 as a passenger. As I say, over the 10 years we've been
 15 running these panels, they have been active and will
 16 offer opinions on cases that aren't necessarily directly
 17 managed by them.
 18 Q. And how would you summarise the volume, regularity and
 19 nature of West Mids Counter-Terror Unit contributions to
 20 MAPPA discussions and decision-making regards Khan?
 21 A. The main input obviously would come from --- so as we go
 22 through the MAPPA meeting process and people give
 23 an update, there would be an update from --- sorry, from
 24 the Prevent police perspective, then there would be
 25 an update from Sergeant Forsyth, an update from other

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1 members. There wouldn't necessarily be an update from
 2 the West Midlands CTU, but we would then go into
 3 a discussion or there may be questions that might be
 4 asked by CTU colleagues on those inputs.
 5 So, sorry, there were two stages there: somebody
 6 gives an input, an opportunity for questions on that,
 7 then a discussion, and obviously at that point perhaps
 8 more likely to be input from the West Midlands CTU.
 9 Q. One of those members, Marc Jerromes, we know, is from
 10 what's called Team 7?
 11 A. Yes.
 12 Q. You will probably remember, he attended numerous
 13 meetings in 2018 and 2019.
 14 A. Yes.
 15 Q. Including the August and November 2019 meetings where
 16 Learning Together came up; is that right?
 17 A. Yes.
 18 Q. And we've also heard that he spoke out against, for
 19 example, the dumper truck proposal, and influentially
 20 so; does that accord with your recollection?
 21 A. It does, and obviously what I've learned through this
 22 process it that the raising of that, from what I've
 23 heard, seemed to come from the service to CTU and then
 24 to MAPPA, so I guess that reflects that bridging
 25 approach.

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1 Q. And that attendance and speaking out and influencing
 2 decisions is consistent, isn't it, with participation in
 3 the MAPPA management of Khan?
 4 A. Yes.
 5 Q. Did people also make notes in these meetings for
 6 themselves?
 7 A. Yes, there would be -- people would make -- they would
 8 certainly be noting down particular actions or issues
 9 that they needed to follow up.
 10 Q. Can we have {DC7527/1}, these are the notes of DS
 11 Jerromes. I'm not going to read the content, but can
 12 you see, page 1 we can see an entry for Khan; yes?
 13 A. Yes, sorry. I didn't quite hear, you said the notes
 14 were from?
 15 Q. DS Jerromes' MAPPA notes.
 16 {DC7527/6}, another section there, you can see
 17 that's another in relation to Khan?
 18 A. Yes.
 19 Q. And bottom of {DC7527/10}. You see reference to Khan,
 20 going over to {DC7527/11}, please, at the top?
 21 A. Yes.
 22 Q. Concluding with a reference:
 23 "He is going to London on the 29th November as part
 24 of an educational visit with the company that helped him
 25 previously. This is the same company that provided him

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1 with a Chromebook."
 2 And then what appears to be an action highlighted;
 3 yes?
 4 A. Yes.
 5 Q. Is that, again, consistent with participation in the
 6 MAPPA process and the management of Khan?
 7 A. Yes, that's obviously how Mr Jerromes has chosen to make
 8 a note of that meeting, it's not a prescribed format.
 9 Q. Because you considered him, did you, and West Midlands
 10 Counter-Terror Unit as an integral part of that
 11 management rather than just being there because it
 12 happened to be the same day as other cases they were
 13 doing?
 14 A. Yes, I did.
 15 Q. So you didn't view them as distanced from MAPPA's
 16 management of Khan on a "Not my case" sentiment?
 17 A. No, I mean I think effectively we were all there for the
 18 same reason.
 19 Q. Final topic, the Fishmongers' visit. I'm just going to
 20 pause to ask to look at an analogy with the dumper
 21 truck. At {DC6415/6} at the bottom paragraph. This was
 22 again read to you earlier, second sentence:
 23 "Ken Skelton confirmed that the Dumper Truck Course
 24 had been arranged through Ixion..."
 25 A. Yes.

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1 Q. "... as a means of improving UK's employability."
 2 Now, the fact that arrangements had been made
 3 through a third party, that didn't divest MAPPA of any
 4 responsibility for considering or responding and
 5 intervening to that if it didn't approve, did it?
 6 A. No, it didn't, as I've referenced earlier, really, there
 7 is that tension between clearly him being employed would
 8 be seen as positive and addresses one of the factors
 9 from the ERG, but it has to be balanced in terms of is
 10 that an appropriate piece of employment. So on the face
 11 of it initially clearly from Mr Skelton's perspective,
 12 this was a useful opportunity. It then had further
 13 consideration in that meeting.
 14 Q. As we see with the dumper truck, the fact there had been
 15 arrangements with a third party and that there were --
 16 there was support or -- support for the proposal from
 17 probation or others, that didn't mean that MAPPA didn't
 18 get involved in it --
 19 A. No.
 20 Q. -- and consider and react to it, did it?
 21 A. No, even though that was, to a degree, advanced, it
 22 didn't go ahead.
 23 Q. We can take that down, thank you.
 24 And so by the same token, would you, in respect of
 25 the Fishmongers' visit, expect security, risk management

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1 input from counter-terror police if they had concerns
 2 about it?
 3 A. Yes, I would, and as the Inquest knows, it has emerged
 4 that the Service were represented in meetings, so they
 5 were gathering information and, yes, we would have
 6 expected anything of concern to have been fed back in.
 7 Q. And no such concern or advice or input was given, was
 8 it?
 9 A. Absolutely nothing from any source.
 10 Q. And it followed that there were no actions or taskings
 11 arising out of that to be given to Prevent?
 12 A. No.
 13 Q. But you mentioned if it was thought that he needed
 14 a police security escort rather than help getting about,
 15 you think he wouldn't have got permission to go at all?
 16 A. No, because if we're saying that somebody -- if there's
 17 an analysis that's basically saying he needs an escort
 18 to go to London, then we wouldn't be allowing him to go
 19 to London, and if that was the analysis, the question
 20 would be why are people thinking that, because that
 21 would be showing something else long before.
 22 Q. So from the MAPPA point of view, security travel
 23 arrangements are a red herring because they just don't
 24 arise: if they are needed, you're not going?
 25 A. No, we wouldn't send someone who was a -- I mean, I say

1 that, conscious of the family, that we wouldn't send
 2 somebody who was a risk, had been identified as
 3 a security risk, and we address that by saying a police
 4 officer goes along with them. That would not happen.
 5 Q. It wouldn't get that far?
 6 A. No.
 7 MR BAUMBER: I have no further questions, thank you.
 8 JUDGE LUCRAFT: Do you want to use the other one, Mr Beer?
 9 MR BEER: Thank you, sir. I assume you are content to
 10 continue now rather than taking break?
 11 JUDGE LUCRAFT: That might depend how long you're going to
 12 be, but I'm conscious we've got another witness, who, at
 13 the risk of saying that witness is going to be short and
 14 then finding they're 5 foot 11, which has happened
 15 before.
 16 MR HOUGH: I understood that Mr Beer was going to be about
 17 15 minutes and Ms Leek about 15 minutes. On that basis,
 18 perhaps Mr Beer before the break and Ms Leek after.
 19 JUDGE LUCRAFT: Perfect. That's what we'll do. Thank you.
 20 Questions by MR BEER QC
 21 MR BEER: Good afternoon, Mr Byford, my name is Jason Beer,
 22 I ask questions on behalf of West Midlands Police.
 23 A. Okay.
 24 Q. Can I start with the first topic, MAPPA F.
 25 A. Yes.

1 Q. We have seen in these Inquests on a number of occasions
 2 the MAPPA F form, I'm not going to bring it up again.
 3 Is it a document that, amongst other things, sets out
 4 a summary of the security information from within the
 5 prison?
 6 A. Yes, it is.
 7 Q. And is it your understanding that where intelligence has
 8 been harvested within the prison, including by prison
 9 security, then it's through the medium of that document
 10 that such intelligence should be disclosed into the
 11 MAPPA meetings?
 12 A. That's what -- that's how it should happen. On
 13 occasions, the information may be given verbally if
 14 someone is on the telephone, but that would be the
 15 normal -- that's the designated route for it.
 16 Q. Yes, the primary and preferred means of the conveying of
 17 information should be through the MAPPA F form of
 18 intelligence harvested from within the prison?
 19 A. Yes.
 20 Q. And so if it's the case that what we've been calling the
 21 second strand of intelligence was available within the
 22 Prison Service, then you would have expected that to
 23 have appeared, everything else being equal, on the MAPPA
 24 F form?
 25 A. Yes.

1 Q. Thank you. Can I turn to the role of the West Midlands
 2 Police officers in the MAPPA meetings?
 3 A. Yes.
 4 Q. You've told us already that it was your understanding
 5 that it was Sergeant Forsyth and his Prevent Team that
 6 were responsible for the management of Khan under
 7 part 4?
 8 A. Yes.
 9 Q. And Mr Forsyth was present, I think, at all 12 of the
 10 meetings we've been looking at; yes?
 11 A. Yes.
 12 Q. And is his importance reflected in the fact that he was
 13 one of the formal invitees to all 12 of the meetings?
 14 A. Yes. Important may not be the right word, but it's
 15 clearly identified on there that additional people are
 16 coming in, yes.
 17 Q. You've told us also that Special Branch were present at
 18 a number of the meetings from Staffordshire, I think 10
 19 of the 12 when you tally them up, and is that reflected
 20 in the fact that they were formal invitees to each and
 21 every one of the meetings?
 22 A. Yes, at this time, West Midlands Counter-Terrorism Unit
 23 were organising the meetings so they would be sending
 24 out the invites to whoever to attend that meeting.
 25 Q. You have said that although you didn't know the details

1 of it , you worked on the basis that there was
 2 a Staffordshire Police Special Branch response to Khan's
 3 release?
 4 A. Yes, from their attendance at the meeting, but not the
 5 detail of anything that was going on.
 6 Q. No. Can I turn to the West Midlands role?
 7 A. Sure.
 8 Q. Can we clear this out of the way first . The fact that
 9 an administrator from West Mids Police was the person
 10 sending out the invitations to the meetings didn't mean
 11 that West Mids had any specific or additional duties in
 12 relation to Khan within the meeting?
 13 A. No, that element is purely administrative, it obviously
 14 enables --- I mean, CTU would be able to identify who
 15 would be the key people to be there.
 16 Q. That's just an admin function?
 17 A. Yes.
 18 Q. Thank you. But of course, there were a number of West
 19 Mids CTU officers within the meetings?
 20 A. Yes.
 21 Q. Despite their presence, you knew that the responsibility
 22 for the management of Khan from a police perspective
 23 rested with Staffordshire Police's Prevent Team,
 24 Sergeant Forsyth, and the Staffordshire Police Special
 25 Branch working together?

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1 A. Yes.
 2 Q. Thank you. I think it's right, is it, that you knew
 3 that the responsibility for the management of Khan was
 4 to be transferred to West Mids later in the year?
 5 A. Yes.
 6 Q. But that didn't happen because of the events that we're
 7 sadly having to look at?
 8 A. Yes, I think there was going to be a phased transfer and
 9 I think ---
 10 Q. And so would it follow that from that point on in the
 11 year, later in the year, had it happened, the CTU
 12 officers would then be attending in a very different
 13 capacity?
 14 A. They would have responsibility for the part 4, yes.
 15 Q. So the capacity of their attendance would change ---
 16 A. Yes.
 17 Q. --- because they would have the management of Khan
 18 themselves?
 19 A. Yes.
 20 Q. Would this be a fair description: that before that
 21 transfer, had it occurred, the CTU officers were there,
 22 to use your words, as general members of the panel,
 23 offering professional advice and assistance as necessary
 24 from their general knowledge?
 25 A. Yes.

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1 Q. I used the words earlier in the Inquest that they were
 2 professional critical friends; would that be a fair
 3 description?
 4 A. I think I would raise it above critical friend ---
 5 Q. Okay.
 6 A. --- that sounds quite passive. I think as recorded in
 7 various minutes that they have contributed, offered
 8 opinions on different aspects.
 9 Q. Critical friends speak up?
 10 A. Yes.
 11 Q. And the minutes record them speaking up?
 12 A. Yes.
 13 Q. Not being passive in any way?
 14 A. Yes. Sorry ---
 15 Q. They were active critical friends?
 16 A. Sorry --- yes.
 17 Q. Can we therefore agree that they were professional
 18 critical friends who, as the minutes disclosed, spoke up
 19 when there was cause to do so?
 20 A. Yes.
 21 Q. Thank you. Turning to Sergeant Jerromes' specific
 22 position. He was a keen contributor to the meeting; he
 23 always made his views clear?
 24 A. Yes.
 25 Q. Acting as a very critical friend?

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1 A. Yes.
 2 Q. Would that be a fair way of describing it? And it was
 3 your understanding that he was attending all of these
 4 meetings in that capacity, not as the offender manager?
 5 A. Yes.
 6 Q. Did you know that he was in fact to be part of the
 7 Team 7 team that was going to take Khan on in
 8 the December, had things transpired very differently?
 9 A. Yes, because there were two other co-accused within
 10 Staffordshire at the same time and I think Marc and his
 11 team had already begun to take ownership of those cases,
 12 so it was going to be a transfer.
 13 Q. So he would have been attending after these events we're
 14 considering, had things transpired differently in that
 15 very different capacity?
 16 A. Yes.
 17 Q. Can I turn thirdly, then, to decision-making over Khan's
 18 attendance at the event. We've, I think, established
 19 the background already through Mr Hough. 15 August,
 20 Dr Ludlow sends an email to Kenneth Skelton introducing
 21 the idea of the Learning Together event?
 22 A. Yes.
 23 Q. You wouldn't have known about that?
 24 A. No.
 25 Q. And this was all before the MAPPa meeting of the 22nd?

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1 A. Yes.
 2 Q. And we know that Mr Skelton and Mr Forsyth spoke to each
 3 other, probably on 20 August, but certainly before the
 4 MAPPA meeting on the 22nd; understood?
 5 A. Yes, they were in regular contact.
 6 Q. Sorry, I missed that?
 7 A. They were in regular contact, to my understanding.
 8 Q. Yes, but in specific contact about this?
 9 A. Yes.
 10 Q. And again, you wouldn't have known about that and you
 11 wouldn't have known that they both agreed that Khan
 12 could attend the alumni event -- agreed between
 13 themselves?
 14 A. No, that would come to -- obviously that would have been
 15 raised in the meeting.
 16 Q. We've seen from the Delius records an email that
 17 Mr Skelton sent out to Cambridge University saying: from
 18 my perspective there's no problem in Khan attending, but
 19 he'll have to make his own way to and from the event.
 20 Is that something which Mr Skelton had power to do; to
 21 communicate to an external third party that attendance
 22 at this event, which required permission under two
 23 licence conditions, could be done without MAPPA
 24 approval?
 25 MS LEEK: Sir, I hesitate to interrupt, but perhaps the

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1 precise wording of the communication could be put to the
 2 witness?
 3 MR BEER: Yes, of course.
 4 JUDGE LUCRAFT: It might be easier. I'm not sure it's been
 5 shown yet today, Mr Beer, to this --
 6 MR BEER: I don't think today -- whenever I have come up
 7 I have shown it.
 8 JUDGE LUCRAFT: I appreciate you have, but what I meant was
 9 that it has not been shown to this witness.
 10 MR BEER: Of course. {DC5635/1}, that's the first page of
 11 it, and Mr Skelton's communication out, and the next
 12 page {DC5635/2}, it's the bottom of the page. We don't
 13 have a date for this, but I think it must either be 20
 14 or 21 August. Can you see at the foot of the page:
 15 "Amy".
 16 So this is Mr Skelton's email, this is the second
 17 paragraph:
 18 "In relation to the event in November I cannot see
 19 that being a problem but it would be up to Usman to
 20 attend under his own steam. He would obviously have to
 21 let us know as the tag would still be on but other than
 22 that I do not feel it would be a problem."
 23 My question was, is it right for Mr Skelton, in your
 24 view, to be communicating this to the third party before
 25 MAPPA is sighted on it?

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1 A. I think it would need to have been a provisional
 2 agreement. I think he's saying he doesn't see it being
 3 a problem. He doesn't reference going to MAPPA, but
 4 I think, I'm assuming that would have been in his mind.
 5 Q. You think that would be in his mind?
 6 A. Mm.
 7 Q. Well, the next day, or the next day but one, we do have
 8 the MAPPA meeting, and I know we've been there plenty of
 9 times before, but just one last time with you, if I may,
 10 {DC6415/1} please, and then if we can skip forward to
 11 {DC6415/4}, so these are the MAPPA meetings for
 12 22 August. Page 4 at the bottom, please. And the way
 13 that all of these meetings operated, is this right, is
 14 that in turn and generally in the same order --
 15 A. Yes.
 16 Q. -- the four or five core members spoke out first?
 17 A. Yes.
 18 Q. They gave a presentation or a little speech; yes?
 19 A. Yes.
 20 Q. And then one turns to the panel discussion; is that
 21 right?
 22 A. Yes.
 23 Q. And so taking their turns, but with Mr Skelton coming
 24 first, the last sentence on the page:
 25 "The course will last 1-day and will..."

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1 And then over the page, please {DC6415/5}:
 2 "... entail an overnight stay."
 3 And then this:
 4 "The University are also hosting another 1-day event
 5 in November -- [Usman Khan] will be invited however will
 6 have likely moved on from the [approved premises] by
 7 this point and will need to source his own means of
 8 travel."
 9 So the part of the minutes that are devoted to, or
 10 address the issue of this event, are that single
 11 sentence of Mr Skelton speaking?
 12 A. Yes.
 13 Q. There is no record in the panel discussion of the issue
 14 being reverted to, is there?
 15 A. No.
 16 Q. And so if it's right that there was a formal discussion
 17 amongst the panel, the minute-taker has completely
 18 missed the discussion as a whole, haven't they?
 19 A. Yes, I think I've acknowledged earlier on.
 20 Q. Sorry, I missed that. You've acknowledged?
 21 A. Yes, we were talking around this earlier today, I can
 22 certainly recall our conversation around objections, but
 23 it's not been recorded.
 24 Q. If we go forward a page, please, to the panel discussion
 25 {DC6415/6} we can see that it takes up the bottom four

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1 or five paragraphs of that page, and then over the page,
 2 please {DC6415/7}, and the next three full paragraphs of
 3 that page. Can you see in the second paragraph, three
 4 lines from the end:
 5 "Panel confirmed that..."
 6 And then the second line from the end:
 7 "Panel confirmed that they did not approve of Khan's
 8 attendance ..."
 9 A. Yes.
 10 Q. Then in the last paragraph:
 11 "Panel confirmed that should the viewing go well..."
 12 Et cetera, et cetera.
 13 A. Yes.
 14 Q. So the minute-taker has shown themselves capable of
 15 recording when the panel actually makes a decision,
 16 haven't they?
 17 A. Yes. Yes.
 18 Q. I think it's right that you have got no positive
 19 recollection of any discussion or such confirmation or
 20 decision-making at this meeting; is that right?
 21 A. Yes, other than what I've just mentioned.
 22 Q. Ie of Ken Skelton raising the issue?
 23 A. And asking people if they had any objections.
 24 Q. Well, you have added that today, asking people if they
 25 had any objections. Could we just look at {WS5051},

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1 please. I think this is your witness statement, and if
 2 we can go forwards, please, to {WS5051/19}. I'm sorry,
 3 can we skip forward to paragraph 19, please.
 4 JUDGE LUCRAFT: It's {WS5051/7}.
 5 MR BEER: And then scroll down, please. And then over the
 6 page, please {WS5051/8}, and over the page again --
 7 sorry for this, sir. And over the page again.
 8 JUDGE LUCRAFT: Are you looking for paragraph 29?
 9 MR BEER: Yes, it's a double error in the notes. You're
 10 ahead of me. And then if we look at 30, please. At
 11 paragraph 30 you say:
 12 "Usman Khan's attendance at the event at
 13 Fishmongers' Hall was discussed at the MAPPAs meetings on
 14 22nd August 2019 and 14th November 2019."
 15 Then you deal with the minutes of the October
 16 meeting. Is it right that that's the only sentence in
 17 your witness statement that addresses what happened at
 18 the 22 August meeting?
 19 A. I think -- sorry, I think it is, unless there's anything
 20 over the page.
 21 Q. No, we can look over the page but I don't think there
 22 is.
 23 A. There isn't. Okay.
 24 No, obviously --
 25 Q. I mean you discuss what your feelings were. I think

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1 maybe you should look at the last sentence of 31:
 2 "Given all of this, and the lack of evidence... the
 3 location of the event was not seen as a concern by the
 4 panel."
 5 A. Yes.
 6 Q. But you don't describe in this witness statement, that
 7 I think was made in February of this year, the thing
 8 that you have said today, that people were actively
 9 asked whether there was any objection to the issue; is
 10 that something you've remembered since February this
 11 year?
 12 A. I think I'm -- sorry, I'm just trying to think why it's
 13 not in here. I guess it's because it says:
 14 "... the location of the event was not seen as
 15 a concern by the panel."
 16 That would come on the back of, I think, me asking
 17 that question, but I accept it's not recorded in there.
 18 But I do recall -- another witness may be able to
 19 substantiate that -- asking if there were any
 20 objections.
 21 Q. Would you accept that the nature of the discussion, the
 22 quality of the discussion, and the extent of the
 23 discussion, is reliant on the way in which one of the
 24 core members raises the issue for the panel?
 25 A. I think it can vary. I think it would depend on the

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1 issue that's being raised. Clearly there's a role for
 2 the chair in that as well.
 3 Q. Did you see this as an issue that needed to be probed
 4 and explored and opened up for wide discussion amongst
 5 all panel members?
 6 A. I think this is -- I think the panel were obviously
 7 sighted on Learning Together, and that progression
 8 through, so I think everybody was aware of that and what
 9 had gone on before, and therefore it was obviously
 10 a clear opportunity for people to raise any particular
 11 concerns, and obviously I include within that the
 12 Service element as well that we've spoken about.
 13 From that meeting there, in August, there is
 14 obviously a time delay. If there was anything that
 15 people felt for whatever reason they couldn't raise in
 16 that meeting, there was time for it to be raised.
 17 MR BEER: Mr Byford, thank you very much.
 18 A. Okay.
 19 JUDGE LUCRAFT: We will take our break there and we will
 20 return in 15 minutes' time. Thank you.
 21 (In the absence of the jury)
 22 MR HOUGH: Sir, I remain confident that we'll get through
 23 Ms Ellsmore's evidence today. She is a brief witness --
 24 I won't say short --
 25 JUDGE LUCRAFT: Yes.

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1 MR HOUGH: -- and for the benefit of others, I intend to
 2 cover with her primarily the DDP programme --
 3 JUDGE LUCRAFT: Yes.
 4 MR HOUGH: -- relatively succinctly, and also some national
 5 focused matters of protective security. I'll ask, on
 6 that basis, Mr Moss to see if anyone has estimates for
 7 questioning of her after me, but, as I say, we're
 8 hopeful we'll finish her and within the day's time
 9 without stretching the jury's patience.
 10 JUDGE LUCRAFT: Thank you. I'll rise.
 11 (3.24 pm)
 12 (A short break)
 13 (3.44 pm)
 14 (In the presence of the jury)
 15 JUDGE LUCRAFT: Ms Leek.
 16 Questions by MS LEEK QC
 17 MS LEEK: Thank you, sir.
 18 I'm going to keep it as brief as I possibly can at
 19 3.45 on a Friday afternoon.
 20 Mr Byford, we've been over several times now much of
 21 the MAPPa guidance and many of the processes, but just
 22 to recap briefly, the MAPPa guidance makes clear that
 23 the arrangements require the local criminal justice
 24 agencies and other bodies dealing with offenders to work
 25 together in partnership in dealing with these offenders?

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1 A. Yes.
 2 Q. And MAPPa is a set of administrative arrangements by
 3 which these various bodies come together in order to
 4 work together?
 5 A. Yes.
 6 Q. So that they can protect the public in a coordinated
 7 manner?
 8 A. Yes.
 9 Q. At level 3, we've heard, there will be an active
 10 multi-agency approach?
 11 A. Yes.
 12 Q. With regular meetings?
 13 A. Yes.
 14 Q. And with senior people from police, prison and probation
 15 who have the authority to commit resources?
 16 A. Yes.
 17 Q. When it says "Police", it doesn't specify any particular
 18 force or any particular department within the force,
 19 does it?
 20 A. No.
 21 Q. It just says "Police".
 22 A. Yes.
 23 Q. And each responsible authority agency feeds into the
 24 process through information-sharing?
 25 A. Yes.

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1 Q. That might be by email?
 2 A. Yes.
 3 Q. By telephone call?
 4 A. Any form, really.
 5 Q. Any form of information—sharing; and meetings?
 6 A. Yes.
 7 Q. In order to enable all the agencies to fulfil their
 8 statutory responsibilities?
 9 A. Yes.
 10 Q. For probation, as we've heard, that responsibility will
 11 be managing the offender in the community?
 12 A. Yes.
 13 Q. And in doing that, they will take into consideration the
 14 assessment of each of the other agencies?
 15 A. Yes.
 16 Q. And the information provided?
 17 A. Yes.
 18 Q. Now, I want to ask you about the complexity involved in
 19 managing somebody like Usman Khan. There are a number
 20 of agencies involved in the management of an offender
 21 like Usman Khan?
 22 A. Yes.
 23 Q. They carry out their operations in parallel processes.
 24 A. Yes.
 25 Q. Even within the police, there are different functions,

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1 including the Prevent function, and the CT investigation
 2 function?
 3 A. Yes.
 4 Q. We see that there are mentor reports being fed in?
 5 A. Yes.
 6 Q. There are employment searches?
 7 A. Yes.
 8 Q. There is correspondence between various of these
 9 agencies behind the scenes?
 10 A. Yes.
 11 Q. Some discussions and meetings are inevitably made
 12 outside of the formal meetings?
 13 A. Some would be, yes.
 14 Q. But if there are relevant discussions, the meetings will
 15 be notified, and if there's any disagreement, you would
 16 expect it to be raised or challenged?
 17 A. Yes.
 18 Q. Now, as far as CT policing and MAPPa is concerned, first
 19 of all, you've given the jury some idea of the expertise
 20 in the West Midlands region in relation to TACT cases?
 21 A. Yes.
 22 Q. And you yourself had led much of this work for MAPPa?
 23 A. Yes.
 24 Q. So you had extensive experience of working with
 25 West Midlands CTU in this area?

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1 A. Yes, since 2010.
 2 Q. And we heard yesterday from Witness A that
 3 counter-terrorism police are the bridge between MI5 and
 4 MAPPAs?
 5 A. Yes.
 6 Q. Was that also your understanding?
 7 A. Yes. That's the understanding.
 8 Q. And was that how it worked in relation to the other TACT
 9 MAPPAs cases that you were managing?
 10 A. Yes.
 11 Q. So at meetings, would you ask about any other risk
 12 information on the case that the MAPPAs panel was dealing
 13 with?
 14 A. Yes, it was always a standing question.
 15 Q. And does that mean that if there had been any relevant
 16 information or intelligence from MI5 or CT policing,
 17 that you would expect CT policing to feed that into the
 18 MAPPAs process?
 19 A. Yes, I would, or if it had been particularly sensitive,
 20 to raise it outside of the meeting.
 21 Q. And you said earlier today that, in your experience, no
 22 matter what the sensitivity, that would be brought to
 23 your attention?
 24 A. Yes, or a gist of that, depending on what the Service
 25 was passing on.

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1 Q. And you would expect CT policing to say to you, if
 2 necessary: we need to speak to you outside of the
 3 meeting in order to deal with sensitive information?
 4 A. Yes, and that has occurred.
 5 Q. And are you satisfied that West Midlands Police and
 6 Staffordshire Police were aware that if there was any
 7 relevant material to pass on to MAPPAs to the panel, they
 8 could do so by asking for a conversation outside of the
 9 meeting?
 10 A. Yes, absolutely, and that's happened with other cases.
 11 Q. I want to ask you about the decision-making process at
 12 MAPPAs. Now, so far as decision-making is concerned,
 13 there are several ways of making a decision, are there
 14 not?
 15 A. Yes.
 16 Q. One can have formal items on the agenda?
 17 A. Yes.
 18 Q. Such as item 1, dumper truck; item 2, Fishmongers' Hall;
 19 item 3, going to a course at Screwfix. Or there can be
 20 general discussion and agreement or debate?
 21 A. Yes.
 22 Q. Or somebody can bring up an issue and there can be
 23 disagreement or no disagreement?
 24 A. Yes.
 25 Q. Now, we've heard from Ken Skelton and others that

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1 decision-making was generally by consensus?
 2 A. Yes.
 3 Q. Was that how you preferred to conduct meetings?
 4 A. Yes.
 5 Q. By seeking to reach agreement between the parties who
 6 were at the table?
 7 A. Yes.
 8 Q. And by allowing people, whatever organisation, wherever
 9 they were within the hierarchy -- in fact you have said
 10 there was no hierarchy -- to raise objections and raise
 11 challenges?
 12 A. Yes, I mean obviously there are hierarchies, certainly
 13 within the police there are kind of quite clear
 14 hierarchies, but the way the panel is run would allow
 15 anybody to raise a concern, whether they're a constable
 16 or an inspector.
 17 Q. And if there was any uncertainty about what had been
 18 agreed, could agencies come back and check with you?
 19 A. Yes, absolutely.
 20 Q. And did that sometimes happen?
 21 A. Occasionally, yes, just to clarify an action, maybe.
 22 Q. I want to ask you about Ken Skelton. In your
 23 experience, was he a conscientious officer?
 24 A. I think Ken has been a probation officer for a number of
 25 years, and when we started taking on extremist offenders

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1 the availability of ERG training was very limited, and
 2 it was a decision taken that areas needed to get people
 3 trained, so he was trained. I appreciate there was
 4 a slight gap, but in a sense, that was the available
 5 training he could get on and that's why there was that
 6 gap.
 7 Q. And he actually put himself forward for the training,
 8 didn't he?
 9 A. Yes.
 10 Q. And was he an officer who didn't mind being challenged?
 11 A. I think Mr Skelton has been quite robust in cases I've
 12 known and other cases that we've dealt with around that
 13 table where he has been the lead officer, yes.
 14 Q. And he was an officer who respected the MAPPAs process?
 15 A. Oh, yes, absolutely.
 16 Q. Mr Beer referred to an email from Ken Skelton to Amy
 17 Ludlow in which Mr Skelton said "I cannot see that being
 18 a problem". Now, that appears to be a provisional
 19 response or a holding response?
 20 A. That was my interpretation of it.
 21 Q. And in the minutes of 22 August, we've seen what was
 22 mentioned in the minutes of 22 August. As you've said,
 23 the issue of attending the Learning Together event was
 24 raised and it was minuted.
 25 A. Yes.

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1 Q. And there was a period of three months within which
 2 anybody could have objected to that?
 3 A. Anybody could have objected or if there had been
 4 anything around Usman's behaviour from his contact with
 5 Mr Skelton or Mr Forsyth, yes, all of those could have
 6 been raised.
 7 Q. If it appeared that a decision had been made but
 8 somebody at the panel disagreed with that, would you
 9 expect that to be raised?
 10 A. Yes, absolutely.
 11 Q. And anybody could raise that?
 12 A. Absolutely anybody.
 13 Q. Not just the case that junior people in the room would
 14 not be listened to?
 15 A. No, no. If there was a concern then that could
 16 certainly be raised.
 17 Q. Could we just look at {DC6417/5}, please. And if we
 18 could go right down to the bottom, in fact, it's the
 19 penultimate paragraph, the beginning of the penultimate
 20 paragraph:
 21 "[Usman Khan] is scheduled to attend an event in
 22 London on 29 November through Cambridge University. He
 23 will be travelling via train from Staffordshire to
 24 Euston, at which point he will be met by colleagues from
 25 Cambridge whom will then take him in a taxi to the event

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1 location. He will then be transported back to Euston
 2 station via taxi, and from here he will catch the train
 3 back to Staffordshire. Calum Forsyth noted that the
 4 logistics for the trip needed to be discussed and
 5 confirmed. Ken Skelton noted that [Usman Khan] has not
 6 had much contact with Cambridge recently..."
 7 Now, we know, because we have seen emails, that the
 8 details of the trip were known by Staffordshire Police
 9 and by West Mids police.
 10 A. Okay.
 11 Q. Could we have a look at {DC6417/3} of this document, and
 12 can we look at who was in the room at the time of this
 13 discussion. Sorry, could we go further down the page.
 14 We see you at the top and then the senior MAPP
 15 administrator and the MAPP coordinator. Do we then see
 16 four West Midlands police officers?
 17 A. Yes.
 18 Q. Two Staffordshire Special Branch officers?
 19 A. Yes.
 20 Q. Prevent coordinator?
 21 A. Yes.
 22 Q. Probation counter-terrorism lead?
 23 A. Yes.
 24 Q. Counter-terrorism probation officer?
 25 A. Yes.

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1 Q. Offender manager?
 2 A. Yes.
 3 Q. And then a couple of others.
 4 Whilst it was being raised that he was going to this
 5 event and what the travel arrangements were, who was
 6 going to pick him up, did anybody raise any objection at
 7 all?
 8 A. None.
 9 Q. Did anybody say: hang on a minute, shall we just go back
 10 and look at what this...?
 11 A. No.
 12 Q. And there were senior police officers in the room with
 13 counter-terrorism experience?
 14 A. Yes.
 15 Q. Who had managed terrorist offenders in the community?
 16 A. Yes.
 17 Q. And who were in fact involved in an ongoing
 18 investigation into Usman Khan with MI5?
 19 A. I now know that, yes.
 20 Q. You now know. If any of them had had concerns or doubts
 21 about letting Mr Khan go to Fishmongers' Hall, would you
 22 now expect them to have raised them?
 23 A. Yes.
 24 Q. All of the people round the table are actively managing
 25 Usman Khan and, as we know, there is contact outside the

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1 meeting.
 2 A. Yes.
 3 Q. Is that not precisely the point about multi-agency
 4 working?
 5 A. It is, and the fact that everybody round that table can
 6 have a view.
 7 Q. And it wasn't the case where somebody was saying: that's
 8 not my responsibility, or: that's your responsibility ;
 9 the point of multi-agency working is that everybody is
 10 feeding in their information, ought to be?
 11 A. We all have the same aim; that's why we're having that
 12 MAPP meeting.
 13 Q. Now, so far as your awareness of historic intelligence
 14 is concerned, it's been suggested that at every meeting,
 15 an update or a reminder should have been given to all
 16 concerned about all of the intelligence in the prison?
 17 A. Yes.
 18 Q. That's not how these meetings work, is it?
 19 A. No, because the detail from the prison is recorded, it's
 20 within the minutes, and people will have had that. We
 21 wouldn't normally go back and say, "back in 2018"; the
 22 focus is on the here and now and the risks that are
 23 being managed.
 24 Q. And each of the organisations involved has been involved
 25 with the process?

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1 A. Yes. Yes.
 2 Q. From several months before his release from prison?
 3 A. Yes. Yes. And obviously for many of the people on
 4 there, they will have sat in on other meetings on other
 5 TACT offenders.
 6 Q. And it's right that the MAPPA F is just one source of
 7 information that is used alongside the various inputs
 8 from all agencies?
 9 A. Yes.
 10 Q. But inevitably after release the focus will be on events
 11 in the community?
 12 A. Yes.
 13 Q. The offender's ongoing behaviour?
 14 A. Yes.
 15 Q. Reporting from the police, probation staff, mentors, and
 16 so on?
 17 A. Yes.
 18 Q. You were asked about whether or not there was an updated
 19 risk assessment or risk reminder at each meeting, but is
 20 it right that at each meeting, in each set of minutes,
 21 number 10 is risk to victims, and number 13 is risk
 22 assessment summary?
 23 A. Yes.
 24 Q. You may not remember the precise numbers, I don't expect
 25 you to.

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1 A. Yes.
 2 Q. And under each of those, if there had been any change at
 3 all, that would have been recorded?
 4 A. Yes.
 5 Q. We heard that the MAPPA minutes are inconsistent on the
 6 risk of serious harm?
 7 A. Yes.
 8 Q. And you very frankly have accepted that?
 9 A. I've accepted that there is an error in that recording.
 10 Q. Is it right though, that as you say in your witness
 11 statement, that assessment was only one part of the
 12 picture that you used when making decisions?
 13 A. Yes.
 14 Q. And as the panel had oversight of how he was being
 15 managed from the time of his release and before, they
 16 were clearly aware of the concerns around him?
 17 A. Yes, it's not -- it's not a fresh set of people sitting
 18 down, it's the people around that table have been with
 19 him ever since -- well, prior to his release and
 20 following his release, so there's a shared knowledge and
 21 understanding about him.
 22 Q. And the assessment of risk was ongoing and affected by
 23 information from all agencies and assessments involved?
 24 A. Yes.
 25 Q. And if there are no reports or intelligence whatsoever

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1 to the contrary, would you consider that the risk may be
 2 stable or reducing?
 3 A. We certainly see it as stable and it may be an indicator
 4 that it's reducing, but at this time, there hadn't been
 5 any removal of licence conditions or anything of that
 6 nature, and quite often, people may seek to challenge
 7 licence conditions and we have had judicial reviews in
 8 the past against licence conditions that have been
 9 established.
 10 Q. Because they have to be necessary and proportionate?
 11 A. Where the offender may say: I don't agree with these and
 12 would seek to challenge restrictions that they may have,
 13 and take that through to judicial review.
 14 Q. And over time there would normally be a lessening of the
 15 controls in place.
 16 A. Yes.
 17 Q. That is usual, so the jury understand, one doesn't put
 18 in the most stringent licence conditions and leave them
 19 there for the duration of the licence period?
 20 A. No, the licence conditions are there, but if you read
 21 the licence conditions, quite a few will say "Subject to
 22 review", "Under review", or "Review periodically".
 23 That's contained within those conditions.
 24 Q. And is that what happened during the period in which
 25 Usman Khan was under MAPPA?

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1 A. Yes, but the -- no licence condition was removed,
 2 there's some variation on the curfew times that the
 3 Inquest will have heard of it.
 4 Q. And there was a removal of a sign on?
 5 A. Yes.
 6 Q. And the gradual lessening of controls would take into
 7 account the fact that there has been no adverse
 8 reporting for a period of nearly 12 months?
 9 A. Yes, because if you take a control off, so, for
 10 instance, we may well start with a 12 o'clock sign on,
 11 a 4 o'clock sign on, once the person has been in the
 12 community we would then perhaps take the 12 o'clock
 13 signing off and then there's a period of review. What's
 14 happened, a review of the satellite tracking data is
 15 also fed into that, because the tracking data is a key
 16 element of information that has been considered, really.
 17 Q. And how unusual is it for there to be no information,
 18 intelligence, adverse reporting whatsoever in that
 19 amount of time for this kind of TACT offender?
 20 A. It is unusual.
 21 MS LEEK: Thank you, sir, I've no further questions.
 22 JUDGE LUCRAFT: Thank you.
 23 Further questions by MR HOUGH QC
 24 MR HOUGH: Just two brief matters, Mr Byford, before we let
 25 you go.

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1 First of all, may we bring up on screen {DC6409/6},
 2 and this is a section from the MAPPA minutes of
 3 5 December 2018. If we look at the middle of the page,
 4 do you see there words you were asked about, "Please
 5 note this is low graded intelligence", referring to the
 6 intelligence about Khan having said he would return to
 7 his old ways?
 8 A. Yes.
 9 Q. Mr Armstrong, perfectly properly and understandably, put
 10 to you questions on the basis that the panel didn't seek
 11 any further information about that; do you recall those
 12 questions?
 13 A. Yes.
 14 Q. Sir, as a result, enquiries have been made of the
 15 Government and part of the PII claim has been withdrawn.
 16 JUDGE LUCRAFT: Yes.
 17 MR HOUGH: The words following "Please note this is low
 18 graded intelligence" read:
 19 "Panel requested further clarification regarding
 20 this intelligence."
 21 Do you recall the panel having requested any further
 22 clarification regarding this intelligence. Please, just
 23 a yes or no answer?
 24 A. Yes.
 25 Q. Can you confirm, again, please just a yes or no answer,

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1 that no further information was received?
 2 A. That would be my recollection, yes.
 3 Q. Thank you. We can take that off screen now.
 4 JUDGE LUCRAFT: Other than that wasn't "Yes" or "No", we all
 5 understood the answer.
 6 MR HOUGH: Pardon me, sorry?
 7 JUDGE LUCRAFT: Other than that wasn't a "Yes" or a "No",
 8 I think we all understood the answer.
 9 MR HOUGH: Yes.
 10 Secondly, Mr Byford, you were asked questions about
 11 the possibility of Khan being permitted to go to the
 12 London event but with an escort or some security
 13 arrangement, and you've said a number of times that from
 14 your perspective, the choice would have been between
 15 either letting him go, no escort, or refusing him
 16 permission to go to London at all; do you recall that?
 17 A. Yes, I think I was trying to draw a distinction where if
 18 the information was he needs an escort because there is
 19 a risk or there is some other information, then I think
 20 the question would be, why would he go.
 21 Q. Let me put this to you to see what your response is. If
 22 you have somebody who you think is intrinsically risky
 23 because of the sort of person they are, but you want
 24 them to go to an event because it is good for them,
 25 isn't there some case for having some protective measure

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1 like an escort or a meeting en route or supporting
 2 surveillance or checking on security at the venue?
 3 A. I think we would need to consider that. Obviously
 4 people would have an input into that conversation, but
 5 I think if we were talking about something I would
 6 expect people to come the panel with a view, so the
 7 police may come to a view with that.
 8 Q. Oh, quite, absolutely. But it's right, isn't it, that
 9 it's not automatically all or nothing: let him go or
 10 refuse?
 11 A. No. No.
 12 MR HOUGH: Thank you very much. Those are all my questions.
 13 Thank you for all your evidence, Mr Byford.
 14 JUDGE LUCRAFT: Thank you very much, Mr Byford. Thank you.
 15 A. Thank you.
 16 MR HOUGH: Sir, the final witness is Cathryn Ellsmore.
 17 MS CATHRYN ELLSMORE (affirmed)
 18 JUDGE LUCRAFT: Thank you. Please do sit or stand,
 19 whichever you would prefer to do. The microphone on
 20 that desk will also help to amplify your voice.
 21 A. Thank you.
 22 Questions by MR HOUGH QC
 23 MR HOUGH: Would you please give your full name for the
 24 court?
 25 A. Cathryn Ellsmore.

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1 Q. Ms Ellsmore, you understand that I ask you questions
 2 first on behalf of the Coroner?
 3 A. Sure.
 4 Q. What is your current post?
 5 A. I'm currently the Deputy Director of the Prevent
 6 Delivery Unit in the Home Office.
 7 Q. Is that within a part of the Home Office called the
 8 Office for Security and Counter-Terrorism?
 9 A. That's right.
 10 Q. Have you held that post since June of 2019?
 11 A. I have.
 12 Q. Prior to that, had you worked in other counter-terrorism
 13 roles since 2013?
 14 A. That's right.
 15 Q. In summary, what are the functions of the Office for
 16 Security and Counter-Terrorism?
 17 A. So the role is to oversee and coordinate and develop the
 18 UK's counter-terrorism strategy, Contest, and it
 19 oversees work and coordinates work that happens under
 20 the four different strands of that strategy.
 21 Q. And you're giving evidence to provide an overview of
 22 Government counter-terrorist strategy, and also with
 23 a particular view to aspects of protective security and
 24 the DDP Desistance and Disengagement Programme?
 25 A. Yes.

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1 Q. So first of all, you have told us that the
 2 counter-terrorism strategy of the Government generally
 3 has four strands. Is it right that the overall
 4 strategy, Contest, has strands of: Prevent, Pursue,
 5 Protect and Prepare?
 6 A. Yes.
 7 Q. Is the strategy as a whole, Contest, overseen by the
 8 National Security Council chaired by the Prime Minister?
 9 A. Yes.
 10 Q. With various ministerial departments then responsible
 11 for different aspects of the strategy?
 12 A. That's right.
 13 Q. First of all, Prevent, is it right, as we've heard, that
 14 the purpose of Prevent in its various elements is to
 15 prevent people being drawn into radicalisation and
 16 extremism?
 17 A. Yes.
 18 Q. In that regard, is there a statutory duty called the
 19 Prevent duty under the Counter-Terrorism and Security
 20 Act 2015?
 21 A. Yes.
 22 Q. What does that require, in simple terms?
 23 A. That requires frontline sectors, so health, education,
 24 policing, prisons and probation, to have due regard to
 25 the need to prevent individuals being drawn into

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1 terrorism.
 2 Q. As we have heard, do police forces have particular
 3 groups of officers who have Prevent responsibilities for
 4 drawing people away from extremism?
 5 A. Yes.
 6 Q. The Pursue strand, please. Does that encompass
 7 investigative work of the police, the Security Services,
 8 and indeed, the OSCT?
 9 A. Yes.
 10 Q. With a view to stopping attacks happening, including by
 11 detecting them through investigation?
 12 A. Yes.
 13 Q. Now, the Protect strand: does this encompass the
 14 protection of people and places from terrorism?
 15 A. Yes.
 16 Q. As regards protection of places, we have heard that
 17 there is an overriding network of counter-terrorism
 18 security, advice and guidance operated by the National
 19 Counter Terrorism Security Office or NaCTSO; is that
 20 right?
 21 A. That's right.
 22 Q. We've heard that underneath that body, there are
 23 a series of Counter-Terrorism Security Advisors engaged
 24 in different police forces around the country.
 25 We've heard from an officer of the City of London

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1 Police to the effect that those officers, those
 2 Counter-Terrorism Security Advisors, effectively do two
 3 things: first of all, they provide proactive advice to
 4 places identified as crowded places according to either
 5 secure national criteria or their own judgment; is that
 6 right?
 7 A. Yes.
 8 Q. But in addition, they provide more generic local advice
 9 in meetings and outreach programmes and the like?
 10 A. Yes.
 11 Q. Alongside that work of the Counter-Terrorism Security
 12 Advisors, is the work done nationally by your unit which
 13 provides generic guidance and support in relation to
 14 protective security of places?
 15 A. That's done jointly by national CT policing and by OSCT
 16 and other partners.
 17 Q. Now, you address this at paragraph 25 of your witness
 18 statement, but can you summarise what sort of protective
 19 security advice and guidance is offered by your unit?
 20 A. Sure. So the aim is to ensure that every owner of
 21 a publicly accessible location has access to high
 22 quality generic advice on terrorist threats, terrorist
 23 methodologies, and action they can take to reduce
 24 vulnerabilities of their -- of the sort of crowded place
 25 that they own. So we do that through a range of

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1 different ways, so partly through the work of
 2 counter-terrorism security advisors, partially through
 3 a series of engagement days we run with key sectors,
 4 partly through an e-learning -- Action Counters
 5 Terrorism e-learning package that is available to all,
 6 and also through an Action Counters Terrorism app that
 7 has been downloaded, I think, to over 200,000 devices so
 8 far, but there's a large range of email distribution
 9 lists that we send this information to, and also a range
 10 of workshops that are delivered across the country.
 11 Q. Now, has the Government also been looking at legislative
 12 information to require the owners of premises to take
 13 action appropriate to their locations for protective
 14 security against terrorism?
 15 A. Yes.
 16 Q. What form is that legislative intention contemplated to
 17 take?
 18 A. So we are currently consulting on something called
 19 a Protect duty, which will put an onus for the first
 20 time on the owners of publicly accessible locations to
 21 have due regard to protect people that will be using
 22 those areas. We're currently consulting on that at the
 23 moment. That consultation ends in the first week
 24 of July, and the intention is to bring legislation
 25 shortly after that.

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1 Q. Would that protect duty apply to a location such as
 2 Fishmongers' Hall, operated as private premises but for
 3 some publicly accessible events?
 4 A. So I think Fishmongers' Hall is one of those locations
 5 that's very challenging for us in that it doesn't meet
 6 our sort of traditional definitions of what a publicly
 7 accessible location would be, and that's because there's
 8 no routine access of the public to that location;
 9 instead, individuals are invited in by the
 10 Fishmongers' Company by sort of express permission of
 11 them.
 12 But that's one of the reasons why we want to
 13 consult. We want the owners of organisations of — like
 14 the owners of Fishmongers' Hall to tell us what they
 15 need, to talk to us, to help us understand what that
 16 criteria and definitions that we bring forward in the
 17 Protect duty should look like.
 18 Q. Is one option to bring forward a legislative change
 19 which creates a duty that does apply to owners of
 20 premises like Fishmongers' Hall, private, but routinely
 21 accessed by members of the public for events of the kind
 22 we're concerned with?
 23 A. Yes, absolutely. The criteria is something that we're
 24 consulting on at the moment, and we'll set that once we
 25 bring legislation.

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1 Q. Would you accept that there are some — there will be
 2 some private premises falling into this category which
 3 will quite regularly have high profile events attended
 4 by significant numbers of people which would be
 5 attractive targets for terrorism?
 6 A. Yes, we accept that, and that's why we're keen to talk
 7 to the owners of these types of private venues that
 8 invite people — that invite people through their doors
 9 rather than that are routinely accessible to the public
 10 because we want to make sure that we set definitions
 11 that work for everybody.
 12 Q. And of course the value of having such a Protect duty is
 13 to require serious and critical thinking about
 14 vulnerabilities and ways of protecting against them if
 15 you own a building which might be an attractive target?
 16 A. Absolutely.
 17 Q. Next, please, the Desistance and Disengagement
 18 Programme. Is the DDP a Home Office-led programme?
 19 A. Yes.
 20 Q. Is it operated with — in conjunction with the Prison
 21 Service through the joint extremism unit, which the jury
 22 have heard about?
 23 A. Yes.
 24 Q. What is, in simple terms, the function and purpose of
 25 the DDP programme?

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1 A. So the aim is to rehabilitate those that have been
 2 involved in terrorism and we aim to do that by working
 3 with them to help them to stop engaging in terrorist
 4 behaviour, so that's the Desist part of the programme,
 5 and to move away from terrorist ideas or terrorist
 6 thinking, and that's the Disengage part of the
 7 programme, and we do that through putting together
 8 a bespoke package of support to each individual that is
 9 based on practical mentoring and theological sort of
 10 mentoring.
 11 Q. Now, the jury have heard in this case about practical
 12 mentors: an individual who would periodically visit the
 13 offender in the community, see them for a period of
 14 time, speak to them and help them with some practical
 15 matters. Is that a classic template for the practical
 16 mentoring role?
 17 A. Yes, absolutely, it's about tackling the social drivers
 18 of radicalisation, so that would be about employment,
 19 education, supporting their isolation, their sense of
 20 belonging, sense of purpose. Those are the sorts of
 21 things that we're looking to tackle through those
 22 mentors.
 23 Q. And you referred to the other form of mentoring support
 24 as theological or ideological support. In this case
 25 we've seen somebody with a background as a prison imam

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1 who saw the offender in the community a couple of times
 2 and had a reasonably in-depth theological discussion on
 3 both occasions with him, while trying to emphasise
 4 positive aspects of theology or prosocial aspects of
 5 theology. Is that, again, a classic template for the
 6 theological mentoring role?
 7 A. Yes.
 8 Q. Is it right that the programme was first rolled out
 9 from October 2016 initially to those on licence for TACT
 10 offences?
 11 A. That's right.
 12 Q. Was it then expanded over time gradually?
 13 A. It was expanded very quickly in 2017 after the 2017
 14 terrorist attacks to include Syria—returners and those
 15 that were subject to a terrorism prevention
 16 investigation measure.
 17 Q. Has the programme developed at all from there?
 18 A. Yes, we've spent — it's still quite a young programme.
 19 We are working to continuously improve it in a range of
 20 different ways from increasing the variety of suppliers
 21 that we work with, the quality of the mentoring that we
 22 provide, and by evaluating the work that we do on the
 23 programme to see where we can continue to improve and
 24 adapt it.
 25 Q. In structural terms, does it work in the following way:

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1 that the Home Office will have a contract with a
 2 supplier to provide mentoring services, for example, in
 3 a particular area?
 4 A. Yes.
 5 Q. And then in turn, that supplier company will have
 6 contracts with intervention providers, that's to say the
 7 individual mentors?
 8 A. Yes.
 9 Q. How are companies selected as suppliers for this
 10 programme?
 11 A. We run a procurement campaign where we invite companies
 12 to bid to deliver DDP services based on their ability to
 13 recruit and retain high quality mentors with experience
 14 working with challenging individuals, and also with the
 15 infrastructure in place to be able to support those
 16 mentors effectively.
 17 Q. Is this right: the role of the practical mentor is to be
 18 a supportive and positive influence, supporting the
 19 objectives you've identified?
 20 A. Yes.
 21 Q. Is it the function of that mentor to conduct risk
 22 assessments or to monitor the individual?
 23 A. No, it's not, although they will write reports after
 24 each session which will be provided to the offender
 25 manager who will consider them as part of their wider

1 risk management considerations.
 2 Q. And are the reports produced in such a way as to be
 3 useful to a reader to have a full understanding of the
 4 offender?
 5 A. Yes.
 6 Q. Training next, please. Was it initially under the
 7 programme the arrangement for the supplier companies to
 8 train their own intervention providers?
 9 A. Yes.
 10 Q. Was a change then made in May 2018 whereby the
 11 Home Office worked with providers to -- with an outside
 12 provider to produce a personal safety course?
 13 A. Yes.
 14 Q. That's not to say a course in mentoring, a course in
 15 safety?
 16 A. Yes, I mean, these mentors are working with potentially
 17 dangerous individuals.
 18 Q. And then is this right: from April 2019, the Home Office
 19 has put in place a training programme for mentors?
 20 A. So there's a professionalisation programme that covers
 21 a wide range of things from report-writing to tackling
 22 extremist narratives, to conditioning, so that mentors
 23 are aware the ways in which individuals working with
 24 them may try to exploit them or manipulate them.
 25 Q. Was that in place in time for either of the mentors who

1 dealt with Usman Khan to have taken the course?
 2 A. Not the conditioning training. That was something we
 3 introduced last year.
 4 Q. Theologians next. Are they procured directly by
 5 contract between the Home Office and the intervention
 6 provider?
 7 A. Yes.
 8 Q. How are they selected and recruited?
 9 A. They are recommended to us by police, local authorities
 10 or other prevent partners. They are put through a sort
 11 of robust recruitment campaign with an application form,
 12 an interview panel, security clearances and then
 13 a ministerial approval.
 14 Q. Do they receive any specific training?
 15 A. Yes, they receive -- they have access to the same
 16 training as our practical mentors.
 17 Q. Turning to Usman Khan's experience, we know that he was
 18 referred to the Desistance and Disengagement Programme,
 19 and he was allocated a practical mentor and theologian
 20 and that the practical mentor was replaced part-way
 21 through in March/April 2019 as a result of one mentor
 22 leaving?
 23 A. Yes.
 24 Q. Now, during the course of the management of Usman Khan,
 25 concerns were expressed on a number of occasions that he

1 wasn't getting much out of the mentoring: these people
 2 were just accompanying him to a café, supervising his
 3 internet use at the library, and having a general chat
 4 with him. Are you aware of those concerns that were
 5 expressed?
 6 A. Yes.
 7 Q. Do you consider, having looked at the mentoring that was
 8 given in this case, that it was in accordance with what
 9 you would expect under the programme?
 10 A. I think it -- I think for the first two or three months
 11 on the programme I think it was effective, I think it
 12 was very helpful when Usman Khan first left prison,
 13 helping him to do the things that perhaps we might find
 14 straightforward but for someone who has spent their
 15 entire adult life in custody, it's hard for them, so
 16 things like getting access to a bank account, a driving
 17 licence, putting together an online CV, familiarising
 18 himself with the local area, I think it was helpful at
 19 that point.
 20 What we then hope is that the rapport between those,
 21 the mentor and the mentee develops and what we get is
 22 more insight into that offender, more insight into the
 23 things that they may respond well to, and we work
 24 together with both taking responsibility for helping
 25 that offender to reintegrate.

1 I think what happened in the case of Usman Khan is
 2 that we had that -- we didn't make it past that
 3 practical use at the start of the mentoring. I think it
 4 started to tail off in utility from about March or April
 5 time.
 6 Q. So what neither of the mentors managed to achieve -- not
 7 necessarily their fault -- was to help him integrate
 8 into the community and become more of a social agent?
 9 A. Yes, absolutely. I think the rapport between them was
 10 quite superficial, so they had a friendly relationship,
 11 but there was no depth to it, I think, and that's what
 12 we find with a lot of cases on DDP, is that there are
 13 ups and downs in their engagement with the programme.
 14 Q. Now, does the OSCT recognise that a particular value of
 15 having a practical mentor for a person under strict
 16 licence conditions preventing their using the internet,
 17 that they can use the internet under supervised
 18 conditions for things like looking for work?
 19 A. Yes, we understand that. I think there's also a range
 20 of other professionals that can also provide that
 21 service.
 22 Q. One of the concerns that has arisen in this case is that
 23 for a period of some months, lots of people assumed that
 24 somebody could help Usman Khan with that, but nobody was
 25 doing after the mentoring ended.

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1 A. Mm.
 2 Q. Is that something which has been or could be addressed?
 3 A. I mean, absolutely, of course mentors will help
 4 offenders access the internet if that's a key
 5 requirement under the tasking agreement, if it's a key
 6 objective that probation want them to take forward. But
 7 any of the professional agencies working around that
 8 individual can supervise access, so yes, I think there
 9 should have been other arrangements in place once
 10 mentoring ended.
 11 Q. Whose responsibility would it be, from your perspective,
 12 to put in place those other arrangements? Would that be
 13 the offender manager and probation? Or would it be
 14 police dealing with the offender; who?
 15 A. So I think it would have been a discussion that the
 16 offender manager and probation had, perhaps a discussion
 17 at MAPPA.
 18 Q. Have you or anyone else at the OSCT considered the
 19 quality of reports produced by the mentors in this case?
 20 A. Yes, we have.
 21 Q. What view was taken about the quality of the report
 22 writing and therefore what could be drawn from the
 23 intervention sessions by those reading the reports?
 24 A. So I think the reports are quite good at setting out the
 25 contents of the conversation. I think where we're

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1 lacking is that depth of analysis and insights. I think
 2 that's partly something that we have worked hard to try
 3 to tackle over the course of DDP and why we introduced
 4 report writing courses mandatory for all mentors in
 5 mid-2019.
 6 But I also think it's a reflection of how shallow
 7 that relationship was with Usman Khan. You know, it's
 8 hard to assess and make judgments on someone where the
 9 engagement is so shallow.
 10 Q. We have heard that the mentoring for Usman Khan ended
 11 abruptly due to a contract issue between The Unity
 12 Initiative, the supply company, and the Home Office, and
 13 this has generally been referred to in dark and
 14 mysterious terms as some contract issue with the
 15 Home Office; can you enlighten us?
 16 A. Sure. So we went through a procurement process in 2019,
 17 a long-planned one, to enable us to diversify the
 18 suppliers that were on DDP, to increase the number of
 19 mentors so that we could build capacity across the
 20 programme, and also when we set DDP up in 2016 it was
 21 a small pilot programme designed to support 10 people
 22 and it was now a long-term programme supporting 110. So
 23 we needed to sort of professionalise and build sort of
 24 commercial competition and value for money into that.
 25 So we ran a procurement process and as part of that

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1 issued contracts to several suppliers, of which TUI
 2 declined that contract in August. But I think that only
 3 had an indirect impact on -- only indirectly contributed
 4 to Usman Khan's exit from DDP.
 5 In July of 2019 we held a series of case
 6 conversations, so between JEXU and probation and
 7 counter-terrorism leads, so Lois Gell in the case of
 8 Usman Khan, and part of that is because we were running
 9 a prioritisation process because we envisaged that there
 10 may be some issues coming up as we issued new contracts,
 11 and there may be a temporary reduction in the number of
 12 mentors available.
 13 As part of that discussion, I think we have two
 14 parties that come out of that discussion with
 15 a different understanding of the decision that was taken
 16 from it: the probation counter-terrorism lead, believing
 17 strongly that she said DDP wasn't working that well for
 18 Usman Khan and we should start thinking about an exit
 19 plan; and JEXU believing it was -- DDP had run its
 20 course with Usman Khan and he should be exited from the
 21 programme.
 22 So on the back of that conversation, JEXU took steps
 23 to exit Usman Khan from DDP, which was complicated then
 24 by Usman Khan's mentor being taken sick and missing his
 25 last one or two mentoring sessions, and then the end of

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1 the TUI contract.
 2 Q. So simplifying that slightly complicated story, the
 3 contract did come to an end, the mentoring for
 4 Usman Khan was not replaced and it ended abruptly.
 5 A. So I think that — we thought at that point that
 6 probation saw no further need for mentoring for
 7 Usman Khan, which is why we exited him. Had we known at
 8 that point that mentoring was still required, at the end
 9 of the contract he would have been added to a waiting
 10 list and he would most likely have been issued a new
 11 mentor by mid–October once we'd worked through the
 12 backlog of cases.
 13 Q. So from your perspective, if Ms Gell had regarded the
 14 continuing of mentoring as a priority, that could have
 15 been arranged for mid–October?
 16 A. It could have been, but that's not to apportion blame at
 17 Lois Gell. There was clearly a miscommunication and
 18 an error that we needed to put right, and we have since
 19 put right, by simplifying our processes and taking
 20 action to improve our audit trails.
 21 MR HOUGH: Thank you very much. Those are all my questions
 22 of you. I will turn to see whether anyone is brave
 23 enough to put themselves forwards to ask questions at
 24 this time.
 25 Nobody is keen to alienate the jury to that extent.

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1 Thank you very much, Ms Ellsmore, thank you for your
 2 evidence and for being so patient with us.
 3 JUDGE LUCRAFT: One of the benefits of coming last on a
 4 Friday is that the questions are shorter but thank you
 5 very much nonetheless.
 6 Ladies and gentlemen, we will part company there and
 7 you have heard me say this so many times, but please do
 8 press that pause button, have a restful weekend.
 9 Next week, as you know, you've got a short week,
 10 because we are not sitting on Tuesday, one of your
 11 number has an important event to attend, which I hope
 12 they will enjoy, but it means Monday we'll pick up on
 13 events, you know what evidence is coming up because
 14 we've heard it foreshadowed quite a bit, and the plan,
 15 you've got set out, we all anticipate the evidence will
 16 finish next Friday. So that's where we're at, so you
 17 have had a busy week, it's been a long week for all of
 18 us, but please do have an enjoyable break over the
 19 weekend and I will look forward to seeing you on Monday
 20 for 10 o'clock. Thank you.
 21 (In the absence of the jury)
 22 Mr Hough, I was just going to finish off the topic
 23 that you raised with me at lunchtime which was about
 24 something that was said. It may well be that the view
 25 that was taken that it was best to say nothing to the

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1 jury because saying something about it might have given
 2 it more importance or significance than actually it
 3 warranted. That's the view I've taken.
 4 MR HOUGH: That's the view that others took too.
 5 JUDGE LUCRAFT: Yes. I mean, often when I am sitting in my
 6 other capacity, something is said that people get quite
 7 excited about, but in the great scheme of things, often
 8 these things, if you go back to them, assume a far, far
 9 greater importance than they did when they were first
 10 said, so I think that's probably the wise view to take.
 11 MR HOUGH: We agree.
 12 JUDGE LUCRAFT: I'll rise.
 13 (4.39 pm)
 14 (The court adjourned until 10.00 am on
 15 Monday, 17 May 2021)
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