

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN

**THE QUEEN
On the Application of
XN**

Claimant

- and -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

CONSENT ORDER

BEFORE THE HONOURABLE

HAVING REGARD TO the requirements of paragraph 17.1 of the Practice Direction 54A to Part 54 of the Civil Procedure Rules and the parties agreeing a Statement of matters relied on

UPON permission to proceed with this claim having been granted by Mr. Justice Fordham on 30 July 2020 for reasons contained in a judgment with neutral citation [2020] EWHC 2117 (Admin)

UPON THE PARTIES AGREEING the following terms:

- (1) The Defendant shall amend her policy to incorporate a process for dealing with incidents of anti-social behaviour, harassment, verbal or physical abuse, threatening behaviour or assault in asylum support accommodation concerning persons supported under the Immigration and Asylum Act 1999 ('supported persons') who are not intimate partners or family members.
- (2) The amended policy shall be informed by a review of her current approach for dealing with such incidents, and shall involve consultation with key stakeholders, including the National Asylum Stakeholders' Forum.

- (3) Absent special circumstances, such a review shall be concluded by February 2021 and an amended policy published by April 2021.
- (4) In the interim, the Defendant confirms that she will, within 14 days of this order being signed by the Parties, publish a note and circulate the same amongst asylum support case workers, Migrant Help and her contracted accommodation providers. The note will include the following:
 - (a) A direction that in cases involving serious breaches of conditions of support or serious incidents of anti-social behaviour, harassment, verbal or physical abuse, threatening behaviour or assault in asylum support accommodation concerning supported persons who are not intimate partners or family members, an investigation is required to be conducted.
 - (b) A direction that the response to incidents identified in 4(a) above should include eliciting the alleged victim's wishes so far as concerns whether she or he wishes to remain or be relocated, and consideration of relocating the alleged perpetrator. If a decision is made that the perpetrator is to be relocated, this should be implemented promptly.
 - (c) A recognition that the Home Office has overall responsibility for ensuring the investigation is carried out and outcomes determined, including in respect of safe and suitable accommodation for supported persons affected by incidents of anti-social behaviour, harassment, verbal or physical abuse, threatening behaviour or assault.

IT IS HEREBY DECLARED THAT:

1. The Defendant acted in breach of section 55 of the Borders, Citizenship and Immigration Act 2009 and Claimant's and her son's rights under Article 8 ECHR by failing (a) to carry out a safeguarding investigation into the allegations of violence, abuse and harassment they reported to have suffered between February 2020 and 20 May 2020 in their shared asylum support accommodation, and (b) to consider relocating the alleged perpetrator of the behaviour, having regard to the Claimant's wishes to remain in her shared accommodation.

AND UPON THE PARTIES AGREEING that an award of compensation is necessary for just satisfaction of the breach of Article 8 ECHR.

IT IS ORDERED BY CONSENT THAT:

2. The hearing listed for 15 December 2020 be vacated.
3. The assessment of the quantum of the just satisfaction award shall be stayed for a period of two months to permit the parties to explore a negotiated settlement. If the parties cannot agree on the sum, directions should be agreed for the matter to be determined by the Court.
4. The Defendant shall pay the Claimant's reasonable costs to the date this order is sealed, to be subject to a detailed assessment if not agreed. All other costs are reserved pending the resolution of the just satisfaction claim.
5. Pursuant to CPR r. 44.2(8), the Defendant shall make a payment on account of those costs within 28 days of being served with a Schedule of Costs in the sum of 50% of the Schedule.
6. The Claimant's legally aided costs shall be subject to a detailed assessment.

Dated this 3rd day of December 2020

Signed: *DPG*

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