

Tuesday, 4 November 2025

(10.00 am)

STEPHANIE ROBERTS-BIBBY (sworn)

Questioned by MR GOSS

SIR ADRIAN FULFORD: Thank you very much, please have a seat.

Yes, Mr Goss.

MR GOSS: May it please you, sir. If you could give us your full name, please.

A. My full name is Stephanie Alice Roberts-Bibby.

Q. I think before we start your evidence, Ms Roberts-Bibby, there was something you wanted to say?

A. There is, yes. I want to offer my heartfelt condolences to the families of Alice, Bebe and Elsie and the others that were harmed by the actions of AR and impacted by the events on 29 July 2024.

SIR ADRIAN FULFORD: Thank you very much.

MR GOSS: Could we have YJB000076, please. Is that your witness statement for the Inquiry?

A. Yes.

Q. Signed on 3 September 2025 on page 48, is it true to the best of your knowledge and belief?

A. It is, yes.

Q. Ms Roberts-Bibby, you are the Chief Executive Officer of the Youth Justice Board and have been since June 2023?

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have had a bucket of investment to be able to develop the evidence base on how to prevent children causing violence.

SIR ADRIAN FULFORD: Just slightly slower.

A. Sorry, I will try harder.

MR GOSS: Thank you. One of your other functions, and you set out those in paragraph 36, is to providing assistance to local authorities and others in connection with youth justice system information technology systems. Is that really in the realm of providing advice and guidance: you want a commissioning authority or a provider of such systems?

A. It's both, so we provide the IT infrastructure which exchanges information on the children who are in the system and then what sits on that infrastructure is the assessment tool, so AssetPlus, and, alongside that, we will provide guidance on that IT infrastructure.

Q. We'll come to AssetPlus shortly.

A. Okay.

Q. As we've heard, at a local level, youth justice is delivered by Youth Offending teams, more often now perhaps known as Child and Youth Justice services. What we've heard is that, in Lancashire County Council, this is staffed by social workers and probation staff. Is that a typical set up?

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A. Yes, that's correct.

Q. I think you served in other senior roles in the Youth Justice Board from 2018 but previously had a career in the Prison Service, including 11 years of governor grades in both prisons and young offender institutions; is that right?

A. It is, yes.

Q. Can we have page 7, please, because you set out a little about the Youth Justice Board. It is a non-departmental public body, one of the Ministry of Justice's arm's-length bodies?

A. Yes.

Q. Its role is to monitor the operation of the youth justice system, which includes advising ministers. Other functions include commissioning research. Is that a strand of the Youth Justice Board's research which, in your view, has been effectively enabled and supported in recent years?

A. So we have changed the way that we delivered research in recent years due to investment across other parts of Government. So, for instance, we have a very small limited budget for research. We can undertake two internal research projects a year and can commission out the same amount. As a result, we rely heavily on other research bodies such as the Youth Endowment Fund who

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A. A typical set up is probably a broader multidisciplinary team. So a range of youth justice workers, social workers, a seconded probation officer, who have a critical role in helping identify risk to the child, to self and others, and then a range of others from the statutory partners. So, for instance, health, staff who would be able to help with speech/language communication, neurodiversity, an education officer, those are the things we would expect a true multidisciplinary team representing the statutory partners. Do you want me to tell you who the statutory partners are; would that be helpful?

Q. I think you've set that out in your statement and we can take that as read. Can we zoom out a little to the youth justice system generally. The principal aim of the youth justice system is to prevent offending by children?

A. Yes.

Q. That differs then from the criminal justice system, as it relates to adults, in that, in particular, there is no punitive element of that system?

A. Yes, the aims and objectives are solely to prevent a child causing harm and causing victims.

Q. In paragraph 35, so the previous page please, you talk about the vision of the Youth Justice Board as for

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1 a youth justice system that sees children as children.
 2 I think the youth justice system operates on what's
 3 sometimes referred to as a child first/offender second
 4 principle. Can you expand on that a little?
 5 **A.** Sure. So this is the underpinning theory of change that
 6 evidence tells us is the most likely to impact on
 7 preventing children offending and reducing offending,
 8 and there are a number of tenets in that evidence base.
 9 So the first is that we acknowledge that children have
 10 a unique set of rights and responsibilities and that, as
 11 adults, it's our responsibility to meet those.

12 The second is building a prosocial identity with
 13 that child. So finding what they are good at, building
 14 on it and giving them a positive identity, rather than
 15 a criminal identity. The third is making sure that the
 16 child is at the centre of all the work that is done with
 17 them and that they have a voice and that they are
 18 engaged and that they understand what is happening.

19 The final is destigmatising them, so making sure
 20 that we are not bringing them into the system and giving
 21 them every hope and chance of desistance from future
 22 offending.

23 **Q.** An outsider might detect, at least in some cases,
 24 a tension between that very child-centred approach and
 25 the need to protect the public from harm. Would you

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1 ones, including community resolution and decisions to
 2 take no further action; formal ones, the lowest levels
 3 are youth caution and youth conditional caution.

4 Could you help us, first of all, on the difference
 5 between the two?

6 **A.** Yes, so a caution is a warning. A conditional caution
 7 is subject to requirements, so that the child does
 8 things. Those are at the lower level of the formal
 9 outcomes.

10 **Q.** In terms of conditions, what sort of conditions might we
 11 be thinking about here?

12 **A.** Attending education would be an example.

13 **Q.** Are there consequences for failure to comply with those
 14 conditions?

15 **A.** For a youth conditional caution?

16 **Q.** Yes.

17 **A.** Yes, that would then mean that you would then escalate
 18 through the system.

19 **Q.** Who monitors and enforces compliance with those
 20 conditions?

21 **A.** The youth justice services.

22 **Q.** So once a conditional caution is imposed, that child is
 23 then --

24 **A.** On a caseload.

25 **Q.** Yes. Thank you.

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1 accept that there is a tension?

2 **A.** I think there is a perceived tension; I don't think in
 3 reality there is. Our evidence shows us if we meet the
 4 child's needs, address those needs robustly, that we
 5 have a much greater chance of protecting the public and
 6 reducing harm to others.

7 **Q.** So no actual tension because of what the evidence base
 8 shows but a perceived tension on the part sometimes of
 9 others looking in. Does that then perhaps lead the
 10 Youth Justice Board, the youth justice system, to have
 11 to push back against that perceived tension which might
 12 in turn lead to more emphasis being placed on the
 13 child-first elements and less on the preventing there
 14 from being victims, preventing there from being harm?

15 **A.** I do think we absolutely have to push back and always go
 16 back to the evidence and what does the evidence tell us?
 17 This offending and harm is a highly emotive area,
 18 understandably. I think that one of the real challenges
 19 is getting the public, practitioners to see that
 20 these -- that need and risk are two sides of the same
 21 coin and we need to consider them together.

22 **Q.** Thank you. Can we talk about some of the tools that are
 23 available now in the youth justice system. If we could
 24 go to page 14 of this statement, paragraphs 58 to 60.
 25 You describe some of the out-of-court outcomes: informal

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1 **A.** Yes.

2 **Q.** At 59, one might detect a certain wariness about the use
 3 of formal out-of-court disposals. Is that a fair
 4 inference to draw from where you talk about them not
 5 being routinely used for children committing first time
 6 or less serious offences, although use being reserved
 7 for children who'd otherwise receive a court sentence?

8 **A.** Sorry, can you repeat the first part of your question?

9 **Q.** Yes, one might detect a wariness about the use of these
 10 formal out-of-court options?

11 **A.** No, there's not a wariness. I think that what we are
 12 trying to say is that we should be responding to each
 13 child on a case-by-case basis. So we shouldn't be
 14 throwing a blanket over this type -- because we know,
 15 again, the evidence shows us, that we should be treating
 16 children on an individual case-by-case basis. So there
 17 isn't a wariness on our behalf. It is about making sure
 18 that professionals are using their judgement for the
 19 best intervention for that child, to prevent harm being
 20 caused.

21 **Q.** Thank you. From paragraph 62, you set out the various
 22 court outcomes. There's a wide range of them and I want
 23 to focus on the ones that are, first of all, within the
 24 powers of the youth court -- set aside the Crown court
 25 outcomes -- and we don't need I think to focus on

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1 absolute and conditional discharges and on fines.
 2 So setting all of those aside, we have referral
 3 orders; we have youth rehabilitation orders; we have
 4 youth rehabilitation orders plus intensive supervision
 5 and surveillance, ISS; and then detention and training
 6 orders of up to 24 months?

7 **A.** Yes.

8 **Q.** The last of those is a custodial sentence.

9 From paragraph 65, you set out the statutory
 10 framework around referral orders. There are four
 11 aspects of that I'd like to explore please. First of
 12 all, as with any other court outcome, the duration of
 13 a referral order is set by the court?

14 **A.** Yes, that's right.

15 **Q.** But the requirements of a referral order are not set by
 16 the court, they are set by an agreement between the
 17 child and a referral order panel, at some point after
 18 the order has been imposed?

19 **A.** That's correct, yes.

20 **Q.** Does that create a risk that the work which is
 21 identified as needing to be done is not aligned with the
 22 duration of the order?

23 **A.** No, you would expect that the work to be done would
 24 align with the order. However, if the work needed to
 25 continue with the child after that, that could continue

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1 That simply isn't an option in front of the court?

2 **A.** No, that would only be available if a youth
 3 rehabilitation order was then given by the court.

4 **Q.** Which it wouldn't be able to do in those circumstances?

5 **A.** Which it wouldn't be able to do, yes.

6 **Q.** Why is that the case? Why should the court's powers be
 7 so fettered when it comes to dealing with even examples
 8 of particularly serious offending, albeit ones that
 9 don't pass the custody threshold?

10 **A.** That's the current sentencing framework. Of course,
 11 this is an opportunity to reconsider that and our
 12 position would be that there would be an opportunity to
 13 revisit referral orders, where a child was found with
 14 a knife, where there's intent to cause harm.

15 **SIR ADRIAN FULFORD:** Do you think that should be revisited?

16 **THE WITNESS:** Yes, we would recommend that that is revisited
 17 where there is intent to cause harm.

18 **SIR ADRIAN FULFORD:** Thank you.

19 Sorry, Mr Goss.

20 **MR GOSS:** Thank you, sir.

21 At paragraph 74, on page 17, there was some
 22 suggestion that that was likely to be your position but
 23 you have made it now very clear.

24 The third point about referral orders,
 25 implementation, paragraph 73, you set out where they are

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1 on a voluntary basis.

2 **Q.** Secondly, there are cases where the imposition of
 3 a referral order is, in effect, mandatory for the court
 4 and you have set those out at paragraph 67: imprisonable
 5 offence; guilty plea; and never been convicted by or
 6 before a court of any other offence.

7 Obviously, as you say, at the top of that paragraph,
 8 that doesn't apply where the court is considering
 9 a custodial sentence but, given the understandable
 10 reluctance to impose custody on children, is it the case
 11 then that, for the vast majority of first-time offenders
 12 in youth courts, so long as there's a guilty plea, the
 13 outcome is going to be a referral order?

14 **A.** Yes, highly likely, yes.

15 **Q.** So save for the court setting the length of the order,
 16 there's little scope in those circumstances for the
 17 court to tailor the outcome to the individual case?

18 **A.** Yes, that's not for the court. That's for the referral
 19 order panel to set the requirements.

20 **Q.** So it wouldn't be open to the court to take the view
 21 that this was a particularly serious episode of
 22 offending, even though it was a first time offence, even
 23 though there was a guilty plea and, therefore, the
 24 additional rehabilitation requirements under a youth
 25 rehabilitation order, for example, would be available.

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1 the most effective. In short, it requires strong
 2 engagement from both the child but also from the youth
 3 justice service that is administering the referral
 4 order?

5 **A.** Yes, and, of course, the statutory partners who should
 6 be working collectively to address the needs of that
 7 child and to make sure that the requirements of the
 8 order are fulfilled.

9 **Q.** So a referral order, once imposed, shouldn't be treated
 10 simply as any sort of tick-box exercise, either by the
 11 subject of the order but equally by those administering
 12 it and those involved, both the youth justice service
 13 and the multi-agency partners?

14 **A.** No, it should be both inspirational and aspirational for
 15 that child.

16 **Q.** How does a process of what you describe there of
 17 challenging constructively and working collaboratively
 18 with children and families, how does that mesh with the
 19 ability of the youth justice service to deal with
 20 enforcement, where referral orders are breached?

21 **A.** That is part of the role of the youth justice service.
 22 If there is non-compliance, it is absolutely incumbent
 23 on the worker, the lead worker, to seek to engage with
 24 the child, find out why they are not engaging, and then
 25 do everything they can do to inspire them to engage. If

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1 they fail to do that, it is very clearly then
 2 non-compliance and a breach.
 3 **Q.** Where there is a breach and where there has been
 4 an attempt to engage and that hasn't been successful,
 5 then it's incumbent on that youth justice service to
 6 deal with that through taking enforcement action?
 7 **A.** Yes, and that would be a return to court.
 8 **Q.** The fourth point on referral orders, you deal at
 9 paragraph 70 to 71 with re-offending, and you have given
 10 us the data for the year ending March 2023: low
 11 re-offending rate and low re-offending frequency rate,
 12 ie both the absolute issue of re-offending and,
 13 secondly, where there is re-offending, how much
 14 re-offending there is?
 15 **A.** Yes.
 16 **Q.** Those are the figures for a single year: is that
 17 a typical kind of pattern?
 18 **A.** Yes, it is and, if it would be helpful, we can add
 19 an addendum to our corporate witness statement for the
 20 statistics for 2024 because we've been doing some
 21 additional work on that, if that would be helpful. But
 22 that is, yes. It's been typical for the last few years.
 23 **Q.** Thank you. Yes, we would be grateful for the last
 24 year's update. That would be extremely helpful.
 25 I think there you acknowledge the limitation, at

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1 undertaking research.
 2 **Q.** So there is an element to which you are not wholly in
 3 control of your own research programmes and directions?
 4 **A.** Yes, and I do also think there should be -- there is
 5 a need to pull together, strategically, clarity on what
 6 are the big questions we want answering and then making
 7 sure that the research answers those for us, to really
 8 give us the evidence base that we need going forward.
 9 **Q.** Thank you. We'll come back to that.
 10 **A.** Okay.
 11 **Q.** Other court outcomes, beyond referral orders: youth
 12 rehabilitation orders you have dealt with at page 18,
 13 paragraph 75 to paragraph 78. It's apparent from
 14 paragraph 75 and 76 that they are a much more structured
 15 and potentially more intrusive measure than a referral
 16 order?
 17 **A.** Yes.
 18 **Q.** You describe them elsewhere as being roughly equivalent
 19 to a suspended sentence in the adult justice system,
 20 although, obviously, they don't come with the threat of
 21 custody as an automatic consequence?
 22 **A.** Yes.
 23 **Q.** In YROs, as we have touched on, it's for the court not
 24 the youth justice service to decide on the requirements.
 25 You'd expect that to be informed by a youth justice

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1 paragraph 72, of some of the statistics. One issue is
 2 the referral orders are obviously likely to be imposed
 3 where there is a shorter or no offending history and, of
 4 course, they must reflect a guilty plea?
 5 **A.** Yes.
 6 **Q.** You would need a control for those kind of factors to be
 7 able to compare effectively with the re-offending rates
 8 on other outcomes --
 9 **A.** Yes, correct.
 10 **Q.** -- and, at the moment, the data simply isn't available
 11 to do that?
 12 **A.** Yes.
 13 **Q.** Likewise, of course, it might be influenced by the
 14 severity of the underlying offence?
 15 **A.** Absolutely, yes.
 16 **Q.** You talk there about there being a piece of analysis and
 17 research that you should be allowed to undertake. Is
 18 there something stopping that from being done?
 19 **A.** This is purely capacity: organisational capacity and
 20 funding and, in particular, because previous ministerial
 21 direction -- go back to 2021 -- was that they wanted us
 22 to do less research because they had across Government
 23 been investing in other areas of research, for instance,
 24 as I spoke about earlier, the Youth Endowment Fund and
 25 UKRI, and other big organisations across Government

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1 service pre-sentence report?
 2 **A.** Yes, absolutely. Again, identifying needs and areas
 3 that the child needs to work on.
 4 **Q.** You tell us that more than a third of YROs are
 5 successfully completed from the point of sentence and
 6 the remainder -- most of the remainder are successfully
 7 completed, albeit that there may have to be breach
 8 action perhaps once or twice in the early stages; is
 9 that a fair characterisation?
 10 **A.** I think so, yes. I think that is, yes.
 11 **Q.** The maximum duration for a YRO: up to three years?
 12 **A.** Yes.
 13 **Q.** Presumably that would be for cases -- a full three-year
 14 length would be for cases that fall perhaps just below
 15 the custody threshold?
 16 **A.** Absolutely, yes.
 17 **Q.** Then, in terms of custodial outcomes, in the youth court
 18 the only custodial outcome is a detention and training
 19 order. It comes in two-month steps: four months, six
 20 months, eight months, and so on?
 21 **A.** Yes.
 22 **Q.** Of the total period, up to half would be served on
 23 supervision in the community?
 24 **A.** That's correct, yes.
 25 **Q.** Just while dealing with custodial outcomes, for certain

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1 cases where there are multiple offences for carrying
 2 a knife, there are mandatory minimums --
 3 **A.** Yes.
 4 **Q.** -- as in minimum custodial sentences would have to be
 5 imposed?
 6 **A.** Yes.
 7 **Q.** The exact sentence depending on age, but these don't
 8 apply to offenders under 16; is that right?
 9 **A.** That's right, yes.
 10 **Q.** Thank you. If we could turn then to multi-agency
 11 working in the youth justice system. At various points
 12 in your statement, you express concerns about how the
 13 multi-agency system for preventing youth offending and
 14 protecting the public works, both at a local level and
 15 also at a national level.
 16 **A.** Yes.
 17 **Q.** Could I try to summarise those concerns, and please do
 18 expand on any of them that you think I am not doing
 19 justice to.
 20 First of all, there is a difficulty over who owns
 21 the risk of harm or re-offending -- or there can be --
 22 particularly at a local level, because it shouldn't
 23 simply be the youth justice service that owns that risk;
 24 is that fair?
 25 **A.** Yes, it's a collective risk, although there should be

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1 **A.** So I think that there's definitely something from -- to
 2 take forward about how those statutory partners have
 3 an agreed understanding of what the word "risk" is. We
 4 have a definition in our guidance, which I think --
 5 certainly after the Inquiry, we will be reviewing all of
 6 our guidance and documentation, to see whether that
 7 needs to be revisited in the light of any learning.
 8 But there is definitely something about having
 9 clarity of risk, who is owning it, who is responding,
 10 and putting a plan in place and then, if that plan
 11 doesn't mitigate or manage the risks, what the
 12 escalation route is afterwards.
 13 **Q.** Yes, because you identify that, at present, no
 14 escalation intervention available where risk is
 15 increasing?
 16 **A.** Yes.
 17 **Q.** What you have suggested, page 4, paragraph 19, is the
 18 ability, where there is increasing risk, for agencies to
 19 trigger an 8 to 12-week period of accommodation with
 20 trauma-informed holistic support. I think there's
 21 a model in London for children on remand that provides
 22 something similar; is that right?
 23 **A.** Yes. So I think that there are two issues, just to
 24 unpick, if that's okay. I think there is something for
 25 children in justice and being very clear about the

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1 a lead worker. So, in this instance, you would expect
 2 the youth justice worker to have been the lead worker
 3 but getting information from, getting views from and
 4 advice from the other statutory partners.
 5 **Q.** That brings me onto the next point I was going to make,
 6 which was challenges over the sharing of information and
 7 how that is passed between different agencies. That's
 8 a perennial challenge?
 9 **A.** Yes, although I think, from my operational background,
 10 people tend to make a bigger issue of this than is
 11 necessary. Information should be shared in the
 12 interests of preventing offending and harm to others.
 13 I see no reason that -- professionals have that
 14 capability and they should have the confidence to do
 15 that.
 16 Can I just add: they should also have the humility
 17 as well, when other professionals, who come from
 18 a discipline perhaps raise a concern to reconsider
 19 whether the risk needs to be reviewed or amended or
 20 adjusted, and then indeed the associated plan.
 21 **Q.** Thank you. Another challenge is different agencies
 22 defining risk and vulnerability in different ways?
 23 **A.** Yes.
 24 **Q.** Is that something which the Youth Justice Board would
 25 have a role in seeking to address?

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1 escalatory route. I think there is then there a gap for
 2 children who are not having a justice intervention or
 3 an outcome, around how we prevent them causing harm to
 4 others, and that feels to me to be a gap.
 5 Some of the work that we have been doing in London
 6 is a justice intervention. It is an offer of
 7 trauma-informed holistic wraparound support with
 8 accommodation, so to prevent children being remanded,
 9 because we know that taking children into custody has
 10 really damaging effects.
 11 We know that of the children who are currently in
 12 custody, about 40 to 45 per cent, of those two-thirds of
 13 them do not get a custodial sentence, but we know that
 14 we have damaged those children by taking them into the
 15 depths of custody.
 16 So we have been developing work with London for
 17 an accommodation offer, which does include some control
 18 measures. So if children could pose a risk to others,
 19 they have a curfew -- they may be tagged, they have
 20 a number of conditions to which they have to reside at
 21 that property -- but the purpose is to make sure they
 22 are safely accommodated, that others are safe, and that
 23 we are working with them to meet their needs.
 24 There is, it feels as though, no comparison for that
 25 in the world of social care. However, I think,

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1 fundamentally, what's coming from the Inquiry is whether
2 there is a role for social care to think about risk of
3 harm to others. That feels to me like that is a gap,
4 and I think what I don't know from the evidence I have
5 seen is what would have happened next in terms of social
6 care intervention: at what point would AR have been
7 removed from the home.

8 I don't have the answers to those questions but
9 I think it would be helpful to understand the escalation
10 route and then what is the legislation that might be
11 required if there is a gap.

12 **Q.** Thank you. In terms of models for improving
13 multi-agency working, the actual delivery on the ground
14 is a local matter --

15 **A.** Yes.

16 **Q.** -- and there are, no doubt, many different models across
17 the country. Could I suggest what might be some
18 possible models, no doubt, there would be others. We
19 have heard a good deal about the Child Protection model
20 under Working Together to Safeguard Children.
21 Essentially, you have an agency such as Children's
22 Social Care, which is the lead authority?

23 **A.** Yes.

24 **Q.** That convenes multi-agency forums when a particular
25 issue around a particular child is raised and it follows

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1 a reduction in risk of harm. So it is like -- it's
2 a merger of Children's Social Care with youth justice,
3 which, you know -- I haven't got any evidence that I can
4 bring you in terms of outcomes and effectiveness. So
5 again, we can commit to giving you something outside of
6 today, if that's helpful.

7 **Q.** From the entirety of your statement, what is clear is
8 that it can't simply be a matter of business as usual in
9 this multi-agency space for dealing with risk of harm.
10 It isn't simply business as usual but with some tweaks
11 or enhancements. There is a need for a relatively
12 wholesale fresh look at what processes are in place?

13 **A.** I think that there is the need for an unrelentless (*sic*)
14 focus on children who have the greatest need,
15 vulnerabilities and therefore potential to cause harm.

16 **Q.** Does that need to be led at a national level?

17 **A.** I think that that needs to be led at every level of the
18 system. So at local level there are fantastic services.
19 I should make the point there are some absolutely --
20 some fantastic work being done in youth justice and
21 that's reflected in the outcomes that have been
22 delivered. That doesn't mean that there isn't much more
23 to do: there is, and we can give examples of where that
24 local prevention practice is strongest. We see it
25 across England and Wales.

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1 set processes as and when risks are identified.

2 Another might be MAPPA type arrangements, where
3 there is a defined threshold, before an individual is
4 open to MAPPA, and I think that children can be open to
5 MAPPA but there is quite a high threshold in terms of
6 custodial sentences having previously been received?

7 **A.** Yes.

8 **Q.** There's the Prevent model, referrals being made in where
9 there's a suspicion, and then a statutory power and duty
10 to refer on where certain thresholds are assessed as
11 being met.

12 We have heard yesterday, for the first time, about
13 Multi-Agency Support Panels operating in Lancashire, as
14 part of a serious violence duty. That may be another
15 model and we are expecting to hear more about that.

16 As I say, no doubt there are other models. There's
17 one, I think, in Greater Manchester that you wanted to
18 say a little about?

19 **A.** So there is work being done across Manchester where
20 there is an organisation called Shift, who are working
21 with the local authorities in Manchester to have a guide
22 model. So a child has a single point of contact,
23 a family has a single point of contact, and that guide
24 literally guides them through processes to make sure
25 that there is a reduction in risk of offending and

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1 That needs to be mirrored, in my view, by strategic
2 governance that reflects the statutory partners at
3 a very, very senior level and when I say "senior level",
4 I would suggest ministerial level, by the Secretary of
5 State for Justice, which is currently the Deputy Prime
6 Minister, being able to convene ministers to be able to
7 say, "This is what the evidence tells us, this is what
8 needs to be done now let's get on and do it". And there
9 is a real opportunity to be able to do that, at this
10 time.

11 **Q.** Thank you.

12 Sir, I think that's probably as far as I can go
13 consistent with our Phase 1 terms of reference but I am
14 sure these are issues that the Inquiry will be returning
15 to in Phase 2.

16 **SIR ADRIAN FULFORD:** Food for thought.

17 **MR GOSS:** Can I turn then to AR's contact with the youth
18 justice service.

19 The first point is this: I think because it follows
20 from the evidence you have given about referral orders
21 that, at the point AR was brought before the youth court
22 in February 2020, because he pleaded guilty and because
23 it was the first time he had received a conviction,
24 there was no option for the court other than an RO or
25 a custodial sentence?

24

1 A. Yes.

2 Q. And it was never going to be a custodial sentence or an

3 RO was really the only option?

4 A. Considering his history and his age, yes.

5 Q. Would you agree with this, this was a case where there

6 were multiple offences: he had been charged with assault

7 occasioning actual bodily harm, possession of

8 an offensive weapon and possession of a knife. There

9 was relatively sophisticated offending, in that there

10 had been some planning gone into it: he'd booked the

11 taxi the night before; he'd modified the weapon.

12 Notwithstanding his guilty plea, there were signs of

13 an absence of remorse and there were other significant

14 indicators of risk, some of which had been captured in

15 the Prevent referral.

16 That might have been the kind of case where more

17 intrusive, more tailored powers under a youth

18 rehabilitation order might well have been beneficial?

19 A. Yes, although there is an opportunity for the panel to

20 be -- being really clear about expectations of what they

21 would have wanted him to have done, and I --

22 Q. We'll come to the panel shortly but, for the court, it

23 would perhaps have been beneficial for them to have had

24 the ability to tailor requirements, more intrusive

25 requirements than simply imposing a ten-month referral

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1 to how this referral order was implemented?

2 A. Absolutely, yes.

3 Q. We remind ourselves of the Covid context, but some

4 features of it, the objectives set by the referral order

5 panel, to the extent that we can say what they are,

6 appear to have been very limited?

7 A. Yes, from what I've seen: very, very limited.

8 Q. A significant proportion of the contact with AR over the

9 referral order period was by telephone only. That's

10 perhaps not as collaborative or constructive as it might

11 be?

12 A. I mean, I feel quite frustrated from looking at that

13 evidence and the documentation. The role of the service

14 is to engage the child, to work with the child, to hold

15 the child to account, to set appropriate boundaries and,

16 of course, with boundaries, if you break them, there

17 have to be consequences. Whilst it was during the

18 pandemic period, and I understand how very difficult

19 that was for everyone, there could have been other ways

20 of working: going and standing on the doorstep, speaking

21 to AR and his family, workers coming together in an open

22 space, if you had significant risks -- if there were

23 significant concerns about risk. Be ambitious and have

24 an appetite to get -- what you need to get done.

25 Q. The only structured work that we have been able to

27

1 order?

2 A. To have a greater range of activity.

3 Q. Just on a practical point, it appears that this case was

4 prepared as a guilty anticipated plea case in the youth

5 court, which had the effect that, certainly when the

6 youth justice service first received information once

7 the referral order was imposed, all they received was

8 the initial details of the prosecution case, which

9 didn't include all of the witness statements taken by

10 the police.

11 Is it possible that, in that situation, the

12 information available to the court might not have

13 reflected the totality of the police investigation?

14 A. Yes. It could be the case and it is quite common in the

15 magistrates' court. However, there was clearly more

16 information known about AR across other elements of the

17 local authority and they did know that he was due in

18 court, yet the youth justice service didn't. So I think

19 there is something about lack of join up across the

20 local authority landscape.

21 Q. Turning then to the implementation of the referral order

22 in this case. I think you're familiar with the evidence

23 that Ms Callon gave to the Inquiry?

24 A. Yes, I am.

25 Q. Would you agree that there were significant limitations

26

1 identify was three sessions, 30 minutes each, on No

2 Knives Better Lives, victim awareness and anger

3 management. Is that consistent with what you see as the

4 objectives of an effective referral order?

5 A. No, I would expect to see more. That seems very light.

6 It appears as though there was very limited discussion

7 with him about what was going on in his life, from

8 a youth justice perspective. Now, that may have

9 happened but that's certainly not recorded in any of the

10 evidence. So I would have expected the caseworker to be

11 forming a relationship with him; understanding why he

12 had done what he had done; working that through with

13 him; trying to give him insight; working on victim

14 empathy; thinking about consequences; thinking about how

15 his, at that point undiagnosed, ASD was playing out in

16 his world; what was that meaning for him; why did he

17 have a perception of victim and now -- that making him

18 perpetrator. All of these things I would have expected

19 to have been taking place with the worker and the child.

20 Q. Is an element of that engagement also, for a child of

21 AR's age, engaging with the parents as well --

22 A. Oh, absolutely, absolutely.

23 Q. -- so that they understand the purpose of the CYJS

24 intervention, the benefits of engaging with it

25 constructively?

28

1 **A.** Yes, and also being consistent. So we know that
 2 children who have neurodiverse conditions need
 3 consistency of boundaries and treatments and, similarly,
 4 consistency of, "I'm going to speak to you in two weeks'
 5 time", speaking to the child in two weeks' time, not two
 6 weeks and three days or three weeks. You know,
 7 actually, as a worker, do what you say you're going to
 8 do because, again, that is modelling, in the right way,
 9 how people behave for children who might not have the
 10 same cognitive processes as adults or responsible adults
 11 have.

12 **Q.** We know that there were a number of cases where
 13 a refusal by AR to engage with the CYJS team were
 14 essentially overlooked and put down to his potential
 15 ASD. To some extent, one can perhaps understand that --

16 **A.** Yes.

17 **Q.** -- but is that an approach that you would endorse as one
 18 occurring time and time again?

19 **A.** No. I think that there is something about professional
 20 judgement and an element of leniency on first, maybe
 21 second. After that, I think you then are into the
 22 realms of this is now non-compliance. That's when it is
 23 really important that -- again, talking of the role of
 24 parents -- parents play such a significant protective
 25 factor in preventing children offending.

29

1 copy it, is not the easiest to read but, nonetheless,
 2 that doesn't mean it can't be done or shouldn't be done.

3 **Q.** Thank you. Ms Callon accepted in her oral evidence that
 4 AR should have been graded as high risk of harm to
 5 others under AssetPlus. I don't think you would
 6 disagree with that, to the extent that you are familiar
 7 with the facts of the case?

8 **A.** No. I think that it is ambiguous as to what the then
 9 case manager did or didn't know. However, off what
 10 I think they may have known, which was previous taking
 11 of weapons into school, a known victim, with intent to
 12 cause them harm, the fact that they had then planned to
 13 go to do that, that, yes, I think that a high-risk
 14 assessment would be right.

15 **Q.** How would you expect somebody assessed as posing a high
 16 risk of serious harm to others to be managed on
 17 a referral order?

18 **A.** I would expect a much greater level of engagement.
 19 I would expect there to be a contracting with the child
 20 and the family about how often they are going to contact
 21 them. I think the word "normal" is used in some of the
 22 evidence. That isn't included, I don't think, in the
 23 guidance, so it should absolutely be about what is
 24 needed. I would suggest, in this instance, there is
 25 a reduction in the contact. I think, if anything,

31

1 **Q.** We know that the CYJS conducted a number of AssetPlus
 2 assessments and you mentioned that earlier in your
 3 evidence. Can you just give us an outline of what the
 4 AssetPlus assessment tool is.

5 Sir, you'll recall we've looked at the Youth Justice
 6 Board's guidance on it, which is at LCC001732 but just
 7 as a thumbnail sketch, if you would?

8 **A.** So AssetPlus is the tool that frontline practitioners
 9 use to gather information, store information, and then
 10 analyse that information to identify potential risks the
 11 child may pose to themselves and others, and then to
 12 help inform the plan to make sure that they are
 13 addressing all of those needs as best as they can to
 14 prevent future offending.

15 **Q.** A short point, would you see there being any issues in
 16 sharing the contents of an AssetPlus assessment with
 17 other professionals engaged with a child?

18 **A.** No. You may need to remove things like an address, as
 19 an example, but it is a professional document that can
 20 be shared. It is cumbersome and clunky; I think
 21 I should absolutely say that. We need -- we would
 22 really like to be able to review that and we will review
 23 the guidance but the infrastructure, the IT
 24 infrastructure is clunky, which means that the
 25 formatting, which you then have to cut and paste and

30

1 actually, where there's non-compliance, you should be
 2 seeking to increase the contact, so that the child knows
 3 that you are relentless in engaging with them: you are
 4 there for them, you are going to make a difference, you
 5 are not going to go away. And when we speak to children
 6 who was been really successful through the youth justice
 7 system, the one thing that comes out is the importance
 8 of relational practice, knowing that there is someone
 9 that you can go to, who is actually going to help, they
 10 are not going to give into you, they are going to hold
 11 you to account and they are then going to make sure that
 12 they are going to help manoeuvre you through the things
 13 you need to do to be a successful child, to adolescence
 14 and out into young adulthood.

15 **Q.** You described the AssetPlus tool as a clunky one. Is it
 16 that the assessment methods and analysis and the
 17 information that it records is appropriate but it's
 18 simply the infrastructure that is difficult to work with
 19 or is the tool itself something that you think needs to
 20 be refreshed, brought up to date?

21 **A.** Both. So the latest -- the guidance is from 2014, it
 22 was written on a previous evidence base. So the
 23 evidence base has significantly evolved from the last
 24 ten years. We know much better now about what works.
 25 We have made some refinements to the tool. So we've

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1 developed a lighter touch tool for Prevention and
 2 Diversion cases, which the sector have given us much
 3 more positive feedback about, rather than AssetPlus but
 4 we could do better and more, if we are able to do so.
 5 **Q.** There are obviously other risk assessment tools
 6 available within the broader world of probation --
 7 **A.** Yes.
 8 **Q.** ARMS for sex offending?
 9 **A.** Yes.
 10 **Q.** ERG22 for extremism risk?
 11 **A.** Yes.
 12 **Q.** We have heard evidence about the tools available to
 13 FCAMHS, such as the SAVRY assessment. One thing you
 14 have suggested is that an effective risk assessment tool
 15 needs to be developed: by whom?
 16 **A.** So I think this is the question, isn't it, about if it's
 17 about risk to others and risk of harm, does that sit in
 18 justice, does that sit in Children's Social Care? There
 19 are five statutory partners: should it be
 20 collaboratively developed across those partners, reflect
 21 all of the work that they do? And you could do
 22 something quite nifty in terms of the way that we can
 23 now work with IT and data systems, that the system would
 24 be able to say, "You've mentioned here that this child
 25 has a tendency to go online and look for extreme

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1 **A.** Absolutely. Yes.
 2 **Q.** Just finally on that, you would expect any such tool to
 3 take into account the potential impact of ASD, which in
 4 some cases, not of course in all, can act as a powerful
 5 increasing risk?
 6 **A.** Yes. Absolutely. As well as speech language
 7 communication needs, social and emotional mental health,
 8 all of the things that we know are prevalent in the
 9 cohort of children who cause serious harm.
 10 **Q.** That, perhaps, comes back to the point about it needing
 11 to be across the statutory partners and needing to
 12 incorporate mental health services, because the risk is
 13 a crosscutting one?
 14 **A.** Absolutely, and, critically, the skills of those staff
 15 are really needed in the appropriate interventions to
 16 then work with that child.
 17 **Q.** Two final points on AR's contact under the referral
 18 order. Firstly, we have heard evidence that there was
 19 an incident in AR's home in January 2021, right towards
 20 the end of his time at the referral order, but while it
 21 was still in force, where he assaulted his father in the
 22 context of an argument about, initially, a minor
 23 domestic dispute that escalated into AR threatening to
 24 break his father's laptop, and then kicking his father
 25 in the testicles when he tried to stop him, which AR's

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1 information" and then signpost you to the relevant
 2 bespoke risk assessment that then brings it all back
 3 together. You could do something very, very exciting
 4 and there are enough clever people that could bring that
 5 together.

6 So my answer is: I think it needs to be across the
 7 statutory partners because we know that that is what's
 8 the most effective in preventing harm.

9 **Q.** Because you want to capture all aspects of risk because
 10 there is potentially going to be crosscutting themes
 11 between mental health, extremism, crime, of various
 12 kinds?

13 **A.** And sadly that is very, very apparent, tragically here,
 14 and I think also in previous work that you, Chair, have
 15 done in Forbury Gardens. Some of the information is
 16 there; it is just not always accessible to the right
 17 people at the right time.

18 **Q.** Because, of course, as well as there being an issue over
 19 the adequacy of the tool, there is also always going to
 20 be a question as to how that tool is used and put into
 21 practice?

22 **A.** Yes.

23 **Q.** So we need to bear in mind both of those elements when
 24 thinking about how to carry out effective risk
 25 assessment?

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1 father then responded inappropriately to by striking
 2 him. That came to the attention of Child and Youth
 3 Justice Service. Would you have expected that to have
 4 led to a re-assessment of risk?

5 **A.** Yes, definitely. Yes. Any change in circumstances
 6 should result in a re-assessment of risk and,
 7 ultimately -- you know, from both perspective of AR in
 8 terms of his safety but also, of course, again risk to
 9 others, in this instance his father.

10 **Q.** What options might have been available to the youth
 11 justice service at that point, right towards the end of
 12 the referral order?

13 **A.** There could have been an offer to work with the family
 14 on a non-statutory basis, in terms of prevention
 15 activity. That absolutely could have been an offer from
 16 the youth justice service, as well as the work with
 17 Children's Social Care and some more robust offer for
 18 the family in terms of some multi-systemic family
 19 therapy. There are other things and that may have
 20 happened -- I haven't seen that in the evidence that
 21 I've seen -- but more work with the family to understand
 22 what's actually happening.

23 **Q.** Thank you. In fact, I will move on now to March 2022.
 24 We know that AR was found on a bus with a knife, having
 25 been reported missing from home. He told police he

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1 intended to stab someone to get social media accounts
 2 deleted. He wasn't arrested but was taken home back to
 3 the care of his parents.
 4 I think applying the Crown Prosecution Service's
 5 guidance and what you talk about in your witness
 6 statement as the child gravity matrix, you'd have
 7 expected him to have been charged with an offence in
 8 relation to that?
 9 **A.** Yes, yes, that's what the guidance states. We would
 10 have expected an arrest and charge.
 11 **Q.** Had that been the case, there would have been no
 12 mandatory minimum sentence because he was still under
 13 16 --
 14 **A.** Yes.
 15 **Q.** -- but the court would no longer be bound to impose
 16 a referral order because this was not a first offence.
 17 So, even if he pleaded guilty, the court would have had
 18 a wider range of sentencing powers available?
 19 **A.** And a YRO or a YRO with ISS could have been considered.
 20 **Q.** Could have been or do you think it's likely it would
 21 have been?
 22 **A.** Highly likely it would have been, yes.
 23 **Q.** I'm not going to ask you to try to forecast what the
 24 requirements of that order might have been but, in terms
 25 of duration, are you able to give a sense of what you

37

1 your statement, you have expressed support for
 2 additional restrictions on the purchase of weapons,
 3 particularly online purchases?
 4 **A.** Yes.
 5 **Q.** Would you support the licensing of sellers of knives?
 6 **A.** Yes, we would support anything that reduces a child's
 7 ability to have access to and use a knife.
 8 **Q.** We have heard evidence that machetes may be a particular
 9 issue, a particularly common feature of knife-enabled
 10 offending. You rightly make the point in your statement
 11 that kitchen knives are perhaps the greatest --
 12 **A.** Yes.
 13 **Q.** -- or used in the highest proportion of those offences.
 14 What about a ban on machetes though?
 15 **A.** Would we support a ban on machetes?
 16 **Q.** Yes.
 17 **A.** We find -- I find it very hard to see why anyone needs
 18 to have a machete, and that's my personal view. I'm not
 19 speaking on behalf of the Board there. I haven't got
 20 that quote from the Board, but that's my personal view.
 21 **Q.** Thank you. There is a proposed new offence in the Crime
 22 and Policing Bill of possession of an offensive weapon
 23 in private or in public, with the intention of using it
 24 in or threatening unlawful violence -- that's my gloss,
 25 rather than the exact wording. That addresses what

39

1 think a likely duration for that YRO might have been?
 2 **A.** I don't think it would be the maximum but it certainly
 3 wouldn't be the minimum. I think it would be pitched in
 4 the model of the sort of 18-month to 2-year YRO. I'm
 5 speculating because it's not my area. I'm not
 6 a magistrate.
 7 **Q.** No, thank you. After the attack, you have set out in
 8 your witness statement from pages 26 to 29 some of the
 9 Youth Justice Board's contact with Lancashire CYJS and
 10 some of the difficulties in obtaining information from
 11 them, even when it was required for the Board to carry
 12 out its functions, including briefing ministers.
 13 **A.** Yes.
 14 **Q.** I don't want to go through that in detail. Can we take
 15 it that, from your perspective, it's disappointing that
 16 that was the approach taken by Lancashire's Child and
 17 Youth Justice Service, not only in the immediate
 18 aftermath but even months later when you were trying to
 19 gain information about this case?
 20 **A.** Yes. Especially as we're not there to make a judgement,
 21 we are there to help and to support them to do their
 22 best to prevent children offending, so, yes.
 23 **Q.** Thank you. If I could move now to deal with the issues
 24 of knife crime and the availability of weapons, so
 25 looking more broadly. In paragraph 169, at page 39 of

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1 might be seen as a gap in the criminal law, in that it
 2 covers private places and it doesn't require that
 3 someone's already been threatened or harmed. Something
 4 that, again, the Board would welcome?
 5 **A.** Yes, yes.
 6 **Q.** I suspect that you'd also say that knife crime is not
 7 a problem that can simply be legislated away?
 8 **A.** Absolutely not, no, and you'll have seen that in some of
 9 our evidence, our knife crime evidence pack. It is
 10 complex and complicated.
 11 **Q.** YJB000112. We looked at this before with Mr Hunt. This
 12 is your August 2025 Knife Crime Evidence and Insights
 13 Pack. Who is the audience for this?
 14 **A.** So, the audience is anyone who works with children, who
 15 would want to prevent children causing harm. So that
 16 could be headteachers, youth justice services, youth
 17 workers, third-sector agencies. We think it is so
 18 important that we operationalise the evidence around
 19 what we know because there is a really strong body of
 20 evidence.
 21 **Q.** That was the point I was going to pick up because that
 22 focus on the evidence, does that point -- this can of
 23 course be a highly emotional and sometimes highly
 24 politicised issue but there is an evidence base for what
 25 strategies and interventions are likely to have the most

40

1 effect?

2 **A.** That's right, yes. We will only make recommendations

3 and comments on the evidence base.

4 **Q.** There's a project called Better Outcomes through Linked

5 Data?

6 **A.** Yes.

7 **Q.** Is that part of the building the evidence base and

8 deepening it?

9 **A.** Yes, and being better able to understand the needs of

10 the cohort of children, so working across Government to

11 be able to link data together, so that we can make sure

12 that we are working with those that are most vulnerable,

13 most likely to cause harm and making sure that resources

14 are targeted in the best way.

15 **Q.** When it comes then to putting evidence-based strategies

16 into effect, you as the Board can provide guidance for

17 the youth justice services but do we come back again to

18 this issue of needing national, multi-agency leadership?

19 **A.** Yes, absolutely, and we can give guidance beyond because

20 the evidence base is not just uniquely for those that

21 are in the youth justice services, although we go back

22 to the point that the youth justice service is

23 a collection of staff and skilled professionals from

24 those five statutory partners.

25 **Q.** Broadening matters out from purely knife crime, to deal

41

1 violence but actual real violence as well, particularly

2 for children who may be living in domestic settings.

3 Sorry, by that I mean abuse within -- domestic violence

4 within the home. That wasn't very clear, sorry.

5 **Q.** Understood, thank you. When a child comes into contact

6 with the youth justice system, is there scope, for

7 example, under a YRO, or even a referral order, for

8 their online activity to be controlled or monitored?

9 **A.** It's a good question. I would need to take that away

10 but I can't see why not. I don't see why it wouldn't

11 be -- you know, for a referral order, why a panel -- why

12 panel members couldn't say, "Your parents will check

13 your browser, X", I don't see why that couldn't be.

14 **Q.** Because particularly where there is a link between the

15 offending and online behaviour or online material, that

16 might be a significant aspect that needed to be

17 addressed by -- through preventative work?

18 **A.** Yes, absolutely. Yes, and we know that hurt people hurt

19 people. So if you're watching other people be hurt,

20 what do that then do about how you think about the

21 concept of violence and harming others?

22 **Q.** I was going to ask if the Youth Justice Board had

23 produced any guidance on this, but I think I will have

24 to ask you to come back on that question.

25 **A.** Yes, absolutely. Thank you.

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1 with the question of online harms and the influence of

2 online material: the Youth Endowment Fund, who you've

3 mentioned, I think have done some work in this area. We

4 have one of their reports at YJB000123?

5 **A.** Yes.

6 **Q.** Extracting some of the headline statistics from that:

7 70 per cent of children have seen real world violence on

8 social media; 35 per cent of 13 to 17-year olds have

9 seen children promoting, carrying or using weapons

10 online; 39 per cent that seeing violence and weapons on

11 social media makes them feel more likely to carry

12 a weapon themselves -- it's pages 9 and 10 of this

13 report. They are shocking statistics?

14 **A.** Absolutely, yes.

15 **Q.** We heard yesterday from DSIT about the Online Safety

16 Act. That ought to mean that children are less likely

17 to stumble across violent content or content that

18 promotes or glorifies weapons online. Probably at the

19 moment too early to say what the effect of that has

20 been?

21 **A.** Yes, absolutely. I think that this is still an area

22 that needs, again, more evidence and more research so

23 that we can understand the impact that seeing those

24 things has on children, and I think that the only

25 comment I would add, that that also goes beyond online

42

1 **Q.** My last topic then is preventative orders and we have

2 an example being introduced of youth diversion orders in

3 relation to terrorist activity, but there are obviously

4 a number of preventative orders that can apply to

5 children and young people already on the statute books:

6 injunctions to reduce gang violence, anti-social

7 behaviour injunctions, sexual risk orders, and so on.

8 You deal with youth diversion orders at page 43 of

9 your witness statement and onwards, paragraph 183.

10 I hope I don't do you a disservice by saying that it

11 appears that you are somewhat sceptical of the

12 preventative orders in relation to children.

13 **A.** Yes.

14 **Q.** Can you just help us with why.

15 **A.** There isn't an evidence base to show that those orders

16 change behaviour and prevent offending or harm.

17 **Q.** What do they do instead, in your view?

18 **A.** They actually criminalise children and increase risk and

19 likelihood of harm. So they create a criminal identity

20 rather than a pro-social identity, which is what we

21 would want to achieve with children.

22 **Q.** At paragraph 185 you set out what, in your view, would

23 be required to make youth diversion orders to be as

24 effectively as they could be.

25 **A.** Yes.

44

1 Q. Do we need to read that subject to your overall view
2 that you've just very clearly explained?
3 A. No. I mean that is our view is that there needs to be
4 a multi-agency assessment and keeps coming back to the
5 point I've brought into my evidence.
6 Q. If I can summarise then that, that would be careful:
7 tailoring to the circumstances of the individual child;
8 proper multi-agency consultation prior to the order
9 being imposed; and effective and, again, tailored
10 management of the order once it had been imposed. All
11 of those necessary to make the order as effective as it
12 could be?
13 A. Yes, and absolutely coming from a safeguarding
14 perspective, you know, really thinking about how you
15 protect the child, because it would be, you know, more
16 often than not adults that are allowing them to have
17 access to the information that they shouldn't.
18 Q. The risk is otherwise you simply set up a child to fail?
19 A. Absolutely, yes.
20 Q. What about cases where there might be a very high risk
21 from a child, but they haven't yet committed an offence
22 and so conventional policing powers aren't available?
23 A. Yes.
24 Q. In those sorts of situations, might there be -- in some
25 cases it might be possible for agencies such as mental

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1 **SIR ADRIAN FULFORD:** Slightly tortuous that, isn't it?
2 A. It is and overly punitive, which is why I think there is
3 a gap because there could be something which would be
4 much more engaging and preventative for both preventing
5 the child from offending and preventing harm to others.
6 **MR GOSS:** We come back then to the idea we discussed earlier
7 of a sort of escalation intervention with holistic,
8 potentially trauma-informed, support.
9 A. Absolutely, yes.
10 Q. But potentially in a context where it isn't voluntary?
11 A. Yes, yes. There's a requirement, yes.
12 Q. You've set out some very broad recommendations. If we
13 could go back to page 2 of your witness statement and
14 just have that on screen.
15 You've set out some very broad recommendations
16 there, I think that's notwithstanding not having been --
17 and it's not a criticism -- involved in the other
18 learning processes that followed after this tragic
19 event.
20 Can you help us, given the emphasis on
21 evidence-based policy making, what was the process by
22 which you reached these recommendations?
23 A. So this is based on, you know, 20-odd years of existence
24 as an organisation and developing the evidence base.
25 They are only evidence-based recommendations. If it

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1 health or Prevention and Diversion within CYJS to
2 intervene to try to move matters on to a different
3 course.
4 A. Yes.
5 Q. But equally the individual may simply not want to engage
6 in that. In those sorts of narrow circumstances, and
7 obviously subject to suitable and sufficient safeguards,
8 would you accept that there is a role for imposing
9 restrictions on an individual even though they've not
10 yet stepped outside the criminal law?
11 A. In the most exceptional circumstances, where there is
12 evidence and everything else has been tried beforehand.
13 So where you have worked through the range of -- and
14 I think this is a gap in terms of -- as I've heard from
15 the evidence, Children's Social Care saying "our role is
16 to think about the risk to the harm rather than risk to
17 anyone else" and I think that that is a gap that does
18 need to be bridged.
19 You know, there is an option of a deprivation of
20 liberty order, although deprivation of liberty orders
21 a requirement is the child has to be at risk themselves,
22 although fundamentally you could say, you know, they are
23 at risk if they are putting themselves in those high
24 risk situations of carrying weapons and wanting to cause
25 harm.

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1 would be helpful, we could take away an action to break
2 them down about how they could be delivered and achieved
3 and by whom, if that would be helpful.
4 Q. I'm sure it would. I think fair to characterise the
5 Youth Justice Board's view as being that these are
6 urgent matters?
7 A. Yes, yes.
8 Q. You would, I think, also agree that it's important to
9 take the time to get them right?
10 A. Yes, and we could probably, in that assessment, say
11 which ones are the most urgent and need to be
12 prioritised and which ones need money and legislation.
13 Q. And, again, it may be that this broader landscape is
14 a topic that the Inquiry returns to in Phase 2 of its
15 evidence.
16 Before I see if anyone else has any questions for
17 you, Ms Roberts-Bibby, do you have anything else you
18 would like to add?
19 A. I cannot stress enough the need for local partnerships
20 to work collaboratively and effectively together and for
21 that to be overseen in the right way across the system,
22 which is locally devolved, where there is local
23 accountability through those senior leaders of those
24 statutory partners, and then making sure that there is
25 enough guidance, evidence-based guidance, that is

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1 applied consistently, which means that children,
2 wherever they live in England and Wales, have the same
3 offer and the same services to prevent harm being caused
4 to anyone else.

5 **MR GOSS:** Thank you.

6 **Questioned by MR CHAPMAN**

7 **SIR ADRIAN FULFORD:** Yes, Mr Chapman.

8 **MR CHAPMAN:** Could I ask about re-offending rates, please.

9 **A.** Yes.

10 **Q.** Re-offending rates during the currency of a referral
11 order, do you know what they are roughly? What's your
12 impression?

13 **A.** For this year or for previous years, sorry? I mean,
14 I can give --

15 **Q.** I'm asking generally. I imagine they are pretty similar
16 every time, aren't they?

17 **A.** So overall re-offending rates, 32.2 per cent.

18 **Q.** During the currency of a referral order?

19 **A.** So it -- and then that's for all outcomes which ranges
20 from just over 20 per cent for youth cautions;
21 30 per cent for those first-tier interventions, so youth
22 referral orders -- sorry, ROs; and then 59.9 per cent
23 for youth referral orders, and just over 60 per cent for
24 custody.

25 **Q.** I think I'm asking something much simpler really.

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1 12 months was about 19 per cent. So I was interested in
2 the comparison between that figure --

3 **A.** Yes.

4 **Q.** -- and the figure within the currency of the referral
5 order.

6 **A.** Within, sorry, the currency? I don't understand your
7 question, sorry.

8 **Q.** During the period of the referral order --

9 **A.** Yes.

10 **Q.** -- how many of those re-offend compared to those who
11 re-offend after it ends?

12 **A.** So you want to know those that re-offend whilst on the
13 order.

14 **Q.** Compared to --

15 **A.** I can take that away and see if we've got that for you.

16 **Q.** I would be grateful.

17 **A.** I'm not guaranteeing we have but we will -- I'll ask our
18 data team.

19 **Q.** My suggestion to you is that it goes up quite sharply,
20 but can you answer that?

21 **A.** I can't answer that now but I will commit to see if we
22 can answer that for you.

23 **Q.** You refer to the knife crime and insights pack in your
24 statement at paragraph 144. Focused deterrence: what is
25 that, please?

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1 **A.** Okay, sorry.

2 **Q.** Once a referral order is imposed --

3 **A.** Yes.

4 **Q.** -- and it is time limited up to 12 months, how many of
5 those offend during that period?

6 **A.** In that 12 -- well, the re-offending rates are based on
7 a longer period of re-offending, so it's a two-year
8 period.

9 **Q.** So you don't have statistics for --

10 **A.** No, I would have -- that will come.

11 **Q.** Would it be fair to say that once a referral order ends,
12 the risk of re-offending goes up?

13 **A.** I think that's going to depend on each child and what
14 they then have got in place. So, for instance, if
15 you're talking about a child who may (in this instance,
16 AR) have been isolated and socially disengaged, actually
17 what you would have wanted through the referral order is
18 to address those issues. You would have wanted to have
19 got to a position where they are -- take the pandemic
20 aside --

21 **Q.** Let me just stop you there because I'm asking for
22 an overall statistic.

23 **A.** Yes.

24 **Q.** And we heard from Ms Callon that the rate of
25 re-offending following a referral order in the next

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1 **A.** Focused deterrence is when there is activity in
2 a particular area that would help to prevent violence or
3 knife carrying.

4 **Q.** What is the deterrence aspect of it?

5 **A.** So you may have high levels of policing, you may have
6 activity where there's targeted searching, so stop and
7 search for instance. So it is seen as deterring
8 children from -- and indeed adults.

9 **Q.** Would it also include a swift and effective enforcement?

10 **A.** So if there was an offence, it would be expedited, yes,
11 yes. So it's targeted at --

12 **Q.** Am I right in saying that that insight act suggests that
13 where the risk is very high, that swift and certain
14 enforcement is quite effective?

15 **A.** No. It's not necessarily enforcement, it is responding
16 and they are two different things.

17 **Q.** So responding, tell me the difference.

18 **A.** So responding is responding to the needs -- children
19 carry knives ordinarily because they don't feel -- we
20 know they don't feel safe or they're being made to. You
21 know, that's what the evidence tells us and that is
22 clear in the evidence pack. So it is responding to why
23 that child is feeling the need to carry that knife.

24 **Q.** What about a child who carries a knife in an offensive
25 capacity. That would be different, wouldn't it?

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1 **A.** Yes, which talks to our point earlier when I was saying
 2 about reviewing whether referral orders are appropriate
 3 for children where there's an intent. It is --
 4 **Q.** Where a child is carrying a knife with offensive intent,
 5 I'm suggesting swift and certain enforcement, including
 6 criminal sanction, is an effective response, is it not?
 7 **A.** That's not what our current evidence tells us.
 8 **MR CHAPMAN:** All right. Thank you.
 9 **Questioned by MR TEMKIN**
 10 **MR TEMKIN:** Thank you, sir.
 11 Good morning. I ask questions on behalf of the
 12 families of the surviving children. You've said that
 13 a referral order should be both inspirational and
 14 aspirational for that child.
 15 **A.** Yes.
 16 **Q.** And you've said that the Youth Offending Team worker
 17 should be relentless in engaging with the child.
 18 **A.** Yes.
 19 **Q.** And you've said that the worker should show that they're
 20 going to hold the child to account.
 21 **A.** Yes.
 22 **Q.** I want to focus, but only briefly, on the latter stages
 23 of AR's referral order. You will know that the records
 24 show that at that stage AR told his Youth Offending Team
 25 worker that he wouldn't take a knife to school again.

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1 **Q.** Is there a risk that Youth Offending Team workers might
 2 take assertions made by the child or by the child's
 3 parents at face value?
 4 **A.** That shouldn't be the case because that's why you have
 5 a multidisciplinary team, and you should always be
 6 mindful of the objective of the service is to prevent
 7 a child offending, not to necessarily take everything
 8 they say as being 100 per cent and do some competitive
 9 analysis around the information that you've got. So
 10 checking it out and saying: I've seen this. What are
 11 you seeing? When you're engaging with the family, what
 12 is happening? What does that look like?
 13 **Q.** But there must be at least a risk of any such comments
 14 being taken at face value?
 15 **A.** I think there's a risk with any professional being taken
 16 at face-value and that's why, as a professional, you
 17 have to use your skills, experience and expertise in
 18 analysing all the information available to you as
 19 objectively as possible.
 20 **Q.** And when an order is coming to an end, might there be
 21 a risk that an intelligent child will give the expected
 22 answers?
 23 **A.** Yes.
 24 **Q.** To pave the way for a positive assessment at the end of
 25 the order?

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1 **A.** Yes.
 2 **Q.** You've seen that in the records?
 3 **A.** I have seen that, yes. I have, yes.
 4 **Q.** And the records also show that AR's father told the
 5 Youth Offending Team worker that AR was "a good boy"?
 6 **A.** Yes.
 7 **MR TEMKIN:** Sir, the reference for this is LCC000454 at
 8 page 4.
 9 **SIR ADRIAN FULFORD:** Thank you very much.
 10 **MR TEMKIN:** And both of AR's parents were spoken to and they
 11 said that they had no further concerns about AR and his
 12 behaviour.
 13 **A.** Yes.
 14 **Q.** Accordingly, is this right: for the final three months
 15 of AR's referral order, contact was then reduced from
 16 once a week to once a month?
 17 **A.** Yes.
 18 **Q.** Was that appropriate?
 19 **A.** I think I answered this earlier. I think at that point
 20 where there was information available that there was
 21 an increase in risk, I would have expected to have seen
 22 an increase in contact.
 23 **Q.** Yes.
 24 **A.** And an increase in accountability as well and trying to
 25 really understand why there was a reluctance to engage.

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1 **A.** Yes, although you could say that right the way from the
 2 start as well. An intelligent child can give you the
 3 answers that you would want, yes.
 4 **Q.** We know that the risk assessment was downgraded from
 5 medium to low. I'm not going to go over that again.
 6 But finally this: we know that AR was a child with
 7 complex needs and you have said in your statement that
 8 such a child needs, on a referral order, concentrated
 9 intervention. Is it your view that AR received anything
 10 like concentrated intervention on his referral order?
 11 **A.** That wasn't what I saw in terms of my understanding. Of
 12 course, I haven't seen the final plan but, as
 13 I understood it, the three half-an-hour sessions does
 14 not, in my view, equate to concentrated support.
 15 **Q.** And does that mean that you would conclude that the
 16 Youth Offending Team workers were not, to use that word,
 17 relentless in their engagement with AR?
 18 **A.** From what I've seen, I didn't consider anyone to be
 19 relentless in their engagement, sadly.
 20 **MR TEMKIN:** Thank you very much.
 21 Thank you, sir.

Questioned by THE CHAIR

23 **SIR ADRIAN FULFORD:** Thank you very much indeed. Nearly
 24 finished.
 25 One of the things that you dealt with earlier on was

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1 with somebody who presents with the kind of concerns
 2 that AR did, particularly based on knife crime and
 3 a real threat to use a knife, you talked about the need
 4 for a multi-agency approach, the need for there to be
 5 somebody who owns the risk, there needs to be a lead
 6 worker and there needs to be sharing of information.
 7 Now, am I right in identifying as a potential flaw
 8 as things stand presently, that although we have heard
 9 a lot about the need for a multi-agency approach, this
 10 is, as it were, presently entirely unstructured and is
 11 dependent on agencies collaborating together, when
 12 you're dealing with somebody like AR?
 13 **A.** Yes -- no, if there is a justice intervention and
 14 an order from the court.
 15 **SIR ADRIAN FULFORD:** But here there isn't?
 16 **A.** But prior to any offence being committed, that does --
 17 it feels as though that is definitely a gap. You know,
 18 because I think you could say, well, Children's Social
 19 Care have a role to play in terms of safeguarding the
 20 child but I think, from all of the evidence that you've
 21 heard, I think there's a view that they say that that is
 22 limited to the child rather than risk to others.
 23 **SIR ADRIAN FULFORD:** The police would say he hasn't
 24 committed an offence, so what are we supposed to do with
 25 somebody who may have the intention of committing a very

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1 **A.** Yes, because without the right information, you aren't
 2 able to then make an informed assessment of risk and I'm
 3 speechless at how much information was available in an
 4 uncoordinated, scattered way that means that there were
 5 several opportunities that weren't grabbed.
 6 **SIR ADRIAN FULFORD:** Are you aware of any department, any
 7 organisation, any agency that is currently taking the
 8 lead in terms of seeking to address the current parlous
 9 state of the IT system, which doesn't facilitate the
 10 free flow of information in the way that should exist?
 11 **A.** I know the Department for Education have been looking at
 12 a unique child identifier to help improve information
 13 flows but that feels more like an add-on than
 14 a fundamental review of what's needed, in terms of the
 15 infrastructure and then how you can use that to get
 16 access to the information that you need.
 17 **SIR ADRIAN FULFORD:** Am I right in also thinking that, if
 18 information was properly shared in a way that that
 19 information can be processed intelligently, that that
 20 would feed into the risk assessment tool, which you were
 21 discussing with Mr Goss?
 22 **A.** Yes, yes, it would.
 23 **SIR ADRIAN FULFORD:** If information could be fed into that
 24 risk assessment tool, on either an automatic or
 25 a semi-automatic basis, it would facilitate the

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1 serious offence in the future but they haven't actually
 2 done it?
 3 **A.** No.
 4 **SIR ADRIAN FULFORD:** Here, as well, there was an absence of
 5 a relevant mental health diagnosis, that would have
 6 meant the mental health services should have been --
 7 **A.** Engaged.
 8 **SIR ADRIAN FULFORD:** -- the lead. So for somebody like AR,
 9 although people may attend meetings, there would be
 10 a resistance to say that I'm a person or my organisation
 11 is the body that should take responsibility?
 12 **A.** Yes.
 13 **SIR ADRIAN FULFORD:** Although you have, if I may say so,
 14 completely accurately suggested that information needs
 15 to be shared between professionals and that there either
 16 is or ought to be the capacity to do that, at
 17 paragraph 26 of your statement, you have set out in very
 18 clear terms the unsatisfactory nature of the present
 19 state of information technology, in terms of recording
 20 and sharing?
 21 **A.** Yes.
 22 **SIR ADRIAN FULFORD:** Am I right in thinking that you see
 23 this as being a fundamental problem, in terms of
 24 securing the right outcomes in cases such as the
 25 present?

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1 assessment being kept up to date?
 2 **A.** Yes, because you could review it. It would almost
 3 trigger -- if you put in an entry that says, in the
 4 instance that Mr Goss gave, that AR had assaulted his
 5 father, it could almost trigger a review for you.
 6 There's so much clever stuff that can be done now.
 7 **SIR ADRIAN FULFORD:** That could be automated, couldn't it?
 8 **A.** Yes.
 9 **SIR ADRIAN FULFORD:** It needs a human being to look at it to
 10 make sure that it is dealing with the information
 11 correctly, but the alerts it sends out could be done
 12 automatically?
 13 **A.** There is so much that could be done. At the moment, if
 14 you are working in a youth justice service with a child,
 15 there are at least I think five different systems that
 16 you are navigating round.
 17 **SIR ADRIAN FULFORD:** Sorry but one final question.
 18 **A.** No, don't apologise.
 19 **SIR ADRIAN FULFORD:** AR had the one conviction that he
 20 accrued during the course of the time that we're looking
 21 at. He had made multiple statements and had behaved in
 22 a way that indicated that he wanted at least to cause
 23 really serious bodily harm to another. Given that he
 24 had been sentenced for a previous offence, but his
 25 intentions did not constitute a further criminal

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1 offence, given the high level of risk that we *ex post*
 2 *facto* now know that he posed, for someone like that, do
 3 you agree that there should be an order that doesn't
 4 take away their liberty but which imposes the least
 5 necessary restrictions, so as to try to ensure that, for
 6 instance, he's not able to get into a minicab that he
 7 has ordered to go to a school carrying a knife so that
 8 he can attack others?

9 **A.** Yes, and that threshold needs to have made sure that all
 10 of the other things have been done first. So,
 11 appropriate information gathering; effective
 12 triangulation of risk to develop an agreed risk
 13 assessment and position with a robust plan, that is
 14 going to then address that risk; and then, as I was
 15 saying earlier, an escalation point, that if that isn't
 16 working, that you then know what you are going to do
 17 next, and that all professionals working with that
 18 individual are clear on who is leading that and then
 19 what the line in the sand is when you then want to get
 20 to that point that, you know, "We have done everything
 21 here possible to prevent harm, we feel that we can no
 22 longer do that and this is then the option".

23 **SIR ADRIAN FULFORD:** I completely take your point that one
 24 has to be careful not to create something that turns out
 25 to be utterly counterproductive. I think there is

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1 **SIR ADRIAN FULFORD:** Could I take you up on those?

2 **A.** Yes, of course. We are happy to help in any way that we
 3 can.

4 **SIR ADRIAN FULFORD:** That has been extremely helpful
 5 evidence. Thank you very much indeed. You are now free
 6 to go.

7 We are on exactly the hour and a half point.

8 **MR GOSS:** We are. Before you rise, sir, could I just put on
 9 record that, again, overnight there will be the summary
 10 of further Lancashire County Council evidence placed
 11 onto the website. Again, I'm not going to read that out
 12 now given the pressures on time.

13 Could I invite you, sir, to rise for 20 minutes so
 14 that the necessary arrangements can be made for our next
 15 witness?

16 **SIR ADRIAN FULFORD:** Certainly. I will sit again at
 17 11.50 am.

(11.28 am)

(A short break)

(11.50 am)

21 **SIR ADRIAN FULFORD:** Mr Moss.

22 **MR MOSS:** Thank you, sir.

23 Could I just check that you can see and hear me?

24 **THE WITNESS:** I can, thank you.

25 **MR MOSS:** I think you've got the words now of the oath and

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1 a line of thought that, for instance, sentences with
 2 imprisonment for public protection, formulated for the
 3 best possible reasons, have had potentially precisely
 4 that effect.

5 **A.** Absolutely.

6 **SIR ADRIAN FULFORD:** One could see that having an order of
 7 this kind available might lead to a far wider cohort
 8 than one had intended being caught by it. But with
 9 appropriate restrictions, with all of the things that
 10 you have indicated, not something to be recommended now
 11 necessarily, but for further consideration: that process
 12 is something you would support?

13 **A.** Yes, and I wonder, looking at the rapid increase of
 14 deprivation of liberty orders for children, how many of
 15 those are being used for the intent as per the criteria.
 16 There would be some really interesting analysis,
 17 I think, done there to actually, is this about risk to
 18 child or risk to others, and I'm speculating because
 19 I've not done any of that analysis but I think that
 20 would be part of that informing the -- a review about
 21 whether that would be the right next steps.

22 **SIR ADRIAN FULFORD:** You made, I think, a foolish offer to
 23 expand upon the recommendations that you made at the
 24 end.

25 **A.** Yes.

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1 I know that you prefer to swear on the Bible, could
 2 I just ask you to take the oath. You can remain seated
 3 for that because you're giving evidence remotely.

4 **THE WITNESS:** Okay, I have the words here. Do you need me
 5 to hold it up; is that the best way to do it?

6 **MR MOSS:** That's fine.

7 **MS DEANNA ROMINA KHANANISHO (sworn)**
 8 **Questioned by MR MOSS**

9 **MR MOSS:** Thank you, we'll try to adjust the volume as
 10 necessary but just keep your voice nice, loud and clear
 11 if you would. Just start by giving us, please, your
 12 full name?

13 **A.** Deanna Romina Khananisho.

14 **Q.** Ms Khananisho, if we could have on screen, please
 15 XIUC000030. Can you just confirm for us that this is
 16 your statement to the Inquiry, which is dated
 17 19 September this year?

18 **A.** It is.

19 **Q.** Are the contents of that statement true to the best of
 20 your knowledge and belief?

21 **A.** They are.

22 **Q.** Thank you. You tell us in that statement that you
 23 joined X in December last year, as the Head of Global
 24 Government Affairs; is that right?

25 **A.** That's correct.

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1 Q. Could you give us just a brief thumbnail sketch of the
 2 sort of career and roles you had had before that?
 3 A. Of course. Prior to joining X, I spent ten years at
 4 a US Fortune 100 company, in a very similar role in
 5 government affairs. I started with the primarily US
 6 State and local, as well as federal engagement, enhanced
 7 my career to do international; lived in Europe for about
 8 three years, in Brussels actually, in a role that
 9 oversaw our engagement at that previous company in
 10 Europe, Middle East, Africa and India, and returned --
 11 I want to say it was over a year and a half ago -- to
 12 the States, before joining X.
 13 Q. Thank you. Again just in overview, can you tell us what
 14 the role of Global Government Affairs Head actually
 15 entails on a day-to-day basis?
 16 A. Sure. I have a team of people that live in many of the
 17 major markets where we operate as a company. My team
 18 and I engage with Government leaders, policy leaders,
 19 regulators, all types of external stakeholders,
 20 representing X in Government. At many times, we are
 21 working on policies that are being proposed, sometimes
 22 we are supporting the compliance team on complying with
 23 regulations that are being enforced.
 24 Q. I'm going to ask you to pause there to see if we can get
 25 the volume adjusted. You've gone very quiet. Just

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1 Q. Thank you. No doubt one of the challenges is the
 2 different regulations in different countries with which
 3 you have to comply, which will be fast moving; every
 4 day, every week, I'm sure, a different country changing
 5 its regulations or contemplating doing so; would that be
 6 fair?
 7 A. That is very fair, yes.
 8 Q. In terms of concepts, if we could look at page 2 of your
 9 statement, please, and paragraph 4. You explain that
 10 users can engage in public conversations, can post
 11 material or interact with each other's material and see
 12 news. Again, to many, that will be very familiar but
 13 that's the essence of it, in terms of what it offers
 14 online; would you agree?
 15 A. Agree.
 16 Q. Then you deal with the fact, in paragraph 3, looking at
 17 the legal technicalities of it, that X Internet
 18 Unlimited Company, is a company registered in Ireland
 19 that provides the X platform for users who live in both
 20 the European Union, EFTA states and the United Kingdom;
 21 is that correct?
 22 A. That is correct.
 23 Q. The US company, X Corp provides the X service, is that
 24 elsewhere in the whole world?
 25 A. That's correct, I believe so, yes.

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1 pause for a moment. *(Pause)*
 2 I think you were saying that at many times you are
 3 working on policies that are being proposed, sometimes
 4 you are supporting the compliance team on complying with
 5 regulations that are being enforced; is that right?
 6 A. That is correct.
 7 Q. Does an element of your team's work involve lobbying and
 8 seeking to influence the direction of legislative
 9 changes in different countries?
 10 A. It is, yes.
 11 Q. Thank you.
 12 Just give us a sense of it: what's the size of your
 13 team who work in this area worldwide?
 14 A. We have about 14/15 people, right now.
 15 Q. Thank you. I want to turn just briefly to X's corporate
 16 structure. I can do it relatively briefly. As
 17 an organisation, X needs little introduction: it is
 18 a worldwide leading brand, one of the largest social
 19 media companies in the world, obviously. Just give us
 20 an idea of roughly how many UK users it currently has?
 21 A. There are a total -- I would say probably approximately
 22 43 million UK users. Probably 198 -- around 198,000 of
 23 them are under 18. In comparison to global users,
 24 I would say we have approximately 600 million global
 25 users.

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1 Q. Thank you. Sticking with paragraph 4 in terms of now
 2 looking at the importance that X ascribes to the freedom
 3 of speech. You say in this paragraph that you:
 4 "... aim to support and encourage freedom of
 5 expression and a diverse range of views, even those that
 6 may be controversial or unpopular."
 7 Is that right?
 8 A. That's correct.
 9 Q. You use a phrase in paragraph 4 that X is a "global,
 10 digital town square". What's really meant by that in
 11 plain English?
 12 A. Well, when you think about the platform in and of
 13 itself, as I stated in my witness statement, it aspires
 14 to give an equal voice to all people within the bounds
 15 of the laws of the country by which we operate. It's
 16 where we encourage people to come together and have
 17 conversations globally about what it is that may be
 18 occurring, whether it's issues that they're dealing with
 19 locally in their own town, all the way to global issues
 20 that we may be facing as people all over the world.
 21 The key here is that our goal is to give people the
 22 ability to be ultimately truth seeking and find what it
 23 is that is actually happening in the world and have
 24 a conversation about that. We understand that that can
 25 be very messy and uncomfortable and many times it can be

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1 controversial but it is important to us to be able to
2 provide that platform, so that the truth is found, the
3 truth is seen -- and that there is a global conversation
4 about it.

5 And that should be across all borders. It should be
6 across all types of people. It's encouraging diversity
7 of thought, diversity of perspective, diversity of
8 culture because we believe, ultimately, that is the way
9 by which humanity will move forward.

10 **Q.** Thank you. I want to come on to explore with you the
11 difficult boundaries when you get into violent conduct
12 and how those judgements are drawn.

13 But if we look at ILT000078 and, if you'll forgive,
14 Ms Khananisho for showing your own X page, the banner
15 that you have is "Free speech more important than your
16 feelings". I apologise, in a way, for bringing that up
17 when it's your individual page, but presumably, given
18 the seniority of your role, that's emblematic of, would
19 this be fair, the importance that X Corp places on
20 freedom of speech and its importance?

21 **A.** It absolutely does and one of the main reasons for me
22 joining X Corp in this position is because of their
23 position and the direction by which the platform
24 believes that freedom of speech is ultimately the power
25 of humanity and evolution, as we continue to grow as

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1 it in our countries, we have nowhere to go.

2 **Q.** If the government of one of those western liberal
3 democracies that you mention, including the UK, in
4 correspondence with X indicates that it has a concern
5 that a line has been crossed in the difficult balance,
6 is that something that X takes seriously?

7 **A.** Of course. We will always be open to that dialogue, we
8 will always be open to understanding what position the
9 Government is taking, we will work within the boundaries
10 of your laws and we will honour that, in order to be
11 compliance because we have to operate within those laws
12 in order for us to provide this service to the people.

13 Where you will see friction and where you will
14 probably hear friction, that is reported consistently,
15 is when we believe governments have gone beyond what is
16 written in law, when we feel like they are overstepping
17 what are in the bounds of that law. In those
18 situations, we will publicly, and sometimes legally,
19 challenge, within the bounds of the law of that country,
20 that decision or that request that's coming from the
21 government.

22 **Q.** Now, I think you do, however, as a company, recognise
23 that there must be boundaries to free speech, not just
24 by the law but in terms of policies that you have on the
25 platform in relation to matters such as violent

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1 people across markets, as people across different
2 cultures, and an understanding of the world as we see
3 it.

4 **Q.** So ILT000079, in similar vein, I think, was this upon
5 your appointment, or shortly thereafter, you were
6 thanking another senior member of X for trusting in you
7 to be what you described as your "free speech warrior";
8 would that be fair?

9 **A.** That is very fair. If I may just take a minute to give
10 you an example for why I'm so passionate about that free
11 speech mission. I come from -- my parents are
12 immigrants and have left part of the world that
13 restricted our ability to worship and censored our
14 ability to communicate within our belief system and when
15 they left the countries that we've come from, they were
16 looking for countries that are going to give us that
17 freedom. Luckily, places like the UK and Australia and
18 the US and Canada were safe havens for people from my
19 community and being in the US and preserving that right,
20 really being in any of these countries that have offered
21 that safe haven to so many that are looking for a place
22 to have that freedom of religion and freedom of speech,
23 is probably the most essential thing that I could do,
24 moving forward, so that I'm protecting it for others
25 that are going to be able to need it, because if we lose

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1 material, yes? Judgements have to be made?

2 **A.** Judgements do need to be made but those judgements are
3 not for X employees or X as a company to make
4 judgements.

5 **Q.** Well, I think, to an extent, you must accept that they
6 are because you have a policy about material which
7 doesn't define the material solely by definition of
8 whether it's illegal. For example, if it's excessively
9 gory -- we'll come onto to look at the detail -- but you
10 have a policy that says certain matters are prohibited,
11 including violent material that's excessively gory. So
12 there are judgement calls made, in fact, in truth, are
13 there not, by X employees because you will look at that
14 to see whether it violates the policy?

15 **A.** Well, the policies are based on a global understanding
16 of laws and rules that are applied across multiple
17 different jurisdictions. So they're not made
18 necessarily by X employees, but a collectiveness of
19 humanity, right? And so to say that we make that
20 judgement as individuals is not necessarily accurate.
21 It is a collection of laws and rules that governments
22 have set in place that we have baselines for.

23 **Q.** All right. So you have baselines based upon
24 a collective understanding of laws across the world,
25 without picking any individual law. Is that how the

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1 threshold is set?

2 **A.** That's what we strive for, it is not a perfect science

3 but that's certainly what we strive for.

4 **Q.** You say in your paragraph 4 that you don't tolerate

5 behaviour that harasses, threatens or intimidates others

6 in order to silence their voices?

7 **A.** Correct.

8 **Q.** On one view, that's plain and straightforward. Does it

9 have to be behaviour which harasses, threatens or

10 intimidates others in order to silence their voices?

11 Surely behaviour which harasses, threatens or

12 intimidates for any purpose is at risk of crossing the

13 threshold?

14 **A.** I mean, I think it's a case-by-case basis. The most

15 important thing we look for is context and intent in

16 those discussions. Many times, just like when you're

17 sitting around the table, having a discussion about

18 something that's controversial with your friends or

19 family, people say things that maybe they don't

20 necessarily mean in the heat of the moment. But you

21 take into context the intent of the individual. We try

22 very hard to make sure that we are not over-censoring

23 that level of dialogue.

24 Now, what we focus on is direct threats. You know,

25 situations by which we feel as if it has gone beyond

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1 to be struck -- I'm going to concentrate on violent

2 material -- but, as a company, you err quite towards the

3 freedom of speech line in relation to that and where you

4 set the threshold as a company?

5 **A.** We do err towards freedom of speech, yes.

6 **Q.** I want to turn briefly to the regulatory position in the

7 UK. We heard from a witness from the Department for

8 Science, Innovation and Technology here in the UK,

9 Ms Connolly, yesterday, and I think it is only fair that

10 we just get the chronology straight in relation to when

11 AR's attack occurred.

12 So Ofcom's Illegal Content Codes and Child Safety

13 Codes arising from the Online Safety Act had not come

14 into force by July 2024. So for X the Online Safety Act

15 had not come into effect, insofar as X was concerned.

16 Would you agree that that's a fair summary?

17 **A.** That is a fair summary, yes.

18 **Q.** Given that X was not based in the UK, was not directly

19 subject to the various pieces of regulation that existed

20 at that time, that's the evidence that we heard

21 yesterday, so our domestic laws on, for example, video

22 sharing platforms, I don't think directly applied to

23 XIUC; is that correct?

24 **A.** That is correct.

25 **Q.** Ms Connolly told this Inquiry yesterday that, as

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1 that civil dialogue. So, like I said, it's not like

2 a perfect science. We will almost always lean where we

3 can towards allowing people to have that free speech

4 over censorship.

5 **Q.** You have terms of service which the users must agree to,

6 I think?

7 **A.** We do.

8 **Q.** If we look at ILT000080. I think this was in

9 a different context of evidence that's given on

10 a different occasion, in a different forum elsewhere,

11 but we can certainly see from this X post that the

12 company certainly purports to recognise the importance

13 of protecting children online?

14 **A.** This is true, yes.

15 **Q.** If we could take that down from the screen, please, and

16 look at the concluding paragraph in your statement,

17 paragraph 41, please, it's page 15:

18 "X is committed to ensuring that its young users are

19 protected from age inappropriate and sensitive content

20 online and that violent and terrorist content is removed

21 or otherwise treated appropriately."

22 Yes?

23 **A.** Correct.

24 **Q.** Thank you. So would this be fair, at a high level of

25 generality, that you do recognise that a balance needs

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1 a result of that, at the time of July 2024 and in the

2 years prior to that, the decision as to whether content

3 should have been available online, both to adults and

4 children, was a matter really for social media platforms

5 to take in line with their terms of service; would you

6 agree with that?

7 **A.** That's correct.

8 **Q.** The exception being that if the content was illegal, and

9 its existing was brought to your attention as

10 a platform, you risked being liable if you didn't then

11 remove content expeditiously which had been drawn to

12 your attention as being illegal?

13 **A.** If it was drawn to our attention as being illegal then

14 we would have addressed it under those legal rules for

15 that country, correct.

16 **Q.** Thank you. I'm going to turn to some of your terms of

17 service and other policies. The X Terms of Service for

18 both 2024 and now you have provided.

19 Sir, I don't need to turn them up but could I just

20 give you the references: it's XIUC000002 and XIUC000003,

21 respectively.

22 **SIR ADRIAN FULFORD:** Thank you.

23 **MR MOSS:** I think you can agree the terms of service include

24 a requirement for users to abide by the acceptable use

25 terms and notes that X has broad enforcement rights and

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1 states that users should only provide content which
 2 complies with applicable laws, rules and regulations,
 3 yes.
 4 **A.** Yes.
 5 **Q.** So in terms of the terms of service, for reasons that we
 6 can probably all understand, I think it's fairly high
 7 level, but you then have, sitting below that, rules and
 8 policy on content, which you require your users to
 9 follow. Would that be a fair summary?
 10 **A.** Yes.
 11 **Q.** Thank you. Those policies include policies on whether
 12 or not X will take enforcement action against a post; is
 13 that right?
 14 **A.** That is correct.
 15 **Q.** If we can look at paragraph 19 of your statement,
 16 please, on page 8, again, just drawing out the framework
 17 that you set, you explained that, in making judgements,
 18 you consider that context is important. I'm looking at
 19 the third line in your paragraph 19.
 20 **A.** That is correct.
 21 **Q.** Just briefly, it may be obvious but why is rate placed
 22 on the context?
 23 **A.** I think I explained that a little bit, just a little
 24 before. It's context and even intent, to some degree
 25 because, again, in order to really understand whether

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1 So those are the sort of contextual factors that, as
 2 an organisation, you would look at if a post of concern
 3 was brought to your attention and you had to exercise
 4 the judgement call on whether it's taken down?
 5 **A.** That's correct.
 6 **Q.** Thank you. In paragraph 20, you say:
 7 "Consistent with [the] enforcement philosophy, some
 8 content depicting violence ..."
 9 I'm going to the Bishop Emmanuel attack later:
 10 "... may remain on the platform if it is associated
 11 with newsworthy events, to raise awareness, or call for
 12 political action, provided it is properly labelled with
 13 a content warning."
 14 Should we understand from that that even very
 15 graphically violent material might be permitted to
 16 remain on X if the contextual assessment is that it's
 17 a newsworthy event or raising awareness or calling for
 18 political action?
 19 **A.** There is a possibility that that would occur but it
 20 would also be labelled accordingly. So it wouldn't just
 21 be freely out there. The goal is to label that
 22 accordingly if it's graphic content.
 23 **Q.** Thank you. Then, in paragraph 21, you set out the range
 24 of different policies. As I say, I'm going to turn to
 25 the detail of some of those in a moment, Ms Khananisho.

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1 somebody is being violative is really to understand
 2 whether the conversation that's occurring is of
 3 a violative nature or is it a conversation on
 4 a controversial topic, which many times can be very
 5 emotional.
 6 So the context by which the conversation is
 7 occurring is valuable, in order to ensure that we are
 8 not over censoring that level of discussion and thought
 9 that is occurring on the platform.
 10 **Q.** To take a simplistic example, if there was a crime that
 11 was filmed, you might take a different view of whether
 12 the post was saying how awful it was and how action
 13 needed to be taken, from if the post was somehow
 14 glorifying or encouraging or inciting that which had
 15 happened, to take an extreme and simplified example --
 16 **A.** That is a great example, yes.
 17 **Q.** I follow. Then in paragraph 19, a little bit further on
 18 you give some detail in this, of the factors that might
 19 be considered: whether the behaviour is targeted at
 20 an individual or group, or a protected category of
 21 people; whether the report is being filed by the target
 22 of the abuse or by a bystander; whether the reported
 23 user had a history of violating X's policies; the
 24 severity of the violation and whether the content in
 25 question is a topic of legitimate public interest.

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1 For the moment, I'll just highlight the headlines, so
 2 Violent Content policy; the Violent and Hateful Entities
 3 policy; then over the page, please, the Perpetrators of
 4 Violent Attacks policy; the Hateful Conduct policy; the
 5 Abuse and Harassment policy.
 6 Now, not all of those are relevant but it's only
 7 fair that I should draw out that you have that range of
 8 policies in place to try to navigate these threshold
 9 decisions of what's prohibited, what's allowed with
 10 a content warning and what's allowed without a content
 11 warning?
 12 **A.** That's correct. In addition to just warnings, I should
 13 point that, depending on the policy and its reach, or
 14 I guess you could say its management or how we flag it,
 15 it also restricts certain uses. So, as an example, if
 16 something is marked as sensitive, somebody that is
 17 underage is not able to access that policy. So the
 18 policy isn't just about flagging it and making sure
 19 people understand it but it also restricts seeing it and
 20 its reach and its potential access to users.
 21 **Q.** It's right and fair you pointed it out but, rest
 22 assured, I'm going to come to age policies --
 23 **A.** Okay, I just wanted to make sure.
 24 **Q.** -- in due course. It's relevant context. It's also
 25 right that I should just draw out that in paragraph 23,

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1 at the bottom of the page, that you were keen, I think,
 2 to make clear in your statement that, in terms of
 3 terrorist activity, that X has "participated in key
 4 international initiatives" worldwide. You list them:
 5 the European Union Internet Forum; over the page, "X is
 6 a founding member of the Global Internet Forum to
 7 Counter Terrorism"; Christchurch Call to Action, I think
 8 is the third example that you give. So you would be
 9 keen, as I have understood it, for the Inquiry to be
 10 aware that you consider, as a company, that you are
 11 proactive in the counter-terrorism sphere in terms of
 12 tackling terrorist material being peddled online.

13 A. That is correct.

14 Q. Thank you. As I promised I would, I want to turn to
 15 look at age requirements. We'll come onto changes
 16 introduced in the Online Safety Act after the date of
 17 the attack with which this Inquiry is concerned a little
 18 bit later.

19 Let's look at the position, as it was, at the time
 20 of the attack in July 2024. The requirement by X, as
 21 a matter of policy, is this right, was that users had to
 22 be at least 13 years old in order to create an account?

23 A. Correct.

24 Q. Does that remain the position now?

25 A. It does.

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1 Q. Thank you. That also allowed time limits to be set?

2 A. Time limits? Is that what you asked, I'm sorry?

3 Q. It is paragraph 15.8(d), if that helps, page 7. I think
 4 one of the parental control facilities is --

5 A. Yes, under parental controls. Sorry, yes.

6 Q. -- it allows to set a time limit?

7 A. Yes.

8 Q. So if the child was engaging with parents and parents
 9 were engaging with the child about the use of a child
 10 account, there were additional steps that could be taken
 11 to keep the time restricted and to make bespoke changes
 12 to what type of material and what type of interface you
 13 could have with other users to protect the child?

14 A. That's correct.

15 Q. You also had a policy, as you tell us in paragraph 16,
 16 to allow the reporting by other users of users who were
 17 underage?

18 A. That's correct.

19 Q. All right. Now, all of that was prefaced upon the
 20 starting position that, in July 2024, what was required
 21 to open an account was for you to enter the date of
 22 birth. I want to explore with you whether there were
 23 problems with that, perhaps what might be thought to be
 24 very obvious problems because, if all that was required
 25 was for the user to enter their date of birth, a 13, 14,

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1 Q. If we could look at page 4 of your statement at
 2 paragraph 13. At the time in the UK, you would require,
 3 is this right, all users who want to create an account
 4 to enter a date of birth?

5 A. That is correct.

6 Q. Users who entered a date of birth that indicated they
 7 were over 13 but under 18, were allowed to create what
 8 I think of as a child's account but the effect of that,
 9 as you mentioned a moment ago, would be that that
 10 account would not allow access to sensitive material?

11 A. That is correct. There are certain restrictions that
 12 come automatically when an individual is under the age
 13 of 18.

14 Q. Thank you. That included, I think, violent material?

15 A. That does.

16 Q. Thank you. Before we come back to the pure age issue,
 17 there are a number of other safety features for children
 18 that you set out in your statement. So, there were
 19 options that could be set, I think, to block unknown
 20 users and there were tools that parents could use to add
 21 parental controls, including to restrict their child
 22 from viewing certain accounts or certain types of
 23 content. I think those were all tools that were
 24 available?

25 A. That's correct.

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1 15, 16 or 17-year old could just enter a false date of
 2 birth, presumably?

3 A. Presumably, correct.

4 Q. Well, I say "presumably", but there were no further
 5 checks done at the time by X. You didn't require ID?

6 A. That's correct.

7 Q. You were trusting that the user, whatever their age
 8 might be, would be honest in self-declaring their age?

9 A. That's correct.

10 Q. Was that satisfactory?

11 A. At the time, it was, yes. Let me explain a little bit
 12 why: X is not a platform that is targeted for children;
 13 we don't advertise to children; we don't have any
 14 offerings to children; and, in fact, has a very little
 15 user base, less than 1 per cent globally, frankly, that
 16 is under that age. And so while we absolutely
 17 proactively have all of the restrictions by which you
 18 have already gone over, you know, from parental controls
 19 to all of those things, we have already proactively put
 20 all of those positions in place, the measures we apply
 21 balance the public's right to access to information with
 22 the safety and the proportionality of our users. So,
 23 yes, that was appropriate at the time.

24 Q. But as a company, you were aware that perhaps, relative
 25 to some other social media platforms, as you have

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1 already told us, X -- increasingly perhaps over recent
 2 years -- has erred on the side of freedom of speech,
 3 allowing more material, yes?
 4 **A.** Exactly, yes.
 5 **Q.** If a child is interested in violent material, they are
 6 therefore going to think that X is a good place to find
 7 it, yes?
 8 **A.** That would presumably mean that they know that X has
 9 that material.
 10 **Q.** Yes.
 11 **A.** By the usage of how many children or people under 18 are
 12 on the platform, it's not as if we're out there
 13 advertising that you can come find this on our platform.
 14 **Q.** I'm not suggesting for a moment that you would be
 15 advertising but can I suggest that a company with the
 16 reach, the resources and the intelligent personnel that
 17 X undoubtedly had, it must have been obvious that it was
 18 literally child's play for a child to bypass the age
 19 requirement because all they had to do was lie and put
 20 in a false date of birth.
 21 **A.** I mean to say that if a child is advanced enough and
 22 seeking violent content and they want to lie about their
 23 account, that's a pretty advanced thinking child or
 24 somebody that is under 18 years old, and, frankly, it
 25 wouldn't matter how many protections we have in place,

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1 up were over the age of 18?
 2 **A.** When you have 600 million users globally accessing the
 3 platform, to require each one of them to say put in a ID
 4 in order to minimise the less than 1 per cent to have
 5 access, that in and of itself can be seen as
 6 over-censorship. That's the first thing.
 7 The second thing is it is a privacy concern. People
 8 are required to put in their IDs into a data system that
 9 then has to be housed by a private company globally,
 10 which is not necessarily something most people want to
 11 do and, if most people don't want to do that because of
 12 their privacy, then that in and of itself also restricts
 13 their reach to be able to understand what is happening
 14 across the world and their ability speak it.
 15 So introducing frictions like that, for the masses
 16 when we have a very, very small percentage of people on
 17 our platform, and we are not advertising to bring
 18 children on our platform, is actually what we -- it's
 19 not something that we see as proportionate to our users.
 20 **Q.** A company with the reach, the resources and the
 21 intelligent personnel and ground-breaking technology
 22 such as X, could have introduced measures to check
 23 children's ages if you wanted to do so, even before the
 24 Online Safety Act; would you agree? If you'd wanted to
 25 take action, you would have found a way?

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1 at the end of the day, if somebody is that determined to
 2 find the content, they would find the content, on any
 3 platform.
 4 **Q.** Do you not recognise any sense, as the owners and
 5 distributors of the platform material, for a sense of
 6 social responsibility to take a part in seeking to avoid
 7 that behaviour because we are going to look at AR's case
 8 and I will be suggesting that that is exactly what AR
 9 did in relation to X.
 10 So do you see a degree of social responsibility
 11 ought to come into that to make it more difficult for
 12 children to simply say, "Well, I'll pretend I'm 18 or 19
 13 and I'll look at whatever I want"?
 14 **A.** I think we always have to balance the social
 15 responsibility with the individual's right to free
 16 speech and overreach by Government, by censoring people.
 17 That's always a balance that we are going to address.
 18 **Q.** But why is it an interference with free speech just to
 19 require somebody to prove that they are over the age of
 20 18 when you, as a platform, already recognise the
 21 importance of protecting children from inappropriate
 22 sensitive content? I showed you the Tweet earlier on,
 23 in which X was understandably lauding the role that it
 24 takes in child protection. Why not back that up in 2024
 25 with sensible measures to just ensure that users signing

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1 **A.** Well, we did take action. We were very proactive in
 2 putting in frictions for children and for people under
 3 the age of 18 and we consistently worked on other pieces
 4 of technology and capability to continue to perfect
 5 that. What -- at that moment in time that was what we
 6 had in place but that is not to say that, as a company,
 7 that we wouldn't have continued to find better ways to
 8 address the underage issue and we have done so over
 9 time, including up until today.
 10 **Q.** But prior to the Online Safety Act, my question was that
 11 you, as a company, if you'd wanted to do something about
 12 this, you could have found a way; do you agree or not?
 13 **A.** That would make -- that would presume that we didn't
 14 have any restrictions in place, which we did. So we did
 15 want to find a way and we did have measures in place to
 16 try to protect children.
 17 **Q.** Those measures amounted to the single requirement for
 18 the person to enter their date of birth, nothing else?
 19 **A.** I mean, I would have to go back and look. I wasn't
 20 there in 2024. So I can't distinctively say there was
 21 no other measure in place, so I won't make that
 22 statement on behalf of the company. If there were other
 23 measures in place, I just don't have them in front of me
 24 now.
 25 **Q.** But it was something you were asked about in your Rule 9

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1 request and you have set out what they were in
 2 paragraph 13. Can we have it back on the screen,
 3 please, page 4.

4 I appreciate you're not the only witness to this
 5 Inquiry, Ms Khananisho, who is giving corporate evidence
 6 on behalf of an organisation who wasn't in post at the
 7 time, and we're sympathetic to that difficulty. But no
 8 doubt if XIUC or X Corp had in place measures more than
 9 just asking a child to enter their date of birth to
 10 create a child account, no doubt the company would have
 11 informed you of it when you were producing your witness
 12 statement?

13 A. That is correct.

14 Q. Thank you. Very briefly, I think if you are not logged
 15 in at the time, if you are not logged in as an X user,
 16 if you are not a certified account holder, you are
 17 trying to access as a member of the public, I think
 18 there are restrictions. You can see some things from X
 19 without being a user but I think sensitive material
 20 would be one that you couldn't access without being
 21 a registered user?

22 A. I believe that's correct. The logged off user, when you
 23 find the link, I'm pretty -- that's correct.

24 Q. So a child online who is trying to find X material
 25 without an account, would in that sense be protected

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1 that you had outlined earlier, along with all that, will
 2 flag which of those violations, and then what is the
 3 enforcement measure under those violations.

4 Q. All right. I don't want to spend too long on this
 5 because the evidence suggests that AR did have
 6 an account or a number of accounts, in fact, with X. He
 7 wasn't trying to access material just as a member of the
 8 public who wasn't an X user. But, just on that, would
 9 it be right that the protection that's offered for
 10 sensitive material would only be as good as those
 11 enforcement measures, in terms of identifying cases
 12 where a user had not self-labelled material as violent
 13 or sensitive?

14 A. That is correct.

15 Q. No doubt -- I've got no basis to suggest otherwise --
 16 that is something in which the company invested what you
 17 consider to be appropriate resource, but also no doubt
 18 it wasn't perfect?

19 A. That is correct. For the record, the company continues
 20 to invest in significant resources to continuously
 21 improve the enforcement capabilities across the world.

22 Q. Thank you. I want to turn to the impact of the Online
 23 Safety Act, just in outline terms, and we've been put on
 24 notice, Ms Khananisho, that there may be elements in
 25 which, if we get into the granular detail, it's beyond

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1 because your systems should at least have detected that
 2 it was material that shouldn't be shown to
 3 non-registered users; is that a fair summary?

4 A. That's a fair summary.

5 Q. Thank you. Could I ask, in general terms, within the
 6 controls that were in place in the summer of 2024, there
 7 was, I think, a requirement for users to mark where they
 8 had content which might contain matters such as nudity
 9 or violence. Can you help us to understand how
 10 effective the oversight was of that. If users put up
 11 content that was violent but wasn't against the rules,
 12 so it wasn't prohibited material, how would X, as
 13 a platform, identify, "Hang on a minute, we're not going
 14 to prohibit that post but that should have a sensitive
 15 marker"?

16 A. I mean, I'm not an enforcement expert, so I'm just going
 17 to give you a little bit of -- the way I understand it
 18 works is there are several -- there's a combination of
 19 different steps that's taken by our safety team to
 20 include machine learning, along with human content
 21 moderators and the combination that make those
 22 assessments. And then determining what it is that that
 23 image portrays, there are a certain set of models and
 24 triggers by which that is evaluated and then the content
 25 is then flagged under those different -- the policies

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1 your personal knowledge. So if you can't answer and if
 2 it is something that needs to be followed up in writing,
 3 then you should say so, but see if you can assist us.

4 A. Okay.

5 Q. So, the Online Safety Act, I think, came into force from
 6 the perspective of X when the illegal content risk
 7 assessment guidance was published on 16 December 2024.
 8 You deal with that in paragraph 39.

9 Then, in paragraph 40 of your statement, could we
 10 just turn that up -- it's at page 14, bottom of the page
 11 please -- you say:

12 "X is now constructively engaged with Ofcom to
 13 ensure its compliance with the OSA. In relation to the
 14 five topics on which the Inquiry seeks information ..."

15 Then you've set out the illegal content risk
 16 assessment that's been done and then, over the page,
 17 children's risk assessment, safety duties about illegal
 18 content, safety duties protecting children and the duty
 19 about content reporting.

20 So you set out the measures that have been taken in
 21 relation to that and indicate that you, I think, accept
 22 that you need to abide by those codes.

23 A. Of course, yes.

24 Q. That does mean, as Ms Connolly was explaining, that you
 25 must now have in place systems and processes to mitigate

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1 the risks of users encountering illegal material, yes?

2 **A.** Yes.

3 **Q.** And now a statutory duty to remove it swiftly once they

4 become aware of its existence on the platform, yes?

5 **A.** We are to act within accordance of how the law is

6 drafted, yes.

7 **Q.** In relation to harmful content, the emphasis is upon

8 taking proportionate measures to protect children from

9 encountering harmful but lawful content. Again,

10 Ms Connolly summarised that for us yesterday and you

11 would accept that that's the nature of the duty that X

12 now needs to meet under the OSA?

13 **A.** Yes.

14 **Q.** Thank you. Do you know, in general terms, what the

15 effect has been of the assessments that you've done in

16 relation to the children's risk assessment and violent

17 content, matters of that kind? Have the assessments

18 that have been done meant that you've had to be more

19 rigorous on restrictions on the content?

20 **A.** I don't know when it comes to the content,

21 unfortunately, if we've had to take additional steps.

22 My assumption is that the team is still working through

23 that and they've internally offered solutions to our

24 safety and trust team. If that is absolutely the case,

25 that's happening right now, but I'm not aware, I'm not

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1 subscription.

2 **Q.** All right. Then "if the account was created in 2012 or

3 earlier", presumably that's because you take the view

4 that the child would have just been far, far too young

5 at that stage to create an account. So if it's been

6 there for 13 years or so, they must be an adult?

7 **A.** I believe so.

8 **Q.** Then you give some other check marks indicating

9 representing a government or multilateral organisation

10 or a verified organisation, which perhaps speaks for

11 itself?

12 **A.** Yes.

13 **Q.** So that's the first stage of age verification. I think

14 that, thereafter, if the person seeking to create

15 an account doesn't pass that, we get to 14.2, various:

16 "... additional methods to estimate a user's age,

17 including based on the user's email address and social

18 connections."

19 How does the email address help? Can you help us

20 with that?

21 **A.** That's a great question. I'm not sure on that one, to

22 be completely honest, and I should have asked that

23 question before coming here. I actually had that

24 written down so apologies for not having that detail for

25 you.

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1 part of those discussions.

2 **Q.** In terms of how that has changed, it might be thought,

3 for the good, age verification, you deal with that in

4 paragraph 14, back on page 4 of your statement?

5 **A.** Yes.

6 **Q.** I think if we look at paragraph 14.1 together -- it will

7 come up on screen, you have a hard copy, I think, which

8 is fine -- you, first of all, look to what you regard as

9 highly reliable signals. So "if a user has previously

10 declared that they are under 18", that would be a highly

11 reliable signal. Presumably, that would flag up that

12 they are likely to be under 18. That's a signal in one

13 direction?

14 **A.** Right.

15 **Q.** "... if a user had previously completed X's ID

16 verification process", so -- my words -- if they are

17 already cleared, that's a strong signal that it is okay;

18 would that be fair?

19 **A.** That's fair.

20 **Q.** "... if a user had received a blue verified badge

21 according to [the] Legacy Verification Policy", would

22 that be because a blue verified badge would have to have

23 effectively shown that they were an adult?

24 **A.** I believe so. There is an ID or a verification by

25 which -- that you get that badge, including

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1 **Q.** All right, if that's something that can be provided by

2 way of a top-up explanation --

3 **A.** It can be.

4 **Q.** -- correspondence for that might suffice. Social

5 connections does that mean that, if there is evidence of

6 a lot of interface with adults, that it is thought

7 sufficiently safe to assume that they are an adult as

8 well?

9 **A.** It's part of a -- it's one of the many pieces of,

10 I guess you could say, a puzzle in trying to identify

11 a person's age without asking for ID. So I don't think

12 in and of itself it's a determining factor but,

13 certainly, one of the many that they put together to try

14 to assess that.

15 **Q.** Do you have a sense of how robust the measures at 14.2

16 are? Has there been any auditing of that or testing of

17 it?

18 **A.** I don't know, I'm sorry. That, I don't know.

19 **Q.** Again that might be something that would be helpful for

20 you to just provide, having checked with colleagues.

21 Then at 14.3, it seems that, if that isn't

22 effective, so those further checks, then you get into

23 two ways of doing it: I think one is a live selfie -- is

24 that right --

25 **A.** That's correct.

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1 Q. -- which will be used to estimate their age using AI;
2 and the other is to then produce a government-issued ID,
3 yes?

4 A. Correct.

5 Q. To some outside observers, it might be thought that it
6 is somewhat telling that the last stage in that is
7 a government-issued ID. Do you remain, as a platform,
8 somewhat reluctant to ask users to produce
9 a government-issued ID?

10 A. I don't know if it's necessarily reluctance or it's not
11 100 per cent foolproof. I'd have to understand a little
12 bit more the steps by which we are taking. I think at
13 the end of the day, we would prefer to be able to AI and
14 scan and address it that way. I think an ID, as we have
15 known through multiple different ways, IDs can also be
16 falsified and you can put in your family's ID, you can
17 put in somebody else's ID to get the account that you
18 want. So maybe the reasoning around that is it's not
19 totally foolproof and the combination of the two gets us
20 to where we want to go.

21 Q. Certainly, in a slightly different context in this
22 Inquiry, in the context of purchasing weapons online,
23 one of the things that's being considered is ID can also
24 be connected with a live link and a selfie, so that you
25 can see that the person actually does look like how they

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1 across the world, that we start to implement this type
2 of measure. Because it's so early in the development
3 stage and even in our technological advancement stage,
4 it's not something we are going to do overnight but it's
5 definitely something we are looking at.

6 Q. Well, you describe that as being part of your journey on
7 a safety mission. When, as a company -- and I'm going
8 to come back to this later in my questioning -- but when
9 as a company you realised that the Southport attacker,
10 six minutes before he left home, used X as the platform
11 to search for a very violent video of a terrorist
12 stabbing, did that not hit home about the importance --
13 I'm going to suggest worldwide -- to take age
14 verification more seriously, given that, at the time, AR
15 was a child?

16 A. That would make it -- that would make it such that the
17 responsibility and the presumption on X is that we know
18 what the intent of the individual is when they're
19 looking at that video. And we don't know the intent of
20 any individual that is on our user platform, for looking
21 at videos, for reading content, for commenting on
22 content, and so that is not a presumption X should be
23 making, it's not a presumption that we should be making
24 individually.

25 I mean, there are students all over the world that

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1 appear in the Government ID. Is that something which X
2 has considered?

3 A. I'm not sure. I would have to talk -- I've not
4 discussed with the engineers the different methods by
5 which we feel we are going to reach that high
6 probability of success. I am sure that there are
7 different -- there are different technologies that
8 they're reviewing to get to that.

9 Q. All right. Now, you will recall, I am sure, that
10 a little while back in my questioning I was challenging
11 you about the ineffectiveness of X's pre-OSA
12 age-verification processes: basically a child could just
13 lie, put in any date of birth they want and they get
14 an account.

15 Although our reach only extends to the UK as
16 an Inquiry, can I test this just in terms of X's
17 attitude to all of this? In the rest of the world, does
18 it remain the case that all that you need to do to get
19 an X account is to put in a date of birth or have you
20 extended the age-verification strengthening of the OSA
21 to the rest of the world?

22 A. We have not yet done so. We are looking at different
23 technologies and different solutions, in order to
24 continue our journey on the safety mission. It may be
25 that, at one point, depending on where other laws are

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1 are researching many things, there are researchers all
2 over the world that use our platform to access
3 information. We can't presume that when somebody is
4 looking at a video at any age that their intent is to
5 harm people.

6 Q. But it's harmful content. It's violent content that
7 right-thinking people might well conclude children
8 shouldn't have access to. That's presumably why you
9 have a child policy in place. So, in fact, you don't
10 need to make any assumption about intention: you just
11 need to take socially responsible actions to enforce the
12 age restriction. What do you say about that?

13 A. Well, I would say that there were measures in place to
14 restrict and create friction for children to access that
15 content. There were measures and signals and graphic
16 violence notifications on that content, and there were
17 plenty of safety measures in place. The presumption, if
18 we're going to make a presumption, is that he was
19 looking for that content, specifically for that content,
20 and so, at that point in time, anybody who is that
21 determined to find content is going to find it and find
22 a way around it. To say that we didn't have any social
23 responsibility in managing it is not accurate.

24 Q. But the social responsibility --

25 A. It was sensitivity labelled. In order to actually

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1 receive it, you have to click past that sensitivity
 2 label, if you've gotten to it. So he made the decision
 3 to do that and, if somebody is that determined to do
 4 that, they are likely going to go beyond it or look for
 5 it somewhere else. So we're not going to be in
 6 a situation by which we have these presumptions in place
 7 that we are going to restrict people's reach, in
 8 assuming that everybody who looks for this is going to
 9 be committing some sort of heinous crime.

10 **Q.** No, but you don't need to go that far and the social
 11 responsibility, I would suggest, is simply to take
 12 measures to mitigate the risk and to lessen the risk
 13 that it's available on your platform, which you as
 14 a company do have a responsibility for.

15 **A.** We did and, at that time, we believed that the measures
 16 that were in place were the ones that were available.
 17 Now --

18 **Q.** That method, just to be clear, was trusting a child to
 19 put in their date of birth correctly and trusting
 20 a child with a warning about violent content that they
 21 wouldn't click on it and see the violent content. That
 22 was the sum total?

23 **A.** Well, the assumption is that that child also has
 24 oversight by adults and parents. To make us wholly
 25 responsible for a child's behaviour, in and of itself,

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1 has said himself that he doesn't have any objection to
 2 the video remaining available. Do I understand it
 3 correctly?

4 **A.** That is correct.

5 **Q.** Thank you. The imagery of that attack -- and even in
 6 introducing it I perhaps should just give a warning to
 7 victim family members listening -- Ms Khananisho, for
 8 reasons I hope you'll understand, is too graphic for me
 9 to play as part of these Inquiry hearings. It wouldn't
 10 be fair to the victims because it may be triggering for
 11 them and we should be careful not to go into too much
 12 detail about it, even in giving a verbal description.

13 But would you agree that what the footage shows is
 14 the attacker, who was himself a teenager, a child,
 15 walking down the aisle, approaching the bishop and then
 16 he goes on to stab him a number of times, and that is
 17 caught on the footage?

18 **A.** What is caught on the footage is an attack. What is not
 19 clear on the footage is if there was a weapon used.

20 **Q.** Well, you say that, but a weapon was used.

21 **A.** Correct.

22 **Q.** It may be that the granularity of the footage doesn't
 23 show the knife in question but, if you are sensible
 24 about it, you would readily accept that what it shows is
 25 the attacker repeatedly moving his arm ferociously in

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1 as a company, without any responsibility that goes for
 2 those people that are ultimately responsible for that
 3 child, is not a fair -- not fair either.

4 **Q.** No, Ms Khananisho, please understand that, in terms of
 5 AR's family, they'll be giving evidence this week and
 6 we'll be asking them about their responsibility. So the
 7 Inquiry is looking at it across the piece and your
 8 company is only one piece of that jigsaw. But I have to
 9 probe and test how you dealt with your responsibilities
 10 as a company. So let's focus in our exchange upon that,
 11 if we may.

12 I want to turn then to the Bishop Emmanuel stabbing
 13 and the video of it. As you know but just to introduce
 14 the topic, Bishop Emmanuel was stabbed on 15 April 2024.
 15 I think you would agree that he was seriously injured in
 16 the knife attack at the church in Australia?

17 **A.** Yes.

18 **Q.** It was while he was delivering a sermon at the church in
 19 Sydney. The background to this is that the bishop live
 20 streamed his sermons on, I think, YouTube?

21 **A.** That's correct.

22 **Q.** Again, I don't want to be accused of overlooking any of
 23 the contextual considerations to which you've rightly
 24 draw up our attention; it's right that I should draw out
 25 that Bishop Emmanuel, in terms of the posting of this,

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1 an act of stabbing.

2 **A.** So I actually saw that live and, in watching that live
 3 there is an individual that is walking up to the bishop
 4 and attacking him, repeatedly moving his arm over the
 5 bishop. There is no indication by which that
 6 individual -- we did not learn until later that it was
 7 an actual stabbing and not a punching or just a straight
 8 attack because that is not actually in the footage.

9 **Q.** Come on, we know now that he was stabbed --

10 **A.** Correct.

11 **Q.** -- and I've accepted that you can't see the knife. I'm
 12 not, for the moment, dealing with the live footage. I'm
 13 asking about its retention. Knowing that it was stabbed
 14 and knowing that you can see the arm of the attacker
 15 repeatedly making a stabbing motion, would you agree
 16 that the footage is pretty horrific?

17 **A.** Yes, it's a very -- it is a horrific incident to watch,
 18 absolutely.

19 **Q.** And the footage is horrific?

20 **A.** Of course. Anybody being attacked in any way is
 21 horrific.

22 **Q.** Yes, but this footage is horrific?

23 **A.** I have said that twice now. It is absolutely horrific
 24 to watch anybody being attacked under any circumstances.

25 **Q.** You hear screams from the congregation and then see them

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1 run towards the attacker and Bishop Emmanuel?
 2 A. Yes.
 3 Q. Subsequently, we know that the bishop lost the sight of
 4 one eye, I think, in that attack.
 5 A. I believe so. I'm not sure if that is -- if there's
 6 still treatment being done but I believe so.
 7 Q. Now, initially, as you quite fairly point out in your
 8 statement -- it's paragraph 25, sir, for your note, that
 9 was footage that was shared across many websites
 10 worldwide, by no means only X, and it would be quite
 11 unfair for me to suggest otherwise: so YouTube,
 12 Facebook, Instagram, TikTok, Reddit, others, as well as
 13 X, I think carried that footage in the immediate
 14 aftermath, yes?
 15 A. Correct.
 16 Q. The criminal trial has not started but I think you will
 17 now be aware that the young person accused of committing
 18 the alleged stabbing faces charges of committing
 19 a terrorist act --
 20 A. Yes.
 21 Q. -- and that fresh charges have been laid this September
 22 of him accessing and sharing violent extremist material
 23 as well?
 24 A. Correct.
 25 Q. So at least on the basis of Australian authorities, we

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1 look at XIUC000013, please. This is the Violent Content
 2 policy for X, as it was at the time. If we could go to
 3 page 3 within that, we see that violent material that
 4 depicts graphic violent or excessively gory content,
 5 including sexual violence, is something that is not
 6 allowed, yes?
 7 A. Correct.
 8 Q. Now, obviously, I don't want to have a protracted debate
 9 about the definition of graphic or gory, but this visual
 10 media certainly depicted very violent content; would you
 11 agree?
 12 A. It is violence, yes.
 13 Q. My question was "very violent". It is very violent: it
 14 shows the act of a stabbing, as we've established?
 15 A. It is very violent content, yes.
 16 Q. If we read on, we see that X prohibits violent media
 17 that you consider high in severity and likelihood of
 18 harm.
 19 One assumes, and you will no doubt be able to
 20 explain why in a moment, that X came to the view that it
 21 didn't meet that threshold; would that be right?
 22 A. That is correct.
 23 Q. Would you accept, based on our earlier exchange about
 24 the nature of the footage that, at the very least, there
 25 was an arguable case, one that warranted consideration,

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1 are dealing with a terrorist-motivated attack and
 2 a terrorist who has been involved in sharing violent
 3 extremist material?
 4 A. That's my understanding.
 5 Q. Of course we cannot know, but the sensible outside
 6 observer may think that it might not be a coincidence
 7 that the attacker chose a sermon that was being live
 8 streamed. It would be a reasonable assumption that that
 9 was done for the purposes of getting as much notoriety
 10 and infamy for the attack as possible?
 11 A. I can't comment as to why someone would do something
 12 under those circumstances and whether they are looking
 13 for notoriety or even if they knew it was live streamed.
 14 Q. That wouldn't be an unreasonable assumption or
 15 proposition?
 16 A. I don't make assumptions or propositions about anybody's
 17 intent to attack somebody else.
 18 Q. No. Thank you. I think, before we come to the
 19 Australian litigation, X continued to host the video but
 20 it was something that was labelled as sensitive content,
 21 so it wouldn't have been available for children,
 22 assuming that children had honestly self-declared their
 23 real age?
 24 A. Correct.
 25 Q. Thank you. Looking at the policies, please. Could we

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1 that this was footage that depicted graphic and violent
 2 material that was high in severity and likelihood of
 3 harm? Obviously, you didn't agree with that but could
 4 you see that a sensible outside observer might say,
 5 "Well, there's an arguable case that that threshold is
 6 met"?
 7 A. I think any observer, depending on where they come from
 8 and what their views are, can look at any attack on any
 9 human being under a lens of different levels of
 10 violence. And so, yes, we did look at that. There was
 11 a dialogue, there was an assessment made --
 12 Q. Ms Khananisho, can I ask you to try to focus on the
 13 question that I ask and engage with what I'm asking
 14 because we don't need to trouble about attack on any
 15 human being and that. I want to focus on this attack,
 16 which you've accepted is very violent, which shows the
 17 attacker, who's now considered to be a terrorist,
 18 repeatedly moving his arm in a stabbing motion. So
 19 let's focus on that one.
 20 A. Okay.
 21 Q. My question was whether you would accept, as a company,
 22 that there is an arguable case that that met this
 23 threshold, even if the ultimate decision of X was in
 24 a different direction?
 25 A. There was an arguable case made by the Australians --

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1 Q. No, no, I'm not coming to the Australians. I'm
2 interested in you, as a company, looking at your own
3 policies --

4 A. Okay but I'm trying to explain that we -- it's pretty
5 clear there was an arguable case made and we made our
6 case and there was an outcome to that case, so yes.

7 Q. Forgive me, you're completely misunderstanding my
8 question. I'm going to come onto the Australian
9 litigation but, before the Australian Government sought
10 to take action in relation to this, you would have had
11 to make a determination yourselves as a company and I'm
12 not asking here about a legal test or the legal
13 challenge, I'm asking about you as a company making
14 assessment of whether this violated your policies or
15 not. So, in that context, did you have internal debate,
16 for example, my paraphrase but, "This is a difficult
17 case, it's close to the line but we think that, in the
18 context, it's probably okay"?

19 A. So, yes, so -- yes, in the context, in the discussion,
20 there were several factors that were looked at in order
21 to make a determination like that. For instance, as
22 I stated earlier, which we debated, whether it was
23 a presumption or not, the knife itself is not visible in
24 the video. That is number one. It's not clear from the
25 video that anything was used other than a fist. The

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1 Q. In fact, I wasn't just asking if you had context. I was
2 asking if the internal assessment was it was a difficult
3 case that was close to the line?

4 A. I wasn't there to determine whether they thought it was
5 close to the line or if it crossed the line. I wasn't
6 part of that discussion. I don't know the answer to
7 that.

8 Q. It's still available on X and, presumably, you've had
9 discussions prior to giving your evidence to understand
10 what the corporate thinking was. Because of the
11 horrific nature of what's shown on that footage, outside
12 observers might think that it's difficult to understand
13 why it wouldn't be seen as being very close to your
14 thresholds, even if the assessment was it didn't get
15 over the line; can you understand that?

16 A. I can understand that, yes. I can understand that
17 perception.

18 Q. Thank you. If we could have back on screen, please,
19 what we had before, just to finish off on this policy,
20 page 3 of XIUC000013.

21 In terms of gratuitous gore, it is described as:
22 "Media of humans or animals that depict excessively
23 graphic or gruesome content related to death, violence
24 or severe physical harm."

25 These are "ors", they're not "ands", and again media

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1 video itself is a long-lens medium shot, where a camera
2 is a distance away from the Bishop Emmanuel, so it's not
3 absolutely clear.

4 The footage accompanying the video has no audio, it
5 doesn't have any gratuitous or exploitative type of
6 sound. It's not a close up in slow motion, exaggerating
7 what is happening.

8 You can see people in the congregation rushing to
9 defend the bishop, which is something that is
10 understandably a reaction of the parishioners. Like
11 I said, it doesn't accompany any music that glorifies
12 the attack or does anything to bring more attention to
13 the attack. It actually depicts a real-world issue and
14 it was a newsworthy issue that was a legitimate
15 discussion at that point that went global.

16 So when you look at all of these things, yes, those
17 are the things that we look at when you decide is this
18 something that extends that horrific -- was it
19 a horrific attack? Of course. But when you look at the
20 video itself, the video doesn't cross the threshold as,
21 say, something that is much more glorifying or much more
22 horrific that we see in other videos, by which we've
23 taken different measures. So, yes, you're asking if we
24 had context; we did have context and that was the
25 decision we made within that context.

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1 of humans that depicts excessively graphic or gruesome
2 content, relating to violence or severe physical harm,
3 again, this footage, you can make a case to say that
4 that comes within that definition as well?

5 A. Sure. You can make a case.

6 Q. Then, if we go to the bottom of page 3, there is the
7 provision that people are allowed to post material that
8 contains violent media, so long as it doesn't come both
9 the excessively gory category, if it's properly
10 labelled, to help ensure under-18s -- which we should
11 understand to be under-18s who've self-declared that
12 they are under 18 -- that it is not visible to them.

13 Then at the top of page 4. In terms of what's
14 allowed as graphic media which should have a warning,
15 includes:

16 "... violent crimes or accidents; bodily fluids
17 including blood ... serious physical harm including
18 visible wounds ..."

19 That is permissible with a content warning, yes?

20 A. Correct.

21 Q. Thank you.

22 Then, I think, if we just go down a little bit
23 further on page 4, there's also the indication that you
24 take:

25 "... public interest factors into account when

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1 reviewing reports related to images and videos that
 2 depict deceased individuals ... we might not remove this
 3 media and/or limit its exposure even on receipt of
 4 a valid report."
 5 I think it's also the case that:
 6 "Excessively gory media [final bullet point] that is
 7 otherwise removed may remain on the platform if it is
 8 associated with newsworthy events, to raise awareness or
 9 to call for political action, and is properly labelled
 10 with a content warning."
 11 That's fairly stark because, as I understand it,
 12 what it means is that content that would normally be too
 13 excessively gory may still be allowed up if the
 14 contextual factors mean that it's very newsworthy and
 15 it's being done for a benign purpose of raising
 16 awareness or calling for political action. Is that how
 17 we should understand that?
 18 A. Well, I don't think that's a benign purpose. I think
 19 that the whole purpose of the platform is to have global
 20 discussions about what's happening in the world and, as
 21 I said, censorship is not something that we take
 22 lightly. So what you're assuming is that having
 23 a political dialogue or talking about a horrific act is
 24 benign and that's not accurate.
 25 Q. Forgive me, all I'm asking is what your policy means,

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1 beings is not an accurate statement. It is absolutely
 2 important for people to understand and see and have
 3 a dialogue about what is happening in the world globally
 4 and that is very uncomfortable and sometimes it is not
 5 something that I would want to see or really -- but it's
 6 important for me to see it.
 7 So you take any sort of video that is a reflection
 8 of an attack on people or a war situation or famine or
 9 disease, these are very, very sensitive videos and if
 10 that's something that we are doing and we're talking
 11 about globally, then, yes, we do believe that is a place
 12 on the platform for people to understand what's
 13 happening, to have a conversation about it and, in some
 14 situations, does call for political action.
 15 Q. Do you understand the concept of the straw man fallacy?
 16 A. Sure.
 17 Q. I'm not suggesting for a moment that any footage that is
 18 horrific -- I think your answer is saying I'm seeking to
 19 make a link between anything that is horrific and
 20 causing harm, and, in fact, I'm not. But I am
 21 specifically challenging you about a horrific video
 22 footage of what is currently understood to be
 23 a ferocious stabbing attack by a terrorist, and X's
 24 thinking that that remains appropriate to show the
 25 footage of that actual attack. That's the context of my

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1 all right? I'm not assuming anything. Just look with
 2 me at the final bullet point, if you would. Your policy
 3 says.
 4 "Excessively gory media that is otherwise removed
 5 [so this would normally be prohibited] may remain on the
 6 platform if it is associated with newsworthy events ..."
 7 Then the words of your own company's policy:
 8 "... to raise awareness or to call for political
 9 action and is properly labelled with a content warning."
 10 I'm not assuming anything. I'm just trying to
 11 understand what this means. It seems to be saying that
 12 something that's very gory, which normally we wouldn't
 13 allow on, we may allow it to stay if it is newsworthy
 14 and if the intent appears to be to raise awareness or
 15 a call for political action.
 16 A. Correct, if there is a war underway and/or there is
 17 an attack or something that happens that is a global
 18 newsworthy event, those images are marked as such, as
 19 gory, or whatever they may be -- sensitive media or
 20 adult media or it will even say graphic or whatever that
 21 moniker is on there -- it could be that somebody can
 22 want to take a look at that and understand what is
 23 occurring.
 24 To just completely act as if seeing something
 25 horrific, in and of itself, is a trigger point for human

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1 questions. So shall we stick with that.
 2 Can we turn, please, to XIUC000014. This is the
 3 Violent Organisations, Violent and Hateful Entities
 4 policy. A similar theme of questioning for me, if we
 5 may, please, if we look at page 2 of this policy, do we
 6 see at the top, under this policy, you can't affiliate
 7 with or promote the activities of violent and hateful
 8 entities:
 9 "Examples of the types of content that violate this
 10 policy include, but are not limited to, doing the
 11 following behalf of, indirectly or directly for
 12 a violent or hateful entity, engaging in or promoting
 13 violent acts."
 14 Now, in relation to that, once it became known to X
 15 that the perpetrator of this attack was alleged to be
 16 a terrorist and to have acted out of a terrorist
 17 motivation, again, I'm not going to suggest that this
 18 was a clearcut case, but did X see the risk that, by
 19 continuing to host this material, it could indirectly be
 20 promoting the activities of violent and hateful
 21 entities, in that the further notoriety and the further
 22 coverage given to the attack online could be seen, on
 23 one view, as giving it more fuel, promoting it, even
 24 though it's not associated with anything that's
 25 glorifying it or encouraging it, but its mere repetition

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1 could get close to offending this policy?
 2 **A.** I don't know that that dialogue happened and I wasn't
 3 part of a discussion that could say that that video
 4 reaches that level of -- I guess you can say assumption.
 5 But I just -- let me give you a little bit of maybe
 6 a personal perspective on this that could put into
 7 context how we should maybe be thinking about this.
 8 So, as I stated earlier in the discussion, I was
 9 watching that video live and the reason I was watching
 10 that -- actually that sermon live is because Mar Mari is
 11 a bishop in my church. He just happens to be in
 12 Australia and I just happen to be in the US. And I'm
 13 a devout parishioner of the Assyrian Church because I'm
 14 an Assyrian Christian. What I saw happen and what I saw
 15 unfold, which everybody here likes to point out the
 16 horrificity of it or the tragedy that is in there, my
 17 experience was different, and let me explain to you why
 18 context matters.
 19 I saw a miracle unfold that day. People saw
 20 a monster, I saw an angel protecting Mar Mari. Where
 21 people saw a helpless victim, I saw men, heroes,
 22 parishioners, rushing to save him. If you continue to
 23 watch what unfolds in that video, through that sermon
 24 and moments after, as men are holding the assailant down
 25 in trying to protect Mar Mari until the police arrive,

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1 take that away from me, under the guise of safety, that
 2 isn't justice; that is tyrannical overreach.
 3 **Q.** In relation to what may be thought to be the commendable
 4 reaction to the attack from others, and of Bishop
 5 Emmanuel thereafter, there would be nothing to stop
 6 editing out the actual footage of the seconds of the
 7 attack itself to show the lead up and the aftermath, to
 8 show the power of what you are doing, but without having
 9 the graphic imagery associated with a terrorist attack.
 10 So while one understands the power of the evidence
 11 you've just given, there would be a way to find
 12 a compromise and still reflect a concern about the
 13 harmful impact of actually repeating the actual act of
 14 what may be thought to be a terrorist stabbing; would
 15 you agree?
 16 **A.** I would say that, in the words of Ben Franklin, those
 17 that give up essential liberty to purchase a little
 18 temporary safety deserve neither liberty nor safety, so
 19 I don't agree with that statement.
 20 **MR MOSS:** Sir, I was hoping that we were going to be able to
 21 finish this witness before breaking for lunch but I fear
 22 that may not be possible and I'm conscious that we are
 23 only five minutes away from the 90 minutes.
 24 So if we could take a shortened lunch break now,
 25 I would be grateful. I don't know if we might

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1 Mar Mari reaches through the people and puts his hand
 2 over the head of the assailant and prays for him, and
 3 has since then been continuously saying, through all of
 4 his speeches and all of his dialogue, that this
 5 gentleman, this assailant is his son and somebody that
 6 he prays for every day and somebody that he has forgiven
 7 from the moment that it has happened.
 8 And so I just -- I want to just take a moment
 9 because I think that what we focus on in every single
 10 scenario is something that is so horrific and that we
 11 use these situations in order to minimise what is
 12 an important dialogue in this world, in order to
 13 minimise what people see in the guise -- under the guise
 14 of safety. And I don't believe that. I don't
 15 believe -- and Mar Mari says it over and over again, "Do
 16 not use this attack and do not use this video as a way
 17 to censor people's information and access information
 18 into free speech, that is not an acceptable use of what
 19 this is".
 20 So I'm going to follow his teachings and I'm going
 21 to instead, in this hearing, tell you that what I see in
 22 that video is very different than what you see in that
 23 video. I actually see hope. I actually see faith.
 24 I actually see forgiveness. And so, yes, I do watch
 25 that video and I watch it for those reasons. For you to

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1 contemplate perhaps 1.50, or something of that kind?
 2 **SIR ADRIAN FULFORD:** Yes, certainly.
 3 We are very nearly finished, I'm sorry we haven't
 4 quite got to the end of your evidence. We are going to
 5 take just a reasonably short break now and we will sit
 6 again at 1.50 pm.
 7 Thank you very much. I will rise.
 8 **(1.17 pm)**
 9 **(The short adjournment)**
 10 **(1.50 pm)**
 11 **MR MOSS:** Can I just check that you can hear us, and perhaps
 12 put your camera back on. Thank you very much.
 13 Now, my next topic is just to turn briefly to the
 14 litigation in Australia, which you referred to earlier
 15 in your evidence. I'm, for the most part, going to take
 16 this, just draw out what you say about it from your
 17 statement, with one exception on something that I want
 18 to raise with you. So just to go through the
 19 background, if we start, please, with paragraph 26 of
 20 your statement, it's page 11, please.
 21 You explain there that on 16 April 2024, the
 22 Australian e-Safety Commissioner issued a takedown
 23 notice to X Corp to remove, in Australia, video content
 24 depicting the attack, by reference to, I think, 65
 25 specified posts on X at the time; is that right?

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1 A. Correct.

2 Q. Thank you. Ms Khananisho, I think you set out what
3 happened afterwards: that X promptly made those posts
4 inaccessible to users in Australia but communicated its
5 intention to file a legal challenge?

6 A. That's correct.

7 Q. Thank you. I think the Commissioner then applied to the
8 Federal Court of Australia seeking the permanent removal
9 and/or restriction of the content for all users of the X
10 service on a global basis, paragraph 27 of your
11 statement?

12 A. Correct.

13 Q. An interim injunction was issued. You deal with that in
14 paragraph 27. But then, turning to paragraph 28, on
15 13 May the Federal Court of Australia rejected the
16 application for an extension of the injunction and the
17 injunction was entirely dissolved by the court, yes?

18 A. Yes.

19 Q. The court held that the Commissioner would not succeed
20 in blocking access to the 65 URLs to all users of X
21 globally. You deal with that in paragraph 28 as well.
22 Effectively, taking it very shortly, there wouldn't be
23 jurisdiction of the Australian court to seek a global
24 restriction in that way?

25 A. Correct.

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1 the federal court, please. It's XIUC000023. Can we go
2 to page 19, please. We do see there, don't we, at
3 paragraph 46, that the judge did say that:

4 "I have no doubt that removing the 65 URLs from its
5 platform altogether would be a reasonable step for
6 X Corp to take, in the sense that a decision by X to
7 take that step could readily be justified. There is
8 uncontroversial evidence that this is what other social
9 media platforms have done, and that X Corp would not be
10 in breach of any United States law if it took this
11 step."

12 Just pausing there. There was an indication, not as
13 a matter of law but as an observation, that, as
14 an organisation or corporation, you would be justified
15 in removing it and that there was uncontroversial
16 evidence that that's what most other social platforms
17 have done, yes?

18 A. Yes.

19 Q. The judge went on to say that's not the test, one infers
20 the legal test, and dealt with why the Australian court
21 didn't have jurisdiction to impose that upon X and,
22 hence, you were successful in that litigation; would you
23 agree?

24 A. Yes.

25 Q. Did X Corp reflect on matters, the judge having

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1 Q. Thank you. So, paragraph 29 of your statement -- again,
2 I'm just dealing really with the headlines because
3 they're not in dispute -- the court held that it could
4 not determine what users across the world could see and
5 it was noted also, as you deal with in paragraph 29,
6 that it could be viewed in other places online. The
7 court, I think, recognised -- paragraphs 30 to 31 --
8 a matter that I've already raised with you, that Bishop
9 Emmanuel himself was not opposed to the video remaining
10 on social media; is that correct?

11 A. That's correct.

12 Q. Then the Commissioner -- paragraph 34 of your statement,
13 again taking it shortly, page 13 -- discontinued the
14 litigation and, we note, paid X's legal costs as well?

15 A. Correct.

16 Q. The Commissioner agreed to set aside the removal notice
17 as well. I think, as a result of all of that, come July
18 2024, the footage that we've been discussing remained
19 visible on X to those who were logged into an account,
20 who were either adults or children who lied about their
21 age?

22 A. Correct.

23 Q. Thank you.

24 One aspect that's not dealt with in your statement
25 is just this: if we could look at the actual judgment of

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1 indicated that it would be reasonable for X Corp to
2 remove the material, like most other social platforms
3 have done?

4 A. I am sure there was -- I wasn't here during that time
5 but I am sure there was a discussion after the judgment
6 was received.

7 Q. We should infer that X decided to maintain their
8 position, that, even as a matter of discretion and even
9 though, as I think you've accepted, you could make
10 a case it was a breach of the policy, X decided to stick
11 with its current policy?

12 A. Correct.

13 Q. The court was, however, flagging, albeit in gentle
14 language, that, by this time, X was something of
15 an outlier compared to other social media platforms?

16 A. Yes, correct.

17 Q. Thank you. Before we come back to what happened in the
18 months following that, I just want to deal with AR's use
19 of X and the disclosure that's been given. Could we
20 just have on the screen, please, XIUC000128. I am sure
21 you are familiar with this, this is the Section 21
22 notice that was served by the Inquiry on XIUC. Do you
23 see in the middle of the page what was asked for was:

24 "Please provide any information (including user
25 account details, username, any linked identifiers,

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1 communications and record of activity) available to X in
2 relation to the email addresses, telephone numbers or
3 handles ..."

4 Then a number were listed. That's what you were
5 being asked to provide under order by this Inquiry; do
6 you follow?

7 A. Yes.

8 Q. Do you note the generality of the words "any information
9 including user account details"?

10 A. I'm sorry? Could you repeat the question?

11 Q. Do you see the broad generality that the request was for
12 any information, including user account details, and
13 then a number of other things, available to X in
14 relation to the accounts. It was a deliberately broad
15 request.

16 A. Yes, I don't -- I'm sorry, I can't respond to how it
17 was -- the discussion by which the attorneys defined
18 what any information means. I'm not an attorney and so
19 I can't speak to that.

20 Q. In response to that, that led to the identification
21 originally -- it's not dealt with in your statement but
22 I'm just going to summarise what the Inquiry has been
23 provided with by way of disclosure, without bringing it
24 all up. So I think you'll be aware that that led
25 initially to the identification of four X accounts

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1 Q. You've not looked at the disclosure that XIUC has
2 provided?

3 A. If I did read through it, I didn't memorise the details
4 enough to confirm or deny what you are walking through.

5 Q. Can I just add this for completeness, and if anything
6 that I say when you look at it subsequently with your
7 lawyers is wrong, you should of course correct it.

8 A. Of course, yes.

9 Q. But in correspondence received last night, XIUC informed
10 us that a mistake had been made and that, in fact, due
11 to a data entry error, three more accounts from AR had
12 been found that were associated with the email a.mega7.

13 Sir, those were 0832, 5689 and 0228.

14 One of those was a duplicate of one of the accounts
15 that had already been established. We were told that
16 one of those was deactivated in January 2024 and the
17 other in August 2021 but, again, I don't think you are
18 across the detail of that?

19 A. I'm not. I'm sorry, I'm not across those details. As
20 you said, if there's anything that is in conflict with
21 that, I'm sure we will notify you.

22 Q. Thank you. We can see from the disclosure in relation
23 to the account ending 5419 that AR did send messages, we
24 just can't see the content of those messages.

25 If we look at XIUC000130, please, we see that this

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1 associated with AR.

2 Sir, for your note, the last four digits are 0288,
3 0065, 1584 and 5419.

4 What was provided by X, in relation to that, was the
5 non-content data. So what was provided in answer was --
6 slightly looks like hieroglyphics on the page but what
7 was provided is who AR was following, who may have been
8 following him but not, I think, the actual content of
9 any messages that he provided; do you agree?

10 A. I believe so.

11 Q. The information with which we have been provided is that
12 one of those accounts was deactivated in 2021.

13 Sir, that's 0288.

14 Are you aware of that?

15 A. I am not, I am sorry.

16 Q. And that, of the other accounts, two were deactivated in
17 2023; 5419 and 0065. One of those accounts -- sir, it's
18 5419 -- was in use at times in 2023 before being
19 deactivated and we have, sir, the disclosure in relation
20 to that.

21 Perhaps just to complete that the final account,
22 1584 was deactivated on the day of the account itself --

23 A. I'm sorry, I'm not privy to the details on the accounts.
24 That's something that we will have to follow up with you
25 on and our legal team will have to respond.

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1 is an email dated 15 October. We'll see, at the bottom
2 of the page, that the position taken by XIUC is that you
3 had determined that there's no way it can disclose the
4 content data, including the content of direct messages
5 from AR to the Inquiry via a section 21 notice, without
6 violating laws that are applicable to it, in order to
7 provide the Inquiry with content data responsive to its
8 request lawfully:

9 "We respectfully ask that the Inquiry applies for
10 an order to obtain the content data pursuant to
11 Section 4 of the Crime Overseas Production Orders Act
12 2019 ..."

13 If you can't help in relation to this, you must say
14 so, but just two matters arising out of that: XIUC were
15 already on notice that this Inquiry couldn't issue
16 either an MLAT or a Crime Overseas Production order,
17 because these are not criminal proceedings. Do you know
18 why it continued to insist on the provision of something
19 which the Inquiry had made clear it couldn't provide?

20 A. No, I'm sorry I don't. I don't have the legal
21 definition or thought process behind those decisions.

22 Q. We know that in contrast to the approach taken by X,
23 Meta, dealing with AR's Instagram account, who may be
24 thought to be in a similar position to X, did disclose
25 the content data and didn't seem to think that the US

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1 legislation posed a difficulty to that because, upon
 2 request and a Section 21 notice, they did provide it.
 3 Are you aware of why X are taking a more restrictive
 4 understanding of what they're permitted to do than Meta?
 5 **A.** Unfortunately, I'm not -- I don't understand the
 6 difference or why Meta would do that and I'm not
 7 obligated to know their reasoning behind it. There are
 8 a lot of variables that come into play when making these
 9 assessments. In some instances, data where it is stored
 10 and how it's stored comes into that. I don't know
 11 enough to be able to give you a clear answer to that.
 12 I am sure our attorneys can give you that --
 13 **Q.** That's a legal issue? All right.
 14 **A.** Yes, it is a legal issue.
 15 **Q.** You will remember how general the request for
 16 information was. We are also, obviously for reasons
 17 that will be obvious from the questions that I've asked
 18 from you, keen to understand what date of birth was
 19 associated with AR's accounts. What the Inquiry was
 20 told in correspondence last night is that XIUC does have
 21 the date of birth for one of the accounts but doesn't
 22 for the others because, given the passage of time, the
 23 data has been destroyed.
 24 Now, it's not the first time the Inquiry has come
 25 across data being destroyed after a period of time, and
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1 that was the only requirement and that's why he was able
 2 to access sensitive material?
 3 **A.** I don't think that it's a matter of embarrassment. Our
 4 policies are clear and the actions have been clear and
 5 I have been very vocal throughout this entire testimony
 6 on how we approach things, and so I don't think their
 7 decision is based on embarrassment.
 8 **Q.** Thank you. Turning to AR's searching of the video on X,
 9 I want to deal with the sensitive issue of the events of
 10 29 July. You will appreciate the seriousness of the
 11 attack with which this Inquiry is engaged?
 12 **A.** Yes, of course.
 13 **Q.** Three very young girls stabbed to death, eight more
 14 stabbed and injured, 15 girls inside all psychologically
 15 traumatised -- in most cases in the most profound way --
 16 two adults in addition stabbed, a further adult
 17 psychologically traumatised as she tried to shield one
 18 of the vulnerable young girls. That occurred around
 19 a month and a half after the Commissioner discontinued
 20 the litigation in Australia, yes?
 21 **A.** Yes. I believe, if the timeline is there, yes.
 22 **Q.** We know now from the police investigation that AR
 23 searched X with the term "Mar Mari Emmanuel stabbing" at
 24 11.04.09 on the morning of the attack.
 25 Sir, MERP000926.

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1 I don't have any questions about that. But in relation
 2 to the date of birth that X Corp do have, XIUC was
 3 served with a Section 21 notice this morning asking for
 4 that information. Are you able to now tell us what the
 5 date of birth was that AR gave?
 6 **A.** I was able to confirm that that was received and that
 7 the team is looking at that and will respond accordingly
 8 but I don't have that at the moment, no.
 9 **Q.** I'm only going to ask this one further question, why is
 10 it, having received a Section 21 notice signed by the
 11 Chairman this morning, that you are not in a position to
 12 give that information now?
 13 **A.** I can't -- I don't even know what time it was received
 14 by whom and how long that assessment takes, so I can't
 15 speak to the length by which that response is going to
 16 be. It could be that it just wasn't received by
 17 somebody before we started this Inquiry. I have no
 18 idea.
 19 **Q.** You understand that the broad nature of the original
 20 request means that it would have fallen within the terms
 21 of the original request; do you want to see it again?
 22 **A.** Honestly, this is not an area that I really engage in,
 23 I apologise. The legal space is not my space.
 24 **Q.** All right. Would it be embarrassing to X for it to be
 25 publicly clear that he entered a false date of birth and
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1 When one of the investigating officers repeated that
 2 search on X, in the course of the investigation, it
 3 navigated to media tabs in X that had posts still
 4 containing the actual video footage. As I touched on
 5 earlier on in my questioning, that was done just six
 6 minutes before he left the house to get the taxi to
 7 carry out the attack.
 8 Does the proximity of AR's use of X as a child to
 9 seek to access that material, does the proximity and
 10 time of him using your platform to the attack concern
 11 you and the corporation?
 12 **A.** I don't know that I can speak to the reasoning behind
 13 why he would look for a video like that. As I outlined
 14 before the break, I see the video in a very different
 15 way than somebody else does. So for me to make
 16 an assumption that he was looking for that video to
 17 conduct a heinous attack, I'm not a criminologist or
 18 a psychologist and neither is anybody at the company so
 19 we can't make that determination.
 20 **Q.** You'll forgive me but you do need to seek to answer my
 21 question. My question was whether the proximity and
 22 timing of AR using your platform to seek to access this
 23 earlier terrorist attack concerns you and the
 24 corporation; is that a matter of concern to the
 25 corporation?

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1 A. I think it's a matter of review. I'm not sure what --
 2 we always look and review and work with law enforcement
 3 to better understand a situation. So, yes, of course.
 4 Q. If you say, "Yes, of course, we need to look to law
 5 enforcement", was anything then done reflecting on that?
 6 A. I don't know what type of engagement there was during
 7 that time --
 8 Q. Was there positive consideration of taking that down --
 9 A. I don't know what the discussion was with respect to
 10 taking it down. We went through the assessment of how
 11 we looked at the video and the determination that was
 12 made to keep it up. So my assumption is that there was
 13 some discussion about that and, in the context that
 14 I laid out earlier, the determination was to keep it up
 15 for the reasons that we've discussed.
 16 Q. Your evidence, if you would forgive me for saying so,
 17 has been very clear as to the rationale for why, in the
 18 Australian litigation, X Corp defended what it would
 19 have seen as its right to keep the material up. Again,
 20 to the outside observer, the outside observer might
 21 think that, for you as an organisation, this was the
 22 nightmare scenario: you fought to keep this material
 23 online, you've gone through a court process to establish
 24 that right and then, within a very short space of time,
 25 a brutal attacker has watched the footage or sought to

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1 it but, yes, I have read the letter.
 2 Q. Don't worry, I'm not going to test you on the content
 3 cannot, but I don't think I need to read it all out but
 4 the effect of this is to put social media companies on
 5 notice of the profoundly worrying fact that AR, the
 6 Southport killer, had accessed violent online content in
 7 the years and indeed the days before the horrific
 8 murder, as we see in the first paragraph. Then, without
 9 reading it all out, two aspects were particularly
 10 flagged. One, I don't need to ask you about, which was
 11 the availability of an academic article containing the
 12 entirety of very damaging material from the Al-Qaeda
 13 training manual. But the second was the Bishop Emmanuel
 14 stabbing. You see at the bottom:
 15 "The ease of access to such dangerous, illegal
 16 content is unacceptable."
 17 If we go over the page, there's an encouragement for
 18 the social media companies to take action in relation to
 19 this and indicating that, at that time, the video had
 20 been removed in Australia following the issuance of
 21 a Class 1 removal notice -- we know that that changed:
 22 "However, it is still available to view in the UK."
 23 The Government's words:
 24 "We are therefore urgently asking you to ensure this
 25 is removed from your platforms to ensure that it is not

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1 access the footage through your platform, just minutes
 2 before launching a murderous attack.
 3 Can you really not tell us, as the corporate witness
 4 for X, what that led to, in terms of reflection and
 5 thinking about whether something needed to be done in
 6 terms of taking the material down?
 7 A. You're assuming that when every heinous crime is
 8 committed that anybody who has looked at something on
 9 our platform, that that was some level of trigger, that
 10 we have to assess and then decide to take down content.
 11 In order to do that with 500/600 million posts and
 12 thousands and millions of videos and people's behaviour,
 13 we would essentially be censoring information every
 14 single day and, as I started in the discussion, that is
 15 not something that we're willing to do. That is not
 16 what we stand for.
 17 Q. It was hardly likely to dissuade him from carrying out
 18 a murderous attack, was it?
 19 A. I don't know what he was thinking when he did that, nor
 20 am I in a place to want to know that and so I can't make
 21 the assumption that that video was a trigger.
 22 Q. The view of the British Government, HOM000092: the Chair
 23 has seen this letter and I'm hoping that you're familiar
 24 with every line of this letter, yes?
 25 A. I have read the letter but, I mean, I haven't memorised

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1 used to inspire other attacks."
 2 Are you suggesting that the two Secretaries of State
 3 were making assumptions when they asked X to take it
 4 down to make sure that it wasn't used to inspire other
 5 attacks?
 6 A. Well, we don't have any proof that says it and, within
 7 the law that is -- if this was illegal in the UK then we
 8 would have received an order from the Government asking
 9 us to take it down and we would have reviewed that.
 10 Q. Of course, but you were being asked as an exercise here
 11 of discretion, of policy, what might be thought of as
 12 decency, to make the material down, not as a matter of
 13 law. No doubt that's why the Secretaries of State were
 14 phrasing it in terms of an urgent asking to ensure that
 15 it is removed to, to ensure that it is not used to
 16 inspire other attacks, yes?
 17 A. Sure yes. That was the intent of the letter.
 18 Q. Looking at responses to that, I am not going to bring it
 19 up but it's fair to note that Google indicated that, as
 20 a search engine, it was in a slightly different position
 21 but it talked about how it had measures to reduce the
 22 visibility on search results of imagery that may
 23 correlate with violent extremism.
 24 But, in terms of online platforms, TikTok,
 25 HOM000193, started their letter to the Secretaries of

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1 State, in the first paragraph, by saying, "Like
2 everyone, we were shocked and appalled by the attacks
3 that unfolded on 29 July", and indicated that their
4 thoughts remained with the families of Alice, Bebe and
5 Elsie, as well as with the other victims.

6 In the middle of the page they said they had
7 a zero-tolerance policy for violent extremism or
8 terrorist content. If we go to page 2, they indicated
9 in their second paragraph that TikTok had prevented and
10 removed thousands of attempted uploads of the attack.

11 So, for our purposes, the important thing there is
12 that TikTok had agreed and were positively taking action
13 to prevent uploads of this attack; do you see that
14 there?

15 A. I see it, yes.

16 Q. Then, if we go to Meta -- just before we leave, can we
17 just go to page 3 of the TikTok response. You see that
18 the person that TikTok thought should respond to that
19 was their Director of Public Policy and Government
20 Relations, TikTok UK and Ireland, all right?

21 A. I see that.

22 Q. If we look at the Meta response, HOM000194. Meta's
23 response is dated 4 February. They too started by
24 indicating how shocked they were by the horrific attack
25 and, indeed, they'd set up and established an internal

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1 I think I was -- was I the one I signed it? I've signed
2 a few of these documents that have been submitted but
3 I'm not sure if I was the one that signed that one.

4 Q. If we just go to page 4, it wasn't signed by anybody?

5 A. So, no, I did not. I did not personally write that.

6 Q. No. So, page 1 -- and I don't want to spend too long on
7 this -- it does stand in contrast to other social media
8 platforms that the letter starts with an appreciation of
9 the engagement on the important matter. I am not going
10 to go through the totality of the matter to prove the
11 negative but nothing was said about the victims or the
12 horrifying nature of the attack or sorrow in relation to
13 it. Was there a reason for that?

14 A. I'm sorry, I don't know.

15 Q. Then on page 3 -- again, I'm not going to go through it
16 all -- we see in the middle of the page that you relied
17 upon the Australian Government's litigation:

18 "We uphold it is in the public interest to view this
19 footage should they wish to do so. Additionally the
20 bishop himself has expressed that the public should be
21 allowed to see the footage."

22 Yes?

23 A. Correct.

24 Q. Would you agree that the position that the Australian
25 court had already averted to, whereby -- my words, not

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1 working group to deal with the implications for their
2 platform of material that was arising, no doubt not just
3 the attack but the riots that followed. At the bottom
4 of the page, the first bullet point, they said:

5 "We do not allow organisations or individuals that
6 proclaim a violent mission, or are engaging in violence,
7 to have a presence on Facebook or Instagram."

8 If we go over the page, they say they immediately
9 scaled reviewers to remove footage and prevent uploading
10 of this attack. So they too, like TikTok, had decided
11 that it had to be removed and they were proactively
12 doing it. If we look at how they were communicating
13 with the UK Government, we'll see at the bottom of that
14 page that they signed that off from their Director of
15 Public Policy as well.

16 When we contrast that with X's response, at
17 HOM000196, and I think by this time you were in post,
18 yes?

19 A. What was the date on this, I'm sorry?

20 Q. It was 11 February 2025?

21 A. Yes.

22 Q. Did you write this?

23 A. Did I write that?

24 Q. Yes.

25 A. I was -- I signed it, I didn't write it but I sign --

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1 the judge's words -- X was something of an outlier, has
2 now become more firmly entrenched because, in response
3 to the Secretaries of States' letters, the other major
4 social media platforms have agreed to take positive
5 action and it has been removed, and X have doubled down?

6 A. I don't think that that's an accurate perception or
7 representation. We haven't doubled down. We've been
8 consistent in our free speech mission, we've been
9 consistent in our messaging and, yes, I mean, if you
10 want to call it an outlier, we are an outlier in many
11 ways: (1) we don't have the level of children and
12 engagement that the other platforms do --

13 Q. You had AR as a child.

14 A. Again, we don't have the magnificent amount of children.
15 It is an adult site, meant for a global dialogue for
16 adults to understand what is happening through the world
17 and we are an anti-censorship company. So any attempts
18 to censor information that is out there is going to be
19 looked at through that lens. Is it legally something
20 that a government can do because under their laws they
21 can do that, and we will comply in those situations.
22 But, beyond that, that is the lens by which we see the
23 world and so we don't -- you're right, we are an outlier
24 from those platforms and we are proud to be an outlier
25 and we are proud to be the defenders of free speech

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1 globally.

2 **Q.** You did have AR as a child using your platform to seek
 3 to access this attack, yes, and it might be thought it's
 4 not an excuse of that that you only have 198,000
 5 children and that's a small percentage. This attacker
 6 used your platform to seek to access this material.
 7 Surely that was something that was quite sobering for
 8 any responsible organisation?

9 **A.** I mean, of course we're going to assess that.

10 **Q.** Was there any level of soul-searching by X Corp about
 11 this, about "This was close to the line previously, we
 12 defended it in the Australian litigation but, having
 13 some sensitivity to what's happened here, we should have
 14 the moral courage to reverse our position"; was there
 15 any thinking along those lines?

16 **A.** Look, I can't say what discussions happened during that
 17 time or what soul-searching occurred --

18 **Q.** Forgive me, you were in post by now, in response to the
 19 letters. I'm looking at that stage --

20 **A.** What I am saying is I wasn't part of the discussions of
 21 what the decisions were made. What I will say is that
 22 what we are -- what our guide is, that taking the
 23 God-given right of freedom of speech, freedom of
 24 religion and freedom of expression from the masses
 25 because of the very few that have committed horrendous

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1 was made in that context. But I think what people --
 2 what we have to understand here is every government,
 3 every culture, every being, every belief system in the
 4 world is going to have a different context and
 5 a different view and a different opinion on what should
 6 be allowed and not allowed, and if X is going to respond
 7 to every single one of those, that is essentially
 8 censorship and that is not something that we are willing
 9 to do.

10 **Q.** Can you understand the sense of anger and dismay that is
 11 no doubt felt by the victims and the families of the
 12 children who died, knowing that AR used X to search this
 13 material just six minutes before he set off to launch
 14 the attack and that X continues to refuse to take it
 15 down? Can you understand those feelings of anger and
 16 dismay --

17 **A.** Of course.

18 **Q.** -- on the part of the victims --

19 **A.** Of course, absolutely.

20 **Q.** When we go back to ILT000078, it must be right that, on
 21 X Corp's approach to these difficult matters, the
 22 importance of free speech is more important than the
 23 victims and their feelings of this atrocious attack?

24 **A.** The importance of free speech is literally the
 25 stronghold of all of our governments, all of democracy

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1 crimes is not something that we take very lightly. That
 2 is very serious and something that our company stands
 3 behind and our people stand behind and our platform
 4 stands behind very seriously.

5 So, if I were part of that discussion, which
 6 I wasn't, that's what I would remind people, is that we
 7 have a mission and we believe that information is power
 8 and that censorship does not have a place, especially in
 9 situations by which we have assessed legally, we have
 10 discussed with governments, we have challenged legally
 11 and we have -- very clearly are abiding by the law and
 12 are in compliance.

13 **Q.** None of my questions have suggested for a moment that
 14 this was a matter of legal duty to take it down but I'm
 15 interested in social responsibility, discretion and
 16 reflection on events. Did you not think to inform
 17 yourself before you came to give evidence of what exact
 18 discussions had gone on that led to the unnamed response
 19 to the letter from the British Government that was sent
 20 by X. Did you not think to say, "Before I go to give
 21 evidence to this Inquiry, I'd better understand exactly
 22 what reflections we had, who was taking those
 23 decisions"? That's important information.

24 **A.** I think we went through what the context was earlier for
 25 the reason for leaving the video up and what decision

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1 and everything that we should stand for as a people, and
 2 I will go back to giving you my personal -- since you're
 3 going to put up my personal page as a reflection of
 4 X Corp. My personal position on this is that I come
 5 from an oppressed country that limited my family's free
 6 speech, that limited my family's freedom of religion,
 7 that limited my family's capability and, in fact, were
 8 persecuted over it. So when we seek refuge, we seek
 9 refuge to the great countries like the United Kingdom,
 10 like Australia, like Canada, like the United States for
 11 a reason, and it is because we are able to have those
 12 liberties, to have those freedoms, to have that
 13 capability.

14 If you're asking me right now that I should start to
 15 limit in any way those free rights of people because I'm
 16 emotionally responding to a horrific attack, then we
 17 would be limiting the rights of people every single day,
 18 because every single day bad things happen, every single
 19 day attacks happen, every single day there are horrific
 20 attacks in this world and, if our reaction to that is
 21 that we are going to be limiting the individual's rights
 22 in order to somehow provide some level of false safety,
 23 if you're going to put up my page personally as
 24 a reflection of that, I'm going to tell you that
 25 personally I don't agree with that and that,

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1 essentially, is not what our countries stand for.
 2 **MR MOSS:** Ms Khananisho, those are my questions.
 3 I turn to my left to see if there are any others
 4 from the Core Participants.
 5 **Questioned by MR CHAPMAN**
 6 **SIR ADRIAN FULFORD:** Yes, Mr Chapman.
 7 **MR CHAPMAN:** You know what I mean by a VPN?
 8 **A.** I do, yes. I can't see you, so I'm assuming it is
 9 a gentleman standing there.
 10 *(Pause)*
 11 **MR MOSS:** Ms Khananisho, the gentleman who is asking you
 12 questions is Mr Chapman. He asks questions on behalf of
 13 the bereaved families.
 14 **A.** Okay, thank you.
 15 **MR CHAPMAN:** Is that better?
 16 **A.** Hello. I can see you now, yes.
 17 **Q.** You said you knew what a VPN is?
 18 **A.** I am aware of a VPN.
 19 **Q.** They are commonly available and used?
 20 **A.** I believe so, yes.
 21 **Q.** And easy to use?
 22 **A.** I mean, I don't use one so I'm not a 100 per cent sure
 23 but I would say it's likely easy to use.
 24 **Q.** Including by children?
 25 **A.** I don't know how many children actually are on VPN, sir,

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1 restricting access to harmful content to children when
 2 those restrictions can be readily evaded by the use of
 3 a VPN?
 4 **A.** I'm not sure I follow. Can you explain to me what you
 5 mean by that? I want to understand for sure.
 6 **Q.** If a VPN enables a child to disguise its location and
 7 identity, that is a way of evading any restrictions that
 8 you as an organisation might hope to put on access to
 9 your material?
 10 **A.** I would -- if the VPN -- if you're asking if it is a way
 11 around all of the restrictions that we put in place.
 12 I don't know the technical capabilities of a VPN.
 13 I would assume that that's the case but I don't know if
 14 that's actually how it works, to be completely honest.
 15 **Q.** So you assume that, indeed, a VPN can evade those
 16 restrictions, yes?
 17 **A.** My assumption is today. Whether future technologies
 18 don't allow for that, I'm not sure. It could be that we
 19 create a technology that doesn't allow for that.
 20 **Q.** That's an important thing, isn't it, in this discussion
 21 about restricting access: VPNs?
 22 **A.** It's important as in --
 23 **Q.** Well, if it's academic -- if you can get round
 24 restrictions, it's somewhat academic to talk about, in
 25 a lot of detail, how we restrict that access.

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1 I'm sorry.
 2 **Q.** We know in this case that the perpetrator did use a VPN?
 3 **A.** Okay.
 4 **Q.** Can I take it that X regards VPN as an important bastion
 5 of fundamental freedom of access to online information?
 6 **A.** I mean, I think that we believe in freedom of online
 7 information, I don't know what that -- whether VPN or
 8 the use of a VPN -- I've not had that discussion
 9 specifically. But, yes, access to information is very
 10 critical for us.
 11 **Q.** We heard from Ms Connolly, the regulatory witness, that
 12 there were legitimate uses for VPNs; would you agree
 13 with that?
 14 **A.** Yes, I believe so.
 15 **Q.** It would be part of your free speech mission, would it
 16 not, to enable the use of VPNs to access X's services?
 17 **A.** I believe so, that would be an accurate statement.
 18 **Q.** I'd be right in saying that X has no intention of
 19 restricting access to its services through VPNs?
 20 **A.** No, it's never been discussed, at least not with me. So
 21 I would say that's an accurate statement.
 22 **Q.** A VPN, as you know, allows the user to disguise their
 23 location and their identity?
 24 **A.** It does.
 25 **Q.** Would you suggest then it's somewhat academic to talk of

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1 **A.** I can't determine or I'm not here to state whether VPN
 2 has played a role or is playing a role in going around
 3 regulations or going around restrictions. I don't know
 4 to what level people use VPN or to what level children
 5 use VPN. So I don't know if that's a normal mass-used
 6 way. I can't speak to that as a matter of practicality.
 7 **SIR ADRIAN FULFORD:** I'm not sure how profitable this is
 8 going to be, Mr Chapman.
 9 **MR CHAPMAN:** Very well, I'll move on to the next topic.
 10 Tagging of information on X. Do you know what
 11 I mean by "tagging"?
 12 **A.** I don't. As in like trending or hashtags?
 13 **Q.** Hashtags; do you know what I mean by that?
 14 **A.** Yes.
 15 **Q.** So that's where I think a user will tag their content to
 16 identify the subject matter of that post?
 17 **A.** Okay.
 18 **Q.** Is that right?
 19 **A.** It is widely used across social media as a hashtag in
 20 order to create a trend, yes.
 21 **Q.** Are you aware of the practice of false tagging?
 22 **A.** No, I'm not.
 23 **Q.** You're not aware that some users mischievously tag their
 24 content in a false way so that it gets revealed in
 25 search results --

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1 A. Oh, yes, okay. Yes, okay.
 2 Q. You're aware of that?
 3 A. Yes.
 4 Q. Is that not a way that people who are targeting children
 5 could flag their information so that it appears in
 6 totally innocent search results that children might
 7 make?
 8 A. Well, our position on hashtags or tagging has been very
 9 clear for a period of time that we actually
 10 disincentivise the use of tags. We don't -- it's
 11 something that we have been pushing away from for some
 12 time now through major upgrades to how we communicate on
 13 the platform and have actually told our users through
 14 numbers of different communications that hashtagging on
 15 our platform is not -- it doesn't really work well and
 16 is unnecessary.
 17 Q. Algorithms: does X deploy algorithms to flag content
 18 that they think the user might be interested in?
 19 A. The algorithm is catered to the user's interest.
 20 Q. So would I be right in saying that those interests can
 21 be reinforced, if you like, so that the user gets to see
 22 more of what they've searched for?
 23 A. Not necessarily. It's not that easily defined as in if
 24 you continue to want to look at something you're always
 25 going to be able to see it. There is friction built

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1 Q. -- and online violence. You were asked about that. Has
 2 X done any research about the potential link between
 3 offline and online violence?
 4 A. I don't know of any research that we've done. I can't
 5 answer that.
 6 Q. You don't know?
 7 A. I don't know. I'm sorry.
 8 Q. If there has, would you be willing to share with the
 9 Inquiry?
 10 A. I think if you put in a request and we put it through
 11 the process, if there has been any research we will
 12 assess that request.
 13 Q. But even if that research showed that there was a link,
 14 would I be right in understanding your evidence that
 15 it's a price worth paying?
 16 A. I don't know. I don't know what the research says and
 17 we haven't had that assessment, so I can't make an
 18 assumption of how the company is going to feel or what
 19 their response is going to be based on that research.
 20 I don't know. I don't know what that answer could be.

21 MR CHAPMAN: Thank you.

22 SIR ADRIAN FULFORD: Thank you.

23 Questioned by MR ILLINGWORTH

24 MR ILLINGWORTH: Thank you, sir.

25 Good afternoon, Ms Khananisho. I ask questions on

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1 into the system such that if something is, as an
 2 example, restricted from reach because it is against
 3 a policy, it wouldn't matter even if an individual
 4 wanted to see it. It wouldn't show up in the algorithm.

5 So it just depends but it's not just an open
 6 capability to continue to see things. There is friction
 7 built into the system for violative content, for
 8 restricted content. The algorithm does not give it to
 9 you. You would have to specifically search for it or go
 10 to the person's page or whatever it may be if it's still
 11 online.

12 So while it's generally true that the algorithm does
 13 cater to your personal likings, there is friction built
 14 in for things that are against policy.

15 Q. Do you know whether there has been any research by X on
 16 to whether interest in violence would result in the user
 17 being served up with more violence?

18 A. I don't know if we've -- I have not -- I don't know that
 19 answer, I'm sorry.

20 Q. You were asked by counsel to the Inquiry about the link
 21 between offline and online harms. Do you recall?

22 A. I might. Maybe give me a little bit more. It's been
 23 three hours, so I'm sorry.

24 Q. The association between real life violence --

25 A. Yes.

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1 behalf of the families of the other child victims.

2 Just a couple of questions about age verification,
 3 please. You were asked about the age verification
 4 process before the Online Safety Act came into force and
 5 that involved the submission of a date of birth by the
 6 user. You were then asked about steps that X is taking
 7 now to verify the age of its users on the platform
 8 today, including live selfies and the submission of
 9 government IDs; that's right, isn't it?

10 A. Yes.

11 Q. Is it fair to assume there may be some children on X who
 12 registered an account before the Online Safety Act came
 13 into force, who have provided a false date of birth and
 14 who would appear in X's data as an adult?

15 A. Yes. I mean, it's based on the date of birth that is
 16 provided. So going on the data, that's what it would
 17 show.

18 Q. What steps are X taking proactively to identify users
 19 that fall into that category?

20 A. Well, now that we're working with the installation of
 21 the age verification system, as we're rolling it out,
 22 there are proactive steps as were outlined, to go back
 23 and look at those accounts, re-assess where they are and
 24 then, in those situations where there are questions,
 25 there will be identification required, as per law.

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1 Q. That applies not only to new users creating an account
2 today, but it would also apply retrospectively?
3 A. Correct.
4 MR ILLINGWORTH: Thank you very much.
5 Thank you, sir.
6 SIR ADRIAN FULFORD: Thank you very much, Mr Illingworth.
7 I'm afraid you can't see me, Ms Khananisho, but I'm
8 the Chair.
9 A. I can see you, yes.
10 SIR ADRIAN FULFORD: I'm very grateful for you taking out
11 time from a schedule that I know at the moment is very
12 busy for you. That now completes your evidence and we
13 will therefore terminate the link but thank you for your
14 assistance.
15 A. Thank you all.
16 MR MOSS: Sir, thank you.
17 We now have an enforced break because we need to
18 make some technical arrangements. That may take some
19 time. Can I ask for 20 minutes but I have to say that
20 it may take as long as 30 but we'll do it as quickly as
21 we can.
22 SIR ADRIAN FULFORD: Certainly. 3.05 pm but let me know.
23 (2.45 pm)
24 (A short break)
25 (3.25 pm)

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1 He is to be accompanied by a member of his legal
2 team, who will sit with him as he gives evidence but
3 will not play a part in him giving evidence unless
4 directed to do so by you, and he has been provided with
5 advance notice of the documents, questions to be asked
6 by CPs and those are only to be asked by CTI, myself.
7 At the conclusion of evidence, which I will suspect
8 will be tomorrow, we will break and I will take time to
9 ensure that all those questions have been covered.
10 SIR ADRIAN FULFORD: Thank you very much, Mr Boyle.
11 MR BOYLE: Thank you, sir. If we could call Dion R, please.
12 DION R (sworn)
13 Questioned by MR BOYLE
14 MR BOYLE: You are the witness that the Inquiry is calling
15 "Dion R"; is that right?
16 A. Yes.
17 Q. Could we have on screen IWS000060. Do you recognise
18 that document as your witness statement?
19 A. Yes. It's small.
20 Q. Thank you. We will make it bigger when you need to read
21 sections of it but take it from me, on the top
22 right-hand corner it's dated 8 October 2025. Is that
23 statement true to the best of your knowledge and belief?
24 A. Yes.
25 Q. Thank you. We'll come to the statement that you gave to

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1 SIR ADRIAN FULFORD: Yes, Mr Boyle.
2 MR BOYLE: Sir, the next witness is Dion R. Just before he
3 is brought on the screen, I just wanted to set out the
4 special measures that you have made by your ruling of
5 21 October this year.
6 SIR ADRIAN FULFORD: Please.
7 MR BOYLE: Firstly, there is a reporting restriction under
8 Section 19 of the Inquiries Act in relation to the
9 following:
10 "Any photographic, video or other image of Dion R,
11 any voice recording of Dion R, details of his current
12 address and/or location, his educational establishments
13 or workplace or any other particular, likely or
14 calculated to lead to the identification of Dion R."
15 Sir, on top of that, there are special measures. As
16 you will see, Dion R is giving evidence by videolink and
17 that evidence is being live streamed but the press
18 and/or members of the public attending the hearing are
19 able to hear Dion R's evidence but they are restricted
20 from viewing his current image.
21 In addition, he is allowed regular breaks while
22 giving evidence as and when required, so should he
23 request that --
24 SIR ADRIAN FULFORD: Yes, absolutely.
25 MR BOYLE: -- absolutely we will grant that.

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1 the police after the attack but you give some context to
2 that at page 2, paragraph 5, if we could just have that
3 expanded, please.
4 So you tell us, I think, in that paragraph that the
5 police statement is accurate but you say it is "not
6 always in the right chronology order and lacks nuance
7 and context"; is that right?
8 A. Yes.
9 Q. You say you are not sure that the police officers
10 appreciated the impact of your autism diagnosis; is that
11 right?
12 A. Yes.
13 Q. With that in mind, could we have on screen, please,
14 MERP001217. Can you see that as your police witness
15 statement?
16 A. Yes.
17 Q. You've given the context but it is true and accurate to
18 the best of your knowledge and belief; is that right?
19 A. Yes.
20 Q. Thank you. I want to please start by asking you some
21 general background questions.
22 A. Okay.
23 Q. You'll be aware that your brother is being called "AR"
24 in the context of this Inquiry?
25 A. Yes.

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1 Q. You're his older brother by two years; is that right?
 2 A. Yes.
 3 Q. You tell us in your statement that you were diagnosed
 4 with autism in 2017 and you explained some of the
 5 impacts that that has on you at paragraph 3 of your
 6 statement, which the Chair has and will bear in mind.
 7 A. Yes.
 8 Q. You turned 18 in 2022 and started studying at
 9 a university away from the family home from September
 10 2022; is that right?
 11 A. Yes.
 12 Q. But you would still return home from that date onwards
 13 during the holidays?
 14 A. Yes.
 15 Q. You say that your only involvement with the police has
 16 been because of your brother's actions; is that right?
 17 A. Yes.
 18 Q. I want to ask you, please, some questions about your
 19 childhood.
 20 A. Okay.
 21 Q. Your parents came to the UK from Rwanda, as we know?
 22 A. Yes.
 23 Q. You grew up in Cardiff; is that right?
 24 A. Yes.
 25 Q. At that time, your parents were studying for degrees; is

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1 A. Yes.
 2 Q. Did your parents tell you about their experiences in
 3 Rwanda?
 4 A. Over time. I think at a young age I was aware that they
 5 had been in Rwanda during the genocide and knew of the
 6 genocide but particular stories, I guess, slowly
 7 accumulated at 12/14 years old. But, yes, they were
 8 spoken of, particular experiences -- *(unclear due to*
 9 *audio feed)*.
 10 Q. I know it is difficult, Dion R, but can you just try
 11 keep your voice up as you talk throughout, as best you
 12 can, please?
 13 A. Okay.
 14 Q. Are you able to say whether your parents' experiences in
 15 Rwanda affected your family life and your upbringing?
 16 A. Insofar as the stories were told, they affected my
 17 upbringing, their stories were present, their
 18 experiences were shared, but I don't know what you mean
 19 by influenced.
 20 Q. Were you aware?
 21 A. I don't think I was traumatised by their experiences,
 22 although I did emotionally engage with them.
 23 Q. Could you just repeat that?
 24 A. I don't think I was traumatised by the experience they
 25 shared, though I did emotionally engage. My parents

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1 that correct?
 2 A. Yes, yes.
 3 Q. So I think they studied for degrees and then did some
 4 short-term jobs; is that right?
 5 A. Yes.
 6 Q. Is this right, your mother secured a job in the North
 7 West and you and the family moved to Southport in 2013?
 8 A. Yes.
 9 Q. When you moved, your father decided to retrain as a taxi
 10 driver; is that right?
 11 A. Yes.
 12 Q. Why was that?
 13 A. He was not finding work in the area he studied in and
 14 also to manage childcare, largely because it was
 15 flexible and my mother worked shifts in her job
 16 *(unclear)*.
 17 Q. So being a taxi driver gave him a bit more flexibility
 18 to work around your mother's shifts; is that right?
 19 A. Yes, that's true.
 20 Q. Thank you. We know that your parents gained asylum in
 21 the UK as a result of their experiences in the Rwandan
 22 genocide?
 23 A. Yes.
 24 Q. Did you ever speak about that with your parents during
 25 your childhood?

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1 used discretion in telling us of experiences, things
 2 were left out, things weren't told until later on, until
 3 we were older. You say "affecting the family", family
 4 life, I'm not sure what area to think of --
 5 Q. That's fine. It's a very general question but I think
 6 you said that you personally didn't feel that you were
 7 traumatised by it; is that right?
 8 A. Yes.
 9 Q. I want to move on, please, to your relationship with AR
 10 over time --
 11 A. Yes.
 12 Q. -- and also AR's anger and violence within the
 13 household.
 14 A. Yes.
 15 Q. I'm going to start with his early teenage years and the
 16 impact of the move, his change of school to The Range.
 17 A. Yes.
 18 Q. I'm looking now at your paragraph 11 on page 3 of your
 19 statement --
 20 A. Yes.
 21 Q. -- where you tell us that, in primary school, because
 22 you were both autistic, you and AR would talk very
 23 intensely; is that right?
 24 A. Yes, I mean, I wouldn't have said that at the time,
 25 neither of us were diagnosed with autism but, upon

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1 reflection, I had talked to friends and compared that.
 2 I would say our discussions were more involved in terms
 3 of the extent to which we held to (*unclear*).
 4 Q. You say he would hit you but, in hindsight, that didn't
 5 seem unusual for brothers at primary school age?
 6 A. Yes, as he felt as strong as he did as I say in my
 7 statement.
 8 Q. Sorry, could you repeat that?
 9 A. Brothers who felt as strong as he did about the points
 10 we were talking about -- these were debates, issues,
 11 that (*unclear*).
 12 Q. Thank you. At the age of 12, you were diagnosed with
 13 a neuromuscular condition; is that right?
 14 A. I wasn't diagnosed, it's undiagnosed -- it was
 15 identified, yes, by that age. I underwent many tests,
 16 yes. In the meantime I've been diagnosed, as I said in
 17 the statement.
 18 Q. Sorry, Dion R, could I just ask you to slow your answers
 19 down please as best you can. I know it's difficult but
 20 just please answer as slowly as you can because the
 21 transcriber needs to get all of this down?
 22 A. Yes.
 23 Q. I'm just going to ask the question again. Is this
 24 right, at the age of 12 -- let me put it slightly
 25 differently.

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1 already said that she suspected that I was autistic at
 2 that point in 2016.
 3 Q. Thank you. AR moved with you; is that right?
 4 A. Well, he was not in secondary school at this point. He
 5 moved when he finished primary school.
 6 Q. What was AR's view of moving, requiring to move from
 7 Christ the King School to -- requiring to move to The
 8 Range, which was the same school as you?
 9 A. He resented this because he was leaving his friends
 10 behind. He had very strong friendships, which he formed
 11 in primary school and he had to start again in secondary
 12 school.
 13 Q. Thank you. Now, please, looking at your paragraph 20.
 14 Where we have moved, I think, to year 9 --
 15 A. Yes.
 16 Q. -- and September 2019. I think you say there that AR's
 17 mood deteriorated further at that time and you were
 18 worried that he would try and hit you like he did when
 19 you were younger; is that right?
 20 A. Yes, when I talk about his mood deteriorating, I don't
 21 necessarily just refer to violent outbursts. He was
 22 less happy, he was quite despondent. His frustration,
 23 as a result of his low mood, often led to outbursts but,
 24 yes, it was concerning and because he was bigger, as
 25 I think I say --

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1 At the age of 12 you became a wheelchair user?
 2 A. Yes.
 3 Q. You state that your disability meant that your parents
 4 had to help you a lot more; is that right?
 5 A. Yes, that's right.
 6 Q. How did that affect your relationship with AR?
 7 A. It -- there was tension that came about. We didn't --
 8 well, up to that age, he got more attention than I did
 9 because he was younger than me, and so there was a shift
 10 in focus around that time, which I think slowly -- even
 11 though I didn't know it at the time, less than he did.
 12 I was growing older. Sorry, I'm just reading.
 13 Q. I'm going to stop you there Dion, thank you. So you got
 14 more attention and, is this right, did AR resent that?
 15 A. Yes, it was never explicitly stated by him as that but
 16 it did coincide, yeah.
 17 Q. In 2015, you moved from Christ the King School to The
 18 Range High School?
 19 A. 2016.
 20 Q. 2016, thank you. That was because Christ the King
 21 didn't have a lift, so it was problematic for you from
 22 an accessibility point of view?
 23 A. And Range High School, in particular, because the
 24 psychologist I was seeing at the time said they were
 25 well equipped to deal with students with autism and she

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1 Q. Sorry, you said because he was bigger physically, he was
 2 stronger?
 3 A. Yes, physically larger, so he was stronger and it would
 4 hurt more. He did.
 5 Q. Thank you. You tell us you were increasingly wary of
 6 him; is that right?
 7 A. Yes.
 8 Q. What topics would trigger AR's anger at that time?
 9 A. Nothing in particular. It was generally speaking to
 10 what -- where any verbal dispute reached -- if it
 11 reached a conclusion, then it would happen, but if it
 12 didn't, because he was already quite frustrated -- he
 13 had a short temper basically, that resulted in --
 14 Q. So a disagreement with his view was enough to trigger
 15 a violent response; is that right?
 16 A. An unresolved -- yeah, if it remained unresolved after
 17 some level -- it depends -- and I think the extent he
 18 would go to to resolve decreased, I think (*unclear*).
 19 Q. Sorry, you said, I think, the extent that he would go to
 20 resolve an argument --
 21 A. Yes.
 22 Q. -- decreased?
 23 A. Decreased, yes, and as I also refer to.
 24 Q. Would he hold a grudge?
 25 A. No, not really. The outbursts would be the resolution.

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1 It would always be -- something with an end then.
 2 Q. Thank you. At that time, how frequently -- so you refer
 3 to outbursts as a terminology for that?
 4 A. Yes.
 5 Q. How frequently would he have an outburst at that time?
 6 A. At that time, doubtless (*unclear*).
 7 Q. You are not able to say then --
 8 A. It -- it's frequent, it would have been multiple times
 9 a week, maybe every day. I couldn't say, can't
 10 remember.
 11 Q. How often were those outbursts violent?
 12 A. I think if I'm referring to non-violent outbursts,
 13 I probably wouldn't -- if I'm referring to outbursts,
 14 I'm referring to violent outbursts here. So,
 15 non-violent outbursts happened at some frequency,
 16 I can't recall.
 17 Q. You're saying, I think, effectively, multiple times
 18 a week, maybe every day, AR would have a violent
 19 outburst?
 20 A. It's a matter where -- if the violence -- if there was
 21 an outburst as a result of a dispute, then it would
 22 become violent towards the person. But if it were
 23 a result of frustrations he was having in school, it may
 24 not result in him hitting someone but I would also use
 25 the word violent in the intensity of the situation. If

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1 happened in the car and it was towards me because I was
 2 sitting next to him. It wouldn't make sense for it to
 3 be towards my dad because he was driving the car.
 4 Q. Sorry, I think you were saying you are talking about
 5 violence to yourself and that was happening multiple
 6 times a week?
 7 A. Yes.
 8 Q. Thank you. Moving through time then to the time of AR's
 9 expulsion, so actually shortly afterwards in 2019?
 10 A. Yes.
 11 Q. I'm looking at your paragraph 25, at page 6 of your
 12 witness statement. You say that then AR's behaviour
 13 deteriorated quickly:
 14 "The sense of family routine and togetherness which
 15 we once had, started to fade when I lost the ability to
 16 walk, but after AR's expulsion it broke down
 17 completely."
 18 Is that right?
 19 A. Yes.
 20 Q. Thank you. Then taking your paragraph 27, you say that
 21 the violence was building noticeably before the hockey
 22 stick incident in December 2019 and AR was breaking or
 23 smashing things like plates or glasses, which got worse
 24 over time.
 25 A. Yes.

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1 you did speak to him at that point, he could hit you, so
 2 yeah --
 3 Q. Thank you for clarifying. I should have been more
 4 specific. How often would it have been physically
 5 violent; are you able to say?
 6 A. Physically violent towards -- yeah. Probably a few
 7 times a week. But my memory is shaky, it's quite a long
 8 time ago. Sorry.
 9 Q. Understood. That was violence with you and your
 10 parents; is that right?
 11 A. I'm referring to things that happened in the car on the
 12 way home from school, mostly, because that -- at this
 13 stage, before he was expelled, there wasn't very much --
 14 there wasn't really any violence towards my parents. In
 15 the car, it was just because I was sitting next to him,
 16 you know --
 17 Q. Sorry, can I just pause you, Dion R. I think our
 18 transcriber didn't catch that.
 19 You said there wasn't really "something" about your
 20 parents?
 21 A. Violence towards my parents, before he was expelled.
 22 I don't recall being concerned about this at all. You
 23 know, the violence -- I viewed it as an extension of
 24 when we were younger, the disputes leading to that kind
 25 of argument -- sorry, that kind of response and it only

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1 Q. So, it sounded like, in September, at least for you, you
 2 were experiencing quite a lot of violence. That
 3 continued to build in the years that followed?
 4 A. I'm not -- there's a very distinct jump from before he
 5 got expelled to when he got expelled. This kind of
 6 thing in the car, I didn't view as -- I knew to be
 7 careful. I could avoid that kind of response.
 8 What followed was within the house, a general risk
 9 of violence, my parents then -- obviously my dad could
 10 have been on the receiving end of this. And plates and
 11 glasses being smashed was something that kind of started
 12 after he was expelled (*unclear*).
 13 Q. Sorry, just pausing you there. So that built from
 14 September to the expulsion around October, and then we
 15 know the hockey stick incident in December 2019; is that
 16 right?
 17 A. No, no. I'm referring to after -- all the --
 18 paragraph 27 is referring to after he was expelled.
 19 This did not happen before he was expelled. In
 20 September to October -- this didn't not happen until
 21 after October and it built to the point to the hockey
 22 stick incident, so that's what I was saying.
 23 Q. Thank you for clarifying that. I'm going to move on,
 24 please, to your paragraph 38, and we are now looking at
 25 the Covid 2019 lockdown, from March 2020 onwards, and at

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1 paragraph 38, you say:
 2 "AR's behaviour remained unpredictable and
 3 inconsistent. He continued to have outbursts and be
 4 violent, though I did not witness everything directly.
 5 I remember he became increasingly withdrawn and I knew
 6 I had to be cautious if I did speak to him as any
 7 disagreement could escalate into an argument."
 8 A. This is development from what happened before, before
 9 his expulsion, the things we were talking about in the
 10 car.
 11 Q. So this was a continuation of the behaviour from October
 12 2019 onwards?
 13 A. From September 2019 onwards, the things we were talking
 14 about before in the car, the earlier disputes leading to
 15 physical violence. This is -- that escalated slowly up
 16 to this point.
 17 Q. Can I just check that I'm understanding this correctly.
 18 Are you saying that the violence continued to build from
 19 December 2019 onwards?
 20 A. Yes, but I'm saying -- so in terms of -- so, the
 21 distinction I'm making, the expulsion, was that, instead
 22 of violence being a sort of argument and kind of
 23 interacting with the person he was arguing with and only
 24 really directed towards me in that area, it opened up to
 25 everyone in the house and things would get smashed. But
 169

1 contact on 14 May, which we will come back to, but then
 2 there are messages on 12 December, first?
 3 A. Yes.
 4 Q. I think are you messaging a friend on Discord?
 5 A. Yes.
 6 Q. You say:
 7 "Good night my brother wanted to sleep."
 8 The person you're messaging -- we don't need to know
 9 their name -- says:
 10 "Your brother is in the room too?"
 11 You respond, saying:
 12 "He was getting slightly violent. No. He can just
 13 hear me through the walls. They are much thinner than
 14 at university."
 15 A. By violent, I mean potentially physically violent. He
 16 was not physically violent when I said this.
 17 Q. Thank you. Then looking at the 14 December 2022.
 18 Again, messaging a friend on Discord.
 19 A. I can't --
 20 Q. I'll read it to you. It says:
 21 "He came to me just then and was like what time do
 22 you think it is? It's midnight. Stop talking. He will
 23 become violent if I talk ..."
 24 Were you saying that AR would become violent towards
 25 you if he could hear you talking late at night?
 171

1 that issue with arguments escalating to physical
 2 violence continued to exist and I think, by Covid, had
 3 got a bit worse --
 4 Q. Thank you.
 5 A. -- quite continuously --
 6 Q. That's clear. Perhaps then we can take the rest of the
 7 chronology quickly. Did that continue on, that
 8 situation, all the way through to 2024?
 9 A. I would say there were -- there was -- this -- there
 10 were some improvements during 2020, I think. I have
 11 struggled to remember that year very well because
 12 I wasn't doing anything. But I was slowly (*unclear*)
 13 a bit more. It didn't go back to the way it was before
 14 he (*unclear*) to something. But it did improve and, at
 15 quite extreme points that it reached in early 2020
 16 but -- and then it progressively got worse again.
 17 When I went to university, I think because I was
 18 away so much, this is speculation, he -- well, he was
 19 less familiar with me being around and so spoke to me
 20 less, and that went to nothing in 2023.
 21 Q. We might be able to look, I think, at some messages that
 22 were sent when you returned for Christmas in 2022?
 23 A. Yes.
 24 Q. So if we could have on screen, please, IWS000057. We
 25 see some messages, the first is in relation to a police
 170

1 A. Yes. Again, it never got to the point where he was
 2 because I stopped as soon as ...
 3 Q. Okay, so you stopped speaking in response to that
 4 threat?
 5 A. He can be quite scary. It was quite obvious that it
 6 could escalate quite badly.
 7 Q. If you hadn't stopped, you think he would be violent
 8 with you?
 9 A. Yes, potentially.
 10 Q. Then you say:
 11 "The same with my parents. There's not much that
 12 can be done as he's rather strong. Too much damage
 13 would be caused by my dad trying to restrain him.
 14 "And the risk of him doing something potentially
 15 fatal is the major concern. That is true but, well, for
 16 the time being, he will have to learn slowly for
 17 himself, which he is doing slowly."
 18 So you were worried that the risk was that AR might
 19 kill in December 2022; is that right?
 20 A. Yes. There had been various -- I mean, at this point --
 21 we're probably going to get to it -- but the police had
 22 been called multiple times. Those incidents were
 23 signals and this could be concerning -- that this could
 24 be concern --
 25 Q. Sorry, let me just stop you there. I think you were
 172

1 saying there were signals --

2 A. Well, the events where we had to call the police out

3 were indications that, yeah --

4 Q. That the level of violence could be fatal?

5 A. The risk of violence -- yes.

6 Q. Thank you. Your friend messages you saying:

7 "So can your dad not make him do anything because he

8 seems rather strict with you."

9 You respond:

10 "No, he is but my brother can be violent so he has

11 to be a bit careful. He has a lot of anxiety which

12 makes him avoid doing most things regardless of the

13 benefit. He will find an argument to convince himself

14 that it's not worth it and if it is not strong enough

15 and you question it, he will get violent. This is the

16 added stress of being at home. When you hear

17 an argument get louder and get concerned. The fights

18 are scary because of the danger of someone dying. My

19 brother doesn't really show mercy so my dad just has to

20 try not to die. We hide knives to mitigate that

21 factor."

22 Then your friend says:

23 "Has your brother tried to stab your dad before?"

24 You reply:

25 "He has, however turned away from that over time.

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1 not for me to say.

2 Q. We'll look at the police report, I don't think there's

3 any mention of AR --

4 A. It might be that he was holding a bottle, trying to hit

5 him with a bottle or something. It's quite hard to say.

6 But I remember being scared that someone was going to

7 die on that occasion, that he was going to -- yeah -- my

8 dad.

9 Q. So in 2022, is this right, you thought that AR had tried

10 to stab your father but you weren't sure?

11 A. Yes. That's what (*unclear*).

12 Q. Thank you. So, I think those messages more or less

13 speak for themselves, don't they? By this time, you had

14 a serious fear that your brother would kill a member of

15 your family?

16 A. If things escalated to that point.

17 Q. Thank you. Did that continue from late 2022, on towards

18 all the way through to July 2024?

19 A. Yes. I would say this fear existed earlier than that

20 date.

21 Q. Are you able to say how early your fear started?

22 A. I remember being scared going to university. Actually,

23 it would have been the same year, but I was scared to go

24 to university in my first year because of the summer

25 being a bit -- yes.

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1 No. I'm not sure really."

2 A. I'm still as unsure.

3 Q. So you're not sure whether your brother had tried to

4 stab your father?

5 A. At that point. I remember being in the room when

6 something tried to -- when he was holding off him and --

7 the police that was called out on that occasion. That

8 is later in my statement. But I am not sure whether

9 a knife was involved there.

10 Q. Dion R, sorry, I know this is difficult but please try

11 and slow your answers down as best you can. I think we

12 lost something in the middle of that. The transcriber

13 is trying to keep up?

14 A. Yes.

15 Q. You say:

16 "I remember being in the room when he was holding

17 him off."

18 Do you mean your father was holding AR off?

19 A. My father was holding my brother off, yes.

20 Q. Did AR have a knife on that occasion?

21 A. I don't recall. This is why I -- I was thinking of that

22 occasion at the time of writing that message but then

23 I wasn't sure whether it was (*unclear*). I'm still as

24 unsure as I was then on that one. But the police were

25 called out and the report should -- I don't know, it's

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1 Q. Yes. So, thank you, Dion R. I'm going to take the

2 policing topic separately. You'll have to forgive me

3 that that means it is slightly out of chronology but

4 perhaps we will come to those incidents later but that's

5 helpful, thank you.

6 Before the attack happened, were you ever asked

7 about AR's level of violence by, first of all, Social

8 Services?

9 A. I don't think so.

10 Q. Or CAMHS, Child and Adolescent Mental Health Services?

11 A. I don't think so.

12 Q. Or the police?

13 A. I don't think so.

14 Q. If they had asked you, would you have told them that you

15 feared that AR might kill someone in your household?

16 A. At what point? 2022?

17 Q. From 2022 onwards?

18 A. I would have explained it probably -- I wouldn't have

19 said it point blank. I would have explained it as much

20 as I explained it to you just now, that, yeah, I fear

21 where certain disputes will escalate to (*unclear*).

22 Q. Aside from being asked, did you ever think to tell

23 anyone about that fear?

24 A. No, because it had been growing gradually. It is not

25 something that just appeared out of nowhere. So it

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1 never really was a point of alarm, there was no point of
2 alarm to go and report it. And as -- when I went to
3 university, I was away from him more, I had less
4 knowledge of what was actually going on and so trusted
5 my parents, who did have more knowledge, who were also
6 in contact with these services directly, to make any
7 report of this.

8 Q. So this level of violence started when you were around
9 15 --

10 A. Yes.

11 Q. -- so obviously during your childhood, but it continued
12 onto your adulthood and when you went to university?

13 A. Yes.

14 Q. Were you concerned that your parents might need actually
15 the protection from the police or anyone else?

16 A. We'd already called the police multiple times and their
17 response was, whilst sympathetic, I say this several
18 times in my statement, not much followed in the way of
19 support. But they were trying to access support in
20 general, as far as I was aware. I don't know what
21 specifically.

22 Q. Do you know what your parents told the police or Child
23 and Adolescent Mental Health Services or Social
24 Services?

25 A. No, I wasn't involved in correspondence. Maybe with the

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1 Q. Can I just pause you there, just to break that down --

2 A. Sorry.

3 Q. So it did not make sense to try and punish; why was
4 that?

5 A. Because, effectively, he didn't trust anyone and he
6 needed support. The reason he had outbursts was not
7 just -- it wasn't just -- we didn't view it as just
8 being naughty, he was struggling to manage in his
9 situation, and he was frustrated and he lashed out.

10 So I'm -- I'm aware of my parents' attempts to
11 access services to try and alleviate some of these
12 problems, but obviously none were effective.

13 Q. We'll come onto some of that, that's fine. Just the
14 other thing that you said was there was a heavy risk in
15 punishing. Are you saying that, if AR was punished, he
16 would have just become more violent --

17 A. I don't know what punishment would look like, if you see
18 what I mean. I've already said that there was a risk to
19 life in general conversation, let alone if you tried to
20 confront him and say, "You do this". There'd either be
21 no response, if you tried to -- it gets to the point
22 where are you going to physically push him into his room
23 or something? And that wouldn't be responded to well,
24 that wouldn't have been.

25 Q. So you don't think --

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1 police -- I covered my ears whenever they were in the
2 house.

3 Q. Sorry, could you just repeat that answer a bit slower,
4 Dion R. You said something about correspondence?

5 A. I wasn't in direct correspondence with CAMHS and I --
6 and with the police, I was never present -- well, you
7 know, I say this -- I wasn't really present in the room
8 for any of these, and I covered my ears. I didn't want
9 to listen to it through the walls.

10 Q. Thank you. You weren't present in the room for many of
11 these and you covered your ears to the conversations and
12 what was going on because you didn't want to hear it?

13 A. Only because I could hear through the walls, so yes, I'm
14 not aware of what was disclosed.

15 Q. Thank you. When AR was violent, how did your parents
16 respond?

17 A. It was always shocking. I think the fear is what marked
18 all of these. So the response -- we -- from my point of
19 view, it was always very clear that his behaviour was
20 not simply the person's -- it was always a response to
21 quite trying -- it was, frankly, quite trying situations
22 that had extended from when he was expelled, and so it
23 didn't make sense to try and punish, and also there was
24 a heavy risk in doing so, given the risk that existed in
25 general conversation. But the --

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1 A. (*Unclear*) reasonable, and also to what end are you
2 trying to reach? You're not going to make him, I don't
3 know, scared of acting in a certain way. You could see
4 why he was acting in that way -- it was not really -- at
5 least from my perspective, I can't say what my parents
6 think, you'll have to ask them.

7 Q. That's fine, we'll leave it from there. But I think
8 what you're saying you don't think any punishment would
9 have been effective because it wouldn't be seen as
10 a deterrent by AR; is that right?

11 A. Yes, I don't think a deterrent was also -- would've been
12 viewed by my parents as the right course of action
13 because we could see the situation was -- what we viewed
14 as he was struggling to manage under his circumstances,
15 and so more compassion (*unclear*).

16 Q. So the other solution then, if there wasn't the
17 possibility to punish, is to look at outside services
18 and, as I said, we'll come to that and, as you say, ask
19 your parents about it.

20 A. Yes.

21 Q. Could we have up on screen, please, LCC002301. Thank
22 you. Could we have page 27. Could you just expand the
23 second entry dated 18 August 2021.

24 Dion R, this is a record from the Lancashire County
25 Council case notes, which is dated 18 August 2021. I'm

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1 asking you about this because it's about whether your
 2 father used violence in response to AR's violence.
 3 **A.** Well, I can't really see that but --
 4 **Q.** So it's very small. Can I read it to you and, if you
 5 have any questions, I will answer that.
 6 So, it says:
 7 "Visit was carried out at 6.15 pm as Dad, Alphonse,
 8 wanted Mum to be present. I entered and [AR] was in the
 9 sitting room with Mum. I explained the reason for the
 10 visit and asked [AR] if he understood. [AR] was very
 11 literal in his answers and very direct. He was calm
 12 initially until his dad came into the room, then the
 13 atmosphere got tense."
 14 I'm just going to move forward slightly. The social
 15 worker said:
 16 "I continued to ask [AR] about his conversation with
 17 his CAMHS worker and he stated that his dad hits 8-year
 18 olds and he hits Dion."
 19 **A.** Right.
 20 **Q.** "I asked who the 8-year old was and he replied 'Me'.
 21 I then asked if his dad had hit him recently and he said
 22 no but he has hit Dion. There was a lot of tension
 23 between [AR] and his dad as [AR] kept shouting at his
 24 dad [et cetera]."
 25 **A.** Yes.

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1 even just smacking, that kind of thing, in general, and
 2 extrapolate that to his own situation --
 3 **Q.** So sorry, the complaints being made by AR there were
 4 not, to your knowledge, current, as in they didn't
 5 relate to your father's behaviour in 2021; is that what
 6 you're saying?
 7 **A.** That's what I'm saying.
 8 **Q.** Thank you. Can we have your father's statement up, it's
 9 IWS000058. Can we have page 40. I'm looking at
 10 paragraph 192, so at the bottom of the page.
 11 Your father, Alphonse R, says:
 12 "The allegations that I hid AR and Dion are false.
 13 When they were young boys ... I very occasionally
 14 smacked them when they were fighting with each other,
 15 and this included the use of a slipper. I have never
 16 hit or smacked AR on his chest. Similarly, I did not
 17 threaten AR with a knife. AR had a tendency to make
 18 false allegations, which can be clearly seen in the
 19 allegations that I hit Dion (which Dion confirmed did
 20 not happen) and that I am responsible for Dion being in
 21 a wheelchair (which is absurd)."
 22 From your perspective, is that statement true?
 23 **A.** Yes.
 24 **Q.** We dealt with violence and your parents response.
 25 **A.** Yes.

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1 **Q.** It then says:
 2 "On speaking to Dion he said that he had no worries
 3 and that his dad had not hit or slapped him in the last
 4 two weeks. Dion did say that when both he and [AR] were
 5 younger they would get a smacked bottom for being
 6 naughty."
 7 Is that record accurate?
 8 **A.** Yes. To my knowledge, yes, and even to elaborate a bit,
 9 the tension -- there was great tension around this
 10 time -- is this 2021?
 11 **Q.** It is, yes.
 12 **A.** About in the past, when we were younger, my dad smacking
 13 us on the bottom and he had been reading things,
 14 articles by educational psychologists, and whatnot, or
 15 child psychologists, who have said this inflicts trauma
 16 on children, and so my brother felt very wronged by this
 17 and was lashing out a lot around this time because of
 18 that. It kept on coming up. So it may not --
 19 **Q.** Dion, I'm sorry, I'm just going to summarise, I think,
 20 what you said. I think your father was -- sorry -- is
 21 this right: AR had been reading about parents inflicting
 22 trauma on their children and he felt very wronged by the
 23 reference there --
 24 **A.** Well, it's -- he'd been reading articles about how
 25 corporal punishment does inflict trauma on children,

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1 **Q.** Would you agree that your parents had lost control of
 2 AR?
 3 **A.** Yes.
 4 **Q.** It sounds like that was from 2019 onwards?
 5 **A.** Yes.
 6 **Q.** Thank you. Just a few more parts of your relationship
 7 with AR, please.
 8 The first is about AR's capacity for empathy and how
 9 that changed over time, and I'm looking at your
 10 statement at page 17, paragraph 76?
 11 **A.** Yes.
 12 **Q.** So you had said in your police statement that AR showed
 13 no empathy and you say that AR's ability to empathise
 14 was affected by his condition but that did not mean that
 15 he could not empathise at all. When he was younger AR
 16 was capable of empathy but this diminished over time,
 17 particularly after his expulsion from school:
 18 "As AR became more socially isolated and
 19 increasingly fearful of others, the value of empathy may
 20 have diminished for him, especially as his anxiety and
 21 paranoia increased. If the world felt hostile and
 22 untrustworthy, he would not see a reason to engage
 23 empathetically."
 24 Is that right?
 25 **A.** Yes. When I talk of his capability of empathy

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1 diminishing over time, I'm referring to effectively his
 2 inclination to employ empathy, as opposed to his ability
 3 to -- you know, as a result of autism to empathise with
 4 others, and pick up on language. It's whether that is
 5 of value and, by extension, whether he implemented it.
 6 Q. But in terms of you seeing examples of him employing
 7 empathy, you were limited evidence of that; is that
 8 right?
 9 A. Yes, and that diminished over time. Yes.
 10 Q. In your statement, you compare AR to the main character
 11 in the film, No Country for Old Men; is that right?
 12 A. Yes, I think that was on my mind because I watched it
 13 recently and it concerned me when I watched it.
 14 Q. You describe that character as a sociopath and say it
 15 was really close to how your brother was; is that right?
 16 A. Yes, I think I had been told that the character is meant
 17 to be a sociopath and that's why I used the word, by
 18 people I know, who were watching it.
 19 Q. The character kills I think over 10 people over the
 20 course of the film; is that right?
 21 A. Yes, that's why it concerned me. Again, as I said
 22 multiple times in my statement, my witness statement,
 23 that I felt the threat to be within the home and, even
 24 then, nothing had ever come of it, as in no one had ever
 25 actually --

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1 almost completely stopped speaking by 2023; is that
 2 right?
 3 A. Yes.
 4 Q. Why was that?
 5 A. As I -- I can only speculate -- as isolation grew, also
 6 I was not as home as much, so we didn't engage in these
 7 quite heavy conversations that we used to, as often,
 8 mainly because I didn't come home, and also the
 9 extent -- I think I say in my statement -- but the
 10 extent to which we had to adhere to a formal
 11 structure -- I give reference -- grew. I couldn't
 12 engage in this and so I couldn't really talk like this
 13 with him. As that progressed, I -- I felt less inclined
 14 to engage but there was also the growing risk of him
 15 lashing out and I was told by my parents to be careful.
 16 At some point, I'm not sure --
 17 Q. You tell us, I think, that your last interaction, which
 18 was about a year before the attack, so in summer of
 19 2023, your parents asked AR to say goodbye to you before
 20 you went to see friends and, in response, AR threw
 21 a metal bottle at you; is that right?
 22 A. I think they closed the door before it -- yeah --
 23 Q. Sorry, I didn't catch your answer?
 24 A. I think they closed the door before the bottle got to
 25 me. But it was not very significant in itself, other

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1 Q. We'll perhaps come on to engage with that a bit more but
 2 for now I just want to ask about AR's use of the home.
 3 A. Yes.
 4 Q. You said in your police statement that AR dominated the
 5 living room and you didn't go there at all?
 6 A. Yes.
 7 Q. When did that start?
 8 A. It -- because after he was expelled, he didn't go
 9 straight to living in the living room. It would have
 10 been after I'd gone to sixth form. So probably 2021,
 11 some point in 2021, I would have thought.
 12 Q. Some time in 2020, did you say?
 13 A. 2021.
 14 Q. Thank you. When you went home, did that mean that you
 15 spent your time in your own room?
 16 A. Yes.
 17 Q. Did you ever go into AR's room?
 18 A. No.
 19 Q. Why was that?
 20 A. Because he'd said not to. This coincided with attempts
 21 of my parents to do so and you've seen the violent
 22 response, so.
 23 Q. Thank you. Just finishing your ongoing relationship
 24 with AR, you tell us that the relationship deteriorated
 25 further and the communication diminished until you had

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1 than it being the last interaction.
 2 Q. Well, that was quite a violent act towards you. If the
 3 door hadn't been closed, you might have been seriously
 4 hurt, mightn't you?
 5 A. Yes, but this -- as I say, progressively the tension
 6 grew. I didn't view this at the time as a particularly
 7 significant event, other than it being --
 8 Q. Because it was consistent with AR's other behaviour?
 9 A. At the time, yes.
 10 Q. Do you know what your parent's response was to AR
 11 throwing the metal bottle at you?
 12 A. No. I left --
 13 Q. AR, I think, wasn't speaking to your father at this time
 14 either; is that right?
 15 A. I think he stopped talking to him slightly later.
 16 I heard about this over the phone, and based on talking,
 17 so it would have been during the following term --
 18 earlier the following term.
 19 Q. So, later in 2023, you think that's when they stopped
 20 speaking?
 21 A. That time also, yeah, I would've thought.
 22 Q. Who was AR speaking to at this time?
 23 A. My mum. As far as I was aware, my mum, that was it.
 24 Q. Your mother and no one else?
 25 A. Yes. As far as I know.

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1 Q. I want to move on, please, to AR's education?
 2 A. Okay.
 3 Q. So I'm changing to a different topic in time and I want
 4 to ask -- so I'm afraid go back to 2019 but ask about
 5 bullying at The Range.
 6 A. Right.
 7 Q. You say when AR moved to year 7 he settled in and you
 8 weren't aware of any problems at that time; is that
 9 right?
 10 A. Yes -- no, no problems, which were related to the later
 11 problems. He had some issues -- willingness to engage
 12 was lower because he'd kind of been pushed into going
 13 another school, away from his friends. But this is
 14 separate to things with bullying.
 15 Q. Yes, so he wasn't having specific problems at school,
 16 certainly with bullying?
 17 A. No.
 18 Q. Thank you. I think you tell us at your paragraph 17 on
 19 page 4, that AR had a small number of friends that he
 20 would speak to and whom he trusted, both in year 7 and
 21 year 8; is that right?
 22 A. Yes.
 23 Q. His attendance at school was good during that time?
 24 A. As far as I'm aware, we were at school together, so ...
 25 Q. Presumably he was travelling into school with you?

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1 A. Yes.
 2 Q. Could that have been when AR's issues arose in year 9,
 3 so from September 2019 onwards?
 4 A. No, I think some of these conversations happened during
 5 year 8.
 6 Q. You weren't party to these conversations?
 7 A. No, but I'd wait in the car when they were happening
 8 often because these may happen -- they came standing
 9 outside the car, I closed the door. I wouldn't be
 10 listening.
 11 Q. Could those discussions have related to the fact that AR
 12 was getting detentions at that time?
 13 A. That was brought up during the conversation of my dad
 14 talking about -- no, they would bring up the bullying to
 15 Mr Cregeen. So Mr Cregeen's response was to bring up
 16 his misbehaving.
 17 Q. Sorry, so you said Mr Cregeen's response was to bring
 18 up -- we didn't catch --
 19 A. His disciplinary record. He had detentions and was
 20 misbehaving in class. Yes.
 21 Q. So have I summarised your evidence that there were
 22 discussions with Mr Cregeen at this time that related to
 23 detention but you think that they also related to
 24 bullying?
 25 A. Yes, the conversations -- as far as I'm aware, having

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1 A. Yes.
 2 Q. At your paragraph 18, you say that at some point between
 3 February 2019 and the end of that academic year, you
 4 became aware that AR was being bullied, and you say:
 5 "I learned about it from my dad who would tell me
 6 about it."
 7 Is that right?
 8 You go on to say that you don't remember AR talking
 9 to you directly about bullying; is that right?
 10 A. Yes.
 11 Q. There's no mention of you seeing any evidence of
 12 bullying yourself at school; is that right?
 13 A. Yes.
 14 Q. Just keep your voice up, please. I think you answered
 15 yes to all of those questions though?
 16 A. I did.
 17 Q. We've heard evidence from teachers at The Range and they
 18 said that, apart from a couple of isolated incidents,
 19 The Range had no records to suggest that AR had any
 20 lasting issues with bullying in year 8; are you aware of
 21 that evidence?
 22 A. Yes.
 23 Q. You refer, I think, in your statement to your father
 24 speaking to Mr Cregeen quite frequently after school; is
 25 that right?

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1 not been part of the conversations myself, the
 2 conversations began because my dad was reporting
 3 bullying on behalf of my brother. That's -- what was
 4 brought up by Mr Cregeen was his misbehaviour -- his
 5 behaviour and misbehaving.
 6 Q. Thank you. So you state that after AR was expelled you
 7 heard from friends who had siblings in AR's year that it
 8 was widely known in AR's year group that AR was being
 9 bullied?
 10 A. I heard from the siblings, sorry. I want to make sure
 11 I don't make a mistake.
 12 Q. I'm looking at your paragraph 19.
 13 A. 19, okay. I see. Yes, that is a mistake.
 14 Q. You say:
 15 "... I remember some of my friends who had siblings
 16 in AR's year mentioned it was widely known in his year
 17 group that AR was being bullied."
 18 So this information came to you from your friends
 19 who had been given information by their siblings?
 20 A. No, this came from the siblings when I'd gone to my
 21 friend's house, for instance.
 22 Q. Do you see your statement --
 23 A. I do, yes. I see the -- yeah, I said it's a mistake,
 24 I've written a mistake, to say --
 25 Q. Sorry, you confirmed this statement is true. Are you

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1 saying that's a mistake?

2 **A.** It's a mistake. Yes. When writing I was referring to

3 talking to the friends of -- literally the -- the

4 siblings of my friends, I'd heard from the siblings

5 themselves who were in his year.

6 **Q.** Dion R, you must have read this before you gave evidence

7 today. You haven't corrected it at any stage, have you?

8 **A.** No.

9 **Q.** The Inquiry heard from the headteacher at the time,

10 Mr McGarry, and I think you go on to say at your

11 paragraph 19 that there were a lot of troublemakers at

12 the school?

13 **A.** Yes.

14 **Q.** I think Mr McGarry strongly denies that characterisation

15 and pointed out that you had stayed at the school, which

16 might be thought to suggest that it wasn't as

17 troublesome as you are suggesting; is that right?

18 **A.** No. What do you mean? Sorry, can you repeat the

19 question?

20 **Q.** Yes. It was put to him the parts of your statement

21 which describe what the situation was like at The Range,

22 including the reference to "troublemakers".

23 **A.** Yes.

24 **Q.** Mr McGarry pointed out that, even after AR was expelled,

25 you continued to stay at the school until you left and

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1 important, something online, is what I'm trying to get

2 at?

3 **Q.** Let me start the question again, Dion R. Mr Cregeen

4 said that AR had been in a dispute with another pupil --

5 **A.** Yes.

6 **Q.** -- and that the school had offered to mediate the

7 dispute between AR and that other pupil --

8 **A.** Yes.

9 **Q.** -- and that AR had refused to engage in that mediation?

10 **A.** Yes.

11 **Q.** Did you know about that at the time?

12 **A.** I did not know how it played out. So I did not know

13 about the refusing to engage with mediation. But

14 I think, if I'm thinking of the same incident -- but

15 I think maybe I only knew one -- then I was aware of the

16 situation.

17 **Q.** So you were aware of the dispute between AR and another

18 pupil, who we won't name?

19 **A.** Yes, I was.

20 **Q.** Could it be that AR got into that dispute with another

21 pupil but deemed that to amount to bullying?

22 **A.** This is not the bullying that I was referring to when

23 I spoke of bullying but this was something that did

24 bother him at the time --

25 **Q.** The question I'm asking is if you know whether AR was

195

1 went to university --

2 **A.** Yes.

3 **Q.** -- and I think the --

4 **A.** This is not -- it's not relevant to the troublemakers.

5 I mean, I don't know to what extent of trouble in the

6 school there would have to be for me to leave, but --

7 **Q.** It is your wording here, isn't it? "Troublemakers" is

8 the term you use?

9 **A.** Yes, I agree. I'm not disputing my own statement but

10 I'm saying it was never sufficient for me to leave.

11 **Q.** Fine, thank you. Mr Cregeen said that the school had

12 found no evidence of AR being bullied and, if there had

13 been a systematic pattern of AR being bullied, then he

14 would have expected to know about it. Are you aware of

15 that evidence?

16 **A.** Yes.

17 **Q.** He also said that the school tried to mediate the

18 dispute between AR and another pupil and that AR refused

19 to engage in that mediation. Did you know that?

20 **A.** Is this -- I'm not sure where --

21 **Q.** I think this would have been in September 2019.

22 **A.** I think I know what you are referring to, I'm not sure

23 if I can ask a question --

24 **Q.** Sorry, don't use the name, please, of the --

25 **A.** I don't know the name of the person. Was this something

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1 deeming a dispute or more than one dispute with a few

2 pupils to amount to a kind of campaign of bullying?

3 **A.** Are we talking about this in reference to my account of

4 bullying? Because what you are asking me is if he felt

5 that -- I -- as I say, he never spoke to me directly

6 about his experience of being bullied and so I would not

7 be able to answer that question.

8 **Q.** Let me put it another way: the evidence that you had

9 from AR and that your father suggested he was being

10 bullied?

11 **A.** Yes.

12 **Q.** But you never actually saw it yourself?

13 **A.** Yes.

14 **Q.** Thank you.

15 **SIR ADRIAN FULFORD:** Choose a time that's convenient,

16 Mr Boyle.

17 **MR BOYLE:** That is a good moment, sir.

18 **SIR ADRIAN FULFORD:** Dion, we're going to break for the

19 afternoon now. Thank you very much for your assistance

20 so far and we'll see you at -- what time tomorrow?

21 **MR BOYLE:** Could we say 9.45, sir?

22 **SIR ADRIAN FULFORD:** 9.45 tomorrow morning. We'll see you

23 then. Thank you very much indeed.

24 **MR BOYLE:** Sir, thank you.

25 **SIR ADRIAN FULFORD:** I will rise and we will sit again at

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1 9.45 am.
 2 (4.31 pm)
 3 (The Inquiry adjourned until 9.45 am the following day)

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1 and what material she would have looked at, including
 2 the referral from the MASH (LCC000108) previous C&F
 3 Assessments (LCC000027) and any previous referrals to
 4 CSC. Nothing about the case raised red flags for her at
 5 the time: she was aware of the history of Prevent
 6 referrals (though only the first and third can clearly
 7 be identified on the face of the assessment), of
 8 carrying knives into school, and of AR's involvement
 9 with the criminal justice system, but her view was that
 10 these all appeared to have been dealt with appropriately
 11 at the time.

12 6. She set out the work she did to carry out the
 13 assessment, including contacting other agencies. There
 14 were various visits to the family: two by Ms Haydock,
 15 one by a colleague, Janine Rhodes. Notably, Ms Haydock
 16 only met AR fleetingly, though Ms Rhodes had a more
 17 substantial interaction.

18 7. Ms Haydock did become aware that AR was making
 19 allegations of violence against his father - this was
 20 flagged by CAMHS, and by Ms Rhodes, who was able to
 21 discuss those allegations with AR. They included
 22 allegations that Alphonse R assaulted Dion R, and that
 23 Alphonse R did not assault AR as he would hit back. AR's
 24 account was not corroborated by anyone else within the
 25 household. It was also unclear in key respects,

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1 COUNSEL TO THE INQUIRY'S SUMMARY OF FURTHER EVIDENCE 2 RELATING TO SOCIAL CARE

3 1. There are a small number of statements from LCC
 4 where the makers have not been called to give live
 5 evidence. This is intended as a summary of their
 6 evidence.

7 2. Ms Haydock worked in the Duty & Assessment Team
 8 of Children's Social Care ("CSC"). She led the
 9 assessment that CSC carried out between June and
 10 September 2021, following Alphonse R's request to the
 11 MASH for a carers' and needs assessment under s.17
 12 Children Act 1989. It led to the case being stepped
 13 down to Child & Family Wellbeing, where Louise Lewis
 14 became the Family Support Worker.

15 3. Of note, though Ms Anderson in her oral evidence
 16 was at pains to emphasise that a carers' and needs
 17 assessment should be distinguished from a Child & Family
 18 Assessment ("C&F Assessment"), Ms Haydock repeatedly
 19 refers to what she produced as a C&F Assessment.

20 4. Ms Haydock describes her background and
 21 experience, including that she left LCC for another role
 22 on 23 September 2021. She notes one of the reasons she
 23 left was the very high workload, including that she was
 24 having to work into the early hours every single night.

25 5. She set out how the case was allocated to her,

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1 referring for example to Alphonse R hitting
 2 eight-year-olds -- when asked which 8-year-olds, AR
 3 replied 'Me' (he was at this time just 15).

4 8. Ms Rhodes was present when AR referred to no
 5 longer throwing plates at Alphonse R, but throwing water
 6 instead; and when AR, taking the view that everyone else
 7 was lying about the alleged abuse by Alphonse R, went
 8 upstairs to pour milk on his parents' bed.

9 9. The view that Ms Haydock reached on AR's
 10 allegations of violence was that they were either
 11 extremely historic or unfounded. They did not indicate
 12 a risk of harm to AR at that point in time. Her
 13 conclusion was that:

14 (47). The problems at home were AR and father not
 15 getting on, there were no concerns for parents' capacity
 16 at home, no concerns he was unsafe at home, his parents
 17 were trying their hardest to accommodate all of his
 18 needs and trying to put appropriate boundaries in place.
 19 He was pushing back against them which a lot of
 20 teenagers do at that age, and he had the added
 21 complications of his autism.

22 [...]

23 (50). I considered what services AR required but
 24 they were in the main already in place and the correct
 25 agencies were already working with him and his family.

200

1 I didn't observe any aggression or violence towards
2 others. There were no new incidents of violence towards
3 people nor violence within the home.

4 10. She assessed AR as Level 3 on the Continuum of
5 Need, meaning he could be stepped down to Child & Family
6 Wellbeing. She also recommended funding to support
7 a carer to support AR in accessing the community once
8 a week to help address his social isolation. This was
9 ultimately rejected by a manager, with the view being
10 taken that a change in educational provision would also
11 address his social isolation. That led to Ms Haydock
12 recommending direct support to help AR engage in
13 community activities. She also recommended parenting
14 courses for the parents.

15 11. Ms Haydock's view was that the outcome of the
16 assessment was appropriate. She does regret not keeping
17 better notes of her contacts with the family.

18 12. Ms Walmsley was a social worker employed in LCC
19 Adult Social Care's Transition Team. She was allocated
20 AR's case on 10 August 2022, after Ms Lewis had referred
21 it on 10 February 2022. The first work she did on the
22 case was not until 14 August 2023, on the basis that
23 this was shortly after AR's 17th birthday.

24 13. Ms Walmsley accepts that her preparation for
25 the case was inadequate: she points to the extremely
201

1 with responsibility for Prevent. He confirms that
2 because AR was never referred to Channel, LCC has no
3 direct evidence to provide in relation to any of AR's
4 three Prevent referrals.

5 17. He sets out the statutory and guidance
6 framework around Prevent and also the Dovetail pilot
7 programme, including the benefits of Dovetail from
8 a local authority perspective, which included placing
9 Channel into multi-agency safeguarding, quality
10 assurance of the process and outcomes for referrals,
11 improved staff awareness of Prevent referrals and
12 issues, and a multi-agency approach to interventions.
13 He records that despite a Dovetail-type model being
14 identified as the best performing model by the Home
15 Office, in 2022, the pilot was ended due to resource
16 concerns.

17 18. He sets out the current structures within LCC
18 in relation to Prevent, as well as current training for
19 staff. Prevent training for staff is mandatory every
20 two years, though the precise content depends on their
21 role.

22 19. In relation to AR's case, Dr Karunanithi says
23 he cannot comment on why the referrals were not sent to
24 the Dovetail Channel team. His expectation is that if
25 they had been, they would have been passed through
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1 high workloads in the Transition Team at the time, and
2 also a number of factors in her personal life that were
3 affecting her work. She did not read the C&F Assessment
4 that Ms Haydock had produced, or, save for one email to
5 the SEND Team, contact other agencies involved with AR.

6 14. She went to visit AR's family on 9 November
7 2023. AR refused to speak to her. She spoke to his
8 parents. Her contemporaneous notes of that meeting are
9 at LCC001567. She did not write those up until 30 July
10 2024, after the attack, when she (1) wrote them up into
11 a fuller form (LCC000534); and (2) wrote up the visit on
12 Liquid Logic (LCC000438, p3). A note was then entered
13 on Liquid Logic making clear that this was
14 a retrospective entry.

15 15. Following the visit, as well as not writing up
16 her notes, Ms Walmsley took no steps to progress the
17 case. It was discussed in supervision on a number of
18 occasions, but never taken forward. AR was never spoken
19 to, and his views or attitudes were never reflected in
20 any assessment. Ms Walmsley's view was that AR should
21 receive some support under the Care Act 2014, primarily
22 around his anxiety and social isolation, but that
23 package would not have been in place for AR's 18th
24 birthday.

25 16. Dr Karunanithi is the senior leader within LCC
202

1 the s.36 consideration and been referred to the Channel
2 Panel.

3 20. He notes that this case highlights the limited
4 information local authorities receive about cases which
5 are not referred to Channel, which creates a risk that
6 that local authorities do not have awareness or
7 oversight of cases that fall within their area. In his
8 view, that deprives local authorities and partners of
9 the ability to implement a whole-family approach to
10 manage the risk and support the referred individual
11 through multi-agency discussions, risk management and
12 identification of wraparound support to mitigate against
13 and address vulnerability and risk factors.
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