

**OMAND REVIEW**

**Independent Serious Further Offence Review:**

**The Case of Jon Venables**

Sir David Omand GCB

London

01 November 2010



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**Jon Venables**

I am writing to let you know the outcome of the independent review I was commissioned by you to undertake of the case of Jon Venables, following his recall to custody and his conviction on serious charges involving indecent images of children.

Introduction

My terms of reference mean that my review starts with the preparations for the supervision of Jon Venables on licence. I have not examined the decision to release or attempted to reach a judgment on the conclusion reached by the Parole Board and accepted by the Home Secretary of the day that Jon Venables at that time presented 'an acceptable risk for release, given the necessary support and subject to his willingness to abide by the restrictions imposed in his licence'. I should record however that I have found nothing in the material on the case that casts doubt on that fundamental judgment on which his release into the community was based.

I have examined in detail all the case-files and policy papers relating to this case from its outset, including all the many psychiatric assessments and assessments of risk of harm (RoH), and have interviewed all three of the probation supervising officers who supervised him after his release as well as a number of those closely involved with the case especially in the latter stages leading up to his serious offence in 2010.

During the period covered by this review the term offender manager (OM) has been introduced to refer to the probation supervising officer in whose charge a licensee is placed. I have used that modern description throughout.

## Background

Murders of children by children are mercifully rare. They understandably create feelings of intense grief and outpourings of public sympathy for the bereaved. For those directly involved these are personal tragedies that will alter their lives for ever. Intense public interest in these cases, in the murders themselves and their possible causes and in ensuring the proper punishment of the offenders will remain high for many years. In the eyes of the law the offenders will never be free and will always be under professional supervision and care to ensure the protection of the public. For a 10 year old convicted of murder this might end up meaning 70 years or more of continuous intensive offender management in secure care and then in the community. Society has a major interest in going the extra mile to seek rehabilitation through the successful early supervision of such cases.

The conviction in 1993 of Robert Thompson and Jon Venables for the horrific murder of James Bulger is one such case. They were the youngest children to be charged with murder in the twentieth century. The case from the outset was controversial, complicated by legal argument in the European Court of Human Rights over the fairness of trial of such young offenders in an adult court and intense political argument over the appropriate term to be served before release on life licence.

The Lord Chief Justice, Lord Woolf, decided in October 2000 that the tariff should expire immediately leading to the need to prepare the two offenders to be released on a life licence in conditions of intense media scrutiny. Such was the depth of public feeling aroused against the offenders that the police were in no doubt that there was a continuing clear and credible threat to their lives from mob violence and vengeful attacks if their whereabouts were discovered. I am satisfied that remains the case.

To protect them they were provided with new identities and Lady Butler-Sloss granted in 2001 a lifelong High Court injunction placing restrictions on the publication of any material that would lead to their identity and whereabouts becoming known.

Nevertheless for sections of the media it would have been apparent from the outset that their circulations could be boosted by publishing lurid stories about the offenders that would keep the case controversially in the public eye but in terms that did not breach the injunction, and indeed parts of the media have continued to make wild allegations about the case that cannot be rebutted by government within the terms of the injunction. Media motivations are not for me to judge, but the problems caused by sections of the media have not diminished over time. It is difficult to overstate the damaging impact over the years of the constant fear of exposure of his identity and whereabouts on Jon Venables' state of mind and on the work of those managing his case. In the words of the pre-sentence report provided to the Central Criminal Court in July: "He had to undertake a complete change of identity to protect himself". This was not straightforward and also meant that a legacy life, a narrative had to be created for him. He essentially had to live and hold a lie for the rest of his life. There is little doubt that if his identity became compromised, his life would be at risk. He was thus taught to lie and had to become good at it".

These introductory remarks are intended to highlight the exceptional nature of this case and the extreme difficulty of the task that faced the criminal justice system in the management of these offenders on their release. Having examined in great detail the local and national records of this case and interviewed those most directly involved I want to emphasise the evident dedication and professionalism of all concerned. It is very reassuring to see the efforts over a long period that were made to uphold the safety of the public and the interests of justice. What even intensive probation supervision cannot do, however, is to provide a complete assurance that duplicitous behaviour and offending by the subject cannot occur. No regime in the community, not even a 'control order', can do that.

### Risk Assessment

Naturally, the risk assessments of the clinical psychiatrists and other professionals involved in the case before Jon Venables was allowed to live fully in the community were qualified by the obvious difficulties of extrapolating from the circumstances that applied as a child when the murder took place to what might apply as an adult. Nevertheless, their shared judgment was that he represented a very low risk to the

public with a low risk of his committing a future serious offence. However, in view of the notoriety of the case and the shocking nature of the index offence, the Home Secretary correctly decided at the outset that despite the low risk he was seen to represent the case should be managed as if it were one of higher risk i.e. at MAPPA Level 3, the appropriate level for those offenders who pose the highest risk of causing serious harm or whose management is so problematic that multi-agency co-operation and oversight at a senior level is required with the authority to commit exceptional resources. The Home Office and then the Ministry of Justice also acted on the basis that unlike other 'lifers' released on licence there would be for the foreseeable future no possibility of return to the Parole Board after several years of good behaviour to consider lifting the licence conditions. In the case of Jon Venables, being on a life licence meant supervision for life.

I have established that despite the continuing low underlying risk assessment significant resources were applied by the probation service and Home Office (and then by the Ministry of Justice after the machinery of government changes in 2007) to this case, allowing case management to much more than meet the national standards laid down for the supervision of serious offenders at the MAPPA 3 level.

He did go on to commit a further serious offence, but that does not in itself mean that the assessments made throughout the case of the low risk he posed to the public were wrong headed. I conclude that they were the correct professional assessment on the evidence then available. Events classed as low probability do unfortunately sometimes happen despite everyone's best efforts – that is the difference between low risk and no risk.

#### His behaviour on release on licence

His first few years in the community, studying and in work, were ones of optimism and a credit to those who prepared him and supervised him. His behaviour during his first few years in the community can only be described as better than might be expected from a youth with his history in secure care, educational level and social background. It is clear from probation service and psychiatric reports that Jon Venables was aware from the moment of release of the potentially disastrous impact of any involvement in crime as this would almost certainly lead to recall. This message was repeatedly drummed into him by his offender managers over the years. His fear of exposure was very real, and fear of recall would initially have been a major deterrent.

Having been brought up since he was 10 in a secure unit, however, it is hardly surprising that he was reported as being some years behind his peers. It was inevitable that he would begin to catch up with natural adolescent emotional and social development, and that over time the reality of his life under a new identity – a secret he could not share - would sink in: the constant fear of exposure kept raw by lurid media stories, a low-paid job with few prospects, continuous financial problems, a life as a virtual loner in terms of long term relationships for fear of the possible consequences of having to expose his true identity.

Those responsible for his supervision did their best to keep him on the rails, and to manage this late adolescence, but by all accounts he is not a person given to confiding. Jon Venables did on several occasions attempt to withhold information from his last two offender managers about his financial position and later about his lifestyle including the use of recreational drugs. The impression I have is that officials saw these behaviours as bumps in an inevitably stony road, but that the important thing for them was that he was still assessed as posing a low risk to the public, holding down a job and capable of living safely in the community. Officials had invested a great deal in Jon Venables. They wanted him to succeed, they knew of his very real fear of exposure, and they may have therefore perhaps unconsciously been unwilling at times to accept that he could actually be letting them down in such a fundamental way as he did.

As experienced probation officers his offender managers of course knew that Jon Venables (like most offenders) would at times not be straightforward in his dealings with them, and the evidence is that they tried hard and conscientiously to keep him to his licence conditions and to reinforce the message that recall to prison was a real option. It has only emerged in evidence subsequent to his recall that he may have secretly broken some of the conditions of his licence, an important point that will have to be established evidentially before a Parole Board hearing. If he had, this is behaviour that the responsible officials have assured me had they known would certainly have led to his immediate recall under the terms of his licence. But no offender manager can be directly monitoring an offender for more than a short time each week or so, leaving plenty of time for offending out of sight of the supervisor. His offender managers should not be criticised for failing to detect the deceptions that have now come to light.

Signs that he had become stuck in a rut, was subjects to periods of depression and was failing to make progress with his work life or personal relationships were reported by his offender managers at intervals throughout 2006 and 2007. These were the subject of several discussions in the local Multi-Agency Public Protection Panel (MAPPP) and National (multi-agency) Management Board (NMB) based in the Justice Ministry that

oversaw his case, leading to renewed efforts by his offender managers, to which he only partially responded. Overall, I judge that the process of supervision went as far as it reasonably could in influencing his behaviour.

#### The response to his offending behaviour in 2008

I assess it as an indicator of fundamental changes in his state of mind, and of the onset of depressive and pessimistic feelings about his future, that over the last two years before recall he began to engage in highly risky behaviour involving abusing alcohol and taking drugs for which he was arrested in 2008. I have considered carefully whether his two arrests in 2008 first for a Section 4 Public Order offence and later for possession of a small amount of cocaine should have been the trigger for recalling him to custody. The view of the local MAPPP that was managing his case was these behaviours certainly required correction by tightening the conditions of his licence, but also that they were unfortunately not untypical of a significant number of young men of his peer group. The National Management Board confirmed the view that these offences had no causal link to the index offence and certainly would not on their own justify recall for a lifer on licence. After careful consideration, the then Justice Secretary agreed with the recommendation that Jon Venables' licence should be tightened to impose a curfew, random drug testing, an alcohol awareness programme and other restrictions. I agree with this judgment and that recall would have been a disproportionate response on the basis of the facts as then known.

#### His further serious offence for which he was recalled

A recurring problem with reviews of past events is distinguishing what is now known with hindsight to have happened and what those involved might reasonably have been expected to know and to take into account at the time. In particular, in trying to assess whether an event might have been predicted (and thus be potentially preventable) the historical record will normally reveal clues that may be seen with hindsight to be pointers to future trouble. The significance of such clues is unlikely to have been evident at the time unless those concerned already had in their minds the possibility of the event that occurred and thus as it were had their senses sharpened to the early signs of trouble.

An important question I have asked therefore is whether there was any reason for those responsible for the case to have had in their minds the possibility that Jon Venables might develop an interest in indecent images of children. I have found no evidence in the extensive psychiatric assessments dating back to his trial and in all the supervision reporting that would have pointed in that direction. Those responsible for his supervision were alerted from the outset to the likelihood that someone of his background and care history might end up with alcohol or drugs related problems. But the nature of the further serious offence involving indecent images of children clearly came as a complete shock to all concerned.

In the end, therefore, after 9 years of appropriate and careful supervision and correction in the community, Jon Venables committed a serious further offence and has been sentenced to a period of custody. The offence became known by accident only as an indirect consequence of action taken by the police to protect him from an entirely unrelated compromise of his identity. In a mitigation plea in Court it was stated that there was a link between the growing stress under which he was living and the build-up of depressive feelings and his downloading of indecent images of children. It will be for the Parole Board in due course to assess this in the light of further psychiatric assessments in order to determine when after his period in custody he can safely be released again. Jon Venables carries the sole responsibility for his further offence in relation to indecent images of children which I conclude is not one that could have been either predicted on the basis of the assessments available to the Probation Service or prevented by any reasonable offender management supervisory regime, even tougher than the one imposed to deal with the deterioration in his general behaviour. It is possible that if in recent years he had been in (and importantly had he been prepared willingly to cooperate in) psychotherapy or counselling that the reasons for his misuse of drugs and alcohol and escalating reliance on ever more extreme pornography is something that he might have shared and thus been better able to deal with, but that can only be conjecture.

#### The overall effectiveness of supervision

Jon Venables had three experienced offender managers assigned to his case over the 9 year period of his release on licence. Each established a professional relationship with him, and provided considerable support and without that I am in no doubt he would not have been able to survive in the community for as long as he did without going off the rails earlier and ending up disclosing his identity. I have concluded that he was

supervised at an appropriate level with a suitable risk-based frequency of contact, having regard to the particular circumstances and challenges of his case at different periods and the consistent assessments of low risk he was seen to pose.

Much work by officials went into contingency planning against a breach in his security, and into detailed analysis of the legal and complex public protection duty of care implications of his living under a new identity. I conclude that Departmental officials provided the necessary policy and legal support for those managing the case.

With hindsight there may have been some missed opportunities along the route. It would with hindsight have been better if he had been offered a longer period of mentoring support separate from offender management as he adjusted to being self-supporting after growing up in a secure institution, and if there had been some continued involvement of the specialist adviser in protected offender management in keeping the identity aspects of the case under review. Also with hindsight, officials were too optimistic about his growing maturity in not pressing him to accept further clinical therapeutic support in 2004/2005 when it was clear that making personal relationships under a new identity would be problematic (and again in 2008 after he was arrested for being a Section 4 Public Order offence) but they were guided by the facts of the case as they saw them and by his own attitude. Had he been more cooperative it might too have been possible to try more actively to steer him onto a more rewarding employment track and that might have given him more sense of purpose, but that cannot be certain, and he was resistant to the efforts that were made. Probation and Departmental officials were very conscious at the time (as has been the media) of the danger that Jon Venables might see himself as “special” and not required to take responsibility for the course of his life, and they did the best they could by him within that limitation. It would have been understandable if in the minds of officials was the thought that there are many deserving cases of young people who have not committed crimes and who could benefit from public funding of therapeutic work and of active official intervention in finding a good job.

#### Issues for the future

Computer misuse is particularly hard for offender managers to exercise any control over. For some categories of sex offenders it is now judged proportionate to have a licence condition to allow monitoring of the use of devices that access the internet. The conditions for Jon Venables’ licence were set before the age of broadband internet and

social networking sites. With his 'low risk' assessment and no sex offender history the later addition of such a condition would have been open to legal challenge. Nor would such a measure necessarily have prevented his further serious offence; for Jon Venables, as a computer literate individual, there would have been several ways he could with some inconvenience have made direct monitoring harder had he been determined to access unlawful material. But I make the general point that, such is the speed of development of technology, licence conditions need to be reviewed periodically, for example in the light of the development of the internet and social networks and internet capable devices. Where licence conditions for MAPPA level 3 offenders impose geographical conditions (as with Venables' exclusion from Merseyside) then it may be possible in future, if a current pilot is successful, to consider the application of geo-location. It may be possible to develop tagging bracelets to allow an offender manager to check up after the event on whether licence conditions have been broken and there is a case for recall. Again, the Courts would no doubt only be prepared to consider such infringement of Article 8 rights where there was a high risk of harm to the public to be prevented but it is a possibility the Ministry needs to examine for the future.

I have been struck throughout this review by the extreme difficulties for the criminal justice system caused by the original Court decision to name Jon Venables and Robert Thompson upon their conviction. Identity change is never a straightforward or reliable option, and I believe it will become increasingly hard in future to prevent new identities being linked by investigation back to birth identity given the growth in the number and complexity of electronic databases holding information about individuals. This is a trend that the Courts will need to bear in mind in future cases of extreme notoriety in seeking to assess whether the application of the open justice principle<sup>1</sup> would in practice frustrate or render impracticable the administration of justice. The ends of justice may be best served in some exceptional cases (especially young offenders) by keeping confidential the name of the offender, justifying a departure from the principle of open justice.

The essence of the conclusions of my review are in this letter. There is of course, as in any human endeavour, learning that can be drawn from the experience of those probation officers, police officers, Whitehall administrators and other professionals who devoted years to managing the case of Jon Venables. I have documented the case in detail for future use by officials, and drawn out learning points at a classified level since it is not possible to recount in detail the supervision in this case without consideration of the complications arising from the need to protect the identity of Jon Venables that

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<sup>1</sup> Attorney General v Leveller Magazine Ltd [1979]

were integral to the arrangements made. For legal and security reasons it will be necessary to redact this information before publication.

I am most grateful to Dileeni Daniel-Selvaratnam for her work as the Secretary of this Review, to Melanie Smith for her professional support on behalf of the Probation Service, and to Nahid Aktar for secretariat support. This review would not have been possible without their contribution.

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London

01 November 2010

## **Terms of Reference**

- to review the supervision of the subject, from his release on life licence until his recall to custody, in order to establish whether he was effectively supervised, having regard to national standards and guidance and to the particular circumstances/challenges of his case;
- in doing so, to consider the actions of his offender managers, their supervisors, the local police, the local MAPPA meetings and the role of the National Management Board; and
- to establish whether everything was done which might reasonably have been expected of all agencies involved in supervising the subject to monitor his compliance with his licence conditions and to assess and manage any risk of harm which he presented.



## Section 1 Introduction

1. The bare facts of the index offence are well known<sup>2</sup>:

Jon Venables was born on 13 August 1982 in Bootle. He is now aged 28. He and co-defendant Robert Thompson were convicted on 24 November 1993 at Preston Crown Court of the abduction and murder of 2 year old James Bulger. At the time of the murder Jon Venables was 10 years old.

Under Section 53(1) of the Children and Young Persons Act, applying to those under 18 when convicted, Jon Venables was sentenced to a mandatory term of detention at Her Majesty's Pleasure. The custodial part of his sentence was carried out at Red Bank Community Home, a secure local authority unit, where he was given intensive psychiatric and social care. He did well educationally, achieving six GCSEs and was said to have shown maturity over and above the level of his peers.

2. The 8 year tariff set by the trial judge was later increased to 10 years by the Lord Chief Justice, Lord Taylor, and increased again to 15 years by the Home Secretary, Michael Howard, but this was subject to successful legal challenge. In 2000, the then Lord Chief Justice, Lord Woolf, reinstated the original tariff. After prolonged arguments as to whether he should on reaching the age of 18 transfer to an adult secure institution, the Lord Chief Justice announced on 26 October 2000 that the tariff should expire immediately. After over 8 years in secure local authority care from the age of 10, therefore, the Parole Board released him on a life licence effective from 22 June 2001. In deciding to release him, the Parole Board took account of the absence of violent or psychopathic behaviour during his 8 years in Red Bank and the absence of such behaviour in the past prior to the murder. He was released under a new identity protected by a High Court injunction obtained in 2001 to prevent the publication of information likely to lead to the identification of the defendant as having been formerly known as Jon Venables.

### Licence Conditions

3. In addition to standard conditions as part of his initial licence, the Parole Board imposed specific conditions, tailored to his circumstances:

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<sup>2</sup> The inquiry has compiled a full classified chronology and archive relating to the case, retained in the Ministry of Justice (PPMH)

1. He shall place himself under the supervision of whichever supervising officer is nominated for this purpose from time to time
2. He shall on release report to the supervising officer so nominated, and shall keep in touch with that officer in accordance with that officer's instructions
3. He shall, if his supervising officer so requires, receive visits from that officer where the licence holder is living.
4. He shall reside initially at \_\_\_\_\_ under whatever conditions are laid down by the General Manager, and thereafter as directed by his supervising officer.
5. He shall undertake work, including voluntary work, only where approved by his supervising officer and shall inform that officer of any change in or loss of such employment.
6. He shall not travel outside the United Kingdom without the prior permission of his supervising officer.
7. He shall be well behaved and not do anything which could undermine the purposes of supervision on licence which are to protect the public, by ensuring that their safety would not be placed at risk, and to secure his successful rehabilitation into the community.
8. He shall remain under the clinical supervision of Dr \_\_\_\_\_ or any other forensic psychiatrist who may subsequently be appointed to provide such supervision.
9. He shall not, whether directly or indirectly, contact or attempt to contact any member of the victim's family.
10. He shall not enter the Metropolitan County of Merseyside \_\_\_\_\_ without the prior written consent of his supervising officer.

11. He shall not contact or attempt to associate with the co-defendant [Robert Thompson]

4. A further two conditions were added by the Parole Board on 7 May 2002 at the request of the supervising probation service (see Section 5 below):

12. He shall not reside or remain overnight in the same household as any child under the age of 16 years, without prior written permission of his supervising officer

13. He shall not have unsupervised contact or engage in any work or other organised activity, with children under the age of 12 years, without the prior written permission of his supervising officer

5. It is these 13 licence conditions that the supervising probation service was required to enforce.

### **Organisation of the Review**

6. The period covered by this review of the supervision of Jon Venables following the custodial period of his sentence falls naturally into four phases:

7. Phase 1. The preparatory 8 months from release on life licence on 22 June 2001, living \_\_\_\_\_, up to his transfer in March 2002 to independent living in the community of YShire, all under the supervision of the probation service of XShire<sup>3</sup>.

8. Phase 2. The early years in the community with very intensive supervision by the probation service of XShire, with police protection from the XShire force, from March 2002 to August 2003

9. Phase 3. Normalised supervision within National Standards by XShire from August 2003 (after Venables had reached his 21<sup>st</sup> birthday) up to March 2007 when responsibility began to be transferred to the probation and police services of YShire

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<sup>3</sup> For legal and operational reasons the areas have not been disclosed.

10. Phase 4 Offender management under national standards by the local probation service of YShire from November 2007, during which period there was the development of minor offending behaviour, and ending with the discovery of the further serious offence in February 2010 when he was recalled to custody.
11. This review examines the main issues that arose that bore on supervision in each of these periods on life licence supervised and enforced by the National Probation Service and managed through a Multi-Agency Public Protection Arrangements panel (the MAPPP). Additionally, there are certain themes that run through the entire period of supervision to date and that have therefore been examined functionally. The report is therefore organised as follows:

Section 2 The management arrangements for the case

Section 3 Identity and the implications of being a protected person

Section 4 Psychiatric, counselling and mentoring work

Section 5 Child protection issues

Section 6 The management of risk of harm during Phases 1 through 4

Section 7 Conclusions

## Section 2 The management arrangements for the case

12. The Lord Chief Justice decided in October 2000 that the tariff for Jon Venables had expired. At that stage, there was no release plan in existence and officials had to scramble to put one together very rapidly for consideration by the Parole Board, and suggest licence conditions on which he might safely be released. It became apparent to Home Office officials<sup>i</sup> that immediate relocation into the community under a change of identity, severing all the links with one's past, would be very hard for Jon Venables, particularly since in this case the subject was a vulnerable young person with very limited life skills. Very sensibly, it was decided to allow Jon Venables on release to live for a period

whilst he was helped to find his feet and get used to living under a new identity (a far more demanding skill than just using a new name). The Head of the Home Office Lifers Unit warned presciently that it was unlikely that a once and for all change of identity would be sustainable, and that the ability of the police and probation service to protect the identity was extremely limited. He rightly stressed the need for a number of contingency plans to be agreed between the agencies concerned. There were no right answers, nor many precedents

13. The Home Secretary was intensively briefed on the case and on his responsibility by virtue of Sections 1 and 3 of the Criminal Justice and Court Services Act 2000 to make provision for the supervision of Venables once released on licence<sup>ii</sup>. He accepted that the actual supervision would be carried out by a local probation board under section 4 of the 2000 Act. It was made clear publicly that Jon Venables was not being freed but would remain on a life licence for the rest of his life and would be liable to be recalled to custody at any time if there was any evidence that he presented a risk to the public or had a serious breach of his licence conditions. Care was taken by the National Director of Probation in the Home Office to ensure that all concerned realised that supervision must be active and that any significant change of behaviour on the part of the subjects must immediately be brought to the attention of the relevant senior officials in the Ministry. As described below in section 3, however, with a case of this notoriety the arrangements for release were never going to be straightforward, especially with the serious level of threat of violence against him hanging over Jon Venables should his identity and whereabouts come to public notice.

14. A central project group was set up by the Home Office in June 2001 to 'project manage' future arrangements for the two offenders in the community, focusing on public protection and ensuring the safety of the individuals. Membership consisted of the officers who had been concerned with the case whilst the offenders were in the secure unit (including the senior probation officer who would go on to supervise him under licence), the police, social services and the relevant Home Office Units. Issues tackled included the identification of further education colleges that might be suitable for Jon Venables.
15. The Multi-Agency Public Protection Arrangements (MAPPA) were brought in nationally 2001 around the time that these plans were being made for the supervision of Jon Venables in the community, and sensibly a local management board equivalent to a multi-agency panel (a MAPPP, the term used henceforth in this review), meeting quarterly, was seen as the best long term way of ensuring local sharing of information<sup>iii</sup>.
16. Jon Venables was categorised as a MAPPA level 3 case. This elevated rating involves a high level of supervision, appropriate for those offenders who pose the highest risk of causing serious harm or whose management is so problematic that multi-agency co-operation and oversight at a senior level is required with the authority to commit exceptional resources.

### **The three-tier management structure for the case**

17. The final arrangements for the management of the case were in place by 2002 and consisted of a three-tier multi-agency structure.
18. The probation service of XShire had responsibility for the management of the case and enforcement of the licence. A Senior Probation Officer who was already working with Jon Venables at Red Bank acted as offender manager/supervising officer on his release on licence with oversight from a highly experienced assistant chief probation officer in the XShire probation service. A local project board including the supervising officer and the police was set up to meet with Jon Venables to organise practical arrangements, reporting to a higher level Project Board or MAPPP.

19. The second tier was a formal MAPPP for both the cases of Jon Venables and that of his co-defendant Robert Thompson, chaired by the single Project Manager at Assistant Chief Officer level from XShire appointed to coordinate with senior representatives from the supervising probation service and the local police service, calling on the expertise when needed of other individuals familiar with the case. From 2005 this included a representative from local social services. The responsibilities of the MAPPP were<sup>iv</sup>:
- a. Regulating and monitoring contact arrangements
  - b. Commissioning any risk assessments that might be required
  - c. Making recommendations to a National Management Board (NMB) (see below) with regard to disclosure of information to local agencies
  - d. Advising NMB of any more general child protection issues which may arise
20. The third tier of management of the case in order to provide strategic direction to the local probation service and the police was provided by setting up a National Management Board in the Home Office. Originally designed for the Thompson and Venables cases the NMB now also oversees the relevant aspects of a very small number of notorious lifer cases. The NMB was chaired by the Head of the Home Office Public Protection Unit (PPU) with the Assistant Chief Officer of probation who was acting as Project Manager, representatives from the Lifer Unit, Home Office (later MoJ) legal advisors branch (LAB), Director of SSI and the police ACPO lead on public protection. From October 2004 the (then) Department for Education and Skills provided an appropriate representative for the NMB from childrens' services to cover child protection issues. However, at the end of 2006 the NMB decided that provided there was a cleared official in DFES to provide advice when needed then there was no need for regular DfES attendance at the NMB. After December 2006 it was not felt necessary for the ACPO police representative to attend.
21. There was a central handover of NMB responsibility when the Ministry of Justice took over responsibility from the Home Office in May 2007 for the management of lifer cases as part of a wider machinery of government change. Jack Straw became the Justice Secretary in June 2007 having been Home Secretary in the period immediately preceding the release of Jon Venables and was very familiar with the case. The PPU staff concerned moved with the case, and other than the inevitable distractions of any departmental change in terms of uncertainties for the individual

civil servants concerned there is no evidence that this affected the case. In a later reorganisation inside the Ministry of Justice mental health and public protection cases were brought together under the Head of PPU to form PPMH Group. The Head of PPMH Group chairs the NMB.

### **The work of the National Management Board**

22. The NMB held its first meeting on 7 May 2002. Originally it was envisaged that the NMB would meet every 6-8 weeks on this case but this quickly settled into a quarterly rhythm which it kept up until 2006, timing its meetings after the local MAPPP. The NMB received before their meetings a specially written report on both the Venables and Thompson cases from the offender manager covering progress with the case and providing an updated assessment of risk to the public.
23. The NMB took the lead on communicating with Ministers and dealing with issues with national implications or that were politically sensitive. The NMB had to consider significant resource and policy issues over paying for police support from central funds, identity protection and the level of supervision that Ministers would deem appropriate. As discussed in the later sections of this review, the NMB had to tackle other recurring policy issues including over identity, child protection and disclosure. Discussions of these issues, including with legal advice, were at times protracted. These were tackled in the end satisfactorily as issues, but what is striking is that whilst the NMB was heavily engaged in such policy and process issues (including contingency planning) the NMB did not often feel the need to provide strategic guidance on the case itself.
24. In terms of the range of official attitudes, it is worth recording the view of an official in the PPU in 2002. He recognised that a great deal had already been done to manage the case and that ultimately a personal responsibility should rest on the individual himself but argued that it was necessary to demonstrate that they had all gone the extra mile. He suggested that a forward look should be taken of the implications of future relationships. He posed the question whether there was a risk that the 'mental construct' each subject had, while the key to growth and survival in adolescence, might cause or fail to prevent the recrudescence or emergence of high risk not to say dangerous behaviours in the future. "It is as though having dug the garden and discovered something horrific (and the CJS having dealt with what was discovered) we have put back the earth without knowing (a) whether other discoveries perhaps not as horrific but as influential are to be found and (b) what all

the effects on the social, emotional and psychological development of each case of the discovery of something horrific are or might be". This psychodynamic observation was prescient in relation to Venables – but neither the NMB nor the MAPPPs seem disposed to follow up such longer-term thinking.

25. The NMB had originally seen itself having 'strategic ownership' of the cases, which for those concerned seems to have meant being the multi-agency forum that could have stood back from the week-to-week and month to month involvement of the MAPPA and looked at the longer term prospects and emerging policy issues. In 2005 for example the NMB directed the MAPPP that they should assume that the case would require the exceptional levels of supervision for the indefinite future, and in 2006, given the continuing low assessment of risk that Jon Venables was thought to pose, the NMB set in train a transition to a greater degree of local ownership of the case, described at the time as a 'normalisation' policy including transfer of the case management to the probation service of the local area, YShire, in which Jon Venables had been settled (see Section 6 Phase 3).
26. With the 2006/07 move to 'normalise' the case the NMB withdrew from a quarterly meeting cycle and instead agreed to be available to meet when necessary for consideration of individual issues with political or national implications.

### **Ministerial involvement and role**

27. From the outset, given the notoriety of the case, the Home Secretary (and later the Justice Secretary) kept an active involvement in the management of the public dimension of the case. At a national level, when release took place in 2002 the new Home Secretary, David Blunkett, insisted that the National Director of Probation take personal responsibility for ensuring proper supervision and be accountable directly to him. He asked initially to be provided with daily and then weekly reporting to him of progress with the case (and with that of Robert Thomson).
28. The Director of National Probation agreed<sup>v</sup> in May 2003 that her decision making role on the case could be delegated to the Head of PPU as chair of the NMB, explicitly recognising that this was on the understanding that the official concerned had a recent operational probation background. I note that this condition was not met for some subsequent holders of the post, although no-one appears at the time of appointment to have referred back to the original understanding. I see no need to recommend re-imposing this condition given the range of professional advice

available to the NMB, and the position should now be regularised, but it is an example of how easily over times arrangements can be changed and relaxed without collective memory coming to bear.

29. The Secretary of State relaxed the Ministerial reporting arrangements in August 2003 noting that Jon Venables had been in the community for two years without incident (coinciding with his reaching the age of 21). Supervision meetings with his offender manager were reduced from weekly to every fortnight.

30. In September 2002, suggested holiday abroad. The MAPPP and NMB considered this potentially advantageous<sup>vi</sup>, but after consultation with the National Director of Probation agreed to keep it on hold and to reconsider the following year when further evidence of his progress at college was available<sup>vii</sup>. In March 2003<sup>viii</sup>, the NMB considered what policy should be followed in such an exceptional case, and agreed that it was not appropriate to consult the Parole Board but instead the matter would need to be referred to the Home Secretary, which was duly done in April 2004<sup>ix</sup>. The principles by which requests for travel overseas by Thompson and Venables should be assessed were as a result agreed in principle by the Home Secretary (David Blunkett) in June 2004 who accepted that travel abroad can take place subject to approval of any plans locally – the inference made by officials was that they would not need to refer back to the Home Office.

31.

Reference is made in the submission to an oral briefing held in October 2007, where the Justice Secretary had been informed of the previously agreed framework and had noted the request from Venables, which had been approved by the National Management Board to travel abroad. There is no record of this earlier oral briefing and the submission does not explicitly state that Venables had undertaken a trip

officials seem to have inadvertently failed to give the Justice Secretary (Jack Straw) the full picture in submitting this advice, by not revealing the precise extent to which foreign travel had already been undertaken .

32. Considerable Ministerial and senior official effort went into guiding the handling of the media (and the injunctions) and enquiries from the family of James Bulger, and from concerned MPs, more than on questioning progress with the case itself, which seems to have been left as an operational matter. Submissions to Ministers on the various media issues in the period up to his arrest in 2008 for the Section 4 Public Order offence did not go into detail on his case and would have left the impression that all was thought to be well. In one instance (as noted in Section 3) officials explicitly refrained from briefing Ministers on the course they were following on the grounds that the matter was an operational one for the probation service<sup>x</sup>. That may have been the formal position, but it would have been the Home Secretary that would have had to defend the decision not to inform an employer of Jon Venables of his past record had it come to media notice, and I suspect a Home Secretary might have wanted to be aware of that.
33. The discovery in 2004 that Jon Venables had a relationship with a girlfriend who had a child triggered legal advice on the relative role on the one hand of the Home Secretary and his officials, and on the other hand the local probation service that had management of the case. Home Office legal advice clarified that section 31 of the Crime (Sentences) Act 1997 meant that decisions relating to the supervision and day to day management of life licensees lie with an officer of the local probation board or probation trust, as appropriate. The Secretary of State is responsible for ensuring that provision is made for probation services, including financial provision, but this would not naturally extend to the individual management of life licensees, which is the specific statutory function of the probation service. The advice did not of course detract from the clear statutory responsibilities of the Secretary of State in relation to release, setting licence conditions and recall. *This advice clarified that it is the probation board that exercises the function of supervision of life licensees not the Secretary of State.* Nevertheless, several of those involved in the supervision of the case commented to me that in practice the situation was not clear since even if the operational responsibility lay with the local probation service, day to day decisions were still liable to be countermanded by the NMB on behalf of Ministers.

34. The potential child protection implications of Venables' relationship also led to intense discussion about the responsibility for the operational management of the case between the Chief Officer of XShire Service, who were at that point responsible for the project management arrangements of both cases, and the Chair of NMB. The local Chief Officer insisted on checks with the child protection register; PPU officials in the Home Office were concerned on behalf of the Secretary of State at the risk of compromise. The project manager ACO found herself caught between conflicting orders<sup>xi</sup> and the consequent difficulty of instructing the offender manager as to how to proceed. Legally, it was established that XShire had responsibility for the management of the case, but the danger was identified that the YShire Chief Officer might be put thereby in an impossible position should there be an incident on his patch for which he would be vicariously liable.

### **Resources, continuity, succession planning and training for supervision**

35. The National Director and senior officers concerned in the local probation services recognised the additional demands of the case, including supervising someone living under a new identity. Senior and experienced probation officers were chosen to provide supervision. The attitude of the Chief Officers concerned throughout the case has been that because of its special nature it should have the resources it needed with nothing held back. The files bear this out. The offender managers did have to come to terms with the practical implications for them of the police protection that was required and the complex security arrangements made to allow Jon Venables to live under a new identity. They seem to have picked this up as they went along, but it would be good to capture their learning for the future to help their successors.

36. Early on, the need for continuity and succession planning was recognised and acted upon. The offender managers and their supervising officers had good handover notes, well planned individual handovers and in some cases significant overlaps to allow continuity in case management and the build up of client trust. This was well done.

37. All concerned in the supervision of this case were instructed specifically that any behaviour that constitutes a criminal offence if discovered by any agency must be reported immediately to the project manager for the case (the supervising Assistant Chief Officer) and evidence gathered in support of it. All concerned were also aware

of the need to have contingency plans against the possibility of accidental compromise of identity and a danger arising threatening the safety or security of the subject, for example following media investigation or disclosure by the subject, or if he were arrested.

38. Contingency plans were made early on in case of the arrest of Jon Venables for a minor offence under his new identity. However in 2008, when he was arrested for the Section 4 Public Order offence, the procedures did not work as well as expected, and revised plans had to be drawn up. After the shift of responsibility for policing to the YShire police, the MAPPp recognised that there were no up to date arrangements for recall, including liaison with the Prison Service in order to allow swift recall in the public interest whilst preserving the identity of the subject in order to reduce the risk to him. When plans and flow charts were produced and distributed they were then felt to be unworkable in practice and required revision (for example due to the absence of a prison identifying number for Jon Venables in his new name). In the event, when he was recalled in 2010, urgent intervention was needed late in the day by PPU with the relevant prison to alert them to the activation of the plan. It is an old lesson that contingency plans that are expected to be in force for several years need refreshing and periodic testing to remain effective.

### **Security arrangements and documentation**

39. To assist security a codeword for the case was issued by the Home Office in July 2001, and papers containing details of the case and of the new identity for Jon Venables were handled as classified documents. Throughout the case, however, there have been sensational media stories, some of which at least may have their origin in leaked information. I have not attempted to trace these leaks, but it appears unlikely that they were local in origin. Following press speculation in 2006 that appeared to have come from some unauthorised source with access to at least some information on the case, an experienced retired Cabinet Office security official carried out a review of security procedures, including in the Ministry, and in the police and probation service. He made a number of recommendations all of which were accepted. Since then there has been some slipping back, and classification of papers and of references to the subjects needs to be standardised again with new guidance on how the subject should be referred to following the compromise of his

identity and the decision of the Court to disclose which probation service was latterly responsible for supervision of Jon Venables.

40. This sensitive case did not for security reasons get entered onto the computerised case management and recording systems, or other computer records systems. Although the minutes of the NMB provide a clear overview of the progress of this case in its early and late stages, there are now gaps in the records held by the Ministry of Justice for parts of 2006 and 2007. These gaps are unfortunate since it is essential that those working on a notorious case such as this have ready access to the collective corporate memory of the case, including psychiatric reports, as well as decisions taken. When the arrangements for the Venables case were normalised and transferred in November 2007 from the probation service in XShire to YShire where Jon Venables was living security constraints meant there was a lack of clarity about the police support responsibilities, especially once the transfer of financial support from the Home Office had ceased. Officials dealing with overseas travel of the subject also failed to connect with earlier consideration by a previous Secretary of State (as detailed at paragraph 30). There was also a glitch when the Ministry of Justice refused an FOI request in 2009 for material on the case that had already been released in response to an FOI request in 2007 and had been reported in the media.

### **Conclusions on management arrangements for the case**

41. My overall impression is that Ministers were kept well informed on the public profile of the case but less so on the substance. Most submissions resulted from the need to submit advice on specific media stories, including those that triggered letters from the parents of James Bulger or MPs, for example following hoax postings about the subjects on social networking sites, alleged sightings, or the untrue story that the MOD had changed its rules in their favour to allow convicted murderers to enlist. It would have been good practice to have had a specific briefing on these cases on change of the responsible Secretary of State (there have been 8 during the course of the case to date). An annual stock take with a junior Minister on the very small number of NMB cases would also help keep focus.
42. My judgment is that it was right to set up the NMB to provide strategic direction to the MAPPP on cases of extreme notoriety and complexity in which national issues are engaged. In such cases I believe this represents the best balance between local management close to the day-to-day experience of the case and essential national direction on major political, legal and policy issues. There are bound to be

significant issues thrown up by a case such as this, including identity, public protection and media reporting restrictions that require interdepartmental arrangements, and national guidance following legal advice from MoJ lawyers and counsel, and close contact with the Justice Secretary. All concerned, including the Justice Secretary, need to be clear about where responsibility lies for the strategic management of a case, involving long term review and planning. If it is decided that the local MAPPP should carry this responsibility then that needs to be documented so that all concerned are clear about where 'strategic ownership' of the case lies. In any event, I believe that there is a role for a body such as the NMB to exercise a constructive challenge function to the MAPPP in the interests of securing the best long-term outcomes. I recommend that in addition to managing business as it comes up, the NMB should organise strategic reviews of each case with the MAPPP periodically, probably biennially.

43. The terms of reference of the NMB should be reviewed and re-issued, taking into account separate consideration being given in the MoJ to reorganisation of arrangements for management of special cases requiring witness or offender protection. The terms of reference should be based on a clear definition of the respective accountability of the Secretary of State, acting through his officials, and the probation service or trust given operational responsibility for supervision. There is a case for changing the title of the NMB since it does not "manage" cases in the way in which it was originally envisaged that it would have to when it was set up. The membership of the NMB for the Venables case reflected the interests in the case, including the security of the subject, identity, legal advice and child protection, recognising that some members need only attend when their interests are engaged. The specialist in protected offender management (SPOM) should be a standing member of the NMB, reflecting the need to tap into practical experience in dealing with cases of notoriety where identity is a major issue.
44. The decision of the NMB early in 2008 only to meet when needed on the Venables case was not necessarily the wrong one. The MAPPP was reporting that the risk to the public remained low and there was therefore little immediate business for the NMB. Officials were conscious of the risk that the NMB might be tempted to get into second guessing operational decisions that can be and are routinely made at the local level. But the NMB should at that point have made it explicit that it was looking to the MAPPP to take strategic ownership of long term planning of the case and to report periodically to the NMB on longer-term prospects.

Additionally, given the political salience of the Venables and Thompson cases, the NMB could also have usefully made arrangements with the MAPPA to hold joint periodic (say, biennial) strategic case reviews and thus exercise a strategic challenge function.

45. Week-to-week management of the case by the XShire, and later the YShire, probation service was well-resourced and professional. Handovers were well managed. The security requirements were, however, unusual. For the future when special security measures are required for offenders being supervised in the community then the Ministry of Justice should organise for the probation officials concerned a short burst of training and indoctrination into what will be involved and the stresses to be expected on the subject (and at times on themselves) and for this to be renewed as the supervising personnel change.
46. It is not general practice for probation officers managing MAPPA cases to have their own clinical supervision, although this has now become best practice in cases involving offenders guilty of serious sexual offences who are undertaking programme work (and is a widespread practice within the social services profession). For the small number of NMB cases, given their complexity, identity protection stresses and the nature of the index offences committed, I believe that the Department should arrange for offender managers to be offered clinical supervision and encouraged to take advantage of it.
47. The recall of Jon Venables in 2010 was managed swiftly without danger to the subject, and illustrated an excellent level of cooperative working between the YShire police and the YShire probation service. There are, however, general lessons here for NOMS for other cases to check that local instructions exist and are known to the relevant staff on duty in the relevant prisons to enable such contingency plans to be activated within the prisons concerned and that the detail of such plans has been checked out with those who would have to activate them.
48. It would be wise now to issue a new codeword drawn from the national list and to re-issue basic security instructions on the case. New guidance is needed on how the subjects should be referred to following the compromise of their identity and the decision of the Court to disclose which probation service was latterly responsible for supervision of Jon Venables.

49. There is also a lesson from this case about the additional steps that need to be taken to ensure collective memory when for security reasons a case is tightly held under 'need to know' principles with duplicate records not being held locally. Files or precedent books should be kept in a way that can inform the handling of a case, and those involved should be encouraged to make reference to them. This case highlights the need for paper records to be kept in good order, a skill that now seems in short supply.



### Section 3 Identity and the implications of being a protected person

#### The need for a new identity

50. In January 2001 Thompson and Venables were granted an injunctive order by the High Court placing restrictions on the publication of any material that would lead to their identity and whereabouts being exposed. It was judged by the police that there was a real threat to their lives if their whereabouts became known. The police are under a positive obligation to protect the right to life of individuals, as tested in court in the context of the need to protect a witness in the case of *Osman v United Kingdom* 1998. The police must therefore take steps to protect a threatened individual. The scope and ethics of their support, however, require a case-by-case approach as to actions being necessary, justifiable and proportionate given all the circumstances. Such support can include maintaining an individual's security by way of relocation at public expense into a safe area, a change of identity and special protection measures where there is a clear indication that the life of the individual will be in danger.

51. A new identity for Jon Venables, secured through an injunction on reporting<sup>xii</sup> seemed to the officials considering his case essential for his own protection on release - without it welfare issues could not be addressed. Prof.

had expressed his professional opinion on the point to the Parole Board in August 2000. It is worth quoting in full: "I think that it has been very advantageous to him to accept the benefits of going under his own name at Red Bank [the local authority secure unit] and having to cope with the reactions of other people to what he did when much younger...the situation when he moves into the open community would be quite different. *At this point, it is crucial for his rehabilitation that he be able to make a clean start.* There are no significant risks to the public in his doing that and there are huge benefits to him in being given the opportunity to make a success of such rehabilitation. For obvious reasons, it is in the community interest as well that he succeeds. For this to be possible, I think it is essential that he be able to achieve a new identity (with a new name) in a new vicinity and that he does so within the context of ...of all the risks in relation to his future rehabilitation those that surround the possibility of identification are the greatest" (my italics). Without a new identity the chance of discovery would, it was recognised, add to the burden of pressure and stress and would completely obscure the overall aim of reintegration and development.

52. There are essentially two ways in which a name can be changed. For ordinary members of the public who wish to live under a different name, a change by deed poll is a simple matter. But the new and old names are legally chained together firmly in a number of ways (and need to be to avoid criminals evading justice). There are legal obligations, for example on applying for a passport in the new name or completing a tax form and many other life transactions, obliging the individual to disclose previous names. Such a procedure would certainly have been easily broken by investigative journalists or private detectives. The alternative is full identity change: a covert process operated by the police for a small number of vulnerable witnesses in criminal cases. A fresh identity is established with the departments and agencies concerned, complete with a convincing personal history, and the individual tutored in being able to support their new narrative. Documentation has to be provided, including passport, national insurance number, driving licence, credit history, NHS records and so on, with the connection between the old and new names held only by a very small number of specially cleared officers. It is that process that was used for Jon Venables.
53. The operation of a new identity for a convicted child murderer would however not prove as straightforward as for example it might for a witness needing protection for a limited time. The period for which the new identity has to be maintained is longer, literally life. The nature of the offence creates a need for officials to balance the value of anonymity with the duty to ensure the disclosure of the truth about the nature of his criminal record to members of the public, whether his employers or anyone in a close relationship with the subject. This latter possibility was one of considerable potential media interest. In 2005 the Sunday People ran a (false) splash under the heading “Bulger Slayer Sex Shame” alleging that Jon Venables was “dating an innocent girl blissfully unaware of his shameful past” and demanded “Will the authorities tell women like her before they hand over a new born baby into the arms of a child killer?”
54. During the interim period that Jon Venables was living in accommodation (see Section 2) officials in the Lifers Unit in the Home Office worked on the detailed practical arrangements for a new identity. Initially, the probation service saw the protection of the subjects as purely a police matter and the Lifers Unit, mindful of cost, hoped that nothing too elaborate by way of new identities would be needed. At a key interdepartmental

meeting on 12 December 2000, however, chaired by the responsible local Deputy Chief Probation Officer, three important considerations emerged: Jon Venables was living in constant fear of people finding out his identity; the police judged the level of threat to the subject as real and serious; and Lady Butler-Sloss was expected only to grant a continuing injunction on the basis that they had new identities. Scotland Yard (SO10) was therefore approached by PPU for help in setting up a complete new identity on the lines of arrangements for protected witnesses.

55. For Jon Venables the concept of 'a clean start' - the normal police recommendation for the resettlement of a protected witness - was complicated at the outset by the judgment by the psychiatrists and others involved in the management of the case that [redacted] would be essential for his rehabilitation in society

The end

result, however, was that he did not have the ideal 'clean start'.

56. Officials had considered a number of possibilities for [redacted] Jon Venables . Overseas relocation was considered and rejected on the strong clinical advice that [redacted] had been instrumental in getting him this far. Overseas relocation was also rejected due to issues concerning information that would need to have been shared with the receiving jurisdiction – even were another nation prepared to accept him. The professional view of the police was that the mechanics of a change of identity itself for him [redacted] (new back history, name, passport, new national identity and NHS numbers etc) was not a difficult procedure and would be neither costly nor problematic. Relocation and re-identification was judged feasible on the basis of a long-term resettlement plan. But the police adviser warned that no Chief Officer would agree to take on the case without financial support (a figure of £278,000 for the first year of police support was quoted). Quite exceptionally, additional police effort for his protection was

therefore funded by the Home Office for the initial period of release. This went against the grain, since it is a well established principle that Forces are not subsidised from central funds to carry out their basic duties of protecting the public (the arrangement was therefore ended with 'normalisation' in 2006/07).

57. These early arrangements were not just concerned with the actual change of identity, but also involved fieldwork to check, and where necessary improve, security at his accommodation, check certain security arrangements at his College and to tutor the individual intensively in how to comport himself under a new identity<sup>xiii</sup>. What, understandably, was not fully recognised at the time was the unintended consequence of his being tutored in 'living a lie'. As his pre-sentence report in July 2010 for the Central Criminal Court put it: "He had to undertake a complete change of identity to protect himself
- . This was not straightforward and also meant that a legacy life, a narrative had to be created for
- and essentially he had to live and hold a lie for the rest of his life. There is little doubt that if his identity became compromised, his life would be at risk. He was thus taught to lie and had to become good at it".

### **Identity related processes and documents**

58. Backed by exceptional Home Office funding, the local police in XShire made a major effort to assist, including creating a special small unit to protect and work with Jon Venables as he found his feet in his new identity. The police officers concerned proved invaluable in helping him pick up basic life skills. That unit was closed when the purse strings were tightened in April 2002, and their Chief Officer wanted to redeploy his officers, but by then they had largely completed their work in helping him adjust to living under a new identity. I judge this too as reasonable. As the case progressed there were arguments over funding to support the continuing additional police effort being put into the case until the policy decision to cease funding in 2006/07. The supervising probation service also benefited from central funding, sometimes for small sums needed to meet unexpected requirements arising from changes of accommodation or debt arrears. In a case where an individual is released after so long in secure care, having had no opportunity to accumulate savings
- then financial support from public funds is bound to be needed.

59. After initial release and as the time was approaching for Venables to move fully into the community, officials had to consider how far to extend the circle of knowledge of where the two offenders were to live under their new identity. The view of the Home Office was that a decision not to disclose to any of the local authorities in which the offenders were to live and work could not be defensible and was not in the interests of the National Probation Service. I agree with this judgment.
60. In the course of the preparations by the police for the release of Jon Venables into the community, a passport, driving licence and other documentation was secured<sup>xiv</sup>. New requirements appeared later, such as his need for new GCSE certificates to be issued under his new name in order to get on his College course<sup>xv</sup>. He needed to have a GP, raising issues around medical records. He needed a certified photo for a passport in his new name in order to be able to open a bank account (later there was a flurry of effort to get his passport reissued when he left it in the wash).

### **Criminal Records**

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62. As Jon Venables began his search for a more permanent full time job, the Home Office began to consider<sup>xvi</sup> the implications of the Police Act 1977 under which employers are entitled to ask prospective employees to produce a criminal records certificate showing any unspent convictions, given that under the Rehabilitation of Offenders Act 1974 Jon Venables' conviction could never be spent. It was noted that increasingly post Soham<sup>4</sup>, employers were asking for CRB checks for previous convictions, and in some cases this was a statutory requirement. Any serious future job for Jon Venables would almost certainly lead to a request to him to disclose any previous convictions. Legal advice was that Jon Venables could not be advised by his offender manager to lie. He need not however voluntarily disclose his convictions, always provided that the job was judged by the offender manager as a suitable one under the licence conditions. If the employer asked for a certificate then he should, however, be advised to withdraw his application rather than compromise his identity.

63. Similarly, in 2004 NMB officials<sup>xvii</sup> came to the view that there was no obligation on the probation service to take the initiative to disclose his record to prospective employers given his perceived low level of risk. That point was put to the National Director of the Probation Service with the recommendation that since it was a matter affecting the operational policy of the Service it was a judgment for the Head of the Service rather than a Minister to make. That may well have been right, and officials no doubt had a justified fear of over-caution by Ministers given the notoriety of the case, but Ministers were entitled to know of the policy being followed by their officials.

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<sup>4</sup> The Bichard Inquiry set up following the Soham Murder trial found very serious failings of the police and vetting procedures which had meant Ian Huntley, the school caretaker found guilty of murdering two Cambridge school girls, had slipped through the vetting net in spite of previously having been suspected of a number of sexual offences.

64. It was recognised when these issues were discussed in the MAPPP that there could be larger companies where a senior personnel manager might be approached in confidence on the case and the CRB requirement circumvented. A group now exists that is intended to function as an umbrella organisation to help ex-offenders in the form of the Corporate Alliance Employers Group between 100 or so major employers and the Ministry of Justice. There had been an opportunity a couple years after his release, when a bank had offered to the local probation area two places for two offenders to be placed with them and work in their headquarters in an another county. The local police however expressed concern about whether he would stick out there and Jon Venables himself had been very reluctant largely because of fears over whether his new identity would remain secure. The basic NMB line in 2002 and repeated early in 2004<sup>xviii</sup> and at later points was for the offender manager to advise Jon Venables of the problem about applying for jobs where CRB checks were likely to be an issue, thus effectively circumscribing his employment horizons.

65. The NMB does not appear ever to have stood back and taken a strategic view of the impact of this constraint and the possibilities there might have been to return to the issue with Jon Venables and to persuade him to let them try to get him an opening with better prospects. In discussing the case with Ministry of Justice policy officials I sense that they would not have seen Ministry involvement as appropriate in relation to an individual offender (and they may well have felt that Venables was lucky to have and be able to hold down a job, unlike so many ex-offenders). For front-line probation staff helping an offender they are supervising to better themselves is second nature but they had to contend with Jon Venables' own reluctance. There may have been a missed opportunity after he gave up college to explore again whether a job or apprenticeship with a national employer might not have been possible for Jon Venables

. Such a step would not necessarily have avoided Jon Venables' later difficulties, but could have made it less likely. Although not normal practice such an initiative backed by the NMB would have been justified by the exceptional nature of the lifetime demands that his case would place on the criminal justice system.

66.

67.

### **Security Arrangements and Disclosure Issues**

68. In order to reduce the risk of identity compromise only a very small number of named individuals in the Home Office and the police and probation service of XShire were aware of the new identity and whereabouts of Jon Venables. This process was well managed. The Chief Constable, a Chief Superintendent and a small number of officers directly managing the case in YShire were also rightly made aware from the outset that the subject was living in their area. Comparable restrictions have been observed following the transfer of the case to the Ministry of Justice and the YShire authorities.

69. By October 2004, NMB members were discussing the identity-related implications of female friends and partners, including whether the Department, or the local probation service, was under a duty of care to any future partner of Jon Venables to disclose the truth about his identity, even if he was unwilling to do so. He had briefly a girlfriend who had a child (see Section 5)

Home Office lawyers

were consulted and in April 2005 the NMB concluded that there was no absolute duty to consult partners, but assessment of the level of risk he might pose was crucial to that judgment. For that the NMB and the MAPPF relied on the regular reports from the offender manager reporting the case as continuing low risk.

## The handling of Potential Compromises

70. As early as February 2003, the NMB had experience of the difficulties that could be created by the identity-related security requirements in the case when an individual in HMP Liverpool claimed to be one of the 'Bulger killers'. The story was nonsense but the problem identified was how, given the security around the assumed name, the governor of the prison concerned could be assured that the story was false. The sensible solution adopted was for the Ministry to write to governing Governors informing them of a contact point in the Ministry with whom stories could be checked out.

71.

72.

73. I am clear that it was the right judgment to create a complete new identity for Jon Venables given the police assessment of the level of threat. That exercise was carried out professionally. It was right to have an interim period after release, given the double task of helping Jon Venables learn to live in the community and to do so under a new identity. It would be good practice to have an expert review of the integrity of security arrangements in such cases, say after 5

years. Such a review might have picked up deficiencies that might have developed in his 'legend' and whether he was behaving in ways that risked giving the game away, including that he had become a strong Everton supporter that brought him into a peer group used to seeing Merseyside as a natural place to visit for recreation.

74. I am satisfied that the initial police effort on his protection and identity funded by central subsidy was both necessary and proper in the public interest in the very exceptional circumstances of this case since without it satisfactory security arrangements would have not been made in time.
75. There is always the risk with any central budget that it will encourage bids for expenditure that ought to be part of normal business, but in these NMB cases there needs to be a reliable central budget to cover exceptional expenditure by the probation service concerned, for example on accommodation and, as might have been the case, for clinical support and training or expenses associated with new employment. The NMB should continue to have responsibility for a budget to cover the expected extraordinary costs of their small number of cases.
76. Where lifers are being supervised in the community under changed identities but managed, for practical reasons, from outside the area in which they are living then the Chief Officers of Police and Probation in the area should always be informed, as was done in the Venables case, and where there are potential child protection issues, the Director of Social Services should also be informed. Such notifications should be carried out under comparable security procedures as recommended in the Cabinet Office inspection of the arrangements for the Venables case (see para 39).
77. The Ministry of Justice should document carefully the disclosure issues that arose in this case, including the legal advice obtained, and ensure that the record is readily available to inform any future relevant cases.
78. In the light of the legal requirement relating to CRB checks the PPMH Group in the Ministry of Justice should develop a relationship with the Corporate Alliance Employers Group at senior level in order to establish ground rules for assisting with NMB or other complex cases should need arise.

79. Documentation issues were managed step by step without undue difficulty by officials working interdepartmentally but concerns grew about the lack of overall coordination or clarity over who owned an overview of the adequacy of the identity change process being followed. Identity change expertise (the process, training involved, documentation) is a highly specialist activity, spread over a number of organisations including the Ministry of Justice and the Metropolitan Police. Consideration should be given to rationalising these arrangements so that police services and other agencies have a single point of expertise to tap.



## **Section 4 Psychiatric, Counselling and Mentoring Work**

80. Before it granted release on life licence, the Parole Board considered detailed psychiatric assessments and risk assessments on Jon Venables. He was judged to be emotionally stable with offending behaviour work regarded as completed. His risk of harm to others was assessed as low. Particularly significant was the assessment that there was no indication of any pre-disposition on Jon Venables part when the offence was actually committed.

### **The licence condition for clinical supervision**

81. In considering the licence conditions for release, the Home Secretary (David Blunkett) asked that an additional condition be considered by the Parole Board, namely that 'he should remain under the clinical supervision of Dr [redacted] or any other forensic psychiatrist who may be appointed to provide such supervision'. That wording was duly added as a further condition in the original licence issued on 22 June 2001. As described below, however, the NMB decided in summer 2003 in the light of the progress Jon Venables appeared to be making in the community (with the knowledge of Parole Board officials but apparently without consulting David Blunkett again) that this condition should lie dormant. From 2003 therefore Jon Venables was not under clinical supervision.

### **Provision of Psychiatric Support**

82. Dr [redacted] a consultant adolescent psychiatrist, had carried out the pre-trial assessment of Jon Venables in 1993 and had worked intensively with him at Red Bank, along with an art therapist, under the supervision of Professor [redacted]. After his release on licence and once Jon Venables was settled in his new identity she continued to see him<sup>xix</sup> in order to provide support for him on key life events and assist in the assessment of his case. In 2003 when he reached 21 she compiled a final and full report on her work with him, and at her request withdrew from the case on the grounds that what was now needed was an adult psychiatrist to take over.

83. At the first NMB meeting on 7 May 2002 it was recognised that no adult psychiatrist had yet been identified to sit on the XShire MAPP to provide psychiatric input. Prof. [redacted] was willing to be a member of the MAPP and provide independent advice but could not provide clinical supervision of the

subject<sup>xx</sup>. The MAPPP on 6 September 02 looked in detail at the future of therapeutic intervention and agreed that was not necessary and that Prof [redacted] need not attend future meetings unless need arose. The NMB was influenced in their approach by the professional opinion of Prof. [redacted] that [redacted] had had a large amount of professional therapeutic input (both psychiatric one-on-one contact and art therapy) and that therapy itself was likely to have diminishing returns. He felt that there was little need for ongoing therapy and the benefits were likely to be negative. In his view the risk of reoffending in terms of sexual or violent offending was low, and little new information was likely at that stage to emerge on the original offence. What was required was a climate of support, guidance and monitoring with access to therapy if it was required: 'The process should be one of trying to engage as fully as possible with this young man'. He advised that the focus should be on the dangers of substance abuse and of becoming affiliated with a delinquent group. The danger signals would be signs of chaos, substance abuse, dysfunctional associates and of lost boundaries. Similar advice was also given by Dr [redacted] in her report on the case. Precisely these danger signs did appear in the run-up to the further serious offence, but I have not found any reference back by MAPPP or NMB to the earlier advice or any full consideration of whether to revisit the decision on clinical support.

84. The question of psychiatric supervision as called for in the licence (as against clinical work with the individual) had however still not been sorted when the NMB met to review the case in September 2002. PPU officials felt<sup>xxi</sup> that there should be ongoing psychiatric assessment, both because it was a licence condition and because of the danger that had been identified that the subject could be susceptible to depression. The local NHS mental health partnership was however warning that funding by the NHS for ongoing psychiatric support was problematic and asked about Home Office funding. By the third NMB meeting on 23 January 2003 the view seemed to be crystalising that there was no need for psychiatric supervision but there needed to be a regular professional review of the forensic risk assessment.

85. The MAPPP asked Dr [redacted] to advise them. Dr [redacted] recommended that an adult psychiatrist should take over so that he could still be monitored. In her final report, made available to the NMB, she drew attention to continuing the high level of anxiety Jon Venables felt about 'being found' by the public or the press, fears grounded in reality. He had an attitude to life that was mature and cautious beyond his chronological years. She noted that he had shown the capacity to discuss with her when there was heightened risk in the system and reminders of the murder but

that he would need to build up a trusting relationship with an adult psychiatrist to continue to do so, and should focus on this area in engagement with an adult psychiatrist. She also drew attention to the risk of future depression, although not then a current problem, and recommended active monitoring by an adult psychiatrist for depressive symptomology. Another focus of work for the adult psychiatrist with the client that she highlighted was the domain of sexual behaviour. "Any adult psychiatrist needs to be mindful of this domain in the client's life which if a psychiatrist remains involved over a significant period of time is likely to involve supporting the client through these issues which as in other high profile cases have demonstrated can be problematical over the life course for both client and any future partner and any future children". She reminded the MAPPP that psychosexual development had occurred in abnormal circumstances in secure care and needed assessment

86. Dr [redacted] suggested alternative psychiatric provision via a specialist unit at an NHS hospital trust but the MAPPP was not willing to endorse this (probably because of fears about security)<sup>xxii</sup>. Instead, the NMB agreed to make an approach to Dr [redacted], a consultant adult psychiatrist suggested by contacts at the Parole Board, to join the NMB. This would be paid for by the NMB, i.e. by the Home Office. The MAPPP had in mind attendance at MAPPP at least annually, with an annual meeting with the subject to undertake a risk review, and to be available as a psychiatric resource if specific issues arose on which advice was needed. Dr [redacted] agreed to be the named psychiatrist under the life licence and suggested that she should meet the subject no less than quarterly producing an annual risk assessment and attending the subsequent MAPPP. But she advised against her having a therapeutic role, which could produce a conflict of interest between her professional obligations to her client and her role with the MAPPP<sup>xxiii</sup>. She suggested that clinical support should be provided locally. If the MAPPP/NMB wanted the licence condition to remain then an agreement could be brokered with the local forensic services to include their name on the licence. She suggested that the issue should be explored with the subject to see if they wanted any face-to-face contact.

87. The NMB decided however that Dr [redacted] would not need to meet Jon Venables but would remain as an adviser to the NMB and MAPPP. This was explained to Jon Venables in July (2003)<sup>xxiv</sup>. This decision seems surprising in the light of the comments by Dr [redacted] about the issues that an adult psychiatrist ought to address. The reasons for it are not entirely clear from the file, but may relate to Dr [redacted] clinical Director being unwilling to sanction her having a clinical responsibility for a

subject outside her Trust area, as well as the wish by the NMB to reduce effort and normalise a case progressing well.

88. The XShire project manager ACO recorded in an email that she had changed her mind on the issue: *"I recall that the basis of my concern about this option was a worry about issues around relationships/rejection becoming critical in the next few months/years and that an ongoing established relationship with a psychiatrist might assist in dealing with such issues successfully should they arise...I may be seeking to establish some kind of psychiatric 'safety-blanket' which mirrored in an adult context the most positive parts of the relationship that the subject had previously had with the two psychiatrists. I think that the reality is that this is impossible (and perhaps not even desirable...). We are clearly not going to be able to 'handpick' a psychiatrist who would be empathetic and I also think that [redacted] is right in saying I would have difficulty in being clear as to what we were actually asking them to do...we have two very experienced supervisors who will pick up issues...and we have project boards/MAPPPs."*
89. Since the arrangement the NMB wished to adopt for psychiatric support was not consistent with the licence condition, the then Head of PPU consulted the senior Parole Board official who was responsible for these cases and was assured that the relevant licence condition left the issue of whether to appoint a successor psychiatrist to Dr [redacted] as well as who to appoint, in the hands of those managing the cases. The Parole Board official was reported as having agreed that the condition should remain in the licence against the possibility that direct clinical supervision might be necessary at some time in the future but considered it sound to have a single identified psychiatric adviser closely in touch with the supervising team, on whose advice a clinical psychiatrist could be appointed as and when the need arose<sup>xxv</sup>.
90. The NMB and the MAPPP had therefore accepted by the summer of 2003, and confirmed in October 2003, that no further psychiatric or therapeutic provision was needed for Jon Venables nor did he need psychiatric assessment given the low risk he continued to pose and his progress in living independently in the community. A copy of the NMB minutes was accordingly sent to the Parole Board to note, and the National Director of Probation was to be informed for onward transmission to Ministers if required. This position was reconfirmed the following year (2004) despite a concern expressed by Dr [redacted] to the MAPPP that given his then circumstances the subject could become depressed. In hindsight, the NMB and

MAPPP approach can be seen as premature. The advice from Dr [redacted] was prescient, and the project manager ACO's original qualms were justified, but at the time the approach seemed justified by the low level of assessed risk.

91. There was no clinical psychiatrist present in person to advise at any of the NMB meetings after 2005, nor was the need for such advice raised until after Jon Venables committed his drugs related second offence in December 2008. It was September 2009 before the NMB had reported back the outcome of a psychiatric assessment session with Jon Venables.

### **Counselling within a ring of secrecy**

92. After Jon Venables second arrest in 2008 the Justice Secretary was informed in a submission that 'The offender manager had met Jon Venables to discuss the latest incident, from which it would appear that Jon Venables is in need of further one-to-one counselling, to address the underlying factors which have caused him recently to drink excessively and take illegal substances'.

There were concerns expressed over the security implications of going through the GP. The MAPPP did organise (with some delay) a one-hour psychiatric assessment by Dr [redacted] who was already privy to the case, which was reassuring in that she did not see clinical symptoms of depression or a need for medication (see Section 6 para 170 below). It would have however been entirely consistent with the handling of the case to have funded counselling from public funds with a trusted professional – the sums would have been de minimis in the context of the overall costs of the Venables case. Nor should security concerns have been regarded as an insurmountable obstacle. A danger that has long been recognised in the security world is that when individual members of staff with significant secret knowledge come to need the support of a counsellor or psychotherapist the nature of the intimate therapeutic relationship runs the risk of compromise of classified material. Arrangements are made to have a number of trusted professionals who agree to take on such cases, and who can be relied upon to act in the interests of their patients but taking security precautions such as securing any information and their case-notes appropriately. Officials could have made such an arrangement in this case.

## **Mentoring**

93. In July 2001, recognising Venables needed much more support than was appropriate for an offender manager's role, the local probation service received authority to pay from Home Office funds a retired experienced probation officer to act as a personal mentor for Jon Venables, given that he had no experience of living in the community, shopping, using a bus and so on. (One of the other options they had considered but dismissed had been fostering). This arrangement probably helped him, although those involved at local level have acknowledged that it did not work out particularly well and he might have gained more from someone closer to his age with whom he could identify. In the event, illness forced the mentor to withdraw in the spring of 2004. No replacement was identified and the role was picked up by the offender manager. By so doing however, there was the evident risk that the offender manager would come to be seen by Jon Venables, and would come to see herself, as more a mentor and confidant than a manager of the offender. The local level supervisors acknowledged that the boundaries did blur in the relationship between the offender manager and the subject but it was very difficult for this not to happen given his circumstances as a young vulnerable person with few resources or friends.

## **Conclusions on psychiatric, counselling and mentoring work**

94. I am satisfied that there was no reason for the NMB and MAPPP to challenge the professional advice they were consistently given that there would be no value after 2003 in clinical psychiatric work with Jon Venables designed to address his original offence.

95. The advice to the MAPPP and the NMB in 2003 from the psychiatrist who knew him best from childhood was that on reaching the age of 21 he should transfer to the supervision of an adult clinical psychiatrist in order to focus on a number of issues, including the potential for depression. That would also have been in accordance with the licence condition. Instead the NMB and MAPPP, after some delay and without a psychiatric adviser present, chose to ask a consultant adult psychiatrist, Dr \_\_\_\_\_, to advise the MAPPP but not to see Jon Venables for the purpose of risk assessment or clinical supervision. The approach taken by the NMB and MAPPP is understandable in the light of the optimistic assessments being made of the case, but with hindsight it would have been wiser to follow the advice of Dr \_\_\_\_\_

and the original instincts of the senior supervising probation officer and provided for continuing psychiatric supervision.

96. The Parole Board official concerned with the case agreed to the approach of the Home Office that the licence condition should simply lie dormant in case it had to be revived. Having dormant licence conditions is not unusual, and that outcome would have seemed consistent with the optimistic outlook at the time. There is no record of the Home Secretary (who had specifically asked for the relevant licence condition) being informed at the time, which he should have been.
97. It is a pity that no suitable individual was identified after 2004 to establish a long term mentoring arrangement that might have helped him cope better with the strains of living under his changed identity, his problem in balancing study and employment, and his issues with establishing a 'normal' lifestyle for a young single man of his age and social background. Such support could also have eased the load of his offender manager in maintaining the appropriate boundary between offender manager and mentor.
98. Once the licence condition on psychiatric supervision was dormant no serious thought seems to have been given to reintroducing it when circumstances deteriorated. Dr [redacted] seems to have stopped attending NMBs after 2005. The overall picture the MAPPP and the NMB had from 2006 was that Jon Venables was stuck, had become a loner with depressive tendencies. The (reasonable) MAPPP explanation at the time seems to have been that he was a young man who had been drilled into compliant behaviours as an adolescent in secure care and who was belatedly catching up with his peer group in terms of mildly rebellious life style. He was assessed still as low risk and given the history of the case and the effort put in by the probation service and departmental officials it is understandable that officials should be optimistic, and perhaps unconsciously inclined to give him the benefit of the doubt.
99. The unfolding of events in the case in 2008 might have been expected to lead to additional MAPPP and NMB consideration of whether further psychotherapeutic or counselling support was needed, notwithstanding the resistance Jon Venables had previously shown to admitting a need for help (see also below). The MAPPP did arrange (after some delay) for a psychiatric assessment to be carried out on Jon

Venables after his arrest for cocaine possession

. Jon Venables was given a one-hour assessment by Dr

. Unsurprisingly, Dr concluded that he had no clear symptoms of depression and that there was no evidence of mental disorder, pervasive developmental disorder or personality disorder.

The contrast with the evidence given on his behalf in July 2010 as part of a plea for mitigation at his trial of his being on a downward spiral at that point with increasing use of mephedrone and of pornography could not be more complete. Jon Venables was well experienced with psychiatric assessments. He had shown over the years at Red Bank that it took a very long time for a trusting clinical relationship to be built up, and the records show that he had previously reacted badly to a new psychiatrist who saw him once for an assessment and who had attempted straight away to get him to talk about his feelings about the murder. It is difficult not to conclude with hindsight that he was putting on an act for Dr to fob off intrusive questioning. The upshot was, however, that having started to recognise there was a potential problem with his mental state, both MAPPP and the NMB were lulled into not pursuing the issue. With the benefit of hindsight we can see that it would have been better if greater efforts had been made to try to get him to accept some form of therapeutic counselling with a trusted professional who could know his true identity. Had he cooperated (which of course he might not have) that might well have reduced the risk of his continuing descent into the use of extreme pornography, although there can be no certainty of that.

100. Overall, I find it surprising that in 2008 and 2009 with the case appearing to be on a downward path that there was not a more active attitude by the MAPPP and the NMB to the provision of professional clinical support. A very cautious attitude to justifying funding for this was taken on the part of the NMB (see Section 6 phase 4). The sums involved would have been a small fraction of the total effort already expended on the case, let alone the cost of recall if it got that far. That is not to imply any certainty that the further offence would thereby have been avoided, but on a case of this significance at the least the matter should have been raised with NMB

members by the PPU representative at the MAPPP and if necessary advice from the National Probation Director sought.



## Section 5 Child protection issues

101. Jon Venables was, as was described in the previous section, subject to a number of psychiatric and psychological evaluations by leading national specialists. The possibility of further violent harm to children was explicitly addressed by them. For example, Dr [redacted] Consultant Forensic Psychologist, assessed in August 1999 in relation to the index offence that *“the overall nature of the assault contains some sadistic, dehumanising and possibly sexual themes”* but concluded on the basis of a psychopathology checklist (that showed that Jon Venables scores were close to the norm) that *“on balance I do not think psychopathic personality a significant issue for Jon Venables”*.

102. Dr [redacted] another consultant in child and adolescent forensic psychiatry wrote that *“there is no doubt that in Jon’s case, had he not been placed in secure accommodation at the age of 10 years, he is likely to have continued on a path of failed educational and vocational opportunities, and an escalating pattern of offending, with an increasing alienation from society”*. Dr [redacted] another Forensic Psychiatrist who had worked closely with Jon Venables also concluded in December 2000 that *“At no time during sessions has Jon presented with any evidence of any prior or current abnormality in psychosexual development or of any sexualised component of the offence. Visiting and revisiting the issue with Jon as a child and now as an adolescent he gives no account of any sexual element to the offence”*. These professional judgments about Jon Venables it should be noted are in contrast to external journalistic speculation about sexual motives to the killing, such as that given by Gitta Sereny in the chapter on the Bulger case that she added to her book on the child killer, Mary Bell.

[redacted] For the officials managing the case of Jon Venables after release on life licence therefore there were no warning signs that should have led them to be especially watchful for paedophile interests, and the professional advice was consistent with an assessment of low risk of further violent harm to children.

103. On 7 May 2002 following agreement by the Parole Board<sup>xxvi</sup> the Home Office issued two additional conditions for the licences of the two offenders, namely that they *“shall not have unsupervised contact, or engage in any work or other organised activity, with children under the age of 12 years, without the prior written permission of his probation officer”* and *“they shall not reside or remain overnight in*

the same household as any child under the age of 16 years without the prior written consent of his probation officer”.

104. It is important that the existence of these two conditions is not understood as meaning that in 2002 there was any suspicion that Jon Venables might because of the nature of his index offence of child murder represent currently a danger to children or might harbour paedophile interests. As noted above, all the professional evidence available to Home Office officials, including the psychiatric assessments cited was that his sexual orientation was entirely normal for a young man of his age. Officials recognised<sup>xxvii</sup> at the time that the additional conditions were not strictly necessary since the original conditions of licence could be held to provide the necessary authority for the supervising officer. Home Office officials and the Home Secretary readily accepted however the practical considerations raised by the local probation service that it would be easier to supervise him if the point was made explicit.

105. Generally, the Home Office (and later the Ministry of Justice) took the line that the child protection needs were met by the exceptional MAPPP and NMB oversight of the case. In September 2002, the Social Services’ Chief Inspector was consulted and agreed<sup>xxviii</sup> that the YShire social services need not be briefed on the case. The activation of normal child protection arrangements with local childrens’ services (under Probation Circular 73(94) and the Government circular Working Together to Protect Children) were judged by the NMB to pose a risk to security of the new identity and location of the two subjects. The MAPPP Project Board was therefore charged with this responsibility. Sensibly, when circumstances allowed in August 2003 following the appointment of a new Director of YShire social services the MAPPP arranged for him to be briefed on the case<sup>xxix</sup>. The NMB in October 2004 invited the DfES as the then Department with child protection responsibilities to attend the NMB. From the end of 2006<sup>xxx</sup> however, a nominated official in DfES was briefed in case an input on child protection was required but, the NMB agreed, need not attend regularly.

106. The Director of Early Years at Ofsted did raise with the Home Office in June 2006 whether a person whose identity had been changed would be permitted to withhold that fact, and their previous identity when applying for registration with a regulator such as Ofsted.

Ofsted was reassured that the arrangements

(see Section 3 above) with the PNC would ensure that any CRB check on a new name would flag up the inquiry and allow action to be taken to ensure the regulator became aware of the true circumstances.

107. Venables himself was aware of the difficulties that would ensue if he had unauthorised contact with children. In 2004 he had a relationship which he clearly valued<sup>xxxi</sup> with a girlfriend who turned out to have a 5 year old child<sup>xxxii</sup>. When this came (belatedly) to light Venables emphasised to his supervisor that he had not met the child and took steps to break off the relationship and the girl had left the area<sup>xxxiii</sup>. In 2006 (when he was almost 24) his Offender manager met another female friend of his who turned out to be 17 1/2 (discovered as she was applying for a provisional driving licence). , but when the matter was reported to the NMB the question was raised as whether his having friendships with younger girls (16 – 18)) was a developing pattern. This was noted in the NMB minutes as having to be monitored. His second offender manager did note in this regard that Venables himself appeared to be about 5 years behind his chronological age.

### **Conclusions on child protection issues**

108. I am satisfied that for the officials managing the case of Jon Venables after release on life licence there were no warning signs from any of the psychiatric assessments and risk assessments that could have led them to be especially watchful for paedophile interests. If anything the early evidence pointed to normal interests for a young man. There was the one suggestion in the NMB in 2006 (see previous para) of a possible interest in younger girls than would be normal for his age, but that was not followed up systematically by the MAPPP or by his offender manager.

109. I consider that placing the responsibility for child protection needs on the exceptional MAPPP and NMB arrangements was a reasonable judgment of the balance of risk in the light of the continuing assessment that Jon Venables posed a low risk of harm to others.

110. The licence arrangements for Jon Venables adequately covered the need for his supervisor to be able to regulate if necessary his contact with children given the nature of his index offence. There is ample evidence that throughout his supervision

there was attention given by all the officials concerned to child protection as a potential issue, notwithstanding the consistent assessment of low risk of harm in that respect. I consider that the NMB and the MAPPPs that managed the case were, in their discussions of the case, fully mindful of the child protection issues involved in supervision of Jon Venables and took great care to develop legally sound policy on disclosure of identity in relation to intimate relationships that might involve contact with children. From reports from his supervisor, Jon Venables himself was clearly aware during this period that such was the notoriety of his case he had to be very careful in his personal relationships to stay within the relevant licence conditions in respect of contact with children.

111. Nevertheless, after his arrest for his further serious offence it was discovered that Jon Venables had posed on a social networking site as a woman with a young child in order to have conversations with a paedophile. In common with his use of increasingly extreme pornography, as his mental state deteriorated in the period leading up to his arrests in 2008, this was activity he took care to conceal at the time (and we may not yet have from him the full story). I do not see how any proportionate supervision regime for a low risk offender could have guaranteed that activity would come to light.

## Section 6 Overall Management of the Risk of Harm

### The Assessments of Risk of Harm

112. In this Section I consider the continuing management of the case through its four phases in relation to the risk of harm posed to others and in the light of the special factors discussed in the previous sections. To place this narrative in context, I summarise the risk assessment made before his release as follows. Both individuals were subject to a number of psychiatric and psychological assessments. All the professionals concerned indicated their common difficulty in compiling these assessments due to a number of factors which included:

- a. *“The age of the individuals at the time of the offence*
- b. *The unusual nature of the offence*
- c. *The lack of any clear motivation or trigger factors that led to the offence*
- d. *The lack of any pre-existing psychiatric or psychological condition in the individuals concerned that could have led to the offence*
- e. *The general behaviour of the individual during his period in the Secure Unit where no unexpected behaviours were exhibited*
- f. *The obvious maturation factors that meant that assessing risk in the context of what applies to a child and what applies to an adult was regarded as extremely problematic”.*

113. Taking all these factors into account, the collective judgment of all the professionals involved was that the risk of future serious offence was ‘low’. A detailed risk assessment was provided to the Parole Board by Prof  
who categorised the potential risks to the public as that:

- *He might commit another serious crime comparable to the index offence. The risk of recurrence was extremely low risk, so low that it can be regarded as not significant*
- *There could be an impulsive, reactive act of violence if he was provoked. The risk here was assessed as very low*
- *He could commit non-violent crime. This was more difficult to assess; there are risk factors in his background but they were not particularly strong. The level of such risk would depend upon effective further rehabilitation.*

114. Overall, Jon Venables was assessed by Prof as:

*“...presenting a very low risk to society and, with appropriate continuing rehabilitation, there is a good likelihood that he should be able to make a success of the rest of his life. However that likelihood would be greatly affected by the availability of high quality rehabilitation over the period ahead during which he re-adapts to society. The chances of successful rehabilitation are very high, but ..that judgment is strictly contingent on further rehabilitation and on his identity being protected. If either is not possible, the risks would inevitably be substantially greater – not for further violence of the kind similar to the original crime, but rather of social maladaptation and serious psychological difficulties.”*

115. Detailed information prepared for the Parole Board hearing including the psychiatric assessments were available to those setting up the initial arrangements for his release and supervision. I have examined carefully all the reports the Parole Board would have seen, including the several psychiatric evaluations, and as recorded in Section 5 have found no suggestion that there was a sexual motive on the part of Jon Venables in committing the original offence or other warning that might have alerted the Board to potential abnormal sexual interests. I note, however, that the assessments and work done during Jon Venables' time at Redbank were not shared with his subsequent supervisors to inform their understanding of the subject. As noted above, there was nothing in these reports to give a warning in respect of abnormal sexual interests developing, but given the circumstances of the case such access should have been available if requested.

116. The Home Office developed a structured clinical tool, OASys, to assess and manage systematically over 250,000 offenders each year in England and Wales aged 18 or over and on custodial or community sentences. OASys has three main elements: the listing of offending related factors, the risk of serious harm posed by the offender and a sentence plan. From the risk of harm, risk of reconviction and the complexity involved, a case can be allocated to a 'tier' thus allowing NOMS resources to be prioritised to the higher risk and more complex cases. Because of the notoriety of the index offence, a high priority was given from the outset to the cases of both Jon Venables and his co-defendant Robert Thompson. Initially their cases were allocated to the highest level, (equivalent to a Tier 4) although there was a low assessment of risk, as a MAPPA level 3 offender this ranking was justified.

117. The exceptional circumstances of these cases however did not really fit the OASys structure although OASys forms were duly completed at key points after his release. OASys allows for numerical scores to be calculated for general offending and violent offending prediction. These scores are generally held to be a limited predictor of reoffending in individual cases although they have greater statistical value for classes of offence, useful for planning purposes. In the case of Jon Venables, as recognised by his psychiatric assessments, linking an offence as a child to adult behaviour is problematic and the scores from his behaviour up to 2008 would in any case simply have reinforced the impression that he posed a very low risk indeed. In practice the MAPPP and the NMB relied upon detailed narrative reports from the offender manager that provided finer textured information than would have been drawn from OASys.

**Phase 1. The preparatory 8 months from release on life licence on 22 June 2001, living [redacted], up to his transfer in March 2002 to independent living in the community in YShire, all under the supervision of the probation service of XShire.**

118. In October 2000 when the Lord Chief Justice reinstated the trial judge's original tariff, Jon Venables had just turned 18. The Probation Board had therefore to decide whether he should transfer to an adult prison or if the level of risk justified release on licence. Preparations by the Home Office against the latter outcome developed in haste in late 2000 and early 2001, and revolved around an intermediate placement in a reasonably secure setting where he could be helped to become more independent. Although, as noted above, he was assessed consistently as posing a low risk of harm, the personal risk of violence towards him, should he be discovered in the community, was assessed as high. Counsel's advice (May 2001, [redacted]) clarified that there was a duty of the Home Secretary in relation to the safety of the offenders that extended beyond their time in custody. Home Office officials were therefore faced with the prospect of having to help protect Jon Venables through the construction of a new identity for him [redacted]. This need had not been properly anticipated and it is evident from the files and oral evidence that there was some scrambling to catch up. The exercise was nevertheless conducted professionally. His short time spent released on licence but living [redacted] gave the Home Office and their specialist advisers the chance to complete work on his new identity, as described in section 3 and to work out long term management arrangements for the case.

119. Great care was taken to prepare him for independent living. Officials in the Home Office supporting the NMB correctly identified the expectation of active life-long supervision during which time the individual might have long-term partnerships and have children (practicing safe sex and avoiding unwanted pregnancy was a lesson rightly emphasised to Venables early in his supervision). At the same time, officials recognised that their approach would only work given the willingness of the subject to participate and to cooperate. In the early years before 2007 that at least appeared to be the case and I am satisfied that Jon Venables was in the end as well prepared as he could have been in the circumstances for his life in the community.
120. With hindsight we can see that the Home Office in its initial consideration of the case did not however fully anticipate the range of problems that would emerge later flowing from trying to establish a young person with such a criminal history and notoriety under a new identity. Officials were feeling their way step by step across new territory. There were a few lessons from the experience of the Mary Bell child murder case, and her original probation officer was consulted, but in many respects the cases differed.
121. The extraordinary features of this case were recognised in the three-tier supervisory arrangements, as described in section 2 above, involving national probation management in the Home Office (from 2002 through the National Management Board) and the local Multi-Agency Public Protection Arrangements panel (the MAPPP). Direct supervision of both Jon Venables and Robert Thompson had been the responsibility of XShire Probation Service from the point of conviction, recognising that both subjects would be released as adults, and XShire therefore seemed best placed to take on the task. Police protection arrangements were also to be made by XShire. Additional financial support from the Home Office was made to allow dedicated police and probation resource to be identified. This arrangement allowed a single policy focus within the Home Office and a single 'project manager' (an assistant chief probation officer) to be appointed for the two cases, clearly an advantage given the many common issues concerning political interest, identity and legal issues, security, the impact of injunctions on reporting and so on. The two individuals were eventually to be released to different parts of the country, but were supervised by specially selected experienced probation officers reporting to the project manager. Only the Chief Officers of Police and of Probation of YShire and a very small number of named individuals in their support were to be briefed that Jon

Venables was in their area of responsibility. Otherwise management of supervision was to be conducted from XShire, outside the area. As noted in section 5 a decision was taken later to include the head of the local Social Services Department in view of child protection considerations.

122. On 22 June 2001 Jon Venables was released on licence and spent his first night alone for 9 years. For the next year he lived

In that period he was subject to intensive supervision, with a structure for each day set out in his supervision plan together with working with a dedicated police team to learn how to operate under his new identity. He had two main hurdles to overcome. The first was simply to learn to be able to function independently after so many years in secure institutional care (as his probation officer commented on this period, “he was still adjusting to the fact that he doesn’t need to ask someone to open a gate for him”). He had never been to the cinema, bought a bus ticket, shopped for food or related to others outside the small circle he came into contact with in his secure unit. To help with his life skills, he was provided with the support of a mentor, a retired experienced probation officer. The additional, and very significant hurdle, was to get used to living with a new identity. The experience of those who have worked with others in that position, for example protected witnesses, is that this is psychologically extremely hard for the individuals to adjust to and that in very few cases will it result in a successful long term resettlement. In the case of Jon Venables, as will be seen, the task was even harder. His conviction for such a significant offence brought with it the difficulties of forming honest relationships whilst hiding his past, and complications for those managing the case of exercising a duty of care to anyone with whom Jon Venables might form a relationship.

123. It is a huge tribute to the care taken by \_\_\_\_\_ and the probation and police officers concerned as they worked with him and accompanied him on increasingly complex forays into normal life that, by March 2002, Jon Venables was judged capable of surviving and living on his own in the community. A further risk assessment was carried out before Jon Venables was allowed to move fully into the community from the relatively contained environment

\_\_\_\_\_ where he had spent his first months on licence. The professional assessment for the police at that point made by the senior probation officer concerned was that there had not been any significant changes in behaviour

since his release that would cause the judgments made at the time of his release (that he represented a low risk of harm) to be called into question.

124. In March 2002 Jon Venables therefore moved into independent accommodation for the first time. He joined a badminton club, had a bike to get around on and began planning further training. By April the final hurdles to his new identity including a new National Insurance Number had been overcome. By July he had been accepted for at college starting in September. He had registered with a GP and had met several times with his mentor. He was looking forward to his course and he was building himself a computer with some financial support from probation funds. His offender manager reported at this point that “there is no aspect of Jon’s behaviour or mental state which gives rise to concern as regards his risk to others”. The National Probation Director reported<sup>xxxiv</sup> the move to the Home Secretary (David Blunkett) in the following terms: “Jon Venables has consistently displayed a positive approach to every aspect of his personal and professional development”. Behind that statement of course lay a great deal of pressure being experienced by those at local level in managing the case, given its reputational consequences.

**Phase 2. The early years in the community with very intensive supervision by the probation service of XShire, with police protection from the XShire force, from March 2002 to August 2003**

125. The Home Secretary was brought up to date again at the end of May 2002, and was advised that the National Management Board had been set up and was meeting every quarter to supervise the arrangements and advise the National Director, and that there was a local MAPPP chaired by the Assistant Chief Officer of the relevant probation area plus an operational management board locally chaired by the case managers to deal with day to day and week to week matters. The Home Secretary restated that the National Director of the Probation Service remained personally accountable to him for these supervision arrangements.

126. Showing initiative, Jon Venables in walked into and asked for a job. He was taken on and started work , a part-time job that he intended to carry on whilst at college. He became friendly with another colleague at work with the prospect of a real friendship and this in turn was making him think that it might be possible contemplate an intimate relationship in the future<sup>xxxv</sup>. Around this time the full-time specialist police support team from

XShire was withdrawn (it was required for other duties) and although this was reported as causing Jon Venables some concern because he had come to lean on them for practical life advice, there is no evidence that this was other than a temporary problem.

127. In August 2002 Jon Venables was 20 years old. At the 15 month point after release (September 2002) officials considered whether it would be justified to relax the weekly reporting arrangements. The Probation National Director ruled reasonably however that such a step could too easily be represented as a reduction in the rigour with which the case was managed. It was agreed, however, that given the progress being made with the case formal written supervision reports need only be submitted quarterly to the Home Office, a sensible step given the progress being made. The reports were to cover<sup>xxxvi</sup>:

- a. The risk of reoffending
- b. The risk to the subject's safety
- c. The risk of self-harm
- d. The risks to each subject [of disclosure] associated with their employment, accommodation and other personal circumstances, including mention of any adverse incidents or behaviour which had not required formal action
- e. Immediate reporting if subject behaviour caused concern or circumstances changed in any way that could threaten the success of the arrangements so far established.

128. In January 2003 the original offender manager who had overseen his integration into the community moved into a new role and a new offender manager from the XShire probation service was appointed. Arrangements for the handover, including handover notes, appear from the file to have been excellent and the transition was made smoothly.

129. By April 2003 the tone of reporting was still optimistic, with talk by Jon Venables of moving to another area along with a male acquaintance to start a further more advanced course with a view to taking an Access course to enable him to apply to universities in the future. In the event, by July he had decided to remain for a further course at college<sup>xxxvii</sup>, largely because he was encouraged to stay by

the teaching staff and his friend had himself decided not to move. In a report to the National Director of Probation at this time it was noted that Jon Venables had cooperated fully with the requirements of his licence since release and had responded well to the rigorous case management of his licence. There was no evidence of the subject posing any risk to others. The frequency of the supervising MAPPP meetings was reduced to a 3 monthly cycle to fit in with the NMB, and the MAPPP agreed to a fortnightly rather than weekly cycle of supervision.

130. Although newspaper reports following the 10<sup>th</sup> anniversary of the murder of James Bulger attributed to Jon Venables a range of extreme anti-social behaviours, these were for the most part entirely without foundation. The only potential risk identified by the MAPPP at this stage was that the subject, like most of his peers, would probably drink too much on occasions which inevitably would risk involvement with or association with low level offending or anti-social behaviour. Both the offender manager and the chair of the NMB (the Head of PPU) were confident that such behaviour was within acceptable limits. This judgment proved accurate for the next 4 or so years, until other factors started to affect his behaviour (see Section 6 phase 4 below).

131. Dr [redacted] the consultant adolescent psychiatrist who had worked intensively with him at Red Bank and subsequently met him periodically to monitor his progress in the community, planned to withdraw from the case in the summer when Jon Venables reached the age of 21. Dr [redacted] noted that there had been no sexually inappropriate behaviour<sup>xxxviii</sup> but identified for the MAPPP areas where an adult psychiatrist should focus in further work with him for example in active monitoring for depressive symptomatology. She recommended that an adult psychiatrist should take over. Dr [redacted], a consultant adult psychiatrist was identified but (as described in section 4 above) after discussion in the NMB, it was decided that to avoid a potential conflict of interest she would not have a clinical role with him, and she would act only as an adviser to the NMB and MAPPP. It was also agreed, but it is not clear why the NMB took this line, that she would not see him for periodic assessments. From summer 2003 therefore Jon Venables could not be said to have been under the clinical supervision called for in the licence condition that had been specifically added at the request of the Home Secretary.

132. At the end of summer 2003 the case was understandably seen as progressing satisfactorily from the point of view of supervision of the licence conditions and risk management by the local MAPPP and the NMB. Jon Venables was settled in the

community, had not breached any of his licence conditions, had friends, was holding down a job, had completed a first year of college and was considering a further course for the autumn. This phase comes to a natural close with the agreement by the National Probation Director that decision making on the detail of supervision would henceforth be delegated from Head of the Service to the level of Head of PPU (see Section 2 above). Although there is no record on file, I assume that the National Director mentioned this in one of her regular meetings on the case with the Home Secretary.

**Phase 3. Normalised supervision by XShire from August 2003 (after Venables had reached his 21<sup>st</sup> birthday) up to March 2007 when responsibility began to be transferred to the probation and police services of YShire**

133. This third phase opens in autumn 2003 with Jon Venables having started his second year in college. An upbeat report from his offender manager reports him enthusiastic about these studies and that he was continuing to work hard in the evenings in college. He was also having to receive financial assistance (from central Home Office funds) with his rent, council tax and water bills given the demands of balancing his studies and paid work<sup>xxxix</sup>.
134. After the start of the New Year, however, whilst the tone of reporting from the offender manager to the NMB and MAPPP remained positive, there were troubling developments. Jon Venables was reported as under renewed financial strain and disillusioned with his new course having found a work placement unsatisfactory. Doubts were expressed about whether he would reach a sufficient level to pass. His 2 days a week second-year work placement did not turn out to be what he had hoped for and he withdrew from it. He was clearly struggling to keep up with the course although having reduced his hours of paid work at college in the evenings. He had qualified at college to train others in the evenings. It was agreed that he look for a new place with the help of his offender manager<sup>xl</sup>.

135. At the MAPPP on 2 April 2004, Dr [redacted] commented that although there was no sign of psychiatric illness, there was some risk of Jon Venables becoming depressed. It would not have helped that contact with his mentor, a retired senior probation officer, had had to cease at this point because of her serious ill health. No replacement for her was identified. Later that month the MAPPP was told<sup>xli</sup> that Jon Venables had virtually stopped attending college and that, although he professed himself keen to continue, he had fallen so far behind in his coursework it would be difficult for him to catch up. His offender manager's report concluded that there were no immediate issues of concern

[redacted]<sup>xlii</sup>. The NMB met on 30 April and noted the reports from the offender manager of his difficulties with his course, that he did not want to continue with studying and that he was struggling financially. Generally they concluded things remained static but with some growing frustrations<sup>xliii</sup>. There is no report on file that the NMB or the MAPPP requested proactive steps to be taken on this news, such as reassessing whether it was sensible for him to put in so many hours at [redacted] whilst still attempting to attend full-time at college, or suggesting that he sought tutorial help with his studies or saw a student counselling service. The MAPPP remained resolutely positive, on the basis that although he had dropped out of college he was at least determined to go on earning his living.

136. By the beginning of the summer (2004) he had failed to complete the necessary written course material and consequently failed his course. He told his offender manager that he intended to complete the course at some point in the future but at that moment his stated priority was to try to earn more money by getting more hours at [redacted]. In July it was reported to the NMB<sup>xliv</sup> that he had taken [redacted] test for management training but had failed, which he put down to not being able to focus on more than one thing whilst at college. The risk assessment remained low with no signs of anti-social behaviour or substance abuse. NMB consideration in this period seems to have been taken up with policy issues such as the disclosure regime relating to contact with children and the issues around the implications should there be disclosure from CRB checks of his criminal record (see Section 3). Supervision of him in the light of his life difficulties was left to the offender manager.

137. In the summer of 2004 his offender manager discovered that Jon Venables' girlfriend of some 7 months standing had a young child. This triggered much

concern and activity by NMB officials on the duty of care relating to child protection (see Section 4). It was left to the offender manager to deal with his failure to be open about the matter but there was intense discussion about the responsibility for the operational management of the case between the Chief Officer of XShire Service, who was responsible for the project management arrangements for both cases<sup>xlv</sup>, and the Chair of NMB. In parallel, the NMB took legal advice on the duty of the probation service to disclose his past to potential partners if children were involved or might become an issue. The conclusion was that since his assessment of risk was low (both to the public and to children) there did not seem to be a duty to inform partners on the grounds of safety or, if children were involved, the safety of children. But it was stressed in the legal advice that it was important for that judgment to hold that the assessment of risk continue to be 'low'. The MAPPP also asked the NMB for advice in August 2004 since a nursery school had opened doors away from the subject's flat but was informed that in view of the low risk no action was needed<sup>xlvi</sup>. The NMB also considered at the same time whether the local Social Services needed to be informed that he was in their area, a step that was finally taken on the appointment of a new Director of Social Services for the relevant local authority within the YShire Criminal Justice Area.

138. The MAPPP asked that the offender manager emphasise to the subject that he must report any contacts with children and be prepared to disclose his identity to any serious partner. The girl was leaving the area in any event on the completion of her studies but the outcome was that Jon Venables broke off the relationship, . His offender manager later reported to the NMB that he was suffering from continuing anxiety over exposure:

. Jon Venables was also warned that the subject of financial support might need to be revisited since he was no longer pursuing a training or education course. In short, as his offender manager commented, he seemed to be increasingly stuck, unable to move on. The chair of the MAPPP felt that he was suffering from anxiety and was not moving on with his life, being comfortable with his living arrangements and work<sup>xlvii</sup>. Dr informed the October 2004 MAPPP that although there were no signs of psychiatric illness, she felt there was some risk of Jon Venables becoming depressed (a warning she had given the previous year – see para 135) and that close monitoring of any alcohol or drug misuse would be important as a means of monitoring generally behaviour and any tendency for depressive illness, thus also echoing the earlier advice from Professor <sup>xlviii</sup>. It would not have helped Jon Venables' state of mind at

this point that in November the News of the World ran a lurid story that James Bulger's mother had tracked down Robert Thompson and was now trying to find him.

139. In January 2005, his offender manager reported to the NMB that Jon Venables was still working at [redacted] and working fairly regular hours (30-35 hours a week at £5.05 an hour) but (no doubt after much encouragement by her) was now more positive in attitude and applying for jobs. He had been told that he was being nominated for training as a manager at [redacted]. Her relationship with him seemed to be developing and she reported having been on shopping trips with Jon Venables which had been a good way of keeping up with his taste in music, videos and computer games. She also, with some trepidation, helped him choose a better flat to rent, which was in a newly built estate. It was however more expensive and would require subsidy from funds provided by the Home Office. The MAPPP continued to discuss the arrangements for his security given continuing concerns over newspaper speculations and agreed that if Jon Venables was away from home for more than a week he should inform the police so that local security arrangements could be made.
140. By Spring 2005, however, his hopes of getting onto management training and a better paid job with [redacted] had not materialised<sup>xlix</sup> and he was reported as now disillusioned with his work at [redacted] and felt let down<sup>l</sup>. Financial problems continued and he had difficulty making ends meet. He elected to leave his flat, rent arrears that had been run up were met by the probation service, and he moved into a room in a shared flat [redacted]. This more economical arrangement allowed the central financial support for his rent to be halved to £160/month<sup>li</sup>.
141. He continued to apply for a new job hoping to be able to work 40 hours a week to earn more money. Significantly, however, he recognised that he would have to look for semi-skilled or unskilled jobs where the employer was unlikely to ask for a CRB check, and that if that did happen then he would have to withdraw his application.

142. Jon Venables had now been living in the community for over 5 years without further offending behaviour, was stable<sup>lii</sup> (if stuck) and was still assessed as posing a low risk of harm to others. His supervision had been reduced to every three weeks, with quarterly MAPPPs. To that extent, his supervision to date had been a success, although the warning signs were there that his progress in becoming self-sustaining had stalled and that he risked depression.

143. At national level, the NMB provided policy guidance on a number of key disclosure and child protection issues and worked hard on “process” issues around security. In the light of the continuing “low risk” assessments the NMB seems to have been keen on normalising the level of exceptional effort going in to it. The guidance given to the MAPPP by the project manager ACO that spring (2005) was that the NMB had indicated that there would be no end point to the supervision in these cases and therefore there was a need for a MAPPP to advise on a realistic supervision and management plan that provided appropriate and sustainable levels of contact. Arrangements were made for an all-day case MAPPP conference with PPU to plan the future effort on the case, finally held in January 2006.

144. According to the record of the January 2006 MAPPP case conference<sup>liii</sup>, “there was a particular concern about the lack of normalisation in these cases in comparison with other lifer cases, with no discussion of the original offence, unusual line management arrangements and continuing direct supervision of the subjects”. The danger was identified that Jon Venables would come to feel he was ‘special’ and did not have to take responsibility for his debts. The meeting agreed that the project groups of probation and police supervising officers that were continuing to meet with Jon Venables present should stop and that there should just be normal supervision by the relevant local probation service of YShire. The minutes of the meeting restate that the probation authority was responsible for making operational decisions to manage the case and make arrangements locally, and the NMB for co-ordinating the case and making national decisions. The main areas for work with Jon Venables identified in the sentencing plan at this point were ‘thinking’ and ‘behaviour’. At the same time it was noted that the police would be reviewing the arrangements in June 2006 when the bespoke arrangements with XShire would come to an end, and that the £160 per month rent assistance would end in July - which it was noted was bound to cause difficulty for the subject<sup>liiv</sup>.

145. The NMB next met in June 2006, and were again reminded by the offender manager of her concern that Jon Venables was not developing strategies to move on

. The DfES

representative at the MAPPP expressed apprehension about his lonely existence and potential difficulties for the future<sup>lv</sup>. Nevertheless the NMB recorded firmly that normalisation of the case would proceed, with no funding stream for probation and withdrawal of support to the police in the summer. It was stated that there was a need to match national resources to the risk and that there could not be the assumption that the funding arrangements which have previously been in place would continue. This attitude can, at least in part, be explained by the increased focus on resources following risk with the creation of the National Offender Management Service and the gradual shift of attitudes to probation work towards offender management and away from a social work perspective.

146. The NMB met again in September 2006, and again noted that Jon Venables had financial problems, felt isolated, and would not take risks over taking new steps because of his fear of identification. Again, in December 2006 the NMB met and heard the same story but the NMB does not appear to have reacted by giving any new strategic direction to the MAPPP. The NMB agenda in 2006 seems to have been dominated by 'normalising' the case, removing the special funding arrangements, and process issues regarding contingency planning and commissioning a security review of the management arrangements, responding to Ministerial enquiries

147. At the end of the year (December 2006), the MAPPP had been told yet again that Jon Venables still had financial difficulties and that the offender manager had even provided some financial assistance of £30 from personal funds<sup>lvi</sup>. She was (correctly) advised this was not appropriate and should not be repeated and was reminded that the supervising probation service did have a small financial contingency. When the MAPPP met at the end of January 2007 they noted that money and employment remained difficult issues. The MAPPP noted<sup>lvii</sup> that it was not clear who would pick up the bill if he had to move again and that this would have to be raised with the NMB.

148. When the NMB came to review the position later in January 2007, it discussed<sup>lviii</sup> a letter from the Chief Constable of XShire requesting that the NMB review its decision to cease funding XShire to support the operation. The NMB confirmed that policy was now for MAPPP members to fund their own roles, and pointed out that the arrangements for Thompson and Venables had been established in the infancy of

MAPPA and no other case had national funding. NMB confirmed therefore that funding responsibility for policing on the cases should be transferred to YShire. The NMB ruled that funds were therefore no longer available from the PPU in the Home Office to provide dedicated police personnel. There was some doubt expressed to the NMB about what 'normal policing' might mean when the risk of harm by him was regarded as so low and when it was only the public perception of risk that resulted in the case being managed at a higher level. When the NMB met in March there was still disagreement over how to resolve the issue of how to fund exceptional expenditure should the case require it.

149. The NMB noted in March 2007 that the case remained low risk and planning for the transfer of probation and police responsibilities was happening smoothly and that the case would be progressively transferred to YShire in the June – September period. The current Offender manager would by then have had five years supervising Jon Venables and it had always been understood that would be an appropriate point to introduce a new offender manager. In reality, 2006 had been a year of marking time and growing frustration and emotional difficulty for Jon Venables in which it is now possible to detect the precursors of his subsequent behavioral problems.

**Phase 4 Offender management under national standards by the local probation service of YShire from November 2007, during which period there was the development of minor offending behaviour, and ending with the discovery of the further serious offence in February 2010 when he was recalled to custody.**

150. In the summer of 2007 the NMB's 'normalisation' arrangements had taken effect with formal responsibility for supervision and policing transferred to Chief Officers of the local YShire area. A MAPPA panel continued, as did the oversight of the NMB. At this point Jon Venables was receiving supervision every three weeks from the same offender manager as in the preceding phase, thus maintaining continuity whilst arrangements were made for his supervision to be handed over to a probation officer drawn from the service of the local area, YShire. This handover took place smoothly during October 2007, again with an overlap and opportunity to maintain continuity.

151. The November 2007 MAPPP reviewed the case with the retiring offender manager in relatively optimistic terms<sup>lix</sup>. At this time Jon Venables was living in a shared flat continuing to work

. He was regarded as continuing low risk, with no signs of anti-social behaviour or substance misuse<sup>lx</sup>. The perceptive handover notes<sup>lxi</sup> from his retiring offender manager described the situation in the following terms. "The subject is stable. He has been compliant, does not appear to have many ambitions, is pleased with the amount of freedom he has which he did not think he would have, but nevertheless does not easily share issues. It is quite difficult to get information from him and this is not necessarily because he is resistant but just because of the person that he is."

152. The November MAPPP did not look ahead

I surmise that again this is an example of a pattern of telling the same story to his offender managers to placate them. Much of the MAPPP meeting was however taken up with the police arrangements to ensure his security, if there were to be a compromise. The subject's security and contingency planning also continued to be the focus of NMB work as recorded in the files and there is no evidence of sustained thinking about the long term prospects for the case. The NMB planned to meet in future only twice a year, but with quarterly MAPPP<sup>lxii</sup>.

153. The new offender manager reported to the NMB in January 2008<sup>lxiii</sup>

"His room is like that of a teenager with clothing, food cartons etc all over the floor. He spends a good deal of leisure time on the play station and on the internet playing games...not sure of the significance of this as yet, given the attention video games had following his offence<sup>lxiv</sup>. I'm not certain what games he is playing." This last statement may have been unintentionally prescient, since with hindsight we can see that at this point Jon Venables was not being straightforward with his new offender manager about his attitude of mind and lifestyle, perhaps understandable with someone who had previously shown that it took time to build up trust, but perhaps also because he was beginning to regress from his earlier ambitions and, like most offenders on licence, hide behaviours that he would know would earn disapproval.



157. The Justice Secretary was informed by the National Director of Probation of the circumstances of the arrest in a submission on [redacted] 2008 and that the MAPPP would be considering whether this development merited recall. The NMB met on 8 October and noted that the Senior Crown Prosecution Lawyer for the area had reviewed the case (without knowing the subject's true identity) at the request of the Chief Crown Prosecutor for YShire (who did know the true identity) and that it was being treated as a section 5 offence, following which decision the CPS dropped charges. The Justice Secretary was immediately told.

158. The Justice Secretary was informed that it was the intention of the MAPPP that Venables receive a formal warning from his offender manager. Recall would certainly not have been justified for a single offence of this nature (there was in particular no causal link to the index offence) and issuing a warning was seen as a reasonable step. Jon Venables was said to be remorseful and that he knew how lucky he was that his identity had not been compromised. He would attend an alcohol awareness course. Given the recent history of the case, however, and the repeated psychiatrists' warnings to look out for alcohol or substance abuse, with hindsight this may have been a missed opportunity for the MAPPP and his offender manager to see this offence as a sign that Jon Venables behaviour and emotional state was fundamentally changing for the worse, and likely to lead to more serious difficulty. On the other hand, the offence itself was not serious and did not affect the assessment of risk of harm to others. The action taken by his offender manager seems appropriate given his past history of compliance. Jon Venables subsequently cooperated with his offender manager in addressing the issues of alcohol abuse.

159. In a second incident, on [redacted], Jon Venables was stopped by police as part of a random stop-and-search operation. A small amount of cocaine was found on him and he was arrested. He received a caution at the local police station. The offender manager consulted his Chief Officer of Probation and they concluded that the caution, as evidence of escalating risk, did not merit immediately recalling Jon Venables to custody since it would not be usual to recall a life licencee to custody for a caution of that kind. A revised risk assessment was compiled after these offences that rightly concluded that he posed a slightly elevated risk of violence associated with alcohol use and involvement in drugs. The MAPPP took the offence very seriously and considered carefully with the police whether there was a case for recall. After local discussion they agreed not to recommend recall but instead a three part response appropriate to a young offender at risk of lapsing into a pattern of anti-social behaviour: issuing Jon Venables with a final warning letter, going to the

Parole Board and requesting additional licence conditions to impose a curfew and re-imposing weekly (rather than the previous three-weekly) reporting to his offender manager.

160. These conclusions of the local MAPPP were reported by the Director of Probation to the Justice Secretary on 2008. The Director commented that although it would not be usual for front-line managers to recommend recall of a life licensee for a caution of this kind, there was now cause for concern over the case. The local MAPPP continued to assess the risk of harm as low, but whilst drugs and alcohol were not risk factors associated with the murder of James Bulger the two recent incidents combined indicated that Jon Venables was behaving irresponsibly in that way which might bring him into further and possibly more serious trouble with the local police. The additional steps proposed by the MAPPP were designed to control his behaviour with the intention that the MAPPP would review the situation in three month's time.

161. In response, the Justice Secretary asked the NMB to provide assurance that the proposed response was appropriate for public protection purposes and to consider whether, exceptionally, the latest incident might merit recall. The NMB tested the reasoning of the local MAPPP at their meeting on 7 January, which was held as a telephone conference due to bad weather. They heard from a police chief inspector (who had cleared his position with his Deputy Chief Constable) and from a probation area manager (who had cleared her position with her Chief Officer) that the latest incident even when combined with the previous arrest for the Section 4 Public Order offence did not constitute evidence of an escalating risk of harm to the public, although both emphasised that the final warning to be given should be just that. The NMB therefore advised the Justice Secretary to endorse the proposals for further licence conditions including a curfew. He agreed.

162. From a further MAPPP on 25 February 2009 it appears that Jon Venables had meekly accepted the curfew conditions even before they were formally approved by the Parole Board. On 4 March 2009 the Head of PPU in the Ministry of Justice formally asked the Parole board to impose additional licence conditions, namely:

- To observe a curfew at home of 11pm to 6.30 am
- To engage with his drug and alcohol behavioural issues, as directed by his supervising officer

These conditions were agreed and added to the licence.

163. In addition to these steps to try to correct his wayward behaviour, both the MAPPP and the NMB appear to have begun at this point (January 2009) to recognise that there might be deeper problems with the case. At the emergency NMB telephone conference on 7 January, the YShire Area Manager had also reported that she and the offender manager had together visited Jon Venables at his home. They reported Jon Venables as recognising that he had put his liberty at jeopardy.

The NMB invited the offender manager to see if Dr might be available to “re-treat him” since he had evidently related well to her, or to ask her for advice on other avenues to pursue for counselling for him.

### **Further Warning Signs**

164. In February 2009, the MAPPP met to take stock of the new conditions. The offender manager was undertaking weekly supervision visits and had carried out drug tests, all of which showed negative for class A drugs. Venables was reported as very anxious about the prospect of recall to an adult prison if he offended again and he knew that no other bad behaviour would be tolerated. But he was clearly struggling with the dilemmas of his life (see the offender manager’s account of this to the NMB, quoted below in para 165). As part of the risk management plan, the MAPPP agreed that the offender manager would continue to try to motivate Jon Venables to take a college course or improve his life chances and to motivate himself more than he then was. This seems perfectly on target as an aim, but by itself likely to be an unrealistic objective to give the offender manager. The offender manager told the MAPPP that he had drawn a blank in relation to advice from Dr (see para 163 above) about the need for counselling for Jon Venables.

Venables’ GP was unaware of real identity, and the MAPPP was concerned that his seeing a counsellor would raise issues around disclosure. The District Manager of the local

probation area offered to seek advice from a psychiatrist familiar with MAPPA processes.

165. The Justice Secretary had been promised in January 2009 an update in March after the meeting that month of the NMB. At that March NMB meeting the offender manager reported that he had discussed with Jon Venables the issues he felt were stopping him forming any relationships and they had started to look at a plan of how and when to inform any prospective partner should he believe this might become necessary.

A

brief summary risk management plan was provided to the NMB:

- The offender manager would continue to meet with him on a weekly basis
- The offender manager would continue the work started on illicit substances and alcohol abuse
- He would abide by the curfew unless his work dictated otherwise
- The offender manager would continue to work with him to address his depressive feelings
- The offender manager would continue to work with him to examine how he can move forward in respect of forming relationships

166.

Significantly, it was reported to the NMB that although Jon Venables had at the time of his second arrest informed his offender manager that he had only used cocaine on a couple of occasions, *“however, it transpires that he has been using this on a ‘semi-regular’ basis once every six weeks or so...I believe that he has been using cocaine as a relief from what he sees as a tedious and unfulfilling lifestyle. In addition to I believe a slight depressive state.*

*When I first met him 18 months ago this was not an issue as I believe he was functioning as a young 20 year old in a 25 year old body, he now appears to be caught up and is functioning at a level appropriate to his age."*

167. From the file it is clear that the NMB and the MAPPP now had in March 2009 all the crucial elements of the case in front of them. The focus of discussion was, however, on control of the offending behaviour, continued protection of his identity and getting him to accept his circumstances rather than any more strategic assessment of the circumstances themselves and the effect they seemed to be having on Jon Venables' emotional state.

168. In June 2009 the MAPPP took stock. The offender manager was seeing Jon Venables weekly. Five drug tests had been carried out, and all had proved negative for Class A drugs. The curfew restriction imposed after his caution was not proving irksome since Jon Venables reported that he had no money to spend. A move to cheaper accommodation was being considered. The MAPPP discussed whether or not it was a good thing for him to share a flat (they do not appear to have been aware at this point that he had previously shared a flat and of how security concerns had then been dealt with). It was important, the MAPPP noted, that he did not become isolated, low and depressed and fall apart or indeed act out via drugs or alcohol again, and this was possible should he a) get into debt and b) become very lonely and feel trapped. From a risk perspective however, sharing would make keeping confidentiality harder and supervision harder. The influence of peers on him could be a problem. The group was inclined to support him in his current flat, but recognised that this might not be possible.

169. The offender manager also reported in June to the MAPPP that he was making his own enquiries about finding a suitable counsellor to work with Jon Venables,

Dr

who had previously been a member of the MAPPP but had never met Venables, was said to be agreeable to offering an assessment to see if anything further was required. NOMS agreed to pay for this assessment but it was made clear to the local offender manager and the District Manager that future funding for any long term counselling was unlikely to be approved. They commented that this was not expected to be required but would be further evaluated following the assessment by

170. The NMB was updated on the case in September 2009<sup>lxv</sup> in the following terms. The offender manager reported<sup>lxvi</sup> that “a psychologist [sic] had seen the subject for two hours [in fact the interview itself was for an hour]. She had talked through his issues and concluded there was no need for medication and that she did not need to see him again”. Had the NMB studied the full report from Dr [redacted] they might have been suspicious as to whether on this first meeting with Dr [redacted] (whom he had not met before) he had once again been unable to be open with a stranger over his true feelings (see para 92 in Section 3). The NMB might also have sought confirmation as to whether he had actually had a GP referral onto a waiting list for counselling and satisfied themselves as to the security of any such arrangement. The assessment was sufficient to establish that there were no symptoms of psychiatric illness but that should not have been interpreted as disposing of the issue of the possible value of one-to-one counselling (as had been reported to the Justice Secretary, see para 92 above).

171. The regular report from the offender manager also informed the NMB that back in the summer Jon Venables had been threatened with eviction for having arrears of rent. Now [redacted] his landlord had issued a Section 21 notice seeking eviction. The offender manager reported that he had immediately taken this up with Venables and discovered that he had not kept to his agreement on how he would manage his money. He was also being threatened with Court action on [redacted] for unpaid Council Tax. His offender manager told the NMB “*I feel he is burying his head in the sand re his problems and hitting out figuratively at me and the system...It is apparent he is not being totally honest with me regarding the issues he faces regarding his finances*”. With hindsight, we now know that it was not just about finance that he was being deceptive.

172. Recall procedures were being discussed at this time and the agenda for a MAPPP meeting in December records an update on this as an item but there is nothing on file of NMB activity between September 2009 to February 2010 except for a submission in early February to the Minister about a Freedom of Information request on the case.

### **The accidental discovery of the serious offence**

173. On 22 February 2010, Jon Venables reported to his offender manager that he believed that his identity had been compromised.

The offender manager immediately liaised with local police, under the pre-existing plans, and the police decided that he should move out of his accommodation. On arriving at his flat the police found Jon Venables forcibly trying to remove the hard drive from his computer. On examination by the police, indecent images were found including some at Level 4 (defined as 'penetrative sexual activity involving a child or children', in this case children as young as 7 or 8). Again in accordance with the further offence recall plans this was immediately reported to the Ministry of Justice through the Head of PPMHG. After his recall to custody it was discovered that he had shortly before his arrest posed as woman with a young child in order to have conversations with paedophiles on networking sites.

174. An immediate fresh risk assessment was carried out that revised Jon Venables' scores for the risk of serious harm from 'low' to 'high' and similarly his risk of reconviction to 'high'. On 24 February the Head of PPMHG revoked Venables' licence on behalf of the Secretary of State on a clear recommendation from the offender manager on the grounds that his downloading and possession of images of young girls as young as 7 or 8 would indicate a greatly increased level of risk to children that is unsustainable in the community. The Justice Secretary was informed after the event.

175. Jon Venables was taken back into custody. The plans that had been prepared against the possibility of recall worked smoothly and I commend the police, probation service and Ministry of Justice officials on acting swiftly to ensure recall.

176. On 23 July it was disclosed publicly at the Central Criminal Court, on the lifting of reporting restrictions, that Jon Venables had been charged by the Crown Prosecution Service with three counts:

1) Making an indecent photograph of a child, contrary to section 1 (1) (a) of the Protection of Children Act 1978; the particulars of the offence are that between 24 Feb 2009 and 23 Feb 2010 he made [i.e. downloaded] 57 indecent photographs of children

2) Distributing indecent photographs of children, contrary to section 1 (1) (b) of the Protection of Children Act 1978; the particulars of the offence are that between 1 Feb 2010 and 23 Feb 2010 he distributed three indecent photographs of children.

3) Distributing internet photographs of children, contrary to section 1 (1) (b) of the Protection of Children Act 1978; the particulars of the offence are that on 23 Feb 2008 he distributed 42 indecent photographs of children.

Jon Venables pleaded guilty to the three offences concerned with indecent images of children on a computer and was subsequently sentenced to two years' imprisonment. His pre-sentence reports before the court assessed him as posing a medium level of risk of serious sexual harm to children, because he had colluded with and encouraged the harm already inflicted on the exploited children by downloading the images. There was no evidence of his using the internet to try to contact or groom children for sexual exploitation. Nevertheless, the Judge considered it necessary for the proper purpose of protecting future children from being exploited for his sexual gratification, to impose a sexual offences prevention order (SOPO) for five years from the date of sentence prohibiting Jon Venables from:

- (1) owning or using, save at his place of employment, or at a supervised facility open to the public, any computer with access to the internet which does not have a software programme designed to prevent access to child abuse images installed and in operation;
- (2) using any internet-based file sharing or peer-to-peer software;
- (3) using any internet-based social networking sites or accessing any chat facility which enables him to engage in any form of chat on the internet.

Jon Venables has also been required to register with the police under the notification requirements of Part 2 of the Sexual Offences Act 2003 for 10 years and is permanently barred by the Independent Safeguarding Authority from working with children.

### **Conclusions on risk management**

177. I am satisfied that Jon Venables was as well prepared as he could have been for his life in the community. It is a huge tribute to the care taken by and the probation and police officers concerned as they worked with him and accompanied him on increasingly complex forays into normal life that, by March 2002, Jon Venables was judged capable of surviving and living on his own in the community. I am also satisfied that it was appropriate for his case to be dealt with at MAPPA level 3 and Tier 4 under OASys despite the low risk assessment that formed part of the basis of the Parole Board decision to release him under licence.

Probation service contact with Jon Venables after release more than met the minimum national quantitative standards for Tier 4 under OASys because of the exceptional amount of supervision applied and the nature of the management arrangements described in Section 2.

178. The risk of minor offending behaviour common to that male age group was recognised by his offender managers from the moment of release on licence, and that risk was appropriately managed. It is clear from probation service reports that Jon Venables was aware from the outset of the potentially disastrous impact of any involvement in crime as this would almost certainly lead to recall. His fear of exposure was real, and contributed along with his secretiveness and his rather stolid temperament to his reluctance to take steps to improve his prospects.

179. The decision to 'normalise' the case in 2006 (as implemented by 2007) was justified in terms of the transfer of probation and policing responsibility to the area in which Jon Venables was now well settled

The transfer was handled well. But beyond that, there seems to have been a central wish to 'relate resources to risk' as was said at the time. That sentiment was no doubt part of a much wider shift of policy towards focusing offender management on managing risk of harm, and Jon Venables was seen as low risk, even if of high notoriety. The unintended effect of the NMB's decision early in 2008 to meet only when required was, however, to ease pressure on the MAPPP to be more pro-active with an individual who was recognised to be experiencing problems. It may be significant that there was no clinical psychiatrist present to advise at any of the NMB meetings after 2005, nor was the need for such advice raised until after the second offence in 2008.

180. I consider that the two episodes of offending behaviour by Jon Venables in September and December 2008 were appropriately considered by the local MAPPP and by the Justice Ministry, including by the Justice Secretary himself. In particular, I agree that there was no case for his recall to custody on the basis of these offences. The actions taken by way of a formal warning and then by additional licence conditions and much more intensive supervision in relation to his debts, and his drugs and alcohol use, were appropriate and proportionate. Each of his setbacks was used by his offender manager as increased leverage to get Jon Venables to open up and try to move his life on. Offenders under supervision often have minor crises that the probation service has to help them cope with, and Jon Venables' behaviour

was reasonably interpreted in that light. For his supervisors he remained a low risk offender.

181. His behaviour did not, therefore, give rise to sufficiently deep consideration by officials of what this might indicate about his underlying state of mind, given the indications given to the MAPP and NMB from 2006 onwards of his emotional difficulties. The submission to the Justice Secretary in January 2009, for example, had reported that the probation area manager believed that the second incident in 2008 had led Jon Venables to be much more open with his supervising officer than had been the case previously.

The question that was not fully addressed was what help could and should then be considered to try to keep him on the rails, as discussed in section 4 and to improve the longer-term outlook, especially if he continued in a low paid job with no prospects, living a stressful assumed life under a new identity with no ambitions and little or no prospect of satisfactory intimate relationships.

182. After his arrest for cocaine possession in 2008 he was regularly drug tested by his offender manager. The test used would have detected class A drugs, but not the use of the (then lawful) recreational drug, mephedrone (similar in effect to ecstasy) that Jon Venables later admitted to having used heavily at that time. A broader spectrum of drug testing should be considered in cases where offender managers need to satisfy themselves that behaviours likely to lead to further offending are being satisfactorily controlled.



## **Section 7 Concluding considerations**

183. This section does not repeat the conclusions to individual sections. A summary of all the principal conclusions and recommendations is at annex A.

### **The risk of harm to the public**

184. Having examined in great detail the local and national records of this case and interviewed many of those most directly involved, I believe the public would be reassured to know of the dedication and professionalism of all concerned. It is very reassuring to see the efforts that were made over a long period to uphold the safety of the public and the interests of justice.

It is apparent to me that significant resources were, rightly, applied to manage the perceptions of risk of harm to the public, first by the Home Office and then by the Ministry of Justice to this case, allowing case management to more than meet the minimum national standards laid down for the supervision of serious offenders. I have concluded that he was effectively and properly supervised at an appropriate level and frequency of contact, having regard to the particular circumstances and challenges of his case.

185. The collective judgment of all the professionals involved in the case before Jon Venables was allowed in 2003 to live fully in the community was that the risk of harm to others was seen as “low”. Naturally, such a risk assessment was qualified by the obvious difficulties of extrapolating from what applies as a child when the murder took place and what applies to an adult. For a youth of his age, educational level and social background, his observed behaviour during the first six or seven years in the community appeared to his supervisors to bear out that risk assessment, with his two lapses in 2008 being behaviours that would be expected from a significant number of his peer group. His risk assessment in relation to anti-social behaviour was then properly increased in the light of that evidence.

186. All those who worked with Jon Venables have commented that he took a long time to build up trust such was his constant fear of exposure. He was by nature secretive, and no doubt this was intensified by having to live under a new identity. He concealed from his offender managers that he had broken the conditions of his licence and visited Merseyside and lied to them when asked. I am clear from my

discussions with them that they were not aware of his breach of his licence and that he would have been recalled if that had been known. Given his secretiveness, I do not criticise his offender managers for not being able to spot that he was periodically making these trips. It also needs to be borne in mind that since he was living under a new identity known to only a very few people there would have been no chance of police tip offs and local intelligence as might apply in the case of other offenders on licence.

187. In relation to the nature of the further serious offence of downloading indecent images, I conclude that there were no early warning signs that he had paedophile interests and that when he came under serious stress that form of aberrant behaviour would emerge, nor was there anything in the several in-depth psychiatric assessments completed over the years since childhood that would have pointed to it. No reasonable supervisory regime alone, even tightened as it was to deal with episodes of anti-social behaviour, would have been expected to detect his use of the computer to download indecent images. There is no doubt that, as was reported to the Justice Secretary, Venables' supervising officer and the local police officers involved were shocked by the accidental uncovering of the further offence in February of this year. That discovery does not in itself invalidate the consistent assessment during of years since release on licence that the risk of a further serious offence was low and that he posed a low risk to others. Low probability occurrences do sometimes happen – that is the difference between low risk and no risk. I conclude that risk assessments were properly formulated and understood by those involved in his supervision.

188. The risk management plan put to the NMB in March 2009 after Venable's two lapses in 2008 correctly involved the offender manager in work with him to address alcohol and substance abuse but also work addressing his depressive feelings and work to examine how he could move forward in forming relationships. These are areas where professional therapeutic support would have been advisable, for example by securing the services of an experienced psychotherapist or counsellor experienced in forensic work who could have been trusted with knowing the detail of the case, under the code of professional confidence.

189. Further clinical assessment of Jon Venables will be needed to gauge in what ways his progressive use of internet sites and pornography, latterly with extreme paedophile images, related to his deteriorating emotional state in relation to his

sense of identity and self-worth. The possibility of his becoming depressed had been highlighted to the MAPPP and the NMB by several psychiatrists who worked on the case and had been one of the factors that led the consultant psychiatrist who knew him best to recommend continued clinical supervision after 2003, advice the NMB and MAPPP did not take. There were, as this inquiry has noted, missed opportunities to help Jon Venables' with his life chances. There can be no certainty but it is possible that had clinical support been available in the year before his further offence then he might have been more open and disclosed his interest in such images and what they represented for him, and perhaps agree to more intensive therapy and thus allowed that risk to be managed. That is of course written with hindsight.

### **The risk of harm to Jon Venables**

190. I have nothing but praise for the care taken by the police, probation service, Home Office and Ministry of Justice officials over making arrangements to protect Jon Venables from exposure and mob vengeance. His fear of exposure and its consequences for his safety, was justified. It is clear, for example, from probation service reports that Jon Venables was aware from the outset of the potentially disastrous impact of any involvement in crime as this would almost certainly lead to exposure and recall. It is perhaps an indicator of change in his state of mind, and of the onset of depressive and pessimistic feelings about his future, that over the last three years before recall he was engaging in increasingly risky behaviour including (we know from hindsight) use of drugs and increasingly extreme pornography. I regard it as significant that when Jon Venables was visited by his offender manager shortly after being taken into custody he was reported as not appearing upset or angry at the turn of events but seemed relieved and appeared to feel safer than when in the community under his false identity.

### **Were objectives for supervision sufficiently clear?**

191. Officials recognised at the outset that from time to time there would be tension between "welfare" and "security" issues. The then Home Secretary (David Blunkett) was assured by the Director General of the Probation Service that the resources being expended on these cases would be concentrated on the following objectives:

- on ensuring that the public was protected
- to safeguard the physical security of the individual

- to allow the individuals to develop self-reliance
- to undertake further education.

192. The Home Secretary accepted this statement of priorities and added, in support of the case for a continuing injunction against publication that could lead to identification of their whereabouts, that he also strongly believed that he had a duty to ensure that these young men have a proper chance to lead a lawful life at liberty. This could be jeopardised if they were subject to harassment and intrusion by the media. Officials also sensibly identified at a later stage the risk of self-harm by Jon Venables if there was not more sense of progress with his life. The protection of the integrity of the process of supervision so as to protect Ministers and the criminal justice system, especially the national probation service was also identified by officials as an objective for their management of the case.

193. I conclude that the right objectives were set for those undertaking supervision and that all concerned were aware of the primacy to be given to safeguarding the public.

#### **Were the licence conditions satisfactorily monitored?**

194. I am satisfied that those involved in his supervision kept the licence conditions in mind throughout in terms of the objective of safeguarding the public. To cite Dr Consultant in Child and Adolescent Forensic Psychology in advice to the Parole Board: *“There is no doubt that in Jon’s case, had he not been placed in secure accommodation at the age of 10 years, he is likely to have continued on a path of failed educational and vocational opportunities, and an escalating pattern of offending, with an increasing alienation from society”*. In fact, his adolescent years turned out to be trouble free thanks to the care with which he had been brought up especially in a secure institutional setting. That must have been a significant consideration in the minds of the National Management Board and the local MAPPP as they monitored the apparently trouble-free progress Jon Venables was reported as making for the first 6 years in the community, and as they put in that context his 2008 episodes of drunkenness and cocaine use. Overall, I consider that the direct supervision was as effective as could reasonably have been expected in the circumstances.

195. Two specific issues over the enforcement of licence conditions did however arise. The condition imposing clinical supervision on Jon Venables was added to the licence at the request of the Home Secretary. It was reinterpreted in 2003 by the

NMB as meaning that the supervision could be dropped but reintroduced at need; this change was said to be with the assent of a Parole Board official. That may have seemed a reasonable step in the light of the optimistic outlook at the time, but once the condition was dropped no serious thought seems to have been given to reactivating it when circumstances deteriorated.

196. The other issue is that evidence to the police by one of his work colleagues at the time of his trial in 2010 alleges that he deliberately broke the condition on visiting the Liverpool area in order to attend concerts by his favourite band and Everton home football matches. The risk of contact with the victim's family may have been low but the licence condition was clear and they had made their strong views known that they expected that such visits would be prevented. These visits represent a serious lapse of trust between Jon Venables and his offender managers. The breaches however only came to light after his arrest for the further offence when a train ticket to Liverpool was uncovered and when a colleague of his at work gave evidence to the police after his arrest in 2010 of their visits together. Venables' explanation was that he could not keep explaining away not going on such trips to see his football team and his favourite band. Visiting Merseyside was a foolish risk for him to take, and would certainly have led to recall, and he knew that. However no doubt having got away with it once he probably felt he could continue to conceal further visits from his offender managers. Given determination to conceal these trips there is no practical way that his probation supervision could have uncovered them.

197. Jon Venables' supervisors reported from the outset that he was, understandably, not free with information about himself. He failed on several occasions before the events of 2008 (as no doubt many other offenders under licence have in their time) to reveal to his offender manager the nature of his relationship with girlfriends and the full truth about his debts. He also deceived his offender manager in 2008 (and possibly earlier) over his drug use (not just cocaine but including admitting - after his recall - to mephedrone (Meow Meow) use, not at the time a banned substance). This behaviour calls into question whether in other ways he was being devious and whether his offender manager had become too close to him and was too anxious to place the best construction on his behaviour over the preceding period. Such a perception would be understandable given the emotional investment in the case and the legitimate sense of pride in what hard work by the probation service over many years had done to redeem him. I suspect that most of those involved in the case at all levels developed an unconscious desire to give him the benefit of the doubt

before his arrest for the serious offence. Boundaries are hard to keep in these circumstances. A study of the various submissions to Ministers on the case over the years before his arrest reveals officials describing a glass half full rather than admitting to one half empty.

### **Were boundaries in supervision appropriately maintained?**

198. The term offender manager is now the official title for the role of the probation officer exercising supervision of those released under licence. In the case of Jon Venables, the role of supervision of licence conditions did not include addressing the original offending behaviour (the Bulger murder) and was more concerned in practice with trying to ensure his survival in the community under a new identity. The term 'offender manager' was not brought into use by those concerned in this case and 'supervising officer' is used extensively in the files.
199. In January 2003, Jon Venables' original offender manager retired from the case, but requested from MAPPP<sup>lxvii</sup> permission to retain his friendship with him having worked with him for 10 years. This was accepted by the MAPPP on condition that he have no connection with the ongoing management of the subject. In the exceptional circumstances of the case I can see why the MAPPP took that view, but the professional advice I have received has emphasised that it is not advisable as a general practice. What it may illustrate is that this experienced officer felt that Jon Venables needed mentoring as well as supervision, reinforcing the sense of missed opportunity that neither the MAPPP nor the NMB saw the need to replace his mentor when she withdrew in 2004 through illness.
200. Jon Venables needed a great deal of support as he learned to live in the community. He had left just before his 19<sup>th</sup> birthday without having ever visited a cinema, or chosen clothes or got on a bus by himself. He had everything to learn. There was throughout the early years of his case the evident risk that the supervising probation officer would come to be seen by Jon Venables, and would come to see themselves, as more a mentor than a manager of the offender. It would have been better in hindsight to have had a clearer separation of roles of mentor and of offender manager, and when the original mentor became ill, better to have replaced her rather than have the offender manager shoulder (evidently willingly) the full burden. But it would be unfair to criticise those concerned since at the time he was conforming to all the best expectations. For a youth of his age, educational level and social background his behaviour during the

first six or so years in the community can only be described as good, with his two lapses in 2008 being behaviours that would regrettably be expected from a significant number of his peer group.

201. As noted above, until 2004 Jon Venables had a mentor, a retired probation officer, on whom he could lean for advice. In January 2005 his new offender manager reported that she had been on shopping trips with Jon Venables which had been a good way of keeping up with his taste in music, videos and computer games. The MAPPP in April 2005 speculated that his offender manager, sometimes fulfilled an alternative parenting role.

(by then he was 25 years old). The offender manager in 2009 was suggesting playing badminton as well as darts in his flat in order to get closer to Jon Venables. These examples show the depth of professional commitment of the probation officers to get close enough to Jon Venables to earn trust (evidently not an easy task) and thus to be able to exercise effective indirect supervision over all the times when he was out of their sight. The consultant psychiatrist, who was present at the MAPPP, pointed out that this closeness was important to recognise in terms of the stability and maintenance of the supervising relationship.<sup>lxviii</sup> I conclude that overall, despite the obvious tensions between the role of offender manager and his need for mentoring, the offender managers and their supervisors behaved in ways appropriate to the exceptional nature of the task they had been given.

### **Would a higher degree of intrusive monitoring and surveillance have been justified?**

202. Like other people his age, Jon Venables had an extensive network of on-line contacts using a variety of on-line accounts and names.

. Up to his offence being discovered, there were no warning signs that would have led the MAPPP to consider whether a licence condition comparable to that applied to certain classes of sex offenders to permit the monitoring of computer usage would have been justified. It must be open to doubt whether legally such a condition would in any case be sustainable as proportionate if challenged given his low risk assessment.

**203.** Technology of tagging in the future could nevertheless allow tracking and satellite geolocation by GPS under a licence condition in cases where the assessed risk of harm justified such intrusion. Such a system is under trial in the NHS for cases of sexual offenders classed as having severe personality disorders when they are allowed out of secure hospitals for visits into the community. That would probably not have been the case for Jon Venables up to the point of his serious further offence, but for the future where specific geographical exclusions are specified in a lifer licence it may be possible to have automatic warnings given to the offender manager to be checked should the subject enter a prohibited region or geographical area. PPMH Group needs to keep abreast of developments in such applications.

### **The implications of identity change**

**204.** In 1993 at the conclusion of the original trial of Robert Thompson and Jon Venables the judge ruled that their names should be released because of the nature of the murder and the public reaction to it. In this review I have highlighted the subsequent difficulties that this decision caused for the criminal justice system and for Jon Venables. Identity change was never a straightforward or reliable option, and I believe it will become increasingly hard in future to prevent new identities being linked by patient investigation back to birth identity given the growth in the number and complexity of electronic databases holding information about individuals, not least social networking sites. This is a trend that the Courts will need to bear in mind in future cases of extreme notoriety in seeking to assess whether the application of the open justice principle<sup>5</sup> would in practice frustrate or render impracticable the administration of justice. The ends of justice may be best served in some exceptional cases by keeping confidential the name of the offender, justifying a departure from the principle of open justice.

### **The planning and management of long-term issues**

**205.** For most lifers that go straight it is usually possible after 4 -6 years for application to be made for licence conditions to be lifted or significantly relaxed in

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<sup>5</sup> Attorney General v Leveller Magazine Ltd [1979]

terms of frequency of supervision. In the case of Jon Venables (as with Robert Thompson and Mary Bell) the requirement for supervision of the life licence is expected to be literally 'for life'.

206. Above all, such lifetime supervision demands that there is an official group familiar with the case that can stand back and take a strategic view and thus whenever possible anticipate the difficulties to be expected. I conclude that the NMB was only partially successful in that regard. In 2007/08 as part of normalisation of the management of the case and ceasing to have a pro-active role itself the NMB should have made it explicit that it was henceforth the duty of the MAPPP to take strategic ownership of long term planning of the case. Additionally, looking ahead and given the political salience of their cases, I consider that it would be good practice for the NMB to organise periodic (say, biennial) strategic reviews of their high profile cases. It would also be advisable for a memorandum to be drawn up for each NMB case setting down the relative roles of NMB and relevant local MAPPP.

### **Final reflections with hindsight**

207. In this inquiry I have identified a number of potential opportunities that might have opened had circumstances been different and that might have made the risk of a further serious offence less likely, although that can only be a matter of judgment. These are not in my view matters for criticism of the officials involved since they were acting in good faith at the time in the light of the information and assessment of the risks in the case then available to them.

208. For example, neither the NMB nor the MAPPP appear to have requested proactive steps to be taken when it was reported that he was struggling in 2004 with his College course, such as reassessing whether it was sensible for him to put in so many hours at [redacted] whilst still attempting to attend full-time at college, or suggesting that he sought tutorial help with his studies or saw a student counsellor. At the time this failure to acquire work related skills by Jon Venables would not have been seen as so significant as it might later appear.

209. More could have been done too at an earlier stage had he been more cooperative to get him into a job with better prospects and rekindle his original optimism about a career. The Home Office could, for example have approached national employers (such as British Telecom or BAE Systems) at a senior level to see if a local position as

an apprentice technician could have been found. By leaving him to, at low wages for the rest of his life, when combined with his growing realisation that close intimate relationships were fraught with hazard for his security and peace of mind and that his future would be as a loner, the scene was set for significant psychological stress. That in turn was likely to lead to an increased likelihood of offending behaviour of some sort. Prof. original assessments for the Parole Board in 1996 and 1998 well before his release are prescient: *"The chances of successful rehabilitation are very high, but...that judgement is strictly contingent on further rehabilitation and on his identity being protected. If either is not possible, the risks would inevitably be substantially greater – not for further violence of the kind similar to the original crime, but rather of social maladaptation and serious psychological difficulties."*

210. Although the NMB were aware after 2006 that the prospects for the case were not as encouraging as in the early years after release and that Venables was getting stuck in an isolated rut, they put this down to a delayed rebellious period and some laziness on Venables' part. His behaviour was understandably seen as unexceptionable for someone of his educational and social background. The NMB did not therefore press the MAPPP to be pro-active on issues such as employment and clinical support and did not provide long term thinking about the direction the case was taking. I sense reluctance among officials to have risked being seen to 'featherbed' Jon Venables given the continuing media obsession with the case. They would not want to have been thought of as privileging this "low risk" case over many other high risk lifer cases where major dangers to the public existed from the outset. "Actions have consequences" as one official said, and if Jon Venables continued his hum-drum life-style and employment that was seen as his choice; NMB members no doubt reckoned he was lucky compared with many other young men released on licence in that at least he had been able to find and hold down a steady if unremunerative job.

211. Proactive steps by the NMB in respect of employment and counseling would have taken them outside the normal boundaries of offender management and could have been criticised as privileging Jon Venables over many other cases under probation supervision of individuals with (on one view) a better claim for society's support (certainly that would have been how the red top media would have seen it). But this was from the outset a highly exceptional case; the NMB will only ever have to deal with a tiny number of such cases where the penalty for failure is so high. The lesson for NMB officials in the future is that they need to follow through

imaginatively in being prepared to consider exceptional steps when necessary for their cases.

212. The resources expended on this case by the criminal justice system are impossible to estimate but are already very considerable, being orders of magnitude greater than for the majority of serious offenders being supervised on licence. That expenditure of highly experienced effort, as well as money, was rightly seen as an investment for the long term, given the prospect of active lifetime public interest driven by the notoriety of the case. It may still be possible to arrive at a satisfactory long-term outcome. Only time will tell how Jon Venables responds to recall and his custodial sentence, and whether he is prepared to work on his issues. The threat to him will remain, and thus identity issues will need to be faced anew. It will undoubtedly be harder from here on.

Sir David Omand GCB  
London  
November 2010



## Summary of Conclusions and Recommendations

- i. It was necessary to create a complete new identity for Jon Venables , given the police assessment of the level of threat. (para 73)
- ii. The need to help protect Jon Venables through the construction of a new identity for him had not been properly anticipated before the decision by the Lord Chief Justice and it is evident from the files and oral evidence that there was some scrambling to catch up. Nevertheless, that exercise was carried out professionally. With hindsight we can see that the Home Office in its initial consideration of the case did not fully anticipate the range of problems that would emerge later flowing from trying to establish a young person with such a criminal history and notoriety under a new identity. (para 118)
- iii. It was the right judgment to have an interim period after release, given the double task of helping Jon Venables learn to live in the community and to do so under a new identity. (para 73)
- iv. There would have been some long-term advantages had Jon Venables available at the time. The end result, however, was that he did not have the ideal 'clean start'. (para 55)
- v. The initial police effort on his protection and identity funded by central subsidy was both necessary and proper in the public interest in the very exceptional circumstances of this case since without it satisfactory security arrangements would have not been made in time. (para 74)
- vi. In order to reduce the risk of identity compromise it was appropriate that only a very small number of named individuals in the Home Office and the police and probation service were aware of the new identity and whereabouts of Jon Venables. Security was generally well managed and the recommendations from a review by an expert from the Cabinet Office were implemented. (paras 39, 59, 68)
- vii.

- viii. Jon Venables was in the end as well prepared as he could have been in the circumstances for his life in the community. It is a huge tribute to the care taken by \_\_\_\_\_ and the probation and police officers concerned that, by March 2002, Jon Venables was judged capable of surviving and living on his own in the community. Cooperation and information sharing between the police forces and probations services concerned has been excellent. (para 118-123)
- ix. The assessments and work done during Jon Venables' time at Redbank were not shared with his subsequent supervisors to inform their understanding of the subject. The reports seen by the Parole Board, including the several psychiatric evaluations, do not, however, contain any indication, even indirectly, that there was a sexual motive on the part of Jon Venables in committing the original offence or other warning that might have alerted his supervisors to potential abnormal sexual interests. (para 102, 104)
- x. There was no reason for the NMB and MAPPP to challenge the professional advice they were consistently given that there would be no value after 2003 in clinical psychiatric work with Jon Venables designed to address his original offence. (para 94)
- xi. The risk of minor offending behaviour common to that male age group was recognised by his offender managers from the moment of his release on licence. That risk was appropriately managed. (para 178)
- xii. All concerned in the supervision of the case were instructed specifically that any behaviour that constituted a criminal offence if discovered by any agency must be reported immediately to the project manager for the case. Week-to-week management of the case by the probation service was well-resourced and professional. Handovers were well planned and managed, including liaison with the police. (paras 36, 37,45)
- xiii. The right objectives were set for those undertaking supervision and that all concerned were aware of the primacy to be given to safeguarding the public. Those involved in his supervision kept the licence conditions in mind throughout in terms of the objective of safeguarding the public. (para 193)
- xiv. Overall, despite the obvious tensions between the role of offender manager and his need for mentoring, the offender managers and their supervisors behaved in ways appropriate to the exceptional nature of the task they had been given. (para 201)

- xv. Arrangements for the handover of offender managers, including handover notes, appear from the file to have been excellent and the transition was made smoothly. (para 128)
- xvi. After release, Jon Venables was effectively and properly supervised at an appropriate level and frequency of contact, having regard to the particular circumstances and challenges of his case. Risk assessments were properly formulated and understood by those involved in his supervision. The probation service contact with Jon Venables after release more than met the minimum national quantitative standards for Tier 4 under OASys because of the exceptional amount of supervision applied and the nature of the management arrangements described in Section 2. The exceptional circumstances of these cases did not really fit the OASys structure although OASys forms were duly completed at key points after his release. (para 177)
- xvii. No suitable individual was identified after 2004 to establish a long term mentoring arrangement that might have helped him cope better with the strains of living under his changed identity, his problem in balancing study and employment, and his issues with establishing a 'normal' lifestyle for a young single man of his age and social background. Such support could also have eased the load of his offender manager in maintaining the appropriate boundary between offender manager and mentor. (para 97, 199)
- xviii. The two episodes of offending behaviour by Jon Venables in 2008 were appropriately considered by the local MAPP and by the Justice Ministry, including by the Justice Secretary himself. (para 177). On the basis of the information available at the time there was no case for his recall to custody on the basis of his offences in 2008. The actions taken by way of a formal warning and then by additional licence conditions and much more intensive supervision in relation to his debts, and his drugs and alcohol use, were appropriate and proportionate. The risk assessment of Jon Venables in relation to anti-social behaviour was properly increased in the light of the evidence that came to light with his offending behaviour in 2008. (para 180)
- xix. He concealed from his offender managers that he had broken the conditions of his licence by visiting Merseyside and lied to them when asked about his movements. They were not aware before his arrest in 2010 of his breach of his licence in that respect. He would have been recalled if that had been known. His offender managers should not be criticised for failing to detect this deception. (para 186)

- xx. From the file, the NMB and the MAPPP had in March 2009 all the crucial elements of the case in front of them in terms of considering the longer-term outlook, especially if he continued in a low paid job with no prospects, living a stressful assumed life under a new identity with no ambitions and little or no prospect of satisfactory intimate relationships. The focus of discussion was, however, on control of the offending behaviour, continued protection of his identity and getting him to accept his circumstances rather than any more strategic assessment of the circumstances themselves and the effect they seemed to be having on Jon Venables' emotional state. (para 167)
- xxi. Probation service reports show that Jon Venables fear of exposure was real, and contributed along with his secretiveness and rather stolid temperament to his reluctance to take steps to improve his prospects. (para 178)
- xxii. If he had been prepared to cooperate then more could have been done too at an earlier stage to try to get him into a job with better prospects and rekindle his original optimism about a career. (para 209)
- xxiii. NMB officials were justified in concluding there was no obligation to disclose his criminal record to prospective employers given his perceived low level of risk; and since it was a matter affecting the operational policy of the Service this was a judgment that was appropriate for the Head of the Service to make. But Ministers were entitled to know of the policy being followed by their officials. (paras 63)
- xxiv. With the 2006/07 move to 'normalise' the case the NMB withdrew from a quarterly meeting cycle and instead agreed to be available to meet when necessary for consideration of individual issues with political or national implications. The decision to 'normalise' was justified in terms of the transfer of probation and policing responsibility to the area in which Jon Venables was now well settled. The transfer was handled well. But the NMB should at that point have made it explicit that it was looking to the MAPPP to take strategic ownership of long term planning of the case and to report periodically to the NMB on longer-term prospects. (para 179)
- xxv. The approach taken by the NMB and MAPPP in 2003 to chose to ask a consultant adult psychiatrist to advise the MAPPP but not to see Jon Venables for the purpose of risk assessment or clinical supervision was justified by the optimistic assessments then being made of the case. With hindsight, it could have been of value to provide for continuing psychiatric supervision on the lines recommended by the adolescent psychiatrist who had been working with him. There was no clinical psychiatrist present to

advise at any of the NMB meetings after 2005, nor was the need for such advice raised until after the second offence in 2008. (para 95)

- xxvi. Once the licence condition on psychiatric supervision was dormant no sustained consideration seems to have been given to reintroducing it when circumstances deteriorated. He was assessed still as low risk and given the history of the case and the effort put in by the probation service and departmental officials it is understandable that officials should be optimistic, and perhaps unconsciously inclined to give him the benefit of the doubt. The unfolding of events in the case should nevertheless have led to additional MAPPP and NMB consideration of whether further clinical psychotherapeutic or at counselling support was needed, notwithstanding the resistance Jon Venables had previously shown to admitting a need for help (see also below). (para 98)
- xxvii. The MAPPP did arrange (after some delay) for a psychiatric assessment to be carried out on Jon Venables after his arrest for cocaine possession. With hindsight, it is difficult not to conclude that he was putting on an act for the doctor to fob off intrusive questioning. Also with the benefit of hindsight we can see that it would have been better if greater efforts had been made to try to get him to accept some form of therapeutic counselling with a trusted professional who could know his true identity and be briefed on the need to secure information and case notes appropriately. Had he cooperated (which of course he might not have) that might well have reduced the risk of his continuing descent into the use of extreme pornography, although there can be no certainty of that. (para 99)
- xxviii. Overall, in 2008 and 2009 with the case appearing to be on a downward path there could have been a more active attitude by the MAPPP and the NMB to the provision of professional clinical support, and a less cautious attitude to funding taken on the part of the NMB. The sums involved would have been a small fraction of the total effort already expended on the case, let alone the cost of recall if it got that far. That is not to imply any certainty that the further offence would thereby have been avoided, but on a case of this significance at the least the matter should have been raised with NMB members by the PPU representative at the MAPPP and if necessary advice from the National Probation Director sought. (para 100)
- xxix. Placing the responsibility for child protection needs on the exceptional MAPPP and NMB arrangements was a reasonable judgment of the balance of risk in the light of the continuing assessment that Jon Venables posed a low risk of harm to others. (para 109)

- xxx. The licence arrangements for Jon Venables adequately covered the need for his supervisor to be able to regulate if necessary his contact with children given the nature of his index offence. There is ample evidence that throughout his supervision there was attention given by all the officials concerned to child protection as a potential issue, notwithstanding the consistent assessment of low risk of harm in that respect. (para 110)
- xxxii. The NMB and the MAPPPs that managed the case were, in their discussions of the case, fully mindful of the child protection issues involved in supervision of Jon Venables and took great care to develop legally sound policy on disclosure of identity in relation to intimate relationships that might involve contact with children. (para 110)
- xxxiii. Jon Venables himself was clearly aware that such was the notoriety of his case he had to be very careful in his personal relationships to stay within the relevant licence conditions on access to children. (para 107) After his arrest for his further serious offence it was discovered that shortly before he had posed as woman with a young child in order to have conversations with paedophiles on networking sites, but I do not see how any proportionate supervision regime for a low risk offender could have guaranteed that would come to light. (paras 111)
- xxxiiii. The plans that had been prepared against the possibility of recall worked smoothly when implemented in 2010 after his arrest. I commend the police, probation service and Ministry of Justice officials on acting swiftly to ensure recall without danger to the subject. This episode also illustrated the excellent level of cooperative working between the YShire police and the YShire probation service. (para 47)
- xxxv. Like other people his age, Jon Venables had an extensive network of on-line contacts using a variety of on-line accounts and names.

Up to his offence being discovered, there were no warning signs that would have led the MAPPP to consider whether a licence condition comparable to that applied to certain classes of sex offenders to permit the monitoring of computer usage would have been justified. It must be open to doubt whether legally such a condition would in any case be sustainable as proportionate if challenged given his low risk assessment. (para 202)

- xxxv. Further clinical assessment of Jon Venables will be needed to gauge in what ways his progressive use of internet sites and pornography, latterly with extreme paedophile images, related to his deteriorating emotional state in relation to his sense of identity and self-worth. (para 189)
- xxxvi. Ministers were properly involved in key decisions on the case for which they were accountable. Ministers were kept well informed on the public profile of the case but less so on the substance. (para 41)
- xxxvii. It was right to set up the NMB to provide strategic direction to the MAPPP on cases of extreme notoriety and complexity in which national issues are engaged. In such cases this arrangement can provide balance between local management close to the day to day experience of the case and essential national direction on major political, legal and policy issues. There is also a role for a body such as the NMB to provide a constructive challenge to the MAPPP in the interests of securing the best long term outcomes. (para 42)
- xxxviii. The membership of the NMB has for the most part reflected the different interests in their cases, including the security of the subject, identity, legal advice and child protection, recognising that some members have needed to attend only when their interests were engaged. (para 43)
- xxxix. The decision of the NMB early in 2007 only to meet when needed on the Venables case was not necessarily the wrong one, given the risk to the public remained low, but the NMB should at that point have made it explicit that it was looking to the relevant MAPPP to take strategic ownership of long term planning of the case and to report periodically to the NMB on longer-term prospects so that these could be discussed in the NMB (para 206).



## Recommendations

- i. The terms of reference of the NMB should be reviewed and re-issued, taking into account separate consideration being given in the MoJ to reorganisation of arrangements for management of special cases requiring witness or offender protection. There is a case for changing the title of the NMB since it does not “manage” cases in the way in which it was originally envisaged that it would have to when it was set up. (para 43)
- ii. The terms of reference should be based on a clear definition of the respective accountability of the Secretary of State, acting through his officials, and the probation service or trust given operational responsibility for supervision, and where responsibility lies for the strategic ownership and management of a case, involving long term review and planning. (para 43)
- iii. If the Chair of the NMB does not have recent operational probation experience then the chair needs to be supported by a senior member of PPMHG with such background. (para 28)
- iv. The NMB should organise periodic strategic reviews of each case with the relevant MAPPP periodically, probably biennially. It would also be good practice to have a specific briefing on these cases on change of the responsible Secretary of State. An annual stock take with the Secretary of State or a Minister on the very small number of NMB cases would also help keep focus. (para 42)
- v. The NMB should ensure that it can call at the appropriate stage on national experts on relevant issues such as those requiring psychiatric judgments. Where identity change is involved a specialist in protected offender management should be a standing member of the NMB. (para 43)
- vi. All the learning from NMB cases, including the practical implications for probation supervision of the complex security and police protection arrangements to enable the individual to live under a new identity, should be captured for the future to help successors. (para 35)
- vii. For the small number of NMB cases, given their complexity, identity protection stresses and the nature of the index offences committed, NOMS should arrange for offender managers to be offered and encouraged to undertake clinical supervision. (para 46)
- viii. The offender managers should also receive a short burst of training and indoctrination into what will be involved and the stresses to be expected on the subject (and at times on themselves) and for this to be renewed as the supervising personnel change. (para 45)

- ix. To remain effective contingency plans need to be refreshed and periodically tested with all those organisations that may need to be involved. (paras 38 and 47)
- x. A new codeword drawn from the national list should be re-issued with basic security instructions on the case. (para 48)
- xi. Additional steps need to be taken to ensure collective memory when for security reasons a case is tightly held under 'need to know' principles with duplicate records not being held locally or where computerised information systems cannot be fully used. Files or precedent books should be kept in a way that can inform the handling of such cases, and those involved should be encouraged to make reference to them. (Para 49)
- xii. The NMB should continue to have access to a budget to cover the expected extraordinary costs of their small number of cases, such as on accommodation and, as might have been the case, for clinical support and training or expenses associated with new employment. (para 75)
- xiii. Where lifers are being supervised in the community under changed identities but managed, for practical reasons, from outside the area in which they are living then the Chief Officers of Police and Probation in the area should always be informed, as was done in the Venables case, and where there are potential child protection issues, the Director of Social Services should also be informed. Such notifications should be carried out under comparable security procedures as recommended in the Cabinet Office inspection of the arrangements for the Venables case. (para 76)

- xiv. The Ministry of Justice should document carefully the disclosure issues that arose in this case, including the legal advice obtained, and ensure that the record is readily available to inform any future relevant cases. (para 77)
- xv. In the light of the legal requirement relating to CRB checks the PPMH Group in the Ministry of Justice should develop a relationship with the Corporate Alliance Employers Group at senior level in order to establish ground rules for assisting with NMB or other complex cases should need arise. (para 78)
- xvi. It would be good practice to have an expert review of the integrity of security arrangements in long term cases, say after 5 years, in order to pick up any deficiencies that might have developed in the subject's 'legend' and whether behaviours had developed that risked giving the game away. (para 73)
- xvii. Consideration should be given to rationalising identity change expertise (the process, training involved, and documentation) as a highly specialist activity, spread over a number of organisations including the Ministry of Justice and the Metropolitan Police so that police services and other agencies have a single point of expertise to tap. (para 79)
- xviii. A broader spectrum of drug testing should be considered in cases where offender managers need to satisfy themselves that behaviours likely to lead to further offending are being satisfactorily controlled. (para 182)



## List of Abbreviations

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ACO	Assistant Chief Officer
ACPO	Association of Chief Police Officers

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AG	Attorney General
CRB	Criminal Records Bureau
DfES	Department for Education
HO	Home Office
LAB	Legal Advisers Branch
MAPPA	Multi-Agency Public Protection Arrangements
MAPPP	Multi-Agency Public Protection Panel
Moj	Ministry of Justice
OM	Offender Manager
PNC	Police National Computer
PPMHG	Public Protection and Mental Health Group
PPU	Public Protection Unit
RoH	Risk of harm
SSI	Social Security Inspectorate
SPOM	Specialist in protected offender management
XShire	Probation Service responsible initially for the supervision of the case

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- i OR 3 121C and 123C
  - ii OR 3 106C and 97C
  - iii OR 8 56H, OR 3 52C
  - iv OR 4 105D
  - v OR 4 27D, OR 5 99E
  - vi OR 4 39D
  - vii OR 2 10B, OR 5 81E
  - viii OR 5 74E
  - ix OR 5 71E
  - x OR 4 113D, OR 4 112D
  - xi OR 5 48E
  - xii OR 3 126C
  - xiii OR 8 30H, OR 10 81K, OR 8 53H
  - xiv OR 8 30H
  - xv OR 8 37H
  - xvi OR 2 11B
  - xvii OR 5 59E
  - xviii OR 5 59E
  - xix OR 8 44H
  - xx OR 4 65D
  - xxi OR 2 3B
  - xxii OR 4 7D
  - xxiii 90E
  - xxiv OR 8 40H
  - xxv OR 5 85E
  - xxvi OR 10 54K
  - xxvii OR 3 44C
  - xxviii OR 4 92D, OR 3 3B
  - xxix OR 2 7B
  - xxx OR 2 44B
  - xxxi OR 5 54E, OR 5 50E
  - xxxii OR 5 67E, OR 5 58E, OR 5 57E
  - xxxiii OR 5 54E
  - xxxiv 30E
  - xxxv OR 8 24H
  - xxxvi OR 4 39D
  - xxxvii OR 8 40H
  - xxxviii OR 10 49K
  - xxxix OR 8 57H
  - xl OR 8 17H
  - xli OR 5 61E, OR 5 70E
  - xlii OR 5 68C
  - xliii OR 2 12B
  - xliv OR 5 44E page 4

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xliv OR 2 13B  
xlv OR 5 39E  
xlvi OR 2 13B  
xlviii OR 5 18E  
xlix OR 6 162F  
l OR 6 157F  
li OR 6 146F  
lii OR 2 21B, OR 2 33B  
liii OR 2 34B, OR 6 130F, OR 6 129F, OR 2 38B  
liv OR 6 124F  
lv OR 2 39B  
lvi OR 2 44B  
lvii OR 6 170F  
lviii  
lix OR 6 168F  
lx 46G  
lxi OR 7 41G  
lxii OR 168F  
lxiii 165f  
lxiv A reference to the summing up of the trial judge who drew attention to the potential influence of violent video games  
lxv OR 2 53B  
lxvi OR 2 53B  
lxvii OR 2 5B  
lxviii 162f