

## **BROOK HOUSE INQUIRY**

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### **First Witness Statement of Hugh Ind**

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 16 February 2022.

I, **HUGH TIMOTHY IND**, date of birth of DPA, **WILL SAY AS FOLLOWS:**

#### **Introduction**

1. I make this statement answering questions raised by the Brook House Inquiry in its Rule 9 request. I make the statement in my capacity as a private individual (who is no longer employed by the Home Office). I am the Chief Executive for the British Transport Police Authority.
2. In so far as the contents of this Statement are within my own personal knowledge, they are true, otherwise they are true to the best of my knowledge, information and belief.
3. The answers provided below are to the best of my knowledge and recollection as it stands. Since I am no longer employed by the Home Office and I am not a civil servant, I do not currently have access to Home Office records or Government IT systems. I confirm that I have seen the documents noted in the Rule 9 request, but in the main I have drawn on my own recollections for the information provided in my statement. I have endeavoured to assist the Inquiry so far as possible within the practical constraints and timeframe given and remain willing to consider any further documents or information provided by the Inquiry as it deems appropriate.

#### **Background and my role**

4. I worked in the Home Office for some 27 years between 1991 and 2018 with a four year gap (2001-2005) in other government departments. My first roles in the Immigration

System were in the period 1996-1999. Initially, I was responsible for leading Home Office Presenting Officers (“HOPO”). The HOPOs represent the Home Office in immigration and asylum appeals. I moved out of the immigration and asylum area in 1999 for 6 years.

5. From 2005-18, I held various Senior Civil Service Roles in the Immigration System. These roles were focused initially on the Asylum System (2005-10), then I led immigration operations across London and South East (2010-13). From 2013-16, I held different roles as a Director in Immigration Enforcement. As Director General from 2016, the operation of the detention estate formed part of my responsibilities until I left the Home Office in June 2018.
6. I left the Civil Service altogether in 2019 to take up the post of Chief Executive for the British Transport Police Authority.

#### **Relation of my role to Brook House IRC**

7. I am asked to explain the relationship between my role and Brook House IRC before, during and after what is called ‘the relevant period’ (1 April 2017 to 31 August 2017).
8. From 2013 to 2016 I was a Director in Immigration Enforcement. I had different roles over this period but, throughout, I either held direct responsibility for the operation of the immigration detention estate or was part of a Board with that collective responsibility. During the relevant period itself, I was the Director General so had charge of the team of Directors responsible for the operation of the detention estate. I reported to Patsy Wilkinson who, as Second Permanent Secretary, had ultimate responsibility for all immigration policy and operations

#### **Immigration compliance**

9. I have considered document HOM0332000 and I am asked to comment on the role of cross-governmental activities to reduce immigration abuse and to maximise compliance with immigration law. I understand that broad issues of immigration policy are outside of the scope of this Inquiry however, to answer this question, I will have briefly to explain the role of detention in underpinning immigration law and control which necessarily goes further than the individual detained cases. Whilst the Home Office does operate a programme of voluntary departure (with financial incentives) for foreign nationals who

have no right to remain in the UK, there remain those subject to removal who would not, or do not, report at the airport for removal. Detention is required to effect their removal. The public interest in enforcing departure is especially acute in deportation cases where there is a risk of public harm. Parliament has emphasised the importance of practical enforcement of deportation through the automatic deportation system under the UK Borders Act 2007 which reflected profound public concern in this regard.

10. Using all potential means to ensure compliance with UK immigration law and control should mean that the need to use detention is reduced. However, without the ability to enforce immigration law and control, the system would be less effective since those who failed to comply would be rewarded by remaining in the UK whilst those who complied and departed from the UK would in effect be relatively worse off for their compliance. There are further effects of failing to enforce compliance with immigration law, including undermining the purpose of the appeal system.
11. It follows that promoting compliance with immigration law and control is a cross government concern and doing so successfully should help to reduce the need to use detention. Part of my role was to further this aim of ensuring compliance with immigration law and control. I am asked specifically to explain what “immigration abuse” means in this context. For my part, I am not aware of any particular definition or consensus as to this phrase. In my experience, it is used as a short hand for abuse of immigration law and control i.e. non-compliance with those duties imposed on individuals by immigration law and control.

#### **Direct contact with G4S, individual detainees and Brook House IRC**

12. Consistent with my operational responsibilities relating to the entire detention estate, I was concerned primarily with the significant challenges of balancing the demands of the overall immigration system with the available resources. Inevitably, discharging my duties placed constraints on the scope for involvement with individual cases, organisations and individual IRCs.
13. Detention systems need to cater for a wide variety of different cases. The majority of detainees were detained for relatively short periods (days) but there were others whose detention was extended for a range of different reasons. In my senior role, I was concerned

principally with the wider picture, but I did have some limited involvement in individual cases, usually as a result of a person's situation being covered in the media or raised in some other significant forum and hence there was Ministerial interest with which I had to engage. On occasion, if I had met the individual detainee on a visit to a removal centre I may have asked to be updated on progress of their case to help me reassure myself on how our systems and processes were working. Also, I would have been aware of the collective effect of detention decisions over time through data concerning the flows of the approximately 30,000 individuals in and out of immigration detention every year at that time.

14. I confirm that I did visit IRCs, including Brook House IRC, in my various roles relating to the detention estate. I do not believe that I visited Brook House IRC during the relevant period, but it is possible that I did. Without access to my work calendar for that period, I cannot be certain. Similarly, without consulting those records I cannot specify overall how frequently I visited Brook House IRC and other IRCs and who I met on visits and what was discussed.
15. Generally, I can confirm that from 2007 onwards, I had direct contact with G4S staff whenever I visited a Removal Centre operated by G4S for reasons connected with my overall responsibility for the asylum system only. From 2013 onwards, I had email or phone contact with G4S senior executives and IRC leadership on a variety of matters resulting from an overall responsibility for the operation of the detention estate. For example, the contact may have related to a particularly sensitive contractual matter if it was escalated to me or where I was following up any other issues brought to my attention by the responsible teams or an issue that I had observed on a visit. I met senior G4S executives at periodic strategic commercial meetings between G4S and senior Home Office officials responsible for significant contracts with G4S across the Home Office. This model of senior oversight of all large contracts with the same provider was adopted for all outsourcers doing significant business with the Home Office. In addition, there were individual 'contract monitors' who engaged in continuous 'on the spot' contract monitoring for the particular IRC they had responsibility for. I am not able to say how much direct contact the senior G4S executives had with the day to day operations and DCOs; my interactions were concerned with the macro-level issues entailed in overall responsibility for the contracts.

16. I would summarise my dealings with Brook House IRC in the relevant period as being consistent with my role as the Director General with overall responsibility for the detention estate. From my recollection, Brook House IRC did not stand out as having any features to warrant particular interest or concern (pre Panorama).
17. I am asked if I see tension between the original design of Brook House and its eventual use. I do not. It was clear to me – in terms of both the accommodation and the regime – that Brook House IRC was capable of holding individuals for a longer period than 72 hours. Had this not been so, I would have expected HMIP and others to make strong representations that the design of the IRC could not support the use to which it was being put. I don't recall ever seeing such a suggestion before reading the letter from the BBC of August 2017.
18. I have seen a note of a Gatwick IRCs SMT meeting of 29/6/17 at document CJS000593 on which I am asked about a comment suggesting I gave 'good feedback' on a recent Ministerial visit. I am unable to recall the feedback or provide more detail in relation to it. I do not think I was present for the Ministerial visit itself but without access to my calendar I cannot be certain. Applying my general experience of such visits, my favourable feedback is likely to have been formed from factors such as that the logistics of the visit went well, the Minister felt he got a good sense of the operation at Brook House and it may have covered impressions of individual or overall staff competence (e.g. that those G4S and Home Office staff encountered had conveyed a sense of competence). My favourable view is likely to have been created by what the Minister himself or those who accompanied him said to me about the visit.

### **Miscellaneous**

19. I am asked to consider the Adults at Risk policy and Rule 35 of the Detention Centre Rules ("DCR"). As Director General of Immigration Enforcement, I was responsible for the effective operation the policy and of Rule 35 DCR but I did not design the policy nor the DCR. I ceased having this operational responsibility in June 2018. Inevitably, as with other matters relating to detailed operational matters, it is difficult to recall what I thought about the operation of Rule 35 at any particular time and my reasons for thinking that. It is likely that my concerns would have been of an operational nature because that was my focus.

20. I have considered the notes of my evidence to the Home Affairs Select Committee in 2018 as requested. Whilst I do not have specific recall of the comments, meaning it would be inapt to reiterate them, I recall that I did not think either that the Adults at Risk policy or Rule 35 worked perfectly or that improvements were not needed. Care should be taken in attributing any significant adverse inference to my comments since it is rare in my experience for any operational measure to achieve and maintain perfection and ongoing improvement is normally a worthwhile objective. That said, this is an especially challenging area given the need for balance between the public interests and individual interests affected. From reviewing my comments to the Select Committee, it seems clear that I did not have specific ideas on what improvements could be made. Rather, my expression of dissatisfaction appears to have stemmed from the fact that I knew this was an important area of public policy and that a significant body of opinion existed to the effect that the Policy/Rule were not achieving their ends. To that extent, the policy was not working for detainee interests or the Home Office, so more work was needed on this complex and sensitive policy.

21. I have considered document HOM000630\_11 and I am asked about my reported interest in the detention of D1527. I am unable to recall this individual or to shed any light on why I would have had an interest in their detention nor what form that interest took.

22. I am asked to explain more about my intervention with the Minister on delayed responses to Service Improvement Plans (“SIPs”) as reported in document HMIP000446 which looks like an HMIP account of a 31/10/17 meeting they had with Home Office colleagues. From memory, the issue was that the process for sharing and publicising Home Office Service Improvement Plans in response to HMIP reports was too slow to the point that, on occasion, it risked appearing discourteous. Part of the delay in the process sometimes resulted from the slow passage of documents through Ministers’ Private Offices. I do recall on occasion meaning to ask a Minister to intervene with their Office and accelerate clearance of the Plans for publication. I do not recall specifically doing so at this time, nor the immediate impact of my doing so.

### **Interaction with other organisations**

23. I am asked about my interactions with HMIP. Since I left Immigration Enforcement in 2018, I had no involvement in the HMIP inspection of Brook House in 2019.

24. I was Director General when the HMIP conducted its 2016 inspection and reported in March 2017. Consistent with the usual practice, I do not recall any interaction with the HMIP process of the inspection itself. In my role as Director General, I considered the HMIP Report on receipt. Whilst I cannot recall the specific details now, I had a clear impression of a slowly improving regime as it was described in the HMIP report.
25. I have considered document IMB000026. In relation to my interactions with the Independent Monitoring Board (“**IMB**”) at Brook House IRC, I do not recall specific interactions within the relevant period. Later, I visited Brook House on 20 September 2017. As part of that visit, I do recall that I joined Independent Monitoring Board Members as they discussed why they had not spotted the abuse evidenced in Panorama and what more could be done for the future. I was keen at the time to understand from all parties the extent to which they had seen any signs of the abuse and culture that was depicted in the Panorama programme. Whilst I cannot recall specific comments, I remember a sense of frustration from IMB members that they had not spotted signs of the abuse depicted and that this was a frustration I shared. I took the opportunity of highlighting the Action Plan prepared in response to the Panorama revelations with a view to accessing IMB input to help ensure the Plan was well-focussed. I think that is likely to be the same Action Plan at document CJS000736 or a close variant thereof.
26. I am referred to the note of a meeting between the IMB and GDWG in November 2017 at document VER000110. The note of the meeting states that IMB ‘did not know’ about Panorama issues raised. I take that to mean that IMB had not known in advance of the Panorama episode. That seems consistent with my recollection of the discussion on 20 September. I don’t recognise any of the other sentiments attributed to IMB Members in the November 2017 meeting as having been evident in my 20 September 2017 meeting with them.
27. I am referred to document NHS000010, the 2018 Partnership Agreement between the Home Office, NHS England and Public Health England to which I was a signatory. This was an update to a pre-existing agreement. It was not my role to devise or develop policy or draft agreements. On the operational side, I had ultimate responsibility to ensure that Home Office staff and contractors abided by this Agreement. Self-evidently, I had no power or control over the NHS parties to the Agreement.

28. I always took an interest in the provision and operation of healthcare at IRCs – both on my visits and when relevant reports were brought to my attention. I understood this to be an area of paramount importance to the safe operation of the detention estate. However, there was limited scope within my role to become immersed in the details and day to day specifics of a complex, multifactorial matter. I cannot now recall such matters, nor do I have access to the information necessary to inform meaningful detailed opinions on the specialist matters referred to in the statement request (at paragraph 14).
29. From memory, I recall no specific concerns about the operation of the relevant processes at Brook House during or immediately prior to the relevant period. I am asked to give an opinion as to whether I consider that the Home Office were providing ‘safe, decent and secure detention’ during the relevant period. Whilst all the evidence must be considered to provide an informed opinion on what is a broad question, I accept for my part, that the evidence of the Panorama programme depicts a position that falls unacceptably short of the required standard in each respect.

#### **Reaction to Panorama and events thereafter**

30. Prior to its broadcast, the BBC sent a letter to the Home Office on 24/8/17 detailing the contents of their forthcoming Panorama documentary. I met Peter Neden and Jeremy Petherick of G4S on my return from leave on 29/8/17 to discuss the contents of that letter and their response to it.
31. Since I had seen the extensive letter from the BBC in the week before the Panorama programme, to an extent, I had been able to condition my expectations prior to viewing it. Nevertheless, the impact of the programme on me was significant. Personally, I recall feeling a mixture of shock, disgust, distress and then a resoluteness to lead the way forward through my role to ensure that the events depicted could not happen in the future.
32. I am referred to the letter I sent the BBC on 1/9/17 immediately prior to the airing of Panorama at document BBC000049\_3-7. I am asked about the relevance of a comment that some of the detained people had come from prison. The second half of that sentence provides the relevance of that comment, so I cannot add to that now.
33. I sent the letter to the BBC after discussion with colleagues across the Home Office and based on written and verbal advice received in my role as Director General. I do not recall



much of the detail at this stage, but it may be that detailed comments may be provided by the teams or individuals more closely associated with the relevant part of Home Office operations at the time.

34. It was clear to me on receiving the BBC letter and then on viewing the Panorama programme that there was evidence that G4S had fallen below the high standards expected of them, hence my immediate focus with senior G4S executives on the creation of an action plan providing both for the prosecution of the offences and for the establishment of conditions and a regime in which such abuses could not happen again.
35. I am asked to comment on correspondence from February 2018 at document HOMO331949 in which I appear to have been following up on progress with the Action Plan. I can see that I was pressing my teams fully to challenge themselves about progress on the response to Panorama and I was looking to involve myself personally in that process too. I do not have a recollection of the follow up on the specific questions I raised in that correspondence. I note that I left my role 3 months later and so much of that work is likely still to have been in train at that time.
36. I can provide more illumination on two of the points I raised in that correspondence as they were born of general concerns I carried with me throughout my time leading large scale operations. In my experience, it is often the case with difficult problems in the workplace that teams default to looking for better data to understand the problem. Intentionally or otherwise, this often leads to delay in taking steps to address the problem itself. That will have been my concern in this instance. It was not specific to the issues arising from Panorama. Second, I expressed concern about the incipient separation of the roles of pre departure teams and contract monitoring teams at Brook House. As a leader, I was always trying to incentivise my teams to collaborate on a shared endeavour. My experience has been that, to the contrary, teams and their leaders often try to establish clear boundaries to their work. That may help them delineate what they are responsible for, but it rarely helps deliver an overall better service for the consumer. In the case of Brook House, as with any IRC, I will have felt that the relatively small number of Home Office staff on site meant that good collaboration and communication between them was at a premium to ensure the smoothest and safest possible running of the site overall. To build in separation at the outset would have raised a flag of concern for me. That is what I was expressing in this correspondence.

37. I am referred to document HOMO331707 – a March 2018 briefing on what the Home Office knew about the DCOs against whom the allegations were made. There were clearly some incidents of abuse of which the Home Office had been unaware until receiving a letter from the BBC on 24/8/17 which is evidently an unsatisfactory position.
38. I have considered document HOM032600 and I confirm that I met Stephen Shaw on 13 September 2017. I do not recall the detail of the meeting, nor have I seen any record from it. But, from the context, it seems clear to me that I was talking to him about the conduct of his planned ‘Re-review’ into welfare in detention issues and the extent to which this new review would be able to encompass the Panorama revelations at Brook House.

<b><u>Statement of Truth</u></b>	
<p>I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.</p> <p>I am content for this witness statement to form part of the evidence before the Brook House Inquiry and to be published on the Inquiry’s website.</p>	
Name	Hugh Ind
Signature	<div style="border: 1px dashed black; padding: 10px; text-align: center;"> <b>Signature</b> </div>
Date	10 March 2022