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Safer Lambeth's

Domestic Homicide Review 002 – Executive Summary

**Report into the death of Ayesha**

**Died: 29.07.2013**

**And the attempted murder of Beverley**

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**Independent Chair & Author**



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## 1.The Review Process

1.1.This summary outlines the process undertaken by the Lambeth domestic homicide review panel in reviewing the murder of Ayesha and attempted murder of Beverley in July 2013.

1.2.In March 2014 the perpetrator Darren pleaded guilty to the murder of Ayesha and attempted murder and was sentenced to life imprisonment with a minimum term of 29 years for the murder, 19 years for the attempted murder and 12 years for the GBH.

1.3.The purpose of the review was to:

- Establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organizations work individually and together to safeguard victims;
- Identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;
- Apply those lessons to service responses including changes to policies and procedures as appropriate; and
- Prevent domestic homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency working;
- Consider whether the immigration status of either victim or alleged perpetrator had any impact on actions and decision making.

1.4. Agencies participating in the review were:

Metropolitan Police Service

London Probation Trust<sup>1</sup>

Lambeth Council, Children & Young People's Service

United Kingdom Border Agency<sup>2</sup>

Primary Health Care

Metropolitan-Clapham Park Homes

Kings College Hospital NHS Foundation Trust

Guys and St Thomas' Hospital NHS Foundation Trust

Mother and sister of Ayesha

Beverley

Lambeth Council Housing Option and Advice Service

HMP Belmarsh

HMP Hewell

RouPELL Park TMO

London Ambulance Service NHS Trust

Kids' Company

Effra Children's Centre

Environmental Services and Highways (Noise Enforcement)

Refuge

1.5. Agencies were asked to provide a chronological account of their contact with Ayesha and/or Beverley and/or Darren and where there

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<sup>1</sup> The London Probation Trust ceased to be on June 1<sup>st</sup> 2014 and is now the National Probation Service – London Division. For the purposes of this review the name of LPT has been used throughout.

<sup>2</sup> The UKBA ceased to be an agency on 1<sup>st</sup> April 2013 when it was brought back into the Home Office. For the purposes of this review the name of UKBA has been used throughout.

was no involvement or insignificant involvement agencies responded to that effect.

1.6.All 17 agencies responded 7 of which completed full individual management reviews. Metropolitan-Clapham Park Homes, Lambeth Council Housing Option and Advice Service, HMP Belmarsh, HMP Hewell, Roupell Park TMO and London Ambulance Service NHS Trust provided some information due to a limited amount of contact with any of the individuals. Kids' Company, Effra Children's Centre, Environmental Services and Highways (Noise Enforcement) and Refuge had no information on record to offer.

1.7.Metropolitan Police Service had a record of 1 response to an allegation of domestic violence by Darren on Beverley 2 years prior to the murder and attempted murder.

## **2.Key Issues Arising from the Review**

2.1.Ayesha, who was the murder victim and a British citizen, had no contact with any agencies in relation to domestic violence. Interviews with family members revealed there had been one known incident (to immediate family members) between Darren and Ayesha in 2005. It is thought that she was aware that some support was available to victims of domestic violence but that she chose not to use them and appears to have managed to retain contact with Darren (because they had a child together) in a way that kept herself safe until the night of the murder. Family members were not aware of any further violence until the murder. Nothing about the incident in 2005 was known to any agency.

2.2.Beverley began a relationship with Darren after he had separated from Ayesha. They also had a child together. Beverley was in the UK illegally having arrived with a one month visa in 2001 and making no further applications to remain until July 2012. Darren who was also not

a British citizen, gained indefinite leave to remain in 2005 after he married Ayesha.

2.3. Beverley and Darren had a child together in August 2010, Darren obtained social housing on the basis of having informed the Housing Assessment Service he was looking after the child, and he also received child benefit. Beverley was very dependent on Darren because of her illegal immigration status and he threatened her with losing control of the child and being deported.

2.4. There was one reported incident of domestic violence that was responded to by the Police in 2011. This was referred to the local authority children's services because their 1 year old child was present.

2.5. Darren was regularly arrested for various drug related crimes between 2003 and 2012 and was eventually imprisoned in 2012 with a deportation order at sentence end. Whilst Darren was in prison Beverley continued to live at the flat he had secured and continued to look after their child. During that time she revealed to 3 agencies, that she was afraid of Darren and didn't want him to return to the flat but realised the tenancy was in his name so she didn't see much choice. Although having disclosed her fear of further domestic abuse and violence if Darren returned, her financial dependence meant she had to be seen outwardly to Darren to be supporting his application for immigration bail and resistance to deportation. She was not given any reason to be confident that she would be supported by agencies to be "made safe" if he was granted bail if she had been seen to oppose it. Neither did she have reason to believe that she and her child would be supported if Darren was deported.

2.6. The agencies in contact with Beverley during this time were London Probation Trust (offender manager for Darren) who recognised the impact of the domestic violence on Beverley, assessed Darren as of

“medium risk” to her and recommended that he be denied home detention curfew towards the end of his criminal sentence, as a measure of protection for Beverley and her child. However when later contributing information to an immigration bail hearing the OM, approved by her manager, supported the request that Darren be allowed to return to the flat where Beverley and child were staying. This was without a further risk assessment. The documentation suggests this was because as Darren’s case transferred from the criminal to the immigration detention arena, the LPT seemed to believe that they had “no option” but to support his return as the flat was in his name and Beverley was an illegal “over stayer”.

2.7. Guys & St Thomas NHS Foundation Trust provided the health visitor service in the area and one was in touch with Beverley at this time. Despite a list of actions following on from a much overdue assessment, which included a referral to Refuge (in recognition of the domestic violence issues), some actions didn’t materialise including the referral to Refuge. This is unfortunate, as Refuge may have had the experience to recognise the need for specialist legal advice to bridge the immigration and domestic violence issues.

2.8. Whilst Darren was in prison Beverley was eventually referred to the Local Authority and was assessed for entitlement to financial support as a mother with a small child with “no recourse to public funds”. This was the second assessment by the Children & Young People’s service. An initial assessment had been undertaken 2 years previously when the police referral for domestic violence in front of a child was made. On that occasion the case had been closed after a month. Although a social work team made the assessment for entitlement to financial support, the assessment and on-going contact focussed almost exclusively on that financial support. There is no evidence that Beverley’s concerns about a repeat of domestic abuse and/or risks to the child from this were considered. There is evidence that Darren getting immigration bail and returning to the flat was seen as

beneficial, as he would be expected to provide for Beverley and their child and release the Local Authority from its responsibility.

2.9. The review established some childcare practice concerns beyond its remit that need to be considered at an appropriate multi agency forum.

2.10. The review identified an unacceptable number of occasions where significant information provided or shared between agencies about some of the subjects of this review was factually incorrect. Information received was misunderstood and/or misinterpreted by various agencies and then recorded as “fact”. To compound the issue such information was at times passed to other agencies as “fact” and further mis-recorded there. The author has identified incorrect information of significance about individuals that now rest in the records of LPT, C&YPS, GP and G&St T.

### **3. Conclusions**

3.1. There is a clear factual conclusion in relation to whether the murder of Ayesha and attempted murder of Beverley were foreseeable and/or preventable. If Darren had not been granted bail on 06.06.13 and had subsequently been deported then clearly, the events of 29.07.13 could not have happened. Though it should also be recognised that there would probably have been other opportunities for Darren to be released from custody prior to any final deportation, if he hadn't been released on immigration bail on 06.07.13. Were the actions/intentions of Darren foreseeable? The Panel does not believe the propensity of Darren to display the level of violence shown on 29.07.13 was predictable from the information known, although there were some shortcomings in practice from which lessons could be learned.

3.2. In relation to the death of Ayesha it is difficult to see where any agency intervention could have occurred that might have prevented the murder. It is clear that the now known incident of previous violence between Darren and Ayesha was not reported or disclosed to anyone other than



Ayesha's mother. It is also known that Ayesha's sister was aware of how to report/seek help in such circumstances and that she believed her sister also knew, chose not to disclose, but managed her interactions with Darren in such a way as to have apparently kept herself safe for a number of years.

3.3. The situation with the attempted murder of Beverley was different. She did report an incident in 2011, which was attended by the Police. Their IMR concludes that the only DV incident reported to and investigated by police was dealt with correctly and in accordance with policy and procedures relevant at that time. It has been identified that a referral to specialist domestic violence support services could/should have been made and wasn't, but this is now routine practice. Despite the Police's long involvement with Darren through his criminal career apart from one fight with another drug dealer in 2004, violence did not feature in his criminality or police intelligence.

3.4. There is no doubt that Beverley's immigration status had a significant impact in a variety of ways. Crucially it added an extra element of dependence by Beverley on Darren, with a corresponding additional amount of power and control over Beverley. This is most clearly evidenced in the way she would express to individual agencies a wish not to have to live with him on release from prison due to his abuse, but she felt compelled to outwardly support his applications for bail. She had little evidence that agencies would support her to be able to live independently of him.

3.5. Beverley's immigration status also impacted how she and her son were perceived by C&YPS. Their focus became almost exclusively her financial support eligibility as the sole carer of a young child whilst Darren was in prison. Although the reported incident of domestic violence and later expressed wish not to live with Darren on his release due to DV was known to C&YPS, it did not feature in the assessments made of her and Yong's circumstances. It is unlikely that the nature of

the contact between Beverley and C&YPS would have given her any confidence that there was a way out of her dependence on Darren.

3.6.No attempts were made by any agency to support Beverley to achieve her expressed wish not to be living at Darren's flat if he was released on bail. In the case of Probation both the OM, her supervisor and (after the event) the specialist in Foreign National Offenders seemed to believe there was nothing they could do as Darren did not have any convictions for domestic violence and Beverley was an illegal over stayer. This suggests it is a culturally prevalent view within the organisation. There is clearly a need to apply what would be the usual understanding of the impact of domestic abuse in its widest sense, to people without leave to remain.

3.7.A key lesson to learn is that having no rights to live in the UK should not equate to a loss of the right not to be abused. Indeed if all the conditions for abuse are present in a situation, then the vulnerability of an individual with no right to remain who is in that situation, is even greater and that agencies need to heighten their alertness to that possibility and work with it accordingly.

3.8.The author has been unable to discover any Home Office guidance that refers specifically to Beverley's immigration status (having arrived on her own on a one month visa and then overstayed) who becomes subject to domestic abuse. In parallel with proceeding with any necessary legal processes to determine their right to stay or otherwise, individuals subject to domestic violence should be entitled to the most basic of human rights not to be abused. Each of the agencies could have benefitted from a national guidance that covered Beverley's particular immigration circumstances.

## 4.Recommendations

### National

4.1.The Home Office to develop national policy and guidance to assist agencies in working with victims of domestic abuse who are in the country illegally and are not covered by existing guidance.

### Local

4.2.Safer Lambeth are recommended **not** to publish this review because in the case of both incidents the young child of each relationship was present and witnessed the respective attacks. Both children are still young and the case received national publicity both at the time of the murder and attempted murder and the eventual sentencing. It is not thought it would be possible to anonymise the review sufficiently to prevent identification whilst still retaining any meaningful information.

4.3.Refer this review to the Lambeth Local Safeguarding Children’s Board to consider the concerns about child welfare and protection arising from this review and the C&YPS and G&St T services in particular.

4.4.The Community Safety Partnership to review the training available to its member organisations about current policy and guidance in respect of domestic abuse and people subject to immigration controls.

4.5.Any agency in this review check and correct factually incorrect information identified in this report held in relation to Beverley (in particular but not exclusively LPT, C&YPS. G&St T).

### Individual

4.6.Lambeth Children and Young People’s Service:

4.6.1. Review cultural/systemic issues around the functioning of its “No Recourse to Public Funds” team and address the findings.

4.6.2. Audit the knowledge and understanding of domestic abuse and its implications for practice across the whole service and act on the findings.

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In addition some agencies completing IMRs produced individual agency recommendations as follows:

### 4.7.London Probation Trust

4.7.1. As part of her on going professional development as she trains to be a probation officer OM1 should be given guidance in how and why to select and present material for inclusion in case records.

4.7.2. Staff of London Probation Trust should be reminded about where to find advice about dealing with immigration and other foreign national offender issues. Consideration should be given to providing refresher training to middle managers on key immigration case management issues and policy and procedure changes.

4.7.3. London Probation Trust's assistant chief officer for Lambeth should satisfy himself that the information supplied by social services to probation contains sufficient information.

4.7.4. The findings of this report should be shared with the Lead on Foreign National Offenders, Diversity Team, London Probation Trust and National Advisor to the National Offender Management Service on Equality Rights and Decency (Foreign National Offenders). He should consider how to advise UKBA about the weaknesses in their practice identified in this report and how to ensure it is not repeated in relation to future cases.

### 4.8.Guy's & St Thomas' Hospital

4.8.1. Domestic violence risk assessment training / update for Health Visitors.

4.8.2. Specifically review the training requirements and competencies of HV4 and the CNN

4.8.3. An update for Health Visitors to include: information and signposting about resources for families with no recourse to public funds.

4.8.4. Recirculate and discuss Social Care threshold document

4.8.5. Re-emphasis on Health Visiting standards to include:

- Use of assessment framework.
- Risk assessment
- Escalation process to managers and safeguarding team when cases are not progressing
- Evaluate the scope and effectiveness of the lead Health Visitor role in relation to domestic abuse.
- Review scope of CNN roles and areas of delegation.
- Evaluate effectiveness of child protection supervision to determine the extent that actions proposed are being carried out in a timely manner

4.9.Lambeth Council Children & Young People's Service

Reminders of Good Practice

4.9.1. The use of DV risk matrix to be reiterated to managers and social workers and DV training to be mandatory for all social workers /managers and included in inductions.

4.9.2. The need for managers to ensure all checks need to be completed and police intelligence needs to be confirmed / explored prior to a decision to close a case and recording the rationale if not completed.

4.9.3. The NRTPF's team to ensure all assessments are holistic, take account of all information known or recorded ,and do not have a narrow focus ,but ensure they review safeguarding concerns over and above the financial issues.

4.9.4. The need for assessments to be reviewed in light of new information/changing circumstances and historical information to ensure any risks is re-assessed.

New Practice

4.9.5. All DV cases should be discussed with the DV specialist or have a consultation with Child Protection Chairs.

Jane Ashman

04.12.15