

BROOK HOUSE INQUIRY

First Witness Statement of Ian Cheeseman

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 3 February 2022.

I, Ian Cheeseman [DPA] will say as follows:

Introduction

1. I make this statement as a private individual, having retired from my employment in the Home Office in 2020. My statement was requested by the Brook House Inquiry (“**the Inquiry**”) with guidance as to the matters of interest, which I have sought to cover within the limitations of my recall and role. Since my retirement I am conscious that my memory of my former employment has deteriorated. It was not until February 2022 that I was contacted by the Inquiry and I am afraid that I have not followed the various policies addressed below or matters relating to the Panorama broadcast since my retirement.
2. Insofar 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. Whilst I have considered the documents noted in the Rule 9 request that have been made available to me and referred to a limited set of other documents, as a retired private individual I do not currently have access to Home Office records or information on the Government IT systems from which to refresh my memory. I confirm that I am willing and able to consider any documents that the Inquiry may consider relevant to any evidence I am able to give.
3. For the avoidance of doubt, I confirm that I am aware of the Inquiry Terms of Reference and Scope Determination and the focus of the investigation on the events shown on Panorama programme, and matters “*stemming from acts of deliberate abuse of the sort shown on Panorama*”. Accordingly, decisions to detain and individual immigration

cases are not the focus of the Inquiry. My contribution to the Inquiry's consideration relates primarily to my work during the relevant period from 1 April 2017 to 31 August 2017 ("**the Relevant Period**"). It may be helpful to confirm at the outset that I had no operational role or responsibility in relation to Brook House Immigration Removal Centre ("**IRC**") or any part of the detention estate. I was a policy advisor in the Home Office Unit responsible for, amongst other things, policy concerning those deemed to be vulnerable in a detention context.

Background

4. Prior to my retirement in 2020, I worked for the Home Office continuously for some 33 years from 1987. During my career, I worked in various Home Office departments in a number of roles, including as an Executive Officer (EO); Higher Executive Officer (HEO); Senior Executive Officer (SEO) and Grade 7 civil servant. Given the length of my service and the focused scope of the Inquiry I have not set out in this witness statement all of my roles with the Home Office over the 33 years with precise dates (however, I am happy to do so if that would be a useful exercise). For these purposes, it may be helpful to note that latterly my main roles were in the policy area. As noted above, I was a policy advisor so I did not have operational functions or direct roles specific to the Brook House Immigration Removal Centre ("**IRC**") during the relevant period. The questions raised in the request that relate to operational role or link to the particular position at Brook House IRC are not matters that I am well-placed to address. I mean no disrespect to the Inquiry by not referring further to those areas which are outside my role or experience; I remain willing to assist as best I can, should the Inquiry consider that there are matters not covered by my statement which I may reasonably be able to assist with.
5. During the relevant period I was, as I have stated above, a policy advisor in the Home Office Unit responsible for, amongst other things, policy concerning those deemed to be vulnerable in a detention context. A principal responsibility in this context was the framework for developing Home Office policy on making operational decisions on whether to detain an individual (or to continue to detain an individual) considered to be vulnerable. The operational implementation and application of detention policy, including in Brook House IRC, was the responsibility of Immigration Enforcement ("**IE**"), and was therefore outside my role.
6. I would, undoubtedly, have had responsibility for other (ongoing or transient) matters within my work related to the area of vulnerability in immigration detention but I cannot, at this distance of time, and in the absence of access to relevant papers, recall what they were in any detail.
7. Looking back now it is difficult to recall precisely, for the relevant period, to whom I reported, or who reported to me. I believe that, around that time, I reported to Della McVey and then, on her departure, to Tim Woodhouse. The latter was acting Senior Civil Servant within our Unit. I was a Grade 7 in the Civil Service. I do not recall having anyone directly reporting to me at that time, though I was able to call on support from

other teams in the business unit if needed. I did not set policy - my role was to advise on policy and any significant decisions would have been taken at a more senior level.

Shaw Report

8. I have considered documents INQ00060 – The Shaw Report. My involvement with Mr Shaw's 2016 review began in March 2015, when I was considering moving on from my role in Asylum Policy. I was offered the opportunity to work with Mr Shaw in relation to the carrying out of his review and the production of his report, which I accepted. My role, alongside, two others, was to provide administrative support to Mr Shaw, to accompany him on visits to IRCs and other immigration detention facilities, to conduct visits myself to such facilities and to attend meetings on behalf of the team (all listed in an annex to the report), and to assist Mr Shaw with planning. Also, I had responsibility for producing a review of Home Office policies on immigration detention, which ultimately formed appendix 3 to the report (i.e. a 'sub-review').
9. The purpose of my sub-review was, as is set out on page 206 of the Shaw Report, *"to assess how far the (then) current suite of (Home Office) policies reflects the (then) current policy intentions and, in making this assessment, to inform Mr Shaw's independent review of welfare in immigration detention"*. Also on page 206, I explained that my aim was to establish whether the suite of policies was up to date, comprehensible, comprehensive and fit for purpose. The Report details the policies that were considered, and my comments and conclusions on them, which I will not repeat. It can be seen that I examined the full hierarchy of relevant overarching legislation and regulations (such as the Detention Centre Rules (“**DCR**”)), detention policies (such as those referred to in the Enforcement Instructions and Guidance (“**EIG**”)) and the detailed operational measures (including the Minimum Operating Standards and Detention Services Orders (“**DSOs**”)). The full list of the documents I considered is set out in the body of the appendix. My review was thematically-based with commentary provided at the end of each section. My overall conclusion is set out on page 267 of the report. I said that *"Taken as a whole, the suite of policies and guidance represent (sic) a comprehensive tool for civil servants and contractors working in the detention field"*. I went on to itemise a small number of overlaps and gaps.
10. In the absence of direct experience of operations at Brook House IRC in the relevant period, I am not in a position to comment usefully on whether the provisions of the policies operated effectively there at that time. I expect that such matters would fall within the remit of IE.
11. After the 2016 review was completed and the report prepared, I moved into the role of implementing certain elements of that review. I had no formal responsibilities in relation to the 2018 re-review as I was not a member of that review team. However, I had occasional engagement with the review team when it required information on matters within my knowledge or expertise.
12. Whilst I was involved personally in the work to implement some of the recommendations in Mr Shaw's 2016 review, I cannot provide an analysis of the

detailed changes to policy as a result of his 64 recommendations. Responsibility for this large body of work was spread among a range of Home Office policy and operational officials. My area of shared responsibility primarily concerned consideration of recommendations 9-16 inclusive. The main outcome from these recommendations was the implementation of the Adults at Risk in Immigration Detention Policy (“AAR”). However, there were a considerable number of changes during my remaining time with the Home Office which I expect have continued evolving after my retirement. These developments were linked not only to the 2016 Shaw review but also linked to a range of other matters. It may be that an extensive analysis of policy changes relating to the Shaw 2016 review has been completed but, as a retired individual, I no longer have access to such information so I cannot comment further.

Reception

13. I have considered document DSO 06/2013 Reception, Induction and Discharge Supplementary Guidance and Checklist at CJS00681, Detainee Reception and Departures at CJS006045 and Detainee Admissions and Departures Brook House IRC at CJS006046 and confirm that I understand these documents. As explained already, since I had no direct involvement in the implementation of policy and management at Brook House IRC at the relevant time, I cannot provide informed evidence in relation to such matters.

ACDT Policy

14. I have considered DSO 06/2008 ACDT July 2008 at HOM002511. I confirm that I had no responsibility in respect of DSO 06/2008 or particular knowledge of its operation in Brook House IRC at the relevant time.
15. Pursuant to the request I have reviewed the Suicide Prevention and Self-harm Management policy at CJS006380. I have no recollection of seeing this previously and have no information to give in relation to it. It appears to be a policy specific to an individual IRC, but I would have had no role in its implementation or management in the relevant IRC.
16. I am able to respond with evidence more fully in relation to DSO 04/2020 as I had involvement, with my team, in its drafting. Since I have now retired I must rely on my recall without reference to any official papers relating to this work but it is relatively recent so I have some actual memory of the work. I believe that concerns had been highlighted in litigation in relation to the relatively small number of detainees who may at some point in their detention have lacked the mental capacity to make certain types of decisions. As a result of their incapacity, additional support may be needed by such individuals in immigration detention whilst that incapacity lasted. Some detainees who lacked mental capacity may not have had the support of appropriate individuals (such as relatives) to protect their interests whilst relevantly incapacitated. The concern was to ensure that detainees lacking mental capacity at any time in a relevant respect were identified promptly, supported, and their cases referred to the appropriate specialist services (be that legal, medical or otherwise).

17. The principal intention of the DSO was to address the matters that fell within the Home Office's remit in relation to mental incapacity of detainees (i.e. immigration). It also addresses wider matters of mental vulnerability. Unfortunately, I am not in a position to comment on the detail now but it may be that assistance can be provided by those with current responsibility in this area and with access to the relevant documentation. As explained above, the operational aspects of implementation and application of the DSO on a day to day basis in Brook House IRC during the relevant period lies outside my role and experience.
18. I have no current recollection of the SERCO Vulnerable People Strategy (albeit that it may have been something that was referred to at some point in my work in this area).

Adults at Risk Policy

19. I have considered the Adults at Risk policy ("AAR") (CJS000731 and CJS00540). Unfortunately, I am not able to provide an informed analysis of the outcomes of application of the AAR policy over time. Such analysis would fall to IE (if appropriate and possible within the practical and resource constraints). Similarly, I cannot comment on application of the AAR policy at Brook House IRC at the relevant time. I can say that the AAR policy was developed taking account of the input from a variety of sources and bearing in mind the operational realities within which it would be applied.
20. As requested, I have considered DSO 08/2016 at SER00270. Whilst this DSO 08/2016 was produced by IE, it is likely that I would have had the opportunity to comment on it during its development. Regrettably, I cannot provide any specific recollection of this and I am unable to access the documentation necessary to research any involvement to inform comment. Again, I am unable to comment on whether the provisions of the DSO operated effectively in Brook House IRC as that was not within my area of responsibility.
21. I have been referred to the Adults at Risk presentation dated 4 October 2018 at CJS007032 and considered it. Both from memory, and from revisiting the training slides, I recall that the main purposes of the training were to provide IRC staff (Home Office Staff, contractor staff and medical staff) with: a refresher on the principles of immigration detention; a refresher on the workings of the AAR policy; an understanding of how to assess cases against a new definition of torture; an aid to the production of reports under Rule 35 of the Detention Centre Rules; and a guide to identifying individuals with a serious physical health condition. I delivered the session at Brook House IRC in conjunction with an IE colleague. Also, I delivered a session at the Heathrow detained estate in conjunction with a policy colleague, and a session at Larne House Short-Term Holding Facility (alone). This was on top of a large number of sessions (in the region of 40-50 if I remember correctly) delivered to Home Office caseworkers by me and by other policy and IE colleagues.
22. In relation to document CJS007031, I can comment that I recall being present at the original session at Brook House IRC in general, but have no memory of specific

matters. In the absence of reference to contemporaneous notes, I cannot recall now the issues that were raised at this particular training session, whether there was further consultation with Brook House healthcare, or whether a case study session took place. As indicated, this session was one of a number of similar sessions so, even had I been able to call up specific memories of issues raised at sessions, there would have been a risk of inaccurately attributing matters to this session which in fact took place at other sessions. I recall no reason to treat the session at Brook House IRC differently or anything that would make it likely to stand out from the series of sessions undertaken in relation to the AAR policy.

Rule 35

23. I confirm that I have considered DSO 09/2016 dated 6 June 2016 (in relation to Rule 35 DCR at HOM002591). I do not believe that I had responsibility for this area of policy at the relevant time. Later (at some point after the relevant period) I assumed responsibility for the policy on Rule 35. Whilst I did not have principal responsibility for the drafting of this DSO, it is possible that I was asked to comment on it at some point. Unfortunately, I cannot recall any specific matter in that regard now.
24. Consistent with my role (which did not concern operational or management matters at Brook House IRC at the relevant time), I am unable to provide evidence from a first-hand perspective as to the operation of Rule 35 DCR in practice.
25. I can say that Rule 35 issues, and issues around immigration detention generally, presented a challenging area for policy development and application in general. Clearly, it is for the responsible clinicians to form their opinions on matters of clinical expertise in relation to specific detainees (and consistent with their duties to their patients), so they cannot be dictated to by general Home Office policy. To aid clarity and consistency, however, the Home Office provides the framework (Rule 35) for clinicians to submit their opinions, which then form the basis of a review of the appropriateness of an individual's continued detention.
26. My personal recollection, if I recall correctly, is that a basic principle of immigration detention is that an individual should not be detained unless it is necessary to detain them in order to effect their removal from the UK (and, in some cases, there may also be considerations of public harm prior to removal). It follows that, without detention in these cases, it would be very difficult to uphold immigration law and control. However, it was also an important principle that detention was humane.
27. Detention policy in relation to those claiming to be vulnerable faces a range of challenges. Any detention policy that provides a potential route to release inevitably comes under strain in practice because it will be used both by those in genuine need and those who are merely seeking release. The latter did cause problems because, as with any area of immigration and asylum, if there are significant increases in the overall volume of cases that must be considered, there is the potential for a detrimental effect on the resources that can be devoted to genuine cases. There may also be less obvious knock-on effects on those working in operational roles if they became used to seeing

those who are not in genuine need requesting appointments with medical practitioners. In making this point I do not seek to minimise the experience of those in genuine need but wish to highlight the complexity of designing an appropriate framework that works in practice.

28. It follows that, in my experience, there were no easy or simplistic answers to the challenges presented in this area of detention policy on a considered approach of balancing the Home Office's public duties to uphold immigration law and control with the concerns of individual detainees involved. I would go as far as to say that managing the policy and processes around vulnerability in immigration detention was easily the most difficult and complex challenge I faced in my 33 years in the Home Office.

Food and Fluid Refusal

29. I have considered DSO 03/2013 at CJS000724, DSO 03/2017 at CJS007070 and SER000053. I do not believe that I had a role in the production of DSO 03/2013. I was not involved in immigration detention at that time. Similarly, I do not recall any involvement in DSO 03/2017. I believe that these DSOs were produced by IE. I was, however, aware of the policy, particularly in as much as it related to the AAR. I would expect the management of food and fluid refusal cases to require informed input from those with relevant operational experience, given their inherent complexities (such as the need to avoid incentivising harmful behaviours in those who might not otherwise engage in them, if they are seen to be an effective means for a detainee to achieve an objective). I do not recall having previously seen the Serco Food and Fluid Refusal Policy, but I note that it appears to be a local Gatwick policy.

E Wing Policy

30. I have considered the E-wing policy at CJS006043. The E-wing policy and its effectiveness in Brook House IRC at the relevant time was not a matter within my area of responsibility.

Rule 40 and 42

31. As requested, I have considered DSO 02/2017 Rule 40 and 42 at CJS 000676, Removal from Association Policy at CJS000725 and Temporary Confinement Policy at CJS006041. To my best recollection, I had no involvement in the production of DSO 02/2017, the Removal from Association Policy and the Temporary Confinement Policy. I understand that these particular operational measures were the responsibility of IE and G4S.

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

Ian Cheeseman

Signature

Signature

Date

11/03/2022