

Chief Constable of West Midlands Police Response to HH Judge Lucraft QC's Regulation 28 Report on Action to Prevent Future Deaths Following the Inquests Arising from the Deaths in the Fishmongers' Hall Terror Attack

1. The Coroner HH Judge Lucraft QC has raised a number of Matters of Concern directed at the Chief Constable of West Midlands Police arising from the terrorist attack at Fishmongers' Hall which caused the deaths of Saskia Jones and Jack Merritt.
2. In order to provide a full response to the issues raised by the Coroner, the response on behalf of the Chief Constable incorporates responses from Counter Terrorism Policing Headquarters ('CTPHQ') as well as providing those on behalf of West Midlands Police.
3. The Chief Constable of West Midlands Police is accountable for the operational delivery of policing services and the effective command and leadership of the policing response to crime and major incidents, including terrorism, within the West Midlands Police force area. Along with all other Chief Constables, the Chief Constable of West Midlands Police has agreed to a formal collaboration with all other police forces to provide a more effective, efficient and consistent approach to tackling terrorism via a national Counter Terrorism Policing network.
4. Counter Terrorism Policing Headquarters ('CTPHQ') oversees this national Counter Terrorism Policing network. CTPHQ is hosted by the Metropolitan Police Service but acts on behalf of all Chief Constables to ensure the Counter Terrorism Policing network has the necessary resources, capabilities and policies to deliver the national Counter Terrorism (CONTEST) strategy in order to keep the UK safe from terrorism. CTPHQ is responsible for working with HM Government to set national policing requirements, agree national funding, develop national policy and co-ordinate the national and regional delivery of Counter Terrorism Policing network resources.
5. All West Midlands Police officers and staff allocated to the Counter Terrorism Policing network are referred to as CTP West Midlands officers and staff. The national standards and policy are set by CTPHQ but the Chief Constable of West Midlands Police retains overall responsibility for the effectiveness and efficiency for the WMCTP officers and staff under his direction and control.

Matter of Concern 10

MC10 – Addressed to the Secretary of State for Justice, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police: The facts of this case give rise to concern that important decisions on approvals, variations and relaxations in relation to licence conditions may be taken without clearly reasoned discussion and decision-making in MAPPAs panels. This issue could be addressed by requiring MAPPAs minutes to record any discussion or decision on such a matter. In addition, for the benefit of future inquiries and reviews, consideration should be given to having digital audio recordings made of all MAPPAs meetings.

Response from CTPHQ

6. The Ministry of Justice has revised its approach to the management of terrorist offenders following the Independent Reviewer of Terrorism Legislation, Jonathan Hall QC's 'Terrorist Risk Offenders: Independent Review of Statutory Multi-Agency Public Protection Arrangements' ('the Independent Review'). CTPHQ was fully consulted in this process as a Responsible Authority in MAPPAs and is fully committed to support the new 'Category 4' arrangements following anticipated legislative changes in 2022. This includes co-chairing MAPPAs with the Probation Service at a senior level with a clearly identified accountable Local CTP specialist senior officer.
7. Licence conditions are a matter for HMPPS but if it is determined a discussion at MAPPAs would be helpful then Local CT policing will support this through new specialist CT MAPPAs arrangements. The Probation Service National Security Division have specialist administrators to support the new operating model for specialist CT MAPPAs and to ensure effective minute taking and sharing which are set out in more detail at paragraph 12 below.
8. Digital audio recordings of MAPPAs meetings present logistical and operational challenges that policing will consider alongside MAPPAs partners through MoJ.
9. CTPHQ has had the benefit of considering the response on MC10 filed by the Secretary of State for Justice and fully endorses it.

Response from West Midlands Police

10. As the Coroner is aware, West Midlands Police has had a CT MAPPA arrangement in place for some years. It has included regular discussions around proposed licence conditions and any variations through the MAPPA process. Licence conditions are now firmly a matter for HMPPS but if MAPPA's input is required, as CTPHQ describe at paragraph 7 above, there is a clear process for this to take place in a structured way. Since the attacks at Fishmongers' Hall, developments have also taken place to improve the structure and quality of decision-making, including the introduction of Core Groups which consider the operational detail of a particular case, and enable detailed discussion by key professionals involved in that case. These Core Groups make recommendations to the MAPPA panel for debate and final sign off.
11. Agencies work together to consider other decisions such as suitability of work and training opportunities, with third party disclosure decisions taking place collaboratively. WMCTP support HMPPS in this respect.
12. A dedicated Minute Taker (Probation Service National Security Division) will be recruited to provide consistency and continuity in note-taking, and final minutes are reviewed by the MAPPA Chair prior to dissemination, to ensure accuracy. Additionally, where events are urgent and require a more timely response, emergency MAPPA panels can be arranged at short notice with documented records made of decisions and rationale. These improvements, fully supported by a senior CTWM Manager, have enabled the MAPPA panel to operate in a more efficient and structured way and ensured that notes taken can more accurately reflect the more focussed discussion taking place.

Matter of Concern 14

Addressed to the Secretary of State for Justice, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police: This case gives rise to concern that an extremist offender may be permitted to attend an event or venue without there having been proper communication between the probation and police officers responsible for managing the offender and the event organisers and/or venue hosts. Consideration should be given to encouraging such communications within the training and guidance given to probation officers and police responsible for managing extremist offenders.

Response from CTPHQ

13. CTPHQ has had the benefit of considering the response on MC14 filed by the Secretary of State for Justice and fully endorses it.
14. CTPHQ recognises the value of information sharing with partners and does so where there is a need and a legal basis for doing so. Additionally, where offenders are managed under MAPPA, the MAPPA guidance provides guidance on third party disclosures.
15. CTPHQ is working with MoJ to develop MAPPA practice in line with accepted recommendations from the Independent Review. CTP will include in its Manual of Guidance to specially trained CT Nominal Management officers advice to ensure they fully consider disclosures to third parties, record rationales for making such disclosures or not doing so. This will cover and ensure the use of risk assessments to influence protective measures. This is covered on the new CTP Nominal Managers foundation course and will be further supplemented with ongoing continuous professional development in MAPPA.
16. Furthermore, CTPHQ has since invested c.£12million per year in dedicated and specially trained CT Nominal Management officers who will attend all CT specialist MAPPA (Category 4) meetings. Their training includes proper communication between those managing the offender and event organisers and/or venue hosts. Additionally, CTPHQ are committed to ensuring terrorist offenders are managed by trained officers, with appropriate guidance, and senior roles have been assigned in each region of the CTP network to provide accountability for the management of all terrorist risk nominals, including specialist CT MAPPA arrangements in line with the Independent Review and recommendations on 'core group' joint case work.

Response from West Midlands Police

17. These changes have been put into practice locally. MAPPA and CTPWM have already drawn on the experience and learning from these inquests and, applying the MAPPA guidance, they have recently considered a wide range of disclosures including those relating to work, training, education, gym membership, religious practices, and parents

of offenders, amongst others. Any further new training and/or guidance can only strengthen confidence in those processes. All decisions on disclosures are signed off by the joint MAPPA Chairs.

Matter of Concern 17

Addressed to the Secretary of State for Justice, the College of Policing, the Chief Constable of West Midlands Police and the Chief Constable of Staffordshire Police: Based on the evidence in this case, there is cause for concern that effective procedures are not in place to ensure that all MAPPA meeting attendees receive meeting minutes. Consideration should be given to modifying guidance to ensure that this happens, for example by (a) providing for all MAPPA panel participants to receive minutes by secure email (rather than by having to access an online system); (b) requiring that all acknowledge safe receipt and indicate whether or not they wish to make amendments (to include provision of "nil returns"); and/or (c) requiring attendees at the start of each MAPPA meeting formally to confirm that they have read the minutes of the previous meeting or meetings as appropriate.

Response from CTPHQ

18. CTPHQ has had the benefit of considering the response by the Secretary of State for Justice on MC17 and fully endorses it.
19. The introduction of CT Nominal Management officers and the assignment of senior roles as outlined at paragraph 16 above will reduce and focus the number of attendees at MAPPA meetings to specialist staff. CTP have governance now in place through the Nominal Management Capability Board to oversee continuous improvement.
20. The Probation Service National Security Division are recruiting specialist administrators to support the new operating model and receive appropriate training in minute-taking as well as induction to the particular requirements of taking minutes for formal MAPPA meetings. Recommendations on chairing responsibilities will be built into CT MAPPA Chair training due to be rolled out ahead of Category 4 changes.

Response from West Midlands Police

21. Following the Independent Review conducted by ██████████ in 2020 WMP have been responding to the recommendations and are working with HMPPS and CTPHQ regarding the changes they are making or intend to make and will support accordingly in the light of the MAPPA review.

Matter of Concern 18

Addressed to the Secretary of State for Justice, 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 some members of MAPPA panels responsible for managing extremist offenders may not be aware of important information from the offender's time in prison. Consideration should be given to (a) ensuring that the latest MAPPA F form from the prison authorities should be circulated with every subsequent set of MAPPA minutes; (b) including a section in MAPPA minutes for key up-to-date intelligence; and (c) including a further section in MAPPA minutes for a summary of the key conclusions of the most recent ERG assessment (including risk factors identified).

Response from CTPHQ

22. A Joint Counter Terrorism Prison and Probation Hub ('JCTPPH') has been formed. This is a collaboration between HMPPS, CTPHQ and the Security Service. One of its core functions is to enhance the flow of intelligence and information between covert and overt functions, noting that there is an obvious and necessary 'firewall' between the two. MAPPA chairs will consider how core groups will contribute in each case. The creation of core groups will ensure a secure and clear pathway for the sharing of sensitive intelligence/information into MAPPA. CTPHQ have provided guidance through their Manual of Guidance to require CTP Nominal Management specialist officers and Lead Responsible Officers to ensure that all relevant information is at hand to develop effective risk management plans for their allocated nominal, including those managed under MAPPA. This will include ensuring relevant assessments are shared and included in risk management planning.
23. CTPHQ has had the benefit of considering the response on MC18 filed by the Secretary of State for Justice and fully endorses it.

Response from West Midlands Police

24. MAPPA F forms are shared alongside MAPPA Minutes for some attendees to consider at the panel meeting as detailed in paragraph 22 above.
25. The MAPPA F forms and minutes are sent to the Standard Panel members prior to the MAPPA meetings. The current 2021 MAPPA guidance states at para 13 b (4):
“Given the highly confidential nature of the minutes, all agencies should ask themselves whether they actually need to keep a copy of the minutes in their files, or whether a record of the actions for their agency and a reference to the fact that the minutes are held on ViSOR would be sufficient.”
26. Where there are delays in receipt of the Form F, these are escalated as a matter of urgency to the prison concerned. The quality of the Form F can be variable, and locally the West Midlands MAPPA chair is challenging this position, and seeking a greater level of analytical support from the JCTPPH around security information, to better support MAPPA decisions
27. The MAPPA agenda is structured to ensure each relevant agency has the opportunity to provide full and detailed updates in relation to their work with a nominal. This includes intelligence updates, where appropriate, including clear handovers from an offender’s time in prison Where sensitive or secret intelligence is concerned, CTP WM are supporting the development of the Covert-Overt bridge process, involving CT Police SIOs directly, and providing a suitable ‘bridge’ to the MAPPA chair to allow the information to be ‘known’ and considered appropriately within the MAPPA meeting. Already we have operationalised this approach in a small number of cases, both for MAPPA Panel and for Parole Boards.
28. There are now co-chair arrangements in place. The CTPWM LRO will co-chair MAPPA CT cases with the NSD Senior Regional Lead for Probation. It is understood that all CT MAPPA cases will be managed in this format and will ensure consistent representation.
29. The prisons representatives conduct handovers with the probation service outside of the MAPPA meetings through their OMIC process however there will be clear updates from the prisons reps during the MAPPA meetings and discussions are held during the

MAPPA meetings to ensure this handover has taken place and held accountable by the chair.

30. ERG assessments are shared with CT Police NMs, and the ERG is discussed at MAPPA Panel to allow a full understanding of a nominal risk and to ensure CT Police risk management plans reflect this information. There is no specific section in the minutes for the ERG summaries however the Counter Terrorism Probation Officer (CTPO) would talk the panel through the findings once the ERG had completed within prison and therefore documented in their section.

Matter of Concern 19

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 MAPPA panel, but that such intelligence or information may not be brought to the knowledge of or taken into account by MAPPA 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 MAPPA management.

Response from CTPHQ

31. The JCTPPH will ensure the right information gets to the right place at the right time. A major focus, in its first year, has been the development and operationalisation of a covert-overt bridge framework. This provides an effective, safe, process through which sensitive intelligence can be revealed and subsequently, appropriately, disclosed to support defensible decision making regarding risk management. Originally focused on supporting better disclosure into the Parole Board process learning has been taken and applied to MAPPA where the bridge has already been tested on five cases bringing to the attention of MAPPA information previously only known to the security service.
32. CTPHQ has had the benefit of considering the response on MC19 filed by the Secretary of State for Justice and fully endorses it.

Response from West Midlands Police

32. West Midlands Police would simply repeat the CTPHQ's response above but add that we have been at the forefront in exploring this approach, and have been directly involved in developing the process, as well as supporting the JCTPPH in managing sensitive information through to parole boards and the MAPPA chair in a small number of cases.

Matter of Concern 20

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.

Response from CTPHQ

33. Guidance for specialist CT MAPPA is currently being finalised and it is anticipated it will be implemented once the Police, Crime, Sentencing and Courts Bill has passed through Parliament (its third reading took place on 5 July 2021). The terms of reference for CT MAPPA are likely to be those individuals subject of Category 4 (as defined under the new Act) both terrorist offenders and those identified as 'relevant terrorist offenders'. These arrangements include MAPPA panels being jointly chaired by Local CTP officers (leading regional CT Nominal Management teams) and National Security division (Probation) senior leads. Both Chairs will be vetted and able to receive sensitive information if it is appropriate for them to do so, using the JCTPPH covert-overt bridge processes. Core Groups will be embedded in to CT MAPPA, details of which are currently going through a consultation stage.
34. CT MAPPA chairs are now Develop Vetted, and that the key staff (CTNM & National Security Division) who actively manage the offenders, have specialist roles, are also vetted to a level suitable for CT and work together outside of the formal MAPPA meetings. The Chairs now work with the Joint Extremist Unit to facilitate intelligence

into MAPPA meeting to ensure risk management plans reflect the full context of any concern.

35. As described above, the JCTPPH leads on a covert/overt bridge which enables sensitive information to be identified, reviewed, revealed and disclosed to MAPPA Chairs or other relevant individuals linked with the MAPPA process. It is expected that an outcome from the covert/overt bridge process will be an agreement on what information can be shared from the MAPPA Chairs to others involved in the MAPPA process.

36. CTPHQ has had the benefit of considering the response on MC20 filed by the Secretary of State for Justice and fully endorses it.

Response from West Midlands Police

37. West Midlands Police repeat the CTPHQ's response above.

Matter of Concern 21

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.

Response from NCTPHQ

38. Following investment of c.£12million as described at paragraph 16 above, CTPHQ now has CT Nominal Management specialist trained officers, operating to a standardised Manual of Guidance who will attend all future CT MAPPA (Category 4) cases. They are responsible for designing and delivering a risk management plan (RMP) with the National Security Division and other MAPPA partners. This will include an approach to a home visit regimes based on the assessment of risk and need which will be formally agreed through the MAPPA co-chairs. Full visibility of police activities in supporting this RMP will be made available to MAPPA panels.

39. CTPHQ has had the benefit of considering the response on MC21 filed by the Secretary of State for Justice and fully endorses it.

Response from West Midlands Police

40. Locally CTP West Midlands Nominal Managers exceed the national guidance for Registered Terrorist Offenders/Pathfinder visits. National guidance on visits set a minimum standard of one visit per month for those considered to be 'intensive risk', three visits per year for those considered 'enhanced risk' and one visit per year for 'standard risk' nominals. West Midlands Police's regime involves two visits per month for 'intensive risk', one per month for 'enhanced risk' and quarterly visits for those who are standard risk. Additional visits can be added if required. Performance on this is monitored at Force level.
41. CTP West Midlands now feed this into the MAPPAs panel to ensure synchrony of visits across agencies, and to take account of any MAPPAs requirements.

31.12.21