

**Panorama, Undercover: Brook House**  
**PROTOCOL FOR UNDERCOVER OPERATIVE.**

This document is intended as GUIDANCE, not as prescriptive. It is impossible to outline every possible scenario.

In the event that the safety of detainees or officers, the safety of our operative and / or the integrity of our journalistic enterprise is best safeguarded by deviating from our document that is what our operative should do – however wherever practicable that should be in consultation with the producer and editorial policy advisors.

Where the operative is in any doubt they should consult with the production team but can also contact the external risk specialists we have engaged to support this operation.

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**1/ Risk Assessment**

Please note that the risk assessment is the primary document and should always be read in preference to this document where the two differ (if they were to differ).

**2/ Legal and Employer Guidelines Our Operative Must Consider**

The relevant legislation (The Detention Centre Rules 2001) says:

**“General duty of officers**

45.—(1) It shall be the duty of every officer to conform to these Rules and the rules and regulations of the detention centre, to assist and support the manager in their maintenance and to obey his lawful instructions.

(2) An officer shall inform the manager and the Secretary of State promptly of any abuse or impropriety which comes to his knowledge.

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(3) Detainee custody officers exercising custodial functions shall pay special attention to their duty under paragraph 2(3)(d) of Schedule 11 to the Immigration and Asylum Act 1999 to attend to the well-being of detained persons.

(4) Detainee custody officers shall notify the health care team of any concern they have about the physical or mental health of a detainee.

(5) In managing detained persons, all officers shall seek by their own example and leadership to enlist their willing co-operation.

(6) At all times the treatment of detained persons shall be such as to encourage their self-respect, a sense of personal responsibility and tolerance towards others. ”

The employer themselves describe the role as:

- Monitor and control detainees in a manner consistent with good security and human dignity.
- Complete and maintain detainee records, documentation and reports.
- Search individuals, premises and surrounding areas, when appropriate, and confiscate prohibited items in order to maintain safety and security.
- Encourage detainees to take part in purposeful activities and assist in delivery of all services, activities and functions whilst engendering positive, friendly but professional relationships with all detainees.
- Promote an environment that supports the welfare and safety of staff and detainees at all times.
- Maintain the highest standards of care in order to minimise the risk to detainees of suicide, self harm and bullying.
- Assist in the control of incidents and emergencies to reduce impact and bring a swift resolution.
- Minimise and deal with aggressive and abusive behaviour to reduce risks to security and maintain a safe and secure environment.

The Undercover Operative needs to meet all of those benchmarks – except where discussed with the production team and agreed in order to maintain effective undercover ‘character’ or ‘cover’. Such instances will be noted / agreed.

For example, the operative has already discussed with the producer and executive producer the fact that where he is witness to or aware of abuse or impropriety etc (as above) he will not in the first instance immediately report that to his superiors at G4S he will first discuss with the producer and or executive producer the best course of action given the need to establish a pattern of behaviour at the centre and in light of our evidence about the long-running nature of these sorts of problems at the centre – and safe in the knowledge that we expect all substantive evidence of wrong-doing to be reported to G4S and others prior to broadcast during the “right to reply” process.

### **3/ Guiding Principles**

However, our evidence suggests that other members of staff may carry out actions that do not meet those (or indeed external legal / guideline) requirements. Other members of staff may instruct the Undercover

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Operative to assist them when they are doing something the Undercover Operative believes to be wrong. Other members of staff may ask the Undercover Operative to encourage them or to comment on their behaviour.

Our operative will need to weigh every situation against the broad protocol that:

- *Unless there is a good reason not to, our operative should comply with requests-*
- *Our operative must not cause any harm or break the law themselves [except where agreed, for example bringing cameras into a centre] -*
- *Our operative must not encourage anyone else to cause harm or break the law -*
- *Our operative must keep themselves safe -*
- *Our operative should neither cause nor encourage, but also will not be able to prevent all wrongdoing by others -*
- *Where there is a significant risk of imminent, serious harm to an individual, our operative needs to be prepared to intervene directly / immediately. Any intervention by the operative also needs to be appropriate. -*
- *Our operative should minimise the impact of their secret filming on the privacy of detainees, as much as it is possible to do so -*

The whole team need to be aware of and prepared for the possibility that worse could occur than outlined in our evidence— either because our sources did not see the worst behaviour or because of new activity.

If our operative is discovered, the Undercover Operative will leave the establishment, as outlined in the risk assessment.

#### **4/ Privacy.**

Our operative must be aware that their secret recording potentially breaches the privacy of detainees. There is a clear public interest reason to expose widespread smuggling and drug taking – as well as potentially issues like abuse and hopefully improve the role of centres in our society, which justifies intrusion, provided our operative makes reasonable efforts to limit that intrusion.

Our operative will endeavour to secretly film detainees only where it has the potential to evidence anti-social and illegal activity. Our operative

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will endeavour to switch off cameras in compromising situations unless there is a strong evidential reason to continue filming.

All of this guidance is only as far as it is practical without being discovered. Continually switching on and off the camera will result in our operative being discovered. There may be unavoidable delays before the Undercover Operative can switch off the camera.

### Handling of material

Video footage from secret filming will be viewed in full by the producer (or on occasions, by the assistant producer) in a timely fashion. If any issue arises in any of the recorded footage, it can be reported up the chain of command and reviewed. Feedback to the operative will ensure if there are any issues that they are not repeated. We do not expect issues.

Where possible – and certainly where anything compromising appears in secretly filmed material – only the production team will log / view rushes, to ensure minimum invasion of privacy.

The film is ultimately under the oversight of Karen Wightman executive producer and Rachel Jupp, Panorama Editor. As in previous similar investigations, one of them and or Jim Gray acting head of current affairs will view excerpts as appropriate during the course of the investigation and take a view on the progress of the whole film.

Separately, an experienced BBC employee will be employed as “a second chair” to review the entirety of the relevant rushes, and associated material, to take a view on the context in which they are used.

Video material will be kept separately and under special oversight. Intrusive rushes will be destroyed in due course (once any possibility of legal action or regulatory complaint has elapsed).

Our operative will make detailed notes about their time undercover, particularly providing context for secret filming.

### 5/ Hypothetical examples

These issues must be discussed with the producer/assistant producer and referred for advice where appropriate. That will usually be as part of the undercover operative’s daily debrief (see risk assessment for more detail

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