



Government Legal Department

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Our ref: Z1906976/LMO/HO16

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Dear Ms Hunt

Aram Ali Mustafa (Deceased)

Thank you for your Regulation 28 Report of 19 June 2016 following the Inquest into the death of Aram Ali Mustafa on 8 February 2019.

During the Inquest we understand that evidence revealed matters giving rise to concerns which could lead to future deaths. You have required that the Home Office confirms details of what action has been taken or proposed to be taken, and set out the timetable for action. Otherwise the Home Office must explain why no action is proposed.

First Concern

The first concern you had was that once Mr Mustafa re-entered the UK the Service Commission Form recorded that he had urgent medical needs and was a safeguarding concern. However, no detail was provided. Neither G4S or Urban Housing Services requested any further details. You advised that a system needs to be put in place to ensure organisations provide sufficient details for providers to understand the nature of safeguarding concerns and health care matters. Any GDPR concerns can be addressed by a consent form at the time when the person is first seen.

The Home Office have advised that when Mr Mustafa re-entered the UK he was seen by Immigration Enforcement. The Service Commission Form (SCF) is completed when the applicant has asked for accommodation. The Routing Teams complete the SCF which is sent to the provider; in this case it was G4S.

Lee John-Charles - Head of Division
Sally Lister - Deputy Director, Team Leader AG & General Private Law



So the first responder, Immigration Enforcement, referred the case to NAAU Intake who then referred to NAAU Routing who arrange accommodation and transport if needed. The SCF was completed at this stage.

The Home Office have confirmed that the first responders are being challenged for further detail when referring a case into NAAU (National Asylum Allocation Unit) in relation to any indication of vulnerabilities. This information is being recorded on the CID database and on the SCF 4386 referral form prior to being forwarded to the Routing Team. CID is being checked more thoroughly by the Intake Team to reduce the risk of missing information that wasn't forthcoming from the referring officers.

In addition, a spreadsheet has been introduced that records all the safeguarding action and will be jointly in use by all the Teams in accordance with the order of process, i.e. Intake will make the initial input as per referral and followed by RIAV (Routing Initial Accommodation Validation) and Routing updating their subsequent action – this will include onward referrals to the Service Providers, and the Safeguarding Hub.

Additionally, a NAAU purpose matrix will be piloted, with a point base scoring system which will guide staff in terms of vulnerabilities that require escalation to the Hub. This is awaiting to be signed off by Senior Management. The Matrix which is due to be introduced will help to decide on the level of vulnerability and hence if a Safeguarding Referral is required.

Referrals can come into the Safeguarding Hub from any source however they deal with service users who have an asylum claim; they are only funded for this. G4S and others would have had access to the Hub provided they are regarding asylum applicants. The Hub could not have done anything if a referral was made post removal. However, if a referral had been made prior to removal and included details of suicide risk, the Hub would have accepted the referral.

Specific safeguarding and vulnerable concerns are included in the referral form – a list of possible concerns are listed and the referring officer is asked whether they have any relevance to the customer. Checks are put in place to ensure this happens.

Immigration Enforcement have acknowledged that more could have been done had the Immigration Officers identified the previous vulnerability notes on CID. It is been noted that the references to suicide were not easily identified in the special conditions (noted under DS: ACDT plan) and the appropriate CID flag (threat of self-harm) had not been raised at the point of Mr Mustafa's TCU removal.

If the vulnerabilities had been noted normal practice would have been to inform the Police of the safeguarding concerns on their system upon their initial contact, questioning custody as to whether Mr Mustafa had been medically deemed fit in light of the medical conditions, and making a safeguarding referral. The case has been discussed with the Immigration Officers involved and will form a part of NCCU's regular lessons learnt exercises.

In terms of work underway in Immigration Enforcement, they have been rolling out a 2 day mandatory vulnerability training course to all staff, which includes how to identify vulnerability concerns and appropriate steps to take. They have also now have a network of Vulnerability Champions across Immigration Enforcement

who can support and advise colleagues when cases of concern arise. Best practice and lessons learnt are also captured by the Immigration Enforcement Vulnerability Team and shared across Immigration Enforcement, to continually improve their safeguarding response.

We set out below the factors provided by the Home Office to take into account while sharing information with external contractors in line with GDPR.

“When deciding whether to enter into an arrangement to share personal data (either as a provider, a recipient or both) you need to identify the objective that it is meant to achieve. You should consider the potential benefits and risks, either to individuals or society, of sharing the data. You should also assess the likely results of not sharing the data. You should ask yourself:

- What is the sharing meant to achieve? You should have a clear objective, or set of objectives. Being clear about this will allow you to work out what data you need to share and who with. It is good practice to document this.*
- What information needs to be shared? You shouldn't share all the personal data you hold about someone if only certain data items are needed to achieve your objectives. For example, you might need to share somebody's current name and address but not other information you hold about them.*
- Who requires access to the shared personal data? You should employ 'need to know' principles, meaning that other organisations should only have access to your data if they need it, and that only relevant staff within those organisations should have access to the data. This should also address any necessary restrictions on onward sharing of data with third parties.*
- When should it be shared? Again, it is good practice to document this, for example setting out whether the sharing should be an on-going, routine process or whether it should only take place in response to particular events.*
- How should it be shared? This involves addressing the security surrounding the transmission or accessing of the data and establishing common rules for its security.*
- How can we check the sharing is achieving its objectives? You will need to judge whether it is still appropriate and confirm that the safeguards still match the risks.*
- What risk does the data sharing pose? For example, is any individual likely to be damaged by it? Is any individual likely to object? Might it undermine individuals' trust in the organisations that keep records about them?*
- Could the objective be achieved without sharing the data or by anonymising it? It is not appropriate to use personal data to plan service provision, for example, where this could be done with information that does not amount to personal data.*

In summary, the Home Office state they need to provide only information that they can show is required, is relevant, is secure and is provided in the best interests of the applicant.”

Second Concern

The second concern was in relation to the events on 29 October 2018 when Mr Mustafa made a threat to kill himself which were not logged with the Safeguarding Hub as he was about to be deported. You advised that

there needs to be a system to ensure all safeguarding matters are logged regardless of where the person is in the system.

The Safeguarding Hub comes under the umbrella of the Resettlement, Asylum Support and Integration Directorate – a joint unit between the Home Office, the Department for International Development, and the Ministry of Housing, Communities and Local Government. The Safeguarding Hub receive referrals where there is a service user that is vulnerable. The team assess the referral to identify the level of action or intervention required. The service user may have declared self-harm or may have attempted suicide. The hub will make referrals to GPs or local services, or sign post the service user to services depending on vulnerability identified; these cases are followed up as necessary.

When there is a high risk case a case conference is completed. This would include the service user's medical history, which includes details of the GP and any recommendations. The case conference is submitted to a Grade 7 for their input and sign off. These cases are followed up ensuring all recommendations are put in place.

Thank you again for bringing this matter of concern to my client's attention. My client will ensure that learning from this tragic incident is shared widely across the Home Office.

Please let us know if you have any queries or you wish us to clarify any of the Home Office's responses.

Yours sincerely




For the Treasury Solicitor

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