

## **BROOK HOUSE INQUIRY**

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### **Second Witness Statement of Hindpal Singh Bhui**

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1. I provide this second statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 4<sup>th</sup> March 2022. I have been authorised by Her Majesty's Chief Inspector of Prisons ('HMCIP') of 3<sup>rd</sup> Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU to provide this witness statement on behalf of Her Majesty's Inspectorate of Prisons ('HMIP'). Insofar as the contents of this statement are within my personal knowledge, they are true, and, insofar as the contents of it are not within my personal knowledge, they are true to the best of my knowledge and belief.
2. The Inquiry has requested this witness statement by 18 March 2022. The window to prepare this witness statement coincides with an ongoing inspection of another immigration removal centre (Colnbrook) which I am leading, and which followed my attendance at a prison inspection the week before. This has greatly limited the time available to me to prepare this witness statement. I have answered as many as possible of those questions asked, which have not already been dealt with in my first witness statement. I mean no disrespect to the Inquiry if anything is considered outstanding, and of course am happy to deal with further questions when I give oral evidence to the Inquiry on 24 March 2022.

#### A. Additional information about HMIP inspections

3. Since 2013, almost all HMIP inspections have been unannounced. The main reason for moving to unannounced inspections was to reduce the possibility of establishments preparing for inspections in a way that could prevent HMIP from obtaining the most accurate possible picture of the way that they are normally run. On occasion, HMIP may choose to announce an inspection about three months in advance. This is usually when the results of a previous unannounced inspection have been very poor and we decide that giving the establishment a target date to aim for will help to encourage concerted action towards making improvements by the time of our return. During the Covid-19 pandemic, we have

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also given establishments around two weeks' notice of our arrival for health and safety reasons.

4. I have been asked to explain the triangulation method used during HMIP inspections further, with reference to document GDW000011\_7, including whether I consider it be unfair. The aim of the triangulation methodology is to ensure that key findings are based on multiple sources of evidence and therefore balanced and demonstrably robust. Triangulation does not mean that individual pieces of evidence are not reported or that they are ignored. For example, in the 2019 Brook House inspection report, one of our judgements was that, *'Overall, health care provision was a reasonably good and responsive service.'* However, in the same paragraph, we also reported that, *'in our interviews, a significant minority of detainees complained about their treatment, particularly the dismissive behaviour of a few health care staff. We found evidence of concerns about the attitude of a few health care staff. However, the vast majority of the work that we observed was good.'*
5. Triangulation ensures properly evidenced overall judgements and is not therefore inherently unfair; but it does mean that not all individual sources of evidence – positive or negative – are given prominence in an inspection report. In relation to the GDWG report more generally, HMIP's healthcare inspectors are closely reviewing it and we are arranging to meet with Gatwick Detainees Welfare Group to discuss it further. Our initial assessment is that the report makes a number of important points, which may lead to useful learning for HMIP; but we have also identified factual errors and apparent misunderstandings in the report regarding some aspects of HMIP's health inspection methodology. Once we have discussed these points with GDWG, we will be in a stronger position to learn lessons.
6. I have been asked about the use of IRCs as comparators in HMIP inspections. In relation to the detainee survey, all IRCs are included in the comparators because we expect all to reach similar standards regardless of population or IRC design. In practice, we tend to find that outcomes for detainees are better in the smaller IRCs which are less prison-like in design (such as Tinsley House and Dungavel).

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7. I have been asked about the steps taken following IRC inspections. These are set out in my first statement at paragraphs 30 to 33. The steps taken following IRC inspections do not differ in any significant way from those taken following prison inspections.
8. I have been asked to explain document HMIP000152. This document summarises the views of inspectors who piloted the draft version of what are now the current immigration detention Expectations during the inspection of Yarl's Wood in June 2017. Piloting Expectations ensures that they make sense to inspectors in practice and allows potential gaps to be identified so that adjustments can be made before the Expectations come into use. The current version of the Expectations (INQ000134) came into use in January 2018.
9. I have been asked to comment on Time Served Foreign National Offenders (TSFNO). All IRCs hold some former prisoners and the detention estate is now largely used for that group. Brook House, Harmondsworth, Colnbrook and, until its closure, Morton Hall, have all tended to receive higher numbers of former prisoners than the other centres. In the main, I am not aware of the population mix being significantly different between these IRCs. However, Harmondsworth has traditionally held more people with serious mental health problems as it has an in-patient unit.
10. I am asked to comment on the differences and similarities in management of TSFNOs as compared to other groups of detained persons. There is no reason in principle why former prisoners should be any more difficult to manage than other detainees. However, some may have behavioural difficulties which contributed to their offending, and they are likely to have more complex immigration cases. In addition, former prisoners may be detained for longer than detainees who have not been held in prison. Longer detention is known to worsen mental health problems and causes increased frustration.
11. I have been asked about a comment I made in an internal email on 8 September 2017 that "Harmondsworth may be worse than Brook House in many ways" (HMIP000130). I considered that Harmondsworth might be worse in 2017 than Brook House at the 2016 inspection on the basis of the findings of the previous inspection of Harmondsworth, the intelligence we had received and the fact that I had just heard about a self-inflicted death

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there. The healthy establishment scores at Harmondsworth in 2015 in relation to safety, respect and activities were all 'not sufficiently good' and a wide range of concerns were highlighted. I also had in mind that the Panorama programme had uncovered mistreatment of some detainees in Brook House - a centre that HMIP considered to be delivering better outcomes than Harmondsworth at the time of inspection - and was concerned that there might be similar behaviours at Harmondsworth.

12. The pre-inspection report for the 2016 inspection of Brook House states '*staff retention had been a challenge to the centre this year and that a number of experienced staff left. As a result there was a relatively high proportion of new and inexperienced staff at the centre.*' (HMIP000128). I have been asked how and when HMIP were provided with this information. The pre inspection report is prepared by the HMIP coordinating inspector (see paragraphs 59, 61 and 67 of my first statement). I do not know exactly how and when this information was provided to the coordinating inspector. However, it is normal practice for the coordinating inspector to meet with the centre manager at the start of the week one visit and to note down the main points and feed them back to the team. It is therefore likely that this information was provided by the centre manager to the coordinating inspector on the first day of their visit. I have also been asked if the high proportion of new and inexperienced staff impacted the running of the inspection. The high proportion of new and inexperienced staff did not affect how the inspection was run, although it would have been taken into account while making other judgements.

B. Brook House – mistreatment and complaints

13. I have been asked to set out knowledge which I or HMIP has, during the relevant period, of physical mistreatment or verbal abuse by staff of detained persons at Brook House; or violence or verbal abuse between detained persons. HMIP does not actively monitor centres between inspections so the information we have between inspections is drawn from the intelligence people provide to us, and IMB reports. Neither I nor, as far as I am aware, anyone else at HMIP, has direct knowledge of physical mistreatment or verbal abuse by staff of detainees, or violence or verbal abuse between detainees, during the relevant period at Brook House. We received one piece of intelligence during the relevant period from the

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Prisons and Probation Ombudsman, and were subsequently contacted about the same issue by a law firm acting on behalf on their client (HMIP000696). This information related to events that occurred before the relevant period. In March 2019 we received a piece of intelligence about the relevant period from a member of staff at Brook House. This was an email sent to Kate Lampard which was then forwarded to HMIP. It described a grievance against G4S by a member of staff who was subject to G4S disciplinary procedures himself. He raised concerns about bullying by G4S managers, including during the relevant period (HMIP-000698).

14. I cannot comment on the complaints process in relation to instances of abuse and/or mistreatment by Brook House staff during the relevant period as no inspection of Brook House took place during this this period. HMIP's findings on these matters during the 2016 and 2019 inspections are set out in the relevant inspection reports.
15. HMIP's findings on the Brook House 'Speak Out' service are reported in the 2019 inspection report. We found that G4S staff reported they were confident to use whistle-blowing procedures and that the G4S Speak Out service had been used seven times in the previous six months. All staff we surveyed said that they would report any inappropriate behaviour towards detainees, usually to managers, but 12% did not believe that they would be taken seriously if they raised a concern.

#### C. Introduction to 2016 inspection report

16. I have been asked about the introduction to HMIP's 2016 inspection report of Brook House (the report is at CJS0000761), and the statements by then HM Chief Inspector of Prisons that *"this was an encouraging inspection"*; that Brook House *"had improved upon the standards we found at the last inspections, and on this occasion was assessed as 'reasonably good' in all four of [the] healthy establishment tests"* and that the standards observed at the centre, *"are the result of a great deal of hard work by the management and staff"*. In relation to HMCIP's statement that the 2016 inspection was 'encouraging', this should be understood with reference to the centre having improved upon the judgements at the previous inspections in 2010 and in 2013. At the first inspection of the centre in 2010,

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Brook House received the worst possible score on safety ('poor') and was 'not sufficiently good' for all other tests. In 2013, the preparation for release test had been 'not sufficiently good'; it had improved to 'reasonably good' in 2016. In addition in the other tests there was evidence of some positive outcomes for detainees (which is what "reasonably good" means). There had therefore been a considerable journey towards the 2016 scores; while outcomes were not considered to be 'good' in any test in 2016, in the context of what had gone before there had been significant improvements and 2016 was the first time that Brook House had been judged to have 'reasonably good' outcomes in each test.

17. The introduction to the 2016 inspection report also noted our concerns about the addition of a third bed into some cells in terms: *"I would add a cautionary note on an issue that is not the subject of a specific recommendation but has the potential to adversely affect the conditions in which some detainees are held: the proposal to bring into use the third bed which has been installed in 60 of the two-person cells. Many staff and detainees were of the view that this would lead to a decline in living standards. This is a view shared by inspectors."*

18. I am asked why this was not the subject of a specific recommendation. As third beds were installed but not yet being utilised, we had no evidence regarding the impact of a third bed on the experiences of detainees. No recommendation was made because inspections do not make recommendations about potential future outcomes, only about evidenced current outcomes. However, based on our discussions with staff and detainees about their concerns and our own observation of the cells, we were sufficiently convinced of the probable detrimental effect of a third bed to warn the Home Office about our concerns in the introduction and report, thereby encouraging them to reconsider their proposed course of action.

#### D. Inspection of Rule 35

19. I am asked to comment on HMIP's knowledge and experience of the Rule 35 process in Brook House including HMIP's view of the quality and appropriateness of Rule 35 assessments. HMIP's judgements on the operation of the Rule 35 process in Brook House

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are set out in each inspection report, and this includes HMIP's view as to the quality and appropriateness of Rule 35 reports and responses. Inspectors reviewing Rule 35 documentation at the 2016 and 2019 inspections had considerable experience as inspectors and either legal or healthcare expertise. Deri Hughes-Roberts (formerly an immigration solicitor) looked at Rule 35 reports at the 2016 inspection with Paul Tarbuck (healthcare professional); at the 2019 inspection, Colin Carroll (formerly an immigration legal advisor) and Maureen Jamieson (healthcare professional) looked at the reports. Information about the backgrounds, training and guidance provided to inspectors is set out at paragraphs 46 to 50 of my first statement.

E. Relationship with the Home Office

20. I am asked to set out my relationship and meetings with certain named Home Office staff before during and after the relevant period and the Panorama broadcast. As part of my role, I met regularly with Home Office officials Alan Gibson, Sal Edmunds and Frances Hardy, usually about twice a year, in order to keep up to date with developments in the detention estate and to let them know if there were any significant changes at HMIP. I met all of them shortly before and after the relevant period as part of these regular meetings. I met Clare Checksfield occasionally but have no record of meeting her in the year before or after the relevant period. I have no recollection of meeting separately with Paul Gasson or Michelle Smith, although they may have been at meetings I attended. I inform colleagues of the content of these meetings, which help HMIP to stay sighted on the Home Office's perspectives on our work and allows HMIP's position to be explained.

21. I have been asked about a comment I made in an email dated 9 October 2017 to HMIP colleagues (HMIP000156). In that email I stated '*A quick note to let you know that our new methodology is causing considerable unease in the HO [Home Office] and Mitie*'. The email which prompted this is exhibited HS36 On 7 October 2017, Clare Checksfield of the Home Office emailed asking to speak with me about HMIP piloting its post-Panorama enhanced methodology at an inspection at Harmondsworth IRC in 2017, and expressed disappointment that HMIP had not informed the Home Office first. I stated in my reply that HMIP's plans for unannounced inspections would not be discussed in advance with

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the Home Office. I did indicate that HMIP would welcome any suggestions about how the possibility of HMIP detecting abuse or negative cultures might be further improved. I did not consider the Home Office's concerns as expressed by their email to be valid or justified, as interviewing detainees and staff has always been a part of our methodology and we were simply conducting a larger number of these interviews in a more structured way; moreover, we had already employed the enhanced methodology at Yarl's Wood IRC with no concerns expressed by the Home Office.

F. Panorama and enhanced methodology

22. I have been asked to give details of HMIP's contact with BBC and/or Joe Plomin following the Panorama broadcast. As is confirmed in HMIP000131, Joe Plomin of the BBC emailed HMIP on 24 August 2017 asking whether the HMCIP (Peter Clark) had any comment to make on the forthcoming Panorama programme, attaching a letter. On 30 August 2017 Mr Clark's personal assistant responded confirming that Mr Clark had no comment to make on the basis of the letter which had been provided.

23. I have been asked to explain a comment I made which is recorded in a minute of an HMIP meeting in September 2017 (HMIP000203). This minute notes that I said that Panorama had found '*significant amounts of abuse going on*' at Brook House. This comment was based entirely on the Panorama programme – it was a brief summary of the concerns highlighted in the programme and not intended as a precise judgement.

24. I have been asked to comment in more detail on my meeting with Nathan Ward, which is referenced in my first statement at paragraph 101 and in the minutes at HMIP000203. This meeting took place at the then HMIP offices Victory House, Holborn in September 2017. I was leading a review of HMIP's methodology in light of the Panorama programme and asked Nathan Ward if he would help me to understand if there were ways in which HMIP could better identify behaviour of the type seen on the Panorama broadcast during time-limited inspections. In particular, I wanted to ask him about how best to encourage whistle-blowers to tell us what they knew. I described to him the enhanced methodology we were considering, and we went through the draft questions for staff interviews. I amended the

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draft questions as we discussed them and, as far as I can recall, these amendments were largely incorporated in the final version. I did not keep a note of the specific changes made. I do recall thinking that the meeting was helpful and that Nathan Ward was supportive of the changes that HMIP wanted to make, particularly in conducting a staff survey.

25. I am not aware of Nathan Ward raising concerns to HMIP in respect of the treatment of detained persons in Brook House and/or Gatwick IRCs before the Panorama broadcast.

26. I have been asked to comment on disclosures made to a member of HMIP staff about a member of staff at Brook House (HMIP000201; HMIP000129; and HMIP000179). As set out in that email chain, HMIP encouraged the person providing this information to contact Alan Gibson of the Home Office directly to share what they knew so that he could consider what action to take. That contact was made, which ended HMIP's involvement. I do not recall any further update from the Home Office.

#### G. Correspondence

27. I have been asked to explain HMIP's process in relation to correspondence. When correspondence directed to HMCIP is received by post or email, HMIP's policy is to reply to the sender within 20 days, regardless of whether HMCIP can assist or not. Incoming correspondence and replies should be logged and filed. Where intelligence is directed to a named individual staff member rather than directed to HMCIP, that correspondence should be responded to either by that staff member or by way of letter from HMCIP and filed for the next inspection.

#### H. Current Position

28. HMIP is not able to comment on the current situation at Brook House as we have not conducted a full inspection there since 2019. As set out in my first statement at paragraph 120, we undertook a short scrutiny visit (due to the Covid 19 pandemic) to Brook House in May 2020, which did not provide an assessment against our full Expectations but instead considered a number of key areas.

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**Statement of Truth**

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.

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.

Name	Hindpal Singh BHUI
Signature	
Date	

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