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Disproportionate Targeting of Convicted Jamaicans for Deportation From UK

Peter Walker, Guardian: People from Caribbean countries such as Jamaica appear to be disproportionately targeted for deportation from the UK if they commit crimes, according to Home Office data obtained by the Guardian following a yearlong freedom of information battle. One pressure group said the high percentage of Jamaican nationals deported was particularly glaring given their greater likelihood of having family ties in the UK, and warned that it could further erode the trust of people affected by the Windrush scandal. Nationals from Ghana and Nigeria are also removed significantly more often than the overall average, the figures show. Another set of controversial Home Office chartered deportation flights to both countries are expected next month.

Campaigners also expressed alarm after the statistics showed particularly high levels of people deported to Albania and Vietnam, which have notable issues with human trafficking connected to organised crime. Under the UK Borders Act 2007, foreign nationals who are jailed for a single offence for at least 12 months will normally be considered for deportation on their release, with exceptions under human rights rules – for example, having children in the UK, and for people who have been trafficked.

A comparison of Ministry of Justice (MoJ) and Home Office data between 2015 and 2020 showed that once people from European Economic Area countries were excluded, as they are not covered by the act, an average of 65% of overseas nationals jailed for at least 12 months were deported. For Jamaican nationals, this proportion rose to 75%, however, despite the much greater likelihood of their having significant ties to the UK. For other former British colonies in the Caribbean, such as Trinidad and Tobago, and St Lucia, the rates were higher still. The statistics also showed that 90% of Nigerian nationals were deported, and 76% of those from Ghana. For Albanians, the rate was 90%, and for Vietnamese nationals 84%.

Both sets of data were obtained under freedom of information laws. While the MoJ supplied the information within weeks, the Home Office refused, saying that to do so would be "likely to prejudice diplomatic relations between the UK and a foreign government", and could hamper the operation of immigration controls. The Guardian appealed to the Information Commissioner's Office, which ruled against the Home Office, calling the department's arguments "vague" and "generic", and noting that no attempt had been made to substantiate them. "The commissioner will not accept at face value assertions made by a public authority that, in her view, require a proper and fuller explanation," the ruling stated.

Bishop Desmond Jaddoo, chair of the Windrush National Organisation, said he was dispirited but not surprised by the statistics. "This bears out what we've been saying for a very long time – that particularly Jamaicans have disproportionately fallen foul of immigration regulations," he said. "I believe the British government are disregarding family lives. I understand people have committed crimes, but they are being punished twice – they have served their time in prison, many have gone back to their families and children, some have spent years out of prison, and then they're deported." Jaddoo said the disproportionality risked further alienating people from Windrush communities: "We're talking here about trust and confidence, about people being able to come forward. People are still worried."

Bella Sankey, the director of Detention Action, which campaigns over deportation flights, said: "The Home Office claims its deportation system is not discriminatory, but these statistics reveal the truth. As we've long suspected, black-majority, former British colonies like Nigeria, Ghana and Jamaica are targeted, along with countries where trafficking is prevalent, like Albania and Vietnam. "How are these decisions made? Are these the easy targets for a department that cares little for black lives and trafficking survivors?" Deportations, particularly to Jamaica, have become an increasingly contentious issue in recent months. Some of those removed have lived in the UK since they were children. Under a deal agreed late last year between the UK and Jamaica, the Home Office will no longer remove Jamaican nationals who first moved to the UK before the age of 12.

A Home Office spokesperson said: "The public rightly expects us to remove those who have no right to be in the UK, including dangerous foreign criminals. These figures show the ongoing work to remove those who have received at least a 12-month sentence in the UK for committing crimes such as sexual offences, drug dealing and arson. "We regularly operate charter flights, but also use other available routes such as regularly scheduled flights to remove criminals from the UK – we do not target specific countries. Returns, including deportations as well as voluntary departures, to Jamaica constituted less than 1% of all returns between January 2015 and March 2020."

UK Supreme Court Endorses Prolonged Solitary Confinement

UK Human Rights Blog: The Supreme Court has unanimously dismissed an appeal which considered whether treatment throughout a 55 day period in solitary confinement of a then 15-year-old appellant in Feltham Young Offenders' Institution constituted a violation of Article 3 of the European Convention on Human Rights. The case concerned the treatment of the Claimant, AB, whilst he was detained at Feltham Young Offenders' Institution (FYOI) at the age of 15, between the period of 10th December 2017 and 2nd February 2017. AB had been remanded in custody at FYOI whilst awaiting sentence for indecent exposure and sexual assault. The pre-sentence report concluded that his risk of dangerousness was high, as was his risk of causing serious harm. Throughout the above period at FYOI, AB had been placed under a "single-unlock" system, whereby he could not leave his cell when any other detainees were out of their cells, apart from some time in "three-officer unlock" which involved three officers being present whenever he left his cell. It was undisputed that he was placed under this regime for his own safety, as well as for the protection of others.

AB appealed to the Supreme Court to decide two questions. The first: whether the solitary confinement of persons under 18 automatically constitutes a violation of article 3 of the European Convention on Human Rights ("the Convention"). The second: if not, whether there is a universal test for the compatibility of solitary confinement of children, namely that "exceptional" circumstances must determine the treatment as "strictly necessary". Relevance of the jurisprudence from the ECtHR. The Supreme Court considered case law from the European Court of Human Rights to determine the interpretation of article 3 of the Convention, in light of the relevance of the United Nations Convention of the Rights of the Child (UNCRC).

Lord Reed, who delivered the unanimous judgment, outlined that where a question arises in connection with a Convention right, the courts are required by section 2(1) of the Human Rights Act 1998 to take into account any relevant judgment or decision of the European court of Human Rights: "the starting point, where a question has arisen in connection with article 3, is therefore the relevant judgments and decisions of the European court concerning article

3" (§39). Whether solidary confinement of persons under 18 is automatically a violation of article 3. Referring to Ireland v United Kingdom (1979-80) 2 EHRR 25 §162, the Court noted the finding of the ECtHR, that in order to constitute a violation of article 3, treatment must "attain a minimum level of severity, which normally has to be assessed in light of all of the circumstances of the case"(§40) (emphasis added). The Court went on to consider Ahmad v United Kingdom (2012) 56 EHRR 1 § 178, which accounts for a fuller range of factors relevant to determining whether there has been a violation of article 3, including: the presence of premeditation; that the measure may have been calculated to break the applicant's resistance or will; an intention to debase or humiliate an applicant, or, if there was no such intention, the fact that the measure was implemented in a manner which nonetheless caused feelings of fear, anguish or inferiority; the absence of any specific justification for the measure imposed; the arbitrary punitive nature of the measure; the length of time for which the measure was imposed; and the fact that there has been a degree of distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention (§ 42).

In its discussion, the Court emphasised the trend in judgments delivered by the ECtHR that aim to determine whether the ill-treatment has attained the minimum level of severity which is necessary for article 3 to apply. The Court described the approach taken by the Strasbourg court as one in which "that minimum level is not fixed, but depends on the circumstances of the case"(§ 50). Further, and reiterating the ECtHR's finding in Van der Ven v Netherlands (2004) 28 EHRR 46 at §51 the Court also clarified that removal from association has not thus far been found by the ECtHR to be in itself inhuman or degrading (§ 43, § 51).

Decision: With regard to the first question, whether the solitary confinement of persons under 18 automatically constitutes a violation of article 3, the Court placed weight on the consistent approach taken by ECtHR, in which a range of considerations must be taken into account to determine whether any such treatment can be regarded as inhuman or degrading. In the absence of Convention jurisprudence setting out a rule that applies in all instances of solitary confinement, close attention has to be paid to the full set of circumstances of each child to determine whether treatment is in breach of article 3. That was sufficient to dispose of the first question in favour of the Secretary of State.

Having further regard to the ECtHR case law, the Court also dismissed the appeal on the second point. First, the Court noted that the ECtHR had never laid down precise rules governing the operation of solitary confinement (§ 59). Moreover, in situations which have not yet come before the European court, domestic courts "can and should aim to anticipate, where possible, how the European court might be expected to decide the case, on the basis of the principles established in its case law" (§ 59). It is for this reason that the Court rejected AB's invitation to set out a definition of solitary confinement, and to hold that treatment satisfying that definition is automatically a violation of article 3 if it is imposed on a person aged under 18, at least if it exceeds a specified duration (§ 53). As explained by Lord Reed, doing so would "be a major departure from the principles currently laid down in the Convention jurisprudence" (§ 53).

The Court made clear that it is not the function of domestic courts to establish new principles of Convention law (§ 59). Quoting Lord Bingham of Cornhill in R (Ullah) v Special Adjudicator [2004] UKHL 26; [2004] 2 AC 323, Lord Reed described the role of domestic courts as "to keep pace with the Strasbourg jurisprudence as it evolves over time: no more, but certainly no less". Ultimately, the Supreme Court demonstrated regard for the consequences of taking a less conservative approach than that of the ECtHR. The Court stated that if it were to go further

than they can be fully confident that the European court would go, and the European court would not in fact go so far, then the public authority involved has no right to apply to Strasbourg, and the error made by the domestic courts will remain uncorrected. (§ 42)

Comment: As was the position in the Court of Appeal, this case demonstrates a reluctance by the Court to point to any "bright line" rule under which solitary confinement constitutes a violation of article 3. Instead, the Court adopted the approach taken by the Strasbourg Court, emphasising a need to consider the particular relevant factors in a given case when deciding whether treatment was degrading or inhumane. Of course, without an agreed upon definition of solitary confinement under either domestic or International law, even if the Court were to have found that solitary confinement (as defined by the appellant) constituted a violation of article 3, it would still be the task of courts in future cases to take an fact-specific approach into deciding whether any such treatment could be considered as solitary confinement in the first instance.

Finally, the Court held that it was unable to consider the compatibility of AB's treatment with article 3 on wider grounds, as invited to do by the intervener (the Equality and Human Rights Commission). Had it done so, the Court would "commit precisely the same error of which the lower courts stand accused", as on the Claimant's case "an approach which takes into account the circumstances of a particular case is erroneous" (§ 3). Moreover, the Court also noted that the intervener's proposition would have been at odds with its procedural rules and caused unfairness to the Secretary of State, who had prepared to address the two questions of law as set out above.

Ombudsman Finds Investigation Failures in UDA Murder

Julian O'Neill, BBC News: There were "significant failures" in the police investigation into the murder of a Catholic teenager by loyalist paramilitaries, a Police Ombudsman's report has concluded. Damien Walsh was shot in 1993. There was no evidence police had advance knowledge of the attack or could have stopped it, the report said. But there were "collusive police behaviours" in the investigation and decision to suspend surveillance of the gang responsible. The teenager was fatally wounded after being shot by the UDA (Ulster Defence Association) in Belfast. He was at work at a coal supply business within the Dairy Farm shopping complex close to Twinbrook in the west of the city.

At the time, the complex was under security force surveillance - fertiliser for Provisional IRA bombs was being stored in a premises two doors away from the coal business. Ombudsman Marie Anderson said the teenager was "the innocent victim of a terror campaign mounted by loyalist paramilitaries against the nationalist community". "The UDA alone were responsible for Damien's murder," she added. "However, I have identified investigative failings and gaps as well as collusive behaviours by police, which I believe failed both Damien and his family." Ms Anderson noted that in the days before the shooting, the Royal Ulster Constabulary (RUC) suspended a surveillance operation against the UDA's 'C company'. She said the decision "cannot be directly linked to Damien's murder", but it "indirectly contributed" to them being able to operate without constraint. "In my view this amounted to a deliberate decision that constituted collusive behaviour on the part of police." During the period when the gang was not under watch, it also murdered Peter Gallagher at the Westlink Enterprise Centre in west Belfast.

Major Failures: Ms Anderson's report said police had suspended their surveillance in order to focus resources on the operation against the IRA at the Dairy Farm. Her report also found major failures in the murder investigation. The senior investigating officer was not told of the surveillance operation of the Dairy Farm complex, nor was he made aware of Army witnesses to the attack. Ms Anderson found this was a deliberate decision to impede the investigation. "Intelligence indicating

the UDA had received information from a police officer which informed their attack on the Dairy Farm was also withheld from the senior investigating officer, as was intelligence suggesting that the group had received information from 'British intelligence'." The report stated the targeted nature of the attack, near a business unit being used by the IRA, "suggested that gunmen had prior knowledge of the PIRA activities at the Dairy Farm". The ombudsman further found that of seven suspects, just three were arrested and only one questioned in relation to the murder.

Murder Weapon: None of the three suspects' homes was searched for evidence and no one has ever been charged in relation to the murder. Police also failed to pursue evidence relating to the murder weapon. The Browning pistol was found a year later but the person caught with it was not subjected to forensic tests to determine whether he could be linked to the teenager's killing. Neither was the man he claimed had given him the weapon. The gun was subsequently destroyed - something which Ms Anderson said ought not to have occurred in an unsolved murder case - although its disposal was in line with police policy at the time. All police officers connected to the case are now retired.

'Totally Wrong and Totally Immoral': The Walsh family welcomed the ombudsman's findings and said they are determined to continue to fight for those involved to face justice. "His life was stolen from him," said Damien's mother Marian. "I am glad that all the suspicions I had around collusion have been verified at an official level. "I really want to go on with this and I want to see the people who did this brought to court." Speaking to the BBC's Good Morning Ulster programme, Ms Walsh said she was "really exhausted, physically and mentally". Ms Walsh described government plans announced last week, which would see an end to Troubles-related prosecutions, as "totally wrong and totally immoral". "This should just be the beginning of the process and I'm hoping it will be, but given Boris Johnson's trying to bring in legislation to stop any further investigations or prosecutions, inquests and so on, it looks like it might be the end of the process. "It's denying us our basic human rights, we have the right to justice, we have the right to truth and that is taking all of that away."

Police Service of Northern Ireland (PSNI) Assistant Chief Constable Jonathan Roberts said the service would carefully consider the Police Ombudsman's report with a view to identifying appropriate next steps. "Damien Walsh was an innocent young man killed by a despicable act of terrorism," he said. "The pain of such a grievous loss does not fade and I am acutely aware that today will be very upsetting for the family. My thoughts are with them."

Support for Families of Those Serving Indeterminate Sentences

HM Prison and Probation Service (HMPPS) has published a guide to assist families and significant others who have a loved one serving an indeterminate sentence, such as a Life or IPP sentence. The guide builds on the joint Prison Reform Trust and University of Southampton report, 'A Helping Hand: Supporting Families in the Resettlement of People Serving IPPs', written by Dr Harry Annison and Christina Straub, which we published in 2019. The report recommended that HMPPS should "develop appropriate information materials for families that explain the systems, processes and responsibilities related to the IPP sentence." The guide goes some way to meeting that recommendation, and aims to improve understanding of key stages during the sentence; suggests ways to support progression; and where to find more information and support.

HMPPS Introduction 1) We recognise that you, as a family member or significant other, can play a vital supportive role in the rehabilitation and resettlement of those serving indeterminate sentences, like a life sentence or a sentence of Imprisonment for Public Protection (IPP). To support you in doing so, we have created this guide to help explain some of the key processes that affect indeterminate sentenced prisoners (ISPs). This guide will also signpost you to where you can find more information about certain process or topics, where possible. 2) . We also recognise that having a relative or significant other in prison can be very difficult, and that this could be made all the more difficult if you are struggling to find out about how the system works and what it means for your relative or significant other. We hope that the information and links within this guide are helpful. 3) . The aim of this guide is to give you the following: • A basic overview of indeterminate sentences; • An understanding of what life is like in prison for an adult serving an indeterminate sentence1; • An understanding of how sentence planning works, and of the initiatives and work people in prison may need to complete to help with their progression; • An overview of the Generic Parole Process, the Tariff Expired Removal Scheme (applicable to Foreign Nationals ISPs), and the Parole Reconsideration Mechanism; and • An overview of the different processes that can affect people serving indeterminate sentences, following release in the community on licence. 4). It is important to note that, while this guide provides details and explanations of processes that affect those serving indeterminate sentences, each person's journey is unique to them. 5). To find out specific details of your or relative significant other's case, please contact them or their legal representative directly. With your relative or significant other's permission, you can also liaise with their Prison Offender Manager (POM) or Community Offender Manager (COM) to discuss their case.

Unlawful Acts Will Go Unchallenged' as a Result of New Judicial Review Bill

Zaki Sarraf, Justice Gap: The new judicial review bill published by the government yesterday would 'weaken, rather than reinforce' government accountability and mean 'unlawful acts would go unchallenged', say critics. The justification provided by Lord Chancellor, Robert Buckland was that the new bill would save money and court time; however the solicitors' professional body Law Society has said that the proposals should 'ring alarm bells' for people attempting to seek remedy against the state in court.

Earlier this year, the Independent Review of Administrative Law concluded that ministers could be 'confident' that 'the courts will respect institutional boundaries in exercising their inherent powers to review the legality of government action'. 'Politicians should, in turn, afford the judiciary the respect which it is undoubtedly due when it exercises these powers,' it added. However the Lord Chancellor, Robert Buckland told the House of Commons that the panel's recommendations were a starting point but the government 'would like to go further to protect the judiciary from unwanted political entanglements and restore trust in the judicial review process'.

Quashing orders overturn or set aside an unlawful decision and the new bill would allow a judge to delay the point at which a government decision is overturned or 'quashed'. Ministers argue that this will improve the public policy-making process as governmental departments can consult on the best way to replace an administrative regime rather than creating a rush to 'do it immediately'. It has been argued that this change would allow governments to essentially rectify an unlawful policy without facing adverse consequences. The bill would also allow judges to remove the retrospective effect of quashing orders giving judges the power to decide that the government's action was unlawful without invalidating any prior decisions.

MoJ say that the changes to quashing orders will 'empower judges'. Critics have pointed out that this would allow the government to avoid compensating people who were previously wronged and were subjected to the government's unlawful actions in the past. The bill will end the practice where parties in immigration and asylum cases, who have been refused permission to appeal by both

the first-tier and upper tribunal, to bring a judicial review in the High Court – known as Cart judicial reviews. David Lammy MP, the shadow justice secretary, commented that it is 'unhinged that the MoJ is wasting resources on attacking a vital process that works well while the courts system is on the brink of collapse'. 'It is wrong for the government to try to put itself above the law by limiting where courts can hold the government to account,' he said.

Jo Hickman, director of the Public Law Project said the reforms 'will weaken, rather than reinforce, government accountability'. 'This would undermine the government's stated objectives of protecting the individual from an overbearing state' Hickman continued. Daniel Machover, head of civil litigation at Hickman & Rose Solicitors, said on the Government's own data '40-50% of judicial reviews', excluding called 'Cart' JRs, are successful 'meaning almost half the decisions they challenged were unlawful'. 'This Bill's proposal to restrict both who can bring a Judicial Review and also the remedies available to them if successful will mean that more unlawful acts go unchallenged,' he said. 'This may be better for this Government, but not for its citizens, or society as a whole, or the rule of law.'

ECtHR: Post-Mortem Examination of Muslim Baby Violated Parents' Humans Rights

A post-mortem examination of a baby conducted against the wishes of his Muslim parents has been ruled a breach of Articles 8 and 9 of the European Convention on Human Rights (ECHR). Leyla Polat, an Austrian national, became pregnant with her son Y.M. in 2006 and was told by doctors that her baby was likely to be born with a disability as a result of Prune-Belly syndrome. On 3 April 2007, Mrs Polat gave birth prematurely and just two days later her son died from a cerebral haemorrhage. Doctors wished to carry out a post-mortem examination in the interest of science and public health, but Mrs Polat and her husband wanted to bury their son in accordance with their Muslim beliefs so refused to give their permission. Nevertheless, on 6 April 2007, a post-mortem examination was performed at the Feldkirch Regional Hospital as the doctors claimed it had to be carried out in order to clarify the exact reason for Y.M.'s death. According to standard practice, all the internal organs were removed and the hollows were filled with cotton wool.

Mrs Polat and her husband told the court that they had not been informed of the extent of the examination and did not discover the state of the body until the funeral rites took place in Turkey. Once the state of the body was discovered the planned funeral could not go ahead and Y.M. was buried in another village without the religious ritual washing and Islamic ceremony, at additional costs to the parents. His organs were later returned to the parents and they were also buried in his grave in Turkey. Mrs Polat took a case against the hospital management company seeking damages and at first instance the local court ruled in her favour; however, on appeal, the Innsbruck Court of Appeal remitted the case. Medical experts for the case had confirmed that the post-mortem had been necessary to confirm the diagnosis and the hospital had followed the standard practice during the examination. The hospital was also awarded costs of almost €33,000. Unsatisfied by this result, Mrs Polat lodged an appeal on points of law and particularly relied on Article 9 of the ECHR and the Austrian constitution, requesting a preliminary ruling from the Court of Justice of the European Union (CJEU). Once again, she was unsuccessful. Thereafter, she lodged an application with the European Court of Human Rights (ECtHR), claiming that she had suffered a breach of her Article 8 right to respect for private and family life and Article 9 right to freedom of thought, conscience and religion. The court found that the hospital had a legitimate interest in carrying out the post-mortem for science and public health reasons, but had failed to appropriately balance these interests with the rights, will, and religious convictions of the parents. The court was also asked to examine the rights of the parents to have been told that a post-mortem examination would be carried out or the extent of that examination. It found that there appeared to be no law in Austria regulating how much information had to be provided in such circumstances but noted the delicacy of the situation. Ultimately the court decided in these particular circumstances, and given the religious interests of the parents, the hospital did have a duty to inform them of the extent of the post-mortem. The court's judgment stated that there had been a breach of Article 8 and Article 9 of the ECHR was held unanimously and the court ruled that Austria must pay Mrs Polat and her husband €10,000 in respect of non-pecuniary damage and €37,796.92 in respect of costs and expenses.

Child Protection Investigations – No Further Action Necessary?

Transparency Project: Are hundreds of thousands of families being put through unnecessary investigations by unchecked social workers? That's the suggestion made by a succession of recent news stories, some prompted by the first report of the Independent Review of Children's Social Care. Services are 'too focused on investigating families', went the BBC; 'innocent families have been traumatised by groundless investigations', said The Times as part of a series on the issue, elsewhere reporting that 'councils … launch abuse investigations based on a single unexplained mark', and asserting 'social workers too quick to wade in', quoting the Review's chair, Josh Macalister, as saying that social workers are 'investigating first when [they] should be helping'. Much of the unease about the numbers of investigations is that so many apparently end with 'no further action'. If 135,000 of 201,000 child protection investigations in a year do not lead to a child protection plan, can they be justified? The answer, as ever, is: it's complicated. And the first step in drawing any conclusions is to understand exactly what a child protection investigation is, and what 'no further action' really means.

Note, to begin with, that those working in the system are more likely to describe this process as a 'section 47 enquiry', because it is grounded in that bit of the 1989 Children Act. The Act places a duty on local authorities (who employ social workers) to make 'such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare' where they 'have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm'. They are under the same duty if they are informed that a child in their area is subject to an emergency protection order or is in police protection. But the steps towards initiating an investigation are convoluted and the recorded outcomes rarely reflect the nuance inherent to real life. The process is set out in the statutory guidance, Working Together which must be followed by local authorities (or else they are likely to be acting unlawfully).

It Usually Goes Something Like This: 1) Information about a child is sent to a social worker, either by another professional agency or by a member of the public. The social worker may or may not already be working with the child and their family (what follows is broadly the same either way); 2) Following an assessment of the information (which may be very brief), the social worker and their manager decide there is evidence the child is likely to suffer significant harm. This decision is based on a combination of their professional judgement and local guidance. At every stage that follows, parents' consent will be sought unless that would put the child at greater risk; 3) The social worker and manager discuss the information with a specialist police sergeant and an appropriate health professional. This is called a 'strategy discussion', because it is an opportunity for all agencies to share relevant information and agree

a strategy to understand what is happening and take appropriate action to help the child and family. It is entirely possible for the process to end here: this stage might provide sufficient detail about the child's life, and the identified risk, for the social work team to be satisfied no higher level of intervention is required; 4) If the professionals contributing to the discussion believe further enquiries are required, however, a child protection investigation will begin. Importantly, the social worker does not begin their enquiries until the strategy discussion has been held and it is agreed that an investigation is necessary. That means the process could also be ended here if, for example, the police do not agree to have a strategy discussion or for a section 47 enquiry to be initiated. (In my experience this is surprisingly common.) The investigation, if it happens, is always led by a social worker, but they should be assisted by any other relevant professional agency, and the police may lead a criminal investigation in parallel; 5) In practice, it means the social worker will meet with the family to talk about the information initially received. They will aim to meet the child alone, although can only do so (other than, as above, where this would in itself create a risk to the child) with parents' agreement; 6) They will also seek information from other professionals who might be able to assist in explaining the original incident. Where pertinent, that would include medical advice from an appropriately senior doctor. All this feeds into the social worker's final analysis. Further detail on when and how strategy discussions and section 47 enquiries are undertaken is provided in local procedures manuals, all of which are available online (the London-wide page is here, for example); 7) If, at any point, the social worker feels the child is at such risk that immediate protective action must be taken, the local authority can either apply for a court order which would allow it to make decisions about the child, or can ask the police to use their emergency powers of protection. 8) If, however, the investigation runs its course, the social worker is generally presented with three possible outcomes. They are that: - concerns about the child are not substantiated (but the child may still be 'in need', according to section 17 of the 1989 Children Act); - concerns are substantiated and the child is likely to suffer significant harm; or concerns are substantiated but the child is not likely to suffer significant harm.

They are then asked to select the action taken following their enquiries. This includes, but is not limited to, some variations on 'no further action', normally along the lines of 'no further action because the child is already being supported as a child in need'; 'no further action because the child is looked after by the local authority'; 'no further action for another reason' which could relate to existing court proceedings; as well as something amounting to 'no further action because the case will close'. Here's where it gets confusing: even where a social worker selects outcome 'b' (i.e. concerns are substantiated and the child is likely to suffer significant harm), there might not then be a child protection plan. That might be because the child is already on a child protection plan, or the local authority is providing services to meet their needs in some other way, or the social work team might convene a child protection conference but the majority vote is against a child protection plan. In fact, whether or not an investigation leads to a child protection plan is a poor measure of the merit of the original enquiry, given the diversity of available outcomes.

Even if local authorities later use other parts of the law – care proceedings, for example – their involvement in a child's life might start with a section 47 enquiry. And, crucially, social workers also carry out child protection investigations when they are already working with families under other parts of the law (including where a child is subject to a care order). That's because section 47 is the legal mechanism for social workers and other professionals to work together to respond to new information that suggests a child is at risk. So some enquiries

end with no further action simply because the social worker decides the work they are already doing with the child and their family remains the correct course of action.

Another important piece of context is that these outcomes are literally buttons the social worker has to press on a computer system. We aren't able to complete our formal enquiry until we have clicked one of those buttons. All of us know that life is often opaque and occasionally messy; it's a deeply imperfect way to represent a child and family's experience, but the Department for Education demands this data for reporting purposes. Moreover, regardless of the outcome, these investigations follow the principles of any assessment; they are completed, wherever possible, in partnership with the child's family to understand what the child needs and identify how their carers might be supported to meet those needs. It is entirely possible for a section 47 enquiry to conclude with recommendations for support services to be provided to the adults and children (like a short break for the child, financial support for the parents, or therapeutic input.) It would be impossible to identify how to help a family without first understanding what they need.

Where concerns are not substantiated, and no further action is taken, that does not necessarily invalidate the original decision to begin a child protection investigation. It is, of course, conceivable that professionals in the child protection system are too risk averse and too quick to agree to using section 47. But examining the data alone, or a handful of reported cases, is a poor way of testing that hypothesis. And the process is designed to carefully balance the duties of local authorities to investigate with the need to scrutinise social workers' judgement. Perhaps this data suggests we should reconsider whether we have the balance quite right, but that requires nuance, sensitivity and a sound understanding of law, guidance, and practice. It's hard to overstate how important this is, and not just because there's a review of the whole system right now. (There is already much comment on the broad themes of that exercise, including thorough in-depth analysis on this site). No, because families' expectations of the system are partly shaped by media coverage. When I next call a parent and introduce myself as a social worker, are they more likely as a result of these stories to assume I'm simply there to investigate them, rather than help them? Possibly, and none of us went into this job to interrogate families' lives. We do the job to help people. That's been more difficult than ever over the last year because of the impact of covid and lockdowns. It's been utterly relentless – I've never experienced anything like it in my professional career. It's all the more critical that we avoid sensationalism.

Seven Out Of 10 Women Sentenced to Prison Last Year Committed Non-Violent Offences

Jon Robins, Justice Gap: More than seven out of 10 women sentenced to prison last year committed non-violent offences and a similar proportion received sentences of less than a year. A new briefing from the Prison Reform Trust reported that levels of self-harm amongst women prisoners reached 'record levels' in 2020 with 11,988 incidents of self-harm compared to 7,670 in 2016. Women represented more than one in five of all self-harm incidents in 2020 (22%) despite making up only 4% of the prison population. The briefing reports that 72% of women who entered prison under sentence in 2020 committed a non-violent offence and 70% of prison sentences given to women were for less than 12 months. 'A series of inquiries and reports over the last 20 years, as well as the government's own 'female offender strategy', have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who get caught up in the criminal justice system,' the PRT said. 'Despite this, the government has recently announced plans to build an additional 500 prison places in the women's estate.' This was 'in direct contradiction' to a key commitment of the Ministry of Justice's own female offender strategy to reduce the female prison population.

'The evidence highlighted in our briefing could not be clearer – good, reliably funded community provision works better than prison, costs less, and keeps families together,' said Peter Dawson, director of the Prison Reform Trust. 'Yet the government seems wedded to a costly policy of expanding the women's prison population in direct contradiction of the evidence and its own female offenders' strategy. We need investment in a national network of women's centres, not new prison places.' Key findings: Women were sent to prison on 5,011 occasions in 2020—either on remand or to serve a sentence. Levels of self-harm in the women's estate reached record levels in 2020. There were 11,988 incidents of self-harm compared to 7,670 in 2016. Women made up 22% of all self-harm incidents in 2020, despite making up only 4% of the prison population. Women serving a sentence of less than 12 months accounted for almost half of recalls in 2020. The use of community sentences has dropped by two-thirds since 2010.

CCRC 'Delighted' That Member of The 'Stockwell Six' Found Following Appeal

CCRC has managed to trace a missing member of 'The Stockwell Six' after launching a recent appeal to find two more men they believe were also wrongly convicted. The sister of Texo Johnson saw the news coverage and got in touch to say her brother was now living overseas. The plea from the CCRC came after three more cases were quashed, related to the wrongful convictions of several men under DS Ridgewell. DS Ridgewell was part of the anti-mugging squad with British Transport Police, and later found to have wrongly accused innocent men of attempting to steal at various London underground stations 50 years ago. Mr Johnson said: "It happened such a long time ago, so to be honest, I'd put it to the back of my mind. I'm still taking it all in and it's quite overwhelming – but I'm pleased to have the same opportunity to finally clear my name." Chairman of the CCRC, Helen Pitcher OBE said they were glad to have located Mr Johnson: "We'd tried a number of ways in the past to try and find Mr Johnson, which is why we were delighted when his sister called and put us in touch with him. It was a good day for us all." Mr Johnson has since submitted his application to the CCRC and advising him through that process.

Justice System Could Fail if Exodus of Legal Aid Lawyers Not Halted

Tim Wyatt, Independent: MPs have demanded major reforms to legal aid, warning the justice system is being put at risk by the low fees paid to defence lawyers. A new report by the House of Commons Justice Committee calls on the government to rethink how it funds legal aid, cautioning rounds of cuts have "hollowed out" the justice system. Legal aid is how the state ensures those who cannot afford to hire their own lawyer still receive a fair trial, by paying for defence counsel itself. However, the fees paid to lawyers for taking on legal aid cases have not risen for 20 years, meaning increasing numbers of criminal lawyers no longer pick up such cases. Many law firms are unable to hold onto qualified lawyers, who are switching to join the better-paying Crown Prosecution Service (CPS) instead, the committee's report notes. "Without significant reform there is a real chance that there will be a shortage of qualified criminal legal aid lawyers to fulfil the crucial role of defending suspects and defendants. This risks a shift in the balance between prosecution and defence that could compromise the fairness of the criminal justice system," the MPs argue.

Conservative MP Sir Bob Neill, who chairs the committee, said years of cuts to reduce government funding for legal aid had "hollowed out key parts of the justice system". "Fixed fees are failing to cover the cost of complex cases, the number of people receiving legal aid is falling and legal aid firms are struggling to keep going. Careers specialising in legal aid are becoming less attractive and legal professionals are moving to the CPS or private practice instead," he said. "This puts the fairness of the justice system at risk." One way to stem the tide of lawyers quitting legal aid work could be to tie legal aid fees to rates of pay for the CPS's own lawyers, the report suggests. The MPs also recommend the existing fixed-fee structure be replaced with a more flexible legal aid system which can pay more money to lawyers who have to work longer on more complex cases "The legal aid system is there to ensure that everyone has access to justice," Sir Bob added. "If the most vulnerable in society are being left to navigate the justice system on their own then fairness is lost and the system has failed."

England: More Funding to Ensure Accommodation for Prison Leavers

More than 140 councils across England have been awarded a share of over £13 million to help find longer-term accommodation for prison leavers. The announcement comes a week after a UK government-backed scheme was launched to provide temporary, basic accommodation to prison leavers as part of efforts to cut crime and homelessness. With prison leavers without a stable home around 50 per cent more likely to re-offend, the aim is to cut crime by reducing the number of prison leavers ending up homeless so that they have the foundation to get a job and access treatment for addictions. The accommodation scheme began last week in an initial five of twelve Probation Service regions: Yorkshire & Humber, Greater Manchester, the North West, the East of England and Kent, Surrey and Sussex. The £20m invested in this initiative will provide temporary accommodation for 12 weeks. Accommodation will provide the stable base many with drug or alcohol issues need to engage with treatment services and stay clean and sober. An extra £80m will expand drug rehab services in England - the biggest increase in investment in 15 years - so that another 5,000 offenders can receive treatment. Offenders who have engaged in treatment go on to commit 33% fewer crimes than they did previously.

Lord Chancellor Robert Buckland said: "The combination of strong supervision from probation staff and support into treatment, a home and a job will drive down crime. It gives offenders the incentive and opportunity to break the cycle of repeat offending and will save thousands of law-abiding people from becoming victims." Today's funding is on top of the £750m already being spent by the government this year to tackle rough sleeping. Housing Secretary Robert Jenrick said: "This government is making huge progress in our mission to end rough sleeping, with a 43% reduction since the Prime Minister came into office and an internationally recognised approach to protecting rough sleepers during the pandemic. We are building on this by working across government to tackle the underlying causes, backed by £750m funding this year alone. "By supporting offenders into their own accommodation and keeping them off the streets they'll have a better chance of turning their lives around – reducing reoffending and making our communities safer."

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan