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Dear Sinead

Fishmongers' Hall Inquest: Prevention of Future Deaths (PFD) Report

Thank you for sending to me His Honour Judge Mark Lucraft QC's Prevention of Future Deaths (PFD) Report, following the inquest into the appalling attack at Fishmongers' Hall on 29th November 2019. I am grateful to HHJ Lucraft for drawing his concerns to my attention. As Home Secretary, I am responsible for ensuring that matters of concern and recommendations relating to national security are properly addressed. Please accept this response on behalf of the Home Office and Security Service collectively.

Comments on each of the specific recommendations addressed to the Secretary of State for the Home Department are annexed to this letter. Those matters on which you have not felt that a formal recommendation is appropriate are also noted, and we will continue to keep the wider issues under review.

While much of the Report covers issues of policy and practice, the Determination Sheets for the two victims underline the sobering circumstances of the inquest. It is right to keep in our thoughts Saskia Jones and Jack Merritt: two innocent young people who tragically lost their lives in this attack; as well as consider what steps we should take in response.

Yours sincerely

With all good wishes

Rt Hon Priti Patel MP
Home Secretary

Thank you for issuing the Prevention of Future Deaths (PFD) Report for the Inquests arising from the deaths in the Fishmongers' Hall Terror Attack.

Set out below are responses from the Home Office and MI5 to the five recommendations relevant to those organisations.

The Home Office has liaised closely with operational partners and other Government Departments regarding the collective Matters of Concern (MCs). Three MCs - 19, 20 and 21 - will be addressed by the Chief Constables of West Midlands Police and Staffordshire Police and the Secretary of State for Justice. The Home Office has reviewed these responses and agrees with their content.

Response to MC16 – Addressed to the Secretary of State for the Home Department: This case gives rise to concern that mentoring arrangements under the DDP could be disrupted suddenly in the case of a person whose risk of re-engaging in extremism was known to be related to social isolation. It also gives rise to concern that an offender could be suddenly deprived of the means to use the internet under supervision to search for work. Measures should be taken to prevent a recurrence of these circumstances.

The Government accepts these recommendations and can confirm that there have been significant changes in the way that Desistance and Disengagement Programme (DDP) operates as the programme has matured. These include:

- diversification and increase in the number of suppliers;
- enhanced performance management of suppliers, including monthly review meetings which started in September 2019; and key performance indicators were reviewed and strengthened in January 2021;
- Home Office training programme with a mandatory professionalisation programme for all Intervention Providers;
- expansion of DDP to prisoners, to enable more offenders to start DDP engagement before leaving prison.

Introducing these measures has enabled DDP to develop resilience in providing Intervention Providers to programme participants and to prevent gaps in service provision.

Probation staff, through partner agencies, support offenders in seeking employment. Processes are in place to avoid service users being left without access to the internet if that would impact on their ability to find work. In Usman Khan's case (which would be true of other terrorist offenders), there were numerous avenues for him to seek permission to use the internet for legitimate purposes and the mentor was just one of these: he had access to Ixion (an employment agency which was authorised to supervise his internet use), and the Approved Premises key worker and Offender Manager who could also have accessed the internet with him to search for employment. Not having a mentor does not equate to having no internet access. Probation are able to facilitate searches for employment in the absence of a mentor, as they did in Usman Khan's case. In general, control measures around internet access are considered by Probation whenever an individual exits the DDP process and are agreed by MAPPAs (Multi Agency Public Protection Arrangements). Any changes are recorded by Probation on the OASYS system and in the MAPPAs minutes, with DDP Intervention Providers kept informed by Probation.

It is important to note that the relevant licence condition to which Usman Khan was subject was not a blanket ban on internet access: it permitted access with prior approval of a

supervising officer for specific purposes¹. There are alternative options available should a mentor be unable to provide supervision for any reason:

- Approved individuals may provide supervision to allow service users to access the internet – this might include Approved Premises staff, trusted family members, or probation officers;
- Job Centres provide internet access for job searches, providing a link to employment opportunities;
- Probation Service regions have arrangements with independent employment training and education providers through the Dynamic Framework (which is the arrangement by which the Probation Service commissions services from partnership agencies). Service users can be referred to these providers, allowing them approved internet access;
- Internet monitoring software can be installed on a service user's computer, allowing them supervised internet access.

Response to MC19 – Addressed to the Secretary of State for Justice, the Secretary of State for the Home Department, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police: This case gives cause for concern that counter-terrorism police may be in possession of intelligence or information which may be useful to the management of an offender by the MAPPAs panel, but that such intelligence or information may not be brought to the knowledge of or taken into account by MAPPAs agencies. This issue should be addressed, preferably by ensuring that a single police officer from any covert investigation (such as the SIO or Deputy SIO) is responsible and accountable for ensuring that intelligence and information is properly shared and taken into account. Consideration should also be given to how intelligence known only to the Security Service may be taken into account for the purposes of MAPPAs management.

We have liaised with West Midlands Police, Staffordshire Police and the Ministry of Justice regarding this MC. This recommendation will be addressed by the Chief Constable of West Midlands Police, the Chief Constable of Staffordshire Police and the Secretary of State for Justice as it is predominantly an operational issue. Since the attack, steps have been taken to address the issue of information and intelligence sharing with MAPPAs including how information is shared by the Security Service.

The response from the Security Service is set out below:

Security Service response

At the time of the attack perpetrated by Usman Khan at Fishmongers' Hall in 2019, the Security Service relied on counter-terrorism police ("CTP") to pass intelligence to and represent the Security Service's interest in MAPPAs. As indicated to the inquest, CTP were the bridge between the Security Service and MAPPAs. This is no longer the case. In direct response to Jonathan Hall QC's MAPPAs review, the Joint Counter Terrorism Prisons and Probation Hub ("JCTPPH") was set up with the aim of ensuring that there is a shared understanding of who poses a risk, and why, and to enable management of those individuals

¹ Usman Khan's licence conditions around internet access: *"Not to use or access any computer or device which is internet enabled without the prior approval of your supervising officer; and only for the purpose, and only at a public location, as specified by that office. Not to delete the usage history on any internet enabled device or computer used and to allow such items to be inspected as required by the police or your supervising officer. Such inspection may include removal of the device for inspection and the installation of monitoring software."*

through multi-agency partnerships and engagement with the appropriate statutory bodies. The JCTPPH composes staff from the Security Service, CTP and HMPPS. The key piece of work that is being undertaken to achieve this aim is the JCTPPH-owned “Covert / Overt Bridge”. The Bridge will facilitate the sharing of sensitive intelligence into the MAPPA process and, importantly, other key forums. The JCTPPH has created a mechanism for directly sharing sensitive intelligence with those within the MAPPA process, most notably the MAPPA Chair(s), as well as others who hold appropriate clearances, regarding individuals subject to MAPPA. Use of the Bridge will support MAPPA in making informed decisions but will also ensure that the intelligence is shared in a way which ensures that the Security Service complies with the requirements as set out in the Security Service Act 1989. The Security Service are now actively using the JCTPPH to share sensitive intelligence into the MAPPA process. This closer working will be yet further enhanced by the co-location of the JCTPPH in the Counter-Terrorism Operations Centre (CTOC) alongside Security Service, CT police and other CT partners, both overt and covert. We expect this co-location to be fully implemented by February 2024.

The JCTPPH is also working with other forums in the case management of those of counter-terrorism interest in the Prisons and Probation sector to enable further co-ordination of covert and covert risk management, such as Pathfinder, the Parole Board and the Prison Separation Centre Management Committee. This will provide us with the ability to share intelligence, where assessed to be necessary and proportionate, with HMPPS from the moment an individual enters the Prison estate, meaning that case management decisions will be able to take into account the entirety of what is known about the individual rather than a part of the picture. Once in place, this means that towards the end of a prisoner’s sentence, when the individual is managed by MAPPA, there will be a full and detailed narrative that draws on all sources of information and intelligence to inform decision-making.

Response to MC20 - Addressed to the Secretary of State for Justice, the Secretary of State for the Home Department, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police and the College of Policing: The facts of this case give cause for concern that security sensitive information may not be properly taken into account in decision-making by MAPPA panels concerning the management of terrorist offenders. Consideration should be given to how the new procedures can best be operated to avoid this problem recurring. This might include a requirement that, wherever possible, the MAPPA Panel Chair (or one Co-Chair) should be a member of the Core Group. It might also include a requirement for the Core Group to consider what intelligence can be supplied (perhaps in sanitised form) to the broader panel.

We have liaised with West Midlands Police, Staffordshire Police and the Ministry of Justice regarding this MC. As it is predominantly an operational issue, this matter will be addressed by the Chief Constable of West Midlands Police, the Chief Constable of Staffordshire Police and the Secretary of State for Justice. The Secretary of State for the Home Department fully endorses the significant steps which have been taken by the Ministry of Justice and operational colleagues to address the issue that gave rise to this MC.

Response to MC21 - Addressed to the Secretary of State for Justice, the Secretary of State for the Home Department, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police: The facts of this case give cause for concern that MAPPA panels responsible for managing terrorist offenders may be unaware of the regularity and form of contact with police officers responsible for overt offender management. Consideration should be given to providing guidance that officers with such responsibilities should report to MAPPA

panels on the regularity of their meetings with offenders and take account of any recommendations by MAPPA panels.

We have liaised with West Midlands Police, Staffordshire Police and the Ministry of Justice regarding this MC. As it is predominantly an operational issue, this matter will be addressed by the Chief Constable of West Midlands Police, the Chief Constable of Staffordshire Police and the Secretary of State for Justice. The Secretary of State for the Home Department fully endorses the significant steps which have been taken by the Ministry of Justice and operational colleagues to address the issue that gave rise to this MC, including the strengthening of the existing Ministry of Justice MAPPA guidance.

Response to MC22 - Addressed to the Secretary of State for Justice and the Secretary of State for the Home Department: The facts of this case gave cause for concern that those involved in managing terrorist offenders on licence may lack a valuable means of addressing risks they pose, namely an ability to carry out a search on a precautionary basis. Consideration should be given to the introduction of a licence condition which could be imposed on terrorist offenders requiring them to submit to a search by a police officer without the officer establishing specific legal grounds for the search.

The Government accepts this recommendation.

We understand the concern raised with respect to current powers for managing terrorist offenders on licence and recognise the proposal to enable personal searches of such offenders on a precautionary basis, including without requiring the officer to have reasonable suspicion when conducting the search.

Following the Fishmongers' Hall terror attack, Jonathan Hall QC, the Independent Reviewer of Terrorism Legislation (IRTL), was asked by the Home Secretary and then Lord Chancellor to conduct an independent review of MAPPA used to supervise terrorist and terrorism-risk offenders. Mr Hall QC's recommendations included the creation of new police powers, including the consideration of whether a new power of personal search is required.

As set out in the Government's response to Mr Hall QC's report, following engagement with relevant operational partners we accepted his recommendations in relation to police powers and we are currently legislating for these through the Police, Crime, Sentencing and Courts (PCSC) Bill. The new power of personal search will be available for use on terrorist offenders in the community whose licence conditions require them to submit to such a search. In these circumstances, a police officer will be able to stop and search the offender if they are satisfied that it is necessary to do so for purposes connected with protecting members of the public from a risk of terrorism.

The PCSC Bill is currently before the Lords and we look forward to it receiving Royal Assent early in the new year so that important new powers such as this can come into force and support efforts to manage the risk posed by terrorist offenders on licence.