Tuesday, 27 October 2026

(10.00 am)

SIR ADRIAN FULFORD: Please remain standing for a moment.

MS EMMA CHURCHILL (sworn)

SIR ADRIAN FULFORD: Thank you very much and please take a seat. Yes, Mr Jamieson.

Questions by MR JAMIESON

MR JAMIESON: Sir, thank you. Good morning. Ms Churchill, may we have your full name, please.

A. Emma Jane Churchill.

Q. Please may we have Ms Churchill's statement on the screen.

Just before I deal with the formalities, Ms Churchill, I believe there is an update to paragraph 1 that you want to give?

A. Yes, that's right. I have a new title within the Ministry of Justice, which is Director General for Strategy Analysis and Criminal Justice Policy.

Q. Thank you. If we went on to page 86 MOJ000098_0086 this statement, we would see that it is 277 paragraphs long. It has your signature which we have redacted for privacy and the date of 8 September 2026. Is this your statement?

A. Yes.

Q. Is it true and accurate to the best of your knowledge and belief?

A. Yes.

Q. Thank you. With those formalities, please, may we go back to paragraph 1 MOJ000098_0001. If we just looked at that, you are in fact a new appointment to the Ministry of Justice, or a relatively new appointment to the Ministry of Justice, is that right?

A. That's right. I joined in December 2025.

Q. But a long career in Government before then?

A. That's right. I started my career in the civil service in 1996.

Q. So 30 years of experience and how have you gone about -- given you have been at the Ministry of Justice for a relatively short time -- how have you gone about obtaining information to prepare for today's evidence?

A. Yes, thank you. So obviously the evidence, both in the statement and that I shall give today, has been gathered from a large number of teams within the Ministry of Justice. So, as I say, in paragraph 4 of the statement, I have drawn on the expertise of others in putting the statement together and in preparing for today.

Q. Thank you. That will do as your introduction. May we also introduce the Ministry itself. Can we go to page 2 MOJ000098_0002 and paragraph 5; where you tell us that the Ministry of Justice is a major ministerial

department at the head of the justice system. You work to protect and advance the principles of justice. You are responsible, in particular, for delivering prisons, probation and youth custody services, administering the partnership with the judiciary, criminal, civil and family courts and tribunals and supporting victims, children families and vulnerable adults. You provide those services across England and Wales and for certain non-devolved tribunals, in Scotland and Northern Ireland. You set out your staffing and headquarters. You also have policy responsibilities in various other areas, including criminal and civil law, procedure, the management of offenders, coroners, burials and cremation, inquests and the domestic law framework for human rights.

Obviously some of those topics are rather closer to our terms of reference than others but I set them out for you there.

If we just went to the bottom of the page and paragraph 6. The Department has a rounded number of executive agencies and arm's-length bodies. Of particular relevance to our evidence this morning is His Majesty's Prison and Probation Service which we will call HMPPS. If we go over the page MOJ000098_0003, there are some others that are of less relevance to us.

But if we looked at paragraph 8, you set out some of the arm's-length bodies which otherwise work with the Ministry of Justice, and at paragraph 8.1 we recognise the Youth Justice Board who have separate Core Participant status before this Inquiry.

Now, with those introductions, may I just set the frame for our evidence this morning. The Inquiry is grateful that you, Ms Churchill, have agreed to come back during our Topic 3 in November and on that occasion, given we have asked you to do that because of the centrality of the Ministry of Justice, to the issues of the suitability of our current criminal laws and civil orders and so I will hold back all questions in relation to those topics until you return in November and we are grateful, as I say, for your agreement to do that.

With all those introductions, may we go straight to the substance. Could we look at page 4 MOJ000098_0004, paragraph 12 and the first topic I want to deal with you is the issue of definitions.

Because what you do -- we should note that this statement was signed and dated before the NIEV interim guidance which we will come to in a moment but you make clear, and I will read it because it is important:

"Throughout [the] statement, I make reference to

issues concerning violence fixated individuals ... There is currently no final cross-government definition of what constitutes a VFI, although a working definition has been in place since 9 June 2025 ..."

And we are familiar with the definition from the Cabinet Office body's paper.

You go on to say that this working definition has been agreed between various bodies:

"When I refer to VFIs within this statement, I am therefore referring to that working definition".

It is fair to observe, isn't it, that the theme of a lack of a concrete definition is something that you return to time and again in this statement and the impact that that has had, is that right?

A. Yes, that's right.

Q. We can look at that, if we skip ahead, really in a particularly frank paragraph that you have given us. If we go to page 25 MOJ000098_0025 and to paragraph 85, really you set out the consequence of that. Where you say this:

"The absence of specific national policies and programmes, guidance and governance targeting the VFI cohort is indicative of the gaps in evidence and lack of a consistently used definition to capture this cohort, as was identified in Phase 1 of the Southport Inquiry

and in subsequent cross-government work following the attack. The effects of this lack of definition are also evident throughout [the] statement."

It is slightly the other way round but just to unpack it, because of a lack of definition and the related problem of gaps in the evidence, it is a fact, isn't it, that there is no specific national policy, programme, guidance or governance that targets the VFI cohort?

A. That's right. I think in the statement what I set out is there will be things that will spring from an agreed final definition when that is put in place and those things would include, for example, national policies, national guidance, national training. So, the core importance of the definition, I agree with you, from which other things spring, is set out through the statement.

Q. Yes, of course. But looking at it at the other end of the telescope, as we sit here now, the consequence of there not having been a definition is that none of those things are in place?

A. That is right.

Q. Thank you, and thank you for that candour. It makes the rest of this examination simpler. May we just, while we are here, look at the next two paragraphs, please, over

the page MOJ000098_0026, 86 and 87.

Because you set out, in high-level terms, some of the work that the Ministry of Justice has been involved in to seek to address that gap. You tell us in May 2025 that the body that we will look at in a minute, Youth Justice Policy Unit, "undertook rapid engagement of a sample of 11 youth justice services."

Was that in the form of telephone contact and email contact, evidence gathering with those bodies?

A. Yes, that's right.

Q. You have disclosed the records of those conversations and we will look at them in summary later. But that rapid engagement, I think you tell us, was 18 months ago in May 2025. What has happened with the product of that policy engagement since then?

A. Yes, so as I think it sets out here at paragraph 87, the MoJ has been a kind of Core Participant, as it were, in the work of the Home Office taskforce which I think the Home Office witness talked to you about in some length. And the contribution that MoJ has been making to that has included consideration of the role of youth justice services, that could both -- happens now but also could potentially happen in the future and now, of course that consideration has been informed by a good many factors but including the engagement that happened,

as set out here, in May 2025.

Q. So you told the Home Office about it and fed it into the working group. But any specific policy development within the Ministry of Justice arising out of that work?

A. I think it would also have been influential in the thinking about the wider youth justice reforms, so I think we may come on later to the youth justice White Paper, which was published earlier in the year. I think that's also covered in my statement and I think also in the statement what I set out there is, those reforms are not specific to the VFI cohort, but as I expect we will come onto, some of the reforms that we are making we think will address some of the weaknesses in relation to dealing with a number of children at an early point in their offending and, therefore, is relevant to improvements that would, I say, improve the handling of this cohort, but it is not specific to VFI and that is recognised throughout the statement.

Q. All right. I will, in due course, come back to both of those subjects in a bit more particularity but I wanted to give you that opportunity. Finally on this question of concrete steps to develop policy, may we look at page 18 MOJ000098_0018 and paragraph 57, again, just on this topic of definitions and the work towards it.

You tell us that HMPPS's chief operating officer

attended the Cabinet Office meeting with which we are familiar, on 9 June 2025. You give us the reference for the paper but I'm not going to put it up on the screen. It's CAB000024. There is some sensitivity about some of the contents.

But that was the meeting at which the analysis of the proxy Prevent dataset was discussed and a potential size of the cohort of VFI individuals of around 1,500 individuals discussed.

A. That's my understanding. That's the meeting.

Q. If I'm wrong I will be corrected but it is the first slide there. There was also some discussion in that meeting about how the international trajectory was that this was a cohort of increasing size and threat. So that's the meeting.

But I note that the response noted from the MoJ from that meeting was:

"... no further actions ... noted ..."

Has there been any work, any policy work that has come out of that meeting in particular?

A. So, I think the working definition, which was agreed at that meeting, was a definition that was -- has then been used in work and consideration, but I don't think there was specific further work from that particular meeting that the MoJ took forward.

I think the work that was going on at that time, was being taken forward from the set of meetings that I think are also covered elsewhere in the statement, which begin with the ministerial meeting in March and I think we might be going to come to later.

Q. Okay. All right. Finally on the topic of definitions, can I just capture your view on the working "NIEV" definition as we have it now. Please may we have that document on the screen. It is HOM001011. So this is the "Interim Guidance to support the management of Non-Ideological Extreme Violence concerns". It was issued on 6 October 2026. Was the Ministry of Justice consulted on the contents and final form of this document?

A. Yes.

Q. If we go then to page 2 HOM001011_0002 and the familiar definition at the bottom of the page. I think everyone is probably sick of hearing me reading it out. But it has some caveats to it, not statutory, legal or operational:

"... use or threat of extreme violence, not driven by a clear ideological purpose ... communicative in nature and intended to shock, intimidate or outrage the public or a section of the public."

Common criticisms that have been raised: it defines

a threat not a person. Not an individual. It requires proof of intent, which is inherently difficult, particularly in early intervention stage and the communicative nature of violence, particularly when that communicative nature is implicit, which this definition encompasses, again, particularly difficult to assess. Often can only happen after the violence has taken place and even then, a matter of fine distinction.

What is your view of this?

A. So I think the input that the Department had into this was, firstly, of the importance of having, as we have discussed, a definition that moved us on from that very original working definition of VFI from that June, that could be given to frontline practitioners in order to assist particularly where they were working with other agencies. So, I think we were, firstly, extremely supportive of the Home Office's view that we should --

Q. That you needed something?

A. Exactly. That we should try and make progress and that it should be put out broadly in the guidance, as you have seen here.

Obviously, our view was -- and I think this was on the record at the time -- a definition is necessary but not sufficient for all the reasons that I just said about it needing to be then taken forward into policies,

into guidance and into training.

In terms of the two points that you have raised, I think there are real difficulties here and I would say I think you have heard from experts who may differences of view. I think I have heard also, as I have talked to people, differences of view here and some really finely balanced judgements. So, first of all, on your point about is it right to define a cohort of individuals or is it right to define the act itself? Then, to assist frontline practitioners and others, to understand the likely potential characteristics of people who may be more likely to go on to commit those acts of violence.

I think, in some ways, in the end, we will need both things. We will need an understanding of the acts that we are specifically trying to prevent through the work. I think that is important. But we will also need -- and obviously the Home Office has been doing research and collating evidence on this point -- we will obviously need a much more detailed and evidence-based understanding of which cohorts of people, which individual people are more likely to go on to commit those kinds of act.

So, we sort of had sympathy, if you like, with the Home Office's view that the definition of the act, at this stage, was a better way forward than the original

definition of the cohort because the cohort, as I know you have heard from many people, is quite hard to define until you have a much more granular understanding of that cohort, of the characteristics. So when you think about the characteristics, for example, there will be -- there's a long list of risk factors but an individual who has a range of those risk factors may or may not be an individual who is at risk of, or likely to go on, to commit the kind of act that is defined here.

So, sorry, that is a long way of saying I think in the end it is useful to have the definition of the act but also we will have to have a really sophisticated understanding of the cohort.

Then, on your second point, which I think was about --

Q. At the risk of interrupting your flow, may I just come back to you in relation to what you said so far. So, I understand the need to define what we are talking about. We want to prevent other attacks like Southport, in simple terms, and I think everybody understands that. But saying that doesn't particularly help to identify, to define the sorts of individuals that we are looking out for who may be the future perpetrators.

Do you recognise that analysis?

A. I think it actually -- sorry, I realise I'm now sort of

not an expert and I should be very clear about that. I think it does actually help in systems to understand, with precision, the type of act you are seeking to prevent, just as it helps to understand, with precision, the evidence that exists as to both the sort of the static and dynamic characteristics of individuals which would make them more or less likely to go on to commit that act.

So, as I say, having been clear that I have no expert standing, I think in systems it is useful to have precision on that point.

SIR ADRIAN FULFORD: Ms Churchill, I'm finding it very difficult to understand from that answer as to where you are on behalf of the Ministry of Justice, in relation to the proposed definition that has been put forward by the Home Office. Now, there are some very particular suggested problems that have been identified with the definition from the point of view of those who are going to be implementing it on the ground, practitioners who are going to have to be making practical decisions about whether somebody should be included in the cohort or not. It would be useful to know, in straightforward terms, what you think of this definition?

A. Yes. Sorry, to be completely clear, the Department in our work with the Home Office supported the conclusion

that this definition should be circulated in this guidance.

SIR ADRIAN FULFORD: But having heard the evidence that's been given, which has included a strong body of criticism of this definition, where has that left the Ministry of Justice? Are you still in the same place or has your approach to this altered, as a result of the evidence that this Inquiry has heard so far?

A. So I would still absolutely support on the point that the -- it is useful to have the definition of the act. I think we would still think that that is useful and would support the definition of the act, in addition to the understanding of the cohort. So I would support that, yes. I think --

SIR ADRIAN FULFORD: So the definition, as it stands, has your support?

A. Yes. I think there were other aspects of -- we were going to come onto which was raised about the broadness of the definition in relation to the -- particularly does the violence need to be communicative in nature? And I think our point there was that, again, we supported the need for a definition that set this kind of violence aside from what one might understand as the violence that occurs in normal criminality.

I do think some of the evidence heard in front of

this Inquiry, including the challenge of whether that draws the boundary too narrowly, is something that both we and the Home Office will want to think about as we come to a confirmed definition.

SIR ADRIAN FULFORD: Thank you.

MR JAMIESON: A limitation of this definition is it says, on its face, it is not operational. It is not designed to be given to frontline practitioners to allow them to identify the people that we are talking about. So, I will see if you agree with this proposition; you have given your view that it is useful as far as it goes. Is it enough of a definition or do we need something else that's going to define the individuals with more precision?

A. Yes, I think it is "necessary but not sufficient", I think is the phrase that the Department had used.

Q. Okay. Sir, I was going to leave that topic there unless you had any more questions. Thank you.

May we move to -- having dealt with that initial topic, to look at the policy and operations overview of the Ministry of Justice. The best place to start that is back to your statement, please, the bottom of page 3 MOJ000098_0003, paragraph 9.

You tell us that:

"There is no single owner of the criminal

justice system as a whole. The system is complex and interconnected, with a range of departments and organisations involved."

If we just go over the page MOJ000098_0010, you point out all of the agencies and departments that would be involved if a person or a youth were to commit a crime and you have listed them there. I won't read them out.

Paragraph 11 you say that effectively, the best way to think of the Ministry of Justice, is playing a convening and system leadership role, bringing together different partners in the end-to-end system, throughout the process and directing operations and policy in that area. Have I got that right?

A. Yes.

Q. Let's introduce then some of the relevant structures and the elements that the Ministry of Justice may convene or host and as we do so, it will be convenient to pick up just a couple of points of detail.

Can we deal first with the Youth Justice Policy Unit, which is page 4 MOJ000098_0004, paragraph 13 at the bottom. I have mentioned it in passing already but let's put it on the record:

"The Youth Justice Policy Unit ... is a Deputy Director-led team of policy professionals within the

MoJ. It covers policy for the entire youth justice system."

MOJ000098_0005:

"Operations of the youth custodial estate are covered separately ... as set on out ..."

In a different part of it and the oversight of operations of Youth Offending Teams is also covered separately by the Youth Justice Board.

You say that:

"The YJPU advises ministers and delivers their decisions on policy regarding the youth justice system. It develops that ... policy through analysis of data ..."

It is one of the principal tools it uses in its work. I think one of the things that we are going to go on to look at -- it is one of the things we don't have when we are talking about this cohort, isn't it? We don't have reliable data. The best we have are proxies?

A. That's right.

Q. You say, importantly -- a topic that we will look at -- if you look at paragraph 15:

"As well as its policy function [the YJPU] is also responsible for the management and oversight of grants given to local authorities and other organisations to deliver programmes, delivering ... objectives for youth

justice."

Can I strip away that policy language. What we are really talking about here is "Turnaround", which let's just look briefly at your paragraph 20 because it is convenient to introduce that now.

I will put paragraph 20 on screen, thank you Amanda. But tell us, please, what is Turnaround?

A. Yes, so Turnaround, as it sets out here, is an early intervention programme which is designed to enable youth justice services to work with children who are not on their statutory caseload, and the idea of that is to get to young people before they are drawn further into offending.

Q. So, you can understand why I focus on this, in terms of this Inquiry's terms of reference and areas of interest. So, we have heard some other evidence, we are here in this section about Youth Offending Teams, YOTs. They have a statutory caseload, they deal with children and young people who come to them through either court disposals or formal, out-of-court disposals?

A. That's right.

Q. But they also have what's called a non-statutory caseload, which we understand is an increasing proportion, perhaps as much as half?

A. That's my understanding.

Q. Of early intervention cases, if we can consider it that way. And Turnaround is a pot of funding specifically for interventions for those early intervention cases, is that right?

A. That's right. There are some eligibility criteria which are related to the particular order or disposal that the child might have had. For example, if they have got an anti-social behaviour order or a community resolution or have come to the attention of the police, but there's been no further action. So there is a set of criteria around the children that should be worked with under the programme. But yes, broadly that is the purpose of it, to get at earlier stages.

Q. So the youth justice -- or the Youth Offending Team works to a set of criteria, to identify individuals who could benefit from that intervention?

A. That is right.

Q. Of course, there are a set of criteria at the moment, but they could be amended?

A. Absolutely.

Q. And once an individual has been identified as requiring some sort of intervention, there is then funding available in the professionals of the YOT to deliver those interventions?

A. That's right.

Q. What sorts of interventions are we talking about?
A. So, we give a wide variety of leeway to youth justice services. We don't prescribe what those interventions might be. The core point of the interventions is it is whatever will prevent that young person from moving further into offending. I think, the only prescription we give is that the funding should not be spend on interventions that evidence gathered by the Youth Endowment Fund shows to be counterproductive.
Q. Can you give us some examples of what's off-limit?
A. I haven't got examples but I am sure we could provide that to you, but I think that is quite a small number of interventions. But otherwise, it is basically for the professional who is working with the child to work out what intervention is likely to be most effective in that individual case.
Q. So, not something where the evidence suggests it is going to be ineffective or counterproductive but beyond that broad discretion, to arrive at something centred, bespoke to, useful for, that particular child?
A. Exactly so.
Q. And that is an existing scheme --
A. Yes.
Q. -- which I don't think every single YOT receives that funding and delivers those interventions, I believe some

YOTs don't have a non-statutory caseload?
A. I will confirm this but I think for every offending team that has that kind of caseload, the money is available. I think it is divided up. We have set out, in paragraph 20, the total amount of funding available. I believe that's divided up on some kind of pro rata basis --
Q. Between the YOT?
A. Exactly so. Then I think they are asked to select a kind of target number of children to work with in their area.
Q. Thank you. We may come back to Turnarounds slightly later but let's just complete -- I skipped ahead. Could we go back up the page, page 5 MOJ000098_0005, paragraph 16. That paragraph 20 is under this heading "Youth Offending Teams" whom you have introduced. They are local authority responsibility, multi-agency panels, in effect.
A. Yes.
Q. Whose job is to, as we have talked about -- your paragraph 17:

"... responsible for supervising children subject to court orders."

And indeed those who come out of custody?
A. Yes.

Q. But also have this non-statutory caseload, as we have discussed and other witnesses have told us about. So I won't go through all of it. We have done it in passing.

The next body to introduce is the Youth Justice Board, that's page 6, paragraph 21. The Youth Justice Board are here. They are separately represented, indeed they are giving evidence tomorrow. But you tell us that they are -- they:

"... currently [oversee] the operation of the youth justice system in England and Wales, including monitoring YOT performance and sharing best practice to support service improvement."

They are an arm's-length independent body from the Ministry of Justice, is that right?
A. Yes.
Q. However, there is -- or significant change is coming forward in relation to their role, is that right?
A. That's right.
Q. So you have provided for us two policy documents "A Modern Youth Justice System: Foundations Fit for the Future", published in February 2026, MOJ000024, and the Youth Justice White Paper "Cutting Youth Crime, Changing Young Lives, MOJ000018. If we just went the page MOJ000098_0007 of the statement. Essentially what is

happening is that rather than being responsible for YOT -- and you will excuse my paraphrase -- the YJB is being:

"... reformed to focus on driving measurable, evidence-led improvement ... by identifying what works, supporting innovation ..."

And the rest.

In very short order, in a sentence or two, what is that change and why is it being done?
A. So this is a change that arose from the Government asking departments to look at all arm's-length bodies, with the challenge offered across all Government departments that, where there were oversight of performance or oversight of matters which it would be more properly -- should be within the purview of democratic ministers, then that was a general direction of channel was indicated.

As a result of that, there was specific work done in relation to the future of the Youth Justice Board and I think that was really the driver for maintaining obviously the Youth Justice Board as an independent body, but really focusing on that role of service improvement through spreading of best practice, while the more formal responsibilities for direct giving of grants, for example, but also oversight of performance,

is more properly within the purview of --
Q. A responsible minister?
A. That's right.
Q. Thank you. I'm not going to get into the weeds of that policy, we have done it. But these documents that you have given us are useful for a different purpose because I think one of the things that's been noted in recent time is that the nature of the youth offending cohort has also changed. In simple terms, it has become smaller but it has become more complex?
A. Yes.
Q. That's set out in those policy documents and it is useful just to look at that, if we may. So can we look, first, at the modern YJS document. MOJ000024.

Just look at the first page. So there's the document and if we go on to page 6 MOJ000024_0006, which is part of the ministerial foreword from the then Justice Secretary. Just down the page, so we have the bottom half of the page in focus, here's the point that I have just set out for you. The statistics about the overall reduction in the cohort are there in the first paragraph and the bullet points.

The third paragraph says:

"... this commendable success has brought its own challenges. The dramatic changes in volume have changed

the composition of the caseload within the system.

"It is a truism that as we successfully divert more and more children from crime and the formal youth justice system, those that remain are often the 'hardest to reach' -- whose needs have been consistently unmet -- and the ones who are committing more serious crimes. The cohort of children in the system now have more complex needs, more complex background, and more complex obstacles facing them on the road to rehabilitation than they ... previously [did]."

Some statistics are set out about the over-prevalence of special educational needs, involvement of children's social care in the offending cohort. So those factors of children of particular complexity and vulnerability, those are those children that youth justice is dealing with on a day-to-day basis anyway?
A. Yes.
Q. If we are thinking about suitability of structures to deal with what may be a similarly complex VFI cohort, NIEV cohort, we should take that experience into account?
A. We should.
Q. Thank you. May we just flip over to page 7 MOJ000024_0007, just to check that I have captured all

the important detail. Just the top half.

Yes. Because what this ministerial foreword, first three paragraphs, deal with the need for change but it says that:

"This Government is ambitious about addressing these issues at a system-level -- through cross-government action on programmes such as ..."

I draw it up for this purpose:

"... Young Futures Hubs and Panels ..."

Is recognised here as also being relevant to this work, and we have heard about those in other areas.
A. Yes.
Q. That document can come down. May we please look at the White Paper very briefly. MOJ000018. The executive summary is on page 10 MOJ000018_0010. What's noted is that the:

"Children growing up in England and Wales ... are doing so in world that is ... different ..."

The challenges of digital technology and social media are noted, as is the growing concern in relation to mental health, as well as other factors. At (ii) the increasing complexity and vulnerability of this cohort is also identified.

If we were to go on, please, to page 16 MOJ000018_0016 and to paragraph 1.16. So supporting

today's youth justice system. The difference between a youth justice system and the adult justice system is noted. At its best, the youth justice system should be multi-disciplinary understanding a child's needs across a number of spectrums and putting in place the necessary support. That's the impact of that paragraph?
A. Yes.
Q. The importance of early intervention and diversion is noted there at paragraph 1.17 and may we just go over the page briefly MOJ000018_0017. The trends are there. The importance of early intervention is there. May we just come down again a little further to look at 1.19. The importance of early intervention. Over the page MOJ000018_0018.

1.21, the point I want to make with you, in this White Paper, as long as it is with all of these proposals, having noted those similarities with the cohort, this is one of only two mentions of violence-fixated individuals in it. So what we have is this, at paragraph 1.21:

"... while small in number, cases involving extremism, radicalisation and violence fixation ..."

Which was the working definition at the time before we had "NIEV":

"... are becoming increasingly prevalent among

children. Youth justice services may increasingly need to support children who display ideologically-motivated behaviour, consume extremist or hate-based material online, or demonstrate obsessive interest in weapons and mass-harm narratives."

So, paragraph 1.21 recognises in this policy development there needs to be space, there needs to be thought about how this cohort are mitigated, doesn't it?

A. Yes.

Q. If we look at what it's actually got in it. If we went to page 38 MOJ000018_0038, and paragraph 2.73. So this is the other mention of violence fixation in the guidance:

"The number of children involved in terrorism remains very low. However, we have seen a worrying rise in recent years, particularly in the number of cases where children have been radicalised online, often becoming fixated on violence."

There is a mention of this Inquiry. A commitment to consider the findings and respond by the summer of 2026. What's said, at the second half of that paragraph though, is:

"We will not wait to act -- following recommendations from [Jonathan Hall KC] we have already committed to change the law to criminalise those

planning mass casualty attacks without a terrorist motive."

I said I would leave that for the next topic but we have that. Then, underneath, also a reference to Jonathan Hall KC's report:

"... children at the earliest stages of terrorist offending are often vulnerable or exploited ..."

The note that the:

"... failure to intervene early risks public safety ..."

Then a recommendation, or a reference to, at 2.76, youth diversion orders.

Again, I know we are leaving that but youth diversion orders are, in fact, only directed at individuals who have either a terrorist conviction or some sort of connection, aren't they?

A. Yes, that's right.

Q. So if we just bottomed out this section and put the rest of that page and the next page on the screen MOJ000018_0039.

The remainder of 2.76 is dealing with youth diversion orders, which I have talked about, and 2.77 deals with Prevent, doesn't it?

A. Yes.

Q. There is some suggestion that there will be

a strengthened oversight of referrals that don't meet Prevent referrals or which are transferred to other services and the response to online radicalisation. But that's the only mention of our cohort in this policy, isn't it?

A. Yes.

Q. So we have got the new offence, which necessarily is only going to come into effect if an atrocity is close to happening, because that is a pre-planning offence. We have got the YDOs which deal with terrorist offending, and then a suggestion that there will be some oversight of referrals that don't meet Prevent thresholds. Can you help us what that is intended to capture, the Prevent thresholds at the end of that paragraph?

A. So I think this is a reference to working with the Home Office and other local authorities to think about referrals that are made to Prevent but which are then moved onto other services because they do not meet those thresholds, as it set out here. My belief is the "we" in that paragraph is broader Government rather than the particular policy unit but if that is incorrect and I have missed an important point, I will obviously inform the Inquiry.

Q. So the problem, as you encapsulate, is Prevent

accepts -- or can only accept cases for Channel when there is a vulnerability to radicalisation, vulnerability to terrorism. That vulnerability is not directly proportional to risk. There will be risky individuals who pose a significant risk of harm who are referred in, who will not be accepted because they do not have that vulnerability. Currently there is no systemic oversight to what happens to those referrals. So a general Government -- if your interpretation is correct -- undertaking to do something about that. Is there any Ministry of Justice policy work in that area that we should know about?

A. I don't have a specific piece of policy work but, as I say, if there is one that I'm not aware of, I will obviously let the Inquiry know.

Q. Thank you. We haven't seen -- I'm asking because I don't expect there to be, but if there is, please do tell us.

We will go back to the statement page 7 MOJ000098_0007, paragraph 22. We looked at that policy in the context of the Youth Justice Board, although we looked at it for a different purpose. The next body to introduce very briefly is probation, part of HMPPS.

You have told us there what probation do; administer or monitor licences from people released from custody

and also deliver community sentences for adults. Is that what probation does?

A. Yes.

Q. Thank you. I'm not going to go through any more detail than that, we understand it. You have said in that paragraph and elsewhere in your statement, that they are able to bring in expertise from other parties but whereas, we understand Youth Offending Teams essentially to be multi-agency, are probation essentially a single agency?

A. Yes, that is right.

Q. But they can bring in that expertise when they need to?

A. That's right, and they will be part of other multi-agency arrangements, for example, they are part of the YOT arrangements.

Q. Or MAPPA, if you were to take it -- but in discharging that function, it is a single agency function rather than a multi-agency function?

A. That is right.

Q. You have dealt, in particular at paragraph 23, if we can have that on the page -- so the observation I have made about the change from multi-agency structure to a single agency, when somebody turns 18, which is of relevance to this Inquiry because the cohort that we are concerned with is adolescent of its nature and spans that age.

You say that the transition from one to the other is "intended", and I emphasise that word:

"... to ensure continuity of supervision, risk management and rehabilitative support, with information ..."

Sharing and jointly development plans to support an individual's ongoing needs and risk:

"The timing and nature of the transition will depend on the person's age, sentence type ..."

And all the rest.

So there is an intention that there is a handover from one to the other. The question is, is that a reality, that there is a handover from one to the other? May we just look very briefly at a piece of expert evidence that the Inquiry has received from Professor Lundigren. May we just have her statement on the page briefly. PSL000004. To introduce the Professor, she undertook -- she tells us there, at her paragraph 3 -- some Ministry of Justice commissioned research into the effectiveness of MAPPA and reported in 2023.

One of her key findings was on precisely this issue, at page 4 PSL000004_0004, paragraph 16. One of the methodologies is that she spoke to a number of MAPPA practitioners and those practitioners identified two

particular cliff edge transition points as the clearest structural weak points. One was the transfer of management from youth offending services, YOT, to probation, and the other was a transfer of a managed individual between different areas.

She sets out the evidence there. But what was found was an abrupt withdrawal of wraparound support at precisely the point, age 18, close to the peak age of offending/re-offending, where risk is highest.

The SCR report -- that was an aspect of the research where she has looked at a series of case reviews at MAPPA at the time -- found that the same transition point implicated in occurrences of serious further harm. So where that wraparound support was withdrawn, individuals committed serious further harm and that area transfers essentially had the same effect.

So the intention is that there is continuity. The research certainly in 2023 suggests the opposite; this was a particular cliff edge of vulnerability where serious harm occurred, when wraparound care was withdrawn.

What is your response to that research? What is -- in 2026, is that cliff edge still there?

A. So I think the Department would absolutely acknowledge that the two points of risk that are brought out in this

report are the one from transition to -- YOT to probation management and the other, when one that is moved from one region to another, are absolutely points of risk.

Not least because, in the case of a regional transfer, that's often -- the transfer itself is as a result of a significant change in personal circumstances which may go to the risk. So, we absolutely acknowledge the point that these are points of risk.

The HMPPS has a national protocol. Obviously probation is statutorily one of the agencies involved in YOT partnerships. There is national protocol agreed between probation and youth justice services on the transition, I believe that's a kind of published national protocol. So we should exhibit that, if we haven't already, and that includes, for example, not just recognition of that point of risk, but emphasises that there can be flexibility, you know, not to transition if at 18, the end of the sentence is near. But it also emphasises, as you would expect, the importance of early planning and continuity.

Q. Sorry, just to cut -- so the YOT can keep a case past 18, if that's thought appropriate?

A. If that's thought appropriate that that flexibility is

there.
Q. With how much flexibility, a month, a year?
A. I think that flexibility is designed for where the kind of period of supervision is coming to an end, within a reasonable period of time. That's the purpose, I think, of that flexibility, where it would simply make no sense for --
Q. To transfer somebody with weeks --
A. -- exactly. So I think the national protocols and the national guidance is in place. Similarly, in respect of a transition between regions, the national guidance requires careful transfer planning. But of course, that is not to say that the protocols are always followed in every single case and I think the Department would certainly recognise that probation resources have been stretched over the last few years and of course, probation officers have a significantly higher caseload than a YOT officer would have and therefore, the effects of that, in the transition, might be felt. So I think we would certainly recognise the points made but point to the kind of national protocols that exist.
Q. So just reflecting that back to check that I have understood it. Essentially, work has been done to cushion the change from one to the other in terms of planning and flexibility --

A. Yes.
Q. -- but there is still quite a difference in terms of the level of support and provision that is available between a YOT on one hand and probation --
A. Yes, I think that's correct.
Q. Thank you, and it is important that we understand that in terms of our cohort. Thank you.
Professor Lundigren's research can come down, thank you. If we can go back to Ms Churchill's statement, page 8 MOJ000098_0008, paragraph 24.
The next body to introduce is the National Security Division of HMPPS, established following a series of terrorist attacks committed by serving or recently released terrorist prisoners and its primary purpose is to provide enhanced supervision, risk management and multi-agency oversight of those individuals. But here, we are talking about people who have already committed a terrorist offence and are to be released?
A. Yes.
Q. So, where we talk about -- I could suggest to you and I do suggest to you, that's a provision that could be extended to this cohort, if they were to commit an offence and if their release was considered. But that's not an agency or a structure that is going to help us in the early intervention space, is it?

A. That's right. Certainly, one could give consideration to extending the remit of the national security decision in that way but, as you say, that would be in relation to kind of intensive probation supervision later on in the process and I agree, does not help you with the earlier intervention point.
Q. I mean, just to digress a minute. If you are talking about a terrorist offender who is going to be released, that is likely because they have been disrupted at an early stage in their planning and they have not caused the atrocious harm that can follow such attacks?
A. That's right.
Q. So A corollary of the sort of defendant who might be convicted of a terrorist document offence or a planning offence and if we are going to have a planning offence for non-ideological mass casualty attacks, the extension of that sort of provision might be thought to be necessary to follow along with it? Do you see my point?
A. Absolutely, and that would be certainly something we would want to look at.
Q. All right. May we look next at MAPPA, please. I think over onto page 9 MOJ000098_0009, paragraph 27.
I simply identify it with you. I'm not going to go through MAPPA in any detail. We have had Ms Becky Canning give a seminar to this Inquiry already. We have

looked at MAPPA in some detail at different times and we will come back to it, but we have it there.
The next area to introduce very briefly is sentencing. Page 10 MOJ000098_0010, paragraph 29. You set out there sentencing in general, the sentencing council. I think if I were to take the learned Chair through those paragraphs with you, I think an admonishment of the sort of grandmothers and eggs would follow. So I'm not going to do that.
SIR ADRIAN FULFORD: It is an area, Mr Jamieson, with which I have some slight familiarity.
MR JAMIESON: I think that's exactly right, so I will not do that. But may we just notice, in passing, page 12 MOJ000098_0012, paragraph 36, where you just set out two types of youth disposal, youth criminal case disposal, non-custody sentences.
A Referral Order, community sentence most often used is when courts are dealing with 10-17-year-olds. Essentially, that is a disposal that is available when a first-time offender pleads guilty in a youth court, in general terms?
A. That's right.
Q. There is -- it can be disbarred in some circumstances and a second one can just about be available in some circumstances, but that's what it is for?

A. That's right.
Q. First-time entrants who admit their guilt and one of its chief attractions is it's a conviction that's spent as soon as it is finished?
A. That's right.
Q. Then the more traditional community order is the "Youth Rehabilitation Order", the principal type of community sentence which has more formality than a Referral Order?
A. Yes.
Q. "The court can select from one or more ... 18 possible requirements to impose on [a] child ..."

I'm not going to deal with that now; we will deal with it when you come back in November. But something I would ask you to think about between now and then is, are any of those possible requirements aimed at or capable of requiring a child to provide their devices to law enforcement for monitoring? I think the answer to that is "no" but I would ask you to consider it before you come back.

Thank you.

If we were to go on through, we would see you have given a lot of detail about the different custodial disposals that are available. Again, because we are principally looking at early intervention, I'm not going to ask you about any of that.

Prisons is the final body to introduce. I will deal with it in bare outline. Please can we look at the bottom of page 14.

Just over onto page 15 MOJ000098_0015, sorry. Paragraph 48 MOJ000098_0016. *(Pause)*.

So prisons; youth estate; you have given us some detail of the work. We should understand that there is a different prison estate for youths and adults and different work in each of those?
A. Yes.
Q. If we just went onto -- and indeed, the Youth Custody Service is particularly responsible for the youth estate?
A. Yes.
Q. If we went onto page 16 MOJ000098_0017, and paragraph 53, we would see that this relates to the adult estate. Making prisons safer, you tell us is a priority for HMPPS. Instances of violence in prisons are very common, it is fair to say.

If we just looked at paragraph 56, please MOJ000098_0018. You have told us about a policy framework and the work that is undertaken to reduce the risk of violence, in particular, to members of the public and indeed, people who work in prisons, from someone who is held in custody.

You have set that out and you provide us with that guidance but that is principally directed to the risk management of violence during the period of custody?
A. That's right.
Q. No escapes?
A. That's right.
Q. Those sorts of things. So you will understand why I'm not going to focus on that or ask you questions about that now.

The big heading there is what we are coming to and is rather more central to our terms of reference. So across those policy areas, that we have just trotted through, the issue of "Identification of violence-fixated individuals", paragraph 57, we have already looked at and I don't need to repeat it.

But if we were just to look at paragraph 58, please. Again, the candid statement that you make is in that first paragraph:

"... there are currently no youth justice-specific policies or procedures for VFIs ..."

Although you are working cross-government to think about how that can be done. But as things stand, there are none that would identify VFIs within youth justice cohort?
A. That's right.

Q. If we just think about that for a moment; the meeting that the senior member of HMPPS went to, that identified the potential size of the cohort, at that stage thought to be 1,500 or so, but with a number of caveats and perhaps it is larger than that, in the low thousands, each of those individuals who potentially pose a risk of the most grievous harm, yes?
A. Yes.
Q. We can't say whether or not they exist within the youth justice cohort, as you and I stand here?
A. That's right. I could not give you a piece of data or a number that would say: within the current youth justice cohort, this number of individuals falls within this definition. As we have already been round, one would need a clear and agreed definition in order to assess and collect the data for -- not just in relation to youth justice but in relation to management within the wider criminal justice system.
Q. May I ask this question, so, the proxy Prevent cohort was analysed and that number of individuals was identified. Was any effort made to see whether those individuals were known within youth justice or HMPPS, to see whether their risk of violence may have gone up or done?
A. I don't know if that cross-check was done but I will

certainly ask.
Q. I believe the answer to be "no" but if you would check and if we were wrong about that, please do tell us.
While I'm on this paragraph, please may I just ask a question, or some questions, that come specifically from the victims and survivors. They seek that I draw your attention to the fact that -- let me read it:
"At this meeting a working definition for VFIs was proposed in a paper ..."
Sorry, paragraph 58:
"Although there are currently no youth justice-specific policies or procedures ..."
They draw attention, in particular, to the fact that there are no interventions and there is to be cross-government work on how VFIs should be:
"... handled in the system and on what interventions might be effective in reducing the risks to the public posed by these individuals."
What is that cross-government work on identifying likely effective interventions, what are the conclusions?
A. Yes, that work simply refers to the work that the Home Office-led taskforce is doing. I think the Home Office witness gave evidence in relation to that -- in relation to that work. Of course, that includes looking at the

kind of evidence and research into not just the cohort and the characteristics of the cohort, but what evidence there is and research in relation to, as it says here, interventions that might be effective.
Q. Are there any particular conclusions or pieces of insight that you could share with us that have been fed in?
A. Not at this stage.
Q. If there are, would you come back to us in writing?
A. Of course.
Q. Thank you. That's in relation to youth custody. If I went to page 19 MOJ000098_0019 and to paragraph 60. It is the same point. There is no process to identify VFIs particularly. You make the point that assessment of risk of violence in prison is a core part of the work?
A. Yes and, as I am sure we will come to later, not just in prison but across HMPPS and indeed, in youth justice services, there are a whole range of risk assessments which both take into account factors such as attitudes to violence -- and no doubt we will come to those later on -- but also, therefore, give important information to agencies about the likelihood of future violence.
I think this particular section that we are looking

at here is thinking about the management of that violence through the sentence and in the secure estate. But the same will apply, as we go on to look at, no doubt, in other risk assessments that agencies use to assess risk of, for example, future re-offending or engagement of future violence.
All of those risk assessments are designed to do that. I think the point that we are making here is that although VFIs would, of course, fall within that management, so that overall management process and those overall risk assessments are designed to give professionals the information they need to consider interventions that would reduce the risk of violence in general, that is not specific to this cohort. I think that's the point that we are trying to make.
Q. No, and if we were just to look at your paragraph 62, the context here, you are talking about the management of violence of prisoners. It is intrinsic that they have already committed an offence that is serious enough that carries with it a prison sentence, perhaps, but not limited to, offences of violence. The principal concern, the principal risk management is of further incidents of violence in prison, either towards other prisoners or towards staff.
A. Yes, that's what this specific element is looking at.

Yes.
Q. To take up the option that you invite, of looking at a particular piece of guidance, if I went down to paragraph 64, just over the page MOJ000098_0020, you draw our attention to a particular piece of risk assessment guidance, and we will just look at that. MOJ000030.
It is "Risk Assessment Guidance" in this case that is directed specifically to the parole board, who make decisions to whether or not prisoners should be released on licence, in simple terms; is that right?
A. Yes.
Q. If we went to page 24 MOJ000030_0024 of this. It is a long piece of guidance with lots of information, but common risk factors, the sort of things that the parole body is invited to look at, thinking about violent offending:
"Association criminal peers (including gang involvement).
"Anti-social attitudes and pro-criminal beliefs.
"Deficits in social and/or cognitive skills ...
"Poor social perspective taking ...
"Impulsivity.
"... (cognitive abilities)".
I won't read them all, I'll pick them out:

"Relationships.
"Failure of supervision.
"Ruminating about violence".
Potentially of some relevance:
"Substance misuse.
"Poor management of emotions (particularly anger)."
Are those factors that are directed really towards general, common criminal violence, rather than to VFI type factors?

A. Yes, that encompasses the broad range of violent offending. But of course, there are, as you will see here, some other factors that are also talked about in relation to VFIs. For example, ruminating about violence, or the poor management of emotions or indeed interest in and access to weapons.
So yes, this is a broader set of considerations.

Q. Indeed, as we are going to come onto look at, one of the most important pieces of data, or sets of data, that those in HMPPS and related agencies have, when they are making their assessments about risk of violence, is previous criminal history?

A. Yes.

Q. So I note, in passing, that 13.12 is a note about early onset offending. 13.13 is about a long criminal career. 13.14 is about a violent criminal history being a strong

predictor. That's built into these sorts of risk of violence assessments and that's not something we have in an early intervention space, is it?

A. That is true. I think -- I can't remember the paragraph reference offhand, but I think one of the things that is covered in the statement is the importance, when you are looking at predictors of future violence, we have two elements to those risk assessment tools. One is that kind of predictor, that sort of analytical predictor which, of course, does include previous offending. But then the importance of overlaying on top of that a professional judgement, which would then include a kind of investigation or understanding or assessment of other characteristics, which may alter the sort of outputs of the algorithm, if I can put it like that. I think that is a really important part of all the work that is done in assessment of future violence throughout these tools that we have described in the statement.

Q. I do understand that and we will, I think, look at those paragraphs in particular. But the point I'm making to you is, we have already agreed, as with youth justice, there's nothing specific here to help me identify somebody who is a VFI. You have pointed quite correctly to the fact that there are general policies which potentially cover the issues. But there's no particular

guidance to me here, to assist me to identify a VFI or somebody vulnerable to committing an offence of NIEV. The other contextual point I made to you is, lots of this guidance deals with, of course, previous offending; its nature; its type, which we won't have in an early intervention space?

A. Of course.

Q. So it is there -- you are right to draw my attention to ruminating about violence, poor management of emotions and weapons, but I think the point I make back to you is it is applications limited?

A. Yes and certainly, as you point out, if you are looking at previous criminal offending for those who have not yet committed an offence, that of course is not relevant.

Q. Thank you. Please may we go back to the statement. So we have dealt with identifications and prisons. I want to look briefly at page 20 MOJ000098_0020 and paragraph 66.
You deal thematically with each of the bodies and here, you are talking about the particular "OASys" tool, Offender Assessment System tool, which I think is an example of one of the tools that do what you mentioned to me a moment ago. There is an algorithmic, arithmetical aspect to it --

A. That's right.

Q. -- where characteristics are fed in and numerical values of future likelihood come out.

A. That's right.

Q. The importance, with that tool, is you don't just repeat those numbers, you put some professional judgement over the top of it?

A. That's exactly so.

Q. I have got that right. But what I'm particularly interested in is it does have with it -- or its intention is to predict future risk of violence?

A. Yes, to give an understanding of the likelihood of that.

Q. Anybody who has sentenced a criminal offence, looking at nobody in particular, will be used to a pre-sentence report that will have at the bottom of it the probation or YOT officer's assessment as to what the likelihood of future offending and likelihood of serious risk of violence of this individual is?

A. Yes.

Q. In terms of how that is done, how a predictive score is arrived at -- because we have heard in lots of other types of risk assessment, it is not possible -- essentially, the Ministry of Justice has a lot of data about previous offending, types of offending, and when that has led to re-conviction.

A. That's right. It is described, I believe -- here it is "a statistical or machine learning algorithm".
Q. Which paragraph are you looking at?
A. I think it is 66 here.
Q. Right, there you are. Exactly so. So because there is that database, you can have that predictive features --
A. Yes.
Q. -- and that's why that can be part of that risk assessment.
A. Yes.
Q. If there were no data, if we are dealing with low incidence but high harm offending, we are not going to be able to have that predictive element, am I right about that?
A. That's right.
Q. So that's why it is possible in that context. May we just go over to page 21 MOJ000098_0021 and paragraph 73 which is towards the bottom. We have dealt with the preceding paragraphs in simple terms.

But you say sometimes there is psychological input:

"Psychologists who can support with case consultation and case formulation are deployed across probation, in areas including the NSD ..."

That is the National Security Division, isn't it?
A. Yes.

Q. For those offenders of particular concern:

"... and Offender Personality Disorder ... pathway. This is in parallel to the service discussed at paragraph 63."

That we will come back to. So you do have some provision for psychological input into risk assessment, is that right?
A. That's right. So I think this might loop us back to paragraph 64, where we just were, where I think it is --
Q. Shall we look at that, page 20 MOJ000098_0020, please.
A. Thank you. Which is where we cover -- that is right, the historical, clinical and risk management tool and that is where, as I understand it, an assessment of that kind may be commissioned, to inform an OASys judgement if the professional believes that is required and that would be undertaken, as it sets out here, by a psychological professional.
Q. So the way that that works is, in the majority of cases, it is the probation officer -- in a different context the member of YOT -- who is making the risk judgement, fulfilling that analysis but they can, in certain circumstances, bring in some psychological support?
A. That's right. I believe I'm right in saying that the HCR tool is the over-18s version, if you like. But I believe the SAVRY is a very similar tool used in

a youth situation.
Q. Yes, a tool with which I think the Inquiry is familiar. Thank you. We don't need to turn it back up again, but the particular context in which that was likely to happen, you told us in paragraph 73, were terrorist offenders, potentially, and -- well, let's look at it if we need to. I think it is at the very top of -- bottom of 21 MOJ000098_0021, very top of 22 MOJ000098_0022.

"NSD", which is the National Security Division, and "Offender Personality Disorder pathway". Prisoners or defendants of potential particular risk, and particularly difficult for practitioners to evaluate.

Is that the common feature between those?
A. So I think they are examples. I think it can be used wherever the officer believes it is professionally necessary. I don't think it is exclusive.
Q. What I'm trying to get from you is the extent of how much resource is available. Whether this is something that's commonly done or whether this is something where there's a long waiting list for, how does it work?
A. I don't have numbers for how many of these assessments are done on an annual basis but I can certainly ask for that. Certainly, it is not something that is done in every single case. But in talking to colleagues, I certainly didn't get the sense that it was so

constrained that there would be cases where they thought one was essential but it doesn't be got. But again, if that's incorrect, I will of course let you know.
Q. Thank you very much. Please may we just go down to the top half of 22 MOJ000098_0022. Here, you are dealing in particular with the identification of VFIs within the youth cohort and essentially you defer to the YJB.
A. Yes.
Q. But make the point already that reforms are coming and I do not need to ask you about that.

You say, in paragraph 75, that HMPPS, so with adults:

"... are seeing some cases where behavioural and psychological violent tendencies are being identified through partner agencies ... If an individual has not been picked up pre-conviction ... OASys can support assessors with identifying a fixation with violence ... However ..."

You make this important concession:

"... HMPPS do not routinely identify and record VFIs as a separate cohort, nor does it currently collect data on those fixated with violence and the risk they present ..."

Although we have a working definition from 2025:

"... no official definition has yet been

determined ..."

We have been around that particular carousel. But you tell us simply that data is not being collected and has not been collected up until that point?

A. That's right, and it sets out here, the OASys tool can support identification of that kind. I think I set out at 71, just above, that in the predictive tools, there is a question about the subject's attitudes to violence. So that is a factor in the assessment. But I agree, obviously, without a definition we don't have a common way of collecting that data on those individuals.

Q. Just thinking about that for a moment. One of the points that we picked up with the policy units when we went through was just how important data was to it. If there is at least the potential that routine OASys assessments could be used to collect data, now that there is a working definition that MoJ broadly supports, has thought been given to whether data can now be collected and what that will look like?

A. I think we would need and want a finalised definition because I certainly don't think you would want to start on a set of data collation until that was clear. But, I think you are right to say that once we have a finalised definition, one of the things that we will absolutely want to use that for, and not just in

relation to HMPPS but through all the agencies that we are talking about here, the point is that once you have an agreed definition, you can look at each system and work out whether it be a flag on a system or how you are going to both identify those cases in order that data could be collected, but even more useful, start to track cases through the system and I think that would certainly be the ambition once that definition can be finalised.

Q. But that definition that you have in the working guidance isn't enough to allow that to start?

A. I don't think we would want to start on that basis, not least because with the findings of the Inquiry next spring, if you were to make a recommendation, for example, for a different finalised definition, then that is the one --

SIR ADRIAN FULFORD: You would not want to change horses mid-stream?

A. Especially given whether it be -- we would have to think about putting a flag on a system, we would have to think about amending systems. You will appreciate that that is a significant time and we certainly wouldn't be wanting to go around again so quickly afterwards.

MR JAMIESON: Sir, thank you. May I just try and bring this topic to a close and then I suggest we will take our

mid-morning break.

SIR ADRIAN FULFORD: Certainly.

MR JAMIESON: One of the aspects of a lack of definition, in common with other witnesses you tell us in other points of the statement, there is currently no specific training in relation to this issue across any of the policy areas.

If we look at page 26 MOJ000098_0026, and paragraph 88 of your statement, you make a comment that I just wanted to pick up with you on this topic, where you say exactly that: at present, no formalised training.

But you tell us about an internal conference on 11 June, essentially where there was an ad hoc demand, or:

"... an MoJ psychologist gave a presentation on violence fascinated/fixated individuals and neurodivergence ... colleagues led a reflective practice session with attendees on the topic of VFIs more generally."

So an interest and a demand for this sort of training?

A. Yes. So I think the conference referenced here was actually a CT-ARC, the CT Assessment and Rehabilitation Centre which I may talk about at other points in the

statement which is our specialist unit within HMPPS, which brings together evidence in relation, in particular, to national security issues but has obviously that wider interest.

I understand this was a conference that brought together practitioners, policymakers and academics and had a range of presentations and discussions and VFIs was one of the topics where colleagues wanted to come together and understand where that thinking had got to.

Q. So a demand, amongst those specialists, to have that training. But as you tell us, in common with other departments, presently it doesn't exist. If we just went to page 28 MOJ000098_0028 and paragraph 95. Another related piece of training.

You say that:

"In addition, HMPPS is working with the Metropolitan Police [and other] intelligence experts who are investigating incel ... and VFI typologies and how they may overlap ..."

You tell us about some work that's happening and a paper that has been introduced, MOJ000002, which I don't propose to put on the screen, but its title, not given there, is "Predicting harm amongst incels". How is that work progressing and will it encompass -- to what extent will it encompass VFIs?

A. Yes, so as this says, this is colleagues in HMPPS who are really interested in working with other experts to try and understand the kind of overlap, or potential overlap between the incel and VFI. Apologies, I'm told by my HMPPS colleagues to stress that the work is at a very early stage but it is certainly a piece of work that they are interested in pursuing.

Q. Thank you. Then just finally on this topic and finally before our break, can we go to page 29 MOJ000098_0029, paragraphs 98 to 100, where you essentially draw it together and I will read these into the record:

"Due to a lack of a clear definition of VFIs, it is difficult to formulate an appropriate training package for professionals within the Criminal Justice System.

"A definition is key to developing VFI specific training. In order to develop appropriate training, additional work is required to establish who is [in] the ... cohort to identify the most appropriate interventions and risk management approaches ... Any definition that is developed should be subject to an evaluation and review ...

"Whilst it is acknowledged that further, specific training in relation to VFIs is required to upskill staff within MoJ's remit ... it is caveated by the need for additional training and resources across our various

partner agencies, especially those delivering risk reduction interventions ..."

You give some examples, but the point could also be made the training is necessary across Government, across public service, because these are individuals who intersect with a number of different service areas?

A. Absolutely.

Q. You are drawing our attention there to one of the consequences of not having a definition?

A. Absolutely.

MR JAMIESON: Thank you, sir. Would that be a convenient moment?

SIR ADRIAN FULFORD: It certainly would. We will sit again at 11.45 am. Thank you very much.

(11.32 am)

(A short break)

(11.45 am)

SIR ADRIAN FULFORD: Yes, Mr Jamieson.

MR JAMIESON: Sir, thank you. Just so everybody understands, I still have a little way to go and we need to make time for CP questions as well.

So the proposal today is that we rise a little early at 12.45 pm and then we will come back at 2.10 pm this afternoon.

SIR ADRIAN FULFORD: For the sake of clarification, that is

because I have another engagement to deal with.

MR JAMIESON: Thank you, sir.

Ms Churchill, the next topic is information sharing and the approach and lessons that can be drawn from the different areas of the Ministry of Justice's operation. The first and most obvious structure to look at is MAPPA. You deal with that in your statement please at page 30 MOJ000098_0030, paragraph 101.

So I think if we just went up to 29 MOJ000098_0029, we would see the title. There we go:

"Information sharing.

"For VFIs managed under MAPPA, there is a clear legal framework ..."

Statutory guidance, which you set out there. I'm not going to go through all that, but if we went down -- well, let's deal with it in this way. MAPPA, as we know, is a statutory multi-agency structure?

A. Yes.

Q. It has a statutory information sharing power, or duty?

A. Yes.

Q. It also has the advantage of a multi-agency shared database ViSOR?

A. Yes.

Q. Which should allow technological information sharing between agencies involved in it?

A. That's right.

Q. However, may we just look please at the: "Twenty years on, is MAPPA achieving objectives?" Review; that is ILT000209.

So that's the title of the document. We note that it was in July 2022, so a number of years have gone by since but if we went to page 32 ILT000209_0032, and to paragraph 3.5, which I think is at the bottom half of the page.

So if we just crop down a little bit further. ViSOR, that is the database that I introduced and information sharing:

"ViSOR is a national dangerous persons database that holds information on all offenders with sexual offender registration conditions imposed on them following criminal conviction, and violent and potentially dangerous persons ... implemented across police forces in 2005 and was subsequently rolled out ..."

Next paragraph ILT000209_0033 says this:

"In our last inspection [so the one before 2022] we found that prisons and probation[s] were not using ViSOR as a shared working tool. Where they did use the system, the quality of the information provided was rarely of a high standard. Disappointingly, little has changed, and the recommendations we made in our last

inspection have not been achieved. In this inspection, we assessed that ViSOR as was being used actively as an information-sharing tool in only [about a third] of the cases we inspected. As in previous inspections, we found that the police use of ViSOR was well-established, with relevant risk-related information from a range of police systems added ... However, this was not always the case for nominals managed outside of ..."

I think that is the Management Of Serious and -- of Sexual and Violent Offenders, "or equivalent units". And the rest of the detail is there.

A number of problems that have hindered progress are set out, delays in staff having proper vetting, and other features. But with those advantages, the statutory structure -- so everybody understands they have got to share information and the database, still very serious problems, years after those features were put in place, is what that review found?

A. Yes. So I think the review bit here, that we are looking at, is specifically in relation to the use of the system, and I should say my HMPPS colleagues have said to me that, as you would expect, since this report, there has been a kind of intensive effort, both to ensure that people do have the right security vetting clearance because obviously that's a significant issue

with ViSOR, and to ensure that people are using the system.

But, obviously, I accept this finding here, and I think it does demonstrate one of the challenges, which we might come onto, of systems that are cross-agency in that nature.

Q. If I may, I'm not here trying to audit MAPPA. You have the report; that's not what I'm interested in. What I'm saying is, even with those advantages, that other witnesses have recommended that any multi-agency structure that manages VFI should have, a statutory basis, some sort of technical database, a duty to share information; still, significant problems. All right? What I'm interested in is the insight -- or any insight that you have, that we could receive and subsequently share, as to how those problems might be overcome.

A. Yes. I think there is a couple of things to raise here.

Q. Please.

A. One is this point about levels of security clearance.

Q. Yes.

A. Because I think that that has been a challenge over the years. Obviously, any database -- and as this sets out, it was initially a Home Office database for policing and Counter Terrorism Policing, which was then rolled out to other agencies -- the level of expectations of a high

levels of security clearance to use a system at all will obviously give challenges to other agencies.

I think that's particularly of consideration where you might be talking about agencies that would be involved earlier in the process because obviously, a more significant number of staff who work in prisons and probation are likely to have that higher security clearance. So I think that is the first thing.

Q. Again, if I may deal with that. You are right, it is there and that insight is useful. It is perfectly foreseeable, dealing with people who might pose extreme violence risk, whether ideological or not, that some sort of disruptive agency may have information that they are unwilling to disseminate widely because it may be sensitive in its form and its content. But there must be a way -- thought needs to be given surely, into how that information can be put into a safe form that it can be shared?

A. Yes.

Q. Is that an approach? Is that thinking that's featured in the development of MAPPA?

A. Yes, that's right. I think you could take two approaches. You could either ensure that the information that was uploaded onto the shared elements of the database was suitable for wider sharing, or you

could seek to have levels of clearance for different elements.

I think -- to come onto the second point though, I think looking for simplicity, and not over-complicating a system of access is quite important. I think one of the interesting features here is one of, I think, the reasons that was cited for people not using ViSOR was the kind of double-keying nature, ie: I have got my own system that I'm working off, I'm working off NOMIS, but I have to re-key this and I think --

Q. I have to type it in here too?

A. Exactly. I have to type it in twice, basically, to two different systems, one for my purposes and one for the purposes of sharing. So I think one of the lessons that is really worth thinking about is, how could we utilise the kind of advances in digital and technology, to have a system that --

Q. Copies across?

A. Yes, or doesn't mean that everybody has to be keying into two systems, but that somehow makes that easier for practitioners of different kinds and at different levels of clearance to access the material they need when they need it.

Q. Is another aspect of that cultural because actually, the way that you described it is: this is my database for my

purposes. This is the shared database. Inferentially: it is not really for me it is less important, it is for other people. I'm definitely going to key this into my own database but I'm not sure I'm going to find the time to copy it across. If I thought that sharing it was just as important, would I be more likely to put it in that joint database?

A. I do not think that's quite the point I was making. I mean, obviously if you are in a statutory agency with a statutory responsibility, then that will be your kind of start of focus and I think that's right. I don't think the kind of: well, I'm not going to re-key it, is a sort of: I'm not really interested in that shared management of the individual. Because one of the interesting features is, I think overall, MAPPA has been found to be extremely effective. I think I exhibited some reports and I think more broadly, indeed, the evidence on successful reduction of re-offending is there; which actually suggests to me that, even if the information isn't on ViSOR, that's not necessarily telling us that the sharing and the management is being done. So I'm not quite sure it tells that that's the kind of cultural malaise you were suggesting.

Q. I'm more interested in the learning. I'm going to resist responding to the glowing reference to MAPPA with

putting up all the findings of Professor Lundigren's study because this isn't an audit; I'm interested in the learning.

Perhaps we will go back to your statement, please. At page 30 MOJ000098_0030. Paragraph 102, just at the bottom. If we read through here, you are giving an overview of how information might be possible, or is possible outside of the particular framework. You tell us there must be a lawful basis. You point us to a particular policy framework.

General points of application. If we go over the page MOJ000098_0031, you have given us that framework. You give us a different one at 104 in relation to child safeguard, policy frameworks. You say, at 105:

"HMPPS is working with the Department for Education to implement section 4 of the ..."

New Act, and that has a data-sharing duty in it as well, hasn't it?

A. Yes.

Q. That measure, as you say, will create duties on agencies to share information about a child "where they consider it relevant to safeguarding or promoting that child's welfare".

I observe in passing, it does not explicitly refer to circumstances where a child poses a risk of harm to

others: it is expressed in the terms that you use in your statement there?

A. It is, although in discussions -- obviously, if there was a threat, the risk of harm that the child was potentially causing was to another child, that would, as I understand it, engage the duty but I accept the general --

Q. If it is to another child maybe, but to another adult --

A. -- I accept the general point, yes.

Q. I think that is an example of the general point that I'm making to you here. There is no framework specifically for VFIs or NIEV for sharing information in those circumstances. I'm not in fact suggesting there should be, actually as I stand here, but I offer for your consideration, if information sharing is a difficult problem, experienced particularly in multi-agency structures over time, and we have a series of bespoke structures that professionals get used to but, as that MAPPA review told us, outside of the specialist teams, the MOSOVO teams, the instinct, the muscle memory to share information isn't there; how do we overcome that problem? How do we make this something that is achieved for our cohort and indeed, generally?

A. Yes, and I think that does -- I think that is particularly true in the earlier intervention space.

I think professionals actually later on in the criminal justice system are more accustomed to the sort of assumption of the sharing of information because it is about protection of harm, at that time. I do agree that it is more of a challenge earlier on in the system.

And particularly before a child has been -- or a young person has been drawn into offending, I think this may be where some of the issues around consent may arise. So we talked about Turnaround, for example --

Q. Consent to information sharing or to intervention?

A. So I was about to go to when we talked about Turnaround one of the things I didn't mention, but is certainly relevant is it is voluntary. That is the point because you are intervening at an earlier stage where, as you say, the kind of intervention is not mandatory or enforced. I think when you were talking to Ms Canning about MAPPA and why MAPPA has been effective, she was pointing out the requirement for a hook.

Q. She was clear that MAPPA wouldn't work without a hook.

A. I think that is interesting where you think about that very early stage. It is the information sharing but it is also the purpose of the information sharing and the intervention that could follow and I think that is -- it is a challenge.

Q. Just putting the precise intervention to one side for

a moment. If the purpose of sharing information is to prevent an individual from causing harm, or to minimise the risk of causing harm, I think it could be observed that the power to share information in those circumstances already amply exists.

But it doesn't matter if the power exists, if people don't do it and I think the question for -- and you have just told me that in that early intervention space, outside of people's consent, which isn't necessary in circumstances where there is a risk of harm in fact, but if the muscle memory is to look for consent to share information, should we be looking, as an Inquiry, to recommend that there should be a specific power or duty to share information, where there are concerns about risk of harm? Or is that going to add to a complex and crowded field?

A. So, I think we set out, didn't we, some sort of thoughts at the end about requirements or success factors. I certainly think it needs to be beyond doubt in the minds of the professionals in the room that that information --

Q. That is the outcome. How do we get there?

A. Yes, I think you could look -- I think you could look for a specified duty or you could look to amend a duty that already exists, if it is thought that either the

statute or the guidance is not sufficiently clear. I think you could go down -- I think you could definitely go down that route. Whether statute is needed or whether guidance is needed in order to put that beyond doubt, I think we would need to look particularly closely at the statute and that might be a question for the Department for Education in relation to the most recent Act. But I think it needs to be beyond doubt.

Q. So whether it is guidance, whether it is statute, there needs to be -- you have made the point, and we have done it in a number of different areas, there's no specific coverage, there is general coverage. But if we are going to fix information sharing for this cohort, there needs to be something specific and tailored, whether it is statute or guidance for them?

A. Yes.

Q. Thank you. I understand that. We will come to your recommendations at the end and we will pick that up.

The next topic is risk assessment. And we have dealt actually with a number of the sides of this when we were looking at the identification of the VFI cohort. So I can go through a little quicker. May we just go please to -- in relation to prisons -- page 32 MOJ000098_0032, paragraph 111.

So, it is your heading. You tell us this -- I don't want to keep saying the same thing. You have told us there is no specific policy but you draw attention to how risk of violence is managed in prisons generally?

A. Yes.

Q. I could show you the documents again which deal with general factors, not specific factors. We don't need to go round that again.

In relation to youth custody, page 34 MOJ000098_0034, paragraph 118. There is no specific heading, but this is -- I don't criticise you for that, but this is moving on to talk about youth custody. You say, at 119:

"Children within the criminal justice system are recognised as having multiple needs in multiple domains, which can span many services including mental health, neurodisability, substance misuse ..."

And the rest. In short terms, there is an effort to provide support in those areas of vulnerability within custody?

A. Yes.

Q. Which I'm not suggesting that no such efforts are made with the adult prison cohort, but is it a more comprehensive, more holistic offering for youth than it is for adults?

A. Yes, I think that is fair to say.

Q. If I looked at paragraph 120, which is over the page MOJ000098_0035. Thank you. You are making that point. You are saying that there is an effort to provide those services and that every child in custody should have a multi-agency support team, which includes a range of multidisciplinary colleagues. We have made the point already about the multidisciplinary nature of the youth cohort and the single agency but drawing on external support for the adult cohort and it is the same in custody?

A. Yes.

Q. Thank you. Just to look at something -- if we just went to paragraph 123, which is just over the page MOJ000098_0036, thank you. So I asked you about the input of psychology to risk assessments in relation to the adult population.

Here, you are dealing with the availability of psychological support for the youth custody population. You say:

"HMPPS Psychology Service Group and [the body for] Wales undertake a range of risk assessments with individuals for various reasons, primarily parole."

So people at the point of release. Is that principally when these assessments take place?

A. Yes.
Q. "Such assessments will cover risk of harm to self and others ..."
There is a general set of factors, and:
"... a range of structured professional judgement tools [will be used] suitable for the individual case."
You say this:
"Within the YCS there is a dedicated team of psychologists who work specifically with children. This group have lower caseloads and are actively involved with children from reception age upwards. Psychologists are allocated to each residential unit and have a caseload of children."
So, in the custodial environment, there is a psychologist there who has a caseload of children there?
A. Yes.
Q. So, again, where we are thinking about where this psychological resource is and where it can be tasked, the impression that we should take from this is there is a greater provision in youth custody and the facility, as it says there, to deliver interventions based on individual need?
A. Certainly, the provision is there. I would not like to make a judgement about the availability versus the adult

estate but certainly, the provision is there in the youth estate.
Q. Yes, and of course, by the time we have got to custody, particularly for children, we are already in the circumstance where a serious offence will have been committed and we must caveat it in that way, but that service is there with that capability.
I return to the point that I have made already, I suppose, if we were in a situation where somebody had been convicted of a preparatory offence for a non-ideological mass casualty attack, and questions of release on licence were being considered, that capability is there?
A. Yes.
Q. With the capability of delivering interventions. Thank you.
In relation to probation, please may we go to page 37 MOJ000098_0037 and paragraph 125, still on the question of risk assessment. This is where I note in passing that you deal in detail with how OASys, the offender assessment system works. I have asked you some questions about it. I'm not going to repeat that, but it is here.
If I went down the page to 126 MOJ000098_0038, you tell us about the combination of the actuarial

offending, part of it and the professional judgement, and the rest.
Yes. I don't think I need -- unless there's anything that you want to say that we haven't picked up already, I'm not going to go through the detail.
A. No I only might draw your attention to paragraph 130, which I think is a little bit down the page, where this just indicates that there are, as it says, specific questions within OASys which focuses on if the violence has involved excessive or sadistic violence, obsessive behaviours, you can read it there, and I think that paragraph is particularly relevant to the cohort that we are talking about.
Q. Yes, longstanding learning that individuals who have committed serious violence of that nature, sadistic violence, obsessive behaviours, or who have displayed hate-based behaviours, pro-criminal attitudes, in simple terms, are more likely to offend in the future because that behaviour is already deeply embedded in their psyche and behaviour.
A. That, but also needs to be considered in risk management and mitigation.
Q. Absolutely. But again, has the weakness that there, we are dealing with somebody who has already done something serious?

A. Absolutely.
Q. May we just look at paragraph 135, which is on page 40 MOJ000098_0040, on a slightly different topic. Because you tell us that, essentially, OASys is being replaced with "ARNS", "Assessing Risks Needs and Strengths service".
I don't think we have a detailed explanation of it but does that title suggest that it involves not only areas of vulnerability, it also deals with protective factors?
A. Yes, that's right. I think that's what that name is intended to suggest. I think there are already ways of achieving that within the assessments that are available. I understand there is an assessment called SAPROF. I don't know if that's one you have come across before?
Q. Yes.
A. But I think that can be a kind of partner piece, where the underlying risk assessment does not include an assessment of those protective factors, then that can be done alongside, and I think it is sort of acknowledged that both of those things are important, both to understand risk factors but also protective factors in the assessment of risk and risk mitigation. So, yes, that certainly would be part of that service.

Q. We have heard that opinion from experts in other contexts. My question in relation to this is, if it is going to fully replace OASys in 2029, that sounds like a significant piece of work, strategically and operationally. Is it going to take account of learning in relation to VFIs, the other evidence and information that this Inquiry has turned up? Is there going to be a facility for that to be fed in?

A. Yes, absolutely. I understand that the driver to towards a new system, candidly, was partly because it is a legacy system and it needed updating anyway. But, also, because there have been movements in thinking and expertise that, in any event, will want to be built into the new service and absolutely, as the evidence and learning progresses, including through this Inquiry, that would be done.

Q. It would be unfortunate if such a substantial thing would to be created and delivered and not to take account of this particular cohort?

A. It would.

Q. Thank you. May I ask you specifically about risk assessment by YOTs and may we look at paragraph 137 which is on page 40, just at the bottom.

Where you tell us about the AssetPlus framework, which is in use in YOTs. You provide us with the

document. Let's just look at it briefly. MOJ000020. So a model document, if we just flip onto the next page, we see some idea of the size of the document and its complexity.

But if we just looked at page 9 MOJ000020_0009 please. That is the AssetPlus overview. Are you able to give us an explanation as to how this works from that diagram?

A. Well, the AssetPlus tool is owned by the Youth Justice Board rather than the Ministry of Justice. So I hope you don't think it slopey-shouldered if I say this is probably a question for the YJB tomorrow.

Q. No, I will leave it for them. That can come down, thank you. May we just go back to the statement and to where we were on page 40 MOJ000098_0040, paragraph 137. What I'm interested in is AssetPlus and its application to AR was one of the topics that was considered in Phase 1 of this Inquiry.

I will give the reference. It doesn't need to come up, but it is volume 2, page 235, paragraph 131 of CHAIR000002. That's volume 2 report.

The learned Chair essentially drew attention to the difference between AssetPlus and a structured professional judgement tool and said that, essentially, AssetPlus -- the AssetPlus assessment was not

a substitute for a violence-focused, structured, formulation like SAVRY, which is a structured assessment of violence risk. It did not provide the other agencies with planned intervention and escalation strategies in the event of a change of circumstances. It was not a management tool in that way, as SAVRY would have been.

So, set out clearly what the limitations of AssetPlus were, in that circumstance.

The Inquiry has also received a piece of evidence from the Youth Justice Board which, again, I'm not going to put it up on the screen, but I will give the reference, it is the statement of Stephanie Roberts-Bibby who is going to give evidence tomorrow, YJB000194, page 23, paragraph 66. In that paragraph, Ms Roberts-Bibby says:

"The YJB accepts AssetPlus needs updating and further guidance for the user of these assessment tools." (As read)

But then says this:

"It is not possible to carry out these updates without significant investment (which the YJB sought to secure in the last spending review)." (As read)

I will also say:

"Notwithstanding this acceptance, both tools ..."

She is talking about different ones:

"... still offer substantial value across multi-agency needs". (As read)

So not throwing it away, but saying that it needs updating and that they had asked for funding to secure that. Is that right? Did they ask for funding?

A. I haven't seen evidence of that but I am sure, if she says that, that's right.

Q. Were they given funding?

A. I don't believe I have seen any evidence that there was a specific amount of funding given for an update to AssetPlus. They would be given a kind of budget in the round, as it were, and would be -- as all bodies, would be expected to prioritise within that funding.

Q. So you don't believe there's any additional funding for this purpose?

A. Not additional, I do not believe so, no.

Q. Does it need updating, AssetPlus?

A. So I think, in common with all of these risk assessments, what I would say was -- would be, as the evidence in relation to this cohort is improved -- sorry to keep going back to it, but we have the definition -- I think not just AssetPlus, I think the job of work that will need to be done will be to work through all of these assessment tools that are used at different stages of the process for different purposes. I am sure people

will have talked about AssetPlus, we talk here about OASys, we talk about other risk assessment tools, and there will need to be an analysis done of whether that tool needs updating on that basis.

So I would expect that job of work to need to be done right across the piece and of course, I am mindful of, although AssetPlus is owned currently by the YJB, this is one area of ownership which will pass back to the MoJ, and therefore that will be something that we will need to deal with.

Q. Thank you. That is a useful and candid observation/concession to make. I think I am probably entitled to observe gently that all of that is framed in the future tense?

A. Certainly.

Q. And we are some time on from the horrific attack perpetrated in Southport. Would families be justified in feeling that this policy area had drifted since then?

A. I don't think I would say "drifted". I think that the Home Office's taskforce is designed to kind of spear head the thinking that is needed to be done across Government and I know you talked extensively, with the Home Office witness, about progress that that taskforce has been making.

Q. And with the Cabinet Office before then?

A. And with the Cabinet Office, indeed. But obviously the Home Office is the lead department and leads the taskforce on which, of course, we input.

I think, as this Inquiry has heard, the many features of the cohort -- the understanding of the risk and characteristics around the cohort, these have been complicated issues. It has not been that no action has happened. The taskforce has been trying to progress the research, the evidence base, to bring us to a better understanding, in order that all the things that we have discussed need to happen: the finalisation of a definition, the mainstreaming of that into policies and guidance and training and assessment tools, is a set of work that can be done.

So, I think it would be unfair to characterise that drive as "drift", but do I accept that we are a significant period of time on? Then, yes.

Q. May we just round this topic out by looking at your assessment of the effectiveness of the tools currently in use.

That's at page 41 MOJ000098_0041, paragraphs 138 and 139, where you say:

"Without a confirmed definition ... and national guidance it is difficult to assess whether existing tools in the adult prison estate adequately capture the

risk. With a formal VFI definition in place risk identification tools ... training and ... guidance would need to be ... updated or formulated to reflect and highlight ..."

The particular risk factors that have then been thought to be effective. So, an acknowledgement and a recognition that actually, it is not currently possible to say -- I can point out to you that those tools are general and not specific, but actually there is no assessment as to whether they will adequately capture VFI risk one way or the other?

A. I think that's right. They can be assessed within the sort of generalised purpose, as you correctly point out that they have, which is to reduce the risk of violence across the whole cohort. But I cannot give you specific evidence of their effectiveness in relation to the specific cohort; that is correct.

Q. What you say at 139, you draw attention to the fact that AssetPlus is used across England and Wales by YOTs and that there are statutory standards, but it is the final sentence that I'm interested in:

"There is not a single cross-government risk assessment model used by all agencies ..."

True, as many acknowledge. But it is this:

" ... consistency is achieved primarily through

information sharing and professional judgement."

The observation that I make for your comment is that, aren't those features inherently inconsistent, rather than consistent?

A. Well, the purpose, for example, and the reason we were supportive of the issuing of the interim guidance, is exactly so that professionals, when they were sharing information and making those judgements in a multi-agency setting, have a common language and a common basis to start from.

Q. If I may, I will just stop you, because in fact you had written this paragraph before there was that guidance and so the question is, essentially, you are drawing attention to the problem -- and we could debate whether or not the interim guidance fixes it and I think we have asked those questions. But you have drawn attention to the problem but you have said that consistency is achieved through information sharing and professional judgement.

The observation that I make to you is that, professional judgement is inherently something that is subjective, depending on context, depending on individual experience. National consistency will not be achieved through reliance on that particular feature. Is that an observation you agree with or not?

A. I think in terms of the professional judgements in certain settings, professional judgements are made on the basis of standards and training that will be common across that profession. So I don't think I accept that that would necessarily -- that's an inconsistency. But I would accept the point that, if you are looking to promote consistency through clear standards and guidance, then you need that clear standards and guidance in place.

Q. All right. I have asked the question.

Please may -- you have also drawn our attention helpfully to some lessons that can be drawn from other existing risk assessment tools and I just want to look at that under this heading. Please may we look at page -- sir, if you have finished with that page?

SIR ADRIAN FULFORD: Yes.

MR JAMIESON: Please may we go to page 60 MOJ000098_0060. Just the very bottom of that page for the title, so:

"Lessons to be learned from other tools."

Which is the topic I have just introduced:

"Extremism risk guidance".

Which is over the page at paragraph 186 MOJ000098_0061. You draw the Inquiry's attention to the ERG22+, the Extremism Risk Guidance 22+, which became the ERG-R, in those paragraphs.

Just at paragraph 186, you can tell us what the ERG22+ was designed for supporting:

"... operational decision-making relating to sentence management, rehabilitation, and public protection across custody and community settings."

This is the type of risk assessment that we have heard about; a structured professional judgement framework for people who had been convicted of terrorist offences.

As you say, used to support operational decision-making, relating to sentence management, rehabilitation and public protection. So assessing the risk posed by those individuals, to support operational decisions. That's what it is for?

A. Yes, it is.

Q. 187, the ERG-R is an evolution of the 22+. It has more domains and those domains specifically encompass areas of -- I'm looking for a word other than "strength" -- protective factors. That's what it says there?

A. Yes.

Q. So it builds on it, but it is used operationally with the same cohort for the same purpose?

A. Yes.

Q. At 188, you make that point. You draw our attention to the limits of the applicability of these tools. They

are not general violence risk assessment tools. They are both specifically developed for using with individuals convicted of terrorism-related offences and in limited operational circumstances.

So you have set that out, essentially, to caveat the learning that the Inquiry should take from these. May we go over the page, please MOJ000098_0062, 189. You make the point that some of the individuals who are being assessed under ERG22+ may well meet the criteria for being considered VFIs, particularly where a grievance or cause or lack of an extremist ideology were part of their make-up. Is that the general point that you are making?

A. Yes, that's right.

Q. But, again, you make the observation, it is hard to know how many will be within that cohort because that data isn't captured?

A. Yes.

Q. You say that further information is required to assess the extent to which that tool will be useful and you say, at paragraph 190, only once the evidence base is established, would it be possible to determine whether you adapt the existing framework, create supplementary guidance, or need something new?

A. Yes, that's right.

Q. Just in terms of -- so we have all of that. But if we went to the bottom of this page, I think paragraph 193. Maybe just over the page, top of 63 MOJ000098_0063. You draw the distinction. So we understand the difference between these tools and the OASys, which has that actuarial element to it. It:

"... is not an actuarial or psychometric instrument ..."

One reason for that is that there isn't the quantity of data that allows those predictive decisions to be made, is that part of the reason why this tool is designed in this way?

A. I'm not sure if that is the reason why it was designed in this way. I understand that the way that the ERG is used, it would be potentially alongside or feeding into a wider OASys report. So I think, when the -- I think this is predominantly used by the National Security Division, obviously when supervising the offenders that fall within that category. I don't think they use this instead of those broader frameworks. I think they use it either alongside or feeding into and therefore, I don't think it sort of requires that actuarial piece because that is already provided by a different part of the assessment, if that makes sense.

Q. Thank you. But the value this has, you say, and the

reason the Inquiry should look at it, is because these sort of tools provide:

"... a structured and transparent basis for bringing together relevant information, developing an individualised formulation and informing professional judgements about risk management and rehabilitation."

So, provides a structure in which there can be a common discussion and a common understanding of the risks, vulnerabilities, protective factors of an individual?

A. Yes, that's right.

Q. So if we are thinking about what these tools are for, they are never going to identify individuals of the greatest concern within a wider population. They are not a triage tool?

A. No.

Q. They are not a screening tool. But once we have an individual of concern, the advantage of a tool like this -- either this re-purposed or something like it -- is that it would allow professionals to gain a common understanding of somebody's areas of vulnerability, somebody's areas of protection and then, importantly, design interventions that mitigate the former and make the most of the latter; am I right?

A. That's right. Although, as it says here, in 194, it

doesn't automatically determine a particular referral or intervention. So I think it is the first limb of what you were just saying there, which is what is so important and of course, this is designed for a particular cohort and I think the reason for us spending so much time on this in the statement was because we do think, even if the conclusion was that it is not an expansion of this particular tool, that actually, the process that has been through to develop this tool, certainly has got a lot of learning in terms of how one might develop something similar for the VFI cohort.

Q. Just to unpack a couple of points that come out of that. Of course, it doesn't say: input these factors, that's the intervention, because it will depend upon what's available locally, as much as anything else. But, if -- to take a probably all too common presentation, if a particular risk factor was noted to be an individual's online life and their development of grievance, their withdrawal from society, and there was an area of strength that they had, or an area of protection where they had a trusted relationship, or some sort of group that they wanted -- that they took strength from, it would be easy to see how an intervention could be designed to take them away from the computer and into

the activity that they took worth and meaning?

A. That's exactly right and I think that's why here it says, it doesn't automatically determine a particular referral or intervention, but further down in the paragraph, can inform case management and risk management recommendations, priorities and targets for intervention and rehabilitation and where appropriate, the need for further specialist input, just as you say.

Q. Yes. However, the point about these tools is that, by the time they are deployed in this context, because they are resource intensive?

A. That is right.

Q. You need to be able to gather the information on all of these domains, sit down and think about it. The cohort that the ERG-R is being directed to is already selected because they are convicted terrorists?

A. That's right.

Q. This cannot be the complete solution to the problem that the Inquiry is grappling with because we have a very large cohort of potential individuals, with areas of vulnerability that may cross over with development of the VFI risk, and there has to be some tool, triage/prioritisation tool, that selects them in the first place. What you are drawing our attention to is once we have identified those individuals --

A. That is right.

Q. -- this or something like it is required?

A. That's exactly right.

Q. Thank you. Did you follow -- so this Inquiry was enriched, actually at the outset, by a presentation from Dr Tina Irani, who spoke about a number of similar structured professional judgement tools in development that potentially would cover this cohort; the AREVA, or the TRAP-18. Did you follow that evidence? Is the Ministry of Justice engaged with the development of those tools?

A. I don't think heavily engaged in them but certainly I think the phrase might have been "watching with interest" in relation to the development of those tools. Which I understand they are not yet sort of ready or they are in development and so we are certainly interested to see how those develop --

Q. I think if I may, I will ask the question: interest sparked by the Inquiry or interest that was pre-existing?

A. When I asked the question whether we were following it, the answer was: yes, we are following those developments, and I do not think that was just because I asked the question, I think that was already happening.

Q. Thank you. May we just look at -- onto the next page, page 64 MOJ000098_0064 and paragraph 196. Where essentially you crystallise the current problem:

"Further research may demonstrate that existing risk assessment approaches are sufficient, either individually or in combination, or that supplementary guidance or adaptation of an existing framework is required. [Or], it may identify [that there is a] gap warranting the development of a more specific approach."

We just don't know what the position is. Something we have been round a number of times, and you are saying, with candour, actually, it is not just that these assessments may not cover the gap. We just do not know if they do or not?

A. That's right, and we may, when we see where we get to with a final definition and a set of risk factors and protective factors, we may, as it says here, look at the assessment risk approaches and conclude that they are sufficient. My feeling is that we should absolutely need to look at them in the light -- and I suspect at least amendment -- some kind of amendment would be required, from the things that you have brought up.

But I do think, as I say, the point about thinking about how the ERG was developed in relation to the particular area that it covers, is that we do think

there has significant learning for the potential for a similar tool.

Q. Thank you. One of the things the Inquiry asked the Ministry to think about was whether lessons could be learned from analogous areas of practice and you have -- if we just put paragraph 197 on the page -- drawn our attention to some systems that are used to manage terrorism and organised crime, which have in common that they are low-frequency, high-harm areas of work, where there are conceptual challenges and an unknown base rate of re-offending, and that "SPJ", which I think is structured professional judgement, "approaches offer several advantages" and you set them out.

Just explain for us, if you would, the analogy and the learning that the Ministry of Justice is inviting the Inquiry to draw from serious organised crime, which you have begun to set out there at 198 and 199.

A. Yes, so I think there are some analogies, particularly this challenge that, whereas, when you are thinking about the terrorist cohort, there is a clear identification because there is an offence or a set of offences that are particularly related to terrorism. Whereas, in relation to the VFI cohort, or the cohort that may have a connection to organised crime, we talk about Com networks here, or indeed in other cases, for

example, if you were to think about domestic abuse cases, all of those -- what that shares is that the motivation or the characteristics of the offender may show up in a whole variety of different offence types, rather than a singular offence type.

And that, I think, is one of the reasons that we set out here that, using those structured professional judgement tools, which will help to identify some of the kind of under -- the underpinning characteristics is a helpful way of thinking about some of those cohorts.

So, I think, that is as far as we had gone in our assessment. I think we also drew some reference to, there is a lack of understanding, as with much of this cohort about whether there is a serious crossover between the serious organised crime and VFI cohort or not, and I think we say candidly, we don't have any work specifically underway on that. Although I think, as we referenced earlier, there is some HMPPS thinking and work getting kicked off around the potential crossovers between the incel cohort and the VFI cohort.

Q. Yes, I think you described that as "at an early stage"?

A. Yes.

Q. Just one piece of work which might be useful. May we just look at page 66 MOJ000098_0066 and paragraph 207. It is still under this heading. You are telling us --

so you have drawn our attention to organised crime and terrorism and this is where you are dealing with something that HMPPS has done to support policy work in terrorism.

We talked about structured professional judgements and I made the point with you that, before you get there, you need a screening tool, so you know who you are applying your SPJ to. You tell us, in this paragraph, here is the CT-ARC bit of HMPPS, that you have mentioned already, that HMPPS had a role in developing a different screening tool, the Prevent Assessment Framework.

It is not a perfect analogy because it is used in a slightly different part of the process, but a tool that your professionals had input into. Is there opportunity, is there capability, for MoJ officials, whether HMPPS or in young offending, to play a similar role in the development of a screening tool for VFI risk?

A. Yes. I think so and I think at the next paragraph we sort of note that, the kind of principles that we are setting out here and the dedicated approach that we are describing could help inform similar approaches that might be taken on VFIs and I absolutely would say, in the same as the CT-ARC experts developed the ERG tool --

and there will definitely be lessons to be learned from the development of that tool -- in a similar way, there would certainly be lessons to learn and I am sure expertise to be brought to bear in thinking about a kind of an analogous tool earlier in the process.

Q. Yes, I think the point I'm making to you for your comment is, you know, are the Ministry of Justice the people to help with that?

A. Yes, the CT-ARC people, certainly.

MR JAMIESON: Yes, thank you. Sir, I am about to move to another reasonably weighty topic. We are a little early?

SIR ADRIAN FULFORD: Then we will deal with that after lunch. Thank you very much indeed.

(12.45 pm)

(The short adjournment)

(2.08 pm)

SIR ADRIAN FULFORD: Yes, Mr Jamieson.

MR JAMIESON: Thank you, sir. Ms Churchill two topics left from me. The first is multi-agency working. Amanda, please may we have Ms Churchill's statement back on the screen. Could we just look at the very bottom of page 45 MOJ000098_0045.

Where, under the heading "Effectiveness of management of risks", essentially you set out the

current problem with multi-agency working. But I wanted to talk to you about -- you say:

"The tragic events in Southport in 2024 have highlighted, as the Phase 1 report found, that there are gaps in how systems collect identify and (crucially) intervene with children who pose significant risks to others."

You say that you concur with the Phase 1 report's summary, that:

"... even where children are known to multiple services, failures in information sharing and ownership of risk can mean escalating and concerning behaviour is effectively left unmanaged."

Those are not concerns and issues that are unique to AR's case, are they?

A. That's right.

Q. What you deal with at paragraph 154, is the role that the youth justice system plays and can play in this space. You say:

"[It] operates generally effectively when it is working with a child under its formal supervision -- [ie] through a court order or a formal out of court resolution."

That's well understood but it is the next bit that I want to deal with you, or to talk to you about. You

say:

"YOTs' multidisciplinary teams and approaches have been critical to their effectiveness since being established ..."

Under the statutory basis:

"YOTs' management of all children, including under-18s who would likely be defined as VFIs, is either mandatory, under possibility of prosecution ..."

But this is the bit:

"... or voluntary, subject to consent of the child."

Because that really is the role that YOTs are currently playing, isn't it? You say that it is principally effective when it is working with children under formal supervision, but a substantial proportion of the work is the non-statutory caseload?

A. Yes. I think you were referring earlier to some statistics that suggest that the non-statutory caseload is a growing part of the caseload, yes.

Q. A growing part of the caseload. We have talked about the Turnaround scheme and that particular funding --

A. Yes.

Q. -- and the particular interventions for them. You say, at the bottom of this paragraph:

"Where a child has not committed an offence resulting in a mandatory intervention, or does not

consent to YOT voluntary intervention, the YOT cannot engage that child ..."

So, if you haven't got a coercive hook, a prosecution or a civil order, and you haven't got agreement to intervention, then there is a limit to what the YOT can do.

But isn't that a limitation that would apply to any structure? That's not particular to the young offending team, is it?

A. No, I think that is right. I think that any multi-agency structure, if it doesn't have the powers to intervene in a particular case, there is a limitation to what it can achieve. I would agree with that.

Q. There might be a limitation but that's not a reason not to do it, is it? Because if we thought about early intervention in ideological risk development, or Prevent, that's -- similarly the cornerstone of Prevent is consent, isn't it? There can't be Channel intervention without a subject's consent?

A. Yes.

Q. That's a well-established, long-running part of the preventative framework in terms of ideological or those at risk of vulnerability to being drawn into terrorism.

So, if we sort of strip away, YOT needs a hook, or -- it either needs a coercive hook or it needs

consent, because any structure would -- are there structural shortcomings, deficits, that mean that YOT is unsuitable for the management of these sorts of individuals that we should be looking at? Because on the face of it, you have got a lot of experienced professionals who are dealing with complicated children, with lots of areas of vulnerability and risk, engaged in the mitigation of that risk?

A. I agree and I think we may be coming to later some of the feedback or views expressed by YOT teams in the engagement that we did. There were some mixed views. But, certainly, a number of them said that they did indeed feel that the skills that were required to intervene in this -- with this kind of group were found in youth justice services and YOT teams.

But I think they were also pointing out that this would be a kind of expansion of the role because where -- as we keep coming down to, where there is no sort of court order or other kind of mandated intervention or interaction, it remains voluntary and we were talking about Turnaround and you are right to suggest that doesn't mean you shouldn't do those things and the Turnaround programme demonstrates that those interventions can be effective and, you know, there will be obviously YOTs and youth justice services who are

dealing with this cohort of children under that and other intervention methods, as we speak, and that was also clear from the engagement. So I think this is a group that currently is dealt with but we would keep coming back to, that would be an expansion of the statutory role at least.

Q. No public service is going to volunteer for more work without further resource. I think I understand that aspect and if we are asking YOTs to scale up what they are doing in this area, then a corollary of that may well be that more resource is required.

A. Yes.

Q. But putting resource capacity to the side for a moment. Are there any structural reasons, causes, prohibitions that would prevent YOT from scaling up that early intervention, preventative voluntary work that it's already doing, with the Turnaround interventions and other areas of activity?

A. No. So I think I sort of set out, I think it is paragraph 272, where, having talked about some of the engagement that we did with youth justice services and some of the positive reasons that they might be a good agency to look to, when dealing with this cohort, we have listed here, on paragraph 272, the potential down sides and they are two significant ones. Both of which

we have just covered. The second being funding, but the first being as we call it, this being a formalised new expanded responsibility.

I think the other thing it is worth --

Q. Just pause there. I was going to come to it later but as you have referred to it, let's pop it on the screen. I think that may be page 83, just so the Chair has it?

A. 84, on mine.

Q. 84 MOJ000098_0084, thank you. I was estimating. So, I was going to come to it later but, as we are discussing it now:

"... they would need (1) a formalised, newly expanded, responsibility within a multi-agency arrangement ..."

So this needs to be systematic, not ad hoc?

A. Yes.

Q. Agreed, and funding?

A. Yes.

Q. But I'm going to come, shortly, to talk to you about pathways, "big front door" as it has been called and about the need for that. But accepting that absolutely, on the face of it, a candidate to be delivering interventions for complex young people with multiple areas of vulnerability, because in fact they are already doing that work in an ad hoc, local way already?

A. Yes, we agree.

Q. Excellent. Good. Please may we go back in your statement to page 46 MOJ000098_0046 and to paragraph 154, just to -- so 154 is what we were talking about. 155, I just wanted to give you a chance to put on the record formally, when we looked at your -- those white papers and policy documents, they had, within them, that overall youth offending has reduced substantially. You have got that in your paragraph 155. At 156, you tell us that the broad picture of inspection for youth justice is a good one. But over MOJ000098_0047 onto 157, that doesn't mean that there aren't areas of practice that require improvements.

You set that out there. If we were to go down to paragraph 160, which is on page 47, just at the bottom. These are the reforms that you have talked about and then just over the page please, onto 48 MOJ000098_0048. Here again is your recording the factor that we picked up in the policy documents: whilst this cohort of youth offending has got smaller, the residual numbers are increasingly complex, hard to reach, difficult to manage, requiring tailored interventions?

A. Yes.

Q. Again, I draw your attention to the overlap between those features, those characteristics and to the

characteristics that we understand our VFI cohorts to share.
A. Yes.
Q. At 161, you say this, again, which chimes with something others have said:
"However, national systems and policies, and local systems and processes that exist either side of [youth offending] ... create a landscape which practitioners can find difficult to navigate, risking ineffective case management through individuals' needs not being met sufficiently to reduce risk to others or themselves. Youth justice services join up with, but also operate in parallel to, a diverse range of other systems serving similar but different functions, with remits which often overlap."
You give some examples. But Lord Anderson of Ipswich, in his Lessons for Prevent, talked about the overlapping, complicated, multi-agency landscape that we have. Are we seeing a reflection of that here in your paragraph 161? You are essentially agreeing --
A. Yes, that's right.
Q. Is it an area that calls out for rationalisation?
A. I think it absolutely merits a very close look. I think there is some links that I know we might be coming on to make in any case, in respect of the Government's

thinking around the role that strategic authorities might play. When you were asking me just now about what might be the sum of the challenges of youth justice systems, Youth Offending Teams at the local authority level, taking on responsibility for this, I think we gave some examples of the statement, of areas where you may be encountering a small number of highly complex individuals or children and, therefore, you might encounter those only sort of rarely or it would be much more effective to have a more regional approach, because you then can have the expertise at the regional level, and --
Q. Is that a reference to the pilots that you have done?
A. Yes, so we --
Q. We will come to that.
A. Let's come to that then.
Q. Okay fine. But just in terms of overlapping, for instance, when I showed you the White Paper, one of the things that was mentioned there was the work that the Young Futures Panels could do, which were also early interventions aimed at pre-offending, complex children at risk. There is a direct crossover there, isn't there, to the work that young offending teams are doing in the non-statutory caseload?
A. Yes.

Q. So in the medium term, it sounds like you agree that there is -- or there may be real merit looking to rationalise this landscape?
A. Rationalise. Yes, I agree.
Q. Thank you. The point that you were just making, if we go to 164 MOJ000098_0049, I think we can pick that up. So, you make the point that it can be difficult, locally, to react to high-risk groups of individuals, where there aren't very many of them --
A. Yes.
Q. -- and a local authority might not encounter them frequently?
A. Yes.
Q. And you draw our attention to the fact that -- and I will give the references for the exhibits, we don't need to pull them up onto the page, but you disclose to us MOJ000116, which was a pilot of the work that was done in Greater Manchester across ten local authorities. We will come back to that.
And MOJ000117, which was a pilot in London, called an "Accommodation Pathfinder" scheme. Is the general point that you are making, in relation to those areas of work, that, where you have this problem of low incidence and high-risk, it is a paradigm case for co-operation amongst different regions?

A. Yes. Exactly so and, as it sets out at 164, the Department has, for some time, been encouraging that greater collaboration across Youth Offending Teams and pooling resources to deal with the low volumes of more complex children and cases and these were examples we were exhibiting. I might go further, in the White Paper -- I do not think we put it in the witness statement specifically, but you will see in the White Paper there is reference to an even -- going further down the road of pooling resources with the work that was being done with Greater Manchester, to pool all the youth justice-related funding, the core grants, Turnaround funding, remand funding, so that the combined authority works across all the local authorities in the area, to ensure that the funding has the biggest impact that it can possibly have across the area.
Q. That's not inconsistent with rationalisation, is it? Because you would have commonality of structures but a recognition that in some areas of lower incidence of harm, it is better to hold the funding more centrally, to allow it to be applied where it is needed, rather than subdividing it into lots of small pots?
A. That's exactly so, and I might go a bit further still. I think some of the work that's referenced, towards the end of my statement, is now in sharper relief within the

kind of Government's broader approach on "Rewiring the State", the public document that has already been put out, which, as you know, says that the Government are looking to approach devolution by default and what that really means is thinking about where are strategic authorities really best placed, to ensure that local services work together in the most effective way across that area.

I do think that really is relevant because it absolutely is an opportunity for rationalisation, simplification of complex structures, and ensuring that services -- not just the MoJ-related services, but also thinking about all the other -- you are correct to point out that there is a kind of multiplicity of -- whether it is, you know, the Young Futures Hubs or --

Q. We have to look at it across the piece?

A. Have to look at it across the piece and strategic authorities may well be best-placed to be the body looking across the piece in their area. So I just raise that as a possible line of enquiry.

Q. Thank you.

May we just deal in, because we are here under the heading of "Multi-agency working", briefly with MAPPA. Page 67 MOJ000098_0067, paragraph 209. I say "briefly", not because it is not an important multi-agency

structure but because we have looked at it lots of times in lots of different ways.

You have set out here, in this portion of your statement between paragraphs 209-225, an outline of MAPPA, how it works, the categorisations, the membership and the rest of it. You will excuse that I will not take you through all of that, but if we pick it up at page 71 MOJ000098_0071 and paragraph 224 and 225.

What it comes to is that, a point that you have made with me already that Ms Canning made, without a hook, MAPPA isn't the right structure. But there is some learning that can be taken from it and then at 225, you deal with some multi-agency structures which have been designed to work with cohorts not yet convicted, ie those without the coercive hook. You mention MASHs, Channel panels under Prevent, which you observe might be a more appropriate model for non-MAPPA eligible VFIs. So I'm simply adducing that to show that your analysis agrees with that that we have had from others. Thank you.

Just then on the topic, if we could just scroll down, it is the next paragraph, 226. So your analysis -- we have talked about rationalisation. But your analysis of this problem and how we deal with it, there is no structure that systematically is capable of

identifying, managing VFI risk and providing interventions. What do we do about that?

You say, at 226:

"Trying to fit all VFIs into a new single set of arrangements may not be the best way forward. Ensuring existing structures have access to the up-to-date evidence and clear guidance on assessing and intervening with VFIs is likely to be more effective."

Should we interpret that as a plea not to add another bespoke structure to the crowded landscape, or are you saying something else?

A. I think this is saying something slightly different, which is we don't think the right way forward would be to say MAPPA -- for example, where VFIs meet the threshold for MAPPA, we don't think the right thing to do would be to take those individuals out of being managed by MAPPA because that is the appropriate way to deal with them.

So I don't think it is saying: do not think about how we fill the gap, because I think we have talked a number of times today about the fact that there is a gap. I think it is saying: where we already have effective multi-agency arrangements which will already be dealing with this cohort, you certainly want to ensure that those existing arrangements have access to

the up-to-date evidence, clear guidance, best evidence on interventions, but you probably do not want to remove that cohort from being dealt with by those established arrangements.

I think --

Q. Are we talking about Prevent in that circumstance or more broadly?

A. I was thinking more of MAPPA actually, since we are in the section that is -- but one might also say Prevent, one might also say other kind of a criminal justice system arrangements.

The evidence I think, which was exhibited and you were talking to the Home Office witness about, which is I think was a piece -- we are probably moving on to big front door -- by Dr Taylor, which I thought set this out extremely well. He had an annex with an excellent chart where what he was showing was: look, on the one hand, you have already got a set of well established, broadly effectively functioning arrangements, where what you absolutely need is for those arrangements, as it says here, to have the most up-to-date analysis and assessment and evidence on identification and intervention.

But your actual gap is over on this other side and actually, rather than putting, if you like, your front

door across the whole of that, you might want to say: well, I ensure that the existing arrangements are dealing with this cohort as effectively as possible. What I'm doing is working out what arrangements I need to kind of fill the gap that we have identified, and I think that seemed like an excellent exposition of the kind of thing we were talking about here.

Q. So thinking about this group; you and I discussed already essentially two stages of their risk management: a triage or identification stage and then a management stage, and we talked about the different tools that would be necessary at each stage.

To your mind, where is the triage happening? How are these individuals from a broad cohort being brought to the surface?

A. Well, I think that would be happening on that kind of right-hand side of the page, if I can go back to that kind of chart that is identifying the gap, because the gap relates to individuals who are not yet being assessed because they are part of an established multi-agency --

Q. They are not in any established --

A. They are not in any established group. They are the cohort that needs to be identified, a mode of referral being available and at that point, I agree with the need

then for a kind of screening, triage process that ensures that those individuals are then routed appropriately.

Q. So to take an example, which we understand is increasingly likely, if I'm a teacher in a school, I have a pupil that I'm concerned about, and I refer them to Prevent and the referral comes back, "We assess that there is no vulnerability to being drawn into terrorism here" because, for whatever reason, this increasing isolation, this increasing fascination with violence doesn't have that vulnerability, essentially, presently, little option for the teacher as to where to refer that person?

A. Yes.

Q. Safeguarding maybe, but safeguarding is a different set of considerations. It's principally concerning the vulnerability of the child, rather than the risk of violence that they pose.

A. Yes.

Q. So you would support, or you are recognising the need for, some sort of triage for those individuals; am I right?

A. Yes, recognising the need, absolutely.

Q. But -- it is me putting it in this way -- we have talked about medium-term rationalisation, but in the short

term, or more immediate term, your position is that the structures that exist, subject to that triage taking place, have a role to play in the management of this risk once it is identified?

A. Yes.

Q. But that those structures need to be informed by, improved by, up-to-date evidence and clear guidance?

A. Exactly so.

Q. I suppose the point could be made that whilst it is a crowded field of different structures, they are all pointed at different purposes, with areas of influence which will overlap our VFI cohort, to an extent, but there is no targeted, systematic coverage and it risks gaps; is that a fair criticism of that approach?

A. I think that is where your kind of front door mechanism comes in, which is, as I said, I think there is a gap there, I think we have identified as we have been talking this kind of early gap where an individual has not been -- has got down the pathway to offending. They have not been referred to Prevent or they have been referred to Prevent and they have been on-referred, as it were. I think that is a gap that has been identified, and I do think, at that point, some kind of simple assessment and triage mechanism is necessary. I'm agreeing that that is a gap.

Q. If we just went to your paragraph 227, which is over the page MOJ000098_0072, again, the learning from MAPPA that you take and you draw to our attention is that:

"What is important is that the right agencies are around the table, [and] that all the information is shared, and that the multi-agency process ..."

I'm almost allergic to this word, but:

"... synthesises it and uses it to identify actions for managing the risks posed by VFIs including how to address any underlying needs."

So once we get past that initial triage, what we need -- never mind the structure -- is the right agencies, who share information, process it and arrive at the proper intervention that reflects the vulnerabilities and protective factors of that individual?

A. Yes, exactly.

Q. Which sounds quite a lot like a comprehensive violence reduction strategy behind that initial triage, with individual agencies playing their part, selected according to the need. I don't know if you followed the evidence of the -- approaching the Netherlands, the Care and Safety Houses?

A. No.

Q. Okay, well, it might be remarked that that is a similar

approach to the ones that they follow there and I commend it to you.

At paragraph 228, you make the point that we have discussed about actually, the existing suitability of senior staff within the relevant agencies of the Ministry of Justice, to play roles in both of those stages, may I suggest; both the triage and indeed, the management of the risk?

A. So I think what we are saying here is, the staff and the MoJ, including HMPPS, are well-placed to be dealing with this cohort who meet the threshold through the well established process for MAPPA-managed individuals. So that's the point that I was making, where almost sort of regardless of the front door, individuals will always be identified and risk-managed through MAPPA mechanisms if they meet the threshold and I think that's what we are saying there.

Q. But that sort of muscle memory familiarity with identification of risk, gradation of risk, management of risk, yes, of course, that's done through a MAPPA framework classically, but those are the sorts of skills and characteristics that would be of wider use?

A. Yes.

Q. May we just look at paragraph 230 because I have some questions from the victims and survivors that relate to

this. This is your view of the utility of a shared risk assessment tool. You say this:

"A shared risk assessment tool may not be a realistic prospect as agencies have different responsibilities. For example, a mental health assessment will not be the same as a risk assessment undertaken by the Probation Service. Different services and agencies also have different expertise and resourcing considerations, which means that it would be challenging to operationalise a risk assessment tool in the same way across different services. Similarly, individuals who come into contact with different services will present different risks, threats and needs in different contexts."

I just want to -- you go on to say what happens in MAPPA -- understand what you are saying here. Because whilst, of course, an assessment of somebody's mental health needs will not take account of the same factors, come to the same conclusions as a risk of violence assessment -- those are different things -- but, is there a reason why, for instance, we talked about -- you draw the Inquiry's attention to the utility of the ERG22+, the ERG-R, as a tool which allows a common language of areas of risk, areas of protection and individualised idea of risk for that individual and the

sort of interventions that are going to be able to meet that risk. Why couldn't something like that be multi-agency?

A. So I think the point that we are making here is that you could not say -- it may not be realistic to say for all the purposes that every agency has in their engagement with an individual, as you say, the mental health assessment will be for one purpose, the risk assessment undertaken by HMPPS will be for another purpose. I think the very simple point we are making here is, you probably wouldn't want to sweep all those risk assessments away and say: here is a single risk assessment tool which should be used by all agencies for all purposes, because that would become unwieldy.

Q. Sure.

A. That is not to say, however, two things: one, as we go on to say at 231, it would obviously be helpful to have the shared evidence base on risk and protective factors, which would (a) help share understanding and collaboration, but would also mean that the way that those factors were treated in the different risk assessments was common and shared and that sounds like a perfectly sensible way of proceeding.

It is also not to say that a kind of triage tool of the kind that we were talking about, in relation to

filling the gap that has been identified, so the referral gap that we talked about: I'm a teacher, I have got a concern about an individual, if I were to refer it to a kind of front door of the kind that is proposed; then that kind of -- a shared triage tool of some kind would certainly seem to be sensible.

Q. Because in the preceding paragraph you have given the example of MAPPA level 1, 2 and 3 --

A. Yes.

Q. -- which is an example, in fact, of a multi-agency risk assessment: what level is this person?

A. It is. But what it is not -- it does not sweep away, if I can use the analogy, all the other risk assessments done individually by the agencies for their own purpose. So each individual agency does their risk assessment on their own risk assessment tool and then brings it to the table, if you like, and then, in a multi-agency setting, the conversation is: what does this tell us about risk and therefore, what does this tell us about the intervention plan?

So I think that's all we mean by a shared risk assessment tool, that may not be a realistic -- that's all that is intended to mean, I think.

Q. So a common understanding of risk can be arrived at. There can be a tool to achieve that, but there needs to

be space for individual agencies and individual expertise to feed into it, to inform it?
A. Yes, or I might put it the other way round, which is we would need to ensure that the risk assessment tools utilised by the individual agencies were all developed with the common evidence base and understanding of the risk factors and the protective factors and that when they come together, therefore, in that multi-agency setting, that understanding of the risk is a common one and a common language.
Q. Do you think that approach of MAPPA of, you know, the different statutory partners are there, they feed in and then there is: is this a person that is going to be managed by one agency, is it multi-agency with a meeting, is it the most formal, the most risky category? It is not red, amber, green, but 1, 2 and 3 could be thought of that way. Is that translatable to a wider multi-agency setting, where you could have different sorts of assessment, different information fed in but ultimately, everybody understands what level of risk: how risky is this individual, how high should my index of concern be in relation to this person?
A. Yes, I think that is right and I would go a bit beyond that. I think one of the learnings that's drawn out of MAPPA in here is the importance of having a clear

understanding of the lead agency and a clear understanding of the kind of responsible individual within the lead agency, and in our -- we give a list, I know, of kind of --
Q. We are going to look at it just now.
A. But I think that is another important factor, is the kind of clarity about which agency is taking the lead and who is therefore responsible for the next steps in relation to the individual. So, yes, I agree that is an important factor.
Q. Let's look at that now. So under the heading "Culture surrounding multi-agency risk management", you have listed the factors that you say would need to be present to achieve multi-agency -- effective multi-agency working with VFIs, whatever the structure, and I will list them:
"A clear stated and agreed purpose."
We are back to the definition, I think:
"[A] shared understanding of risk."
Actually, we have just talked about that:
"A clear understanding of each other's roles."
Which might be considered to be a facet of information sharing, of a sort:
"Strong professional relationships and trust.
"Clear leadership, accountability and governance.

"Robust joint assessment and management of risk.
"Joint understanding of what action is likely to be [the] most effective.
"Key Performance Indicators which encourage and reward collaborative working.
"An explicit route for resolution where no agency considers they are responsible for the case."
Is that last factor designed to deal with the problem, where you have a carousel of referrals and each agency says, "Not our criteria, not in our caseload"?
A. Exactly so. That's where the gaps risk -- it was falling through the gap.
Q. There needs to be -- along with the leadership and clear understanding of the respective roles and functions, there needs to be a way of resolving disputes between agencies?
A. Yes.
Q. Just on that leadership, one of the things that is said against the idea of having a lead agency -- it is good, it brings clarity because everybody knows that agency is in charge -- but potentially, it means other agencies think: well, they are dealing with it, we don't have to. How do we mitigate that problem? How do we end up with leadership and not abdication?
A. I think that goes to kind of the strong relationships

and trust but also the clear understanding of the purpose of coming together, which is to make the sort of right, multi-agency decisions for dealing with a particular individual.
I mean, I accept the risk that you put. I might just sort of turn it around and say, it seems to me the risk of not having a lead agency is the one that we have identified, which is if nobody is responsible -- if everybody is responsible, nobody is responsible, sort of thing.
So you have to have a clear understanding of who is accountable for the next steps.
Q. Yes, and in terms of -- in fairness the idea of strong relationships is also probably also a protective factor in that regard?
A. Yes.
Q. Some of the other evidence that the Inquiry has received is that that tends to happen, those tend to be developed on a local level, where the same responsible professionals sit around the table. So is that another argument in favour of rationalisation?
A. I would agree with that.
Q. The same people, or a commonality of people in a broad setting, dealing with risks across the piece. That's how we are going to improve those cultural features?

A. Yes.
Q. Thank you. The final topic is your policy work, which may we just look at. So Youth Justice Policy Unit engagement work and suggestions for future change.
Just before we go to the relevant bit in the statement, can I ask you again a question that comes from the families, victims and survivors, that arises out of the NSC meeting from March 2025. May we have on the screen, please, CAB000004. It should be the meeting record.
I'm not, in fact, sure that is the meeting I was looking for but I can deal with it in this way -- and that's my fault, it is the wrong reference. We know that in the March of 2025 there was a meeting of the National Security Council and one of the outputs from that meeting, number 6, was that all of those around the table were asked to consider the most effective mechanisms to identify VFIs, including the implications for guidance for sectors and indeed, to seek to prioritise those individuals within their cohort or within their areas of operation.
In fact, can we also look at MOJ000155, because in fact, in fairness, the Ministry of Justice had been ahead of the curve in this regard. This is a letter from May 2024. So, we can see it is from the

Parliamentary Undersecretary and the Chair of the Youth Justice Board -- the then Chair of the Youth Justice Board, May 2024. It is addressed "Dear colleagues", but I think it was addressed to individual YOT workers and probation workers?
A. Yes. Could I just say, just on the point of the date, I believe this was sent in May 2025. I believe that may just be a --
Q. It was particularly impressive --
A. I'm sorry, I do not think we were ahead of the game. I think this was a direct response to the action that was given to departments at the ministerial meeting that you mentioned.
Q. I was going to ask how it was that you had arrived there ahead of the NSC. But this was a letter essentially drawing attention to the problem, saying that there needs to be prioritisation. If we went to the end of the letter:
"The Prime Minister has asked the Ministry of Justice to consider how Youth Offending Teams/Youth Justice Services work to identify and address the needs of [the] children."
A call for those with particular experience to email in. That was the purpose of the letter?
A. Yes.

Q. What has happened, in terms of prioritisation, since this letter?
A. Yes. So I think, firstly, this was the letter that we were asked to send to services, to ask them to prioritise, as set out there.
As you will see from the paragraph before, our ask is that: you keep prioritising, identifying and addressing the complex needs of these children and ensure your referral pathways and partner relationships allow you to do so. So that was sort of in fulfilment of the action that had been given.
You have referenced already the work that the policy unit -- I think already, at this stage, actually was in the course of doing. So --
Q. That was evidence gathering, that wasn't directing prioritisation?
A. That is right. So this letter is directing prioritisation. Our ask is that you keep prioritising. But in addition to that, it is -- I think the idea was we had already begun the engagement work and we were also, in addition to that, using this letter as the opportunity for inviting people who wanted to be part of that, with particular expertise or interest. As it happened, I don't think anybody was added to our list as a result of this letter. I think the youth

justice services had already been selected to be part of the engagement, were the ones that that engagement --
Q. So nobody emailed in?
A. As far as I know, we didn't have any additional people join the survey.
Q. So, I will come to the policy work in a minute and that engagement but, as I have said a couple of times, that was about speaking to the youth justice services and capturing their experience and information. It was not about directing prioritisation or asking for prioritisation. This letter was sent in the May of 2025. Any follow-up? Any analysis? Any work to see whether or not that was happening?
A. Not specifically in follow-up to this letter. As I say, the letter is clear. The ask is that: you keep prioritising, identification and addressing the complex needs of these children and ensure that your referral pathways and partner relationships allow you to do so. I don't believe there was, for example, a kind of set of scrutiny arrangements that was put in place afterwards, to go back and say: can you explain how you have each done that as a result of this letter. I have not seen any evidence of that.
Q. No. And indeed a point you could make, and we could refer to is, the individuals that they were being asked

to prioritise weren't defined. All right. That can come down. We will go back to the statement and we will now come to this policy work.

Page 82 MOJ000098_0082, please, and paragraph 265. So, you say there, under the heading "Improvements", which we will come to. I'm leaving 264 because it relates to a sentence which we will deal with when you come back. But 265:

"The YJPU has started to explore, with a small sample of youth justice services, whether greater clarity of the role and responsibility of youth justice services and other services with regard to VFIs, whether or not they have yet committed any offence ... would be beneficial. Consideration of what these roles and responsibilities between partners should be is under active cross-government consideration."

If we look at what work is actually being done and we went down to paragraph 266, you say you are aware that this cohort of children who may be exhibiting concerning behaviours but may not yet have met the threshold for intervention exists. You are "actively engaging with other government departments". Does that mean participating in the taskforce?

A. Yes, that is right, which I think is covered in the next paragraph.

Q. Yes. 267: full participant in the taskforce, coordinated by the Home Office. You tell us about that and you say:

"The MoJ has fed insights from [policy] engagement undertaken with frontline services ..."

Which I'm going to come to in just a minute, into that. So does that mean that you have told the taskforce what you have learned from your policy development?

A. That is right. So, as I understand it, the taskforce has a number of kind of working groups and one is, as is referenced here, an early intervention working group, that is looking particularly at that issue and I think the engagement that we did here, and the outputs from it, have been fed into that process.

Q. Again, if we went down to paragraph 268, please, just over the page MOJ000098_0083. You tell us there that you have engaged with these frontline organisations, and essentially, what it comes to is you have provided the Inquiry with, I think, 13 documents. I think one of them is a composite of others. But 12 notes, either of telephone calls or of email exchanges with the individual youth justice services.

Now, I'm not going to put them up on the screen. Sir, they are available for your consideration, indeed

for the Core Participants. They are MOJ000101-MOJ000113, inclusive and 113 is the composite. I'm not going to put them up on the screen because they might serve to identify individuals.

SIR ADRIAN FULFORD: Thank you.

MR JAMIESON: I have looked at them. Common -- or themes that emerge from them: there were case studies, individuals under management in young offender teams had included people who had been referred to Prevent and people who had come out of Prevent because they were not thought to be ideological. Is that right?

A. Yes. That's right, and there is a reference here to -- both in 269 here, which is our summary of what the policy team took from them. One was this challenge of a lack of referral outside of Prevent, and I think both problems emerged from those calls. One was: well, I'm putting this case through this, even though I do not think it is quite right for it because I don't have anywhere else to put it, and also: I sent it to Prevent, but now I'm not sure what to do because it's been put out.

Q. I think both themes that the Inquiry has heard from other practitioners. What was also noted, by some of the returns, was a prevalence of neurodiversity and in particular Autism Spectrum Disorder in some of the

individuals who were being encountered. Good practice was identified where, I think in some cases, senior members of the particular YJS also sat in Channel -- on the Channel panels and so, where you have got the same person, information was shared more effectively. There was an observation as to the importance of the Turnaround scheme for this cohort. There was an observation as to the importance and rarity of specialist CAMHS and FCAMHS support.

There was concern about the amplificatory role of the internet in violence fascination risk. Those, I think, are some of the features.

You have got your summary at paragraph 269. Is there any other document, analysis, synthesis, that sets out the conclusions of that policy work in a way that analyses those outputs and makes suggestions?

A. Not that I have seen in that way. I think the raw data and the kind of conclusions that were set out here would have been fed into the working group. I haven't seen a paper that says: here is a summary and that's what we handed in. I think it was a sort of a broad feeding in into the conversations.

Q. Shouldn't there be analysis, if we are to make the most of that policy work?

A. Well, I think the teams that undertook the engagement

came to some conclusions and have fed those conclusions in, in the way that I have described.
Q. In what form? In written form? In oral form?
A. I haven't seen a piece of written --
Q. That's the thing, isn't it --
A. I assume in the form of sharing the conclusions into the working group.
Q. Other than the conclusion that you have put there in paragraph 269, I mean, that's not the limit of the information that's in these underlying reports. Have there been any more analysis, conclusions drawn, inputs -- to borrow your word -- to the taskforce that you could share with us?
A. Not that I have seen here. But I will check with the team and if there are, we will of course exhibit them.
Q. Thank you. The final topic is under this heading "Improvements", set out above where we started, between paragraphs 264 and 276. Some relate to the current legal framework; I will pick those up next time. But if we just come down to paragraph 269. So we have dealt with these ones.
Engagement, we have dealt with that. 269 is the outputs. 270, please. The need for early intervention; the wider conclusions that you have drawn from that work. Could we look at the next page, please

MOJ000098_0084.
You draw our attention to the Home Office's work on NIEV; the possible role for the Youth Justice Service as a suitable lead agency and I believe we have talked about that, unless there's anything you would like to add?
A. No, that's fine.
Q. 273, the role of Young Futures Panels, which again, we have discussed the potential overlapping function between those and Youth Offending Teams. You say that:
"While not specifically developed for this cohort, panels [that's Young Futures Panels] have the potential to play an important role in identifying and intervening earlier in VFI cases ..."
You say, at 274, that:
"The MoJ is ... undertaking cross-government work with the Home Office and the Department for Education, looking at how the early intervention and crime prevention landscape can be rationalised and improved ..."
Again, we have talked about rationalisation, and it is at the bottom of this paragraph that you have exhibited all of the documents that we have summarised already that have come from your policy work?
A. Yes.

Q. At 275, you say what you would do in prisons, and in 276 you deal with MAPPA. Are there any aspects of the evidence that you have given on these topics that I haven't asked you about, that you want to speak about?
A. No, thank you.
MR JAMIESON: Thank you very much. Sir, those are all of my questions.
SIR ADRIAN FULFORD: Thank you very much.
MR JAMIESON: The families have Rule 10 permission and Mr Weatherby is coming forward.
SIR ADRIAN FULFORD: Yes, Mr Weatherby, do come forward.

Questions by MR WEATHERBY

MR WEATHERBY: Thank you. I can be brief because most of the subjects have been covered. Can I just briefly go back to some evidence you gave about Professor Lundigren's report. It may be just that I didn't understand it but it is an important point, so can we go back and clarify it. It was put to you that a key finding was about the cliff edge transition and that being a structural weak point.
As I understood what you said earlier, you said that there had been some changes to the YOT -- an extension to the cliff edge, in their respect. Have I understood that right?
A. So what I was referring to was there is a kind of

national protocol in relation to that transition point and my understanding is that that national protocol allows for some flexibility, if it is deemed, by the professionals dealing with the case, for example, if the sentence ended very soon after or the conditions ended very soon after the individual turned 18, there was flexibility not to push that transition.
Q. You are being very careful appropriately there. We are not talking about a long period here, we are talking about a bit of flexibility, as you put it?
A. That is right, yes.
Q. Okay, and was that something that was already there at the time, in 2023, or is that something that's been brought in, to deal with this particular problem?
A. I can't remember the date of the national protocol. I would have to confirm that.
Q. Right. But apart from that bit of flexibility, has anything else been done with respect to MAPPA and the cliff edge transition?
A. So, I think what my colleagues were also saying was that there had been work to re-emphasise other important points of that guidance, including the importance of early planning for the transition, both -- the two points of transitional risk that are highlighted. One is from the youth probation, the other being, you know,

a movement across MAPPA regions and that that is emphasised in guidance.

But I think I acknowledge that we recognise those as points of risk and that's why the guidance emphasises the early planning.

Q. Right. So, some flexibility, which may have been there at the time this report was prepared, but may have come in since then. Some reinforcing of the guidance, or the protocol that was already there, and that is the extent of it?

A. I think the other thing I would say, because one of the reasons I think that that has been a point of risk is, the stretched probation resources and so I think one of the important features of this is the work that has been done to ensure that probation capacity is at a point that it needs to be --

Q. Yes. So of course resources is behind a lot of the difficulties around the questions that you are being asked. Has extra resourcing been put in place to deal with this cliff edge, clear structural weak point with MAPPA?

A. So I think right across the piece, probation resources have been stretched and I think there have been things that I would point to which have been the recruitment of additional probation officers -- I think 1,300, I think,

is the figure in the evidence we have put before the Inquiry. But overall, that is --

Q. Okay, that is an overall thing. I'm sorry to press you here, but it is very important and I will go and say why in a moment. But, there has been some extra resources in terms of probation, but has any of that extra resources been targeted on this specific problem?

A. I could not say.

Q. You don't know. The reason that this is important isn't just MAPPA, which of course is important of itself, but this cliff edge problem is likely to replicate over many of the domains and with respect to VFIs, isn't it?

A. The transition from being dealt with by one -- professional body to another?

Q. Yes, indeed. It is likely to be a common problem --

A. Yes.

Q. -- so it is important that where it is highlighted in one domain that it is fixed, so that it can transfer to others?

A. I agree.

Q. You have just been asked about the NSC ministerial meeting in March 2025. I just want to briefly return to that as well. The correct reference is CAB000053, I don't know whether we can have that up or not. Candour, it is our fault not Mr Jamieson's, if we gave

him the wrong reference. It is page 3 CAB000053_0003. Thank you very much, and it is point 6. Just wanted to have it front -- obviously, you can read it -- it is the second bullet point CAB000053_0003:

"Youth Offending Teams should prioritise those at risk of becoming VFIs, noting they are not currently set up for this purpose. This should be informed by the latest evidence on which interventions work (MoJ) ..."

So this is an action point, amongst others, at this ministerial meeting, March 2025, a year, or 18 months ago, basically saying to MoJ: please do this, noting they are not currently set up for this purpose. So when you were asked about the letter, my understanding of your answer was that Youth Offending Teams were asked to continue prioritising VFIs, but in fact, what was discussed at the ministerial meeting is that they weren't currently set up for that purpose. So you are being re-tasked because the YOTs, through their Turnaround work and that aspect of their non-conviction work, if you like, have an ability to do this but they are being re-tasked there, aren't they, by this action point? It is not a matter of: please carry on doing what you are doing.

A. I wouldn't quite say that. I hope it is not semantic and of course, I wasn't in this meeting so I don't --

I'm going on the notes here. It was already the case, at this point in time in 2025, that Youth Offending Teams were dealing with a number of what we have been referring to as kind of non-statutory caseload, ie before people had been the subject of orders.

So, although they were not set up for this purpose, which I can see why the minute-taker might have put that in there, they were already -- or could already deal with people earlier in their offending and that was the purpose of the Turnaround funding, amongst other things.

So I think -- it may be sloppy drafting, but I think it is fair to have said to the Youth Offending Teams: keep prioritising this cohort.

Q. Well, it doesn't -- that's my point, it doesn't say: keep prioritising. What you have articulated very clearly is that the part of the YOT's remit is the early prevention to stop young people getting into crime.

A. Yes.

Q. And that is through the interventions through Turnaround. So what's been identified here is that, no doubt, some of those young people will be VFIs. But they are not -- that's not the cohort that's targeted. It is much more general than that, isn't it, and therefore, what's being said here is that, because you have that existing structure in the short-term, the YOT

team should pivot, to prioritise that. That's really what's being said, isn't it?
A. I'm not sure that I would necessarily take that from the way that the action is drafted. But certainly the way that the Department at the time understood the action was to indicate to Youth Offending Teams, youth justice services, that they should be prioritising this cohort and that is why that letter was sent.
Q. On your evidence more generally, one of the problems is that you haven't got an identification or a definition of VFIs?
A. Yes.
Q. So, isn't that further to the point that the YOT teams are being asked to look at the cohort they are looking at, to try to identify who might be in and what is future defined as "VFIs"?
A. Yes, I think in the letter, what the letter does, I think, is attempt to say to youth justice services, to Youth Offending Teams: this is a cohort that is of particular priority, it has been identified as a particular priority, and I'm assuming the phrase -- when I reference "keep prioritising", I think that is the phrase used in the letter rather than in this action. I'm imagining -- I don't know, because I wasn't there at the point the letter was drafted -- I'm

assuming that's because the view was taken that this is a cohort that -- some of whom could already be in the caseloads of youth justice services, either in their statutory caseload or in their non-statutory caseload.
Q. Okay. I won't take that point any further. Finally this, looking through the lens of frontline staff, teachers, social workers and frontline agencies, so far as any changes instituted by, or work done by your department in the time since the Southport outrage, what, in concrete terms, has changed for them?
A. For education services and for health services, I would say the work referenced in the statement, for example, in relation to the new statutory guidance on information sharing, but that is, I acknowledge, managed by DfE not by my department.
Q. Yes, exactly. But in terms of identification of the cohort, in terms of risk assessment, in terms of risk management, in terms of training, in terms of interventions, what has changed as a result of what the MoJ has done in the two years plus since the outrage?
A. In relation specifically to education and health services, they wouldn't necessarily be agencies who would do something differently as a result of guidance from the MoJ. I could talk a little bit about some of the guidance that has been issued to policing and others

in respect of some of -- knife crime possession, for example, but I'm not sure that's what you are driving at?
MR WEATHERBY: No, it is not. Thank you very much indeed.
SIR ADRIAN FULFORD: Thank you, Mr Weatherby.
MR JAMIESON: Mr Stein has permission from the Youth Justice Board.
SIR ADRIAN FULFORD: Yes, Mr Stein.

Questions by MR STEIN

MR STEIN: Ms Churchill I think I can say nearly done. I'm going to ask you some questions in a moment about the ISS, which is the Intensive Supervision and Surveillance system. But can we ground ourselves in what we are trying to do which is that you agree, as we see in your statement, that early intervention in relation to children, making sure that they are diverted from paths that may lead them to harm others, you agree that that is the way ahead, that is the right way ahead, that's the right way to deal with children that could cause harm to others?
A. Certainly. One way, yes.
Q. Or one way?
A. Yes.
Q. It is the recommended way?
A. Yes.

Q. You agree, I think, at paragraph 157 of your statement, with the Chief Inspector of Probation, who has also advocated that that is the right pathway?
A. Yes.
Q. Okay, and you also agree -- as you are probably aware, I represent the Youth Justice Board -- that that's exactly what they propose as well and they have proposed over these many years. Do you agree?
A. Yes.
Q. Fine. So when looking at changes to the system, what we are looking at, is this right -- and I am going to get to the Intensive Supervision and Surveillance question in a moment -- what we are looking at is a system that can identify where there may be children who will harm others, is that correct, and then divert them from that pathway?
A. Yes.
Q. All right. Now, you had a number of questions from counsel to the Inquiry about the cohort of VFIs. But we need to be slightly careful, don't we, because we need to put, within that cohort, children that may become, that are on a continuum of behaviour that may lead them to become VFIs. Do you agree with that?
A. Yes. I really don't want to go back round the definition point. I think the definition of

a "violence-fixated individual" is -- one could be a violence-fixated individual, the point is you want to stop them going on to commit an act of extreme violence. So yes, I agree, one needs to identify the levels of risk and intervene, to prevent that leading to an act of extreme violence.

Q. Yes. So adding the things together, it's early intervention to stop, essentially, children becoming such a risk is ideal?

A. Yes.

Q. Okay. So that may include -- if we are not talking about NIEVs or VFIs, it might be including identification of a child that is at risk to others because perhaps they are beaten at home and for them, violence is normalised and they, therefore, sometimes will use violence in a way that is obviously wrong, illegal and inappropriate, because that's their response, without being a fixated individual. It is also making sure that we find those people and divert them as well; do you agree?

A. I think we need a system that prevents young people offending in all kinds of ways. Yes, exactly.

Q. So I have used the word "continuum". It is a continuum of making sure we identify a child that can cause some harm -- it could be low-level harm -- right the way

through, to all the different grades or the types or levels of harm, through to what might be described as the definition, which you have discussed a number of times, as a "NIEV" or "VFI". Yes?

A. Yes.

Q. Right, let's have a look then at Intensive Supervision and Surveillance order, which is paragraph 152 -- I hope I have got that right. Okay. So an Intensive Supervision and Surveillance Order. This is the most demanding noncustodial, community-based intervention order that's available, is that correct?

A. Yes. We are down here, yes.

Q. Yes, and it acts as a final alternative to a custodial sentence or it can be used as part of a strict bail package, is that right?

A. It can be. That's not what's referred to in this paragraph, I don't think, but I think it can be, yes.

Q. Well, the paragraph does refer to an Intensive Supervision and Surveillance Order. So we are just defining what it is; do you agree?

A. Yes, for children released on licence, I think is what we were talking about here.

Q. So we know what this is and that can include high-level supervision, frequent daily contact with caseworkers?

A. Yes.

Q. Yes? Structured activities, such as education, training, life skills, offender behaviour work?

A. Yes.

Q. Now, the extent of it, it depends, looking at the wider position of this type of order, is that if attached to a YRO, it can last from six months to three years, yes?

A. Yes, I believe so.

Q. And non-compliance often leads to the revocation of that order and therefore, a reconsideration of the position of the child, if we are looking at a child?

A. Yes.

Q. But the part of the paragraph we are looking at here is at the bottom, "it is strongly discouraged". Now, the strong discouragement relates to electronic monitoring.

A. For children released on licence, yes.

Q. "... strongly discouraged by the YJB as there is evidence to suggest it can increase offending post custody."

A. Yes.

Q. So, do you agree that the Youth Justice Board's concern is that if a child is tagged in these circumstances, the reason why they are saying it can, in fact, increase offending is that, of course, a child may be going to school wearing a tag and that may cause therefore some issues in relation to their peer group; bullying and the

like?

A. So I believe this is taken from a YJB case management guidance document, in a custody and re-settlement section.

Q. Yes, but do you understand why it is they have the concern?

A. I understand it is as set out here, because there is evidence to suggest it can increase offending post-custody, is my understanding of the YJB's position.

Q. Do you know the reasons for their concern? That's what I'm asking.

A. Because the evidence suggests it can increase offending post --

Q. What is the evidence?

A. In relation to -- as you were setting out, I guess. But I would respectfully suggest that would be a position to confirm with the YJB.

Q. Well, that may be, but I'm just asking whether you understand what this means. You just put: there is evidence to suggest it can increase offending post-custody. I'm actually asking whether you actually know what that was?

A. I don't have the detail of the guidance in front of me, no.

Q. Referral orders. If I can deal with that then, please.

Paragraph 47. Page 15 MOJ000098_0015 --
SIR ADRIAN FULFORD: Thank you.
MR STEIN: -- of Ms Churchill's statement. Now, what's being said here was, first of all, it is a reference to the White Paper and this includes, third line down:
"... an intention to legislate to remove the current restriction that generally requires youth courts to impose a Referral Order in cases where a child pleads guilty for a first-time offence. Instead, it will make the Youth Rehabilitation Order available for children in repeat of their first conviction ..."
Can you help us understand -- going back a bit to my point about evidence -- what is the evidence basis for this proposed change? In other words, what are the issues that relate to Referral Orders that have been the concern that leads to this?
A. Yes. I think the concerns are that a Referral Order does not always have the full range of options that a court may choose. As you will be aware, I think, the Youth Rehabilitation Order has a much broader variety of restrictions that can be placed and, therefore, is more effective, potentially, in terms of trying to deal with that behaviour at the earlier stage, I think is the purpose of it.
Q. But that wasn't my question. My question is, what is

the evidence that leads you to consider, and indeed set out within the statement, that it is going to be a good idea to make this change? We know what the difference is between a Referral Order and a YRO. Where is the evidence that it is a good idea to do this?
A. I think the evidence comes from the learning that an earlier intervention is a more effective intervention and that what we are trying to achieve is ensuring that, at the earliest stage that we can possibly intervene, that more effective interventions can be put in place by the court, as an available option for the court.
Q. So, my question about evidence was not just about what the differences are and what the options are, but where is this coming from? As an example, is there an academic paper, is there a study, are there statistics, is there something that is behind the scenes here, that you can offer to this Inquiry that demonstrates this need?
A. I am sure I could ask my team if there is a particular academic study that has driven it. I don't believe there is. I believe it is the challenge that we are trying to address, that is if you are appearing for the first time, pleading guilty for a first-time offence, it is currently not open to the court as an option to impose a Youth Rehabilitation Order, which would have,

attached to it, a range of interventions which may be useful to intervening in the child's behaviour and, as you say, stopping them progressing down that continuum.
Q. Okay. So it may be that you don't have the evidence to hand, but is that something you can undertake to assist the Inquiry with and any supporting evidence you have that, in fact, a change of the way the children are dealt with, with Referral Orders, to the YRO, is in fact the right way ahead?
A. Of course.
Q. It is the underpinning evidence that we are seeking.
A. Yes.
Q. I'm very grateful. Lastly, can I then go back, only a little bit, to the questions you have been asked about NIEVs and the definition side of things. Help us with this, please. Is there pressure from YOT practitioners for guidance to assist with policies or programmes which target VFIs or NIEVs?
A. Sorry, is there pressure? Say that again?
Q. Is there pressure from YOT practitioners for guidance to assist with policies or programmes which target VFIs or NIEVs?
A. I believe, although I can't put my finger on the relevant paragraph, that we reference here that one of the things that youth justice services have said, in the

context of the engagement, was that they would work guidance. Yes.
Q. Paragraph 84 please. Page 25 MOJ000098_0025. This is the last part. So we can see there, at paragraph 84:
"There are currently no national Youth Justice policies or programmes that are specifically targeted at VFIs."
If we then just go down to the bottom part -- we're not ignoring the middle part, but the part that you have just referred to, is:
"YOT practitioners have told YJPU officials that specific guidance would be welcome."
A. Yes.
Q. Now, obviously there has been a little bit of time since the drafting of this and your giving evidence. Have they now been given any guidance?
A. Yes, they have had the interim guidance that was prepared by the Home Office.
Q. That is the guidance you looked at a number of times with the Counsel to the Inquiry.
A. Yes.
Q. That essentially is setting out a type of definition -- I won't get into the whys and wherefores of that, that has been covered this morning -- but anything further than that, as a definition? In other words, how to

apply it? How it should be used? How it affects other policies? How it affects their work? Anything similar to that?

A. No, my understanding is that that interim guidance which was agreed to be sent out to all practitioners is the guidance they have had. I'm not aware of any other guidance.

Q. Ms Churchill, where it says here, at the end of this paragraph:

"YOT practitioners have told YJPU officials that specific guidance would be welcome."

So they have now got the interim guidance --

A. Yes.

Q. -- that we have spoken about and has been discussed already. The application of that is that -- is there something intended so that YOT practitioners have a way of applying that interim guidance?

A. I don't believe -- we certainly, have not provided it -- whether the Youth Justice Board have provided it alongside that guidance, I think would be a question for the Youth Justice Board.

Q. Is that now -- just help us, please, understand the future role of the Youth Justice Board. Is that their role to provide guidance into the future, or is that MoJ's? Just so that we understand where that point lies

you have just made.

A. Yes, so that oversight role will transfer from April next year.

Q. Right. So I can leave it with this, can I, that, on behalf of the MoJ, it would be useful for the Youth Justice Board to provide this guidance, looking at the NIEV definition that's been considered today; is that correct?

A. I believe they have already provided the guidance from the Home Office, but, yes, I think any other guidance is for the YJB to consider. Obviously, once that oversight role transitions, that will be for us to consider, including following the recommendations and findings of the Inquiry.

SIR ADRIAN FULFORD: Thank you very much, Mr Stein. Ms Churchill, that was a -- you provided the Inquiry with an extremely helpful statement. It was long, comprehensive and in a number of highly significant areas, commendably frank. So I give my thanks for that and I thank you for your attendance today.

A. Thank you.

MR JAMIESON: Sir, we will see Ms Churchill again in November when she comes back to talk to us about Topic 3 and we are grateful for that.

We meet again tomorrow at 10.00 am.

SIR ADRIAN FULFORD: Yes and I think to remind everyone, next week the plan is we are not sitting on Monday and Tuesday. Just in case, particularly if members of the Bar have forgotten and have other things to do.

10.00 am tomorrow.

(3.34 pm)

(The Inquiry adjourned until 10.00 am the following day)

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