



# Government Legal Department

Greater Manchester Law Centre  
[REDACTED]

Litigation Group  
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[REDACTED] [www.gov.uk/gld](http://www.gov.uk/gld)

17 May 2021

Our ref: Z2011590/KBT/HO14

Dear Sirs

**QBB v SSHD v FIRST TIER TRIBUNAL CO/3986/2020**  
**R (AKN) v SSHD and FTT(SEC) CO/4191/2020**  
**R (PA) v SSHD and FTT(SEC) CO/4205/2020**  
**R (MA) v SSHD and FTT(SEC) CO/4206/2020**

We write in response to your letter dated 17 May 2021 and address each of your queries in turn.

In these judicial review proceedings your client's challenge is against the Secretary of State's policy set out in: 'Operational Instructions to Staff: Negative Cessations in light of Covid' (March 2021). This policy has been withdrawn. As such, there is no existing challenge to any decision or action of the Secretary of State, and the claim falls to be withdrawn. The Secretary of State intends to adopt a new policy, however the decision has been made not to restart negative cessations until step 4, the earliest date being 21 June 2021.

With respect to questions 2-4, at the hearing in these proceedings on 5 and 6 May 2021 written and oral submissions were made on behalf of your clients confirming that:- (i) there was no need to determine the power pursuant to which your clients were being accommodated, and (ii) your clients did not raise as a ground of judicial review any challenge to the Secretary of State's position as to the nature of the power to provide accommodation. Accordingly, as your clients have made clear both before and during the hearing, the challenge (in relation to the SSHD) is solely to the now withdrawn policy and there is no need to address the issue of the power pursuant to which your clients are being accommodated. Indeed, it is significant that, amongst the remedies your clients seek, no declaration is sought as to the power pursuant to which they are accommodated.


As for the position of those accommodated under s.4 in the future the SSHD will shortly announce a decision as to when it is hoped to restart reviewing the entitlement of those accommodated to continuing s.4 accommodation. When this decision is announced it will of course be open to your clients, insofar as they are affected by the decision, to issue proceedings challenging the decision. Until then, however, no purpose is served by continuing these proceedings in circumstances where the decision under challenge has been withdrawn.



As for the challenge to the AST's jurisdiction, as you will recall the Court did not grant permission on this ground and the Secretary of State does not consider that it is proportionate or reasonable to proceed with the hearing on 27 and 28 May 2021 to determine the limited issue which your client wishes to have considered (despite not being affected by the outcome on this issue).

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. F. E.', written in a cursive style.

  
For the Treasury Solicitor

D  
F  
E

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